

## **BOROUGH OF TELFORD & WREKIN**

### **Minutes of a meeting of the Borough of Telford & Wrekin held on Thursday, 7 October, 2010 at 6.30 p.m. at the Civic Offices, Telford.**

#### **PRESENT:**

Councillors I.T.W. Fletcher (Speaker & Mayor), D.G. Allen, G. Ashcroft, D.W.D. Ashley, R.K. Austin, R. Aveley, S. Bentley, S.P. Burrell, E.J. Carter, D.R. Chaplin, R.G. Chaplin, E.A. Clare, N.A. Dugmore, J.A. Dixon, A.J. Eade (Leader), V.A. Fletcher, J.A. Francis, G.M. Green, E.J. Greenaway, R.E. Groom, Y.C. Hicks, P.A.E. Homer, T.J. Hope, M.B. Hosken, G.P. Hossell, S.M. Kelly, R.T. Kiernan, A. Lawrence, L. Lomax, A.A. Mackenzie, C.N. Mason, A.D. McClements, A.A. Meredith, J.C. Minor, C.P.R. Mollett, R.A. Overton, F.R. Picken, H. Rhodes, K.S. Sahota, J.M. Seymour, C.F. Smith, M.J. Smith, A.J. Stanton, E.M. Swift, W.L. Tomlinson, V. Tonks, R.M. Tyler, H.J. Unwin, D.R.W. White and A.G.P. Williams.

#### **34. CORPORAL RICKY FURGUSSON**

Councillor I.T.W. Fletcher, Speaker of the Council, told Members of the bravery of Telford soldier Corporal Ricky Furgusson. Corporal Furgusson had been awarded the Military Cross for his heroism, he had gone to the aid of fellow soldiers injured by improvised explosive devices (IEDs) four times during his tour of duty in Afghanistan before he was caught in a blast and badly injured. His injuries included the loss of both legs, his left eye and fingers from both hands. The Speaker told Members that he wished to write to Corporal Furgusson, on behalf of the Council, thanking him for his selfless courage and recognising his outstanding professionalism and dedication to duty. Members were unanimous in their approval of the request.

**RESOLVED** – that Councillor I.T.W. Fletcher write to Corporal Furgusson on behalf of the Council thanking him for his selfless courage and recognising his outstanding professionalism and dedication to duty.

#### **35. PRAYERS**

Andy Smith, Ecumenical Dean of Telford, led Members in prayer.

#### **36. MINUTES OF THE COUNCIL**

**RESOLVED** – that the minutes of the meeting of the Borough Council held on 24 June 2010, be confirmed and signed by the Speaker.

#### **37. APOLOGIES FOR ABSENCE**

Councillors K.T. Blundell, K.L. Tomlinson, H.J. Williams and D.G. Wright.

### **38. DECLARATIONS OF INTEREST**

Councillor A.A. Mackenzie declared a personal interest in agenda item 7 at Appendix C, Cabinet Report of 10 August 2010 (Planning of School Places)

Councillor K.S. Sahota declared a personal interest in agenda item 11(b) at Appendix G, Recommendations from Boards and Committees, approval of recommendations made by Section 27 of the Policing and Crime Act (2009).

### **39. ANNOUNCEMENTS**

#### **(a) Mayoral Engagements**

The Mayor briefly updated Members on his recent engagements. He particularly drew attention to his visit to officially open the Telford STARS project (formerly Action for Children's Telford Shared Care) at Shawbirch. He told Members that this innovative project, in partnership with Telford & Wrekin, made a real difference to children's lives by providing short breaks to children and young people with special needs.

#### **(b) Presentations/Awards**

i) The Mayor presented Andy Farrell, NEETS Co-ordinator, with the Midlands Apprenticeship Awards. The award, organised by the National Apprenticeship Service, had been presented at a ceremony held at the Hippodrome Theatre in Birmingham. He told Members that, as the largest employer in the area, Telford & Wrekin Council was a major employment route for young people and the Council was keen to recruit apprentices to rebalance an ageing workforce and build the skills it needed for the future. The Council had recently approved a work opportunity programme aimed at young people aged 16-18 years who were currently not in Education, Employment or Training with at least one placement in each service area. The programme had funding to create 20 apprenticeships across the organisation.

ii) The Mayor presented Lorna Hicks, Senior Cluster Facilities Manager, with the Good Egg Award. He told Members that the Council's School Catering Team had been awarded the Good Egg Award for banning battery-farmed eggs in its catering service. Telford & Wrekin Council was one of only 25 Councils to have received the award at this time around and was one of only 90 Councils in total across the United Kingdom to use barn, free-range or organic eggs. The Catering Team had delivered this service within its 2009/10 budget. The Mayor congratulated the team on their care and professionalism.

### **40. REPORT OF LEADER**

Councillor A.J. Eade, Leader of the Council, told Members that he had recently met with Adam Cairns (Chief Executive) and Dr. John Davies (Chairman) of the Shrewsbury and Telford Hospital Trust. He welcomed the

inclusion of consultants and GPs in any discussions on future services and said that he would support an equitable way forward for any reconfiguration of services between the two hospitals that would maintain the key services. The retention of full Accident & Emergency cover, complemented by other services, was essential in order to protect the interests of communities in the Borough.

The Leader paid tribute to the Chief Executive, his senior management team and all officers on the way they had dealt with the implementation of changes to the structure of the Council. He reminded Members that the Council needed to be both efficient and responsive to the needs of the local community. The restructuring of the organisation had seen senior management posts reduced by 50% whilst essential front line services had been maintained.

The Leader also informed Members that, during the course of the year, he intended to write to the Local Government Boundary Commission for England (LGBCE) requesting a Borough Boundary Review. He hoped that such a review could start by 2012 with any changes resulting from the review taking effect from the 2015 local elections. The review would be triggered under the provisions of Section 57 of the Local Democracy, Economic Development and Construction Act (2009). The purpose of the review would be to reduce the number of councillors by 25%. Each councillor would, wherever possible, represent a single member ward. Such a reduction would reduce expenditure on Member's Allowances in line with other cost reductions across the Council as well as providing other associated savings. The Leader emphasised that a reduction in the number of councillors, together with payable allowances, would demonstrate that Members were willing to play their part in reducing costs.

#### **41. CABINET DECISIONS MADE SINCE THE LAST MEETING OF THE COUNCIL**

Members received the report on the Cabinet decisions made since the last meeting of the Council on 24 June, 2010.

Councillor E.J. Carter, Cabinet Member: Housing, Regeneration & Prosperity, updated Members on the Woodside regeneration project. He told Members that the regeneration work was transforming the area. Councillor Carter also briefly reported on the Local Enterprise Partnership for Herefordshire, Shropshire, Telford & Wrekin (Marches Enterprise Partnership) and told Members that the Council would, where appropriate, link with other Local Enterprise Partnerships if this was beneficial to the Borough. Total funding for Local Enterprise Partnerships nationally amounted to £1 billion, the level of funding available would depend on how many bids were received in total.

In response to a question on whether capital projects would be re-phased, Councillor S.M. Kelly told Members that significant savings had been made. Investment in the Borough would mean that the area would be best placed to benefit when the recession ended. He told Members that all options would be

considered and evaluated once the impact of the Comprehensive Spending Review had been assessed.

**42. SCRUTINY ANNUAL REPORT 2010**

Councillor V.A. Fletcher, Scrutiny Assembly Chairman, presented the Scrutiny Annual Report 2010.

**RESOLVED – that the Scrutiny Annual Report 2010 be noted.**

**43. ANNUAL AUDIT COMMITTEE REPORT 2009/10**

Councillor D. Wright, Chairman of the Audit Committee, presented the Annual Audit Committee Report for 2009/10.

**RESOLVED – that the Annual Audit Committee Report 2009/10 be noted**

**44. MEMBERS' ALLOWANCES SCHEME**

The Chief Executive presented the report of the Independent Remuneration Panel together with the proposed changes to the Members' Allowances Scheme. The report explained that the Council was obliged under the Local Authorities (Members Allowance) (England) Regulations 2003 and subsequent amendments to set up and maintain an advisory Independent Remuneration Panel to review and provide advice on Members Allowances. The Council had discretion on whether to accept the report of the Panel in its entirety, in part or to reject it. The Council could also decide the effective date for implementation of the recommendations. Council had agreed at the 29<sup>th</sup> April, 2010 meeting that, in the light of changing economic conditions, changes to Scrutiny arrangements and the discontinuance of Cabinet Assistants, the Independent Remuneration Panel be convened. Major reviews were typically scheduled every four or five years. The last full review had been in 2008, this review had been a selective, rather than a comprehensive review.

**RESOLVED -**

- a) **That the members of the Independent Remuneration Panel be thanked for the production of their report;**
- b) **That the recommendations of the Independent Remuneration Panel, as set out in paragraph 3.3 of the report, be approved;**
- c) **That Members agreed that any remuneration scheme that was agreed would become effective from the 21<sup>st</sup> May, 2010 (with the exception of proposed scrutiny allowances which became effective from 25<sup>th</sup> June 2010;**

#### **45. RECOMMENDATIONS FROM BOARDS & COMMITTEES**

##### **i) Executive Arrangements**

The Speaker presented the report (attached at Appendix G) of the Head of Governance which sought approval for the Leader and Cabinet Model as the preferred option for the Council's Executive Arrangements. The report also recommended that further consultation take place on the preferred option. The recommendations contained within the report had been approved by the Council Constitution Committee on 14 September 2010.

##### **RESOLVED –**

**a) That the Leader and Cabinet model be the preferred option for Executive Arrangements;**

**(b) That further consultation, as set out in Appendix 1, took place on the preferred option.**

##### **ii) Amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982**

Councillor R. Aveley, Chairman of Licensing Committee, presented the report (attached at Appendix H) of the Service Delivery Manager, Public Protection, which recommended that Council adopted the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, with effect from 1st January 2011. The report also sought Full Council approval for the delegation of these responsibilities to the Licensing Committee under Section 101 of the Local Government Act 1972. The recommendations contained within the report had been approved by the Licensing Committee on 8 September 2010.

##### **RESOLVED –**

**a) That Full Council adopted the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to come into effect on 1st January 2011 throughout the whole of the administrative area of the Borough of Telford and Wrekin;**

**b) That Full Council agreed to delegate the responsibilities as indicated in (a) above to the Licensing Committee under Section 101 of the Local Government Act 1972.**

#### **46. MINUTES OF BOARDS AND COMMITTEES**

Council noted the resolved minutes of the Plans Board for 2 and 23 June, 14 July and 25 August, of the Council Constitution Committee of 14 September 2010, of the Licensing Committee of 16 and 30 June and 2 and 8 September,

of the Audit Committee of 28 June and 27 July and of the Interim Scrutiny Committee of 1 and 16 June 2010.

#### **47. QUESTIONS**

No questions had been submitted.

#### **48. NOTICES OF MOTION**

- (a) Councillor R.K. Austin, in accordance with Council Procedure Rule 11, and Council Procedure Rule 13.7 moved the following Motion:

“This Council is committed to ensuring that all of our residents who are eligible to vote are registered to vote. The electoral register is the foundation stone of our democracy and we have a duty to ensure that it is both accurate and complete – helping to empower citizens and increase public engagement in the democratic process. This Council believes that the Council should take every effort to ensure that the 2010 electoral register in the Borough of Telford & Wrekin is as complete and accurate as possible so as to provide a proper basis for any revision to electoral boundaries in the Telford & Wrekin area. In addition, this Council notes that the Electoral Commission currently believe that approximately 3.5 million people are missing from the register in England and Wales alone and that this trend is especially stark among many specific social groups.

This Council believes that the Chief Executive and Electoral Registration Officer (ERO) should ensure that:

His staff conduct door-to-door inquiries at all households where no-one responds to a letter requiring registration with at least two calls on non-responding households;

An effective advertising campaign is launched now to encourage people to register, targeted at social groups among whom under-registration is known to be a problem and targeted at residents in those neighbourhoods where the electoral register is believed to have the lowest level of completeness

A joined-up approach is adopted across all parts of the Council to encourage residents to register to vote;

In the absence of any evidence that a particular household is empty or that the electors have moved or died, that the names in all such non-responding households should be carried over.

The Motion was seconded by Councillor C.F. Smith.

After a short debate, a motion that the question be now put was proposed and seconded.

The motion was put to the vote and it was:

**RESOLVED – that the Motion be approved.**

(b) Councillor A.A. McClements, in accordance with Council Procedure Rule 11, moved the following Motion:

This Council notes:

That the increase in VAT from 17.5% to 20% announced in the Government's June Budget will fall hardest on those least able to afford it;

That the increase in VAT will lead to higher prices for goods and services; will have a disproportionate impact on pensioners and other low income groups; and will have a severe impact on businesses, charities and community groups in the Borough of Telford & Wrekin;

That the effect of the increase in VAT, when taken with other measures in the Budget, will be unfair to pensioners who have not had a compensatory increase in other benefits and allowances;

That the way the VAT increase will affect pensioners and other low income groups runs counter to the Government's Coalition Agreement statement on 20<sup>th</sup> May, 2010 that it would "ensure that fairness is at the heart of those decisions so that those most in need are protected";

That the Institute of Fiscal Studies has stated the VAT increase was not "unavoidable" as the Chancellor of the Exchequer said in his Budget speech;

And that Council resolves to:

Write directly to the Chancellor of the Exchequer raising concerns about the proposed VAT increase on pensioners, other vulnerable groups, and businesses in the Borough of Telford & Wrekin;

Call on the Members of Parliament representing Telford & Wrekin to stand up for Telford & Wrekin pensioners, businesses and wider community, to voice their opposition to this unfair increase in VAT and to vote against in Parliament.

A recorded vote was requested in accordance with Council Procedure Rule 15.4

The voting was as follows:

For: (20)

Councillors D.G. Allen, R.K. Austin, E.A. Clare, Y.C. Hicks, P.A.E. Homer, L. Lomax, A.A. Mackenzie, C.N. Mason, A.D. McClements, J.C. Minor, R.A. Overton, F.R. Picken, H. Rhodes, K.S. Sahota, C.F. Smith, M.J. Smith, E.M. Swift, V. Tonks, D.R.W. White and A.G.P. Williams.

Against: (27)

G. Ashcroft, D.W.D. Ashley, R. Aveley, S. Bentley, S.P. Burrell, E.J. Carter, D.R. Chaplin, R.G. Chaplin, N.A. Dugmore, A.J. Eade, J.A. Dixon, I.T.W. Fletcher, V.A. Fletcher, J.A. Francis, E.J. Greenaway, T.J. Hope, M.B. Hosken, G.P. Hossell, S.M. Kelly, R.T. Kiernan, A. Lawrence, A.A. Meredith, C.R.P. Mollett, J.M. Seymour, A. Stanton, R.M. Tyler and H.J. Unwin.

Abstained: (3)

G.M. Green, R.E. Groom and W.L. Tomlinson.

**RESOLVED – that the motion not be approved.**

The meeting ended at 8.11p.m.

**Speaker:** .....

**Date:** .....

**MAYORAL ENGAGEMENTS**  
**30<sup>th</sup> SEPTEMBER – 17<sup>TH</sup> NOVEMBER 2010**

<b>September</b>	<b>30<sup>th</sup></b>	<b>M</b>	Garden and Allotment Presentations at Grays Hotel Telford
		<b>M</b>	Telford and Wrekin Active Lifestyles Celebration Evening at The Place
<b>October</b>	<b>3<sup>rd</sup></b>	<b>M</b>	Wem Town Council Civic Service at St Pauls Parish Church, Wem
	<b>4<sup>th</sup></b>	<b>M</b>	Launch of “Southwater at the Heart of Telford” at Civic Offices
	<b>8<sup>th</sup></b>	<b>DM</b>	Celebrating the Value of Housing Support Event at Meeting Point House
	<b>11<sup>th</sup></b>	<b>M</b>	Opening of Lightmoor School, Lightmoor
	<b>12<sup>th</sup></b>	<b>M</b>	Opening of Silcock Hall, Harper Adams University College
	<b>15<sup>th</sup></b>	<b>M</b>	Wrexham County Borough Council Charity Dinner Dance at the Ramada Plaza Hotel, Wrexham
	<b>20<sup>th</sup></b>	<b>M</b>	“Lets Cook Together” Event launch of Mobile Cooking Unit and School FEAST (Food Excellence and Skills Training) at Telford International Centre
		<b>M</b>	Girlguiding Shropshire – Vision 2010 – Centenary Celebrations at Telford International Centre and Town Park Arena
	<b>21<sup>st</sup></b>	<b>M</b>	Presentation of the Street Pastors Initiative by Ascension Trust London at Meeting Point House
		<b>DM</b>	South Staffordshire and Shropshire Healthcare “Flying High” Staff Awards at RAF Shawbury
<b>22<sup>nd</sup></b>	<b>M</b>	Recognition Ceremony – Man in Place Project at 18C Brunel Road, Malinslee	
<b>23<sup>rd</sup></b>	<b>M</b>	I Can 2 Event at The Athletics Track at Oakengates	
	<b>M</b>	Wellington Literary Festival at Wrekin College, Wellington	



- 24<sup>th</sup> M** Lilleshall and Donnington Parish Council Civic Service at St Matthews Church, Donnington
- DM** Official Opening of Full Out Dance Studio at Tweedale Industrial Estate, Telford
- 26<sup>th</sup> M** Film Premiere of “Finding their Feet” at the Odeon Cinema
- 27<sup>th</sup> M** Citizenship Ceremonies at Civic Offices
- 29<sup>th</sup> DM** Royal Visit to Combat Stress. Newport
- 30<sup>th</sup> DM** Celebration of the Completion of the Regeneration of Dawley High Street at The Bandstand, High Street, Dawley
- DM** Telford Lions Club Charter Evening at The Whitehouse Hotel, Wellington
- November 4<sup>th</sup> DM** Ecumenical Reception for the Bishop of Shrewsbury – Right Reverend Mark Davies at the Chapter House, Shrewsbury
- DM** Duke of Edinburgh Award Presentations at Telford Sea Cadets at Donnington
- 5<sup>th</sup> DM** National Adoption Week – Visiting the Stand in the Telford Town Centre
- 8<sup>th</sup> M** Connexions 4 Youth – Gold Duke of Edinburgh Awards at Shortwood School Sports Hall, Wellington
- 11<sup>th</sup> M** Armistice Day Wreath Laying Ceremony at The Remembrance Memorial, Telford Town Park
- M** Children & Young People in Care Hot Shots Awards at The Place, Oakengates
- 12<sup>th</sup> M** Attended the Performance of “Peter Pan on Ice” at Telford Ice Rink
- 13<sup>th</sup> M** Opened the St Georges Church Autumn Fayre at St Georges Sports and Social Club, St Georges
- M** Attended Donnington Bonfire, Broadoaks Field, Donnington

- 14<sup>th</sup>** **M** Laid a wreath on behalf of the Borough at St Peter's Church, Snedshill
- M** Attended at the Festival of Remembrance held at The Place, Oakengates

**TELFORD & WREKIN COUNCIL**

**COUNCIL – 25 NOVEMBER, 2010**

**REPORT OF CABINET – FOR INFORMATION ONLY**

**MATTERS DETERMINED BY THE CABINET**

**1.0 INTRODUCTION**

This report provides sets out those matters determined by the Cabinet at its meetings on 12 and 26 October and 9 November, 2010

**2.0 CABINET BUSINESS**

Matters that have been determined by Cabinet are listed below:

**2.1 12 October, 2010**

- 2.1.1 Audit Commission Inspection of Strategic Housing Services (Incorporating the Scrutiny Review of Housing & Homelessness)
- 2.1.2 Updating the Housing Strategy for Telford & Wrekin – revised version (following consultation)
- 2.1.3 Wrekin SLC: Five a Side Community Facility at New Bucks Head Stadium
- 2.1.4 Telford Town Centre (exempt)

**2.2 26 October, 2010**

- 2.2.1 Ironbridge Gorge Museum Trust (IGMT) – Partnership Update
- 2.2.2 Subsidised Bus Routes (exempt)
- 2.2.3 Contract for Identity Management and Management Information System (exempt)

**2.3 9 November, 2010**

- 2.3.1 Service & Financial Planning – 2010 Financial Monitoring & 2011/12 Financial Planning

**3.0 DELEGATION OF POWERS GRANTED BY THE CABINET**

<b>REPORT HEADING</b>	<b>DELEGATION GRANTED TO</b>	<b>DETAIL OF DELEGATION GRANTED</b>
<b>Wrekin SLC – Five a Side Community Facility at new Bucks Head Stadium</b>	Head of Property & Design	(a)To award all associated contracts for the development of a five-a-side football facility as part of the Wrekin SLC, if within the budget identified at

REPORT HEADING	DELEGATION GRANTED TO	DETAIL OF DELEGATION GRANTED
	<p>Head of Leisure &amp; Customer Services following consultation with the Cabinet Member for Active Lifestyles, Leisure &amp; Culture</p> <p>Head of Governance</p>	<p>paragraph 5.2 of the report;</p> <p>(b)To negotiate and agree terms for a lease in accordance with paragraph 5.3 of the report and, if appropriate, an agreement to lease the site required for development of the five-a-side facilities to AFC Telford United Ltd, subject to the community use agreement outlined at (c) below being secured;</p> <p>(c)to negotiate and agree any additional legal documentation to enable the development of the facility and to secure school and community use and benefits following negotiation with AFC Telford United.</p> <p>To execute all legal agreements and take all steps necessary to give effect to the proposals outlined in the report.</p>
<b>Telford Town Centre</b>	<p>Head of Property &amp; Design</p> <p>Head of Governance</p>	<p>(a)To negotiate a funding agreement with the Homes &amp; Communities Agency (HCA) to facilitate the delivery of the Town Centre Project;</p> <p>(b)To market and dispose of assets, as identified in Appendix 4 of the report, to facilitate the continued regeneration of the Town Centre;</p> <p>To seal or sign any documents required to give effect to the above decisions.</p>
<b>Ironbridge Gorge Museum Trust (IGMT) Partnership Update</b>	Head of Governance	To execute all legal documents necessary to give effect to recommendations (a) and (b).

<b>Subsidised Bus Routes</b>	Head of Environmental Services following consultation with the Cabinet Member for Environment and Rural Area	to accept the tenders for the following bus services  I. Introduce a new “65” service to serve North of Wellington and cease the 822 service; II. Re-let the existing 24 service in Priorslee; III. Re-let the existing 519 service Newport-Edgmond – Roden-Shrewsbury.
	Head of Property & Design after consultation with the Cabinet Member for Children & Young People	To award the contract to Serco Learning.
<b>LEGAL COMMENT</b> <b>FINANCIAL COMMENT</b> <b>LINKS WITH CORPORATE PRIORITIES</b> <b>RISKS AND OPPORTUNITIES</b> <b>ENVIRONMENTAL IMPACT</b> <b>EQUALITY &amp; DIVERSITY</b> <b>WARD IMPLICATIONS</b>	As described in each report considered by Cabinet. Copies of all reports have been previously circulated to all Members of the Council	

**TELFORD & WREKIN COUNCIL**  
**COUNCIL – 25 NOVEMBER 2010**  
**2010/11 FINANCIAL MONITORING**  
**REPORT OF THE HEAD OF FINANCE**

**1.0 SUMMARY OF KEY ISSUES**

**1.1 2010/11 Revenue**

The Financial Monitoring report to Cabinet in November showed overall revenue spending projected to be within approved budgets and provided an update on progress on capital programme spending. The report also highlighted some changes to capital allocations which require formal approval:

The changes to the budget framework for which approval is now sought are:

New Approvals £m:	
BSF – additional grant funding and external contributions (£17.2m ICT, £3.6m Madeley Post 16, £2.5m primary capital strategy)	23.343
BTI – additional grant funding	0.075
Reduced Allocations £m:	
Harnessing Technology – 50% grant cut in 10/11	-0.345
Integrated Transport – 62% grant cut in 10/11	-0.530

**2.0 RECOMMENDATION**

**2.1 Members are asked to approve the changes to the capital programme shown in section 1 of the report.**

**3.0 SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Community Focussed, Efficient Council
	Will the proposals impact on specific groups of people?	
	No	

<b>TARGET COMPLETION/DELIVERY DATE</b>	The capital programme will be immediately updated to reflect the new approvals.	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	No	
<b>LEGAL ISSUES</b>	No	None directly arising from this report. The S151 Officer has a statutory duty to monitor income and expenditure and take action if overspends /shortfalls emerge.
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	No	
<b>IMPACT ON SPECIFIC WARDS</b>	No	<i>Borough Wide</i>

#### **4.0 PREVIOUS MINUTES**

04/03/10 – Full Council, Service & Financial Planning Strategy (Minute No 95)

10/8/10 – Cabinet, Service & Financial Planning Report (Minute No. CB-44)

9/11/10 – Cabinet, Service & Financial Planning Report (minute No. CB-91)

#### **5.0 BACKGROUND PAPERS**

2010/11 Budget Strategy/Financial Ledger reports

Report Prepared by: Ken Clarke, Head of Finance – 01952 383100;  
Pauline Harris, Corporate Finance Manager – 01952 383701

**TELFORD & WREKIN COUNCIL**

**LICENSING COMMITTEE – 13<sup>TH</sup> OCTOBER, 2010  
COUNCIL – 25<sup>TH</sup> NOVEMBER, 2010**

**REVIEW OF STATEMENT OF LICENSING POLICY – LICENSING ACT 2003.**

**REPORT OF THE SERVICE DELIVERY MANAGER – PUBLIC PROTECTION**

**1.0 Purpose**

- 1.1 Following consultation, to present for approval a revised Statement of Licensing Policy for the Borough of Telford & Wrekin under the Licensing Act 2003.

**2.0 Recommendation**

- 2.1 That Council is recommended to approve the revised Statement of Licensing Policy for the Borough of Telford & Wrekin under the Licensing Act 2003.**

**3.0 Summary**

- 3.1 The Licensing Act 2003 requires the Licensing Authority to review, consult, determine and publish a Statement of Licensing Policy every three years detailing how it will exercise its licensing functions under the 2003 Act.
- 3.2 The first Statement of Licensing Policy issued by this Licensing Authority came into effect on 7<sup>th</sup> January 2005. The first statutory review resulted in the approval of the second Statement of Licensing Policy which came into effect from 7<sup>th</sup> January 2008 after approval of full Council on 29<sup>th</sup> November 2007. The second statutory review was subject to an interim review, and two consultations, at the instigation of the Regulation and Resilience manager in September 2008. This has resulted in the current Statement of Licensing Policy that came into force on 1<sup>st</sup> December 2009. This current version was amended prior to the commencement of the 3<sup>rd</sup> Statutory Review consultation which began on 30<sup>th</sup> June 2010, the draft version of which is the subject of this Report, and will need to be approved and republished to take effect from 7<sup>th</sup> January 2011.

**4.0 Previous Minutes**

- 4.1 Full Council 29<sup>th</sup> November 2007 (Minute 49). .

## 5.0 Information

### 5.1 Background

5.1.1 The Licensing Act 2003 transferred responsibility for issuing permissions in respect of licensed premises from the Courts to Local Authorities in the guise of Licensing Authorities. At the time of drafting this Report and since the First Appointed Day on 7<sup>th</sup> February 2005, the Licensing Authority for the Borough of Telford & Wrekin has issued 615 premises licences and 1164 personal licences.

5.2 A particular feature of the legislation is that Licensing Authorities are required under s.5 of the 2003 Act to review, consult, determine and publish their Statement of Licensing Policy every three years. The first Statement of Licensing Policy issued by this Licensing Authority was approved by Full Council on 24<sup>th</sup> November 2004 and took effect on 7<sup>th</sup> January 2005. This was then subject to consultation in June 2007 for the second statutory review, that was then approved on 29<sup>th</sup> November 2007 and took effect on 7<sup>th</sup> January 2008. This version was the subject of an interim review that was approved by Full Council on 26<sup>th</sup> November 2009 and took effect on 1<sup>st</sup> December 2009. A copy of this current Statement of Licensing Policy (**Appendix A**) is available electronically on the Members' Information Point and a printed copy is available in the Members' Room for reference.

5.2.1 To assist Licensing Authorities in the drafting of a revised Statement of Licensing Policy, the Department for Media, Culture and Sport (DCMS) has issued Guidance under s.182 Licensing Act 2003. The most recent version of the guidance has been followed when reviewing the policy document.

5.2.2 There has been one consultation conducted for this policy revision. This commenced on Wednesday 30<sup>th</sup> June 2010 and ran for 12 weeks until Wednesday 22<sup>nd</sup> September 2010. Conscientious consideration was given to all relevant responses (detailed at **Appendix B – available as Appendix A above**), as far as was possible within the remit of the Licensing Act 2003.

5.2.3 The main changes to the policy were a restructure and change of layout of the policy. Very few alterations have been made, however, due to changes in the law, sections have been added on the following:

- Home Office Mandatory Conditions
- Minor variations
- Removal of requirement for a designated premises supervisor (DPS) (for village halls and community premises)

A section for clarification on the licensing of garages and service stations has been added.

It is anticipated that this will reduce the administrative burden on the authority of advising over the telephone on such queries, and allow officers to devote more time to work that will add to more customer value focussed activities. The policy has been revised to ensure the document is more user-friendly for applicants, officers, responsible authorities and the public.

5.2.4 All amendments are highlighted in blue on the revised policy document at **Appendix C (available as for Appendix A above)**.

5.2.5 Section 5 Licensing Act 2003 requires the Licensing Authority to consult with the Police and Fire Authority for the district together with persons that the Licensing Authority considers to be representative of holders of existing licences, registered clubs and those who represent businesses and residents in its area. In addition to the statutory consultees, the Licensing Authority has also written to all premises licence holders in the area inviting representations. The revised Statement of Licensing Policy has also been made available at Council Offices and local libraries and a copy has also been posted on the Council's website similarly inviting representations. A full list of those consulted as part of the review of the Statement of Licensing Policy is listed in the appendices of the revised policy document, and the letter to consultees and response form is attached to this report at **Appendix D – available as Appendix A above**.

5.2.6 The consultation resulted in 8 responses from a mix of premises licence holders, responsible authorities, town and parish councils and individual residents of Telford & Wrekin. The comments were given full consideration, and whilst the issues raised were not directly relevant to the Statement of Licensing Policy in this instance, all respondents have been written to with full explanation.

## **5.2 Equality & Diversity**

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 concerned with liquor licensing and regulated entertainment were approached or had the opportunity to make their views known in relation to the revised Statement.

5.2.1 Equalities Impact Assessments have been carried out both pre and post consultation. Monitoring forms have been completed and collated so that we are aware of the customer equality base profile and can prove that no one group is disproportionately affected by the policy

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.

## **5.3 Environmental Impact**

5.3.1 Not applicable for the purposes of this Report.

## **5.4 Legal Comment**

5.4.1 Section 5 (1) of the Licensing Act 2003 requires a licensing authority for each 3 year period to determine its statement of licensing policy with respect to the exercise of its licensing functions and to publish a statement of that policy before the beginning of that period.

## **5.5 Links with Corporate Priorities**

5.5.1 The operation of the Licensing Act 2003 is likely to be relevant to the Corporate Priorities of Community protection and cohesion, in respect of both creating a safer community and creating a sense of belonging and feeling safe in the community.

## **5.6 Financial Comment**

5.6.1 There are no financial implications arising in relation to this report.

## **5.7 Risks and Opportunities**

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 is a failure to publish the Statement of Licensing Policy and in a form that is too prescriptive or significantly deviates from Guidance issued under s.182 Licensing Act 2003 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 Licensing Policy is carried out in a manner and within a timescale that should minimise such a risk so far as possible.

## **6.0 Ward Implications**

6.1 Borough Wide Implications

## **7.0 Background Papers**

7.1 Licensing Act 2003

7.2 DCMS. Guidance issued under s.182 Licensing Act 2003.

**Report prepared by: The Licensing Service** – Suzanne Fisher Public Protection: Team Leader Darby House. Tel: 01952 383261 or email [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk)

<b>Contents</b>	
<b>Appendix A</b>	Copy of the Statement of Licensing Policy that went to Full Council on 29 <sup>th</sup> November 2007 and took effect on 7 <sup>th</sup> January 2008 <a href="#">Appendix A – current Statement of Licensing Policy</a>
<b>Appendix B</b>	Consideration of responses table relating to the consultation. <a href="#">Appendix B – Consultation – all relevant responses received</a>
<b>Appendix C</b>	Revised version of the Statement of Licensing Policy with amendments marked in blue. <a href="#">Appendix C – Amendments (highlighted in blue) to the policy document</a>
<b>Appendix D</b>	List of consultees and copies of letter/Proforma and monitoring form. <a href="#">Appendix D – Consultation – letter to consultees and response form (part A)</a> <a href="#">Appendix D – Consultation – letter to consultees and response form (part B)</a>

A printed copy of the above is available in the Members' Room or electronically (control and left click)



**Telford & Wrekin**

**C O U N C I L**

## **Statement of Licensing Policy**

**November 2009 as amended by interim  
review and consultation**

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

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

#### Chinese

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

#### Punjabi

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

#### Urdu

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

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## **1. Introduction**

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

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

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

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

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

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

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

**NB: It should be noted that this policy should be read in conjunction with the DCMS Guidance issued under section 182 of the Licensing Act 2003 (28.07.07)**

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

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

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

This version of the policy is further to an interim review that commenced in November 2008. Where appropriate, the consultation responses have been incorporated into this revised Statement of Licensing Policy.

This version, subject to consultation, and any required amendments, will remain in force until 2011, when it will be subject to review and further consultation as laid down by the legislation, unless such review or consultation is required in the interim.

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

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

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

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

## **3. Night Time Economy**

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

The development of the night time economy as a whole has been taken into account in the development of this policy.

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

### **3.1 Good Practice**

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

The Licensing Authority will encourage licence or 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 or 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 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

These are all available on their website [www.beerandpub.com](http://www.beerandpub.com)

The BBPA has consolidated good practice on combating violence in licensed premises into a guide to risk assessment, entitled “Managing Safety in Bars, Clubs and Pubs”. This along with information on responsible drinking and the Proof of Age Standards Scheme (PASS) can be downloaded or accessed from their website at [www.beerandpub.com](http://www.beerandpub.com).

### **3.2 Responsible Management**

The Licensing Authority seeks to promote the responsible and professional management of premises and events by licence or certificate holders of

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

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

premises 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 achievement of qualifications from relevant Trade Associations such as the British Institute of Inn Keeping Awarding Body. [www.biiab.org](http://www.biiab.org)

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

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

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

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

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

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

### **3.5 Initiatives**

#### **1. Safer Nights Campaign**

Telford & Wrekin Safer & Stronger Communities Partnership have launched a Safer Nights programme. The programme links activities, interventions and marketing campaigns across the Partnership to prevent and raise awareness of alcohol related violent crime, and tackle Anti Social Behaviour in the night time economy.

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

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

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

### **3.6 Liaison Group**

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

- a) Monitor developments in the area
- b) Identify and resolve any issues within the community
- c) Assess the cumulative impact of any concentration of licensed premises
- d) Ensure the licensing objectives are being met
- e) To 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. (June 2007)

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

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

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

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

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

The Licensing Authority supports the need for credible photographic proof of age evidence to be requested, by licence holders and all other relevant employees, from any person who appears to be under 18 years of age 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.

#### **4. Integrated Strategies**

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

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

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

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

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

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

This policy recognises that the diversity of the local community enriches the Borough, 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 requirements of the **Disability Discrimination Act 1995, the Race Relations (Amendment) Act 2000, the Sex Discrimination Act 1975 (As Amended 1999)** and the **Sexual Orientation and Religion or Belief Regulations 2003**.

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

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

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

## **5. 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 (See below)
- provision of late night refreshment (the supply of hot food and/or hot drink from any premises between 11pm and 5am).

### **5.1 Regulated entertainment**

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

The descriptions of entertainment in the Licensing Act are:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Or entertainment of a similar description to above

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

“Entertainment facilities” are facilities for enabling people to take part in entertainment for the purpose of being entertained or for purposes.

## **5.2 Exemptions**

### Licence Exemptions

The Act does have exemptions from the requirement for a premises licence when providing entertainment but if alcohol is to be supplied, or late night refreshment provided, a licence will be required for those activities.

The main exemptions for the provision of entertainment and entertainment facilities from the requirement for a licence under the Licensing Act are as follows:

- For the purposes of or purposes incidental to religious services or meetings or at places of public religious worship.
- Morris dancing or any dancing of a similar nature or a performance of unamplified live music as an integral part of such dancing.
- Incidental music – the performance of live music or the playing of recorded music of it is incidental to some other activity which is not itself regulated entertainment.
- Garden fete – or functions or events of a similar nature if not being promoted or held for purposes of private gain.
- Film exhibitions for the purposes of advertisement, information, education, etc – if the sole or main purpose of the exhibition of a film is: to demonstrate any product or advertise any goods or services or provide information, education or instruction
- Film exhibitions, museums and art galleries – where an entertainment consisting of the exhibition of a film, is, or forms part of, an exhibit put on show for any purposes of a museum or art gallery.
- Use of television or radio receivers – where entertainment consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990. However, showing pre-recorded entertainment would require a licence.
- Vehicles in motion – where the provision of entertainment or entertainment facilities take place:
  - on premises consisting of or forming part of a vehicle and
  - at a time when the vehicle is not permanently or temporarily parked.

### Fee Exemptions

The use of church halls, chapel halls, village halls, scout /guide halls or other premises of a similar nature will require a licence for the provision of regulated entertainment (unless they fall within the exemptions listed above) but there will be an exemption from having to pay the fee associated with obtaining a premises licence for that provision.

**If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, or if events are authorised through a Temporary Event Notice, then a fee will be required for those activities.**

### **5.3 Educational Establishments**

Schools and Sixth form colleges will require a licence to stage regulated entertainment to which the public is invited, or where a fee is charged, and with a view to profit.

### **5.4 Charitable Events**

If regulated entertainment is provided at a charitable event, to which the public is invited, a premises licence or temporary event notice will be required. Private events, where the invited guests are charged, either with a view to profit or to raise funds for charity, are licensable as such a charge could, for example, lead to greater risks being taken with regard to safety issues.

### **5.5 Circuses and fairs**

If a circus or pleasure fair provides regulated entertainment or there are to be supplies of alcohol or provision of late night refreshment, a premises licence or temporary event notice will be required.

### **5.6 Late night refreshment**

The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 2300hrs and 0500hrs.

The Act does provide exemptions from this provision. Examples of exemptions are as follows:

- Provision of hot drink from a vending machine where the payment for the hot drink is inserted into the machine by a member of the public, and the hot drink is supplied directly by the machine to the person.
- Where hot food or drink is supplied free of charge, where there is also no charge for admission to any premises, or for some other item to obtain the hot food or drink
- Where it is supplied by a registered charity.
- Hot food or drink supplied on a vehicle, which is not permanently or temporarily parked at the time.
- Where the supply is on or from premises to which, only persons described below are admitted and supplied;
- Guests of hotels etc.
- Members of a recognised club or their guests.
- Employees of a particular employer i.e. shift workers staff canteen
- Persons engaged in a particular trade or who are members of a particular profession or vocation and their guests.

## **5.7 Raffles and tombola**

The Licensing Authority will not require raffles which have alcohol as a prize to be licensed provided that the following requirements apply;

- a) the proceeds are not for personal gain
- b) there are no money prizes
- c) alcohol is in a sealed container
- d) tickets are only sold at the event where the prize is drawn

If the conditions apply, then a temporary event notice or premises licence will be required.

In addition, if raffle tickets are sold prior to the event, you will also require a lottery registration under the Gambling Act 2005. This can be obtained by contacting the Licensing Service.

**Tombola are exempt from the licensing requirements of both the Licensing Act 2003 and the Gambling Act 2005 and do not require a licence.**

## **5.8 Public Spaces**

The Council wishes to promote a broad range of entertainment within its area including live music, dancing and theatre. To promote this policy the Council, acting separately, from the Licensing Authority may, where appropriate, seek to obtain premises licences for Council owned public spaces within the community such as market squares, village greens, parks etc.

As the owners of the public spaces, the Council department that deals with such areas may wish hirers for events to comply with terms and conditions of hire.

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

## **5.9 Busking**

The Department of Culture, Media and Sport advise that in most circumstances, busking, in the common sense meaning of that word, will not be licensable. Busking is usually "incidental" to other activities - such as shopping - or the premises where the music is played will not have been provided for busking to take place. There may however be instances that fall outside of this.

Licensing authorities will be able to tell individual performers whether or not they need permission to perform in any given circumstances.

Buskers may be asked to move on by the Police or Environmental Health Officers under other legislation and must comply with any such requests.

Any busking on private land will require the permission of the landowner.

### **5.10 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 may consider whether to apply for a premises licence in its own name for some public areas.

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

## **6. Licensing Objectives**

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

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

Furthermore, there is no provision for a licensing authority itself to make representations. If no representations are made in respect of an application, the authority is obliged to issue the licence on the terms sought.

### **6.1 Relevant Representations**

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

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

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

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

## **6.2 Risk Assessments**

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

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

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

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

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

## **6.3 Aims and Factors to consider**

In the sections relating to each licensing objective, 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**

#### **6.4 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

#### **6.5 Assistance for Applicants**

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

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

## **7. Smoke Free Premises**

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

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

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

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 aimed 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 can not restrict opening hours unless it receives representations to an application.

It is for the applicants 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 licence, the Licensing Authority will take into account applicant's requests for terminal hours in the light of;

- a) Environmental Quality
- b) Residential impact and amenity
- c) The character and nature of a particular area
- d) The nature of the proposed activities to be provided at the premises

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

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

### **8.1 Designated Premises Supervisor**

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

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

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

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

## **9. Conditions**

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

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

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

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

Each application will be unique and any 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.

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

## **10. Temporary Event Notices**

Although a statutory period of 10 working days prior to an event is the minimum notice that must be given to the Licensing Authority and the Police for a Temporary Event Notice, this gives very little time for the Licensing Authority to process the application and for the Police to respond.

Section 7.18 of the DCMS Guidance issued under section 182 of the Licensing Act 2003 (June 2007) states that this is exclusive of the day on which the notice is served and the day on which the event is to start.

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<sup>2</sup> Department of Culture, Media and Sport – Guidance issued under Section 182 of the Licensing Act 2003 (June 2007)

The Licensing Authority would therefore prefer that notice of Temporary Events be served on the Licensing Authority and Police **no later** than 20 working days prior to the event. This time frame is an expectation of the Licensing Authority and is not stipulated by the legislation.

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

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

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

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

The various Responsible Authorities and Council departments 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.

## **11. 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. 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. But, all supplies of alcohol under a premises licence must be made by or under the authority of a personal licence holder.

### **11.1 Duration of licence**

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

Applicants for personal licences will need to obtain an accredited qualification first. 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.

### **11.2 Relevant offences**

If there are no unspent criminal convictions for 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 (the Act) 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.

### **11.3 Hearings**

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

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

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

## **12. Cumulative Impact**

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

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

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

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

The absence of such a special policy does not prevent any responsible authority or interested party making representations on a new application on the grounds that the grant of the application will give rise to a negative cumulative impact on one or more of the licensing objectives.

### **13. Duplication**

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

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

### **14. 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.

## **15. Licence Reviews**

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

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

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

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

- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

## **16. 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.

## **17. Enforcement**

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

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

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

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

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

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

## Part B - Licensing Objectives

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

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

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

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

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

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

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

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

### **1.1 Aims**

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

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

### **1.2 Factors to consider**

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

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

- number of people attending the premises
- customer profile, including age of patrons and potential for underage drinking
- condition, design and layout of the premises
- potential for misuse of drugs and abuse of alcohol including drunkenness
- potential for anti-social behaviour
- nature of the activities to be provided
- the hours of operation and hours of opening if different
- the location of the premises including proximity to other licensed premises
- physical environment of the premises including both internal and external elements, e.g. external lighting and litter bins. This is particularly relevant when planning the design of new premises or the refurbishment or alteration of existing premises.
- provision of effective CCTV in and around the premises
- documentation in relation to admission to premises and/or age related sales
- the employment of Security Industry Authority licensed door staff, including female door staff, where appropriate.
- provision of toughened glass or plastic glasses and bottles
- provision of bottle bins within premises
- the provision of secure deposit boxes for confiscated items

- provision of appropriate communication systems including links to the police and other licence or certificate holders e.g. the use of text/radio pagers
- prohibition on the removal of alcohol in open containers from the premises
- the setting of maximum occupancy levels
- the proper use of point of sale promotions
- the provision of appropriate signage
- the provision of appropriate furniture for patrons
- relevant control measures as contained in the Safer Clubbing guidance e.g. various drug control measures, provision of safe transport home.

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

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

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

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

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

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

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

## **2. Public Safety**

### **2.1 Aims**

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

Following the carrying out of a risk assessment applicants 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, in and around the vicinity of their premises. Such measures should be relevant to the individual style and characteristics of their premises and activities.

### **2.2 Factors to consider**

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

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

- the hours of operation and hours of opening if different
- customer profile e.g. age, disability, special needs etc.

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

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

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

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

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

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

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

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

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

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

The Legislation referred to includes:

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

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

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

#### **3.1 Aims**

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

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

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

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

These may include:-

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

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 any incident.

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

### **4.1 Aims**

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

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

The 2003 Act made it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.

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

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

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

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

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

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

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

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

- Where nudity or entertainment of an adult or sexual nature is provided
- Where there is a strong element of gambling taking place
- With a known association with drug taking or dealing
- Where there have been convictions for serving alcohol to those under 18
- With a reputation for underage drinking

### **4.3 Child Employment**

#### **Children in performances**

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

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

#### **4.4 Films**

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

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

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

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

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

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

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

These may include:-

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

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

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

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

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

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

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

### **The Licensing Process**

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

Further information relating to content of operating schedules is detailed under each of the licensing objectives.

Unless there are relevant representations made in respect of an application by responsible authorities or interested parties, the licence will be deemed as granted by the Licensing Act 2003.

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

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

### **Contact Details**

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



Licensing Service  
Telford & Wrekin Council , PO Box 212, Darby House, Telford, TF3 4LB

Telephone: 01952 383267/383266

Fax: 01952 383269

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

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

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

## **Appendix A**

### **Licensing**

Borough of Telford & Wrekin  
Darby House  
Lawn Central  
PO Box 212  
Telford  
Shropshire  
TF3 4LB  
Tel: 01952 383267/383266  
Fax: 01952 383269  
E-mail: [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk)

### **Police Licensing Officer**

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

### **Local Safeguarding Children Board**

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

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

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

### **Environmental Health**

(1 copy to Pollution Control & 1 copy to Health & Safety)  
PO Box 214  
Darby House  
Telford  
TF3 4LE  
Tel: 01952 381818  
Fax: 01952 381806  
E-mail: [environmental.health@telford.gov.uk](mailto:environmental.health@telford.gov.uk)

**Trading Standards**

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

**Planning**

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

*Health & Safety Executive (for government bodies, schools and hospitals  
amongst other things)*

*The Marches House*

*Midway*

*Newcastle-under-Lyme*

*ST5 1DT*

*Telephone: 01782 602300*

## **Appendix B**

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

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

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

## Appendix C



<b>Portfolio</b>	<b>Adult and Consumer Care</b>
<b>Business Unit</b>	<b>Regulation and Resilience</b>
<b>Service Area</b>	<b>Licensing</b>

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

#### **List of consultees**

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

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

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

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

- Anne Walker – Neighbourhood Watch Administration Team – Malinsgate Police Station
- Police and Community Consultative Group – Malinsgate Police Station
- Local Safeguarding Children Board
- Environmental Health Section – Telford and Wrekin Council
- Trading Standards – Telford and Wrekin Council
- Planning – Telford and Wrekin Council
- Regeneration Section – Telford and Wrekin Council
- Tourism Section – Telford & Wrekin Council
- Equalities and diversity – Telford & Wrekin Council
- Disability Forum (Via Tina Jones)

- Safer and Stronger Communities partnership – Telford & Wrekin Council
- Telford and Wrekin PCT
- 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
  
- 35 Licensed Club Premises in Telford and Wrekin
- 585 Licensed Premises
- 984 Personal Licence holders
  
- 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

**Town and Parish Councils and Local CSOs for the following areas:**

- Chetwynd Parish Council
- Chetwynd Aston & Woodcote Parish Council
- Church Aston Parish Council
- Dawley Hamlets Parish Council
- Edgmond Parish Council
- Ercall Magna Parish Council

- Great Dawley Parish Council
- Hadley & Leegomery Parish Council
- Hollinswood & Randlay Parish Council
- Ketley Parish Council
- Kynnersley Parish Council
- Lawley and Overdale Parish Council
- Little Wenlock Parish Council
- Lilleshall & Donnington Parish Council
- Madeley Parish Council
- Newport Town Council
- Oakengates Town Council
- Rodington Parish Council
- St Georges & Priorslee Parish Council
- Stirchley & Brookside Parish Council
- Tibberton & Cherrington Parish Council
- The Gorge Parish Council
- Waters Upton Parish Council
- Wellington Town Council
- Wrockwardine Parish Council
- Wrockwardine Wood & Trench Parish Council
- Preston on the Wealdmoors
- Eyton on the Wealdmoors

#### **Telford Housing Associations:**

- Abbeyfield Wrekin Society
- Anchor Trust
- Bournville Village Trust
- Bromford Carinthia
- Hanover Housing Association
- Housing 21
- Robert Moore Housing Trust
- Stay Supported Housing
- The Beth Johnson Housing Group
- Wrekin Housing Trust

#### **Residents Associations**

- Longacres Residents Association
- SORT Residents Ltd
- Stephenson's Apartments Residents Association
- Racedoor Residents Association

#### **Training providers for personal and premises licence holders:**

- Bridges Marketing
- Shropshire County Training
- ABV Training

## **Community Organisations:**

- Place of worship and cultural information for the Sikh religion.
- 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
- 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
- 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

All schools in Telford and Wrekin area

Libraries – all in Telford & Wrekin area

Transport policy and management – Telford and Wrekin Council

Telford Travel link

Youth Offending Services Telford and Wrekin Council

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

Telford & Wrekin Council website

Local libraries

Darby House reception

Civic Offices reception

## Appendix D

### Pool of proposed conditions

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

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

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

### Annex D

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

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

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

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

#### General

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

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

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

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

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

### **Text/Radio pagers**

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

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

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

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

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

### **Door supervisors**

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

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

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

## **Bottle bans**

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

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

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

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

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

## **Plastic containers and toughened glass**

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

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

## **CCTV**

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

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

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

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

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

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open

containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

### **Restrictions on drinking areas**

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

### **Capacity limits**

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

### **Proof of age cards**

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

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

### **Crime prevention notices**

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

## Drinks promotions

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

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

## Signage

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

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

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

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

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

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

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

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

### **General**

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

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

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

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

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

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

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

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

### **Disabled people**

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

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

### **Escape routes**

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

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

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

## **Safety checks**

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

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

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

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

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

## **Accommodation limits**

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

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

## **Fire action notices**

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

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

## **Outbreaks of fire**

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

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

## **Loss of water**

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

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

## **Access for emergency vehicles**

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

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

## **First aid**

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

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

## **Lighting**

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

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

## **Temporary electrical installations**

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

- temporary electrical wiring and distribution systems are not provided without [notification to the licensing authority at least ten days before commencement of the work] [prior inspection by a suitable qualified electrician];

- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

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

### **Indoor sports entertainments**

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

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

### **Alterations to the premises**

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

### **Special effects**

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

Special effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;

- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

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

## Annex F

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

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

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

##### **Attendants**

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

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

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

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

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

## **Drinks**

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

## **Balcony Fronts**

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

## **Special effects**

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

Specials effects include:

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

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

## **Scenery**

Any scenery should be maintained flame-retardant.

## **Safety curtain**

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

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

## **Ceilings**

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

## **Seating**

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

## Premises used for film exhibitions

### Attendants – premises without a staff alerting system

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

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

### Attendants – premises with a staff alerting system

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

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

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

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

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

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

### Minimum lighting

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

### Flammable films

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

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

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

#### **General**

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

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

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

#### **Hours**

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

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

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

#### **Noise and vibration**

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

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;

- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

### **Noxious smells**

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

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

### **Light pollution**

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

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

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

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

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

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

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
  - explain their reasons; and
  - outline in detail the steps that they intend to take to protect children from harm on such premises.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
  - explain their reasons; and
  - outline in detail the steps that they intend to take to protect children from harm on such premises.
- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

## **Age Restrictions – specific**

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

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

## **Age restrictions – cinemas**

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

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

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

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

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

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

### **Theatres**

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

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

### **Performances especially for children**

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

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

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

### **Children in performances**

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

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.

- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

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

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

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

### **Proof of Age cards**

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

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

## **Annex J**

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

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

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

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

**APPENDIX B**

Name of respondent	Summary of response	Officer comments and recommendations.
<p>Alice Lemon The Musician's Union Benson House 98-104 Lombard Street, Birmingham, B12 0QR  Alice.lemon@themu.org</p>	<ul style="list-style-type: none"> <li>Felt that the encouragement of live music and dancing could be emphasised by promoting the contribution of live music to the Cultural Life of the Borough, and how it assists small businesses and increases employment. Proven to encourage audiences, diversity and other cultural activities.</li> </ul>	<ul style="list-style-type: none"> <li>Mention is made in the introduction of the policy, of the valuable contribution of licensed entertainment towards the continuing development of Telford &amp; Wrekin and provides a vital boost to the local economy of the area through tourism and cultural development. Section 3 on Night Time Economy and integrated strategies also covers the promotion and advancement of the night time economy as a whole. It is felt that this covers the issues raised by the Musicians' Union sufficiently and require no further explanation.</li> </ul>
<p>Hadley &amp; Leegomery Parish Council High Street Hadley Telford TF1 5NL</p>	<ul style="list-style-type: none"> <li>The Parish Council supported the draft Statement of Licensing Policy as published for consultation.</li> </ul>	<p>N/A</p>
<p>Jeff Fletcher 3 Leegomery Road Wellington Telford TF1 3BP  Club Secretary on behalf of St Georges Sports &amp; Social Club, Church Road, St Georges, Telford,</p>	<ul style="list-style-type: none"> <li>Concerned that young persons are able to access cheap alcohol from supermarkets and off-licences. States that they bring alcohol on to the grounds and create litter. Alleges that a number are underage and that this has been reported to the Police.</li> </ul>	<ul style="list-style-type: none"> <li>The Licensing Act contains measures to try to address this. If police are concerned about underage sales can confiscate alcohol, or request review. Any local residents can also request a review of a licence, but need to prove a causal link to the premises in question. Trading Standards operate test purchasing to address the problem of underage sales in supermarkets and off-licences.</li> <li>The policy addresses such issues at 3.4 where</li> </ul>

**APPENDIX B**

TF2 9LU		<p>it states: “ ..a number of initiatives are 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.</p> <ul style="list-style-type: none"> <li>• At 3.9 the policy states that the authority supports accredited proof of age cards and challenge schemes.</li> <li>• Part B. 4 relates to the protection of children from harm objective.</li> <li>• This policy is not the place to address this issue but signposts those mechanisms that can address the problems.</li> </ul>
<b>Name of respondent</b>	<b>Summary of response</b>	<b>Officer comments and recommendations.</b>
<p>Michael Wilkinson Interested Party <a href="mailto:Michael@infocus-photography.co.uk">Michael@infocus-photography.co.uk</a></p>	<ul style="list-style-type: none"> <li>• Concerns that the control on smaller events that occur often, and may have experienced no problems are overly burdensome.</li> <li>• Concerns that there is little in the document in relation to noise control.</li> </ul>	<ul style="list-style-type: none"> <li>• The matter of noise control is one to be dealt with by qualified Environmental health officers. In addition, there is a Noise Policy Statement for England issued by DEFRA in relation to environmental, neighbourhood and neighbourhood noise, and a statement of policy from the Health &amp; Safety Executive in relation to noise at work. It is not appropriate for this information to be included as part of the Statement of Licensing Policy.</li> </ul>

**APPENDIX B**

<p>Jayne Madeley</p> <p>On behalf of: The Gorge Parish Council. Unit C22 Maws Craft Centre Jackfield Telford TF8 7LS</p> <p><a href="mailto:Thegorgepc@btinternet.com">Thegorgepc@btinternet.com</a></p>	<ul style="list-style-type: none"><li>• Comments made in relation to Parish Councils being a consultee under the Act, and expressing a concern to be consulted on all licensing matters in the future.</li></ul>	<ul style="list-style-type: none"><li>• “persons/bodies representative of businesses and residents in the area” are detailed as a statutory consultee for the statement of licensing policy, but are not a responsible authority under the Act.</li><li>• Are quite prepared to send the licensing register on a regular basis to the Parish Councils to keep them informed and they can then make any objections as interested parties.</li></ul>
<p>Chris Shouli Telford College of Arts &amp; Technology Haybridge Road Telford</p> <p>Chris.shouli@tcat.ac.uk</p>	<ul style="list-style-type: none"><li>• Agreed with added sections</li></ul>	<p>N/A</p>

## APPENDIX B

A number of responses were received with no comment from the following:

Name	Address
Mr Abdul Khalique	Oakengates Tandoori Restaurant, 69 Market Street, Oakengates, Telford TF2 6EA
Herjit Kaur	Unit 1, Calcott, Stirchley, Telford, TF2 9GZ
Mrs Sian Link	On behalf of: Telford & District Multiple Sclerosis Society, 8 Church Meadow, Shifnal
Colin Wetherley-Mein	On behalf of: Lilleshall Cricket Club, Church Road, Lilleshall, TF10 1EG
Mrs MP DeMoyné	Shelley's Florists, 10 Duke Street, Wellington, Telford TF1 1BJ
David Gajzler	On behalf of: The Mallard, Brookside, TF3 1LE <a href="mailto:davegaffa@hotmail.co.uk">davegaffa@hotmail.co.uk</a>
JT White	On behalf of: Royal British Legion Club Ltd, Station Road, Dawley, TF4 2NW
John Hughes	On behalf of: Hadley United Services & Village Club Ltd, High Street, Hadley, TF1 5PB
Keith N Morris	On behalf of: Adams Grammar School, High Street, Newport, TF10 7BD
Tarjinder Singh	High Ercall Store, Shop Lane, High Ercall, Telford, TF6 6AG
Rob Riddell	Oakengates Theatre, The Place, Limes Walk, Telford TF2 6EP <a href="mailto:Robert.riddell@telford.gov.uk">Robert.riddell@telford.gov.uk</a>
Susan Cotton	Oddfellow's Arms, 65 High Street, Wellington, Telford, TF1 1JT
Bekir Ozcan	39 High Street, Newport, TF10 7AT

# Statement of Licensing Policy

January 2011



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

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

#### Chinese

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

#### Punjabi

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

#### Urdu

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

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**b)16. Designated premises supervisor**

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

**e)17. Enforcement**

**d)18. Delegation**

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**Part B- Licensing Objectives**

**\*1. Prevention of Crime and Disorder**

1.1 Aims

1.2 Factors to consider

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**\*2. Public Safety**

2.1 Aims

2.2 Factors to consider

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**\*3. Prevention of Public Nuisance**

3.1 Aims

3.2 Factors to consider

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**\*4. Protection of Children From Harm**

4.1 Aims

4.2 Children and licensed premises

4.3 Films

4.4 Child Employment

4.5 Factors to consider

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## 1. Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

- a) the prevention of crime and disorder**
- b) public safety**
- c) the prevention of public nuisance**
- d) the protection of children from harm.**

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

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

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

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

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

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

#### **3.1 Good Practice**

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

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

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

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

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

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

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

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

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### **3.2 Responsible Management**

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

### **3.3 Supervision and training**

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

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

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

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

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

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

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

### **3.5 Initiatives**

#### **Safer Nights Campaign**

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

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

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

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

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

### **3.6 Liaison Group**

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

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

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

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

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

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

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

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

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

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

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

### 3.10 Integrated Strategies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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#### **4.1 Regulated entertainment**

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

The descriptions of entertainment in the Licensing Act are:

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

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

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

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

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

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

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

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

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

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

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

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

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

## **5. Licensing Objectives**

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

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

- e) the prevention of crime and disorder**
- f) public safety**
- g) the prevention of public nuisance**
- h) the protection of children from harm.**

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

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

### **5.1 Risk Assessments**

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

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

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

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

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

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

In the sections relating to each licensing objective **in Part B of this policy**, the Licensing Authority has defined its intended aims.

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

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

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

### 5.3 Control Measures

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

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

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

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

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

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### 5.4 Assistance for Applicants

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

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

## **5.5 Relevant Representations**

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

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

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

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

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

## **6. Conditions**

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

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

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

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

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

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

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

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

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

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

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

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

### **7. Smoke Free Premises**

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

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

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

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

## **8. Licensing Hours**

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

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

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

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

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

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

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

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

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

### **9. Cumulative Impact**

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

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

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

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

The absence of such a special policy does not prevent any responsible authority or interested party making representations on a new application on the grounds that the grant of the application will give rise to a negative cumulative impact on one or more of the licensing objectives.

### **10. Duplication**

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

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

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

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

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

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

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

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

## **12. Licence Reviews**

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

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

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

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

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

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## **13. Minor variations**

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

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

#### **14. Temporary Event Notices**

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

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

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

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

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

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

The various Responsible Authorities and Council departments 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 is issued for ten years in the first instance and can be renewed on application for a further ten years if the licence holder has not been convicted of any relevant or foreign offence.

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

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

### **15.2 Relevant offences**

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

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

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

### **15.3 Hearings**

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

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

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

## **16 Designated Premises Supervisor**

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

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

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

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

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

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

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

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

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

## **17. Enforcement**

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

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

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

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

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

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

## **18. Delegation**

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

## Part B - Licensing Objectives

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

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

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

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

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

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

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

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

### **1.1 Aims**

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

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

### **1.2 Factors to consider**

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

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

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

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- 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.

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

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

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

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

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

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

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

## **2. Public Safety**

### **2.1 Aims**

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

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

### **2.2 Factors to consider**

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

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

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

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

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

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

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

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

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

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

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

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

The Legislation referred to includes:

- 15. Environmental Protection Act 1990
- 16. Clean Neighbourhoods and Environment Act 2005
- 17. The Noise Act 1996
- 18. Control of Pollution Act 1974
- 19. Noise and Statutory Nuisance Act 1993

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

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

#### **3.1 Aims**

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

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

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

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

These may include:-

- the location of the premises and proximity to residential properties
- the number of people attending the premises
- the hours of operation and opening (especially between 23.00 – 07.00hrs)
- the nature of the activities to be provided, including whether they are temporary or permanent and whether they are to be held inside or outside the premises
- the design and layout of the premises and the presence of any noise limiting features
- the provision of measures to control the use of fireworks, pyrotechnics etc
- 1. rowdy behaviour
- 2. disposal of waste and bottle bins, litter collection and bins
- 3. plant and machinery
- 4. food preparation including cleaning of premises and equipment
- 5. use of gardens, play areas, car parks, open air areas and temporary structures
- 6. 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'

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

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

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

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

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

##### **4.1 Aims**

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

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

The 2003 Act made it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.

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

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

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

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

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

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

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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

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### 4.3 Child Employment

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

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

### 4.4 Films

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

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

### 4.5 Factors to be considered

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

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

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

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

These may include:-

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

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

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

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

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

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

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

### **Contact Details**

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



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

Telephone: 01952 383267/383266  
Fax: 01952 383269  
Email: [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk)

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

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

## **Appendix A**

### **Licensing**

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

### **Police Licensing Officer**

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

### **Local Safeguarding Children Board**

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

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

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

### **Environmental Health**

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

**Trading Standards**

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

**Planning**

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

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

*The Marches House  
Midway  
Newcastle-under-Lyme  
ST5 1DT  
Telephone: 01782 602300*

## **Appendix B**

**Table of Delegations of Licensing Functions**

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

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

## **Appendix C**



<b>Portfolio</b>	<b>Adult and Consumer Care</b>
<b>Business Unit</b>	<b>Regulation and Resilience</b>
<b>Service Area</b>	<b>Licensing</b>

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

#### **List of consultees**

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

1. Chief officer of police for the area
2. Fire and rescue authority for the area
3. Persons/bodies representative of local holders of premises licences
4. Persons/bodies representative of local holders of club premises certificates
5. Persons/bodies representative of local holders of personal licences
6. Persons/bodies representative of businesses and residents in its area.

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

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

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

## Appendix D

### Pool of proposed conditions

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

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

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

### Annex D

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

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

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

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

#### General

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

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

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

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance. Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives.

When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

### **Text/Radio pagers**

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

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

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

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

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

### **Door supervisors**

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

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

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

### **Bottle bans**

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

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

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

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

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

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

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

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

### **CCTV**

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

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

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

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

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

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

### **Restrictions on drinking areas**

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

### **Capacity limits**

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

### **Proof of age cards**

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

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

### **Crime prevention notices**

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

### **Drinks promotions**

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

In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the licensing authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic

beverages is necessary at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

### **Signage**

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

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

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

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

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

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

## Annex E

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

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

### **General**

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

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

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

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

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

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

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

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

#### **Disabled people**

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

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

#### **Escape routes**

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

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

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

#### **Safety checks**

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

- safety checks are carried out before the admission of the public; and

- details of such checks are kept in a Log-book.

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

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

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

#### **Accommodation limits**

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

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

#### **Fire action notices**

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

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

#### **Outbreaks of fire**

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

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

#### **Loss of water**

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

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

#### **Access for emergency vehicles**

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

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

#### **First aid**

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

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

#### **Lighting**

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

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

#### **Temporary electrical installations**

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

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

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

### **Indoor sports entertainments**

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

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

### **Alterations to the premises**

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

### **Special effects**

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

Special effects which should be considered include:

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

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

## Annex F

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

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

#### Premises used for closely seated audiences

##### Attendants

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

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

**2.(b)** Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

**3.(c)** Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

**4.(d)** The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

**5.(e)** No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.

(f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

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

**1.(a)** Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

**2.(b)** Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

**3.(c)** In no circumstances shall anyone be permitted to-

- (i) sit in any gangway;
- (ii) stand or sit in front of any exit; or
- (iii) stand or sit on any staircase including any landings.

##### Drinks

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

### **Balcony Fronts**

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

### **Special effects**

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

Special effects include:

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

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

### **Scenery**

Any scenery should be maintained flame-retardant.

### **Safety curtain**

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

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

### **Ceilings**

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

### **Seating**

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

### **Premises used for film exhibitions**

#### **Attendants – premises without a staff alerting system**

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

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

**Attendants – premises with a staff alerting system**

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

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

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

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

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

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

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**Minimum lighting**

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

**Flammable films**

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

## Annex G

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

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

#### **General**

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

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

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

#### **Hours**

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

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

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

#### **Noise and vibration**

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

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

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

**Noxious smells**

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

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

**Light pollution**

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

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

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

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

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

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

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

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

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

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

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

**Age Restrictions – specific**

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

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

### Age restrictions – cinemas

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

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
  - 1. U – Universal. Suitable for audiences aged four years and over
  - 1. PG – Parental Guidance. Some scenes may be unsuitable for young children.
  - 1. 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
  - 1. 15 – Passed only for viewing by persons aged 15 years and over.
  - 1. 18 – Passed only for viewing by persons aged 18 years and over.

• that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;

• a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

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

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

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

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

### **Theatres**

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

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

### **Performances especially for children**

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

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

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

### **Children in performances**

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

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

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

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged

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

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

### **Proof of Age cards**

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

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

## Annex J

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

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

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

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

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<b>Portfolio</b>	<b>Adult and Consumer Care</b>
<b>Business Unit</b>	<b>Regulation and Resilience</b>
<b>Service Area</b>	<b>Licensing</b>

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

### **List of consultees**

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

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

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

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

- Anne Walker – Neighbourhood Watch Administration Team – Malinsgate Police Station
- Police and Community Consultative Group – Malinsgate Police Station
- Local Safeguarding Children Board
- Environmental Health Section – Telford and Wrekin Council
- Trading Standards – Telford and Wrekin Council
- Planning – Telford and Wrekin Council
- Regeneration Section – Telford and Wrekin Council
- Tourism Section – Telford & Wrekin Council
- Equalities and diversity – Telford & Wrekin Council
- Disability Forum (Via Tina Jones)

## APPENDIX D

- Safer and Stronger Communities partnership – Telford & Wrekin Council
- Telford and Wrekin PCT
- 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
  
- 35 Licensed Club Premises in Telford and Wrekin
- 585 Licensed Premises
- 984 Personal Licence holders
  
- 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

**Town and Parish Councils and Local CSOs for the following areas:**

- Chetwynd Parish Council
- Chetwynd Aston & Woodcote Parish Council
- Church Aston Parish Council
- Dawley Hamlets Parish Council
- Edgmond Parish Council
- Ercall Magna Parish Council
- Great Dawley Parish Council
- Hadley & Leegomery Parish Council
- Hollinswood & Randlay Parish Council
- Ketley Parish Council
- Kynnersley Parish Council
- Lawley and Overdale Parish Council
- Little Wenlock Parish Council
- Lilleshall & Donnington Parish Council
- Madeley Parish Council
- Newport Town Council
- Oakengates Town Council
- Rodington Parish Council
- St Georges & Priorslee Parish Council
- Stirchley & Brookside Parish Council
- Tibberton & Cherrington Parish Council
- The Gorge Parish Council
- Waters Upton Parish Council
- Wellington Town Council
- Wrockwardine Parish Council
- Wrockwardine Wood & Trench Parish Council
- Preston on the Wealdmoors
- Eyton on the Wealdmoors

**Telford Housing Associations:**

- Abbeyfield Wrekin Society
- Anchor Trust
- Bournville Village Trust
- Bromford Carinthia
- Hanover Housing Association
- Housing 21
- Robert Moore Housing Trust
- Stay Supported Housing
- The Beth Johnson Housing Group
- Wrekin Housing Trust

**Residents Associations**

- Longacres Residents Association
- SORT Residents Ltd

- Stephenson's Apartments Residents Association
- Racedoor Residents Association

### **Training providers for personal and premises licence holders:**

- Bridges Marketing
- Shropshire County Training
- ABV Training

### **Community Organisations:**

- Place of worship and cultural information for the Sikh religion.
- 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
- 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
- Connecting Communities Group
- Listen and Care Group, Randlay
- MENCAP, Wellington
- Multiple Sclerosis Society, Wellington

## APPENDIX D

- 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
- Senior Citizens Forum
- Severn Hospice
- Sure Start Children's Centre
- Sutton Hill Family Project
- Telford Race Equality & Diversity Partnership (TREDP)

### Schools

All schools in Telford and Wrekin area

Libraries – all in Telford & Wrekin area

Transport policy and management – Telford and Wrekin Council

Telford Travel link

Youth Offending Services Telford and Wrekin Council

**Mike Atherton**    **Head of Community Protection**  
  
**Public Protection (Environmental  
Health, Licensing & Trading Standards)**  
**Darby House**  
**Telford**  
**TF3 4LB**

Tel: +44 (0)1952 381800

**Contact:** Mena Gosling

**Telephone:** 01952 383267

**Fax:** 01952 383269

**Your Ref:**

**Our Ref:**

**Date:** 05 October 2010

Dear Sir/Madam

**Re: Licensing Act 2003 - Statement of Licensing Policy - Consultation**

Every Licensing Authority is required by law to publish a Statement of Licensing Policy every three years. It outlines the approach the authority intends to adopt with regard to the exercise of its functions and duties, and how it intends to promote the licensing objectives. The policy is a formal document that ensures transparency, fairness and consistency and promotes efficient administration.

Telford & Wrekin Council undertook an interim review last year and the new policy came into effect from December 2009. However, this was in addition to the compulsory three year review which is now due.

Very few things have been changed since the policy was consulted upon last year; however, due to changes in the law we have added sections relating to the following:

- Home Office Mandatory Conditions
- Minor Variations
- Removal of requirement for a designated premises supervisor (DPS) (for village halls and community premises)

In addition, a section for clarification on the licensing of garages and service stations has been added.

We are now consulting on the amended Statement of Licensing Policy issued under the Licensing Act 2003.

The current consultation commences on **Wednesday 30<sup>th</sup> June 2010**. You are invited to submit any comments you have in relation to the policy on the enclosed response form **by 5:00pm on Wednesday 22<sup>nd</sup> September 2010**

The current statement of Licensing Policy is available on the Council's website at [www.telford.gov.uk](http://www.telford.gov.uk) . Comments can also be made in respect of the proposed policy by e-mailing [consultationlicensing@telford.gov.uk](mailto: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

Mena Gosling  
Licensing Technical Officer

**Statement of Licensing Policy - Consultation response form**  
**Licensing Act 2003**

1. Name:	
2. Address:	
E-mail:	
3. If replying on behalf of an Organisation or Association, please insert details and address:	
4. If you have any comments about the proposed Statement of Licensing Policy, please provide them below (Continue on a separate sheet, if necessary)	

**Please return this form to:** Licensing Operations Manager, Telford & Wrekin Council, PO Box 212, Darby House, Lawn Central, Telford. TF3 4LB or by e-mail [Consultationlicensing@telford.gov.uk](mailto:Consultationlicensing@telford.gov.uk) **no later than 5pm on Wednesday 22<sup>nd</sup> September 2010**

Any responses will normally be made available to the public.



**MONITORING FORM**

We would like to measure the effectiveness of this consultation, but to do so will need to collect information on people who submit responses.

It would assist us if you would please complete the details below and return the form to us with your consultation response.

Some of the information you give on this form may be considered sensitive personal data under the Data Protection legislation and by completing and returning this monitoring form, you will be deemed to be giving your explicit consent to the processing of the data for Equality Monitoring purposes.

**PLEASE TICK RELEVANT BOX**

**AGE:** 16-18  19-35  36-49  50-59  60-65  over 65

**GENDER:** Male  Female

**ETHNIC ORIGIN:**

Asian or Asian British	Black or Black British	Mixed	White
Indian <input type="checkbox"/>	Caribbean <input type="checkbox"/>	White & Black Caribbean <input type="checkbox"/>	British <input type="checkbox"/>
Pakistani <input type="checkbox"/>	African <input type="checkbox"/>	White & Black African <input type="checkbox"/>	Irish <input type="checkbox"/>
Bangladeshi <input type="checkbox"/>	Any other black <input type="checkbox"/>	White & Asian <input type="checkbox"/>	Any Other white <input type="checkbox"/>
Any other Asian <input type="checkbox"/>	background	Any other mixed <input type="checkbox"/>	background
background		background	

**Other Ethnic Groups**

Chinese

**DISABILITY:**

The Disability Discrimination Act, 1995 defines a person with a disability as someone who has "a physical or mental impairment which has a substantial and adverse, long term effect on his or her ability to carry out normal day-to-day activities".

Under this definition do you consider yourself to have a disability?

## **TELFORD & WREKIN COUNCIL**

### **COUNCIL CONSTITUTION COMMITTEE - 9<sup>TH</sup> NOVEMBER, 2010**

#### **LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – FORMAL ADOPTION OF EXECUTIVE ARRANGEMENTS**

#### **REPORT OF THE HEAD OF GOVERNANCE**

### **1.0 PURPOSE**

- 1.1** For Members to recommend to Council the formal adoption of the Leader and Cabinet model for Executive Arrangements and to confirm implementation following the May 2011 Borough elections.
- 1.2** The Local Government and Public Involvement in Health Act (2007) requires the Council to change its Executive Arrangements, choosing either a Leader and Cabinet model with a strong role for the Leader or an Elected Mayor. The legislation requires a decision to be made by 31 December 2010.

### **2.0 RECOMMENDATIONS**

**Members recommend to Council that:**

- 2.1 The Leader and Cabinet model be formally adopted for the Council's Executive Arrangements with effect from 8 May 2011, following the May 2011 Borough elections.**

### **3.0 SUMMARY**

- 3.1** On the 7<sup>th</sup> October, 2010 Full Council approved the Leader and Cabinet model as the preferred option.
- 3.2** Attached at Appendix 1 is the timetable for changes to Governance Arrangements. Attached at Appendix 2 is a briefing note on the differences between the two models as outlined at the previous meeting of this Committee.
- 3.4** Attached at Appendix 3 is a copy of the consultation responses. To date, a total of eight responses have been received. Five responses are from Parish Councils and were received by e-mail. One of these responses does not state a preference but states that the item would be discussed at a future Parish Council meeting. Three responses have been received

from members of the public via the Council's website. The responses are summarised below:

	Leader & Cabinet Model	Mayor & Cabinet Model	No Preference Given
Parish Councils	3	1	1
Public via Website	2	1	
<b>Total</b>	<b>5</b>	<b>2</b>	<b>1</b>

#### **4.0 PREVIOUS MINUTES**

Council's Constitution Committee – 13 April 2010 (Minute No. CCC-15)  
Council Constitution Committee 25 May 2010 (Minute No. CCC-4)  
Council Constitution Committee – 14 September 2010 (Minute No. CCC-15)  
Council - 29 April 2010 (Minute No. 106)  
Council – 7 October 2010 (Minute No. 45 (i))

#### **5.0 INFORMATION**

- 5.1 Members, during the debate at both the Council Constitution Committee and Full Council indicated that, whilst they accepted that this was a legal requirement and consultation was a crucial element of the process, the nature and level of consultation needed to be planned to be proportionate to the issue to ensure that resources diverted from delivery of Council priorities was kept as low as reasonably possible.
- 5.2 There have been very few responses to the consultation so far. The responses received show a majority in favour of the Leader and Cabinet model.
- 5.3 The limited response to the consultation may indicate that there is relatively little public interest in the issue. On 7 October the Authority drew up formal proposals which identified the Leader and Cabinet model as the preferred option, consultees were notified of the Council's preferred option.
- 5.3.1 In drawing up the proposals, the Authority was required to consider the extent to which, if implemented, the proposals were likely to assist in securing continuous improvements in the way in which its functions were exercised and having regard to the economy, efficiency and effectiveness of the same.
- 5.3.2 A Resolution of the Council is required by the end of December 2010 to implement the change to the Council's Governance arrangements.
- 5.3.3 Following the passing of the resolution, the new Governance Arrangements must be publicised in accordance with legislation. The existing form of Leader and Cabinet model of governance will continue in force until 3 days after Borough elections in May 2011.

## 6.0 OTHER INFORMATION

<b>Equality &amp; Diversity</b>	There are no implications directly arising from this
<b>Environmental Impact</b>	None arising directly from this report.
<b>Legal Comment</b>	The legal comment is set out within the main body of this report.
<b>Links with Corporate Priorities</b>	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
<b>Opportunities &amp; Risks</b>	The opportunities and risks associated with this process have been assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.
<b>Financial Implications</b>	There will be marginal costs of making changes to the existing Constitution to accommodate the move from the existing Leader and Cabinet Model to the new Leader and Cabinet Model. However, there will be substantially more costs of moving to any Elected Mayor and Cabinet Model from the existing Leader and Cabinet Model. Such costs are difficult to quantify, at present, or justify on value for money or in terms of any objectively quantified economy, efficiency or effectiveness of service improvement grounds. A fundamental review of the Constitution will, of course, be necessary to reflect any Elected Mayor arrangements, plus the costs associated with running an election for an Elected Mayor in May 2011, if the Council resolved to adopt, in December 2010, the Elected Mayor Model of Governance.
<b>Ward Implications</b>	Borough wide

## 7.0 BACKGROUND PAPERS

Council Constitution

Local Government Public Involvement in Health Act 2007

Report prepared by Phil Griffiths, Democratic Services 01952 383210

## Appendix 1

### Timetable for Process to consider options and agree changes to the Council's Executive Governance arrangements

<b>Date</b>	<b>Committee/action</b>	<b>Purpose</b>
07/11/10	Council's Constitution Committee (CCC)	Recommendations to Council.
25/11/10	COUNCIL	To approve future arrangements
29/11/10 to 31/12/10	Update Constitution to reflect approved arrangements	Governance
11/01/11 or 22/02/11	Council's Constitution Committee (CCC)	Review amendments to the Constitution to reflect approved arrangements
03/03/11	COUNCIL	Approve changes to the constitution to reflect the approved arrangements

## Appendix 2

### Leader and Cabinet Executives compared with Elected Mayor and Cabinet Executives

	<b>Leader and Cabinet</b>	<b>Elected Mayor and Cabinet</b>
<b>Status</b>	As now, the leader would be elected by the Council in May 2011	The mayor is not a councillor but is directly elected by voters.
<b>Term of office</b>	The leader's term of office would start on the day of his or her election as leader and ends four years later on the day of the post-election annual Council meeting.	The term of office of an elected mayor is expressly said to be four years.
<b>Discharge of functions</b>	The leader may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an employee of the Council.	The mayor may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an officer of the authority.
<b>Appointment of Cabinet</b>	The Council's constitution must provide for the leader to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten.	The constitution must provide for the mayor to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten.
<b>Deputy</b>	The leader must appoint a deputy leader, who will hold office as such until the end of the leader's term of office unless he or she resigns as deputy leader, ceases to be a member of the Council, or is removed by the leader. If the office of deputy leader is vacant, the leader must appoint one.	The mayor must appoint a deputy mayor, who will hold office as such until the end of the mayor's term of office unless he or she resigns as deputy mayor, ceases to be a member of the authority, or is removed by the elected mayor. If the office of deputy mayor is vacant, the mayor must appoint one.

	<b>Leader and Cabinet</b>	<b>Elected Mayor and Cabinet</b>
<b>Provisions if unable to act</b>	If the leader is unable to act or the office of leader is vacant, the deputy leader must act in his or her place. If neither the leader nor the deputy leader is able to act, the cabinet must act in the leader's place or arrange for a member of the cabinet to do so. .	If the elected mayor is unable to act or the office of elected mayor is vacant, the deputy mayor must act in his or her place. If neither the mayor nor the deputy mayor is able to act, the cabinet must act in the mayor's place or arrange for a member of the cabinet to do so.
<b>Removal</b>	A local authority's constitution may provide for the council to remove the leader by resolution at any time during the term.	No provision for removal during the mayor's term of office.
<b>Appointment of assistants</b>	In the Leader and Cabinet model, there is not a direct equivalent to the power for the Secretary of State to provide for the appointment of a person to provide assistance to an elected mayor. However, the Local Government and Housing Act 1989 contains provisions for the appointment of assistants by political groups.	The Secretary of State may by regulations make provision for or in connection with the appointment of a person to provide assistance to an elected mayor. The (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 have been made to provide for this.
<b>Civic and ceremonial duties</b>	The Council would be entitled to retain a civic and ceremonial Mayor who would also chair meetings of the full Council.	Only the directly elected Mayor could use the title of "Mayor".  A councillor would have to be appointed to chair Council meetings if the traditional position of civic and ceremonial Mayor was disestablished.

	<b>Leader and Cabinet</b>	<b>Elected Mayor and Cabinet</b>
		The Council could decide to disestablish the position of a civic and ceremonial Mayor. In which case the directly elected Mayor would decide to what extent he or she would wish to perform civic and ceremonial functions.

## Consultation Documents

Consultee	Response
Little Wenlock Parish Council	Strong Leader and Cabinet Option
Church Aston Parish Council	Strong Leader and Cabinet Option
The Gorge Parish Council	To be discussed at parish council meeting on 6 September, 2010
Rodington Parish Council	Directly Elected Mayor and Cabinet Option
Hadley & Leegomery Parish Council	Strong Leader and Cabinet Option
On-Line Responses from members of the public	2 for Strong Leader and Cabinet 1 for Directly Elected Mayor and Cabinet

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Wednesday, 15<sup>th</sup> September, 2010 at 6.00 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors N.A. Dugmore, D.R. Chaplin, J.A. Francis, G.M. Green, R.T. Kiernan, F.R. Picken, H. Rhodes and M. J. Smith

#### **PB-34      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on the 25<sup>th</sup> August, 2010 be confirmed and signed by the Chairman.

#### **PB-35      APOLOGIES FOR ABSENCE**

None.

#### **PB-36      DECLARATIONS OF INTEREST**

Councillor R.T. Kiernan declared a personal interest in planning application TWC/2010/0295 and did not subsequently vote on the recommendation to make a Site Visit.

#### **PB-37      DEFERRED/WITHDRAWN APPLICATIONS**

The Chairman recommended to the Board that two of the application on the agenda, TWC/2010/0055 (38 Limekiln Lane, Lilleshall, Newport, Shropshire and TWC/2010/0295 (The Piggeries, Rodington, Shropshire, be deferred to allow Site Visits to be made. In addition, he requested Members agree to a Site Visit in respect of application TWC/2010/0338 (Land off Osbaston Road, Rowton, Shropshire). This application would be submitted to the next meeting on the 6<sup>th</sup> October for determination and agreeing to a Site Visit in advance rather than at the next meeting would facilitate the determination process for the applicant.

#### **PB-38      SITE VISITS**

**RESOLVED** – that the following Site Visits take place on the 6<sup>th</sup> October, 2010:

3.20 p.m.      TWC/2010/0055- Land off Osbaston Road, Rowton, Shropshire  
3.50 p.m.      TWC/2010/0295 – The Piggeries, Rodington, Shropshire  
4.20 p.m.      TWC/2010/0338 – 38 Limekiln Lane, Lilleshall, Newport, Shropshire

#### **PB-39      PLANNING APPLICATIONS FOR DETERMINATION**

(a)      TWC/2010/0055 - 38 Limekiln Lane, Lilleshall, Newport, Shropshire.

**RESOLVED** – that determination of planning application TWC/2010/055 be deferred until the meeting of the Plans Board on 6<sup>th</sup> October, 2010 to allow a Site Visit to take place.

(b) TWC/2010/0295 - The Piggeries, Rodington, Shropshire

**RESOLVED** – that determination of planning application TWC/2010/0295 be deferred until the meeting of the Plans Board on 6<sup>th</sup> October, 2010 to allow a Site Visit to take place.

(Councillor F.R. Picken left the meeting before determination of the following application. As the agenda order had been changed to facilitate those people wishing to speak at the meeting, he had been present for the determination of all of the other applications on the agenda.)

(c) TWC/2010/0319 - Windmill Primary School, Beaconsfield, Brookside, Telford, Shropshire

This application by Telford & Wrekin Council was for the erection of a single storey building to the east of the main school to form a new Sure Start 'Family Centre'. Members had approved the first phase of the planned development in November 2009 (W2009/0904) and the second phase in January 2010 (W2010/1055). The Family Centre, which would provide an integrated base for a range of specialist provision for local families with young children, would be used mainly between 9:00 am and 3:00 pm, although After School Cubs would run until 6:00 pm. Additionally, weekend provision might also be available dependant upon the needs of the local community. The proposal also included an alteration of the boundary fencing, re-alignment of a footpath, and removal of a Leylandi hedge. .

No comments or objections had been received from neighbouring properties and Stirchley & Brookside Parish Council supported the proposal. Comments received from Council officers were as summarised in the report.

The proposed new building had been designed to be sympathetic to the previous approvals and on-going works and, therefore, was considered appropriate and with no adverse affects upon the visual amenity of the area. This proposed development would add an additional 195 sq.m. to the footprint of the existing building and, therefore, its scale was deemed appropriate and relatively minor within the context of the overall school complex and site.

The proposed development would not result in any loss of car parking, playground or playing field and, as the fencing used in the re-alignment of the boundary would match the existing fencing, it would have no adverse impact upon the streetscene, the wider landscape or the school's amenities. A replacement footpath would link the existing paths to compensate for that lost as a result of the new building.

The removal of the hedge was considered acceptable and the benefits provided by the new centre would outweigh the loss of the trees, although an appropriate information would be included to protect nesting birds.

**RESOLVED** – that with regard to planning application TWC2010/0319 planning permission be granted subject to the conditions as set out in the report.

(d) W2009/0937 - Auto-Tech, Prince Street, Madeley, Telford, Shropshire

This application sought outline planning permission for the erection of 14 dwellings following the demolition of the existing dwelling and commercial units on the site. The submitted indicative site layout and elevation plans showed a terrace of 4 two-storey 2 bed roomed properties and a terrace of 5 three storey 3 bedroom dwellings facing Kemberton Road, two pairs of semi-detached dwellings facing Prince Street and a detached dwelling on the corner of Prince Street/Quayside and the dead-end road. The elevational drawings showed traditional features including brick segmental arches above ladder casement windows, gable roofs, chimneys to some of the properties and sash windows and panelled doors set in pedimented door casing to the three storey dwellings.

The semi-detached dwellings would each have their own driveway for parking two cars off Prince Street and the detached dwelling would have a two car drive off the dead-end road. Access to the two terraces was via a new driveway off Prince Street, between the pairs of semi detached houses, leading to a central parking area providing 18 car parking spaces and bin storage areas. This communal access was located in a similar position to the existing vehicular site access.

Councillor G.M. Green, the Ward Member, and officers had suggested that no.37 Prince Street, the other half of the grass verge and the truncated highway should be included within the application site to enable a more comprehensive redevelopment of the area. However, whilst the Council's Highway Engineer had confirmed that there would be no objection in principle to the inclusion/sale of the unused highway, subject to a survey of any underground public service utilities, the applicants were not in a position to include these additional parcels of land and did not intend to develop the site, preferring to sell it with planning permission, although there might be an opportunity to enlarge to site at a later date when/if it was sold.

Madeley Parish Council had no objection in principle but had requested financial contributions for recreation purposes. The Council's Highway Engineer had no objections in principle subject to appropriate conditions and the Geotechnical Engineer had recommended a mining informative. A contribution of £21,009 had been requested by the Council's Capital Planning Officer and a contribution of £6,800 had been requested by Outdoor Recreation Officer towards recreational facilities which could go towards landscaping and replacement seating on a nearby area of amenity land opposite The Miner's Arms. No objections had been received from surrounding properties.

The buildings that would be demolished had little historic merit and no or limited architectural merit. Therefore, their loss would not be detrimental to the character and appearance of the area and the redevelopment was an opportunity to enhance the visual amenity of an area, which, although not in the Severn Gorge Conservation Area or the Ironbridge Gorge World Heritage Site, was located on one of the main access roads.

Whilst the detailed appearance of the proposed dwellings would be considered through the Reserved Matters application, the Design & Access Statement indicated a traditional design and a mix of two and three storeys, which was considered

appropriate for the site, its context and surrounding residential properties. Moreover, the indicative layout had satisfactorily demonstrated that the site was sufficient to accommodate 14 units with adequate off-street parking, private amenity space, separation distances and bin storage. The location was within the built up area of Telford within walking distance of Madeley Shopping Centre, employment opportunities, various amenities and public transport facilities and was, therefore, considered a sustainable location.

As detailed in the report, Planning Policy Statement 23 required development proposals for sites where there was reason to suspect contamination to include an assessment of the risks and identification and appraisal of the options for remediation. Therefore, given the previous uses of the site as a foundry and motor repair garage, it was considered necessary to impose conditions relating to contaminated land to ensure that risks to future users of the land and neighbouring land were minimised, and that the development could be carried out safely without unacceptable risks to workers and neighbours.

Councillor G.M. Green, Ward Member, spoke in support of the application which was welcomed by local residents and wished to place on record her thanks to the planning officers for their assistance in bringing this application to a satisfactory conclusion.

**RESOLVED – that with regard to planning application W2010/0937 delegated authority be granted to the Head of Planning to grant planning permission subject to the applicant entering into a Section 106 agreement to provide financial contributions towards outdoor recreation facilities and education and to the conditions as set out in the report.**

(e) W2009/0971 - Land at 57 Wrockwardine Road, Wellington, Telford, Shropshire

This was an application for full planning permission for the erection of a purpose built two storey care home with detached garage for up to four young people with live-in carers. The application site was a lawned area within the grounds of 'The Birches', which currently accommodated children under the care of Young Options, the applicant, under the Use Classes Order which permitted a dwelling to be occupied without the need for planning permission by a person or a family or by no more than six residents living together as a household, including where care was provided. The new dwelling would be used as a replacement care home for four young people with emotional and behavioural difficulties, who had been referred by Local Authorities as it was not possible for them to be cared for by their birth families. The residents would live together as a family with permanent staff/carers sleeping over on a rota basis. Once the new care home had been built The Birches would be sold on the open market. Councillor R.G. Chaplin, Ward Member has requested that the application be considered by the Plans Board,

Four letters of objection had been received, as summarised in the report. The Council's Highway Engineer had no objections providing specified work, as set out in the report, was undertaken to ensure that the development did not adversely impact

upon highway safety. Other Council consultees had no objections and West Mercia Police had confirmed that there were no issues from their perspective.

The new building comprised a two-storey property with a half hipped roof and symmetrical and asymmetrical gable features on the front elevation. Two lounges, a kitchen/dining room, a quiet room and a staff room would be provided on the ground floor with a hall, stairs and landing leading to four en-suite young people's bedrooms and one en-suite staff room and a house bathroom. The detached garage would have a duo-pitched roof. The property had been designed in such a way that it could easily be used as a private dwelling house in the future should circumstances dictate this.

The site was within walking distance of the town centre and a bus route and was, therefore, a highly sustainable location in line with Policy CS5 of the Core Strategy. The site could accommodate a single dwelling, had adequate off-street parking, private amenity space and separation distances without adversely affecting the residential amenity of neighbouring properties or the streetscene. The scale and design of the property were suitable for the area and would respect 'The Birches' and the imposition of a condition in respect of materials would ensure the satisfactory appearance of the proposed building. It was, therefore, appropriate to the wider context and character of the area and in line with local and national policy.

The existing use of 'The Birches' was permitted development therefore, should not be considered material in determining this application. Representations made by neighbours had been noted but they did not justify the refusal of this planning application. As set out in the report, there was no evidence that the existing care facility was the cause of alleged anti-social behaviour in the locality. Therefore, there was no reason to believe that a purpose built Care Home would result in a change in the existing status quo.

Given that the proposed development was partially sited on a former railway line and that land contamination was a material planning consideration, particularly where sensitive uses such as a day nursery or housing likely to be used by families with children were involved, appropriate action, as outlined in the report, would be required, and relevant conditions imposed.

Councillor R.G. Chaplin, Ward Member, addressed the Board on behalf of the local residents. They had co-existed with the existing care home for a number of years but had concerns about this application. Wrockwardine Road was residential up to The Birches but thereafter became a narrow country lane with an entrance on to the Silkin Way and no pavements. Residents considered that it would be hazardous to authorise another property in this location particularly as the volume of traffic had increased over recent years. In addition, although the application site was large, visitors' cars had to park off-site thus blocking both adjacent driveways and Wrockwardine Road; this being increased by the use of The Birches for meetings. The existing home had a detrimental impact on the locality and caused hassle to residents, which could be exacerbated if twice as many young people were accommodated on the site if it proved not possible to sell The Birches.

Richard Jones, the Regional Head of Young Options, spoke in support of the application. He said that he had sympathy with the concerns put forward by the residents but would assure them that the organisation had a very good reputation in the care sector. He also gave an assurance that Young Options had no intentions to operate both properties as care homes, a point on which they would be happy to agree to the imposition of an appropriate restriction of use or condition to confirm this position. With regard to the parking of vehicles, he accepted the comments made by Councillor R.G. Chaplin and said that meetings were no longer being held on the site.

The Planning Officer suggested that the concerns regarding parking could be addressed by a condition restricting the use of the facility for meetings and by a Section 106 obligation being placed on any approval to ensure that The Birches was no longer used as a care facility once the new one had been built. However, the Council's Solicitor advised that he would wish to give further consideration to the feasibility of whether a residential dwelling could be restricted in this way. In view of this, the Head of Planning recommended that officers be given delegated authority to negotiate an appropriate agreement and conditions and seek the agreement of the applicant. If this agreement was not possible, the Board agreed the application be approved as it stood.

Members indicated support for the application, which would benefit young people, was acceptable subject to appropriate conditions.

**RESOLVED – that with regard to planning application W2009/0971 the Head of Planning be authorised to grant planning permission subject to the conditions as set out in the report and, provided that there was scope to do so, subject to the owner entering into an appropriate section 106 Agreement and/or the imposition of additional conditions to restrict the future use of The Birches as a care facility and to restrict the use of the proposed new care home for meetings.**

(f) W2009/1074 - Red Oak Car Park, Lawn Central, Telford Town Centre, Telford, Shropshire.

This application was for outline planning permission, with all matters reserved for subsequent approval, for:

- The erection of a new supermarket to provide a minimum 7,030 sq.m. gross internal floor area and maximum 7,950 sq.m. (Use Class A1). The floorspace to incorporate a travelator and lobby with the supermarket located entirely at ground floor.
- The erection of retail/office units to provide minimum 700 sq.m. and maximum 2,810 sq.m. within Use Classes Order Uses A1 or A2 or A3 or A4 or A5 or B1. Flexible planning permission was sought to enable the units to be used for any of the uses specified (A1 – shops; A2 – banks etc; A3 – restaurants etc; A4 – pubs and bars; B1 – offices). A further 505 sq.m. minimum and 695 sq.m. maximum was proposed as sui generis uses.

- A 24 hour Petrol Filling Station (PFS) comprising a reconfigured access to improve ingress and egress with the PFS building developed to between 505 and 695 sq.m. and incorporating a retail element up to 110 sq.m.
- Car Parking and cycle parking provision – 289 car parking spaces provided underneath the supermarket with direct link via a travelator into the sales area and reconfiguration of the remaining Red Oak Car Park to provide 245 spaces
- Highway alterations – minor alterations were proposed to enhance access/egress arrangements. Entry to the undercroft car park and PFS would be from the Hollinsgate roundabout; entry and exit from the undercroft parking/PFS/Red Oak South parking onto Grange Central to the south of the PFS; exit onto Grange Central to the south of the PFS.
- A new ground level pedestrian crossing across Grange Central would be provided to the south of the PFS.

Determination of this planning application was deferred at the 12<sup>th</sup> May 2010 meeting of the Plans Board so that further consideration could be given to an objection received from a major retail operator within the Town Centre.

The planning application covers a site of 3.329 ha and was located within the Primary Shopping Area (PSA) of Telford Town Centre with good access connection to the Box Road. The site currently comprised the car park to Asda and the Shopping Centre and was sub-divided into two parts, Red Oak Car North and Red Oak Car Park South with the PFS related to the Asda store occupying the eastern boundary facing Grange Central. The application site was not considered to be located within or adjacent to a 'sensitive area' and, therefore, there were no significant environmental constraints that impinged on the proposal.

The application was subject to a formal Environmental Impact Assessment under the Town & Country Planning (EIA) (England & Wales) Regulations 1999 and it was against the submitted maximum and minimum parameters that significant environmental effects had been assessed. The application was accompanied by an Environmental Statement and supporting information and, in response to issues raised during the consultation period, further information was requested by the Council under Regulation 19 of the Town & Country Planning (England & Wales) Environmental Impact Assessment Regulations and, on 1<sup>st</sup> April 2010, additional "environmental" information was submitted, as listed in the report. The application had been advertised in the local press and on site as an application the subject of EIA and of major significance.

A detailed Design & Access Statement accompanied the application in support of the parameters-based outline application and detailed the design principles and concepts that had been applied to the proposed development, illustrated how the project had evolved and the options considered. The indicative scheme provided a potential landmark building using existing transport routes and incorporating a travelator to an undercroft car park with the edges of the proposed supermarket incorporating mixed retail/commercial uses to achieve street frontage. Although there would be a net reduction in car parking, this would be compensated for by enhancing linkages to the Ash Grey Car Park. An urban square would be created and public realm additions would provide an attractive shopping street. The elevations of the building were proposed as a mixture of timber louvers wrapping

around the entire façade, which would be broken by green planting the elevations and the “wrap” would be enhanced with a repeating vertical polished metal column and light boxes to create a rhythm across its length. The louvers and light boxes would be increased in height at the north-east corner to screen the service yard.

Planning permission had previously been granted to Asda for the Civic Offices site and for the mixed commercial/office/retail/hotel/residential development at Southwater. There was no linkage between this proposal and these developments but it was considered that the current proposal would not affect their viability nor, in combination therewith, have any unacceptable planning implications.

The report set out in detail the consultation responses received. Asda, the principal objector to the proposal, had raised a number of concerns a summary of the exchange of letters between both parties agents was set out in the report and a summary of two further was tabled at the meeting.

The application site was allocated for Use Class A1 (Retail) on the Town Centre Inset Map and Policy TC2 of the Wrekin Local Plan stated that development of further shopping within the Town Centre boundary would only be permitted in accordance with Policies TC3, TC4, TC6 and TC14. The Plan further stated that additional shopping floor space should be developed around and integrate with the existing Telford Centre, a requirement which was met by the proposed development. Policy TC1 permitted new development and changes of use which contributed to its function as a multi-purpose sub regional centre. The Plan also promoted new retail development and improvement of access to and around the Town Centre.

The proposals accorded with Policy CS4 – Central Telford’ of the Telford Core Strategy, which identified Telford as a strategic town centre acting as a service centre for the sub-region and the Borough and met the aim of providing a vibrant mixed use development as an extension to the Shopping Centre and PSA and, in particular, helping to enhance the town centre’s role in the wider area. In addition, in line with the emerging policies of the Central Telford Action Area Plan, it supported a vibrant retail, office, commercial-mixed use development. Thus the principle of development was entirely consistent with both adopted and emerging policy against which the proposal would be assessed.

As referred to above, the application had been the subject of further ‘Environmental Information’ whereby the applicants had sought to overcome many of the initial issues raised by consultees to the original submission in December 2009. The proposals had been further refined in respect of the outstanding areas of potential conflict that had arisen during the consultation process. There was a difference of opinion between the applicants and Asda in relation to previous discussions between the two parties but the main issue for the Local Planning Authority was whether this site could deliver a supermarket for a quality operator, not necessarily Asda. In terms of the inconvenience and disturbance to the current Asda operation as building works progress, the applicants had suggested that this was a private issue between the parties and cited Government guidance that such issues should not be used as a bar to genuine regeneration proposals.

Following the objections submitted by Asda, the Council's retained retail consultants, White, Young, Green (WYG), were invited to comment on whether the proposed reduction of car parking available at Red Oak might impact unacceptably on the town centre as the principle sub-regional shopping destination for the Telford area. WYG considered that this was not a factor that would prevent the granting of planning permission for an appropriate town centre use, particularly given the availability of other town centre car parks. The proposal could bring forward up to 15,000 sq.m. of retail floorspace, which was significant given the location of the site and the relevant planning policies. CTAAP Policy CT2 (Retail) had established a need for 65,000 sq.m. gross comparison retail development to be provided within the Town Centre Core to 2016, with the majority coming forward within the PSA. There was no similar retail floorspace limit for convenience retailing and no requirement in policy terms to require a sequential analysis in this instance, given the site's location within the PSA.

Since submission of the application, a new Planning Policy Statement, PPS4 - Planning for Prosperous Economies, Policy had been issued, Policy EC10 of which required all planning applications for economic development to be assessed against a series of wider impact considerations. In line with these considerations, the proposal was within the PSA and on brownfield land which was significantly under-utilised. Therefore, it would provide significant investment and assist in the further regeneration of the Town Centre. However, Asda, had maintained that a development of considerable additional convenience floorspace might not be conducive to these wider regeneration and economic development objectives. Given Telford's sub-regional status, they maintained that, if planning permission was granted for this prime Town Centre site, it should be for comparison shopping rather than convenience. In addition, it should be part of an overall Master Plan for the Town Centre that had clear phasing arrangements and had been the subject of full consultation. WYG had been asked to comment on this specific issue and had reported that the development was consistent with CTAAP in that other uses appropriate to this area included convenience retail. They did not support the objector's contention that there were adequate policy grounds to oppose the development, including the assertions that the development was premature. In the view of officers there were other opportunities to develop and redevelop land/buildings/car parks for comparison retailing. The objector had also referred to the reduction in car parking arising from this development and its impact on the economic viability and vitality of the Town Centre and, whilst this reduction was acknowledged, their view was not supported by Highway Officers or by CTAAP.

The relevant highway and transportation issues were detailed in the report. Concerns had been expressed in relation to the seasonal capacity constraints at the Hollingsgate Roundabout but the Council's Highways Officers had no objections although they had recommended further changes at the detailed matters stage. The Red Oak Car Park was a short stay surface car park providing 722 spaces, 69 of which were for disabled users and 8 for parents with children which would be reduced to 534 spaces, with 37 spaces for disabled users and 8 for parents with children. The applicants maintained that this, together with the under-utilised Grey Ash Car Park, would provide sufficient overall car parking provision. Whilst this reduction could be of concern to Members, it had long been recognised that there was scope to reduce surface car parking provision in the Town Centre to help towards achieving wider aspirations including the creation of a wider mix of uses and

activities, a social and cultural heart and a distinctive physical townscape. The applicants intended enhancing the linkages from the Red Oak to the Ash Grey car parks via an enhanced pedestrian way linking the new/existing development to Ash Grey, helped by incorporating frontage retail/office development at ground floor level to the new supermarket.

The parameter plans submitted with the application indicated that the existing access points would be retained with minor adjustments to enhance accessibility and provide a degree of flexibility that enabled the Highway Authority to condition the access requirements in an appropriate manner. Details of the proposed arrangements were set out in the report. Highways Officers, whilst supporting the development in principle, had identified matters requiring further discussions at the Reserved Matters stage relating to the access/egress arrangement at Grange Central, the use of barrier control for the parking regime, agreement of the internal circulatory routes, no access to the PFS from Grange Central, and clarification of the service access to the small retail/office units. In addition, a car parking strategy would need to be submitted.

Although the site was well connected with the surrounding area from pedestrian and cyclist standpoints, the present pedestrian environment was affected by the speed of traffic on the Box Road and was not attractive. The Town Centre was well served by the bus terminus and coach station and there were 3 bus stops within 400 metres of the site. The proposal would provide enhanced walking/cycling facilities including a new at-grade pedestrian and cycle facility and, therefore, it was considered that the proposed development was conveniently located for alternative transport modes of travel.

The Council's 'plan-led' approach through CTAAP to mitigate for potential traffic impacts arising from strategic developments proposed within the Town Centre would necessitate Section 106 contributions for both this site and other developments that came forward. The Section 106 package offered by the applicants included contributions that, together with those from other Town Centre developments, could be used towards improvements to the M54 junction. Following assessment of the impacts of the development by Highways Officers a financial contribution of £658,675 would be necessary towards the provision of Major (highway, transport and traffic) Schemes together with a contribution of £5,000 for Travel Plan monitoring. The Council would also seek a contribution of £100,000 to commission public art on the site, or elsewhere in the Town Centre in line with Local Plan Policy, and a sum of £10,000 to monitor and enforce the Section 106 Agreement and conditions.

The report also outlined the geotechnical, land contamination, ecology, nature conservation, drainage and flood risk issues, which had been fully assessed with any impacts being adequately mitigated through the imposition of appropriate conditions.

In presenting the report the Strategic Development Manager informed the Board that there were two principle issues to which they needed to give consideration.

1. With regard to the Town Centre retail policy, CTAAP was currently at a transitional stage and carried no weight, therefore the effective document when considering the application was the Wrekin Local Plan. But whichever

document was applied, the application would be in compliance and would fulfil the Council's aspirations to promote the Town Centre as a sub-regional centre. Whilst there was opposition to the growth of comparison shopping, this did not diminish the importance of supporting convenience retail for the benefit of the local population and for which the retail evidence submitted maintained there was sufficient capacity in the Town Centre. In addition, the application was complementary to the Civic Offices site on the opposite side of the box road and would take full advantage of existing transport links. The proposed supermarket would be located within the heart of the Town Centre and PPS4 would tolerate convenience goods retail within the PSA. In addition, the wider picture would support an expanding needs forecast for Telford up to 2021.

2. Whilst this was an outline application only, a full Transport Assessment had been submitted including the improved pedestrian links with which the Highways Authority was satisfied. A number of practical issues had been raised but these could be resolved by redesigning and appropriate conditions.

With regard to car parks, the busiest were the Red Oak and the Ash Grey. Objectors had stated that the Red Oak Car Park in particular was at full capacity during the peak period of 2-3 p.m. on Saturdays. If approved, the application would result in the loss of 180 spaces, which would be less convenient for some shoppers. However, this could be met by a redistribution of parking needs within the Town Centre which, even at peak periods, had sufficient capacity overall across all seven car parks. The majority of shoppers would still be able to park on Red Oak most of the time apart from the peak 2-3 pm period and seasonal periods. The Highway Authority had no objections but had recommended conditions principally requesting approval of a Car Park Management Plan to further help to manage peak flows by interactive signage and messaging and the operation of barriers.

In conclusion, the main qualitative issue was the improved convenience food offer and consumer choice met by the application, which would raise the profile of the town and allow it to compete with other centres and out of centre areas within the Borough. As part of wider service offer, the proposed offices and evening uses would enhance the Town Centre leading to regeneration opportunities, provision of a focal point to the northern entrance, and public road improvements. The Highway Authority did not believe that there would be an unacceptable impact on the highways network and would, additionally, provide off-site benefits.

William Marsh of RPS Planning Consultants, on behalf of Asda, said that it had traded on its existing site for twenty years and had considerable experience of retailing, together with a commitment to public service in Telford in the long term. Asda was of the view that this application was premature given that it had a lease on the site up until 2014. In addition, the proposed design was not as good as the existing building, would not be commercially viable for Asda, and would not be attractive to a third party operator.

He further stated that the proposed car parking strategy did not work, as it relied upon all parking areas at the Town Centre equal convenience, and the need for

supermarket trolley bays to be available. The reliance upon the Cherry Pink Car Park was not sensible, as it was full much of the time leading to congestion. He asked the Board to take account of the fact that Asda had a lease on the Red Oak Car Park until 2014 and served 50,000 shoppers per week. The Red Oak Car Park had 600 spaces the majority of which be hoarded off during construction to the detriment of Asda. In conclusion, he said that, although Asda believed that its concerns had not been addressed by the applicant, it had no principle objection to the premise of two supermarkets at the Town Centre and welcomed the competition. If the Board granted permission after careful consideration of the application, he requested that it include conditions to re-locate the existing Asda store off-site before commencement of work on site to allow continuity of trade over the period of construction.

Julia Bunting, of Drivers Jones Deloitte, speaking on behalf of the applicant, said that this application for retail development in the Town Centre was in accordance with both national and regional policy including CTAAP. If approved, it would add vitality and secure a key anchor to the north of the PSA. A number of technical matters had been raised with the applicant, some of which had been referred to by William Marsh, and the applicant had been negotiating with Asda for nine months to resolve them, both construction and post-construction. In addition, they had spent considerable time amending the application with relevant conditions to the satisfaction of the Council officers. No objection to the application had been made by either the Highways Agency or the Highways Authority. Much work had also been done in respect of the car parking issues and what had been proposed was supported by Council officers. Despite the application being supported by policy and the resolution of all the technical issues, Asda had raised two main points. Firstly, there was a Covenant on the site preventing the implementation of development. However, she informed the Board that this was not a planning consideration, a view supported by Government guidance. Secondly was the issue of prematurity whereby Asda had no objections in principle but considered it would preclude the proper planning of the Town Centre in the future. However, the Trustees' Master Plan, as supported by Council officers, were committed to bringing this forward in phases of which this application was the first one. In conclusion, she said that there were no policy grounds on which to refuse permission. .

Members welcomed the application and the start of the refurbishment of the Town Centre. They noted the concerns voiced by William Marsh but were satisfied that the applicant had worked with officers to resolve the issues. There would be some disruption during the construction process which would need to be managed. As set out in the report, the Chairman had concerns regarding the car parking and he asked that the applicant consider these at the detailed application stage. He further asked that consideration be given to the inclusion of a pick up and drop off point, as outside Primark, which would assist employees and reduce pressure on the car parks.

The Strategic Projects Manager responded that the potential disruption to Asda had been raised with applicant through the EIA process and they had agreed to relocate the builder's compound elsewhere on the Red Oak Car Park and were willing to accept conditions in relation to the approval of a detailed logistics plan to allow orderly development with least disruption to Asda. He, therefore, recommended the

inclusion of an additional standard condition to achieve this when granting planning permission.

**RESOLVED** – that, having fully considered the Environmental Statement submitted with the application and the Statement of Conformity with the Environmental Statement, the Head of Planning be authorised to grant outline planning permission subject to the signing of a Section 106 Obligation for a financial contribution of £658,675 towards the provision of major (highway, transport and traffic) schemes, £5,000 for the monitoring of the Travel Plan, £100,000 for public art and £10,000 to monitor and enforce the section 106 Agreement/conditions, subject to the planning conditions as set out in the report and to an additional condition requiring the submission and approval by the Local Planning Authority of a Logistics Plan. The Head of Planning to be also authorised to alter the detailed wording both as to conditions and obligations, if required.

The meeting ended at 7.10 p.m.

**Chairman:** .....

**Date:** .....

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Wednesday, 6<sup>th</sup> October, 2010 at 6.00 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors N.A. Dugmore (Chairman), J.A. Francis, D.R. Chaplin, G.M. Green, F.R. Picken, C.F. Smith (substitute for Councillor H. Rhodes) and M.J. Smith

**ALSO PRESENT:** Councillor A.J. Eade (for planning applications TWC/2010/0055 and W/2006/0291, Councillor J.M. Seymour (for planning application TWC/2010/0295), Councillor E.J. Greenaway (for planning application TWC/2010/0208) and Councillor E.A. Clare (for planning application TWC/2010/0335)

#### **PB-40      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on 15<sup>th</sup> September, 2010 be confirmed and signed by the Chairman.

#### **PB-41      APOLOGY FOR ABSENCE**

Councillor H. Rhodes

#### **PB-42      DECLARATIONS OF INTEREST**

Councillor R.T. Kiernan declared a personal interest in planning application TWC/2010/0295 and stated that he would leave the room during determination thereof.

Councillor J.A. Francis declared a personal and prejudicial interest in planning application TWC/2010/0416 and stated that she would leave the room during determination thereof.

#### **PB-43      DEFERRED/WITHDRAWN APPLICATIONS**

**RESOLVED** – that planning applications TWC/2010/0208 and TWC/2010/0335 be deferred to allow for Site Visits to be made.

#### **PB-44      SITE VISITS**

**RESOLVED** – that the following Site Visits take place on Wednesday, 27<sup>th</sup> October, 2010:

3.30 p.m. - TWC/2010/0208 – Land at Cedar Close, Telford, Shropshire

4.15 p.m. – TWC/2010/0335 - Former Reservoir Opposite 4 Hillside East, Lilleshall, Shropshire

#### **PB-45      PLANNING APPLICATIONS FOR DETERMINATION**

(a)      TWC/2010/0055 - 38 Limekiln Lane, Lilleshall, Newport, Shropshire

At the meeting of the Plans Board on 15<sup>th</sup> September, 2010 Members had resolved that this application be deferred to allow a Site Visit to be made. The agent had provided an additional plan showing the existing wall/fence heights and the position of the proposed new roof over the existing garage and the applicant had provided photographs of the existing elevations and 45 degree code plan showing the effect of the proposal upon her property.

This was an application for a new pitched roof above the existing garage and previously approved rear extension, and a new pitched roof to the existing flat roof bathroom dormer window. The submitted plans also showed proposed single storey side and rear extensions under permitted development. Lilleshall, Donnington & Muxton Parish Council had requested that the application be determined by the Plans Board.

One letter of objection had been received from the nearest neighbour at No.36 Limekiln Lane, as summarised in the report. As a result of these concerns, the design of the new garage roof was altered from a gable roof to a hipped roof to lessen the impact and achieve compliance with the 45 degree code. Following consultation on the amended scheme, the occupant of 36 Limekiln Lane had submitted further objections, as set out in the report. Lilleshall, Donnington & Muxton Parish Council had objected to the application on the grounds of the loss of natural light into two rooms in 36 Limekiln Lane.

The new pitched roof above the existing flat roofed dormer window to the bathroom was considered appropriate and an enhancement which would have a positive impact on the visual quality of the dwelling. There would be no impact on the residential amenity of the neighbouring property. The applicant also intended to re-roof the original house with new tiles but the chosen roofing material colour was deemed inappropriate for the location and incongruous within the streetscene. The update report tabled at the meeting informed the Board that an alternative roof tile had been submitted, 'Marley Mendip', which was considered the most appropriate match when viewed in context and was, therefore, recommended for approval. Therefore, an Informative stating that Redland roof tiles were not approved was no longer necessary and a condition stating 'roofing materials as approved' was recommended. Two extensions, one to the north-east and one to the south-east of the property were also proposed, as set out in the report, but these did not require planning permission as they fell under Permitted Development.

With regards to the concerns raised by the neighbour at No. 36 Limekiln Lane, officers did not consider that there was any significant infringement of the 45 degree code as detailed in the report. Rights to Light was a civil matter between neighbours and independent of the planning system. Inevitably, the majority of planning applications involved balancing the rights of the applicant and the rights of any objectors and, in this case, it was considered that the "interference" was minimal and negotiations had taken place with the applicant to reduce the effect by the change to a hipped roof from a gable roof. Members were advised that, if the application was refused, the applicant could demolish the existing garage and previous extension and replace them with a longer and higher building under Permitted Development. The impact of this application was less than that under Permitted Development for

which planning permission was not required and over which the Local Planning Authority had no control.

In conclusion, it was the officer's professional opinion that the replacement pitched roofs, as amended with hipped elements, would not significantly, adversely impact upon the residential amenity of the neighbouring dwelling. The proposed development would have a beneficial impact upon the character and appearance of the dwelling and thus a positive affect upon the street scene. Accordingly, the proposal complied with both local and national policy.

Councillor A.J. Eade, Ward Member, spoke in support of the owner of 36 Limekiln Lane. He said that the application, if approved, would interfere with her light and considered that it was not justifiable in this instance.

Mrs. Turner, the owner of 36 Limekiln Lane expressed a number of concerns regarding the effect of the proposal upon her property. She considered the proposed pitched roofs would have an adverse effect on her residential amenity, would overshadow her property, reduce her outlook and could result in a detrimental impact upon the market value of her property and that more importance seemed to be given to streetscene issues..

Mr. Healey, the applicant's agent, spoke in support of the application. He said that the proposed pitched roof would be practical, aesthetic and form part of a continuous new roof over the three elements of the proposal. It would also allow the roof of the existing house to be retiled with matching tiles. In conclusion, the appearance of the property would be greatly improved and present no loss of amenity to neighbouring properties.

**RESOLVED** – that with regard to planning application TWC/2010/0055 planning permission be granted subject to the conditions as set out in the report with the removal of I Custom Informative stating that Redland roof tiles not approved and the imposition of a condition stating 'roofing materials as approved'.

(b) TWC/2010/0200 - Capewell Works, Sommerfield Road, Trench Lock, Telford, Shropshire

As Members were aware outline planning permission was granted by the Plans Board in October 2009 for residential development subject to a Section 106 agreement, which remained unchanged. This was a Reserved Matters application for approval of the layout, scale and appearance of residential development comprising 234 houses. The 9.4ha. site would comprise a mix of detached and terraced dwelling houses with a 0.75ha open space LEAP provision and a 1.45ha retained existing woodland. A single access point would serve the development off Sommerfield Road and then split into a series of interconnecting highways and cul-de-sac within the estate proper. A particularly important requirement was to protect future residents from the effects of noise emanating from the A442 Queensway and development along the northern part of the site would be pulled back and an acoustic barrier provided to secure acceptable noise limits attached as conditions to the outline permission.

Since the application was submitted it had been revised to incorporate design improvements and to secure improved noise protection along the northern boundary, resulting in a slight reduction in the total number of houses to be built. A condition placed on the outline permission had permitted a lower density, a minimum of 30 units per hectare, than would normally be required and this had generally been achieved with a mix of 3 and 4 bedroom detached and 2 bed terraced units. Members were aware that the Secretary of State had recently announced the abolition of minimum density standards

The development had been designed utilising Redrow's standard house types comprising two-storey arts and crafts designs of a mix of brick and render elevations with tiled roofs. The development included provision of a Local Equipped Area of Play at its centre and, under the outline permission and Section 106 Obligation, it was intended that this be provided in accordance with Council specifications and adopted by the Council under a management arrangement and payment of a commuted sum. Whilst no affordable housing was currently proposed, in line with the agreement secured under the outline permission, should the development not proceed at a reasonable pace, the Section 106 provided for this to be revisited.

The site was heavily contaminated from previous uses which would require considerable remediation. There were drainage issues due to the maze of pipes and chambers beneath the site for the abstraction of mine water and to feed Middle Pool, including a serpentine chamber that removed iron ochre from the water. The design achieved sustainable attenuation of surface water run-off and provided proposals for the treatment of former mine-water via the restoration of the Serpentine. The developer had held discussions with the Authority with regard to possible future maintenance which would be dealt with outside the planning process but would involve commuted payments.

Oakengates Town Council had expressed major concerns regarding the lack of community facilities for a development of this scale and British Waterways had raised concerns relating primarily to the drainage of the site. Following discussions between the Council, British Waterways and Entec (the applicant's planning consultants) agreement had been reached as to how the water flows would be diverted to fit the development scheme and that an appropriate commuted sum be agreed before commencement on site. If an independent management company was to be utilised, relevant details would be required. Members noted that the outline permission had been the subject of 32 individual and mostly highly technical planning conditions that constrained the technical solutions available for dealing with surface water, including mine waters, highway and land contamination. These conditions remained to be satisfied through pre-commencement and restrictive conditions. Similarly, the Section 106 Agreement set out the nature and level of planning and community benefits that would be accrued.

The development in terms of design and treatment of open spaces was acceptable and the layout provided a medium to low density with above average off-street parking. By achieving a reasonable mix of house types it was hoped that this would help to meet the needs of the local community. The layout incorporated "Home Zone" elements but, due to the suburban nature of the development, it had not been possible to fully satisfy the Manual for Streets. This encouraged a flexible approach to estate developments with roads and dwellings, etc being thought of as cohesive

elements in order to achieve a more permeable layout, where loops were preferred to culs-de- sac, and road design would limit traffic to 20 mph speeds by the use of shared surfaces, traffic calming devices and “gateway” features.

Councillor C.F. Smith welcomed the proposal but stressed the ecological importance of the English crayfish found on the site. Councillor F.R. Picken commented on the lack of affordable housing within the proposal but the Head of Planning responded that this would be a difficult site to reclaim and the planning process had had to take account of the financial stability of the developer when approving the outline planning application.

**RESOLVED** – that with regard to planning application TWC/2010/0200 reserved matters approval be granted subject to the conditions/informatives as set out in the report.

(c) TWC/2010/0208 - Land at, Cedar Close, Telford, Shropshire

**RESOLVED** – that determination of planning application TWC/2010/0208 be deferred to allow a Site Visit to be made.

(Councillor R.T. Kiernan left the room during determination of the following application in line with his declaration of interest.)

(d) TWC/2010/0295 - The Piggeries, Rodington, Shropshire

At the meeting of the Plans Board on 15<sup>th</sup> September, 2010 the Members had resolved that determination of this application be deferred to allow a Site Visit to be made. The officer’s report included within the agenda for that meeting had made reference to a protect species survey which had been included in a previous submission but which had not been formally registered as it was incomplete. A copy of this had been subsequently been provided on behalf of the applicant to address Refusal Reason 4 of the report. This was reviewed by the Council’s Environmental Planner but, given the survey had been carried out more than two years previously and the recommendation within the survey required a further survey should works not be carried out within a twelve month period, officers considered that this information was insufficient to overcome the refusal reason and, therefore, the development would still be contrary to national guidance in PPS9.

Officers wished to clarify the Council’s position in respect of Rodington Parish Council’s comments on the previous planning refusal. As outlined in the report to this meeting, the development would be contrary to planning policies in the Core Strategy and the Wrekin Local Plan. There needed to be exceptional reasons for new residential development to be permitted outside the key suitable settlements, but, as officers considered that there were no material considerations or exceptional reasons to outweigh planning policies, the proposal was recommended for refusal.

In Rodington Parish Council’s correspondence to the Planning Inspector reference was made to other developments that had been permitted in the rural area and which had been allowed at appeal, namely Tern Farm. However, officers and the Inspector considered that these developments were totally different in quality and

character to The Piggeries buildings and officers considered that the appeal decision at Tern Farm could not be held as setting any precedent for approval of the ordinary buildings the subject of this application.

The application sought full planning permission for the conversion of the original barn into a single storey one-bedroom dwelling. The existing modern extension to the building would be demolished and replaced by a front garden area and the property would be accessed by the existing shared driveway, with car parking to the west and a large rear garden to the east. Councillor J.M. Seymour, Ward Member, had requested that the application be determined by the Plans Board.

The proposal was a reduced scheme from the development (W2008/0167) that was dismissed at appeal, with the more intact linear element to the east, the subject of this application, with the workshop and modern extensions being removed. The Planning Inspector had considered the proposal was contrary to Policy H18 of the Wrekin Local Plan.

The application site comprised an existing dilapidated barn, with modern extensions, the remaining elements of the original building not being considered to be of architectural or historic significance. The site was located on the edge of Rodington, with residential properties and the Grade II listed St George's Church to the south, and open countryside to the north and east. Rodington was characterised by 'ribbon development' formed along four lanes, which met in the centre of the settlement, and was predominantly residential with limited local facilities including the adjacent church and The Bulls Head public house.

The Council's Conservation Officer had noted the Planning Inspector's comments on the apparent condition of the eastern wing of the building in the appeal decision but did not accept that the building was of such architectural or historic merit to warrant saving the building through conversion if existing policies could not support the development. However, she also stated that, if other planning policies accepted the reasonable conversion of the more intact range, she would have no objection to the revised proposals as submitted subject to conditions on materials, mortar and pointing, fenestration, etc.

The Council's Environmental Planner had objected to the proposal and stated that a protected species survey was required to determine whether they were present in the building and what would be the impact upon them of the development. The results of such a survey would inform the planning decision and was required prior to determination of the application.

With regard to national guidance contained in PPS1, PPS3, PPS4 and PPS7, new development should be located in or on the edge of existing settlements and service areas where housing, employment, services and other facilities were provided close together in order to create sustainable communities. Core Strategy Policy CS1 required the spatial distribution of new homes to be consistent with the Spatial Development Strategy, whereby housing needs in the rural area would be met by approximately 170 new dwellings over the period from 2006 – 2016, a threshold that had been met dwellings already built or having received planning permission.

Policy CS7 stated that development within the rural area should be limited to meet the needs of the area and be focussed on the three key settlements of High Ercall, Tibberton and Waters Upton with development outside these settlements being limited and within the open countryside being strictly controlled. Rodington was not one of the key settlements and, whilst it was listed as one of the thirteen suitable settlements in Policy H9 of the Wrekin Local Plan, this had been superseded by Policy CS7 in the Core Strategy. Therefore, any new residential development in Rodington would be limited to agricultural, forestry or other occupational dwellings or affordable housing, having regard to national policy guidance and the proposal had not been identified as any of these exceptions.

Policy H18 of the Wrekin Local Plan asserted that the conversion of non-residential buildings to residential use in the rural area would be strictly controlled. Where the proposal was outside the three suitable settlements in the rural area, the conversion of non-residential buildings would only be permitted if the criteria set out in the report were met. The current application failed to demonstrate marketing of the buildings to ascertain whether there could be any alternative uses for the building. Rodington was no longer designated as a suitable settlement and the buildings were not deemed to be of sufficient architectural or historic merit to justify conversion to ensure the long term retention of the building. In addition, the applicants had not claimed that the dwelling was for any essential agricultural or forestry need. It was, therefore, considered that the proposal failed to demonstrate any exceptional planning circumstances for the conversion of the building to a dwelling, and was, accordingly, contrary to policy H18.

Officers noted that the current proposal represented a more sympathetic conversion of the building than the previous application and that, in the Design & Access Statement, the applicant had taken account of the Planning Inspector's comments regarding the previous scheme.

Rodington Parish Council's comments in support of the proposal had been noted with regard to the eyesore created by the partly constructed extension to the current building and to the provision of affordable housing. However, the existing building was located on the edge of Rodington and did not appear prominent in the area, the proposed conversion would not have a significant impact in terms of enhancing the character of the settlement. Moreover, officers were of the opinion that, whilst the proposed development would create a modest one-bedroomed dwelling, the application and supporting information did not specify that the development would be an affordable property.

Councillor J.M. Seymour, Ward Member, spoke in support of the application. She said that the proposal to replace this derelict building would please local residents, enhance the area around the Listed Church and be in accordance with the wishes of Rodington Parish Council. She considered that, as the Regional Spatial Strategies had been abolished, building in the rural area should be determined at a local level, superseding policies maintained in the Core Strategy.

Councillor D. Johnson of Rodington Parish Council, spoke in support of the application and stressed the need for housing to be provided in Rodington for local residents.

Councillor C.F. Smith said that the conversion of building in such a poor condition would be beneficial to the surrounding area. He accepted that Planning Officers had to work within the policy framework but there were circumstances when the Members were justified in taking a different view. Whilst he supported the application, he asked that permitted development rights be removed from the building to prevent any further development taking place on the site.

The Head of Planning added that the Core Strategy had been approved some years previously under the then prevailing planning regulations with the aim of protecting the rural area. With regard to the number of houses within the rural area, this was set by the Planning Inspector and the Council was required to follow it. He advised the Board that they could decide to depart from policy if they believed that the circumstances were appropriate and the merits of the application justified. Approval of this application would not set a precedent for other applications. Given the site's location close to a Listed building, the removal of an unsightly building, and the significant benefit to the local community it would be reasonable to depart from policy in this instance.

**RESOLVED – that with regard to planning application TWC/2010/0295 the Head of Planning be authorised to grant planning permission subject to the imposition of appropriate conditions including submission of an updated ecological survey and the removal of Permitted Development Rights on the site.**

**Reasons for Approval:**

**The existing barn was in a state of dereliction and there was strong local support for it to be converted into a residential dwelling to the benefit of the surrounding area including the adjacent Listed Church. In addition, adjacent properties overlooked the existing barn, therefore its conversion into a residential dwelling would have positive impact on the adjacent residential amenities.**

(Councillor R.T. Kiernan returned to the meeting for determination of the remaining applications)

- (e) TWC/2010/0335 - Former Reservoir Opposite 4 Hillside East, Lilleshall, Shropshire

**RESOLVED – that determination of planning application TWC/2010/0335 be deferred to allow a Site visit to be made.**

- (f) TWC/2010/0338 - Land off, Osbaston Road, Rowton, Telford, Shropshire,

This application sought planning permission for the erection of an agricultural building measuring 36.6 metres in length and 12.2 metres in width with an eaves height of 4.6m and 6.4m to ridge. The plans indicated that half the building would provide cattle housing and half storage, with open sides to the cattle housing and the straw barn and store being enclosed. It would be constructed in precast concrete panels, box profile metal sheeting with a roof constructed in anthracite grey cement fibre sheeting and located on the western tree-lined boundary of the site utilising the existing access point into the field. The site was existing agricultural land currently

used for grazing cattle and the storage of agricultural machinery and was bounded by hedgerows and well-screened from the highway. Councillor Stephen Bentley, Ward Member, and Ercall Magna Parish Council had both requested that the application be determined by the Plans Board.

Ercall Magna Parish Council had objected to the proposal on the grounds that the site was very small with the proposed large building being located close to the highway and in a flood plain area. Councillor Bentley considered that the scale of the building was inappropriate.

The Council's Highways Engineer had no objection in principle to the proposal but had requested a condition relating to the resurfacing of the existing access and had advised the inclusion of the standard highways informative regarding work on an adopted highway.

Additional information had been submitted to clarify the site area on the plans and to justify the proposal in light of initial local objections. The building was required to provide shelter during the winter months for suckler cows and their offspring and to provide additional storage for animal feed and existing farm machinery which was currently sited in the field and kept outdoors all year round. The applicant particularly wished to provide shelter for the cattle during inclement weather and the scale of the building had been dictated by the size of the herd and requirements for minimum space allowances together with providing a storage facility. The applicants considered that the building would improve the welfare of the animals, the efficiency of the farm and the visual appearance through its design and materials. It was not envisaged that the proposal would increase traffic movements.

With regard to the national and local planning policies, officers considered that, whilst the building was a relatively large structure and there was limited development in the vicinity, it was acceptable in terms of the scale, design and materials in the context of the existing site and character and appearance of the rural area and surrounding agricultural land. The development would be sufficiently screened from the highway by the existing trees and hedgerows, and its position close to the tree line and the proposed form and materials would help to soften its visual impact in the open countryside.

The update sheet tabled at the meeting informed the Board that, following reconsultation on the amended plans and additional information, Ercall Magna Parish Council had now confirmed its support the application, subject to there being no local objections. One neighbour letter of objection had been received, as summarised in the report. Officers had noted the comments and, whilst it was acknowledged that the building was substantial, it was considered that the development would not be overly prominent beyond the site boundaries by reason of the existing screening and design and materials of the building. With regard to the comment that the development would set a precedent for agricultural residential occupancy on site, Members were informed that any future application for such a dwelling would require a clear assessment of the need for such a property and be considered on its merits. The development was an agricultural building located on existing agricultural land and officers considered the proposal to be in keeping with the character of the rural area. It was located approximately 100m. from the nearest residential properties and, therefore, would not have a detrimental impact on their

residential amenity. Following submission of details regarding the soakaway, the Council's Drainage Engineer had confirmed this information was sufficient and that one of the pre-commencement conditions had been resolved. Therefore the conditions had been revised and the planning permission was no longer subject to a condition regarding details of the soakaway.

Mr. Richards, the applicant's agent, spoke in support of the application outlining the need for the development.

Councillor C.F. Smith supported the application, which would provide an agricultural building in an agricultural setting and encourage development in the rural area. Not only was the barn needed for the herd but would provide much needed security for valuable farm machinery.

**RESOLVED – that with regard to planning application TWC/2010/0338 planning permission be granted subject to the conditions as set out in the report with the removal of the condition requiring the provision of details of the soakaway.**

(g) TWC/2010/0397 - 4 New Street, Dawley, Telford, Shropshire

This application, submitted by Telford & Wrekin Council on behalf of the Dawley Regeneration Partnership, sought planning permission for the change of use of the existing vacant office unit (Use class A2) to internet cafe, meeting and training space, office, sales area, information point and display area (mixed use) proposed as 'The Dawley Hub'. This use was proposed for a period of approximately two years until an alternative location became available. This project was in receipt of funding from the Borough Towns Initiative.

The application site was an existing two-storey brick and tile detached building with a single storey rear element. It abutted the highway and was painted white with a narrow single door entrance located on the projecting gable and large windows to the frontage at ground floor. A gated side access led to the rear amenity space which was bounded by timber fencing approximately 1.2m to 2m in height. Work had commenced to renovate and redecorate the premises with the doors being widened to improve disabled access and toilets and kitchen facilities had been provided.

The site, which was owned by Telford & Wrekin Council, would bring a vacant unit in Dawley Centre back into use and provide a centre for communication bringing community engagement and potential economic benefits to the town through the involvement of TCAT and Shropshire Chamber of Commerce. In addition, it would improve business links to Dawley and meet sustainability principles in social, economic and environmental terms.

The proposed works to the property were considered acceptable in terms of the design and materials, were in keeping with the character and appearance of the existing building and context of the area. The building was located in a highly accessible position within Dawley District Centre, close to the bus terminus and public car park and the proposal would support the regeneration of Dawley and help to strengthen its role and the services it provided.

**RESOLVED** – that with regard to planning application TWC/2010/0397 planning permission be granted subject to the conditions as set out in the report.

(h) TWC/2010/0409 - PSG, 30 Alexandra Road, Wellington, Telford, Shropshire

This application sought planning permission for the change of use of half of the existing vacant retail unit (use class A1) to a Martial Arts Centre (use class D2). The building, which was set back from the highway and at a slightly lower level to Haygate Road, was bounded by 1 metre high metal railings and there were a number of established trees on the boundary of the site.

Wellington Town Council had objected to the proposal on the grounds of inappropriate use in a largely residential area, possible long opening hours causing disturbance to residents, and lack of parking facilities. In addition, letters had been received from 5 neighbours raising a number of concerns, as summarised in the report. Following the submission of further information regarding the proposed activities, users of the Centre, employees, and opening hours, the Local Planning Authority had reconsulted the statutory consultees and local residents.

In addition to becoming a Martial Arts Centre, the unit would operate as a health centre providing circuit training, skipping, holistic healing and Indian head massage, with the opportunity to educate people about Chinese Culture. The applicant worked closely with Telford & Wrekin Council and the Telford Chinese School to provide facilities for a variety of age groups, ethnicities, able-bodied and disabled people and disadvantaged families. Funding for the facility had been partly provided by Hollinswood & Randlay Parish Council and BME Medical at Sutton Hill Community Centre.

The applicant was the only full time employee but there would be a number of volunteers to help with the classes together with 3 staff paid by Shropshire Council's 'Future Jobs Fund' working for 6 months to gain a qualification. The additional information submitted suggested that there would be approximately 10 volunteers in total although they would not all be working at the Centre at the same time.

The proposed hours of operation were 8 a.m. to 10 p.m. Monday to Saturday with the possibility of the Telford Chinese School or other clubs using the facility on Sundays. While, the applicant stated that the facility might only be in use in the evenings and was dependent on demand, if successful, classes for adults with disabilities and the elderly would be held during the day, together with After School Clubs and some evening classes until approximately 9 p.m.

The comments made by Wellington Town Council and neighbours had been noted but the Council's Highways Engineer had raised no objections to the proposal as it would not alter the existing access or reduce the car parking facilities. In addition, the site was a highly accessible location close to the District Centre and associated public transport, public car parks, and within walking distance of a bus route with a regular service. Haygate Road had a mix of residential and commercial uses and, whilst it was noted that this was a sensitive location close to established housing, it was considered that the proposed use would have no further adverse impact on adjoining residential amenity than the existing retail use which had no controlled hours of operation, in terms of vehicle movements, noise and disturbance. However,

given the site's location closer to residential properties than the adjacent public house, officers considered that the proposed hours of use should be restricted to 8 a.m. to 9 p.m. Monday to Friday, 9 a.m. to 6 p.m. on Saturdays and 10 a.m. to 4 p.m. on Sundays and Bank Holidays.

Mr. John Toll spoke on behalf of local residents and detailed their objections to the application in terms of increased traffic, parking and noise. He accepted the premise of the application but considered that this was not an appropriate location for such a facility. Councillor Rosemary Chaplin, Ward Member, reiterated these views in a written statement read to the Board. She urged the Board to recognise the serious implications of the application and to reject it on the grounds of inadequate parking facilities for the nature of the business and its adverse effect on the residential area.

Several Members voiced the opinion that this facility was not appropriate for the location but Councillor David Chaplin reminded them this was a mixed residential/commercial area and the property had been used commercially for many years. Councillor N.A. Dugmore supported the application but said that, with regard to the opening hours, 9.00 a.m. would be preferable to 8.00 a.m. thus avoiding peak hours of traffic movements.

The Head of Planning advised that the Highways Engineer had no objections to the proposal and that refusal on such grounds could not be justified.

**RESOLVED** – that with regard to planning application TWC/2010/0409 planning permission be granted subject to the conditions as set out in the report and to the hours of Monday to Friday being amended to 9 a.m to 9 p.m. Monday to Friday.

(Councillor J.A. Francis left the room during determination of the following application in line with her declaration of interest).

(i) TWC/2010/0416 - School House, School Lane, Ketley, Telford, Shropshire

This planning application related to the change of use of a 76 sq.m. triangular piece of open space to private garden land and the erection of a new boundary fence at the rear of the property. The application site, which lay within the curtilage of the now demolished Good Companions Hall was owned by Telford & Wrekin Council but had been leased to Ketley Parish Council in recent years.

The site was shown as 'white land' on the Wrekin Local Plan and was not within an area designated as a Wildlife Site, Local Nature Reserve, or Site of Special Scientific Interest. Although, until 5 years ago the land had been used as a nature area, it was now neglected and very overgrown. The applicant's present rear garden was very small and incorporating the proposed triangle of land would give the property a large and more usable garden. The applicant wished to make the site into a wild garden to attract birds and insects and hoped that the proposed fence would improve the security of the property.

The Council's Property & Design Section had confirmed that there were currently no plans for any residential development on the larger site. However, approval of this application would not prevent the future development of the remainder of the site.

It was, therefore, considered that this change of use was acceptable and would not have a detrimental impact on the character and appearance of the surrounding area and would not adversely affect the residential amenities of the adjacent dwelling.

**RESOLVED** – that with regard to planning application TWC/2010/0416 be approved subject to the conditions as set out in the report.

(Councillor J.A. Francis returned to the room for the determination of the remaining applications.)

- (j) TWC/2010/0427 - Newport Swimming Pool, Victoria Park, Newport, Shropshire

This planning application by Telford & Wrekin Council sought approval for the replacement of the existing pitched roof and extension of the roof line to enclose new plant equipment.

As part of the necessary maintenance of the building it was proposed to remove the existing roof coverings and replace the existing profiled metal sheets with new ones that contained a greater thickness of insulation. The new profiled metal sheets would match as closely as possible the existing profiles. In addition, it was proposed to extend the roof line to cover over the flat roof that contained the existing plant.

The new roof would improve the appearance and insulation of this functional building and the extended roofline would enclose the existing unsightly plant on the side of the building. In conclusion, it was considered that the proposed works would greatly enhance the appearance of the swimming pool and make it more aesthetically pleasing for the residents of the dwellings in the immediate vicinity of the site.

**RESOLVED** – that with regard to planning application TWC/2010/0427 planning permission be granted subject to the conditions as set out in the report.

- (k) W2006/0291 - Land off, Peregrine Way, Leegomery, Telford, Shropshire

At its meeting in September, 2008 the Plans Board granted outline planning permission for residential development subject to a Section 106 agreement. Subsequent to that approval negotiations had taken place with the Ward Member, local residents including the Local Residents Group APA, and the Homes & Communities Agency (HCA) as land owner with regard to the level of residential development on the site.

This consent included supporting documentation for 180-200 dwellings on the site but the Plans Board had recognised that up to 150 dwellings could be accommodated and it was upon that basis that the Section 106 Agreement contributions had been negotiated and agreed. The negotiations had led to an agreement for a maximum of 100 dwellings, which was a significant reduction from that set out in the approved documentation.

The original consent had not prescribed the number of dwellings that had been approved, therefore, no alterations to the planning permission were required.

However, since the alteration to limit the number of dwellings to a maximum of 100 had been at the request of the Council, the HCA had formally requested a variation to some of the terms within the Section 106 Agreement to reflect this change.

The variation was to reduce the affordable housing provision from no less than 3% to no less than 20%, all other terms regarding the mix and type remaining unaltered. The Council's Strategic Housing Officer had raised no objections to this variation.

The Highways contributions for the upgrade/widening of the Leegomery roundabout were to be reduced from £50,000 to £35,000 and the sum for upgrading the local bus service reduced from £120,000 to £100,000. The Council's Highways Engineer had been involved in the negotiations and raised no objection to the variations. All other contributions remained unaltered, as detailed in the report.

The reduction in the total number of dwellings was acceptable in planning policy terms, following amendments to PPS3 which had omitted the density level requirements, and subsequent reserved matters applications could ensure an adequate design and layout was achieved. In addition, due the significant reduction in the numbers of dwellings on the site, officers considered that the reduced Section 106 contributions were adequate to address and mitigate the level of impact of the development.

At the discretion of the Chairman, Councillor A.J. Eade was permitted to speak in support of the application. He welcomed the reduction in the number of units which had been achieved following negotiations between the developer, the Homes & Communities Agency and local residents. This was an edge of town location and the reduced density would more realistic in that context. Whilst the Section 106 contributions had been reduced, they were still sufficient to provide the required infrastructure.

Members accepted the reduction in the number of units but asked that the element of affordable housing be no less than 20%. The Council's Solicitor advised them the Agreement was currently being drafted and she assured them that it included a provision for 20% affordable housing.

**RESOLVED** – that with regard to planning application W2006/0291 the alteration to the provisions of the Section 106 Agreement through a deed of variation to change the contributions to £35,000 for the widening of Leegomery roundabout, £100,000 for improvements to the local bus service and no less than 20% affordable housing provision be approved.

The meeting ended at 7.40 p.m.

**Chairman:** .....

**Date:** .....

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Wednesday, 27<sup>th</sup> October, 2010 at 6.00 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors N.A. Dugmore (Chairman), J.A. Francis, D.R. Chaplin, G.M. Green, R.T. Kiernan, F.R. Picken, H. Rhodes and M.J. Smith

**ALSO PRESENT:** Councillors A.J. Eade (for planning application TWC/2010/0335), E.J. Greenaway (for planning application TWC/2010/0208) and I.T.W. Fletcher & J.C. Minor (for planning application TWC/2010/0459)

#### **PB-45      MINUTES**

**RESOLVED** – that the minutes of the Plans Board held on the 6<sup>th</sup> October, 2010 be confirmed and signed by the Chairman.

#### **PB-46      APOLOGIES FOR ABSENCE**

None.

#### **PB-47      DECLARATIONS OF INTEREST**

None

#### **PB-48      DEFERRED/WITHDRAWN APPLICATIONS**

**RESOLVED** – that planning applications TWC/2010/0305 and TWC/2010/0420 be deferred to allow Site Visits to be made.

#### **PB-49      SITE VISITS**

**RESOLVED** – that the following Site Visits take place on Wednesday, 17<sup>th</sup> November, 2011:

TWC/2010/0420 - Sytch Lane, Waters Upton, Shropshire (3.15pm on site)  
TWC/2010/0305 – 109, 110 Parkdale, Hadley, Telford, Shropshire (3.45pm)

#### **PB-50      PLANNING APPLICATIONS FOR DETERMINATION**

(a) TWC/2010/0208 - Land at, Cedar Close, Telford, Shropshire

This application was for the erection of a two storey building comprising two 2-bedroom flats to be situated near to the top of the site with its frontage facing down the towards Oak Road. Determination of the application had been deferred at the previous meeting of the Board to allow Members to make a Site visit.

Councillor Jayne Greenaway, Ward Member, had objected to the application and 3 letters of objection had been received, as summarised in the report. In addition, a

petition objecting to the development on the grounds of the loss of open space had been signed by 267 people. The Sure Start Centre had objected to the application on the grounds that the new building would encroach on its playground area and block the designated fire exit gate. Lawley & Overdale Parish Council believed that the area was already overbuilt and that this additional build would remove the only remaining green space and would increase the volume of traffic using the access roads.

The Council's Highways Engineer had no objections, subject to conditions relating to the provision of the requisite visibility splays and the parking area being surfaced in a bound material. With regard to recreation facilities, the Council's Outdoor Recreation Officer had requested a financial contribution of £5,000 to upgrade the recreational facilities in Rock Road, which the applicant had agreed to pay.

This site was shown as 'white land' on the Wrekin Local Plan, where residential development was acceptable in principle, and lay in the centre of a predominantly residential area. It was considered to be large enough to accommodate the proposed property, which would be very similar in size, design, and use of external materials as that currently being constructed on an adjoining site.

Although the proposed property would be situated at the bottom of the gardens of existing houses in Cedar Close, it would be set at 90 degrees to them and the side elevation would be a gable end. All the windows of habitable rooms, such as a bedroom, kitchen, and lounge, would be either at the front or rear of the property and face either down to Oak Road or up to the current housing development, apart from four windows which were all to non-habitable rooms. The only first floor windows on the side elevations were a landing window that faced existing houses to the west and a bathroom window that faced the Sure Start Centre to the east. The landing window was 12m from the rear elevation of the nearest house and the bathroom window would be obscure glazed. Therefore, it was considered that there would be no significant loss of privacy to adjoining properties and no appreciable loss of light.

In response to the concerns expressed by the Sure Start Centre, the applicant had agreed to relocate the emergency fire exit gate to the front of the Centre's site and that it be installed and available for use before any development commenced on site.

The boundary fencing down the side of the footpath would be no higher than 1.2m, which would ensure that the footpath did not feel unsafe or oppressive for users and did not prejudice public safety. The design and appearance of the property would relate positively to its context and respect the adjacent dwellings in the immediate area. Furthermore, the development would not be detrimental to the character and appearance of the site or the surrounding area. The proposed dwellings would not be harmful to the residential amenities presently enjoyed by the occupants of adjoining and existing development by virtue of any undue overlooking, loss of light, or any overbearing effect.

Councillor Blackburn of Lawley & Overdale Parish Council spoke against the application. He said the proposal increased building density in the area, reduced parking spaces increased traffic congestion and posed an increased fire risk to adjacent dwellings.

Councillor E.J.Greenaway, Ward Member, spoke against the application. She commented that the proposal severely reduced the open space in the area used by local children and parents as an informal safe play area. She also commented upon the effect upon the emergency evacuation of the adjacent Sure Start building.

Mr Thomas, representing the local residents, spoke against the application. He commented that a petition signed by 267 local people had been submitted in objection to the proposal. He stated concerns about loss of an important open space used by the community, the emergency egress of the Sure Start building, overdevelopment, traffic congestion, drainage, and pollution.

Members **expressed** concerns about the loss of the open space, and the effect of the proposal on the emergency egress from the adjacent building.

It was unanimously,

**RESOLVED** – that with regard to planning application TWC/2010/0208, planning permission be refused for reasons of overdevelopment of the area, loss of open green space, adverse impact upon the amenity of the local area, and creation of an undesirable alley way configuration.

(b) TWC/2010/0305 - 109, 110 Parkdale, Hadley, Telford, Shropshire

**RESOLVED** – that determination of planning application TWC/2010/0305 be deferred until the meeting of the Plans Board on 17<sup>th</sup> November, 2010 to allow Members to make a Site Visit.

(c) TWC/2010/0335 Former Reservoir Opposite, 4 Hillside East, Lilleshall, Shropshire

This application sought planning permission for a change of use from a former Severn Trent Water reservoir to a garage/store for use by the applicant to store various plant and equipment in his ownership. He proposed to convert the structure to a garage/store by means of an entrance in the form of side hung timber ledge and braced double doors cut into the south-east concrete face facing the road together with replacement steel hooped fencing along the top of the south-east edge and a Polyroof Green Roof. The newly created store/garage would enable the majority of vehicles belonging to the applicant to be parked off-road. The former reservoir, which was roughly rectangular in shape and built into the east side of Lilleshall Hill, had concrete walls which had been filled in with inert rubble material. The top of the structure was rough ground with mainly scrub vegetation and there was a section of metal chain link fencing along the south-east edge of the top wall.

Councillor A.J. Eade, the Ward Member, had requested that the application be determined by the Plans Board. Determination of the application had been deferred at the previous meeting of the Board to allow Members to make a Site visit. Representations had been received from three neighbouring properties and from Lilleshall & Donnington Parish Council, as summarised in the report. In response to the officer's report prepared for the Plans Board meeting of 6<sup>th</sup> October, 2010 the

applicant had provided additional information, as summarised in the report. The applicant believed that this conversion would be of benefit to the residents as it would enable him to tidy up the existing building site of his house. This work was nearing completion and the remaining work would be carried out as soon as possible.

It was considered that a scheme to utilise an existing redundant structure as a storage building was a sustainable use of a brownfield site. In addition, the alterations to the face of the structure from the current large slab of concrete to side hung timber garage doors with small brickwork pillars and a tiled canopy with materials to match the new garage and new dwelling opposite was appropriate and would not detract from the character and appearance of the area. This elevation could not be viewed from the hilltop any views from the top of the hill onto the roof of the structure would be of the new "green roof" and, therefore, would not appear significantly different from the rough land, gorse and other self-set trees and shrubs. There would be very little discernable difference visible as the proposal was effectively re-using an existing structure and not erecting a new one and the external changes to the structure were essentially cosmetic. In addition, suitable planting to both sides of the doors and the 'living' roof above would compliment the general view of the hill area. Members noted that the applicant could remove all of the existing vegetation from the reservoir without the need for planning permission from the Local Planning Authority.

In addition to providing storage for vehicles and machinery belonging to the applicant, the proposal would enable materials being used as part of the applicant's new build house to be removed from their present location and stored out of sight thus improving the visual amenity of the area and alleviating complaints from residents about the untidiness of the site.

Highway issues raised by neighbours had been noted but the Council's Highway Engineer supported the application as it would enable vehicles to be parked off-road. However, it was noted that the road was unadopted and therefore the Highway Authority had no jurisdiction over its use. Furthermore, the Highway Engineer was not in a position to object to any traffic movements during the removal of the infill rubble as this did not require planning permission. Nevertheless, a condition could be imposed to restrict the time in which vehicle movements in respect of the removal of rubble and construction could undertaken in order to protect residential amenity during the most noise sensitive hours.

The Council's Ecologist had previously advised that the building lies within Lilleshall Hill Wildlife Site; however the development would not have any significant effect on the Wildlife Site. The Officer recommended that the species chosen for the green roof need to be appropriate to the setting, i.e. they need to be of the same species composition as those found in the wildlife site. Following discussions with the LPA the applicant had confirmed that his intention was to now allow the roof to regenerate naturally. Moreover, if planning permission was granted the three self set Gorse bushes which would be affected by development would be removed as soon as possible (outside the nesting/breeding season). Members were respectfully advised that this did not actually require planning permission. Nevertheless, it was

considered that there would be no adverse impact upon the ecology or visual amenity of the area.

Accordingly, the proposal was considered acceptable and would result in a positive impact upon the character and appearance of the area with no significant or long lasting detrimental impact upon the residential amenity of the neighbouring properties. The re-use of a redundant structure was a sustainable use of a brownfield site and would provide additional storage facilities whilst presenting an opportunity to enhance the biodiversity of the area. Therefore, the proposed development was considered compliant with both local and national policy.

However, Councillor A.J.Eade, Ward Member spoke against the application. He stated that the proposed development was not consistent with domestic use, the scale & proportion was inappropriate, the perpetual commercial usage was unacceptable, the proposal was against policy PPS1 and the important ecological site in the local community needed to be protected.

Councillor E.A.Clare, spoke on behalf of the applicant. She commented that this was a straightforward application resulting in putting garage doors on the front of the existing structure and that there was no commercial activity on the site. However, for the applicants domestic building project he was using reclaimed materials. If at any future date the activity strayed into the commercial realm then that could be addressed by the Council using Planning Enforcement powers that were available.

During the debate, Members expressed some concern regarding the intensive use of the site to store and move various materials, and the adverse effect of the proposal upon the local landscape. The proposals were seen as beyond the normal requirements for development in the area.

The Head of Planning asked the Board to consider whether the proposals were appropriate to domestic enforcement, **whether they had** an adverse visual impact, were they consistent with residential use etc. Those matters were for Members consideration.

After an equality of votes, 4 for and 4 against, the Chairman used his casting vote and it was

**RESOLVED – that that with regard to planning application TWC/2010/0335, planning permission be refused for the following reasons; Inappropriate development for a residential area ,loss of trees , not consistent with domestic setting /use , infrastructure not conducive to moving large quantities of material , and an adverse impact upon the locality and environment .**

(d) TWC/2010/0377 - St Lukes Roman Catholic Primary, Church Road, Trench, Telford, Shropshire

This application by Telford & Wrekin Council related to the erection of 1.2m - 3.0m high mesh ball stop fencing around the football pitch on the school field and the formation of a new grass reinforced footpath linking Pinewood Avenue to the football

pitch. The proposal also included new goal posts, a 3.5m wide double gate for maintenance access and a wheelchair accessible Kissing Gate.

The overall site was approximately 100m x 95m and comprised a grassed open space with a football pitch marked out towards the northern half with the application site being approximately 50m x 90m, located to the south of the school building and screened by substantial and well established hedging. There was an existing 2.4m high security fencing along this boundary which continued around the school complex. The land on which the fencing, path etc. was proposed belonged to the school with the other half, adjacent the rear gardens of properties in Richmond Avenue, belonging to the Council.

One letter of objection had been received, as summarised in the report. Additional consultation letters had been sent following the submission of revised drawings altering the site boundary but no further representations had been received.

The land was currently used as a recreational/play area by the adjacent Wrockwardine Wood C of E Junior School and was designated as a Village Green therefore being an important area in the locality. The proposed fencing would ensure that the dog walking use did not have an adverse impact upon the school playing pitches and would not impact upon the existing use of and access to the Village Green. In addition, the proposed pathway leading from the public highway to the sports pitch would improve access for disabled users and have a positive impact on social inclusion.

The proposed fencing was not out of keeping with the current usage designation and would be sufficiently set back from the public highway/footway to ensure that it did not appear overly strident. In addition, the higher section directly behind the new goal posts would help to contain balls within the pitch area. The fencing would be over 50m away from the front windows of the nearest houses situated on the opposite side of Pinewood Avenue and, therefore, would have no adverse impact on the residential amenity of these properties. Furthermore, no representations had been received from the occupiers of the dwellings. Accordingly, the proposed fencing was considered compliant with Policy UD2 and national guidance contained in PPS1.

Councillor C.F.Smith, Ward Member, spoke in support of the application. He commented that the proposals would preserve the open space for the community and protect the village green. He supported the access arrangements that would enable disabled users to take advantage of the new facility.

Accordingly, it was unanimously

**RESOLVED** – that with regard to planning application TWC/2010/0377 planning permission be granted subject to the conditions as set out in the report.

(e) TWC/2010/0420 - Sytch Lane, Waters Upton, Shropshire

**RESOLVED** – that determination of planning application TWC/2010/0420 be deferred until the meeting of the Plans Board on 17<sup>th</sup> November, 2010 to allow Members to make a Site Visit.

(f) TWC/2010/0432 - Unit 11B, Telford Bridge Retail Park, Colliers Way, Old Park, Telford, Shropshire

This application sought planning permission for the addition of a new and larger mezzanine floor which would increase the floor area available for the sale and display of Next Homeware. The existing mezzanine had a floor area of 373sqm and it was proposed that it be removed and replaced with a larger one measuring 643sqm, thereby increasing the size of the Unit by 270sqm. For Members' information, under permitted development the existing mezzanine could be extended by up to 200sqm, therefore this application was effectively proposing an increase of 70sqm. The proposal also included external changes to the building including a new shopfront, additional glazing, entrance doors and windows to the rear, and replacement plant and a compound. The proposed mezzanine would extend across the majority of the building and would be set back approximately 5m from the frontage to provide an additional sales and display area. The changes to the shop front and additional glazing, together with the new signage subject of the associated advertisement consent, would redesign the Unit in line with Next Home format and branding.

The Geotechnical Engineer had advised that the site lay in an area with complex geotechnical ground constraints and, therefore, a condition was required that the developer must demonstrate that the current foundations were suitable to take an additional load before any development could commence.

As set out in the report, the proposal accorded with the retail hierarchy set out in Policy S1 of the Wrekin Local Plan and Policy CS4 of the Core Strategy. National planning policy, as contained in PPS4, stated that the proposal needed to demonstrate that it had satisfied a sequential test and shown that all the more central options were either developed-out or shown not to be suitable, available but not viable, and that there would be no adverse impact on the vitality and viability of the Town Centre and District and Local Centres within the Borough. Supporting information had been submitted with the application which outlined 5 sites within Telford Centre and 8 edge-of-centre sites identified in a study by retail consultants White Young Green. They had considered each in turn and had concluded that, given the size of Unit required for Next Home and the constraints on each of the sites, this existing vacant unit on Telford Bridge Retail Park with links to the main shopping centre was the most suitable.

Policy CT21 of the draft CTAPP document asserted that development proposals in Central Telford had to provide for the delivery of infrastructure requirements arising from new development, both site-related and strategic, through developer contributions. Therefore, the Highways Engineer had requested a contribution of £8,702 towards the highway infrastructure to address the impact of the proposed new trips the development would generate.

Officers considered that this was a small increase in the floorspace above the permitted development allowance and would not significantly impact on the viability and vitality of the Town Centre. The proposed mezzanine was similar to those approved at other Units on the Telford Bridge Retail Park and Telford Forge Retail Park. It was considered that the proposal would not undermine the policy objectives of the Core Strategy by virtue of the scale and nature of development in this location on the edge of the Town Centre. With regard to the proposed external changes to the building, the development was considered acceptable in terms of the design, form and materials and the changes to the shopfront would enhance the appearance of the Unit. The plant and compound would not appear overly prominent and the development was considered appropriate in the context of the Bridge Retail Park and the area.

Following preparation of the report, the applicant's agent had queried why Condition 2 was necessary. The Planning Officer had, therefore, discussed this matter with colleagues in Building Control and Engineering Services and had assessed that, as this requirement was covered by Building Regulations, any consent should not be subject to this condition but merely included as an informative.

**RESOLVED – that with regard to planning application TWC/2010/0432 the Head of Planning be authorised to grant planning permission subject to the applicants entering into a Section 106 Agreement relating to financial contributions towards strategic highway infrastructure and to the amended conditions as set out in the update report.**

(g) TWC/2010/0446 - Southwater Regeneration, Telford Centre, Telford, Shropshire

This application by Telford & Wrekin Council was for extensive engineering operations including surface water drainage works, highway improvements, car parks and access, and landscaping and retaining structures. These works would provide the infrastructure from which sites within Southwater could be bought forward for development following outline permission for a mixed use development issued under planning permission W2009/0914. The proposal was to construct a new "Main Street" linking the various elements of Southwater in a west-east axis against which new buildings could be constructed. Two squares would be created at each end of Main Street, at Southwater Square with a new "International Square" forming the eastern nodal point. The proposals comprised:

- The straightening of the existing winding and unattractive route around the existing buildings leading from Southwater Square to link the two squares described above.
- The accommodation of existing frontages to existing buildings such as the Ice Rink and Mecca Bingo Club.
- Provide an interim solution for existing premises before the wider proposals were implemented, e.g. Meeting Point House.
- The reprofiling of existing levels to achieve improved gradients while respecting existing premises and their respective frontages and entrances.

- Creation of a southern edge to provide future development plots at a position currently taken up by Southwater Lake.
- Engineering operations involving a proposed highway connection to Southwater Way to provide the western egress from the new Main Street involving a gradual lowering by 2m over an existing 70m length of Southwater Way that would serve a new car park at the western edge of the site. This would involve a maximum 2.1m high retaining wall adjoining Maxwell Gardens and the removal of an existing route across into the Town Park.
- 83 space car park on land to west of Southwater Square.
- Off-site drainage works, including the creation of surface water attenuation features within the Town Park to manage surface water flows from Southwater; enhancements to the area north of Spout Pool to provide surface water drainage pipework, etc.
- Draining of the existing Southwater Lake and excavation to provide a proposed future (replacement) lake. The detailed design of the lake was not part of this planning application and would be developed alongside the proposals for the new civic office building.
- Various demolition works including Spout Farm, an electricity sub-station and provision of new footways/cycleways.
- Ancillary works to include the laying of ducting and other conduits to facilitate the installation of services

The majority of the application site was within the Telford Town Centre as defined in the Adopted Local Plan and located between the Telford Shopping Centre to the north and Telford Town Park to the south. It extended to 4.33 hectares and did not follow exactly the outline application site, as it had been extended into the Town Park and to include land at Southwater Way to provide drainage infrastructure and to achieve satisfactory access. The southern part of the application site was located within the Green Network. Whilst the site did not extend into the Southwater Events Group area the architects of both development areas had worked closely to ensure that the areas were interrelated and interacted well in terms of access. Vehicular access from the east of the site would be gained from Southwater Way via the Malinslee Roundabout and, from the north, via St Quentin's Gate through the Cherry Pink traffic controlled junction. There was pedestrian access across the site provided by an east-west pathway that connected Southwater Square and the Telford International Centre.

The Council's Geotechnical Engineer and Land Contamination Officer had no objections subject to the imposition of appropriate planning conditions. Third party representations had been received from the Rank Group in respect of the Mecca Bingo Club, the Meeting Point House Trustees, as summarised in the report.

These proposals were important elements in the regeneration of Southwater and the submission of a separate application for engineering and enabling works was welcomed as it provided certainty as to intend future re-profiling, levels, and technical infrastructure requirements deemed necessary to serve future development. The retention of existing buildings in Southwater (e.g. the Bingo Club and Ice Rink) had established a series of fixed points in terms of finished levels for the new Main Street, while the two access points from Southwater Way and St. Quentin Gate would provide fixed access positions for connecting the new street to

the existing highway network. The design of a 12m corridor, Main Street, was sufficient to create a good typical high street and the details were considered to be acceptable.

The two new proposed Squares, Southwater' and 'International' would be relatively flat public spaces that would act as nodal points either end of Main Street with the International Square providing a gateway for pedestrians accessing the Telford International Centre. The achievement of levels to link these spaces was fundamental and would be achieved without undue detriment to existing premises and businesses operating in the area. The issue of hoardings around future development plots had been raised by some businesses in the area and a balance would have to be struck between the need to screen plots from public view and avoid vandalism and the need to protect amenity. There were no details of hoardings accompanying the application and this would need to be conditioned.

The applicants had confirmed that existing businesses would not be adversely affected by the development and that adequate access would be maintained and temporary lighting provided. They proposed a three phase scheme to help reduce disruption, as detailed in the report, and had offered the land owners of existing businesses within to explain the phasing of the application. These measures were considered sufficient.

The existing Southwater Lake and a strip to the south of the Arena were in the Green Network to which Policies OL3 and OL4 of the Wrekin Local Plan applied. Policy OL4 set out the criteria which had to be met if development within the Green Network was to be approved and it was considered that these were met by the proposed new lake and green "lungs" which would provide a greatly enhanced gateway and introduction to the Park and would add to biodiversity interest. In addition, other proposed environmental improvements through new public realm and improvements to the interface with the Town Park were positive environmental, community and recreational benefits that the scheme would help to deliver in future development phases.

In terms of ecology, the original outline planning application for Southwater was supported by numerous reports, including a Phase 1 Habitat Survey and Arboricultural Surveys and these had been supplemented by new reports that covered the extended site area. Two issues had arisen from these, namely the loss of trees and the potential for adverse impacts on bats. Both had been addressed and mitigation offered to reduce impacts. Overall, ecological impacts were being addressed through a mitigation strategy that was a condition of the outline planning application and which had to be submitted and approved prior to development. It was, therefore considered that Green Network policies would not be prejudiced by the proposals.

**RESOLVED** – that with regard to planning application TWC/2010/0446 planning permission be granted subject to the conditions as set out in the report.

(h) TWC/2010/0459 - Land off St Georges By Pass, Snedshill, Telford, Shropshire

This was an outline application by Telford & Wrekin Council with all matters reserved for later consideration. A zoning plan had been submitted which identified the maximum areas for built development, green spaces and details for roadways and planting. The indicative layout demonstrated that 8 x 2 bedroom apartments, 10 x 2 bedroom houses, 7 x 3 bedroom houses 4 x 4/5 bedroom houses and 2 lifestyle bungalows could be accommodated on the site with a mix of single to three storey dwellings and parking arrangements with on plot parking, garaging and small parking courts with at least 200% provision. The description of development had been amended to clarify that the development was for a 100% affordable housing scheme.

The development was part of a larger joint venture between Telford & Wrekin Council and the Homes & Community Agency to increase affordable housing provision across the borough in response to local housing needs. These sites were being made available at nil land value to facilitate 100% affordable housing schemes with the net gain being sought for the borough. Whilst all of the sites currently had outline planning consent, the land being put forward by the Council required outline consent to ensure that the developers or Registered Social Landlords could progress the programme of works swiftly to ensure deliverability of the project.

St Georges & Priorslee Parish Council had objected to the proposal on the grounds of the detrimental impact of the three storey apartments upon the bungalows opposite, the loss of the Green Network, and the design being out of context with other properties in the area. The Council's Parks & Open Space Officer had recommended a requirement for open space due to the demand created by the additional housing and the Council's Ecology Officer had requested that any planning permission should be subject to the conditions and informatives set out in the report. Following consultation 7 letters of objection had been received as summarised in the report together with a 33 signature petition objecting on the grounds listed in the report. The update report tabled at the meeting informed the Board that an 4 additional letters of objection had been received from neighbours raising concerns with regard to sewer and associated easement which crossed the site and for which access for maintenance would need to be provided, increased noise nuisance arising from increased traffic, and effect of such a high density development upon the semi-rural ambience of the area.

In response to the concerns raised relating to the scale of the flatted development up to 3 storeys in height, the applicants had submitted a section plan with three options which demonstrated a number of ways in which the development could be accommodated and still maintain a minimum of 28m separation from the existing dwellings. This section also indicated the changes in ground levels with the proposal set at a lower level.

The Planning Officer commented that the issues relating to traffic and density had been adequately addressed in the Plans Board report. With regard to the sewer easement, this would be a constraint to the eventual layout or would need diverting, but this was an issue which could be resolved and addressed in any subsequent reserved matters application and did not impact on the principle of residential

development on the site. The additional plan clearly demonstrated that the site could adequately accommodate flatted development and maintain sufficient separation from neighbouring properties to protect occupiers' amenities in terms of overlooking and loss of privacy. The scale of development, given the ground level differences, could create a land mark feature on the apex of the site whilst not appearing overly dominant in relation the existing dwellings on Snedshill Way.

The land was designated as 'Green Network' within the Wrekin Local Plan but it was considered that it would not be adversely impacted upon. Whilst there was a general presumption against development within the Green Network, Policy OL4 did allow for exceptional circumstances the criteria for which were met by this proposal in terms of community and environmental benefits as set out in Policy OL4. .

The siting of the access was reserved for later consideration but the zoning plan had indicated a position. The Highways Officer had no objection in principle to the development or access off Snedshill Way but had requested a number of conditions to ensure that adequate opportunity was provided for the site to integrate with the surrounding area, including a new footpath along Snedshill Way to link with existing footpaths. Any access which was located on Snedshill Way would necessitate the removal of the existing bus shelter in order to provide sufficient visibility but a replacement facility could be secured through condition.

Although this was an outline application, a number of principles had been established with a feature landmark building on the apex of the road close to the junction of Snedshill Way and Telford Way. In addition, the retention of an open character and boundary hedge along Snedshill Way would minimise the impact of the development on existing residents and provide a community benefit. It was considered that the configuration of the development zones would allow for a wide variety of affordable housing types of a scale which respected the character and appearance of the surrounding area and ensured there was sufficient separation between the proposed and existing properties to preserve the amenities of their occupiers in accordance with Policy UD2 of the Wrekin Local Plan and CS15 of the Core Strategy.

The site was currently open field with any significant planting around the boundaries. Objectors had raised concerns about the potential use of this open space as a play area or similar facility, which they considered could increase existing issues of anti-social behaviour. At this stage no details of the field's end use had been agreed but these issues could be considered at the reserved matters stage. However, the principle of retaining open space was acceptable and would be of benefit to the new development and the wider community. The existing hedge and trees on the site were important in both ecological and visual terms and their retention, through conditions, was considered essential. The development, therefore, accorded with Policy CS11 of the Core Strategy and Policy OL11 of the Wrekin Local Plan.

A development of this scale would have an impact on existing community facilities, which would be mitigated by planning obligations. The proposal was for 100% affordable housing provision and it had been agreed that this level of provision was sufficient and that further requirements for contributions towards education and open space could adversely affect the viability of the scheme and increase potential

reliability on grant aid for its delivery. Officers, therefore, considered that the overall benefit of an increase in affordable housing provision was sufficient planning gain for this proposal. The update report drew Members' attention to the fact that Condition 01 of the recommended planning approval should read 'outline' and not 'reserved' as set out in the main report.

Councillor I.T.W.Fletcher, Ward Member, spoke against the application. He commented that the proposal would have an adverse effect on adjacent properties and be a significant intrusion on local residents lives.He did not consider the provision of affordable housing to be an exceptional circumstance to justify developing on Green Network

Councillor J.C.Minor representing local residents, also spoke against the application and echoed the sentiments previously made. He also commented that the access to the site was inappropriate and that there would be traffic congestion as a result. It was considered inappropriate development in the wrong location.

Alan Fox, the Council's Estates & Investment Manager, spoke in favour of the application . He considered that the development complied with national policy . The nearest new properties to the existing development would be 70 yards away . Highways Engineers had no objection to the application and as this was an outline application the issue of 3 storey development and access would be considered at reserved matters stage.

Furthermore, at the Chairman's discretion, **a local resident** spoke against the application. He commented that the proposal would have an adverse effect on local traffic and would see a reduction of parking opportunities for local residents. There would be a detrimental effect on local properties. He said there was confusion in respect of the plans and asked that the access to the development be given further consideration if the application was approved.

The Head of Planning emphasised that the application was outline only , if approved the access still had to be determined and details including storey height would have to be submitted . Concerns expressed by Members and residents about 3 storey development would be noted and the layout submitted was indicative only and the grant of outline permission was not an approval of 3 storey development

**RESOLVED** – that with regard to planning application TWC/2010/0459 be granted outline planning permission subject to the conditions as set out in the report.

- (i) TWC/2010/0482 - TWC Compound, Telford Town Park, Hinkshay Road, Malinslee, Telford, Shropshire,

This application by Telford & Wrekin Council sought permission to create an additional compound within the existing compound in the Town Park, including the erection of 2.4m high fencing and the repositioning of 2.4m high vehicular access gates. The Southwater regeneration proposals included the existing compound sited at Spout Farm and the site needed to be vacated by December 2010. It was

proposed to relocate operations from the compound to the secondary compound and, given that site's more remote location within the Park, additional security and safety measures were necessary. Further security measures for Dark Lane and the compound were required including new lighting and CCTV to replace facilities which were currently provided at the existing facility.

The update report tabled at the meeting informed the Board that Great Dawley Parish Council had no comments on the proposal and that the further comments received from statutory consultees had raised no additional issues.

The proposal was to fence a small area in the centre of the existing compound in 2.4m high palisade fencing for the storage of valuable equipment, etc. This would ensure that there was minimal impact on the Town Park in terms of visual impact and impact on character and appearance of the wider area. The site was designated as Green Network and these works were for a facility necessary for the function of the Town Park and suitably located within an existing facility. Therefore, it was considered acceptable as it accorded with Policies OL3 and OL5 of the Wrekin Local Plan.

The access to the compound would be amended to be served directly off Dark Lane rather than the existing entrance, which was within the car park located to the north. This was currently under-utilised but changes to car parking provision in the Town Centre was to be altered as part of the wider Southwater regeneration and it would have increased usage in connection with visits to the Park and to Wonderland. The repositioned gateway would ensure that there was no conflict of machinery with parked vehicles and increased pedestrian activity. The proposed new gates would be 2.4m in height and 5m wide for the purposes of security and, given the siting within mature planting, it was considered that the proposal would not detract from the visual appearance and, therefore, would not have a detrimental impact on the character and appearance of the area in accordance with Policy UD2 of the Wrekin Local Plan.

**RESOLVED** – that with regard to planning application TWC/2010/0482 be granted planning permission subject to the conditions as set out in the report.

The meeting ended at 7.51 p.m.

**Chairman:** .....

**Date:** .....

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Wednesday, 29th September 2010 at 9.30 am in the Reception Suite, Civic Offices, Telford**

**PRESENT:** R.Aveley (Chairman), R.T.Kiernan (Vice-Chairman), R.G.Chaplin, J.A.Francis, R.E.Groom, Y.C.Hicks, G.P.Hossell, C.N.Mason, C.P.R.Mollett, H.Rhodes, C.F.Smith and A.G.P.Williams.

#### **LC-24      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Licensing Committee held on the 8th September 2010 be confirmed and signed by the Chairman.

#### **LC-25      APOLOGIES FOR ABSENCE**

Councillors T.J.Hope and A.A.Mackenzie.

#### **LC-26      DECLARATIONS OF INTEREST**

Councillor R.Aveley declared a personal interest in Agenda Item 6 – LC-29 but stated that he would remain in the meeting room during the consideration and determination of this particular item.

#### **LC-27      COMMUNITY GOVERNANCE REVIEW – PARISH WARD OF HADLEY & LEEGOMERY – FINAL APPROVAL OF PROPOSALS DOCUMENT**

The report of the Head of Governance was received which sought Members approval of the Final Recommendations document that had been prepared following the completion of this Review. The document incorporated the final proposals that had been formally approved at the meeting of the Licensing Committee that was held on the 2nd September 2010.

In the conduct of the Review, the Council had been mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007, the Guidance on Community Governance Reviews that had been issued by the Department for Communities and Local Government and The Electoral Commission and the Council's Terms of Reference.

The Committee were reminded that the Final Proposals were that the present Hadley and Leegomery Parish Ward be divided into three parish wards – the Hadley Castle, Hadley Manor and Leegomery parish wards – for the purposes of elections to the parish council; that the ward boundaries be as outlined in the map in the List of Annexes Map 1 to the Final Recommendations document; that there should be four councillors for each of the new parish wards, and that the commencement for these new arrangements would be the next ordinary elections of parish councillors in the Borough. It was confirmed to Members that in response to the Council's publication of the Draft Proposals in this Review, no further comments or submissions had been received.

**RESOLVED** – that the Final Recommendations contained within the Final Proposals Document be confirmed and published.

**LC-28      PROCEDURE FOR THE CLASSIFICATION OF FILMS**

Consideration was given to the report of the Service Delivery Manager: Public Protection which requested Members to consider the introduction of the Council's Policy for the Classification of Films. The Committee was advised that currently there was no formal procedure for the Council to deal with the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification's decisions, or requests to reclassify films. It was pointed out that as the Council's responsibilities in relation to film classification were incorporated within the Licensing Act 2003 it was necessary to adopt such a procedure.

The British Board of Film Classification (BBFC) was an independent, non-governmental body funded through the fees it charges to those who submitted films, videos, DVDs and digital games for classification. The BBFC classified films intended for public exhibition on behalf of the local authorities that licensed premises for that purpose under the Licensing Act 2003. The BBFC also classified videos, DVDs and digital games under the Video Recordings Act 1984. Whilst the BBFC performed a national film classification role, the Council, as the Licensing Authority, was the classification body for the public exhibition of films shown in the Borough by virtue of the Licensing Act 2003 (LA03). As such the Licensing Authority had the right to classify films that were shown in premises licensed under the LA03 such as cinemas, hotels, clubs and public houses.

Section 20 of the LA03 provided that a mandatory condition should be applied to all premises licences that authorised the exhibition of films. This related to the restriction of the admission of children (defined in LA03 as "persons aged under 18") to the exhibition of any film to either the film classification recommended by the BBFC or, if the Licensing Authority did not agree with that recommendation, to such other classification recommended by the Licensing Authority.

Members were informed that the Licensing Authority may be required to classify a film that had not been classified by the BBFC. A typical example of this would be a locally made film to be shown at a film festival within the Borough. It was therefore required for the Licensing Authority to have a formal procedure in place to determine this classification. It was further mentioned that under these provisions a distributor of a film or other party may also appeal to the Licensing Authority against a decision of the BBFC and request that the Licensing Authority for reclassification of a film for local screening.

In addition to classifying films the Licensing Authority could issue a classification waiver which would permit the exhibition of the film or films within the local area without a classification, but subject to certain conditions and restrictions. These possible exemptions included films that were exhibited for the purposes of advertisement, information, education etc. Films exhibited in a museum or art gallery that consisted of, or formed part of, an exhibit were also exempt from classification

In terms of film exhibitions, the most relevant licensing objective was the protection of children from harm. However it was pointed out that there could be instances where there could be a case for relying on the prevention of crime and disorder

objective. In such a case, evidence would have to be produced that the exhibition of a particular film would lead to crime and disorder.

As a requirement was placed on the Licensing Authority to carry out this function it was not proposed to undertake any form of consultation as this was a procedural matter and if approval was given Members were informed that the proposed procedure would be implemented with immediate effect. There would also likewise be no requirement to change the terms of reference of the Licensing Committee as stated within the Constitution as it was already responsible for all matters relating to the discharge, by the Council, of its functions in relation to licensing under the Licensing Act 2003.

Following a brief discussion, it was;

**RESOLVED –**

- (a) that the proposed procedure for dealing with the classification of films as outlined in Appendix A as attached to the report be approved;**
- (b) that the Guidance issued by the British Board of Film Classification (BBFC) to assist in the determination of classifying films as attached at Appendix B of the report be adopted;**
- (c) that delegated responsibility for the authorisation of films already classified by the BBFC to a Licensing Sub-Committee consisting of three members be granted; and,**
- (d) that delegated responsibility for the authorisation of films which had not already been classified by the BBFC to the Public Protection Team Leader be granted.**

**LC-29      HACKNEY CARRIAGE DRIVER APPLICATION PROCEDURES**

The Committee was referred to the report of the Service Delivery Manager: Public Protection which requested consideration of a request to amend the Council's application procedures in connection with driver training for Hackney Carriage Drivers. Members were reminded that the Council licence application procedures sought to ensure that drivers offered a safe professional service to their passengers.

Members were further reminded of the previous Committee meeting that was held on 29th March 2010, where Members resolved to introduce the requirement for the Driver Standards Agency taxi test as part of the fitness and propriety test for all new Private Hire and Dual Drivers. The Driver Standards Agency taxi test was a practical assessment specifically designed for taxi and private hire drivers and was a nationally recognised safety and service delivery appraisal.

The report that was presented to Licensing Committee requested Members to consider the requirement for all applicants to successfully undertake the Driver Standards Agency (DSA) taxi test prior to a licence being granted and a copy of the report was attached at Appendix A.

Unfortunately it became apparent that the approved minutes of the meeting that was held on the 29th March 2010 did not fully reflect the report which went before Members as they did not address Hackney Carriage applicants. The report which was now submitted to the Committee requested that Members should give consideration to the introduction of the DSA taxi test as part of the procedure for new applications for Hackney Carriage Driver Licences in order to achieve consistency.

Following a discussion by the Members, it was;

**RESOLVED** – that the application procedures for Hackney Carriage Driver Licences to include the requirement for all applicants to successfully undertake the Driver Standards Agency (DSA) taxi test prior to a licence being granted be approved.

**LC-30            EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of information, as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

**LC-31            MR.S.D. – PRIVATE HIRE VEHICLE DRIVER LICENCE**

Members were informed that the licensee was not in attendance for the hearing. The Committee were further advised that the licensee had telephoned Democratic Services twice on the morning prior to the commencement of the hearing and stated that he would not be in attendance but that he was content for the matter to proceed in his absence and indicated that he had nothing to add to what was in the papers before the Committee. After receiving the legal advice of the Council's solicitor and following consideration and discussion by the Committee, it was

**RESOLVED** – that the private hearing should proceed in the absence of the licensee.

After hearing the evidence presented by the Council's Public Protection Team Leader in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

**RESOLVED** – that the Committee considered that they were not satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence should be revoked with immediate effect.

The meeting ended at 11.20 am.

**Chairman:**

**Date:**

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Wednesday, 13th October 2010 at 1.00 pm in the Reception Suite, Civic Offices, Telford**

**PRESENT:** R.Aveley (Chairman), R.T.Kiernan (Vice-Chairman), R.G.Chaplin, J.A.Francis, R.E.Groom, Y.C.Hicks, T.J.Hope, G.P.Hossell, C.N.Mason, H.Rhodes, C.F.Smith and A.G.P.Williams.

#### **LC-32      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Licensing Committee held on the 29th September 2010 be confirmed and signed by the Chairman.

#### **LC-33      APOLOGIES FOR ABSENCE**

Councillors A.A.Mackenzie and C.P.R.Mollett

#### **LC-34      DECLARATIONS OF INTEREST**

None.

#### **LC-35      REVIEW OF STATEMENT OF LICENSING POLICY – LICENSING ACT 2003**

The report of the Service Delivery Manager: Public Protection was received which sought the consideration of the revised Statement of Licensing Policy for the Borough of Telford & Wrekin under the Licensing Act 2003. The Committee was informed that the revised Policy which had been the subject to a period of consultation was now presented for approval by the Committee and if subsequently approved formally recommended for final publication by Full Council.

Members were reminded that the Licensing Act 2003 required the Council as Licensing Authority to review, consult, determine and publish a Statement of Licensing Policy every three years detailing how it would exercise its licensing functions under the 2003 Act.

The Committee was informed that this current version was amended prior to the commencement of the third Statutory Review consultation which began on 30th June 2010, the draft version of which was the subject of this Report, which would need to be approved and republished to take effect from 7th January 2011. Members were referred to the copy of the current Statement of Licensing Policy which was attached at Appendix A of the report. Members were advised that there had been one consultation conducted for this policy revision which had commenced on Wednesday 30th June 2010 for a period of for 12 weeks until Wednesday 22nd September 2010, with consideration being given to all of the relevant responses which were detailed within Appendix B as far as was possible within the remit of the Licensing Act 2003.

The consultation resulted in 8 responses being received from a mix of premises licence holders, responsible authorities, town and parish councils and individual residents of Telford & Wrekin. The comments had been given full consideration, and

whilst the issues raised were not directly relevant to the Statement of Licensing Policy in this instance, all respondents had been written to with full explanation.

All proposed amendments to the Statement of Licensing Policy were highlighted in blue on the revised policy document as attached at Appendix C of the report. Members were advised that the majority of changes to legislation in connection to the introduction of recent Home Office Mandatory Conditions; changes in the requirements for minor changes and the removal of the requirement for the presence at all times whilst alcohol is supplied of a designated premises supervisor for village halls and community premises. A section had also been included in relation to the licensing of garages and service stations.

A full list of those consulted as part of the review of the Statement of Licensing Policy was listed in the appendices of the revised policy document, and the letter to consultees and response form was also attached to the report at Appendix D.

Members were further informed that if the proposed Statement of Licensing Policy was approved by the Committee that the approved Statement would need to be submitted to Full Council for formal approval, prior to the publication date of 7th January 2011.

**RESOLVED** – that Council is recommended to approve the revised Statement of Licensing Policy for the Borough of Telford & Wrekin under the Licensing Act 2003 to take effect from the 7th January 2011.

The meeting ended at 1.10 pm.

**Chairman:**

**Date:**

## **STANDARDS COMMITTEE**

### **Minutes of a meeting of the Standards Committee held on Thursday, 16 September, 2010 at 6.00 p.m. at Civic Offices, Telford**

**PRESENT:** Councillors D.G. Allen, R. Aveley, D.R. Chaplin, N.A. Dugmore, R.E. Groom and K.S. Sahota  
Mr F. Beasland and Mr A. Selvaratnam (Chairman) (Independent Members)  
Councillors D. Edwards, R. Wickson and R. Williams (Parish Council representatives)

#### **ST-9            MINUTES**

**RESOLVED** – that the minutes of the meeting of the Standards Committee held on 17 June 2010 be confirmed and signed by the Chairman.

#### **ST-10           APOLOGIES FOR ABSENCE**

Councillor H. Rhodes

#### **ST-11           DECLARATIONS OF INTEREST**

None

#### **ST-12           APPOINTMENT OF STANDARDS COMMITTEE INDEPENDENT MEMBERS AND PARISH REPRESENTATIVES**

The Head of Governance & Monitoring Officer presented a report which updated Members on the recent exercises to recruit for vacancies on the Committee for an Independent Member and for a Parish representative.

Following the completion of two terms of office by Mr Andy Simpson in May 2010, an advertisement was placed in the Shropshire Star seeking interest in the vacant Independent Member post. Unfortunately, no applications had been received. In addition, Mr Barry Bayley had indicated his intention to resign as an Independent member of the Committee, so a further vacancy would arise. The Committee were asked whether they wished to make a further attempt to recruit a new Independent member (or members), bearing in mind that the latest information from Standards for England was that the current standards regime and arrangements would continue until at least November 2011. One option was to approach the Independent Members on the Combined Fire Authority's Standards Committee to ascertain whether they could assist this Committee in undertaking its statutory responsibility to consider Code of Conduct complaints.

In terms of the vacancy for a Parish Council representative on the Committee, four applicants were invited to interview. One candidate subsequently

withdrew, and an interview panel consisting of the Chairman, Cllr Dugmore, Cllr Wickson and the Monitoring Officer met the three remaining candidates on 26<sup>th</sup> August 2010. The Panel's preferred candidate was Councillor Pat Fairclough, a member of Wellington Town Council, and the Committee were recommended to appoint Councillor Fairclough for the role of Parish representative. Some biographical details provided by Cllr Fairclough were detailed in the report.

The Head of Governance & Monitoring Officer reported that for the purposes of clarification regarding the membership of sub-committees of the Standards Committee, the recommendation for appointing Councillor Fairclough should be amended to include her appointment to all sub-committees. An additional recommendation was also suggested in order to formalise the membership of all sub-committees as consisting of all members of the Committee.

**RESOLVED –**

- (a) that Councillor Pat Fairclough be appointed as a Parish Representative on the Standards Committee, and on all sub-committees of the Committee, for a fixed term of four years;**
- (b) that the Monitoring Officer be authorised to approach the Independent Members of the Combined Fire Authority's Standards Committee regarding any assistance they could provide to this Committee in relation to the consideration of Code of Conduct complaints;**
- (c) that all members of the Standards Committee be confirmed as members of all sub-committees of the Committee.**

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The meeting ended at 6.14 pm

**Chairman:** .....

**Date:** .....

## **ACTIVE LIFESTYLES, LEISURE & CULTURE SCRUTINY COMMITTEE**

### **Minutes of the meeting of the Active Lifestyles, Leisure & Culture Scrutiny Committee held on Wednesday, 8th September, 2010 at 4.00 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors V.A. Fletcher (Chairman), K.T. Blundell, R.G. Chaplin, J.A. Francis and F.R. Picken  
Ms D. Davis (Co-optee)  
**Also Present:** Councillor D.G. Allen (for agenda item 4)

#### **ALSC-1 APOLOGIES FOR ABSENCE**

Councillor C.N. Mason and Ms J Gulliver and Mr D Saunders (Co-optees)

#### **ALSC-2 DECLARATIONS OF INTEREST**

Councillor V.A Fletcher declared a personal interest in agenda item 4 (Provision of Ophthalmology and Musculoskeletal services) as she knew one of the NHS representatives who was presenting the item..

#### **ALSC-3 APPOINTMENT OF VICE-CHAIRMAN FOR 2010/11**

No nominations were put forward for the position of Vice Chairman of the Committee. Consequently, neither a vote nor decision on the matter could be taken. It was agreed to continue the year without an appointed Vice Chairman, and on occasions where the Chairman was unable to attend meetings, a Chairman for that particular meeting would then be elected at the meeting.

#### **ALSC-4 PROVISION OF OPHTHALMOLOGY AND MUSCULOSKELETAL SERVICES AT EUSTON HOUSE, EUSTON WAY, TELFORD – STAKEHOLDER INVOLVEMENT**

The Chairman welcomed Nicky Wilde (Primary Care Development Manager – Commissioning) and Dr Shailendra Allen from Trinity Medical Practice, who presented the report of the NHS Telford & Wrekin Commissioning Group.

In relation to Ophthalmology Services, the service provider (Shrewsbury & Telford Hospitals Trust) had been struggling to meet the 18 week target for referral to treatment time. To allow for additional capacity, a Community Based Cataract Surgery service had been commissioned for patients in Telford & Wrekin. The service would provide treatment for patients being referred by GPs and optometrists for cataracts. The service would include assessment, management and treatment of cataracts, thereby providing an alternative to hospital based outpatient care. Patients would only be referred to hospital when there was a need for general anaesthetic or complex treatments.

In terms of Musculoskeletal Services (MSK), this was one of the priority areas for improvements in waiting times and care/clinical outcomes. A new community based

model had been developed, based on a MSK Clinical Assessment and Treatment Service (CATS) that would support people with managing their conditions and to improve the quality of care and clinical outcomes. It would provide an alternative to hospital-based care for Telford & Wrekin patients referred by GPs and other health care professionals, and would significantly reduce the demand on secondary care.

It was proposed that both re-designed services would be located at purposely designed premises at Euston House, Euston Way, Telford from Spring 2011. There had been extensive discussion with local clinicians and GPs in developing a service specification, and engagement with patients and the public to determine their views on the services. This included working through LINKs on undertaking focus groups and a questionnaire, and involving patients in the Ophthalmology redesign. The initial results of the patient surveys were very positive, with a strong preference for a community based outreach service rather than a hospital based service. In terms of stakeholder engagement, the Committee were being asked to confirm that the consultation undertaken was sufficient to meet the requirement for patient and public involvement in service change.

Members asked a number of questions, including:

What effect would this service change have on other services provided at the Princess Royal Hospital (PRH)?

Response – only cataract surgery under local anaesthetic would be moved to Euston House. There were no specialist ophthalmic beds at the PRH anyway, and the Hospital Trust was currently struggling to meet waiting time targets. It was intended that the hospital would still provide the service, but closer to the patient. This model had been introduced successfully for rheumatology services.

What were the financial implications of the proposals?

Response – the re-design of Euston House had been funded through freed-up resources generated by General Practice through practice-based commissioning. Savings made from primary care services commissioned by GPs were being re-invested in developing identified services, including ophthalmic services.

For MSK services, would patients still have to go to Wolverhampton for assessment?

Response – this would depend on the type of disease, but it was anticipated that some tests would be done in Telford.

When did the survey/questionnaire go out to patients?

Response – although they had been talking to LINKs since July, the formal questionnaire for Ophthalmology services only went out last week. The deadline for responses was at the end of September. A similar exercise would need to be undertaken for MSK services.

Would there be parking charges for patients at Euston Way?

Response – there would be dedicated parking spaces for patients, and staff would be provided with permits to use the main car park adjacent to the railway station.

Members expressed concern that they did not have enough information to make a judgement on whether sufficient consultation and engagement had taken place, nor

to allow themselves, as a Health Scrutiny Committee, to comment on the proposals. Members requested details of the outcome of the patient surveys, more financial information on the proposals and a copy of the NHS procurement guidance. The NHS representatives agreed to provide this information, as well as figures on the usage of the existing Donnington outreach facility for Ophthalmology services.

**RESOLVED** – to defer further consideration of the proposals, pending receipt of further information from the NHS Telford & Wrekin Commissioning Group.

#### **ALSC-5      SERVICE REVIEWS**

The Organisational Improvement Manager presented a report that informed Members of the service reviews that were taking place within the Council, in line with the One Council Vision.

The programme of service reviews was currently being undertaken across all service delivery units within the Council. The reviews would look at how services were managed and operated to identify ways in which services can be delivered to the community more efficiently and effectively, within the resources available. The reviews needed to produce operational (non-staff) savings of 20% and were likely to lead to restructuring.

A Service Review Steering Group had been set up to oversee the programme and to monitor the progress of each service delivery unit, including information on changes in activity and savings. The timetable for service reviews taking place across the Council was detailed in the report.

The Scrutiny Manager advised that, in determining their Work Programme, the Committee needed to be aware of likely organisational changes in order to meet savings targets, and any consequent changes to services or the way they were delivered.

**RESOLVED** – that the report be noted, together with an acknowledgement of the role of the service reviews when planning the Committee's work programme.

#### **ALSC-6      NHS CONSULTATION FRAMEWORK**

The Scrutiny Manager presented a report that set out a proposed framework for use in considering changes to NHS services.

Under the Scrutiny arrangements introduced in June 2010, the Active Lifestyles, Leisure & Culture Scrutiny Committee was responsible for the statutory Health Scrutiny function, which included the work of the Joint Health Scrutiny Committee with Shropshire. It was likely that a number of upcoming health service changes would need consideration, and it was suggested that the Committee adopt a framework for NHS consultations. It was hoped that Shropshire Council would adopt a similar framework, so there would be continuity in terms of joint health scrutiny arrangements.

The framework identified four levels of consultation:

- Level 1- the change in service proposed is minor or there are immediate risks to the safety and welfare of patients or staff. Consultation is not required but patients should be involved in the development of the service.
- Level 2 – the change in service is not substantial but some consultation with patients is required regarding the proposed change.
- Level 3 – the change in service proposed is a substantial variation or development in service and requires a statutory 3 month consultation.
- Level 4 – the proposed change in service is a significant change in service but the decision has been made at a national level and therefore local consultation on whether the change should be implemented is not necessary. However the Committee may expect the local NHS organisations to demonstrate that patients and the public will be involved in how the change will be implemented.

During discussion of the proposed framework, it was suggested that at Levels 1 and 2 there needed to be consideration of the impact on staff and on other related services. This was agreed, and it was

**RESOLVED –**

- a) that the consultation framework outlined in paragraph 5.2 of the report, be approved, subject to the wording at Levels 1 and 2 being amended to include reference to the impact on staff and on other related services;**
- b) that discussions be held with the Primary Care Trust to apply this framework locally, and to ensure that all NHS staff are aware of the responsibility to notify the Committee of any proposed service changes.**

**ALSC-7      CHAIRMAN’S UPDATE REPORT**

The Chairman reported on the Scrutiny Chairman’s Forum on 16 August. Much of the discussion had been around the work programme for 2010/11, and this would be discussed in the next item on the agenda.

In terms of health scrutiny, a meeting of the Joint Health Scrutiny Committee had been arranged for 8 October 2010 to look at proposals for mental health services, cancer services and to receive an update on the re-configuration of health services in Shropshire, Telford & Wrekin.

Work was ongoing on rationalising the Scrutiny database, with some issues/reports being “signed off” if Members were satisfied that the recommendations had been addressed and actioned.

## **ALSC-8      2010/11 WORK PROGRAMME**

The Scrutiny Manager presented a report which explained the process for developing the Scrutiny work programme for the current municipal year. The ideas from the Scrutiny Assembly meeting in July, along with any outstanding work from 2009/10, had been considered by the Scrutiny Chairman's Forum. It had been agreed:

- that the three topics for in-depth review would be Budget Formulation, Working with Community Groups to help Improve the Local Environment, and Affordable, Available & Flexible Childcare;
- that each Scrutiny Committee would scrutinise the relevant aspect of the budget proposals for 2010/11 during the budget consultation process;
- the allocation of supported Scrutiny meetings across the 7 Scrutiny Committees, as set out in Table 1 in the report. This took account of the statutory roles of some of the Committees and those Committees that would be undertaking an in-depth review.

The Active Lifestyles, Leisure & Culture Scrutiny Committee had been allocated 3 additional meetings to cover statutory health scrutiny issues. One meeting was allocated to scrutinise the budget proposals, leaving three meetings to scrutinise non-statutory issues. The issues that had been identified as potential areas for scrutiny by this Committee were appended to the report.

The Chairman reported that there were two urgent health-related topics that needed consideration – the NHS White Paper on Health Reform, and proposals locally for Transforming Community Services. She had discussed this with the Chairman of the Adult Care & Support Scrutiny Committee, and it was proposed that both Committees meet jointly to consider these issues. There was then discussion concerning the suggested scrutiny work issues at Appendix A of the report. Three topics were identified:

- cost effectiveness of the campaigns to promote active lifestyles. It was agreed that this should be done later in the year, and that Officers from the Council and the PCT be asked to provide briefing papers before deciding what depth this topic should be looked into.
- review of the schools curriculum to understand how much sport/swimming/physical activity is being provided in schools and how this could be enhanced. It was agreed that this could be a special interest meeting, maybe jointly with the Children & Young People Scrutiny Committee.
- West Midlands Ambulance Service and SaTH Foundation Trust applications. This could be a joint meeting with the Adult Care & Support Scrutiny Committee.

The Scrutiny Manager stated that suitable meeting dates would be formulated with the Corporate Diary and notified to Members as soon as possible

### **RESOLVED –**

**(a) that the following topics be examined by the Committee during 2010/11 :**

- **The cost effectiveness of the campaigns to promote active lifestyles;**

- **Review of the schools curriculum to understand how much sport/swimming/physical activity is being provided in schools and how this could be enhanced (possibly in conjunction with the Children & Young People Scrutiny Committee);**
- **Ambulance Service and SaTH Foundation Trust applications (in conjunction with the Adult Care & Support Committee).**

**(b) that the next meeting of the Committee be a joint meeting with the Adult Care & Support Scrutiny Committee, provisionally on 27 September at 3.00pm, to consider the Health Reform White Paper and the Transforming Community Service Proposals.**

The meeting ended at 5.55 p.m.

**Chairman: .....**

**Date: .....**

## **ACTIVE LIFESTYLES, LEISURE & CULTURE SCRUTINY COMMITTEE**

### **Minutes of the meeting of the Active Lifestyles, Leisure & Culture Scrutiny Committee held on Monday, 27th September, 2010 at 3.00 p.m. in the Reception Suite, Civic Offices, Telford**

**NB: Members of the Adult Care & Support Scrutiny Committee had been invited to attend and participate in this meeting**

**PRESENT:** Councillors V.A. Fletcher (Chairman), R.G. Chaplin, J.A. Francis, C.N. Mason and F.R. Picken  
Ms D. Davis and Ms J Gulliver (Co-optees)  
Councillor K.S. Sahota (member of Adult Care & Support Scrutiny Committee)

#### **ALSC-9 MINUTES**

**RESOLVED** – that the minutes of the meeting held on 8<sup>th</sup> September 2010 be confirmed and signed by the Chairman.

#### **ALSC-10 APOLOGIES FOR ABSENCE**

Councillor K.T. Blundell and Mr D Saunders (Co-optee)

#### **ALSC-11 DECLARATIONS OF INTEREST**

None

#### **ALSC-12 TRANSFORMING COMMUNITY SERVICES**

The Chairman welcomed Jo Chambers (Chief Executive, Shropshire County Primary Care Trust) and Peter Price (Director of Finance, NHS Telford & Wrekin), who gave a presentation on the integration of community health services and proposals for an NHS Community Foundation Trust. A briefing paper was attached to the agenda.

Under national guidance from the Department of Health, by April 2011 all Primary Care Trusts (PCTs) had to arrange for a new organisation to manage the community health services which the PCTs until now had managed themselves. Initially, discussions had focussed on moving to a social enterprise model, on which some consultation had taken place with staff and stakeholders. Some staff had expressed concerns about the social enterprise option because it was outside the NHS. However, the new Coalition Government had issued new guidance in June 2010 that offered a further option of a Staff membership Community Foundation Trust. This option appeared to offer the benefits of the social enterprise model in terms of locally based community health services working closely with GPs, but overcoming staff concerns by being part of the NHS. The new NHS White Paper clearly indicated a commitment for Foundation Trusts to remain within the NHS. Both PCT Boards had reached the same conclusion that there were clear benefits in joining together to form an integrated community health service across Shropshire, Telford & Wrekin. Benefits included improved patient outcomes, reduced management costs through shared back office functions, and a larger size created a stronger basis for

Foundation Trust status. Engagement with patients, the public and staff was now taking place on the Community Foundation Trust proposals, with a period of written consultation (11 October to 17 December) that would allow the wider public to find out more and comment, running alongside a series of engagement events on specific topics. The Business Case for an integrated Community NHS Trust would be considered by both PCT Boards on 28<sup>th</sup> September, with a submission to the Strategic Health Authority in October. If successful, there would be a new Trust from April 2011, with the aim of working towards Foundation status after that.

Members then asked a number of questions, including:

What would be the costs of setting-up the new Trust, and would it be a viable organisation?

Response – there would be a small cost to the formal amalgamation and application for Trust status. However, much of the preparation work was being carried out by existing staff across both PCTs. In terms of its size, the proposed new Trust would be viable based on current national criteria.

Would there be a need for some capital expenditure, given the lack of existing buildings for community care in the Telford & Wrekin area?

Response – there could be a need to develop other sites, such as the recently acquired premises at Euston House. If Foundation status was achieved, the Trust would have the flexibility to invest any surplus to develop new assets.

Would the new arrangements be of the same benefit to residents in Telford & Wrekin as to those in the Shropshire Council area?

Response – the purpose of the Trust would be to serve both populations. Under the new commissioning arrangements, GPs in Telford & Wrekin would be asking the Trust to provide services for their patients. Therefore, the leverage to ensure that any area was not disadvantaged would come from the GP consortia. Each GP would have an amount of money for their patients based on population and other weighting factors.

What were the current PCT management/back office costs, and how much would it cost the GP consortia to pay for these services in the new model?

Response – Annual management costs for Telford & Wrekin PCT were currently around £5.5m, although this needed to be reduced to £3.8m by 2011/12. On the disbandment of the PCTs, these costs would be split into different directions. On the provider side, some management costs would be taken out due to the reduction in duplication arising from the amalgamation between Shropshire and Telford & Wrekin.

What would happen to “patient choice”?

Response – this would stay the same, and Telford GPs would still be able to send patients to a community hospital in another part of Shropshire.

The Committee then gave consideration to the consultation arrangements for the proposals. In relating the proposals to the Consultation Framework agreed at the last meeting, it was accepted that this was a Level 4 consultation – ie: “the proposed change in service was a significant change in service but the decision had been

made at a national level and therefore local consultation on whether the change should be implemented was not necessary. However the Committee may expect the local NHS organisations to demonstrate that patients and the public will be involved in how the change will be implemented". In this instance, it was felt that the proposed 10 week consultation period would be sufficient. Members were assured that the proposal to become a Community Trust and then a Community Foundation Trust would not mean any immediate change in service – the proposal to become a Community Trust would change the organisational structure, not service provision. Any subsequent proposals to change services would be brought to the Scrutiny Committee.

**RESOLVED** -

- (a) **that the progress in implementing the integration of Community Services be noted;**
- (b) **that the proposed consultation process is sufficient in terms of involving patients and the public in the integration proposals.**

**ALSC-13      SCRUTINY RESPONSE TO THE HEALTH REFORM WHITE PAPER**  
**“EQUITY AND EXCELLENCE: LIBERATING THE NHS”**

The Scrutiny Manager presented a report which outlined the key proposals of the Health Reform White Paper, and sought Members' views on key questions.

The White Paper had been published in July 2010, with four detailed consultation documents subsequently being produced. Copies of these documents had been previously circulated to Members. The documents not only presented a major restructuring of the NHS, but also contained significant implications for local authorities, particularly the transfer of responsibility for health improvement and the introduction of the lead co-ordination role for health and social care. In relation to the governance arrangements, the White Paper proposed that Councils be required to establish Health & Wellbeing Boards to promote integration, partnership and support joint commissioning and pooled budget arrangements with the new GP consortia. The Board would also be required to assess the needs of the local population and to undertake a scrutiny role in relation to service re-design. It was suggested that the statutory functions of the Health Overview & Scrutiny Committee would transfer to the Health & Wellbeing Board. It was proposed that local involvement networks (LINKs) would become local Health Watch branches, with a continued statutory duty to support patient and public involvement activity, but accountable to local authorities. Their brief might also be extended to social care.

The consultation documents contained 100 questions in total, but the key questions with the most relevant implications for local authorities were set out in Appendix 1 of the report. Cabinet would consider the Executive response to the consultation on 28<sup>th</sup> September, and it was anticipated that a Council response representing the views of both Scrutiny and the Executive would be submitted to the Department of Health by the deadline of 11 October.

During the ensuing discussion, the main comments that emerged in response to the key questions in the White Paper consultation papers were:

- That the scrutiny function should be independent of the proposed Health & Wellbeing Board. There should be clear accountability and independent scrutiny of the proposed Board by a Health Overview & Scrutiny Committee along the lines of the current arrangements;
- That the powers, duties and responsibilities of the Health & Wellbeing Board and the constituent member organisations should be statutory;
- That the responsibility for local authorities to support joint working on health and wellbeing should be under-pinned by statutory powers;
- That the development of patient and public involvement is supported, but that there are concerns at the proposal for local HealthWatches to have a wider advocacy role. If this was along the CAB model, it could have significant implications in terms of resources and workloads. Any new arrangements must be sustainable over a number of years in order to maintain public credibility;
- That the GP consortia should be accountable to the local Health & Wellbeing Boards, as well as to the NHS Commissioning Board, and be subject to independent scrutiny;
- That GP commissioning consortia should be co-terminous with upper-tier local authority boundaries;
- That there should be a clear protocol to distinguish between GP's role in setting commissioning policy and their role in supporting individual patients to access the best health care;
- That the transition period from PCTs to GP commissioning must be managed carefully to avoid incurring additional costs at a time when there are existing targets for management savings.

The Scrutiny Manager advised that it might also be useful to inform local health providers of the Committee's views on the White Paper.

**RESOLVED –**

- a) that the key proposals contained within the White Paper be noted;**
- b) that the responses to the key consultation questions, as summarised in the bullet points above, be agreed;**
- (c) that the Scrutiny Manager be authorised, in consultation with the Chairman, to prepare and submit the final joint Scrutiny and Executive response to the Department of Health.**

The meeting ended at 5.15 p.m.

**Chairman:** .....

**Date:** .....

## **ADULT CARE & SUPPORT SCRUTINY COMMITTEE**

### **Minutes of the meeting of the Adult Care & Support Scrutiny Committee held on Thursday, 9<sup>th</sup> September, 2010 at 2.00 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors R.G. Chaplin (Chairman), N Dugmore (part) V.A. Fletcher, and K Sahota.

#### **ACSSC-1 APOLOGIES FOR ABSENCE**

Councillor K.L. Tomlinson and M.J. Smith

#### **ACSSC-2 DECLARATIONS OF INTEREST**

None.

#### **ACSSC-3 APPOINTMENT OF A VICE-CHAIRMAN FOR 2010/11**

No nominations were put forward for the position of Vice Chairman of the Committee. Consequently, neither a vote or decision on the matter could be taken. It was agreed to continue the year without an appointed Vice Chairman, and on occasions where the Chairman was unable to attend meetings, a Chairman for that particular meeting would then be elected at the meeting.

#### **ACSSC-4 CHAIRMAN'S UPDATE REPORT**

The Chairman reported that the Chairman's' Forum had met on the 16<sup>th</sup> August (the meeting was open to any Member of the Scrutiny Assembly to attend to observe) and it was agreed that the 3 in-depth reviews for the current year would be:

- Budget formulation - suggestions about how to save money ( the scoping meeting for this review will be held next week)
- Working with community groups to help improve the local environment
- Affordable, available and flexible childcare

Scrutiny Meetings would be supported by the Scrutiny Team during the year had been allocated by the ~~Chairmans'~~ Chairmen's Forum, and each Committee would hold one meeting during the budget consultation process to consider the budget proposals for that priority area. The Adult Care and Support Committee would have 3 meetings to carry out the work programme during the year (excluding the budget scrutiny meeting).

Each Scrutiny Committee would receive a report on the service reviews that are underway across the Council, and it was important that Scrutiny Members were aware of the financial constraints and the service reviews when planning the work programme.

The Chairmen also met to review and rationalise the Recommendations data base to filter out the completed jobs and archive out of date recommendations. Officers

would be asked to update the remaining recommendations and inform the relevant Scrutiny Committee Members and upload on the Scrutiny Extranet.

#### **ACSSC-5 SERVICE REVIEWS**

A report was presented that informed Members of the service reviews that were taking place within the Council, in line with the One Council Vision.

The programme of service reviews was currently being undertaken across all service delivery units within the Council. The reviews would look at how services were managed and operated to identify ways in which services can be delivered to the community more efficiently and effectively, within the resources available. The reviews needed to produce operational (non-staff) savings of 20% and were likely to lead to restructuring.

A Service Review Steering Group had been set up to oversee the programme and to monitor the progress of each service delivery unit, including information on changes in activity and savings.

A Table, within the report, provided information on the timetable for service reviews taking place across the Council.

The Steering Group would ensure a consistent approach across the Council.

Reviews should produce cashable efficiency savings aligned to the budget position and corporate priorities. Regardless of whether re-structuring was planned, all service areas would be expected to identify savings in line with corporate targets. All reviews would be expected to demonstrate how they had taken into account issues/suggestions arising from the engagement session carried out in their area.

Members commented that Looked After Children needed to be managed within the service as part of the safeguarding role of the Council. The statutory responsibilities needed to be undertaken to ensure a seamless passage from child care to adult care packages. It was agreed that this would be raised with Paul Clifford the director leading this review. Members asked for an update on the outcome of the service review in December (this could be a written briefing sent to members of the committee).

**RESOLVED – that the report be noted, together with an acknowledgement of the role of the service reviews when planning the Committee's work programme.**

#### **ACSSC-6 WORK PROGRAMME**

The Scrutiny Manager presented a report that aimed to assist Members to plan the work programme for the Adult Care and Support Scrutiny Committee

The Scrutiny arrangements had been established in June 2010 to enable each Scrutiny Committee to determine its own work programme within the resources

available. To ensure that the Scrutiny work programme was a Member led process and the work was balanced between Scrutiny Reviews and the Scrutiny Committees, the work programme was planned through 3 stages, the detail of which was explained within the report.

The Scrutiny Handbook set out that there would be a total of approximately 80 Scrutiny meetings during the year and the Constitution stated that each Scrutiny Committee would have a minimum of 2 formal meetings per year. In recognition of the fact that some committees ( Active Lifestyles: Leisure and Culture, Children and Young People and Community Focussed and Efficient Council) had statutory roles and additional work the Scrutiny Chairmen allocated those committees 3 additional meetings.

Each Committee would also hold a meeting to scrutinise the budget proposals. The remaining meetings were allocated between the committees, 2 meetings were allocated to committees that did not have Scrutiny Review and 1 meeting was allocated to the Committees with a Scrutiny Review. The number of meetings per Committee was shown in the Table 1 of the report.

Within the table, the column 'Free Meetings' indicated the number of meetings the Scrutiny Team could support for each committee ( that did not include the September Committee Meetings). The Adult Care and Support Scrutiny Committee had 3 meetings to scrutinise issues during 2010/11.

The Scrutiny Handbook set out a range of methods that Members may wish to use to undertake the work of the Committee:

- Formal Committee Meeting

The Members of the Committee receive reports on several issues as agenda items at a Committee meeting.

- Special Interest Meeting

One meeting to consider one issue in more depth. It is important that the focus of this meeting is scoped carefully to ensure it can be covered in a single meeting.

- Spot Light Review

This process for a spot light review is the same as an in-depth review but the evidence gathering takes place in one meetings. The review should require 3 meetings in total.

Also, where 2 Scrutiny Committees had an interest in an issue, Members may decide to hold a joint meeting between two Committees.

Members considered the suggestions made at the recent Scrutiny Assembly workshop and agreed to examine the:

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NHS service changes allowing GPs to commission services

A joint meeting with the Active Lifestyles Scrutiny committee will be held. The date agreed was the 27<sup>th</sup> September to submit a Council response by the 11<sup>th</sup> October.

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Extra Care provision of a 500 bed target / Re-assessment of Care Needs

It was agreed that a report would be by the Committee that would look at the services for older people in particular re assessment of care needs and the impact this will have on future provision including the provision of Extra Care.

Monitoring the recommendations of the Care Quality Commission on adult safeguarding and increased choice and control for older people. It was agreed this should take place around March 2011. This meeting could be an member supported working group.

Members also indicated a desire to also examine the suggestion of Young Adult Respite Care but were reminded of the limited resources available and agreed to look at it as part of next years work programme. It was agreed that a written briefing would be requested and circulated to Members.

The next meeting of the Committee would be a Joint meeting with the Active Lifestyle SC on 27<sup>th</sup> September at 3.00 pm to discuss the consultation response on the Dept of Health White Paper. It was important to make a positive response to the consultation

Furthermore, a joint meeting with Active Lifestyles SC to discuss the Foundation Trust status for Hospital and Ambulance services was suggested

The Scrutiny Manager stated that suitable meeting dates would be formulated with the Corporate Diary and notified to Members as soon as possible

**RESOLVED –**

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- (a) that the following topics be examined by the Committee during 2010/11 :
- NHS service changes allowing GPs to commission services
  - Extra Care provision of a 500 bed target
  - Re-assessment of Care Needs
- (b) that a Briefing paper on the Extra Care provision and also on the Care Needs issue be prepared
- (c) that a joint meeting with Active Lifestyles, Leisure & Culture SC be held, to discuss the Foundation Trust status for Hospital and Ambulance services.

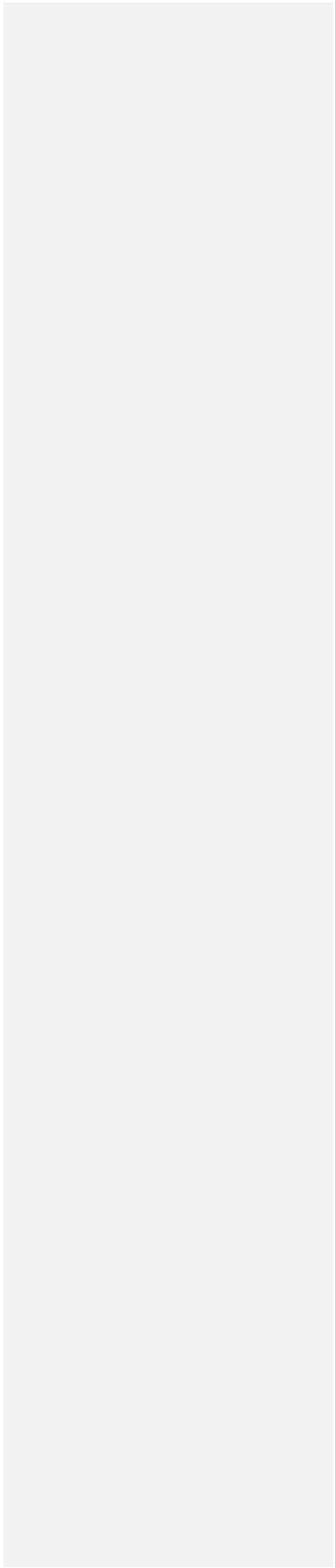
- (d) that the next meeting of the Committee be a Joint Meeting with the Active Lifestyles, Leisure & Culture SC on 27<sup>th</sup> September at 3.00 pm to discuss the consultation response on the Dept of Health White Paper

The meeting ended at 3.21 p.m.

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**Chairman:** .....

**Date:** .....



## **COMMUNITY FOCUSED & EFFICIENT COUNCIL SCRUTINY COMMITTEE**

### **Minutes of a meeting of the Community Focused & Efficient Council Scrutiny Committee held on Thursday, 9<sup>th</sup> September, 2010 at 6.00 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors C.P.R. Mollett (Chairman), D.R. Chaplin, A.D. McClements and W.L. Tomlinson

**ALSO PRESENT:** Mr. M. Viney and Mr. R. Williams (Co-opted Members)

**OFFICERS:** Sarah Bass (Organisational Capacity Projects Team Leader) and Stephanie Jones (Scrutiny Officer)

#### **CFEC-1      APOLOGIES FOR ABSENCE**

Councillors L. Lomax and A.A. Meredith

#### **CFEC-2      DECLARATIONS OF INTEREST/PARTY WHIP**

None.

#### **CFEC-3      APPOINTMENT OF VICE-CHAIRMAN**

No nominations for Vice-Chairman of the Committee had been received and Councillor W.L. Tomlinson proposed that, should the Chairman not be present at a meeting, a Chairman for that meeting be elected.

**RESOLVED** – that no Vice-Chairman be appointed for the Community Focused & Efficient Council Scrutiny Committee.

#### **CFEC-4      REPORT FROM THE CHAIRMEN'S FORUM**

The Chairman reported that the Chairmen's Forum, held on 16<sup>th</sup> August, 2010, had identified three topics for in-depth reviews including budget formulation, which would be the responsibility of this Scrutiny Committee. In addition, each of the other Scrutiny Committees would scrutinise the relevant aspect of the budget proposals for 2011/12 and report their comments to this Committee as part of the formal consultation process. In addition to this work, each Scrutiny Committee would agree its own work programme within the resources available.

In accordance with the Constitution, each Scrutiny Committee would have a minimum of two formal meetings per year. In recognition of the fact that the Active Lifestyles: Leisure and Culture, Children & Young People, and Community Focused Efficient Council Scrutiny Committees had statutory roles and additional work, the Scrutiny Chairmen had allocated them three additional meetings. The additional work of this Committee included the remit of the previous Value for Money Scrutiny Monitoring Group as the main mechanism by which Cabinet would consult scrutiny on the budget proposals and by which the financial and service performance of the Council would be monitored.

The remaining meetings had been allocated on the basis of two to Scrutiny Committees that had no in-depth Review and one meeting to the Committees with an in-depth Scrutiny Review.

Members identified other issues for this Scrutiny Committee as being communication, partnerships, and the Community Strategy. Roy Williams stressed the need for the other Scrutiny Committee meetings to be synchronised with this Committee in order to allow for an effective input to the budget.

#### **CFEC-5      BACKGROUND PAPERS ON SERVICE REVIEWS**

The report of the Lead Corporate Director: Environment & Rural Area/Housing, Regeneration & Prosperity informed the Committee of the programme of service reviews that was currently being undertaken across all service delivery units within the Council. The reviews would look at how services were managed and operated in order to identify ways in which they could be delivered to the community more efficiently and effectively within the resources available. The reviews needed to produce operational (non-staff) savings of 20%, which would be fed into the budget process.

A Service Review Steering Group had been set up to oversee the programme, to monitor the progress of each Head of Service including information on changes in activity and savings, a timetable for which was included in the report, and to ensure a consistent approach across the Council.

Members requested that a report on the Service Review proposals be brought to the Committee at an appropriate time to enable them to make a response before any final decisions were taken and the Organisational Capacity Projects Team Leader agreed to pass this on to the Lead Corporate Director.

**RESOLVED** – that Members noted the briefing and took account of the service reviews when planning the Committee's work programme.

#### **CFEC-6      2010/11 WORK PROGRAMME**

The report of the Scrutiny Manager provided the Committee with information to enable them to plan its Work Programme. Annex A of the report set out the suggestions for items made by the Scrutiny Assembly Workshop and Annex B set out the outstanding items from the Value for Money Scrutiny Monitoring Group and other scrutiny groups under the previous arrangements. As noted in Minute No. CFEC-4, this Scrutiny Committee would be undertaking an in-depth review of the budget formulation in terms of suggestions on savings that could be made.

Councillor W.L. Tomlinson referred to the Quarterly Financial Monitoring reports considered by the Cabinet and requested that the Head of Finance be requested to attend the October meeting of the Committee and to provide Members with the latest monitoring information to make them aware of the base budget figures prior to scrutinising the budget proposals for 2011/12. He further commented that not only should the Committee scrutinise decisions that had already been made but should also have the opportunity to participate in policy formulation.

The Committee agreed that the following action should be taken with regard to the Work Programme suggestions.

Scrutiny Assembly Workshop

<b>Priority</b>	<b>Suggestion</b>	<b>Decision</b>
<b>A</b>	Involvement in development of the budget	Within remit of Committee or to be undertaken as part of an In-depth Review.
<b>A</b>	Scrutiny of budget	Within remit of Committee
<b>A</b>	Expenditure on taxi services in Children & Young People	Not to be added to Work Programme but could be considered as part of an In-depth Review.
<b>A</b>	Public Relations – raising profile of Council and working with partner organisations including Parish & Town Councils	To be added to Work Programme but with a narrower focus on engaging the public during the budget process.
<b>B</b>	Scrutiny of back office efficiencies	Not to be added to the Work Programme but could be considered as part of the In-Depth Review .
<b>C</b>	Service provision by public bodies with an ethnic minority perspective	Not to be added to the Work Programme. Cabinet Member (Cllr S.M. Kelly) and Chairman of the Scrutiny Assembly to respond separately.
<b>C</b>	Expenditure by Council on consultants	Not to be added to Work Programme – Council now required to publish all expenditure over £500.

Outstanding Items from the Forward Plan of the Value For Money Scrutiny Monitoring Group and other scrutiny groups

<b>Topic</b>	<b>Decision</b>
Keeping Elected Members informed	A short report on current progress and means of improving this to be submitted to the Committee to establish whether any further action needed to be taken
Implementation of Locality Working Arrangements	Not to be added to Work Programme
Monitoring of Equalities Impact Assessment	Not to be added to Work Programme. Could be looked at as part of the In-depth Review.
Financial Monitoring – Quarterly, 5 & and 8 monthly	Within remit of Scrutiny Committee
Youth & Community VFM Self-Assessment Action Plan Update	Refer to Children & Young People Scrutiny Committee
VFM Service Reviews	Within remit of Scrutiny Committee
Review of spend on	Relevant Cabinet Member and Head of Service to

safeguarding and progress against savings targets	be invited to make a report to the Scrutiny Committee
Review of Capital Programme	Work Programme item
2011/12 budget consultation/ evidence gathering/conclusion and recommendations	Work Programme item
SEN Overspend	If a significant variation is established by Financial Monitoring report to October meeting, then further action will be considered. If not, refer to Children & Young People Scrutiny Committee
Employee Suggestion Scheme	All significant savings to be reported to Committee
Reduction in use of B&B and associated subsidy costs	Await Financial Monitoring report to October meeting. If spending on track then no further action required
Update on Economic Development savings/One Telford	Update report requested.

Referral from Scrutiny Leadership Board

School Funding Formula	Referred to Children & Young People Scrutiny Committee.
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Topics Raised at the meeting

Single Status	Update report requested from lead Corporate Director
Partnerships	Impact of budget reductions of partner organisations upon the Council's budget and need to engage partners as part of budget process. To be added to Work Programme but scope to be limited to available resources
Budget Consultation Process	Review of methods of consultation

**ECFC-7      DATES AND TIMES OF NEXT MEETINGS**

It was agreed that the next three meetings of the Scrutiny Committee be held on the following dates at 6.00 p.m.:

- Wednesday, 6<sup>th</sup> October, 2010
- Wednesday, 3<sup>rd</sup> November, 2010
- Wednesday, 1<sup>st</sup> December, 2010

The dates of the meetings in 2011 would be arranged later.

The meeting ended at 7.57 p.m.

**Chairman:** .....

**Date:** .....

## **CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE**

### **Minutes of a meeting of the Children & Young People Scrutiny Committee held on Monday, 13th September 2010 at 6.00 pm in the Reception Suite, Civic Offices, Telford**

**PRESENT:** A.Stanton (Chairman), C.P.R.Mollett (Vice-Chairman), E.A.Clare, J.A.Dixon and G.M.Green and Mrs.M.Ward (Primary Parent Governor Representative) and Dr.S.Ali (General Public Representative).

#### **CYPSC-1 APOLOGIES FOR ABSENCE**

Councillor Y.C.Hicks and Mr.A.Atkinson (RC Diocese Representative),

#### **CYPSC-2 APPOINTMENT OF VICE-CHAIRMAN**

**RESOLVED** – that Councillor C.P.R.Mollett be appointed as the Vice-Chairman of the Children & Young People Scrutiny Committee.

#### **CYPSC-3 DECLARATIONS OF INTEREST**

None

#### **CYPSC-4 REPORT FROM THE CHAIRMAN'S FORUM**

The Chairman provided a report on the recent chairman's Forum that had been held on 16th August 2010. He confirmed that the Forum had decided on the in-depth reviews that would be undertaken, which included – Budget formulation – suggestions about how to save money; Working with community groups to help improve the local environment and Affordable, available and flexible childcare. This latter in-depth review would be undertaken by the Children & Young People Scrutiny Committee.

#### **CYPSC-5 BACKGROUND PAPER ON SERVICE REVIEWS**

The report of the Corporate Director for Environment & Rural Area/Housing Regeneration & Prosperity was received which sought to inform the Scrutiny Committee on the ongoing service reviews that were currently being undertaken within the Council.

These reviews were examining how services were managed and operated and to identify how these services could be delivered to the local community more efficiently and effectively. There was a requirement that these reviews needed to produce operational (non-staff) savings of 20% and were likely to lead to restructuring of services.

Members were informed that a Service Review Steering Group had been established to oversee the programme and to monitor the progress of each service delivery unit which included information on changes in activity and savings. The lead Corporate Director for this review was Meredith Evans. The Committee was referred to the table within the report that outlined the current timetable for the service reviews that were being undertaken across the Council.

## CYPSC-6 2010/11 WORK PROGRAMME

The Committee received the report of the Scrutiny Manager which requested Members to plan the work programme for the Scrutiny Committee for the remainder of the 2010/11 Civic Year.

Members were reminded that the current scrutiny arrangements established in June 2010 enabled each Scrutiny Committee to determine its own work programme within the resources available. The Committee were advised on the process that would lead to the development of the work programme for each Scrutiny Committee as outlined within the report. The report also detailed how many meetings of the Scrutiny Committee could be held during the remainder of the Civic Year together with the numbers for each of the Scrutiny Committees. It was also required for the Scrutiny Committee to reserve one of the allocated meetings for consideration and scrutiny of the forthcoming budget proposals.

The Committee were then referred to Appendices A the suggestions for items made by the Scrutiny Assembly Workshop and B set out the outstanding items from the Children & Young People Forward Plan. The Committee agreed that the following action should be taken with regard to the Work Programme suggestions.

### Scrutiny Assembly Workshop

<b>Priority</b>	<b>Suggestion</b>	<b>Decision</b>
<b>A</b>	Youth provision in the borough – distribution of and attendance	Officers to provide an update on the implementation of scrutiny recommendations, and a report about current youth provision for the committee to decide if they want to review this further.
<b>A</b>	Bereavement support for children and young people	The Chair to meet with Austin Atkinson (plus others if interested) to agree questions to be sent to schools, then responses reported back to committee, potentially to recommend the development of a T&W bereavement policy. Discuss at November meeting.  Possible questions: <ul style="list-style-type: none"> <li>• Do they have a policy?</li> <li>• How do they deal with bereavement?</li> <li>• Who is responsible i.e. a nominated person?</li> <li>• Do they share good practice?</li> </ul>
<b>A</b>	Short breaks for young people – disabled children	Report from officers: <ul style="list-style-type: none"> <li>• definition of disability – who qualifies?</li> <li>• 2011 statutory requirements – what</li> </ul>

		<p>are they?</p> <ul style="list-style-type: none"> <li>• what do we provide now and how will this meet requirements?</li> <li>• budget implications</li> </ul> <p>Discuss at December meeting</p>
<b>A</b>	Affordable, available and flexible childcare need	For in-depth review
<b>A</b>	The level of support for parents and children with physical disablement regarding aids, physiotherapy, wheelchair problems and adaptations to homes. Much more support is needed.	Refer to Adult Care & Support
<b>B</b>	SEN provision within the mainstream secondary schools, looking in particular at whether there is a cohesive policy and whether strategies and examples of good practice are shared among the schools.	Reports reviewed at September meeting - no further action.
<b>B</b>	Community involvement in Schools / Learning Communities Engagement with the Community / Community interaction	No further action.
	Looked after children – ensuring their needs are met	Part of the work programme

Outstanding Items from the Forward Plan of the Value For Money Scrutiny Monitoring Group

<b>From</b>	<b>Topic</b>	<b>Action agreed by committee</b>
Domestic Violence Special Interest Group	Attend partner conference	Scrutiny Officer to find out when conference is and invite committee members and members of original review group to attend if they are interested.
BTISLC (Campus Telford) Scrutiny Monitoring Group	Response to recommendations on school transport made on 15.07.10.	Report back to committee Jan 2011 – included in Adult & Children Social Care service review.
BTISLC (Campus Telford) Scrutiny Monitoring Group	<p>On-going monitoring of:</p> <ul style="list-style-type: none"> <li>• Progress against project timetable</li> <li>• Management of risks</li> <li>• Position on costs</li> <li>• Communication with key stakeholders</li> </ul> <p>The topics below are in the BTISLC Forward Plan, but these may change depending on the outcome of funding decisions for BSF by the new coalition government.</p>	<p>One meeting about BTISLC:</p> <p>Report from Guy Kershaw on BTISLC programme including standing items</p> <p>Presentation from Kier:</p> <ul style="list-style-type: none"> <li>• Kier's BSF strategy</li> <li>• How are they applying lessons from Ab Dab?</li> <li>• Support for members to deal with issues?</li> <li>• Engagement with staff and children and what's the feedback?</li> <li>• How do they engage the community?</li> </ul>
BTISLC (Campus Telford) Scrutiny Monitoring Group	The accelerated building programme, how this will be managed, the risks and impact on costs.	As above
BTISLC (Campus Telford) Scrutiny Monitoring Group	Issues for schools. Meeting with Secondary Heads and Principals to identify their areas of concern	As above

	around BSF and to scrutinise those areas.	
BTISLC (Campus Telford) Scrutiny Monitoring Group	The Abraham Darby experience. Meeting with staff at Abraham Darby to find out what their experience of BSF was and if lessons are being applied for the future.	As above
BTISLC (Campus Telford) Scrutiny Monitoring Group	Issues for teachers from schools next in the programme. (Silkin, Phoenix, Wrockwardine Wood, Priorslee)	As above
BTISLC (Campus Telford) Scrutiny Monitoring Group	Other suggestions: <ul style="list-style-type: none"> <li>• Timetabling (linked to transport)</li> <li>• Links to the health strategy and PCT funding</li> <li>• Visit to Sutherland to see the IT suite in action</li> <li>• Meeting with Kier – engagement strategy, if relevant plans for future schools</li> <li>• Preserving standards of literacy and numeracy in a computer age</li> <li>• Maintenance costs</li> </ul>	As above
Corporate Parenting Scrutiny Monitoring Group	Meetings with children & young people in care. These are to find out from the young people what their issues are for scrutiny to take up and address, and to give feedback to the young people. Proposed next topics: <ul style="list-style-type: none"> <li>• Contact</li> <li>• Out of borough placements</li> </ul>	Meetings with young people October 2010 and April 2011.
Corporate Parenting Scrutiny Monitoring Group	Following up issues from meetings with young people. Issues raised and actions in response to these are noted on a spreadsheet. These need to be followed up to ensure that the actions that were identified are being undertaken.	Actions to be agreed immediately after October session with young people.
Corporate Parenting Scrutiny Monitoring Group	Out of borough placements (the number of children placed out of county has risen). Report back on guidance flowcharts for education and health care. Views of young people placed out of borough.	Corporate Parenting meeting in January to look at all CP issues. PI information and reports on issues below as requested by members.
Corporate Parenting Scrutiny Monitoring Group	On-going monitoring of the Placements Strategy (2010/11 strategy available from July 2010).	As above
Corporate Parenting Scrutiny Monitoring Group	Regulation 33 inspections of private care homes	As above
Corporate Parenting Scrutiny	Healthcare for children in care	As above

Monitoring Group		
Corporate Parenting Scrutiny Monitoring Group	Children in care in the criminal justice system.	As above
Corporate Parenting Scrutiny Monitoring Group	Educational attainment of children in care.	As above
Corporate Parenting Scrutiny Monitoring Group	Connexions 4 Youth PA for Children in Care and Care Leavers – the impact of this role, especially on raising aspirations and reducing care leave NEETs.	As above
Corporate Parenting Scrutiny Monitoring Group	Children in care with disabilities, and their transition to adult services.	As above
Corporate Parenting Scrutiny Monitoring Group	Regular reports circulated for information: <ul style="list-style-type: none"> <li>• Performance Monitoring</li> <li>• Adoption Annual Report</li> <li>• Annual report on serious case reviews</li> </ul> Other people to meet: <ul style="list-style-type: none"> <li>• Chair of Foster Carers Association</li> <li>• Chair of Local Safeguarding Children’s Board</li> <li>• Links to Children’s Trust</li> </ul>	Circulate reports for information when they are published.
Child Protection Special Interest Meeting	Information from Cabinet Member on savings made as a result of the investment in child protection services and how these savings will be monitored to ensure the savings targets are met over the 3 years.	Cabinet response report to November meeting
Transition of disabled children into adult services	Special Interest meeting showed that the last Self Assessment was rated low, therefore members requested a report back when the Year 3 Self Assessment has been submitted and rated to assure themselves that it reflects the improvements mentioned during the meeting.	Self-assessment report to committee Jan 2011
Scrutiny Leadership Board	School Funding Formula	No further action

The meeting ended at 7.50 pm.

**Chairman:**

**Date:**

## **ENVIRONMENT & RURAL AREA SCRUTINY COMMITTEE**

### **Minutes of the meeting of the Environment & Rural Area Scrutiny Committee held on Wednesday, 15<sup>th</sup> September, 2010 at 10.00 a.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors T.J. Hope (Chairman), R. Aveley, R.E. Groom, R.T. Kiernan, C.F. Smith, and E.M. Swift

#### **ERASC-1 APOLOGIES FOR ABSENCE**

Mrs L Baker-Oliver (Co-optee)

#### **ERASC-2 APPOINTMENT OF A VICE-CHAIRMAN FOR 2010/11**

The Chairman stated that it was her intention to attend every meeting of the Committee during the year and in the unlikely occasion that she was unable to attend, a Chairman for that particular meeting could then be elected at the meeting.

It was, consequently, agreed to continue the year without an appointed Vice Chairman.

#### **ERASC-3 DECLARATIONS OF INTEREST**

None.

#### **ERASC-4 CHAIRMAN'S UPDATE REPORT**

The Chairman reported that the Chairman's' Forum had met on the 16<sup>th</sup> August (the meeting was open to any Member of the Scrutiny Assembly to attend to observe) and It was agreed that the 3 in-depth reviews for the current year would be:

- Budget formulation - suggestions about how to save money ( the scoping meeting for this review will be held next week)
- Working with community groups to help improve the local environment
- Affordable, available and flexible childcare

Scrutiny Meetings would be supported by the Scrutiny Team during the year, and each Committee would hold one meeting during the budget consultation process to consider the budget proposals for that priority area. The Environment & Rural Area Scrutiny Committee would have 3 meetings to carry out the work programme during the year (excluding the budget scrutiny meeting).

Each Scrutiny Committee would receive a report on the service reviews that are underway across the Council, and it was important that Scrutiny Members were aware of the financial constraints and the service reviews when planning the work programme.

The Chairmen also met to review and rationalise the Recommendations data base to filter out the completed jobs and archive out of date recommendations. Officers

would be asked to update the remaining recommendations and inform the relevant Scrutiny Committee Members and upload on the Scrutiny Extranet.

#### **ERASC-5 SERVICE REVIEWS**

A report was presented that informed Members of the Service Reviews that were taking place within the Council, in line with the One Council Vision.

The programme of service reviews was currently being undertaken across all service delivery units within the Council. The reviews would look at how services were managed and operated to identify ways in which services can be delivered to the community more efficiently and effectively, within the resources available. The reviews needed to produce operational (non-staff) savings of 20% and were likely to lead to restructuring.

A Service Review Steering Group had been set up to oversee the programme and to monitor the progress of each service delivery unit, including information on changes in activity and savings.

A Table, within the report, provided information on the timetable for service reviews taking place across the Council.

The Steering Group would ensure a consistent approach across the Council.

Reviews should produce cashable efficiency savings aligned to the budget position and corporate priorities. Regardless of whether re-structuring was planned, all service areas would be expected to identify savings in line with corporate targets. All reviews would be expected to demonstrate how they had taken into account issues/suggestions arising from the engagement session carried out in their area.

It was explained to Members that the Reviews had been categorised and Category 1 reviews aimed to achieve savings of over £1m, Category 2 between £500k to £1m savings ; and category 3 of under £500k savings. Members commented upon the categorisation of the reviews and asked for information as to which services were categorised 1 2 or 3.

**RESOLVED** – that the report be noted, together with an acknowledgement of the role of the service reviews when planning the Committee's work programme.

#### **ERASC-6 UPDATE ON THE SURFACE WATER MANAGEMENT PLAN**

A report had been circulated with the agenda that outlined the current position regarding Flood Risk Management. Chris Butler, Engineering Service Manager & Steve Hollins, Engineering Services Officer explained the report and outlined the implications for the Council of the recent Floods & Water Management Act that had gained Royal Assent in April 2010.

Telford & Wrekin Council was now a Lead Local Flood Authority that must take responsibility for local flooding and lead action to combat incidents in the Borough.

Members enquired as to the legal responsibilities pertaining to drainage systems and the officers explained the detailed arrangements that may exist in different circumstances

The Council was to establish a Strategic Local Flood Risk Management Board, by April 2011, to focus on identifying areas of the region at risk of flooding and to secure funding from DEFRA and the Environment Agency for maintenance and alleviation works. There would also be an operational Local Flood Risk Management Board to provide professional and expert advice to the Strategic Board.

Members commented upon the maintenance issues relating to the numerous old Victorian drainage systems in the more established towns in the Borough.

New developments now had to demonstrate a level of sustainable drainage system and in fact the envisaged new Civic offices development in Southwater Square would have a rain water harvesting system to retain and reuse rainwater at the site.

## **ERASC-7    WORK PROGRAMME**

The Scrutiny Manager presented a report that aimed to assist Members to plan the work programme for the Environment & Rural Area Scrutiny Committee

The Scrutiny arrangements had been established in June 2010 to enable each Scrutiny Committee to determine its own work programme within the resources available. To ensure that the Scrutiny work programme was a Member led process and the work was balanced between Scrutiny Reviews and the Scrutiny Committees, the work programme was planned through 3 stages, the detail of which was explained within the report.

The Scrutiny Handbook set out that there would be a total of approximately 80 Scrutiny meetings during the year and the Constitution stated that each Scrutiny Committee would have a minimum of 2 formal meetings per year. In recognition of the fact that some committees ( Active Lifestyles: Leisure and Culture, Children and Young People and Community Focussed and Efficient Council) had statutory roles and additional work the Scrutiny Chairmen allocated those committees 3 additional meetings.

Each Committee would also hold a meeting to scrutinise the budget proposals. The remaining meetings were allocated between the committees, 2 meetings were allocated to committees that did not have Scrutiny Review and 1 meeting was allocated to the Committees with a Scrutiny Review. The number of meetings per Committee was shown in the Table 1 of the report.

Within the table, the column 'Free Meetings' indicated the number of meetings the Scrutiny Team could support for each committee ( that did not include the September Committee Meetings). The Environment & Rural Areas Scrutiny Committee had 3 meetings to scrutinise issues during 2010/11.

The Scrutiny Handbook set out a range of methods that Members may wish to use to undertake the work of the Committee:

- Formal Committee Meeting

The Members of the Committee receive reports on several issues as agenda items at a Committee meeting.

- Special Interest Meeting

One meeting to consider one issue in more depth. It is important that the focus of this meeting is scoped carefully to ensure it can be covered in a single meeting.

- Spot Light Review

This process for a spot light review is the same as an in-depth review but the evidence gathering takes place in one meetings. The review should require 3 meetings in total.

**Members considered the suggestions made at the recent Scrutiny Assembly workshop and agreed to examine the Traffic Calming Measures**

Some Members also indicated a desire to also examine the suggestion of Planning Enforcement but were reminded of the limited resources available and agreed to potentially look at it as part of next years work programme.

**RESOLVED –**

**(a) that the following topic be examined by the Committee during 2010/11 :**

- **Traffic Calming Measures**

**(b) that an In-depth review be undertaken on “Working with Community Groups to improve the Environment”**

**(c) that the Committee examine the proposed Council Budget relating to the Environment & Rural Areas as part of the Budget Review exercise undertaken by all Scrutiny Committees**

The meeting ended at 11.57 a.m.

**Chairman:** .....

**Date:** .....

## **HOUSING, REGENERATION & PROSPERITY SCRUTINY COMMITTEE**

### **Minutes of a meeting of the Housing, Regeneration & Prosperity Scrutiny Committee held on Wednesday, 22<sup>nd</sup> September, 2010 at 6.00 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors H.J. Unwin (Chairman), T.J Hope, R.A. Overton and H.J Williams

#### **ALSO PRESENT:**

**OFFICERS:** Sarah Bass (Organisational Capacity Projects Team Leader), Stephanie Jones (Scrutiny Officer), David Sidaway (Head of Property and Design), Matthew Taylor (Civic Offices Project Manager) and Kate Turner (Programme Manager for the Town Centre)

#### **HRPSC-1 APOLOGIES FOR ABSENCE**

Councillor D.R.W. White

#### **HRPSC-2 DECLARATIONS OF INTEREST/PARTY WHIP**

None.

#### **HRPSC-3 APPOINTMENT OF VICE-CHAIRMAN**

As only one nomination for Vice-Chairman had been received it was

**RESOLVED** – that Councillor H J Williams be appointed as Vice-Chairman of the Housing, Regeneration and Prosperity Scrutiny Committee

#### **HRPSC-4 REPORT FROM THE CHAIRMEN'S FORUM**

The Chairman reported that the Chairmen's Forum, held on 16<sup>th</sup> August 2010, had identified the following three topics for in-depth reviews for the current year

- Budget formulation
- Working with community groups to help improve the local environment
- Affordable, available and flexible childcare

Scrutiny Meetings would be supported by the Scrutiny Team during the year, and each Committee would hold one meeting during the budget consultation process to consider the budget proposals for that priority area. The Chairman advised that this Committee had been allocated five meetings which could be supported by the Scrutiny Team and at which it could scrutinise any issues agreed by the Committee during 2010/11. The Chairman indicated that it was, however, his preference to hold monthly meetings and he wished to explore what opportunities existed to hold additional meetings.

## **HRPSC-5    BACKGROUND PAPERS ON SERVICE REVIEWS**

The report of the Lead Corporate Director: Environment & Rural Area/Housing, Regeneration & Prosperity informed the Committee of the programme of service reviews that was currently being undertaken across all service delivery units within the Council. The reviews would look at how services were managed and operated in order to propose ways in which they could be delivered to the community at a 20% non-staff cost saving.

Services have been categorised according to the amount of savings they have been targeted to make. Category 1 are services which have to make over £1m+ savings, Category 2 are those that have to make £500k-£1m and Category 3 are those that have to make savings below £500k. There are three major reviews which have to make over £1m savings.

A Service Review Steering Group had been set up to oversee the programme, to monitor the progress of each service delivery unit toward making their proposals, including information on changes in activity and savings, a timetable for which was included in the report, and to ensure a consistent approach across the Council. A process for involving scrutiny in consultation on the Service Reviews was currently being looked at.

In response to Members' questions the Organisational Capacity Projects Team Leader advised that wide consultation was taking place at each step in the Review, including with all staff working in each service area. She further clarified that the service reviews are targeting non-staff savings, but that the reviews could lead to restructuring and that in addition to the Service Reviews, the restructuring that has been going on for a number of months has to result in at least 20% staff savings. With regard to Single Status, the Organisational Capacity Projects Team Leader was not able to answer specific questions, but reported that agreement was still being negotiated with the Trades Unions and, therefore, no information was currently available as to how this would affect redundancy packages.

**RESOLVED** – that Members noted the briefing and took account of the service reviews when planning the Committee's work programme.

## **HRPSC-6    2010/11 WORK PROGRAMME**

### **Telford Town Centre – Civic Offices**

The Head of Property & Design apologised to Members that update reports had not recently been made to Scrutiny, in part due to the implementation of the new Scrutiny arrangements.

The Programme Manager for the Town Centre made a presentation about the overall Town Centre Development, and a presentation in support of the Cabinet Report dated 14 September 2010 which provided details on the key design decisions which had informed the size, configuration and appearance of the new Civic Offices at Southwater, in readiness for a reserved matters application to be submitted.

## **Civic Offices**

The basic building parameters and the accommodation schedule for the new Civic Offices had been informed by a number of decisions made by the New Ways of Working Steering Group. These decisions had been based on proposals for the future of the Council's accommodation, based on the "One Council" vision and commitment to "New Ways of Working". Through rationalising the Council's property portfolio and adopting the principles of New Ways of Working it had been possible to reduce the office accommodation for the new civic to circa 8,000sqm, from circa 9,850sqm in the existing building. Concept proposals, including an executive summary of the design report, were appended to the report. Aspirations for an iconic building with high levels of quality, sustainability and civic presence had been achieved in accordance with the original brief.

## **Town Centre**

The Southwater site itself would be transformed into a vibrant, mixed use centre including residential units, retail units, offices, sport and leisure facilities, an extension to the TIC, multi-storey car park, hotels and active ground floor frontage to all buildings. The site would encompass a wide cultural and leisure offer courtesy of the Learning and Media Centre, leisure hub and TIC Events Box and Hotel.

The following responses were made to questions raised during the presentation:

- Despite National funding restrictions, the Homes and Communities Agency had maintained their funding contribution of £9.5m to the overall package. Advantage West Midlands had, unfortunately, had to reduce their match funding from £9.5m to £4m, but the loss had been absorbed through a rationalisation of costings, taking a different approach to services and reducing preparation costs. The overall package was worth £28m.
- The funding package would include infrastructure and enabling works of the site, the lake, the public realm and the Learning and Media Centre. The funding for Civic Offices sat outside of this £28m funding package.
- Residential usage would be mixed with the Randlay Lorry Site offering a more traditional build; opportunities existed for the provision of 'city living' apartment style accommodation in the long-term vision.
- The development would raise the value of the site significantly which it was hoped would attract significant interest from the Private Sector, particularly if a cinema was located on the site. However, it was possible to deliver the project in any event.
- Although concern was raised that the public perception may be that Southwater Events Group was receiving preferential treatment by the planners due to the partnership, this was wholeheartedly refuted as being the case. Furthermore, the partnership did not cause any loss of business with other brands.
- Cabinet would receive a report in the new year regarding parking options for the new Civic Offices and the leisure offer. Current parking provision was considered sufficient for the area until 2020.
- The Town Park boundary was now to be changed due to a change of approach to that taken by Transforming Telford. The Arena was a valuable

asset and the area was not required to form part of the Southwater Development.

- Although consultation on the development had been weak in the past, it was now very much improved; particular consultation had taken place with the Highways Department and the Police and options to establish a Management Company were being considered. It was envisaged that the outdoor public area would not feature a concentration of trees and would be a safe, low maintenance area similar to that at Brindley Place (Birmingham). The IT infrastructure was being considered, including making the space wifi enabled.
- The Authority did not own the current cinema site so it had not been possible to consider building the new Council offices on that site. However, it was considered that the current cinema was situated on the periphery and it was important to site the Council building within the heart of the Southwater Development to increase footfall which would create leverage for private investment into the development. The market suggested that only one cinema would be supported in the area.
- Concerns were expressed surrounding the ambiance and feel of the site during clearance and building works. This was a concern shared by officers and stakeholders which had been a subject of great discussion. It was difficult to manage the look of temporary spaces but there was scope to utilise temporary landscaping, quality hoarding and prominently site innovative sustainable technologies to demonstrate the Authority's commitment to sustainable development energy use. These ideas were based on those which had been utilised at Spinning Fields (Manchester) and the new Birmingham Library. Even locally, at the new build at the Wellington Civic Offices, innovative practices such as a viewing platform were in use and proving popular.
- The new Civic Offices did not have a dedicated Council Chamber and it was suggested that a number of exciting opportunities existed around the Borough for meetings to be held off-site. The current Reception Suite has an area of 200m<sup>2</sup> and the largest room in the new building would be 50m<sup>2</sup>. It would be a significant cost to incorporate a larger room and, although some flexibility was possible in the division of meeting spaces, carving up the rooms in future would seriously undermine the philosophy underpinning the design. It was agreed that the Committee would be provided with the basis of the calculation which resulted in a £0.5m figure to incorporate a Council Chamber.
- Criticism of the aesthetic appeal of the design was raised – noting that it did nothing to alleviate a 'concrete jungle' image - and the Committee was assured that a balance had been struck between cost and function which could still lead to the provision of a quality, iconic building. Confidence was expressed by officers in the materials and the appointed architects (the design team behind The Mailbox in Birmingham and the new Severn Trent Headquarters). The quality of materials and build was similar to several buildings in Birmingham and the Special Projects Manager would be willing to assist if Members desired a tour.
- The branding for the development had been carefully considered, and the brand image was shown to the committee. The brand was being launched to the public on 4<sup>th</sup> October, with a new website [www.heartoftelford.co.uk](http://www.heartoftelford.co.uk).

The Committee was referred to the key milestones set out in the report and it was suggested that Members could use this information to inform their discussions as to when Officers would be requested to attend to update the Committee on progress. The Public Realm Complete Concept Design and Learning & Media Centre Concept Drawings were highlighted as possible points in the process which would be of greatest interest and information.

### **Work Programme Planning**

The report of the Scrutiny Manager provided the Committee with information to enable them to plan its Work Programme. Annex A of the report set out the suggestions for items made by the Scrutiny Assembly Workshop and Annex B set out the outstanding items from the Scrutiny Leadership Board which it was considered fell within the remit of this Committee.

The Committee agreed that the following action should be taken with regard to the Work Programme suggestions.

### **Scrutiny Assembly Workshop**

<b>Priority</b>	<b>Topic</b>	<b>Decision</b>
A	Wellington Town Council tourism issues	An update on the implementation of recommendations of a previous Scrutiny Review of Tourism, and strategies for the future would be added to the agenda for the next Committee meeting.
A	Homelessness	Members were advised that a recent Scrutiny Review on Homelessness would be presented to Cabinet on 12 October and it was agreed that report should be circulated to the Committee so that discussion could take place on whether any further action needed to be taken. (October)
A	Strategic planning processes and structures	Relevant Cabinet Member and Head of Service to be invited to make a report to a future meeting of the Committee.
A	The regeneration of private and social landlord property / housing	Relevant Cabinet Member and Head of Service to be invited to make a report to the next meeting of the Committee.
B	Lifetime Homes project	Due to difficulties in enforcing any recommendations with developers, this item would not be added to the Work Programme.
B	Capacity of the Council to plan, organise, and complete the	Special Interest Meeting. Timing and scope to be agreed at the next

	regeneration schemes planned and on time	meeting.
B	How the Council's procurement processes support the local economy.	Members noted clear links to a previous Scrutiny Report which would be circulated to the Committee so that discussion could take place on whether any further action needed to be taken

Outstanding Items from the Forward Plan of the Scrutiny Leadership Board

<b>Topic</b>	<b>Decision</b>
Town Centre Update. (Call-In)	Copies of the Call-In documentation and supporting reports/minutes to be circulated to the Committee. Regular update reports required. Key Dates in the timetable had been identified as October (Public Realm Complete Concept Design) and early 2011 (Learning & Media Centre Concept Drawings) and the Head of Property & Design would be invited to report to the Committee at those stages.

**HRPSC-7    DATES AND TIMES OF NEXT MEETINGS**

It was agreed that the next two meetings of the Scrutiny Committee be held on the following dates at 6.00 pm:

Thursday, 21<sup>st</sup> October 2010  
 Wednesday, 24<sup>th</sup> November 2010

A third meeting was provisionally set for Thursday, 16<sup>th</sup> December 2010 at 6.00pm.

The meeting ended at 8.15pm

**Chairman:** .....

**Date:** .....

## **COMMUNITY PROTECTION & COHESION SCRUTINY COMMITTEE**

### **Minutes of a meeting of the Community Protection & Cohesion Scrutiny Committee held on Tuesday, 12th October 2010 at 10.00 am in the Reception Suite, Civic Offices, Telford**

**PRESENT:** A.A.Meredith (Chairman), D.G.Allen (Vice-Chairman), R.T.Kiernan and A.A.Mackenzie.

#### **CPC-1 APOLOGIES FOR ABSENCE**

Councillors K.L.Tomlinson and H.J.Unwin.

#### **CPC-2 APPOINTMENT OF VICE-CHAIRMAN**

**RESOLVED** – that Councillor D.G.Allen be appointed as the Vice-Chairman of the Community Protection & Cohesion Scrutiny Committee.

#### **CPC-3 DECLARATIONS OF INTEREST**

None

#### **CPC-4 REPORT FROM THE CHAIRMAN'S FORUM**

The Chairman provided a report on the Scrutiny Chairman's Forum that had been held on 16th August 2010. He confirmed that the Forum had decided on the in-depth reviews that would be undertaken, which included – Budget formulation – suggestions about how to save money; Working with community groups to help improve the local environment and Affordable, available and flexible childcare. Meetings had been allocated to each Scrutiny Committee according to the statutory responsibilities and additional work requirements. The database of previous scrutiny recommendations had been reviewed, and the Chairman had decided which should be archived, which would require one further update and which would continue to be monitored. Updates would be circulated to relevant committee members and put on the extranet.

#### **CPC-5 BACKGROUND PAPER ON SERVICE REVIEWS**

The report of the Corporate Director Environment & Rural Area and Housing, Regeneration and Prosperity was received which sought to inform the Scrutiny Committee on the ongoing service reviews that were currently being undertaken within the Council.

These reviews were examining how services were managed and operated and to identify how these services could be delivered to the local community more efficiently and effectively. There was a requirement that these reviews needed to produce operational (non-staff) savings of 20% and were likely to lead to restructuring of services.

Members were informed that a Service Review Steering Group had been established to oversee the programme and to monitor the progress of each service delivery unit which included information on proposed changes in activity and savings. The lead

Corporate Director for this review was Meredith Evans. The Committee was referred to the table within the report that outlined the current timetable for the service reviews that were being undertaken across the Council.

Service reviews had been categorised in 3 ways:

Category 1 were services expected to make savings over £1m.

Category 2 were services expected to make savings between £550k-£1m savings.

Category 3 were services expected to make less than £500k savings, which collectively made up a significant proportion of the overall savings.

The involvement of the Steering Group in supporting the reviews depended on the level of savings required. In addition to non-staff savings, there was a 15% savings target on staff savings from the restructure. Staff at all levels were being involved in the service reviews. To date there had been 140 engagement sessions which involved 80% of all staff including schools.

## **CPC-6      2010/11 WORK PROGRAMME**

The Committee received the report of the Scrutiny Manager which requested Members to plan the work programme for the Scrutiny Committee for the remainder of the 2010/11 Civic Year.

Members were reminded that the current scrutiny arrangements established in June 2010 enabled each Scrutiny Committee to determine its own work programme within the resources available. The Committee were advised on the process that would lead to the development of the work programme for each Scrutiny Committee as outlined within the report. The report also detailed how many meetings of the Scrutiny Committee could be held during the remainder of the Civic Year together with the numbers for each of the Scrutiny Committees. It was also required for the Scrutiny Committee to reserve one of the allocated meetings for consideration and scrutiny of the forthcoming budget proposals.

The Committee were then referred to Appendices A which detailed the suggestions for items that had been made at the Scrutiny Assembly Workshop and B set out the outstanding items detailed within the Community Protection & Cohesion Forward Plan. The Committee agreed that the following action should be taken with regard to the Work Programme suggestions.

### Scrutiny Assembly Workshop

<b>Priority</b>	<b>Suggestion</b>	<b>Decision</b>
<b>A</b>	Taxi and Private Hire Licensing Enforcement (lack of)	The Committee requested an update on the implementation of recommendations in the Scrutiny Report on Taxi Services and information about matters raised by a member of the Taxi Forum, and the outcome of the Licensing Committee meeting reviewing these matters. The Committee would review the information and decide if any further issues

		should be included within the work programme.
<b>B</b>	Alcohol-related crime	The Committee would review the current Alcohol Strategy to confirm actual responses to ongoing reports of alcohol related crime to establish current position.
<b>B</b>	Anti Social Behaviour	That the Committee would receive a presentation on the Safer & Stronger Communities Partnership as background information. This would include evidence supplied from the results of calls received at the Anti-Social Behaviour hotline, and links with social workers.
<b>B</b>	Domestic violence support	The Scrutiny Officer would find out whether the multi-agency event on Domestic Violence had taken place. If it had, a report on the outcome would be requested. If not happened a request would be made for members of the Committee to be invited to attend. The Committee would then decide if there were any further issues they would like to be included in the work programme.

Outstanding Items from the Community Protection & Cohesion Forward Plan

<b>From</b>	<b>Topic</b>	<b>Action agreed by committee</b>
Scrutiny Leadership Board	CDRP Scrutiny	It was recognised that the CP&C Scrutiny Committee was the designated body to undertake the statutory scrutiny of the Safer & Stronger Communities Partnership (SSCP). A presentation on the SSCP would be given at the next Committee meeting.

It was agreed that future meetings would be held during the daytime, preferably at 10.00 am on either a Tuesday or a Thursday.

The meeting ended at 11.00 am.

**Chairman:**

**Date:**