



Walsall Council

REPORT OF THE HEAD OF ECONOMY AND ENVIRONMENT **TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE**

1 JULY 2015

LICENSING ACT 2003

REVIEW OF STATEMENT OF LICENSING POLICY

1.0 Summary of report

- 1.1 To advise Members of a revised draft licensing policy statement that is required to go out to statutory consultation. This draft policy is issued under Section 5 of the Licensing Act 2003. The consultation period will run from the 13 July 2015 to the 4 September 2015.

2.0 Recommendations

- 2.1 That Members consider the report and attached draft policy statement and approve the draft licensing policy for statutory consultation.

3.0 Background information

- 3.1 The Licensing Act 2003 received Royal Assent on the 10 July 2003.
- 3.2 Section 5 of the 2003 Act requires Walsall MBC (hereafter known as the Licensing Authority) to determine its policy with respect to the exercise of its licensing function every five years.
- 3.3 Such a policy must be published before the licensing authority carries out any function in respect of individual applications made under the terms of the 2003 Act.
- 3.4 During this five year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate.
- 3.5 The first statutory period began on the 7 January 2005.
- 3.6 The policy was subsequently reviewed and published in January 2008

and January 2011. Previously, statements of licensing policy were required to be published on a 3 yearly cycle.

- 3.7 The current licensing policy is attached as **Appendix 1**.
- 3.8 Because there have been a significant number of major amending Acts since the licensing policy was last reviewed and published in 2011, it has required a significant number of fundamental changes to be incorporated into the proposed draft policy statement. As a consequence, this draft statement should be viewed as a completely new policy document.
- 3.9 The statutory guidance issued under S.182 of the Licensing Act 2003 (and to which the licensing authority must have regard) has also been amended several times).
- 3.10 Draft revised licensing policy statement attached as **Appendix 2**.
- 3.11 Before the licensing authority determines its policy for the next five years it must have consulted the persons listed in section 5(3) of the 2003 Act. These are:
- The chief officer of police for the area
 - The fire 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.
- 3.12 Consultation will take place with those listed above between the 13 July 2015 and the 4 September 2015.
- 3.13 The final statement of licensing policy following consultation and any revisions necessary, will subsequently be re- presented to the Licensing and Safety Committee for approval in October 2015 and for this Committee to formally recommend to Council, the adoption of a revised licensing policy statement which will be effective from the 7 January 2016.
- 3.14 For the benefit of members, there are currently around 1035 licensed premises under the Act and 2400 personal licence holders.

4.0 Resource considerations

4.1 **Financial:** Fees for all licence types are set by central government and have remained unchanged, since inception of the Licensing Act in November 2005.

4.2 **Legal:** Section 5 of the 2003 Act requires the Licensing Authority to determine its policy with respect to the exercise of its licensing function every five years.

Such a policy must be published before the licensing authority carries out any function in respect of individual applications made under the terms of the 2003 Act.

The new revised licensing policy statement will be effective from the 7 January 2016.

Any challenge of the licensing authority's licensing policy statement is initiated by way of Judicial Review.

4.3 **Staffing:** Nothing arising from this report.

5.0 Citizen impact

5.1 Is addressed through the licensing policy.

6.0 Community safety

6.1 Is addressed through the licensing policy and statute.

7.0 Environmental impact

7.1 Nothing arising from this report.

8.0 Performance and risk management issues

8.1 Nothing arising from this report.

9.0 Equality implications

9.1 None arising from this report.

10.0 Consultation

10.1 As prescribed by statute.

11.0 Appendices

11.1 Appendix 1 – Current licensing policy statement.
Appendix 2 – Revised draft licensing policy statement.

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Licensing Act 2003

Statement of Licensing Policy

Effective From: 7th January 2011



Walsall Council

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Walsall Metropolitan Borough Council

Statement of Licensing Policy

INTRODUCTION

Walsall MBC is situated in the West Midlands, which contains seven District Councils in total. The Council area has a population of 253,499 (2001 Census) making it the third largest in the County in terms of population. In terms of area Walsall covers 40.02 square miles, meaning it is neither the largest nor smallest district in the West Midlands. The Council area is mainly urban covering an area of 24.83 square miles.

The Black Country towns of Willenhall and Darlaston, west of the M6, contrast with the eastern parts of the borough, which are more residential and in parts agricultural in character. Traditional and growth industries are spread throughout the borough. Walsall benefits from its position at the cross-roads of the motorway network and communications have been improved further by the M6 Toll Road; Birmingham airport and the National Exhibition Centre are within easy reach, and frequent trains to Birmingham provide links to the Inter-City network. Regeneration projects focussing on Walsall town centre, the district and local centres, and key transport corridors are transforming the borough's new economic well-being.

- 1.1 This policy is produced in compliance with the Licensing Act 2003 (hereafter referred to as 'the Act'), and subordinate legislation and guidance issued by the government. The aim of the policy is to ensure, fairness, clarity, and consistency, equality of treatment and proportionality in the approach to be adopted by Walsall Metropolitan Borough Council in determining licensing applications, as the relevant licensing authority. The policy document should be read in conjunction with any statutory guidance issued by Department for Media, Culture and Sport (hereafter DCMS), guidance notes and application procedures produced from time to time by the council.
- 1.2 The Licensing Act 2003 gives the council responsibility to determine applications in relation to the supply of alcohol, the provision of regulated entertainment and late night refreshment. Conditions can only be attached to licences (following relevant representations being received and upheld) if considered necessary to ensure the promotion of the four licensing objectives, which are:

The Prevention of Crime and Disorder

Public Safety

The Prevention of Public Nuisance

The Protection of Children from Harm.

These objectives will be treated as having equal importance.

- 1.3 The licensing authority will only make decisions in relation to licensable activities, qualifying club activities, temporary events and personal licences. In determining applications the council will have to apply and have full regard to the Licensing Act 2003, secondary legislation, and regulations issued from time to time by the Secretary of State for DCMS, and this policy statement.
- 1.4 In producing this policy statement, the licensing authority has consulted in accordance with the statutory provisions as required by the 2003 Act, and will also seek to achieve full integration with local policies for crime prevention, community safety, Safer Walsall Partnership, planning, transport, tourism and child protection procedures. The policy will continue to encourage and further enhance partnership working with the police, local businesses, performers and local people.
- 1.5 This new statement of licensing policy will take effect on the 7th January 2011. The policy will be kept under review and the licensing authority may make such revisions to the policy as it considers appropriate. Where revisions to the policy are made, they shall be done so in accordance with statutory requirements, and the licensing authority shall publish a statement of such revisions, or a revised licensing policy statement. The policy statement will remain in existence for a maximum of three years, and will then be subject to review and further consultation.
- 1.6 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. It is the licensing authorities wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of premises on local residents. The licensing authority wishes to encourage licensees to provide a wide range of entertainment activities during their opening hours and to promote live music, dance, theatre etc, for wider cultural benefit. These activities are a factor in maintaining a thriving and sustainable community, which is one of the council's aims.
- 1.7 The council has a duty to protect the amenity of the borough which is a mixed commercial and residential area. One of the council's aims is to promote safer and stronger communities and ensure all people are safe and secure. These factors will be taken into account where applications will increase the concentration of entertainment uses, and or, lengthen hours of operation in a way that would materially impact on the local area.
- 1.8 This policy statement sets out the general approach the council will take as the licensing authority when it determines applications for licences. It will not undermine the right of any individual to apply for a variety of permissions, and to have any such application considered on its merits. Nor will it override the right of any 'interested party' to make representations on an application or seek a review of licence where provision has been made for them to do so under the Act.

- 1.9 In producing this policy the council has had regard to the provisions of the Human Rights Act 1998 and the Crime and Disorder Act 1998.

2.0 Scope of the Policy

- 2.1 The policy covers the following licensable activities as specified in the Act:

- a) the sale by retail of alcohol, ('on' and 'off' licences)
- b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- c) the provision of regulated entertainment, and
- d) the provision of late night refreshment (supply of hot food and/or hot drink from premises from 23.00 hours to 05.00 hours)

The licensable activities are also qualifying club activities, applicable to members of a club.

- 2.2 Regulated entertainment provided to the public, or club members with a view to profit will generally include:

A performance of a play
An exhibition of a film
Indoor sporting events
A boxing or wrestling event
Performance of live music
Any playing of Recorded Music
A Performance of Dance
Provision of facilities for making music
Provision of facilities for dancing.

In addition the act also covers:

The licensing of individuals for the sale or supply of alcohol ('personal licences');

The licensing of premises for the retail sale of alcohol, the provision of regulated entertainment, and late night refreshment ('premises licences');

The supply of alcohol or the provision of regulated entertainment to certain clubs ('club premises certificates'); and

The permitting of certain licensable activities on a temporary basis ('temporary event notices').

- 2.3 The policy will cover new applications, licence renewals where applicable, transfer applications, variations and minor variations of licences and certificates, and temporary event notices. It will also include the review of licences and certificates, such a review could lead to the suspension/ revocation of a licence or certificate.

3.0 Consideration of the Impact of Licensed Activities

- 3.1 When considering whether any licensed activity should be permitted, the licensing authority will assess the likelihood of it causing unacceptable adverse impact, both in terms of crime and disorder and public nuisance, particularly to local residents. The licensing authority may therefore consider the following factors, amongst other relevant matters:

- (a) the type of use, the number of customers likely to attend the premises and the type of customers at the time of the application;
- (b) the proposed hours of operation;
- (c) the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by customers;
- (d) the means of access to the premises which should have customer entrances and exits on the principal pedestrian routes;
- (e) the level of likely car parking demand on principal roads and surrounding residential streets and its effect on residential parking and emergency access;
- (f) the need for the provision of portable toilet facilities outside of the premises;
- (g) the cumulative impact of licensed premises in an area and the scope for mitigating any impact; (see section 5)
- (h) the frequency of the activity;

and in considering any application for premises that are already licensed, the licensing authority will take into account any evidence:

- (a) of past demonstrable adverse impact from the activity especially on local residents; or
- (b) that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate the adverse impact.
- (c) of the operating history of the premises.

- 3.2 In assessing the impact of licensing activities the licensing authority accepts the difficulty licence holders have in preventing anti-social behaviour by individuals once they are beyond the direct control of the licence holder. However the licensing authority must balance this against the licensing objectives, which will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses.
- 3.3 It is also acknowledged that there are a number of other mechanisms for addressing anti-social behaviour and nuisance away from licensed premises, such as:
- Planning controls
 - Measures adopted to create a safe and clean town centre environment in partnership with local businesses, transport operators, and other departments of the council
 - Local Authority powers to designate parts of the local authority area as places where alcohol may not be consumed in public. The Walsall borough is now covered by a Designated Public Places Order.
 - Police enforcement of the criminal law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices
 - The power under the Act to prosecute any personal licence holder or members of staff at such premises who are selling alcohol to people who are drunk
 - The confiscation of alcohol from adults and children in designated areas
 - Police powers to instantly close down any licensed premises for 24 hours or temporary events on the grounds of disorder, the likelihood of disorder, the likelihood of disorder or excessive noise emanating from the premises.
 - The power under the Act to prosecute any personal licence holder or member of staff who sells alcohol to a person under 18 years of age.

4.0 Location of Premises, Licensing Hours and the Prevention of Public Nuisance

- 4.1 At all times the licensing authority will try to strike a fair balance between the benefits to the community of a licensed venue, and the risk of disturbance to local residents.
- 4.2 The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided
- 4.3 The licensing authority will deal with the issue of licensing hours on the merits of each application. In considering each application the licensing authority will consider whether or not the proposed licensing hours in the operating plan will have an adverse effect on the licensing objectives promoted by the authority.
- 4.4 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting these hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

5.0 Saturation and Cumulative Effect

- 5.1 Walsall MBC has a cumulative impact policy in respect of applications relating to the sale or supply of alcohol 'on the premises' in Walsall town centre. In the town centre new applications will be refused whenever relevant representations are received about the cumulative impact on the licensing objectives which the Council concludes after hearing those representations, should lead to refusal.
- 5.2 Walsall town centre has been identified as being saturated with licensed premises creating a significant cumulative effect. This undermined the licensing objectives.
- 5.3 The cumulative impact policy was adopted on the 8th September 2008. The Council having regard to the statutory guidance issued under the Licensing Act 2003, consulted on the issues and, decided to introduce such a policy after taking into account the views of respondents and considering all the evidence.
- 5.4 West Midlands Police produced evidence to support the case for Walsall town centre to be designated as a cumulative impact area. The

defined area is known as 'Walsall town centre neighbourhood'. A map of the area is given in **Appendix 3**.

- 5.5 The effect of this policy is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations which relate to the sale or supply of alcohol that are likely to add to the existing cumulative impact will normally be refused, unless it can be shown that the premises concerned, will not add to the cumulative impact.
- 5.6 The licensing authority recognises that any special policy regarding cumulative impact is not absolute and where licence applications will not add to cumulative impact and following no relevant representations having been made, the licence/certificate will be granted.
- 5.7 The presumption contained in respect of this policy, does not relieve responsible authorities or interested parties of the need to make relevant representations. **If there are no relevant representations, the licensing authority must grant the application on the terms that are consistent with the application.**
- 5.8 In determining an application, the licensing authority will have particular regard to the licensing objectives and the cumulative effect and adverse impact that may arise from the saturation of premises in the defined area.
- 5.9 The cumulative impact policy will not be used to revoke existing licences or certificates. However, such a policy may be a justification to refuse an application to vary a licence or certificate but only where the variation is directly relevant to the policy and the refusal is strictly necessary for the promotion of the licensing objectives.
- 5.10 The licensing authority recognises the difference between cumulative impact and the commercial need for premises in an area. Need and market forces are not matters for the licensing authority to consider as part of its licensing function.
- 5.11 The licensing authority will not operate a quota of any description. Each application will be considered on its merits.

6.0 Determination of Licensing Applications

- 6.1 The licensing authority may return as invalid, all applications or notices that are not submitted in accordance with the requirements of the Act or regulations made under it, providing reasons for the decision taken. Where ever possible the Licensing Unit will attempt to resolve any minor omissions or defects in applications prior to returning them as invalid

- 6.2 The licensing authority will determine licensing applications after a full consideration of all the facts and individual merits of the case, having full regard to the licensing policy, the licensing act and any governmental guidance. In making any determination in respect of any application under the Licensing Act 2003 the licensing authority will act in accordance with the Human Rights Act 1998 and the United Nations Convention on the Rights of the Child 1989, having particular regard to
- Art 6 – in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal
 - Art 8 – everyone has the right to respect for their home and private life;
 - Art 1 – every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.
 - Art 3 – The best interest of children must be the primary concern in making decisions that may affect them. This particularly applies to budget, policy and law makers.
 - Art 19 – Children have the right to be protected from being hurt and mistreated, physically or mentally
- 6.3 Where applicable the licensing authority will provide full reasons to the applicants, and other interested parties or responsible authorities for a decision taken in respect of the grant, renewal, revocation, variation, transfer, or review of a licence or certificate.
- 6.4 In respect of minor variations the overall test will be to decide whether or not the proposed minor variation would impact adversely on any of the four licensing objectives.
- 6.5 There is a statutory right of appeal to the magistrates' court in respect of decisions made by the licensing authority when it determines licensing applications. Appeals in respect of personal licences must be made to the magistrates court in the area where the licence was issued. Appeals in relation to all other licences must be made to the magistrates court where the premises or event is situated.

7.0 Conditions

- 7.1 Where applicable the licensing authority may decide to impose conditions that it considers necessary and proportionate on a licence for the promotion of the licensing objectives.
- 7.2 Where the responsible authorities and interested parties do not raise any representations about the application made to the licensing authority, it is the duty of the authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Act itself. This now includes The Licensing Act 2003 (Mandatory Licensing Conditions Order) 2010.

- 7.3 The licensing authority may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations.
- 7.4 In deciding whether or not to impose conditions on a licence the licensing authority will consider any relevant representations that may have been made by parties. Any conditions attached to licences and certificates will, where possible, be tailored to the individual style and characteristics of the premises and events concerned, and will relate to matters within the control of the licensee, the premises themselves, and the vicinity surrounding the premises.
- 7.5 The licensing authority will not impose conditions where other regulatory regimes provide sufficient protection to the public. E.g. Health and Safety Act 1974, and Regulatory Reform (Fire Safety) Order 2005
- 7.6 Where it is decided to impose conditions upon a licence the licensing Authority may choose to use appropriate conditions from the pool of conditions issued by DCMS
- 7.7 The licensing authority will endeavour where possible to discuss with all relevant parties to a licensing application any conditions it is considering prior to imposition.
- 7.8 Where conditions are attached to premises licences or club premises certificates, they will, so far as is possible, reflect and complement local crime prevention strategies.
- 7.9 Failure to comply with licensing authority conditions may amount to a criminal offence, punishable on conviction by a fine of up to £20,000 or 6 months imprisonment.

8.0 Representations and Review of Licences

- 8.1 In order to protect the community, and limit problems of crime and disorder, public safety, public nuisance or the protection of children from harm associated with licensed premises, the licensing authority will establish a sub-committee, in accordance with the relevant legislation and delegated powers under the council's constitution to make determinations in respect of reviews of licences.
- 8.2 A review of a licence will follow the receipt of relevant representations from a responsible authority such as the police or the fire authority or an interested party such as a resident living in the vicinity. Interested

parties may also include a body representing persons living in that vicinity eg: residents' associations; a person involved in a business in the vicinity of the premises or a trade association.

- 8.3 Any of these groups may appoint a representative to make representations on their behalf, including a ward councillor. It will be expected that any councillor who is also a member of the licensing committee and who is making such representations on behalf of an interested party will disqualify him or herself from any involvement in the decision making process affecting the application in question. Local Councillors can also, as elected members, make representations in their own right if they have concerns about any premises, regardless of whether they live or run a business in the vicinity of those premises
- 8.4 Where possible the licensing authority will attempt to give licence holders early warning of any problems or concerns raised about the operation of licensed premises, and the need for improvement. It may be possible for an agreement to be reached between the licensing authority, the applicant and the relevant interested parties, or responsible authorities, in respect of relevant representations. The licensing authority will attempt to encourage a dialogue, and mediate between the relevant parties to achieve this, which may prevent the necessity for a hearing taking place
- 8.5 In the first instance the licensing authority will decide whether or not any complaint or representation made by an interested party is relevant, vexatious, frivolous, or repetitious. This will be determined on the facts of each individual case, and should be supported by proper evidence. This decision will be taken by officers under delegated powers.
- 8.6 The licensing authority will not permit more than one review originating from interested parties within a period of twelve months on similar grounds save in exceptional and compelling circumstances or where it arises from a closure order.
- 8.7 Where the licensing authority decides to hold a review of a licence, the hearing will follow regulations prescribed by the Secretary of State, or determined by the Licensing Committee. The licensing authority will ensure that all the parties to a review will receive a fair hearing. In particular the licence holder will be made fully aware of the allegations made in respect of their licence, and any evidence supporting the said allegations or representations in order that they or their legal representatives have the opportunity of rebutting such allegations.
- 8.8 Where a hearing is necessary it will be held in accordance with prescribed timescales laid down by regulation by the Secretary of State.

- 8.9 On determining a review the licensing authority may choose to exercise a range of powers as permitted by the Act and to which it considers proportionate and necessary for the promotion of the licensing objectives. In deciding which of these powers to invoke the licensing authority will so far as is possible seek to establish the cause or causes of the problem which has been substantiated on the evidence before them. The remedial action taken will be directed at those causes. These powers include;
- i) Taking no action;
 - ii) Issuing an informal written warning to the licence holder and/or recommending an improvement within a specified period of time;
 - iii) Attaching conditions to the licence either temporarily, for a period of up to three months, or permanently;
 - iv) Exclusion of a licensable activity from the scope of the licence, either temporarily, for a period of up to three months or permanently;
 - v) Removal of the designated premises supervisor if applicable;
 - vi) Revocation of licence
- 8.10 Where representations are received and withdrawn, or agreement is reached prior to hearing, the licensing authority may determine the application, and only impose such conditions that will promote the licensing objectives, are consistent with the operating schedule, and/or are required by statute.
- 8.11 The council will provide facilities for people with disabilities as required to ensure that they can attend review hearings.
- 8.12 The licensing authority will give comprehensive written reasons for any decision taken. On making finding of facts and giving reasons, the licensing authority will ensure that it addresses the standard and burden of proof that it has adopted. The reasons will also address the extent to which the decision has been made in accordance with the licensing authority's statement of policy. The written reasons will be provided to all relevant parties attending a review hearing, in accordance with the timescales provided by statute or regulation, or within a reasonable time taking into account the parties' right to lodge an appeal with the Magistrates Court under Schedule 5 of the 2003 Act.

9.0 Personal Licences

- 9.1 The licensing authority will grant a licence to an applicant provided that the application complies with the relevant statutory criteria set out in the Act, and supporting regulations as issued by the Secretary of State.
- 9.2 The licensing authority is however, under a duty to notify West Midlands Police if an applicant has a relevant or foreign offence. The police may raise an objection to the application if they are satisfied, having regard to the applicant's conviction for any relevant offence or foreign offence, that the circumstances of the case are such that to grant a licence would undermine the licensing objectives as promoted by the licensing authority.
- 9.3 If the Police raise an objection within the statutory timescale of them being notified by the licensing authority that the applicant has a relevant or foreign offence, the licensing authority will arrange a hearing to determine the application.
- 9.4 The licensing authority must grant a personal licence if it appears that the applicant is:
- (a) 18 or over;
 - (b) they possess a licensing qualification or is a person of prescribed description
 - (c) no personal licence held by them has been forfeited in the period of five years ending with the day the application was made, and
 - (d) they have not been convicted of any relevant or foreign offence.
- 9.5 The Personal Licence holder must inform the licensing authority immediately if they are convicted of any relevant/foreign offence as defined by the Act.
- 9.6 Where a personal licence holder is convicted by a court for a relevant offence, the court will advise the licensing authority accordingly. On receipt of such notification the licensing authority will contact the holder and request their licence so that the necessary action can be taken. The holder must produce the licence to the licensing authority within 14 days. If the licence is declared forfeit it will be retained by the licensing authority.

10.0 Premises Licences

- 10.1 The licensing authority will require that all applications for premises licences be in the form prescribed by the 2003 Act and supporting regulations as issued by the Secretary of State. In addition the licensing authority will expect that applicants will have had regard to any statutory guidance issued by the Secretary of State before submitting their application for a premises licence. Applications may also be submitted electronically as per the EU Services Directive via 'businesslink'.
- 10.2 The operating schedule for the licensed premises will form a key element of all applications. It should be in the form prescribed by the statutory regulations and ideally include a general description of the style and character of the business to be conducted on the premises. It should also indicate the type of entertainment available on the premises, whether licensable under the 2003 Act or not. This will enable responsible authorities and interested parties to form a proper view as to what measures may be necessary at such premises to ensure the promotion of the licensing objectives. This will include any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concerns in respect of children.
- 10.3 The operating schedule must also set out the following details:
- the relevant licensable activities to be conducted on the premises;
 - the times during which it is proposed that the relevant licensable activities are to take place;
 - any other times when the premises are to be open to the public;
 - where the licence is required only for a limited period, that period;
 - where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
 - where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
 - the steps which the applicant proposes to take to promote the licensing objectives.

- It will be important where applicable that operating schedules should be precise and clear about the measures, that it is proposed to take to promote the protection of children from harm.
- 10.4 The licensing authority will expect the applicant to have a good idea about the expectations of the licensing authority and those of the responsible authorities, concerning the steps that are necessary for the promotion of the licensing objectives. As a result it is advised that applicants work in partnership where possible with the licensing authority and responsible authorities prior to submitting their applications. In particular applicants should complete their own risk assessments, and seek the views of the key responsible authorities in relation to their application, addressing any issues that may arise from this consultation in the body of their application, for example this may include stating capacity numbers for premises. Where possible, officers from the licensing authority will be prepared to discuss the content of draft operational plans with the applicant and/or their advisors prior to their formal submission. This will help to ensure that the operational plans properly address issues that are likely to be of concern to the licensing authority. The licensing unit has also produced guidance to assist applicants in completing their applications.
- 10.5 In relation to potential noise nuisance the operating plan should reflect any assessment to minimise noise disturbance, both inside and outside the premises as patrons are leaving, and to implement the measures identified as being required to prevent nuisance to patrons, local residents, and local businesses.

Such practical measures may include:

- (a) carrying out acoustic tests to ascertain whether or not there is sound escape;
- (b) keeping doors and windows closed and providing alternative ventilation;
- (c) reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level;
- (d) installing sound proofing measures to contain sound and vibration;
- (e) providing quieter areas for patrons;
- (f) in the case of beer gardens or similar outdoor areas, ensuring that amplified music is not relayed to such areas and that if it is these areas are properly screened;
- (g) at large venues formulating systems to avoid disturbance, for example monitoring queues outside the venue, and ensuring

patrons queue away from residential areas;

- (h) erecting prominent notices at the exits to premises requesting customers to leave quietly and not to slam car doors;
- (i) at appropriate times making announcements to the same effect;
- (j) instructing door staff to ask customers to leave quietly;
- (k) reducing the volume of music towards the end of the evening, and where appropriate playing quieter more soothing music as the evening winds down;
- (l) ensuring the availability of licensed taxis, private hire vehicles or public transport to take patrons from the premises;
- (m) banning people from premises who act in a manner that is likely to cause public disturbance or nuisance;
- (n) increasing outside lighting levels;
- (o) installing CCTV systems, and liaising with the police.
- (p) where there is a private forecourt or outside area restricting its use after a certain time;
- (q) consider imposing an admission charge for entry after a certain time, for example 10.30pm to discourage the large scale movement of patrons between premises, thus reducing the likelihood of noise disturbance to nearby residents.

10.6 This list is not exhaustive, and reasonable measures that are taken will depend on the type of licensed premises for which an application is made.

10.7 The operating plan may also indicate the steps the applicant proposes to take to prevent crime and disorder. When addressing this objective in their operating plan the applicant should consider amongst other things the following steps:

- (a) use of CCTV both within and outside the premises
- (b) metal detection and search facilities
- (c) use of shatter resistant glasses
- (d) recording of all incidents of nuisance or public disorder related to the premises, and liaising with the police;

- (e) measures to prevent the use or supply of illegal drug
 - (f) employment of licensed SIA door supervisors and other appropriately trained staff
 - (g) installation of non-retrievable bottle bins at exits and ensuring that patrons do not leave with bottles or glasses
 - (h) participation in pub watch schemes
- 10.8 The licensing authority where necessary may also expect the operating plan to include a risk assessment into the use of door staff, in terms of the actual need for the service, and the ratio of personnel to patrons based on the capacity of the premises.
- 10.9 As above, this list is not exhaustive and reasonable measures that are taken will depend upon the type of licensed premises for which an application is made.
- 10.10 If deemed necessary following a review or relevant representations the licensing authority may require a personal licence holder to be on the premises at all times when alcohol is sold. The Act itself does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times, including compliance with the terms of the licensing act and conditions attached to the premises licence to promote the licensing objectives.
- 10.11 Applicants will also be expected to have had regard to local crime prevention strategies, planning and transportation policies, tourism, cultural strategies and child protection issues/procedures in producing their operational plans. In particular this will include where applicable measures to prevent and clear up litter that may result as a consequence of the licensable activity.
- 10.12 The licensing authority is concerned that there should be reasonable facilities and access for people with disabilities. Therefore this may need to be addressed in the operating plan. The Disability Discrimination Act 1995 came into full effect in October 2004 and introduced measures to tackle discrimination encountered by people with disabilities in the areas of employment and access to goods, facilities and services. Holders of premises licences and club premises certificates may have to make reasonable adjustments to their premises to overcome any physical barriers to access by persons with a disability. Where the licensing authority imposes conditions it will ensure as far as possible that those conditions themselves do not restrict access being given to persons with a disability.

11.0 Club Premises Certificates

- 11.1 In order for qualifying clubs to supply alcohol and provide other licensable activities on club premises, a club premises certificate is required.
- 11.2 Club premises certificates will be issued to qualifying clubs. To be eligible for a club premises certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in s.61 of the 2003 Act and the licensing authority must be satisfied that these conditions have been met.
- 11.3 The licensing authority will grant a certificate to an applicant provided that the application complies with the relevant statutory criteria set out in the Act, and supporting regulations as issued by the Secretary of State.
- 11.4 The licensing authority will require the applicant to produce an operating schedule which should include the following
- the qualifying club activities to which the application relates;
 - the proposed hours of those activities and any other times during which it is proposed that the premises are to be open to members;
 - where the relevant club activities include the supply of alcohol, whether the supplies are for consumption on and/or off the premises;
 - information to allow the licensing authority, responsible authorities or interested parties to assess the steps taken by the applicant to promote the licensing objectives.
- 11.5 If a Club intends to admit the general public to take part in licensable activities then a premises licence or temporary event notice would be required.
- 11.6 If the applicant wishes to vary a club premises certificate, the licensing authority will require the application to be processed in the same manner as would be for a premises licence.

12.0 Provisional Statements

- 12.1 Applicants may wish to apply for a provisional statement where premises are being constructed, extended, or substantially changed structurally.
- 12.2 The licensing authority will accept applications for provisional statements provided that the application complies with prescribed regulation.
- 12.3 The applicant will still need to apply for a premises licence.
- 12.4 Applications for a provisional statement shall be dealt with in the same way as an application for a premises licence.
- 12.5 The Applicant will be required to state the days and hours during which they wish to be authorised to carry on licensable activities. The licence will be determined on such terms unless, following the making of relevant representations, the licensing authority considers it necessary to reject the application or vary those terms for the purpose of the Licensing Objectives

13.0 Racial Equality

- 13.1 The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard for the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial backgrounds.
- 13.2 When exercising its duties under the licensing act the licensing authority shall ensure that it acts in accordance with those duties referred to in the preceding paragraph, and will monitor the impact and effect of the policy on the promotion of race equality.

14.0 Drugs Policies

- 14.1 In certain circumstances where relevant representations have been received from responsible authorities and/or interested parties, and have been upheld by the licensing committee following a hearing, the licensing authority may require certain venues, which offer licensable activities to provide and implement a written drugs policy. The licensing authority advises applicants that they may also wish to seek the views of the police and other relevant agencies for example the Drug Alcohol Action Team (DAAT).

15.0 Public Safety

- 15.1 The licensing authority will expect the premises to be constructed and maintained to the highest possible standards of safety. It will expect the applicant to have addressed the requirements of health and safety at work legislation and fire safety legislation and where appropriate in accordance with advice offered by the technical standards published by the District Surveyors Association. In particular the licensing authority will require the applicant to comply with fire safety regulations in respect of upholstery, curtains, and other hanging materials.
- 15.2 Where an applicant identifies an issue with regards to public safety (including fire safety) which is not covered by existing legislation, the applicant may wish to identify in their operating schedule the steps that will be taken to ensure public safety. Such steps will depend upon the individual style and characteristics of the premises and/or events. The Fire Service, Health and Safety and other enforcement agencies, may require further information following consideration of the application and operating schedule, for example current electrical certificates, fire risk assessments and test certificates

16.0 Planning

- 16.1 All applicants for premises licences and club premises certificates are reminded that planning permission will normally be required for such uses. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority. Planning consents may carry conditions with which they are expected to comply; otherwise action may be taken under the relevant planning legislation. In general, planning consents authorise a broad type of use of premises, whereas licences are granted for a particular type of licensable activity. A planning permission for an entertainment use for example, may cover a number of activities that can have a wide range of different impacts in the locality. The precise nature of the impact of specified activities proposed by a prospective licence, will also be considered when an application is made for a premises licence.
- 16.2 The licensing committee and planning committee will keep each other advised of their actions to ensure that a licensing application will not be a re-run of the planning application, and will not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee.
- 16.3 Planning permission is usually required for the establishment of new premises and the change of use of premises. Planning permissions that are relevant to licensed premises include:

- a retail shop, licensed for the sale of liquor for example (A1);
- food and drink sold and consumed on the premises or where hot food is sold for consumption off the premises, including restaurants and bars (A3); and
- assembly and leisure uses, including cinemas, concerts and indoor/outdoor sports and recreation (D2)
- a hotel that has a restaurant or bar included in its authorised use (C1)

16.4 Under the current use classes order, planning permission is generally required if the use of an existing premises changes use class. For example planning permission would be required for a change from a shop (A1) to a restaurant or bar (A3). When applying for planning permission, the council, as local planning authority, will consider the potential impact from the proposed use within the context of the local development plan and relevant Government Guidance. Planning permission is not required if the use of existing premises changes to a use within the same class. For example planning permission would not normally be required for a change from a restaurant (A3) to a bar (A3).

16.5 The Planning Authority may make representations in respect of an application for a premises licence or club premises certificate as long as it relates to the licensing objectives. The granting of a licence, certificate or provisional statement will not override any requirement of the planning regime.

17.0 Tables and Chairs outside Premises

17.1 The placing of tables and chairs on the highway requires a pavement café licence to be issued by the licensing authority. In the case of tables and chairs on private land the licensing authority will expect the applicant to advise on arrangements as part of the operating plan, although no specific licence is required for this.

18.0 Protection of Children

18.1 The licensing authority will act at all times in a manner to protect children from harm. This will include the protection of children from moral, psychological and physical harm, and will include the protection of children from early exposure to strong language and sexual expletives, for example in the context of film exhibitions or where adult entertainment is provided.

- 18.2 Although the licensing authority will not seek to limit the access of children to any premises as a matter of policy, it will review the issue of child protection in relation to every application it considers, and based on the individual merits of the application before it, may impose conditions to regulate the licensable activity to protect children where relevant representations have been received from responsible authorities and/or interested parties, and have been upheld by the licensing committee.
- 18.3 Certain premises may be of particular concern to the licensing authority in relation to issues of child protection, for example where:
- entertainment or services of an adult sexual nature are commonly provided;
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association for drug dealing or misuse;
 - where there is a strong element of gambling on the premises (but not for example, the simple presence of a small number of cash prize gaming machines);
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises;
- 18.4 Where such circumstances exist the licensing authority may impose a combination of conditions following relevant representations being received and the licensing committee being satisfied of the necessity to impose such conditions, in order to promote one or more of the licensing objectives:
- limitations on the hours when children may be present;
 - proof of age requirements for alcohol sales
 - age limitations (below 18)
 - limitations on the admission of children under certain ages depending upon the nature of certain activities;
 - requirements for accompanying adults (including for example a combination of requirements which provide that children under a particular age must be accompanied by an adult); and

- full exclusion of people under 18 from the premises when any licensing activities are taking place (eg: entertainment of a sexual nature).
- 18.5 Conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is necessary, this should remain a matter of discretion of the individual licensee, club, or person who has been given a temporary event notice
 - 18.6 Applicants for licences must consider child protection issues in their application, and where relevant, deal with these issues in the operating schedule. Applicants are required to send details of their application to Walsall's Head of Safeguarding as a responsible authority who may make representations in respect of the applications impact upon the protection of children.
 - 18.7 Where the exhibition of films is permitted the licensing authority will expect the age restrictions of the British Board of Film Classification (BBFC) in respect of films to be exhibited, to be complied with.
 - 18.8 Where events draw large numbers of children who are unaccompanied by adults, the operating plan may need to consider the ratio of stewards to children. Where staff are responsible for supervising children it will be expected that those staff may have undergone the necessary checks through the Criminal Records Bureau. These checks should be entered into a register which should be kept on the premises at all times, and made available to the police or an authorised officer of the council on request.
 - 18.9 Premises that sell alcohol should give due regard to the code of practice published by the Portman Group on the naming, packaging and promotion of alcoholic drinks, and the proof of age scheme. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner, and only sold to those who are 18 or older. The licensing authority supports the acceptance of all proof of age schemes which carry the PASS (Proof of Age Standards Scheme) hologram logo. Walsall Councils' local scheme which is encouraged throughout the borough is the Validate Scheme. Support is also given to the Challenge 21 initiative
 - 18.10 Where restrictions are imposed (whether by statute or the licensing authority following relevant representations being made and upheld) the applicant will be required to demonstrate that they have a system in place for verifying the age of children intended to be supplied with such goods services or entertainment. Training should be given to all persons who might be in a position to refuse such children.
 - 18.11 In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the licensing authority will, provided adequate notice has been given, classify the films concerned. To

achieve consistency and the protection of children the licensing authority will use the guidelines published by the BBFC.

19.0 Temporary Event Notices

19.1 No permission is required from the licensing authority in relation to temporary event notices. The licensing authority will promptly acknowledge receipt of a temporary event notice.

19.2 There are direct limitations on temporary event notices under the 2003 Act. These are:

- The number of times a person (the 'premises user') may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- The number of times a temporary event notice may be given in respect of any particular premises (12 times per calendar year);
- The length of time a temporary event notice may last for these purposes (96 hours);
- The maximum aggregate duration of the periods covered by temporary event notices at any individual premises (15 days); and
- The scale of the event in terms of the maximum number of people attending at any one time (499 or less)

19.3 In any other circumstances, full premises licence or club premises certificate would be required for the period of the event involved.

19.4 A personal licence holder will be able to give a temporary event notice in relation to licensable activities, including the sale of alcohol at any premises on up to 50 occasions in each year, subject to applying to the licensing authority and the police for the area in which the event is to take place, information to be provided as part of the application is:

- The licensable activities to take place at the event;
- The period during which it is proposed to use the premises for licensable activities;
- The times during the event period that the premises user proposes that the licensable activities shall take place;
- The maximum number of persons (499 or less) which it is proposed should, during those times, be allowed on the premises at the same time;

- Where the licensable activities include the supply of alcohol, whether the supply is proposed to be for consumption on or off the premises , or both; and
 - Any other matters prescribed by the secretary of state
- 19.5 On each occasion at least ten working days notice must be given. This is the minimum possible notice period and the licensing authority would encourage notice givers to provide the earliest possible notice of events likely to take place.
- 19.6 The licensing authority cannot seek to attach any terms, limitations or restrictions on the licensable activities at such events other than those set down in the 2003 Act and subordinate legislation made under it. However the licensing authority will endeavour where possible to provide local advice about proper respect for the concerns of local residents; of other legislation requirements regarding health and safety, noise pollution or the building of temporary structures; of other necessary permissions, for example, with regard to road closures or the use of pyrotechnics in public places; with regard to local bye-laws; and the need to prevent anti-social behaviour by those attending.
- 19.7 Notice givers will also need to be aware of relevant offences under licensing law including the laws governing the sales of alcohol to minors or to any person who is drunk, and of police powers to close down events with no notice on grounds of disorder, the likelihood of disorder or because of public nuisance, including noise emanating from the premises. Environmental Health Officers also have the power to close licensed premises on which noise amounting to a public nuisance is created for a period of up to 24 hours.
- 19.8 Where a notice is served the licensing authority will check that the relevant limitations as set down in the 2003 Act have been observed. If they have not, the licensing authority will issue a counter notice to the notice giver.
- 19.9 If the police issue an objection notice to a temporary event, unless that objection notice is withdrawn, the licensing authority will hold a hearing to consider the notice in relation to the prevention of crime.
- 19.10 A temporary event notice will be treated as void unless there is a minimum of 24 hours between events notified by a premises user in respect of the same premises.
- 19.11 A notice will be treated as being from the same premises user if it is given by an associate which is defined by the 2003 Act as being:
- The spouse of that person;
 - A child, parent, grandchild, grandparent, brother or sister of that person or their spouse; or

- An agent or employee of that person or their spouse.

A person living with another person as his or her husband or her husband or wife is treated for these purposes as his or her spouse.

20.0 Register of Licensing Applications

20.1 The licensing authority will keep a register in the prescribed form containing:-

- (a) a record of each premises licence, club premises certificate and personal licence issued by it,
- (b) a record of each temporary event notice received by it,
- (c) matters mentioned in Schedule 3 of the 2003 Licensing Act
- (d) such other information that may be prescribed.

20.2 The licensing register will be available for inspection during office hours by any person without payment.

20.3 If requested to do so the licensing authority will supply any person with a copy of information contained in any entry, for which a fee will be charged.

20.4 This will assist people in making representations to the licensing authority.

21.0 Large Scale and Outdoor Events

21.1 The council, in consultation with its Safety Advisory Group (SAG), has established a protocol for large scale and outdoor events, which organisers will be recommended to adopt. Notwithstanding this the council will encourage organisers of such events to approach council officers at the earliest opportunity to discuss the arrangements for the licensed activities involved. This may include the production of a substantial operating schedule. The council will offer advice and assistance to organisers about it's preparation through the Safety Advisory Group.

21.2 In producing operating schedules for such events the organisers should have regard to the following documents:

- 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 07176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (HMSO, 1997) (The Green Guide) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival Procession and Large Scale Performances published by the Independent Street Arts Network, obtainable through www.streetartnetwork.org/pages/publications.

22.0 Enforcement

- 22.1 The licensing authority has established protocols with the police, and other enforcement agencies. The protocols will provide for the targeting of agreed problems and high risk premises which require greater attention, while providing a lighter touch in respect of low risk or well run premises.
- 22.2 The council will seek to work actively with the police, fire and any other relevant authority to enforce licensing legislation. It expects the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the council when any enforcement action may be required.
- 22.3 In general action will only be taken in accordance with agreed enforcement principles and in line with the council's own enforcement policy, which strives for consistency, transparency and proportionality. The licensing authority recognises the Hampton principles of inspection and enforcement along with the Regulators Compliance Code.

23.0 Administration, Delegation and Exercise of Functions

- 23.1 The 2003 Act provides that decisions and functions may be taken and carried out by licensing committees, licensing sub-committees, or in appropriate cases by officers supporting the licensing authority, under a scheme of delegations. The licensing authority will follow the scheme of delegations outlined in paragraph 13.79 of the guidance issued under section 182 of the Licensing Act 2003. The purpose of the scheme of delegations is to assist with the speedy determination of applications, in a cost effective and efficient manner.

Delegation of Powers:

Matter to be Dealt with	Full Committee	Sub Committee	Officers
Review of Licensing Statement of Policy	All Cases		
Application for Personal Licence		If a police objection	If no police 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
Application 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	

- 23.2 A licensing sub-committee of three councillors will sit to hear applications where representations have been received from interested parties, and/or responsible authorities.

24.0 Integrating Strategies and the Avoidance of Duplication

- 24.1 The licensing authority will endeavour to secure proper integration with local crime prevention, planning, transport, trading standards, tourism and cultural strategies by consulting widely on the policy prior to publication.

- 24.2 In reviewing the wider impact of licensing policy the council's licensing and safety committee may from time to time receive reports on the:-

- (a) Needs of the local tourist economy
- (b) Cultural strategy for the area
- (c) Employment situation in the area and the need for new investment and employment where appropriate
- (d) Planning considerations which may affect licensed premises.
- (e) Transport

Appendix 1 - Definitions

In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Appointed Days’

The dates when different provisions of the Act came into force. On the first appointed day applications could only be made to local authorities for new licences. On the second appointed day, the old law ceased to have effect, all the new licences came into force and the responsibilities of the magistrates court licensing committees came to an end.

‘Appeals’

Appeals against decisions of the licensing authority are to the magistrates’ court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the licensing authorities’ decision. On appeal a magistrates’ court may, dismiss the appeal; substitute its own decision; remit the case to the licensing authority with directions; and make an order for costs.

‘Authorised Persons’

“Authorised Persons” are specified people who have statutory duties in relation to the inspection of premises, e.g. licensing officers, police, fire, health & safety, environmental health.

‘Interested Parties’

“Interested Parties are persons living in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity.

‘Responsible Authorities’

“Responsible Authorities” include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection and other specified authorities. Only these groups can make representations about an application for a premises licence.

‘Closure Order’

Powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to serve court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

‘Club Premises Certificate’

A certificate which licenses a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. Club premises certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

‘Conditions’

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder. Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

‘Designated Premises Supervisor’

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the premises licence. They must also be a personal licence holder.

‘Interim Authority Notices’

Where a premises licence lapses due to the death, incapacity or insolvency etc. of the premises licence holder, specified persons can within 7 days serve an interim authority notice on the licensing authority. This revives the licence, subject to police objection, for a period of up to 2 months so the premises can continue trading.

‘International Airports and International Ports’

Premises Licences can be issued to the above in areas where the non-travelling public have access. Areas the non-travelling public are not allowed known as airside or wharfside are not licensable under the 2003 Act.

‘Late Night Refreshment’

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00pm and 5.00am.

‘Licensable Activities’

- The sale by retail of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club.
- The provision of Regulated Entertainment.
- The provision of Late Night Refreshment.

‘Licensing Authority’

Walsall Metropolitan Borough Council

‘Licensing Objectives’

The objectives as set out in the Act:

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

The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.

‘Licensed Premises’

Includes club premises and events unless the context otherwise requires.

‘Mandatory Conditions’

Conditions that the Act requires are imposed on a premises licence, club premises certificate or personal licence.

‘Objection Notice’

A procedure whereby the police can object to the grant of a personal licence on the grounds there where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

‘Operating Schedule’

A document (this is in effect the completed application form) containing a statement of the following matters (and any others that may be prescribed):-

- Steps taken by the licence holder to tackle the four licensing objectives.
- The licensable activities to be conducted on the premises.
- The times during which the licensable activities are to take place and any other times when premises are open to the public.
- Where the licence is required only for a limited period, that period.
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor.

‘Personal Licence’

A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned do not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).

‘Premises Licence’

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on the death, insolvency etc of the holder. Applications are dealt with by the local authority licensing committee in the area where the premises are situated.

‘Provisional Statement’

A procedure by which the licensing authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

‘Qualifying Club’

Club Premises Certificates will be issued to **Qualifying Clubs**. To be eligible for a Club Premises Certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the council must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

‘Regulated Entertainment’

- A performance of a film.
- An exhibition of a film.
- An indoor sporting event.
- A boxing or wrestling entertainment (indoor or outdoor).
- A performance of live music.
- Any playing of recorded music.
- A performance of dance.
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

‘Relevant Representations’

The 2003 Act does not use the term “objections”. Instead interested parties and responsible authorities may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or responsible authority the local authority need only consider relevant representations. The making of relevant representations engages the licensing authorities discretion to take “steps” consistent with the licensing objectives when considering the application.

‘Review of Licence’

Where a premises licence is in force an interested party or responsible authority may apply to the council for it to be reviewed. The council must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to three months; or the revocation of the licence.

‘Responsible Authority’

- The Chief Officer of Police in the area where the premises are situated.
- The Fire Authority in the area where the premises are situated.
- The enforcing authority for Health and Safety at Work.
- The local Planning Authority.
- The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health.
- The body representing matters relating to the protection of children from harm.
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board.
- Trading Standards, local weights and measures.

‘Statement of Licensing Policy’

Each licensing authority must every three years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.

‘Supervisor’

Responsible for supervision of the premises e.g. the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.

‘Temporary Event Notice’

A permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:-

- Duration – they are limited to events lasting for up to 96 hours.
- Scale – they cannot involve the presence of more than 499 people at any one time.
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used.
- The number of notices given by one individual within a given period of time – a Personal Licence holder is limited to 50 notices in one year, and any other person to five notices in a similar period.
- (If these conditions are not fulfilled, the Temporary Event would require a Premises Licence if it were currently unlicensed for the activity involved).

‘Transfer’

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

APPENDIX 2

Further Information

Further information about the Licensing Act 2003 and the council’s licensing policy can be obtained from:

Walsall MBC
Licensing Unit
Challenge Building
Hatherton Road
Walsall
West Midlands
WS1 1YG

Telephone: 01922-653583
Fax: 01922-630697
Email: licensing@walsall.gov.uk

Information is also available from:

Department for Media, Culture and Sport

2-4 Cockspur Street
London
SW1Y 5DH

Tel: 020-7211-6200
Email: enquiries@culture.gov.uk
Website: www.culture.gov.uk

The Local Government Licensing Forum

Website: www.lglf.org

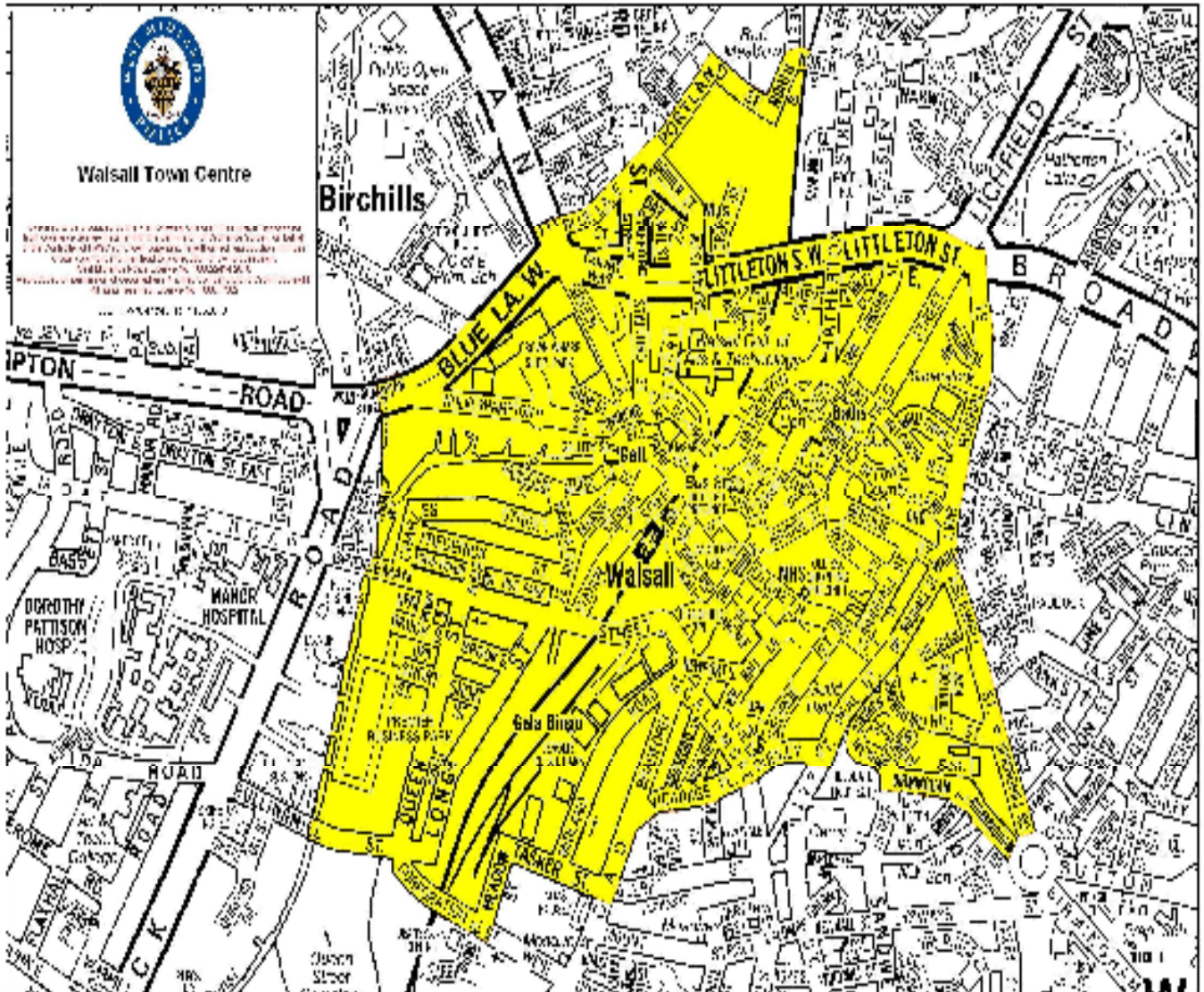
Security Industry Authority

Website: www.the-sia.org.uk

British Institute of Innkeeping

Website: www.bii.org

APPENDIX 3





Licensing Act 2003 Draft Statement of Licensing Policy.

Consultation Period: 13 July 2015 – 4 September 2015



Walsall Council

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Walsall Metropolitan Borough Council

Draft Statement of Licensing Policy

INTRODUCTION

Walsall MBC is situated in the West Midlands, which contains seven Metropolitan Councils in total. The Council area has a population of 269,300 (2011 Census) making it the fourth largest in the County in terms of population. In terms of area Walsall covers 40.02 square miles, meaning it is neither the largest nor smallest district in the West Midlands. The Council area is mainly urban covering an area of 24.83 square miles.

The towns of Willenhall and Darlaston, west of the M6, contrast with the eastern parts of the borough, which are more residential and in parts agricultural in character. Traditional and growth industries are spread throughout the borough. Walsall benefits from its position at the cross-roads of the motorway network and communications have been improved further by the M6 Toll Road; Birmingham airport and the Genting Arena complex are within easy reach, and frequent trains to Birmingham provide links to the national network. Regeneration projects focussing on Walsall town centre, the district and local centres, and key transport corridors have and are transforming the borough's new economic well-being.

Through its statement of licensing policy, the licensing authority will strive to ensure its core values of Honesty and Integrity, Fairness and Equality, Value for Money, Innovation and Collaboration and Listening and Responding are sustained.

1. Licensing Act 2003

This Licensing Policy Statement is intended to meet the Licensing Authority's obligations under Section 5 of the Licensing Act 2003 (referred to as "the Act").

The Licensing Authority (referred to as "the Authority") will carry out the licensing function with a view to promoting the four licensing objectives contained in the Act. These are –

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

These objectives will be treated as having equal importance.

2. Scope of the Policy

Section 5 of the Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years.

The revised statement of licensing policy will take effect from the 7 January 2016.

The policy will be kept under review and the licensing authority may make such revisions to the policy as it considers appropriate. Where revisions to the policy are made, they shall be done so in accordance with statutory requirements, and the licensing authority shall publish a statement of such revisions, or a revised licensing policy statement.

In carrying out its functions the Authority will not only have regard to this policy but also any guidance issued from time to time by the Home Office under Section 182 of the Act (referred to as “the guidance”).

The guidance makes it clear, and the Authority recognises that licensing should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore, beyond the direct control of those with responsibility for managing and controlling licensed premises.

However, licence holders should take all reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises.

Licensing will however, be one of the key factors in managing the evening and night time economy particularly in town centres and any other places as identified ‘high risk’ areas in partnership with the police and other responsible authorities.

The Local Authority recognises its duty under Section 17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder in its area and will continue to work in partnership with the police, responsible authorities as defined by the Act, local businesses, local people and others towards the promotion of all the licensing objectives.

The licensing authority will only make decisions in relation to licensable activities, qualifying club activities, temporary events and personal licences. In determining applications the council will have to apply and have full regard to the Licensing Act 2003, secondary legislation, and regulations issued from time to time by the Secretary of State, Home Office and this policy statement.

In producing its reviewed policy statement, the licensing authority will consult in accordance with the statutory provisions as required by the 2003 Act, and will also seek to achieve full integration with local policies for crime prevention, community safety, planning, transport, tourism and child protection procedures.

The policy will continue to encourage and further enhance partnership working with the police, local businesses, performers and local people.

The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. It is the licensing authorities wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of premises on local residents. The licensing authority wishes to encourage licensees to provide a wide range of entertainment activities during their opening hours and to promote live music, dance, theatre etc, for wider cultural benefit. These activities are a factor in maintaining a thriving and sustainable community.

The Authority has a duty to protect the amenity of the borough which is a mixed commercial and residential area. The Authority wishes to promote safer and stronger communities and to ensure all persons are safe and secure. These factors will be taken into account where applications will increase the concentration of entertainment uses, and or, lengthen hours of operation in a way that would materially impact on the local area.

This policy statement sets out the general approach the council will take as the licensing authority when it determines applications for licences. It will not undermine the right of any individual to apply for a variety of permissions, and to have any such application considered on its merits. Nor will it override the right of any 'other person' to make representations on an application or seek a review of licence where provision has been made for them to do so under the Act.

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

Retail sale of alcohol.

Supply of alcohol to club members.

Provision of 'regulated entertainment' – to the public, to club members or with a view to profit including the following:

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.

Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

The supply of hot food and/or hot drink from any premises between 11pm and 5am.

Each application for the grant, variation or review of a licence will be considered and determined on its individual merits. The Authority when making a decision will consider its licensing policy along with the statutory guidance and if the Authority departs from either of those, reasons will be given as to why.

In addition the Act also covers:

The licensing of individuals for the sale or supply of alcohol ('Personal Licences');

The permitting of certain licensable activities on a temporary basis ('Temporary Event Notices').

3. Duplication

The Authority recognises that the licensing process should not duplicate powers, provisions or restrictions provided for in other legislation, and will in so far as possible avoid duplication of this kind. Legislation that may be relevant is set out below:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- Health and Safety (First-Aid) Regulations 1981
- The Equality Act 2010.

4. Partnership Working and Integrating Strategies

The Authority acknowledges the importance of securing proper integration with local crime prevention strategies as well as public health, planning, transport, tourism, equality schemes and cultural strategies.

Many strategies are not directly related to the promotion of the licensing objectives, but, they may impact upon them and therefore such strategies are important to the Authority.

5. Licensing Process

The Authority's licensing function will be carried out by the Licensing and Safety Committee, supported by licensing sub-committees, and by one or more officers acting under delegated authority.

Where there are no perceived areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part be carried out by officers.

As part of the application process applicants will be expected to address each of the licensing objectives in their operational 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.

Applicants are also encouraged to make themselves aware of and be able to demonstrate when setting out the steps they propose to take to promote the licensing objectives, that they understand the layout of the local area and physical environment and any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies which may help to mitigate potential risks.

Where there are relevant representations from a responsible authority or other persons in relation to an application, the application will be dealt with by a Licensing and Safety Sub Committee, as will any application for the review of a licence.

According to the guidance, a representation is “relevant” if it relates to the likely effect of the grant or variation of the licence on the promotion of at least one of the licensing objectives.

The outcome of any hearing before a Licensing and Safety Sub Committee will be relayed to all parties verbally at the hearing and in writing as soon as practicable.

The Act requires the Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due (On the anniversary of grant of the original licence). The Act provides for a grace period of 21 days in cases of an administrative error or where there is a dispute over liability for the fee, after which the licence/certificate will be suspended.

The Authority has to give a minimum 2 days notice of the licence/certificate being suspended if payment is not made. The Authority, in this case, considers that 7 days notice is more appropriate.

6. Review of Licences

An application for review of a licence will follow the receipt of relevant representations. For example, from a responsible authority such as the police or the fire authority or an ‘other person’ (person(s) who live or are involved in a business and are likely to be affected by the premises).

Any of these groups may appoint a representative to make representations on their behalf, including a ward councillor. It will be expected that any councillor who is also a member of the licensing committee and who is making such representations on behalf of an other person will disqualify him or herself from any involvement in the decision making process affecting the application in question. Local councillors can also, as elected members, make representations in their own right if they have concerns about any premises, regardless of whether they live or run a business in the vicinity of those

premises

Where possible, the licensing authority will attempt to give licence holders early warning of any problems or concerns raised about the operation of licensed premises, and the need for improvement. It may be possible for an agreement to be reached between the licensing authority, the licence holder and the relevant responsible authorities or other persons, in respect of relevant representations. The licensing authority will attempt to encourage a dialogue, and mediate between the relevant parties to achieve this, which may prevent a review application being served.

In the first instance the licensing authority will decide whether or not any complaint or representation made by an other person is relevant, vexatious, frivolous, or repetitious. This will be determined on the facts of each individual case, and should be supported by proper evidence. This decision will be taken by officers under delegated powers.

The licensing authority will not permit more than one review originating from other persons within a period of twelve months on similar grounds save in exceptional and compelling circumstances or where it arises from a closure order.

Where the licensing authority decides to hold a review of a licence, the hearing will follow the process prescribed in regulations. The licensing authority will ensure that all the parties to a review will receive a fair hearing. In particular the licence holder will be made fully aware of the allegations made in respect of their licence, and any evidence supporting the said allegations or representations in order that they or their legal representatives have the opportunity of rebutting such allegations.

On determining a review, the licensing authority may choose to exercise a wide range of powers as permitted by the Act and to which it considers proportionate and necessary for the promotion of the licensing objectives. In deciding which of these powers to invoke, the licensing authority will so far as is possible seek to establish the cause or causes of the problem which has been substantiated on the evidence before them. The remedial action taken will be directed at those causes. These powers include;

- i) Taking no action;
- ii) Issuing an informal written warning to the licence holder and/or recommending an improvement within a specified period of time;
- iii) Attaching conditions to the licence either temporarily, for a period of up to three months or permanently;
- iv) Exclusion of a licensable activity from the scope of the licence, either temporarily, for a period of up to three months or permanently;

- v) Removal of the designated premises supervisor if applicable;
- vi) Revocation of licence

Where representations are received and withdrawn, or agreement is reached prior to hearing (by all parties concerned), the licensing authority may determine the application, and only impose such conditions that will promote the licensing objectives, are consistent with the operating schedule, and/or are required by statute.

The licensing authority will give comprehensive written reasons for any decision taken. On making finding of facts and giving reasons, the licensing authority will ensure that it addresses the standard and burden of proof that it has adopted. The reasons will also address the extent to which the decision has been made in accordance with the licensing authority's statement of policy. The written reasons will be provided to all relevant parties attending a review hearing, in accordance with the timescales provided by statute or regulation, or within a reasonable time taking into account the parties' right to lodge an appeal with the Magistrates Court under Schedule 5 of the 2003 Act.

7. Responsible Authorities and Other Persons

Any responsible authority and/or other person (Person(s) who live or are involved in a business and are likely to be affected by the premises) may make representations about an application, variation, minor variation or review of a premises licence or club premises certificate or grant of a provisional statement. The main responsible authorities that are relevant to this Licensing Authority are set out below. The list of all responsible authorities is published on the Council's website.

The relevant Licensing Authority and any other Licensing Authority in whose area part of the premises is situated.

The Authority will determine when it considers it appropriate to act in its capacity as a responsible authority in accordance with its duties under section 4 of the Act, namely with a view to promoting the licensing objectives and with regard to its licensing policy and the statutory guidance.

The Authority will not normally make representations or request a review of a licence when other responsible authorities should intervene, as the basis for the intervention, falls within their remit. Licensing Authorities are not normally expected to act as a responsible authority on behalf of other parties such as local residents, local councillors or community groups.

West Midlands Police

Applicants are advised to include in their operating schedules any steps being taken to:-

- prevent disorder on the premises
- prevent drunkenness in premises selling alcohol
- prevent under age sales of alcohol
- ensure customers enter and leave in an orderly manner
- exclude illegal drugs
- exclude offensive weapons

The police may consider making representations and suggesting that conditions be imposed on a licence, based on past history of individual premises and may also take into account decisions of the Magistrates' Courts. Depending on the location and style of a particular venue and the activities carried on there, the police may look to licence holders to use polycarbonate drinking containers in cases where it may be appropriate and proportionate to do so, in order to promote public safety or prevent crime and disorder.

Any incidents of crime or disorder which occur at, or can be linked to particular premises may lead to an application for review of the licence. Equally, any incidents which give cause for concern that the premises are not being properly managed, failure to comply with the operating schedule or conditions of licence, or where there are repeated complaints from the public, may also lead to a licence or club premises certificate being reviewed.

The police are expected to be the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

Any current arrangements for the exchange of information between the police and other enforcement agencies will continue.

West Midlands Fire and Rescue Authority

From the 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 ("The Fire Safety Order") replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will have ceased to have effect. The Authority notes that under Article 43 of the Fire Safety Order any conditions imposed by the Authority that relate to any requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect, without the need to vary the licence or certificate. This means that the Authority will not seek to impose fire safety conditions where the Order applies.

The Fire Safety Order covers “general fire precautions” and other fire safety duties which are needed to protect “relevant persons” in case of fire in and around “most premises”. The Order requires fire precautions to be in place “where necessary” and to the extent that it is reasonable and practicable in the circumstances of the case. Responsibility for complying with the Order rests with the “responsible person”, who may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all relevant persons. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including where necessary, capacity limits.

The Local Fire and Rescue Authority will enforce the Order in most premises and have the power to inspect the premises to check the responsible person is complying with their duties under the Order. They will look for evidence that the responsible person has carried out a suitable fire risk assessment and acted upon the significant findings of that assessment.

In accordance with the guidance “safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. If a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. However, if no safe capacity has been imposed through other legislation, the responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. A capacity limit should not be imposed as a condition of the licence on fire safety grounds (unless the Authority and the enforcing authority for fire safety purposes are the same) since, and Article 43 of the Fire Safety Order, it would have no effect and so would be not enforceable.

Director of Public Health

Health Bodies have been responsible authorities under the Act since April 2012 and health functions are now exercised by local authorities via the Director of Public Health. Although ‘health’ is not currently a licensing objective under the Act, health bodies hold certain information which other responsible authorities do not, but which may assist the authority in carrying out its licensing functions, especially in relation to the public safety or crime and disorder objectives.

The Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also

consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, the licensing authority will consider what conditions may be appropriate to ensure that this objective is promoted effectively.

Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.

There will need to be consideration as to how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact area). The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

Trading Standards

The sale of age restricted products, in this case alcohol, remains a priority for Trading Standards. It is imperative as a local service that they recognise the priorities of the Local Authority and partners, such as Police, Licensing, Public Health and the Community Alcohol Partnership, and that they assist them in achieving their aims and objectives. Their goal is to ensure that;

1. Owners of licensed premises, premises licence holders and designated premises supervisors are aware of their obligations in law and those associated with the licensing policy.
2. That non-compliant licensed premises are helped to achieve compliance.
3. That there is restricted access to cheap alcohol by removing from sale counterfeit, illicit and non-duty paid alcohol.

In 2012 the Better Regulation Delivery Office published their Code of Practise for the enforcement of legislation relating to age restricted products, including test purchasing. Whilst not legally binding the document is persuasive and places some new requirements on Trading Standards. It sets out a way of working that is rooted in the statutory principles of good regulation: that regulation should be proportionate, consistent, accountable, transparent and targeted. It applies the requirements of the statutory Regulators' Compliance Code, which promotes 'a positive and proactive approach towards ensuring compliance by: helping and encouraging regulated entities to understand and meet regulatory requirements more easily; and, responding proportionately to regulatory breaches'.

Licence holders may receive advisory visits from Trading Standards giving information and advice regarding the steps to be taken in order to avoid selling alcohol to children.

In relation to licensing reviews, Trading Standards will ensure that any conditions requested on review are appropriate and necessary.

The sale of counterfeit and non-duty paid alcohol and tobacco products are having a very serious impact on the local economy. Legitimate retailers are struggling to compete with the small minority of dishonest traders who operate within the shadow economy. These dishonest traders are making large profits by selling cheap counterfeit products, or evading duty on genuine products and selling these at the full retail price or even discounted rates to unsuspecting consumers.

Consumption of illicitly or informally produced alcohol could have additional negative health consequences due to a higher ethanol content and potential contamination with toxic substances, such as methanol.

Licence holders found to be selling illicit alcohol will be liable to prosecution and could have their licence to sell alcohol reviewed by the Licensing and Safety Committee or one of its sub committees.

Health and Safety

The main objective is to ensure the health, safety and welfare of employers, employees and members of the public working at, or attending licensed premises.

Applicants applying for a premises licence or club premises certificate should therefore be able to demonstrate a safe environment.

Although existing health and safety legislation will primarily be used it may be appropriate to apply for the review of a licence in the following circumstances:-

serious or regular contraventions of health and safety legislation.

failure to comply with Improvement or prohibition notices.

service of a prohibition notice where a significant risk to public safety exists.

prosecution for failure to comply with health and safety legislation.

The Council and the Health and Safety Executive are jointly responsible for enforcing health and safety. As a general rule, the Council is responsible for the majority of premises but the Health and Safety Executive are responsible in the case of Council-owned premises.

Environmental Health

Operating schedules should contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem. Applicants should also provide details of any proposed noise control measures intended to be put in place, particularly for premises in largely residential areas where regulated entertainment is being applied for outside the hours of 8am to 11pm.

Applicants should note, however, when preparing operating schedules that stricter measures for controlling noise may be sought, either through operating schedules or by imposing conditions in the case of premises situated in largely residential areas, especially where there has already been a history of problems associated with a particular premises.

If licence conditions are imposed, they will be specific to the premises in question and will relate to the type of licensable activity proposed.

8. Licensing Hours

The Authority wishes to emphasise that consideration will always be given to the individual merits of any application. At the same time, it is clear that in some circumstances more flexible licensing hours with regard to the sale of alcohol may be an important factor in avoiding a concentration of customers leaving premises simultaneously and generally lead to a slower dispersal of people from licensed premises. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.

The Authority recognises that providing consumers with greater choice and flexibility is an important consideration when it comes to developing thriving night time local economies which are equally important for local investment and employment. This should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents.

Each application will always be considered on its own individual merits but it should be recognised that restricting the hours of operation in some cases can play an important role in preventing public nuisance, especially in residential areas where there is a history of noise complaints relating to a particular premises from those living within the vicinity.

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 representations being received, some limitation on licensing hours may be appropriate.

9. Temporary Event Notices (T.E.N.)

There are two types of temporary event notice (T.E.N.) which can be given to the Authority; standard and late.

Anyone wishing to give a standard T.E.N. to the Authority must do so at least 10 clear working days prior to the event in question.

If it is not possible to give 10 working days notice then a late T.E.N. may be given as long as at least 5 working days notice is given.

If an objection to a standard T.E.N. is made by the police or Environmental Health and they wish to impose conditions on that notice, if all parties agree that a hearing is not necessary, the Authority will not normally hold a hearing.

If, the police or Environmental Health object to a late T.E.N. then the event cannot go ahead.

Regulations control the number of T.E.N.s that can be held at any premises in a calendar year.

10. Adult Entertainment

An applicant wishing to provide adult entertainment should specify in the operating schedule what sort of adult entertainment they intend to provide and how frequently it will be provided. If sexual entertainment is to be provided, for example lap dancing, striptease etc then a separate sexual entertainment licence may also be required.

Sexual Entertainment Venues (S.E.V)

This Council has adopted a formal policy in relation to these types of premises under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. Standard conditions are attached to such licences. Where there are similar conditions attached to the 2003 licence for the premises, the more onerous will apply.

There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 that allows premises to provide sexual entertainment on no more than 11 times per year and no more frequently than monthly. For further information on S.E.V's, please contact the licensing unit.

11. Cumulative Impact

Walsall town centre has been identified as being saturated with licensed premises ('on licences') creating a significant cumulative effect. This has undermined the licensing objectives.

West Midlands Police produced evidence to support the case for Walsall town centre to be designated as a cumulative impact area. The defined area is known as 'Walsall town centre neighbourhood'. A map of the area is given in **Appendix 1**.

The Council having regard to the statutory guidance issued under the Licensing Act 2003, consulted on the issues and took into account the views of respondents and considered all the evidence presented to it.

The Authority in light of the above therefore, adopted a cumulative impact policy in respect of applications relating to the sale or supply of alcohol 'on the premises' in a defined area of Walsall town centre. In this area new applications/variations will be refused whenever relevant representations are received about the cumulative impact on the licensing objectives and which the Licensing Authority concludes after hearing those representations, should lead to refusal.

The cumulative impact policy was initially introduced on the 8 September 2008 and reaffirmed on the 7 January 2011.

The effect of this policy is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations which relate to the sale or supply of alcohol (on the premises) and are likely to add to the existing cumulative impact will normally be refused, unless it can be shown that the premises concerned, will not add to the cumulative impact.

The licensing authority recognises that any special policy regarding cumulative impact is not absolute and where licence applications will not add to cumulative impact and following no relevant representations having been made, the licence/certificate will be granted as requested.

The presumption contained in respect of this policy, does not relieve responsible authorities or other persons of the need to make relevant representations. If there are no relevant representations, the licensing authority must grant the application on the terms that are consistent with the application.

In determining an application, the licensing authority will have particular regard to the licensing objectives and the cumulative effect and adverse impact that may arise from the saturation of premises in the defined area.

The cumulative impact policy will not be used to revoke existing licences or certificates. However, such a policy may be a justification to refuse an application to vary a licence or certificate but only where the variation is

directly relevant to the policy and the refusal is strictly necessary for the promotion of the licensing objectives.

The licensing authority recognises the difference between cumulative impact and the commercial need for premises in an area. Need and market forces are not matters for the licensing authority to consider as part of its licensing function.

The licensing authority will not operate a quota of any description. Each application must always be considered on its merits.

12. Late Night Levy

Council has considered the parameters for the introduction of such a levy but has resolved that it not be implemented at this time. The Council reserves its right to introduce such a levy, but will only do so after ensuring it has gone through the statutory consultation process and a formal decision has been made in respect of all evidence and comments received.

13. Early Morning Restriction Orders (EMRO)

Council has considered the parameters of such orders, but has resolved that none be implemented at this time. The Council reserves its right to introduce such orders, but will only do so after ensuring it has gone through the statutory consultation process and a formal decision has been made in respect of all evidence and comments received.

14. Children

The Authority recognises the great variety of premises for which licences and certificates may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-aways, community halls, church halls and schools. However, in the case of premises which are used exclusively or primarily for the supply of alcohol to be consumed on those premises it is an offence to allow anyone under the age of 16, unaccompanied by an adult, to be present on such premises.

Where the consumption of alcohol takes place but is not the exclusive or primary activity at a particular venue, such as a hotel or cinema for example, it is an offence for, those under 16 to be unaccompanied between 12 midnight and 5am.

Other than these two restrictions there is no presumption in favour of giving access to children under 18 generally, or indeed, preventing their access. Each application and the circumstances prevailing at each individual premises must be considered on its own merits and admission will always be at the discretion of those managing the premises.

The Authority, in its own right, will not seek to limit the access of children to any premises unless it receives representations to that effect based on the prevention of physical, moral or psychological harm to children. Applicants

seeking premises licences and club premises certificates should include in their operating schedule any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

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

where the premises have been linked to child sexual exploitation.

In the case of premises which are used for film exhibitions applicants should include in their operating schedule any specific arrangements for restricting access to children to ensure they meet the required age limit in line with any certification granted by the British Board of Film Classification.

Where a large number of children are likely to be present on any licensed premises, for example, at a children's show or pantomime, then applicants may need to demonstrate that measures are in place to ensure an appropriate number of adults are present in order to satisfy the licensing objectives.

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 on the presence of children when certain activities are taking place

the requirement to be accompanied by an adult

access being limited to parts of the premises only

an age limitation (for under 18s)

For premises where the sale or supply of alcohol takes place as a licensable activity the Authority recommends that applicants adopt The Portman Group's 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 of age or over. The premises should also comply with the Committee of Advertising Practice in relation to advertisements and promotions, particularly those provisions relating to the sale and promotion of alcohol.

The Authority also recognises the Guide to Responsible Alcohol Retailing jointly produced by The Association of Convenience Stores, The British Retail Consortium and The Wine and Spirits Trade Association which covers key areas of under age sales, proof of age cards, staff training and alcohol promotions.

The Local Safeguarding Children's Board is the body recognised as being competent to advise on matters relating to the protection of children from harm, they are a responsible authority and are therefore, entitled to make representations.

15. Live Music and Regulated Entertainment

The 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 determining what conditions maybe attached as appropriate for the promotion of the licensing objectives, care will be taken to avoid measures which might deter live music dancing and theatre by imposing indirect costs of a disproportionate nature.

As a result of deregulatory changes that have subsequently amended the 2003 Act, there are a number of exemptions that now apply to the provision of all categories of regulated entertainment. Applicants/licence holders should ensure that they are fully aware of the current S.182 guidance issued by the Home Office.

It is still possible however, for a premises licence or club premises certificate to be reviewed if there are appropriate grounds to do so. In determining a review application the Authority is allowed, if it is considered appropriate, to lift the suspension of such restrictions/conditions that apply to such venues/times and give renewed effect to an existing condition.

16. Licensing and Planning

The Authority recognises that planning permission, building control approval and licensing regimes should be properly separated to avoid duplication and inefficiency.

Licensing applications are not to be seen as a re-run of the planning application process and the licensing committee will not be bound by decisions of the planning committee and vice versa.

There are circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must

observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

The Planning Authority may make representations in respect of an application (as a responsible authority under the Act) for a premises licence or club premises certificate as long as it relates to the licensing objectives. The granting of a licence, certificate or provisional statement will not override any requirement of the planning regime.

17. Conditions

The Authority will only be able to attach conditions (other than mandatory conditions) to a premises licence or club premises certificate (and in certain circumstances Temporary Event Notices) if they are part of an applicant's operating schedule (including any conditions which may be subsequently volunteered by an applicant as a result of mediation following a representation), or by a decision of the licensing sub committee at a formal hearing.

Any conditions which are attached to licences, certificates and other authorisations will be tailored to the individual style and characteristics of the premises and events concerned and will reflect, as far as possible, local crime prevention strategies.

The Authority will not attempt to impose any 'blanket' conditions which apply to all premises but the applicant's operating schedule, which forms part of the application process should include sufficient information to enable a responsible authority or other person to assess whether the steps being taken to promote the licensing objectives are satisfactory or not.

When submitting operating schedules applicants are required by the Act to outline the measures which are being taken in order to meet the licensing objectives. These measures are likely to form the basis of conditions which will be attached to the grant of a premises licence or club premises certificate. However, only those conditions which are considered appropriate for the promotion of the licensing objectives will be imposed and any breaches of conditions will, in most cases, be dealt with primarily through the review process.

The responsible authorities identified in this statement may also propose conditions of their own by making representations to a grant or variation application. However, these cannot be over burdensome or disproportionate and will only be imposed by the Authority in cases where it is considered appropriate to meet the licensing objectives.

Any conditions proposed by a responsible authority and agreed by an applicant in such cases can be attached to the premises licence without the need for a formal hearing either by the applicant agreeing to amend their operating schedule to include any condition(s) agreed between the parties or if all parties agree that a hearing is not necessary.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. In circumstances where existing legislation already effectively promotes the licensing objectives it is likely that no additional conditions will be necessary. For this purpose each case will need to be assessed on its own individual merits.

18. Removal of DPS requirement at Community Premises

Instead of being required by way of a mandatory condition, to appoint an individual as a designated premises supervisor, (DPS), volunteer committees managing community premises are now allowed to take joint responsibility for the sale of alcohol in community premises.

Management Committees wishing to apply for the removal of the mandatory condition requiring a DPS at community premises will need to demonstrate clearly to the Authority how they operate and that there will be appropriate supervision of all alcohol sales at different types of events.

'Community premises' will include church halls, chapels, community and village halls and similar buildings. If there is any doubt as to whether a building is a community premises or not, the Authority will deal with such matters on a case by case basis with the main consideration being how the premises are being predominantly used, for example :

are they genuinely made available for community benefit most of the time?

are they accessible by a broad range of persons and sectors of the local community?

are they being used for purposes which are beneficial to the community as a whole?

Applicants will be required to set out exactly how the premises are managed, its committee structure and how alcohol sales are to be properly supervised within the committee/management structure.

19. Enforcement

This Authority embraces the Department for Business Innovation and Skills "Regulators Code" which came into force on the 6 April 2014, and its standards have been integrated into our regulatory culture and processes. This authority supports the principals of better regulation to promote efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens on business.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to: The Licensing Unit, Walsall Council, Civic Centre, Darwall Street, Walsall, WS1 1TP , E-mail Licensing@walsall.gov.uk, Website www.walsall.gov.uk.

It is intended that, in general, action will be taken against 'problem' premises through the review process. In cases where more formal action, such as prosecution is considered to be appropriate, the key principles of consistency, transparency and proportionality will be maintained. The Authority will also have regard to its Enforcement Policy.

20. Equal Opportunities

The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relation, between persons with different protected characteristics, for example age, disability, race and religion.

21. Delegations

The Act provides that the functions of the authority are to be carried out by the Licensing and Safety Committee. The Licensing and Safety Committee will delegate these functions further and where appropriate, they can be delegated to officers.

The Local Authority has a scheme of delegations in place which sets out the types of decisions that have been delegated to officers and the circumstances within which they can be used.

Delegation of Powers:

Matter to be Dealt with	Full Committee	Sub Committee	Officers
Review of Licensing Statement of Policy	All Cases		
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
Application 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 an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

A licensing sub-committee of three councillors will sit to hear applications where relevant representations have been received from responsible authorities and/or other persons.

22. Register of Licenses

The licensing authority will keep a register in the prescribed form containing:-

- (a) a record of each premises licence, club premises certificate and personal licence issued by it,
- (b) a record of each temporary event notice received by it,
- (c) matters mentioned in Schedule 3 of the 2003 Licensing Act
- (d) such other information that may be prescribed.

The licensing register will be available for inspection during office hours by any person without payment.

If requested to do so the licensing authority will supply any person with a copy of information contained in any entry, for which a fee will be charged. This may assist people in making representations to the licensing authority.

23. Comments on licensing policy

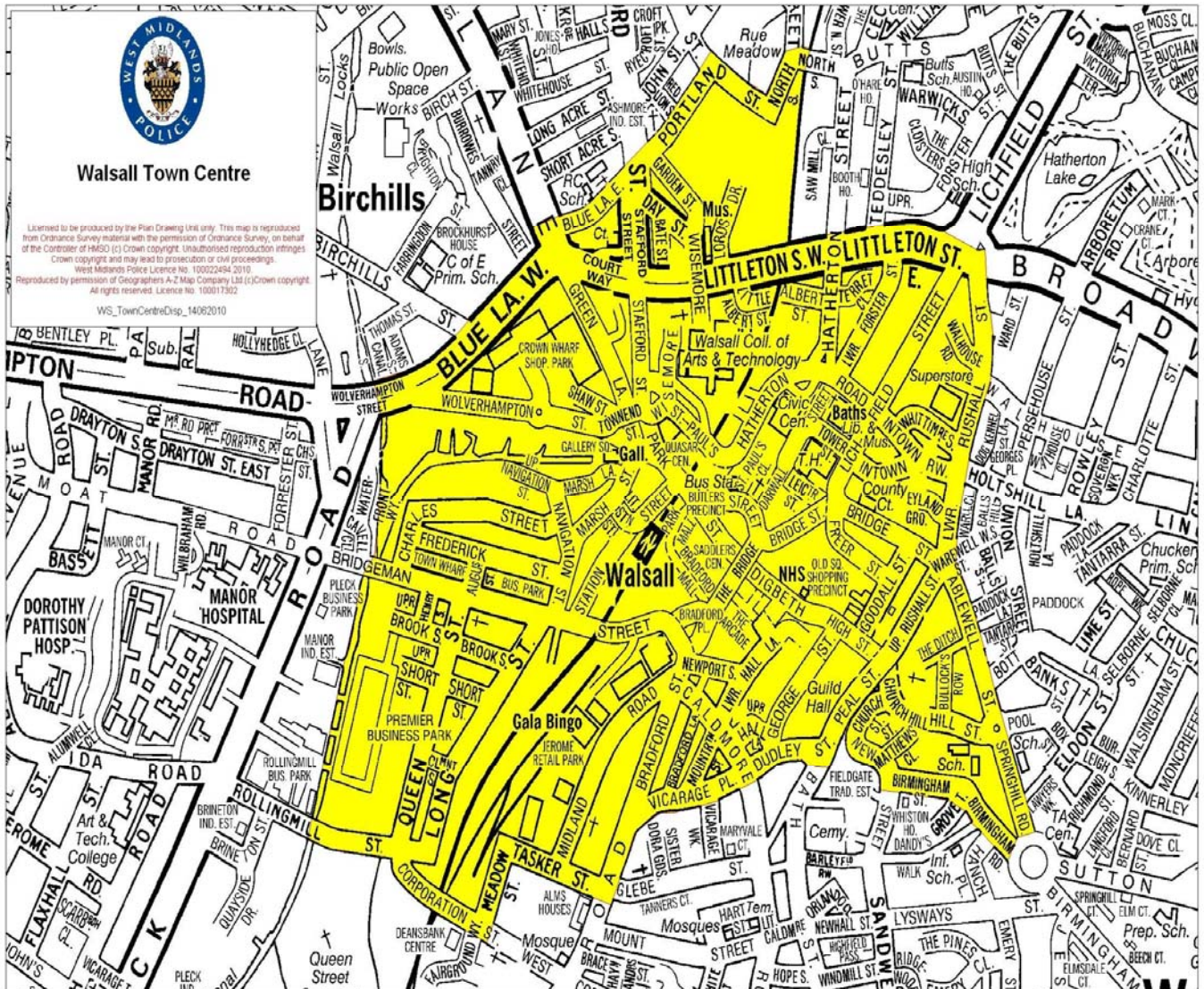
The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Licensing Unit
Walsall M.B.C
Civic Centre
Darwall Street
Walsall
WS1 1TP

Telephone Number: 01922 653050
Fax Number: 01922 653070
e-mail: licensing@walsall.gov.uk
website : www.walsall.gov.uk

APPENDIX 1

CUMULATIVE IMPACT AREA



Appendix 2 - Definitions

In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Appeals’

Appeals against decisions of the licensing authority are to the magistrates’ court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the licensing authorities’ decision. On appeal a magistrates’ court may, dismiss the appeal; substitute its own decision; remit the case to the licensing authority with directions; and make an order for costs.

‘Authorised Persons’

“Authorised Persons” are specified people who have statutory duties in relation to the inspection of premises, e.g. licensing officers, police, fire, health & safety, environmental health.

‘Responsible Authorities’

“Responsible Authorities” include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection and other specified authorities. Only these groups can make representations about an application for a premises licence.

‘Closure Order’

Powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to serve court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

‘Club Premises Certificate’

A certificate which licenses a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. Club premises certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

‘Conditions’

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain

statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder. Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

‘Designated Premises Supervisor’

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the premises licence. They must also be a personal licence holder.

‘Late Night Refreshment’

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00pm and 5.00am.

‘Licensable Activities’

- The sale by retail of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club.
- The provision of Regulated Entertainment.
- The provision of Late Night Refreshment.

‘Licensing Authority’

Walsall Metropolitan Borough Council

‘Licensing Objectives’

The objectives as set out in the Act:

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

The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.

‘Licensed Premises’

Includes club premises and events unless the context otherwise requires.

‘Mandatory Conditions’

Conditions that the Act requires are imposed on a premises licence, club premises certificate or personal licence.

‘Objection Notice’

A procedure whereby the police can object to the grant of a personal licence on the grounds there where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

‘Operating Schedule’

A document (this is in effect the completed application form) containing a statement of the following matters (and any others that may be prescribed):-

- Steps taken by the licence holder to tackle the four licensing objectives.
- The licensable activities to be conducted on the premises.
- The times during which the licensable activities are to take place and any other times when premises are open to the public.
- Where the licence is required only for a limited period, that period.
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor.

‘Other Persons’

Person(s) who live or are involved in a business and are likely to be affected by the premises.

‘Personal Licence’

A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence has no expiry. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned do not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the police can object to the grant of a personal licence.

‘Premises Licence’

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on the death, insolvency etc of the holder. Applications are dealt with by the local authority licensing committee in the area where the premises are situated.

‘Provisional Statement’

A procedure by which the licensing authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

‘Qualifying Club’

Club Premises Certificates will be issued to Qualifying Clubs. To be eligible for a Club Premises Certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the council must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and

conducted in 'good faith' (this involves consideration of details such as club finances).

'Regulated Entertainment'

- A performance of a film.
- An exhibition of a film.
- An indoor sporting event.
- A boxing or wrestling entertainment (indoor or outdoor).
- A performance of live music.
- Any playing of recorded music.
- A performance of dance.
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

'Relevant Representations'

The 2003 Act does not use the term "objections". Instead interested parties and responsible authorities may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or responsible authority the local authority need only consider relevant representations. The making of relevant representations engages the licensing authorities discretion to take "steps" consistent with the licensing objectives when considering the application.

'Review of Licence'

Where a premises licence is in force an interested party or responsible authority may apply to the council for it to be reviewed. The council must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to three months; or the revocation of the licence.

'Responsible Authority'

- The Chief Officer of Police in the area where the premises are situated.
- The Fire Authority in the area where the premises are situated.
- The Licensing Authority.
- The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health.
- The body representing matters relating to the protection of children from harm.
- The enforcing authority for Health and Safety at Work.
- The local Planning Authority.
- Trading Standards, local weights and measures.
- Director of Public Health.
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board

‘Statement of Licensing Policy’

Each licensing authority must every five years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.

‘Temporary Event Notice’

A permitted temporary activity involving one or more licensable activities subject to various conditions and limitations.

‘Transfer’

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

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