



Licensing Committee

25 September 2013

Time 10.00am **Public meeting?** YES **Type of meeting** Regulatory

Venue Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Room Committee Room 1 (3rd floor)

Membership

Chair Cllr Bishan Dass (Lab)
Vice-chair Cllr Alan Bolshaw (Lab)
Shadow-Chair Cllr Mark Evans (Con)

Labour
Cllr Harman Banger
Cllr Ian Claymore
Cllr Craig Collingswood
Cllr Susan Constable
Cllr Keith Inston
Cllr Rita Potter
Cllr John Rowley

Conservative
Cllr Neville Patten
Cllr Patricia Patten

Liberal Democrat

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

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Copies of other agendas and reports are available from:

Website <http://wolverhampton.cmis.uk.com/decisionmaking>
Email democratic.support@wolverhampton.gov.uk
Tel 01902 555043

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. *Title*

BUSINESS ITEMS

1. **Apologies for absence**
2. **Declarations of interest**
3. **Minutes**
 - (a) **Meeting, 31 July 2013**
[For approval]
 - (b) **Sub-Committee meetings, 2 August (x 2), 14 August and 12 September 2013**
[For approval and adoption]
4. **Matters arising**
[To consider any matters arising from the minutes]

DECISION ITEMS

5. **Schedule of Outstanding Minutes**
[To receive a schedule indicating when reports on individual items will be submitted for consideration]
6. **Safety of Sports Grounds Policy Document – Managing Safety of Sports Grounds**
[To note and endorse the policy document]
7. **New General Safety Certificate – Molineux Stadium, Waterloo Road, Wolverhampton**
[To note and endorse the safety certificate]
8. **Scrap Metal Dealers Act**
[To approve the fee structure and to delegate authority to the Strategic Director, Education and Enterprise to enable applications to be processed from 1 October 2013]
9. **Performing Animals Act 1925**
[To approve revised fees for the registration of performing animals]

**Part 2 – exempt items, closed to the press and public
nil**



Licensing Committee

Minutes – 31 July 2013

Attendance

Members of the Sub-Committee

Cllr Bishan Dass (chair)	Cllr Harman Banger
Cllr Alan Bolshaw	Cllr Ian Claymore
Cllr Mark Evans	Cllr Keith Inston
Cllr Neville Patten	Cllr Rita Potter

Staff

Fiona Davis	Head of Service, Governance (Delivery)
A Jervis	Head of Regulatory Services (Education and Enterprise)
Colin Parr	Licensing Manager (Education and Enterprise)
Linda Banbury	Democratic Support Officer (Delivery)

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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BUSINESS ITEMS

- Apologies for absence**
Apologies for absence were submitted on behalf of Councillors Craig Collingswood, Susan Constable, Patricia Patten and John Rowley.
Linda Banbury
- Declarations of interest**
No interests were declared.
- Minutes**
Resolved:
 - That the minutes of the meeting held on 22 May 2013 be approved as a correct record.
 - That the minutes of the meetings of the Licensing Sub-Committee held on 3, 11, and 26 June, and 4 July 2013 be approved as a correct record and adopted.

4. **Matters arising**
3 June 2013

Further to the recent hearing in respect of One Stop Shop, 66 Oxley Moor Road, Cllr Claymore advised that the premises was due to open the following day and that he had raised some issues of concern with the Planning Authority. He also drew attention to a flyer distributed locally offering deals on food and alcohol.

The Licensing Manager advised that the premises were obliged, in accordance with their premises licence, to meet with local residents and that Licensing Services had agreed to facilitate the first meeting. The Head of Regulatory Services undertook to follow up the planning issues highlighted by the Councillor.

Andy Jervis

11 June 2013

Further to the recent review hearing in respect of The Greyhound, 14 Bond Street, the Licensing Manager advised that the Premises Licence Holder (Enterprise Inns) had appealed the decision, but following discussion with Licensing Services had withdrawn the appeal. A new application was to be submitted in due course for an alternative style of business. The Committee welcomed this outcome.

DECISION ITEMS

5. **Schedule of outstanding minutes**

A report was presented, which set out a schedule of outstanding minutes, together with an indication of when individual reports would be submitted for consideration.

Resolved:

That the report be received.

Linda
Banbury

6. **Scrap Metal Dealers Act 2013**

The Licensing Manager presented a report, which outlined the key provisions of the Scrap Metal Dealers Act 2013, together with the proposed local implementation arrangements. The report further detailed the compliance and enforcement arrangements agreed by the Safer Wolverhampton Partnership Local Police and Crime Board. He advised that, since writing the report, the Government had revised the timescale for receipt of applications to enable them to be made on 1 October 2013; this would allow time for a report seeking approval of fees, delegations and local conditions to be presented to Committee in September, instead of a delegation to officers to approve transitional arrangements.

The Committee welcomed this important piece of legislation, which would both safeguard the public and encourage applications from reputable dealers.

Resolved:

That the report and verbal update be received and that a further report, seeking approval of fees, delegations and local conditions, be presented to the next scheduled meeting of the Committee on 25 September 2013.

Colin Parr

7. **Gambling Act 2005 – Small Casino Premises Licence Stage 2 storage protocol**

The Licensing Manager presented a report, which sought approval of the storage protocol for Stage 2 applications in respect of the Small Casino Premises Licence.

Resolved:

That the storage protocol for Stage 2 applications for the Small Casino Premises Licence, as detailed at Appendix A to the report, be approved.

Colin Parr

8. **Gambling Act 2005 – Small Casino Premises Licence Stage 2 Delegations**

The Licensing Manager presented a report, which sought approval of a delegated authority to the Licensing Manager and Development and Regeneration Officer to engage or negotiate with each Stage 2 applicant for the Small Casino Premises Licence. The Licensing Manager advised that the Evaluation Panel would be chaired by the Strategic Director for Delivery and would also comprise regeneration, employment, finance and legal experts. The final makeup of the Panel would be presented to the Licensing Committee for approval, following a formal recruitment process for the external members. A formal record of the Panel meetings would be made by the Democratic Support Office and the meetings would also be attended by the Licensing Manager and/or Development and Regeneration Officer, together with a Council Solicitor.

Resolved:

That authority be delegated to the Licensing Manager and Development and Regeneration Officer to engage with each of the Stage 2 applicants for the Small Casino Premises Licence, as detailed at section 2 of the report.

Colin Parr
Ruth Taylor

9. **Officer Decisions**

Pursuant to the request of the Committee, the Licensing Manager provided a verbal update on decisions made under officer

Colin Parr

delegations during the 2012/13 municipal year, as follows:

20 applications for 'A' Boards outside the policy guidelines

24 minor variations under the Licensing Act 2003

36 premises licences suspended for non-payment of fees (majority now paid and businesses re-opened)

3 street trader applications (1 refusal)

Hackney Carriage and Private Hire applications – two cases

appealed and officer decisions subsequently upheld – 3 driver

licences and 7 vehicle licences revoked (approximately 95% of applications now dealt with by officers under revised delegations)

The Committee expressed their appreciation of the valuable work carried out by officers which had freed up the Licensing Sub-Committee, particularly in view of the increased number of Licensing Act hearings following the implementation of the Police Reform Act. The Licensing Manager advised that there would, however, be a number of driver applications for consideration at the September meeting.

Part 2 – exempt items

nil



Licensing Sub-Committee

Minutes – 2 August 2013

Attendance

Members of the Sub-Committee

Cllr Mark Evans (chair)
Cllr Keith Inston
Cllr Rita Potter

Staff

Fiona Davis	Head of Service (Governance)
Rob Edge	Section Leader (Licensing)
Linda Banbury	Democratic Support Officer

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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BUSINESS ITEMS

- 1. Apologies for Absence**
There were no apologies for absence.
- 2. Declarations of interest**
No interests were declared.

DECISION ITEMS

- 3. Licensing Act 2003 – Application for a new premises licence in respect of 327 Dudley Road, Wolverhampton**
In attendance
For the premises
V P Gandhi – Director, Online Assistance Limited
Mr Kamal – member of the Company
Mr Singh - Manager

Objectors

Sergeant T McElroy-Baker
and PC S Hemming – West Midlands Police
E Moreton – Licensing Authority
Cllr Harbans Singh Bagri – on behalf of Cllr Rowley
W Humphries – Trading Standards
M Liburd – Public Health
A Muston – Other Person (local resident)

The chair introduced the parties and outlined the procedure to be followed at the meeting. No declarations of interest were made.

The Licensing Manager outlined the report submitted to the meeting and circulated to all parties in advance.

At this juncture, Mr Gandhi outlined the application for a Premises Licence, indicating that the majority of objections had related to the timings for sale of alcohol and he had already given an undertaking to only sell alcohol between the hours of 0900 and 2300.

The objectors then outlined their objections as follows:

Sergeant McElroy-Baker drew attention to the fact that the premises was situated in an area subject to a DPPO due to anti-social drink related incidents and the application did not provide any detail as to how the licensing objectives would be promoted. The applicant had, however, agreed to the conditions proposed by the Police.

Mrs Moreton indicated that the applicant had been extremely co-operative in regard to the proposals made by the Responsible Authorities and she was content with the revised hours for the sale of alcohol.

Mr Humphries indicated that the concerns of Trading Standards reflected those raised by the Licensing Authority. Mr Gandhi tabled a copy of a list of proposed conditions, for the Sub-Committee, produced in response to the representations made by Trading Standards.

Ms Liburd indicated that she was content with the application as amended in response to the Responsible Authorities' objections.

Cllr Bagri advised that he was representing the local community and that the major concerns related to the existing problems in

Phoenix Park. He was, however, pleased that the hours had been reduced. He made reference to the high number of off licences already in the local vicinity.

Ms Muston welcomed the actions taken by the applicant, but still had concerns given that the premises was directly opposite to Phoenix Park and she expressed concern that the Police would be unable to maintain the current enforcement activities.

Responding to questions, Mr Gandhi advised that the sale of alcohol was not solely a financial consideration and that the provision was in response to research in respect of customer need. The applicant had only recently taken over the premises and the rubbish removed related to former occupants. The car wash belonged to someone else and the Subway outlet had its own manager and staff. Every step would be taken to ensure that alcohol would not be sold to those likely to be involved in anti-social behaviour.

It was acknowledged that the Police had limited powers in regard to the DPPO and could only take action if anti-social or criminal behaviour was involved. Mrs Moreton advised that the Sub-Committee could impose a condition on the licence preventing the sale of single cans of alcohol.

EXCLUSION OF PRESS AND PUBLIC

4. Exclusion of press and public

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

All parties, with the exception of the Council's Solicitor and Democratic Support Officer, withdrew from the meeting at this point.

Part 2 – exempt items, closed to the press and public

5. Deliberations and decisions

The Sub-Committee discussed the issues which had been

raised during consideration of the application for a Premises Licence and the Solicitor advised them of the options open to them in determining the application.

6. **Re-Admission of Press and Public**

Resolved:

That the press and public be readmitted to the meeting.

Part 1 – items open to the press and public

7. **Announcement of Decision**

The Chair advised that the application had been granted, subject to conditions as outlined below, the decision to be conveyed in writing within the following five working days:

Rob Edge
Linda
Banbury

The Sub-Committee have taken note of all the written concerns raised in respect of 327 Dudley Road, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

Having considered the views of all concerned, the Sub-Committee have decided that the application for a Premises Licence be granted subject to the following conditions:

1. Sale of alcohol to take place between 0900 and 2300 hours
2. Conditions proposed by the West Midlands Police and agreed by the applicant:

I. CCTV

- A CCTV system with recording equipment shall be installed and maintained at the premises.
- CCTV should cover entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas to where public have access, and the immediate vicinity outside the premises.
- Images/recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request and without any undue delay.
- Images and recordings must be of evidential quality, indicate the correct time date and be kept for at least 31 days.
- All staff to be trained to use the CCTV system and at least one member of staff to be on

duty who is trained to download the system's images, should any member of a Responsible Authority make a request.

- II. No single sales of cans of beer, lager or cider to be permitted at the premises.
 - III. An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate the incident must be reported to the West Midlands Police. An incident log book to be produced to a member of a Responsible Authority upon request.
 - IV. To ensure compliance with 'Challenge 25', a refusals log book to be maintained to record where any sale of alcohol is refused to persons who present themselves to be underage.
 - V. All staff to receive training and refresher training every six months on their responsibilities with regard to licensing legislation, in particular to under age and proxy sales; this training to be documented and shown to a member of a responsible authority upon request.
 - VI. A Designated Public Place order (DPPO) notice, provided by the Licensing Authority, shall be displayed prominently on the premises and visible from the outside of the store, advising that the Police have powers to seize alcohol.
3. Conditions proposed by the applicant, in responses to proposals from Trading Standards
- Prominent displays of 'Challenge 25' posters at entrance, at display and on till
 - Staff training in age verification, using 'Challenge 25' procedure, refusals register, sale of alcohol and abiding by the relevant legislation (Licensing Act 2003)
 - Till prompt (staff facing) to ensure 'Challenge 25' procedure is followed
 - Only accepting verification of age documentation containing photographs (e.g passport, photo card driving licence, PASS card, validate card or citizens card)
 - Refusals register – note down any refusals alongside detailed description of purchaser, approximate age, reasons for refusal, if any ID produced and name of staff refusing sale

[NOT PROTECTIVELY MARKED]

- Working with Police and external agencies to monitor sales and to prevent sales of alcohol to underage children
- Restricting sale of alcohol to between 0900 and 2300 hours
- Staff to be trained in the sale of alcohol to the public. The licence holders will undertake training.
- Records to be kept of training and refresher training of staff to be maintained and kept at the premises for inspection as required
- To provide litter bins outside premises to enable customers to dispose of their litter
- Signage to be displayed requesting customers to dispose of litter appropriately
- Closed circuit television both inside and outside the premises to deter anti-social behaviour, nuisance and crime (see Police condition 1)
- Signage to be displayed requesting customers to be mindful of neighbouring premises and to keep noise to a minimum when leaving the premises
- Sale of alcohol to be ancillary function of the premises
- Owners are aware that Phoenix Park is subject to an Alcohol Exclusion Zone and of strides made to exclude drug addicts and drunks and would refuse sales to those it considers fit into that category

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm licensing objectives.

Finally, such conditions as are specified on/or are consistent with the operating schedule will be attached to the licence, together with any mandatory conditions required by the Act.

All parties have a right of appeal to the Magistrates' Court within 21 days of receipt of this decision.



Licensing Sub-Committee

Minutes – 2 August 2013

Attendance

Members of the Sub-Committee

Cllr Mark Evans (chair)
Cllr Alan Bolshaw
Cllr Rita Potter

Staff

Fiona Davis	Head of Service (Governance)
Rob Edge	Section Leader (Licensing)
Linda Banbury	Democratic Support Officer

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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BUSINESS ITEMS

- Apologies for Absence**
There were no apologies for absence.
- Declarations of interest**
No interests were declared.

DECISION ITEMS

- Licensing Act 2003 – Application for a new premises licence in respect of Bargain Grill, 21 Broad Street, Wolverhampton**
In attendance
For the premises
M A Myrie - applicant
Objectors
Sergeant T McElroy-Baker – West Midlands Police
E Moreton – Licensing Authority
A Clarke – Environmental Health (Commercial)

The chair introduced the parties and outlined the procedure to be followed at the meeting. No declarations of interest were made.

The Licensing Manager outlined the report submitted to the meeting and circulated to all parties in advance. It was noted that there was an error in the Premises Licence application in that the timings for late night refreshment should read '2300 to 0500 hours'.

At this juncture Mr Myrie outlined his application, indicating that he had not been aware initially that the Premises Licence had been surrendered and was currently utilising Temporary Event Notices. Responding to questions, he indicated that he would be producing traditional, slow cooked Jamaican food and popular background music would be played whilst customers awaited their food. He indicated that he was prepared to sign up, within reason and subject to cost, the conditions proposed by the Responsible Authorities.

The Responsible Authorities then outlined their objections as follows:

Mrs Moreton indicated that, although the business was situated within the Cumulative Impact Zone, it had already benefitted from a Premises Licence which had been surrendered; there was therefore a rebuttable presumption in regard to the new application. Her concerns had been addressed by the other Responsible Authorities. There had been no problems raised during the period when the business had been operating under Temporary Event Notices.

Mr Clarke advised that the applicant had agreed to sign up to conditions requested by Environmental Health (Commercial).

Sergeant McElroy-Baker advised that the applicant had agreed also to sign up to conditions requested by the Police.

EXCLUSION OF PRESS AND PUBLIC

4. Exclusion of press and public

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

All parties, with the exception of the Council's Solicitor and

Democratic Support Officer, withdrew from the meeting at this point.

Part 2 – exempt items, closed to the press and public

5. Deliberations and decisions

The Sub-Committee discussed the issues which had been raised during consideration of the application for a Premises Licence and the Solicitor advised them of the options open to them in determining the application.

6. Re-Admission of Press and Public

Resolved:

That the press and public be readmitted to the meeting.

Part 1 – items open to the press and public

7. Announcement of Decision

The Chair advised that the application had been granted subject to conditions as outlined below, the decision to be conveyed in writing within the following five working days:-

Rob Edge
Linda
Banbury

The Sub-Committee have taken note of all the written concerns raised in respect of Bargain Grill, 21 Broad Street, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

Having considered the views of all concerned, the Sub-Committee have decided that the application for a Premises Licence be granted subject to the following conditions, proposed by the West Midlands Police and Environmental Health (Commercial):

1. A CCTV system to be installed and maintained at the premises, which is to be of evidential quality and indicates the correct date and time.
2. Sufficient cameras to be located at entry and exit points and where food is sold and money is taken.
3. All CCTV footage must be kept for a minimum of 31 days in a suitable format to be easily viewed and must be provided to a member of a Responsible Authority upon request.
4. Sufficient documented training to be provided to staff to operate the CCTV system and at least one member of staff who can operate the system must be available to ensure that, in the event of a request by a Responsible Authority, footage can be provided without any undue delay.

5. There shall be appropriate signage relating to the operation of CCTV within the premises. Customers shall be informed that images will be forwarded to the Police should any incidents of crime/disorder occur.
6. An incident log book to be maintained at the premises with all incidents, regardless of whether emergency services are called, to be recorded with full details and action taken. This must be dated and produced to a member of a Responsible Authority upon request.
7. Packaging from any food taken away from the premises shall be labelled, where appropriate, as food coming from Bargain Grill.
8. Daily checks to be undertaken to ensure litter does not accumulate at the frontage or rear of the premises.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder and prevention of public nuisance licensing objectives.

Finally, such conditions as are specified on/or are consistent with the operating schedule will be attached to the licence, together with any mandatory conditions required by the Act.

All parties have a right of appeal to the Magistrates' Court within 21 days of receipt of this decision.



Licensing Sub-Committee

Minutes – 14 August 2013

Attendance

Members of the Sub-Committee

Cllr Alan Bolshaw (chair)
Cllr Neville Patten
Cllr Rita Potter

Staff

Sarah Hardwick	Senior Solicitor
Colin Parr	Licensing Manager
Linda Banbury	Democratic Support Officer

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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BUSINESS ITEMS

- Apologies for Absence**
There were no apologies for absence on behalf of the Sub-Committee. Mrs Moulding, local resident, had submitted her apologies due to being on holiday.
- Declarations of interest**
No interests were declared.

DECISION ITEMS

- Licensing Act 2003 – Application for a new premises licence in respect of Hail to the Ale, 2 Pendeford Avenue, Wolverhampton**
In attendance
For the premises
Mr G Morton – applicant

Objectors

WPC L Davies, PCSOs D Matthews & H Denyer – West Midlands Police

Mrs E Moreton – Licensing Authority

Mr & Mrs Dunnett, Mr N Evans, Mr I Martin-Harvey and

Mr & Mrs Stallard – Other Persons (local residents)

The chair introduced the parties and outlined the procedure to be followed at the meeting. It had been agreed prior to the commencement of the hearing that Mr Evans and Mr Martin-Harvey would act as spokespersons for the local residents. No declarations of interest were made.

The Licensing Manager outlined the report submitted to the meeting and circulated to all parties in advance.

At this juncture Mr Morton outlined the application for a Premises Licence, indicating that the emphasis would be on the sale of real ale; there would be no music, television, games machines or hot food. He clarified that it was intended that last orders would take place at 2159 hours in order for customers to be off the premises by 2230 hours, rather than those detailed in the application.

Responding to questions, he advised that his intended clientele would be middle aged/elderly. The premises was split over two levels and children would be restricted to the lower level; he was willing to agree that children would not be allowed on the premises after 2000 hours. He acknowledged that anyone under the age of 18 would have to be accompanied by an adult. He indicated that the area at the front of the premises to be utilised as a smoking area was covered by CCTV, the monitor for which was located directly behind the bar. There would be between one and three members of staff on duty at any one time, dependent upon the number of customers on the premises. There was no intention to sell spirits, lager or alcopops; soft drinks would be supplied in order to cater for under 18s.

On a point of clarification and in response to a question from a local resident the Licensing Manager advised that, with regard to capacity, the applicant would be required to produce a fire risk assessment and that the enforcing body was the Fire Authority. The Fire Authority was also a Responsible Authority, in accordance with the Licensing Act 2003, but had not in this instance made any representations.

With regard to ensuring that patrons did not drink outside the

premises, WPC Davies advised that the applicant had been provided with appropriate signage to inform patrons of the existing DPPO within the City of Wolverhampton to be displayed both inside and outside the premises. The Solicitor drew attention to the need for clarity around the condition regarding glassware being taken off the premises in view of the inclusion of off sales in the application.

At this juncture, WPC Davies outlined the Police representations. She advised that she had met with Mrs Morton and the applicant had signed up to a number of conditions and the CCTV was already in position. She understood that the applicant had already met with some local residents.

Mrs Moreton indicated that the concerns of the Licensing Authority had been addressed within the Police conditions. The Licensing Manager pointed out that the submission from the Licensing Authority had included a request for signage requesting patrons not to take drinks in open containers outside the premises, but this had not been included in the Police conditions. It was noted that the applicant, Mrs Morton, had agreed to this condition.

Mr Evans outlined the representations made on behalf of some residents of Blackburn Avenue, whose main source of objection related to the licensing hours stated within the application form. However, there were concerns about the potential growth in the business given that the planning application covered seven days per week and the pressure on the smoking area. He referred to existing licensed premises, current litter problems and the potential for anti-social behaviour.

Mr Martin-Harvey outlined representations made on behalf of some residents of Pendeford Avenue, whose concerns mainly related to the licensing hours and parking. He indicated that he would be comfortable with the following hours:

Monday & Tuesday closed

Wednesday – private functions, 1200 to 2200 hours

Thursday, Friday & Saturday, 1200 to 2200 hours

Sunday 1200 to 1500 hours

Bank Holidays – as Sunday

Mr Evans indicated that he would be content with the above hours.

On points of clarification, Mrs Moreton advised that the smoking area was not enclosed and would be marked out on the hard

standing. Mr Morton advised that the rear garden did not form part of the lease for the premises. WPC Davies advised that there had been no instances of anti-social behaviour from any of the off licences in the near vicinity to the premises.

All parties were given the opportunity to make a closing statement and in so doing Mr Morton advised that, whilst the Planning Committee had granted permission for seven days per week, he would be willing to have the premises open during the hours outlined by Mr Martin-Harvey, with the exception of Bank Holidays which he would wish to be from 1200 to 2200 hours.

EXCLUSION OF PRESS AND PUBLIC

4. Exclusion of press and public

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

All parties, with the exception of the Council's Solicitor and Democratic Support Officer, withdrew from the meeting at this point.

Part 2 – exempt items, closed to the press and public

5. Deliberations and decisions

The Sub-Committee discussed the issues which had been raised during consideration of the application for a Premises Licence and the Solicitor advised them of the options open to them in determining the application.

6. Re-Admission of Press and Public

Resolved:

That the press and public be readmitted to the meeting.

Part 1 – items open to the press and public

7. Announcement of Decision

The parties returned to the meeting and the Solicitor outlined the decision of the Sub-Committee, as follows:-

Colin Parr
Linda
Banbury

The Sub-Committee have taken note of all the written concerns raised in respect of Hail to the Ale, 2 Pendeford Avenue, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

Having considered the views of all concerned, the Sub-Committee have decided that the application for a Premises Licence should be granted as applied for, subject to the following:

Supply of alcohol

Wednesday to Saturday	-	1200 to 2200 hours
Sunday	-	1200 to 1700 hours
Bank Holidays	-	1200 to 1700 hours

Hours premises are open to the public

Wednesday to Saturday	-	1200 to 2230 hours
Sunday	-	1200 to 1730 hours
Bank Holidays	-	1200 to 1730 hours

The following conditions will also be attached to the Licence:

1. The conditions agreed between the West Midlands Police and the applicant on 31 July 2013, but amended as follows:
 - a) A CCTV system with recording equipment shall be installed and maintained at the premises.
 - CCTV shall cover entry and exit points of the premises and all areas to where alcohol/money is served/taken and all areas to where public have access and the immediate vicinity outside the premises.
 - Images/recordings to be downloaded in a suitable format and provided to any member of a Responsible Authority upon request and without any undue delay.
 - Images and recordings must be of evidential quality, indicate the correct time and date and be kept for at least 31 days.
 - All staff to be trained in the use of the CCTV system and at least one member of staff to be on duty, who is trained to download the system's images, should any member of a responsible Authority make a request.
 - b) No glassware (except off sales) or open drinks containers to be taken out of the premises at any time, including patrons using the smoking area.

- c) Off sales not to be consumed within 20 yards of the front and side of the premises, to include where the designated smoking area is situated.
- d) Signage informing patrons of the existing DPPO within the City of Wolverhampton should be overtly displayed both inside and outside the premises.
- e) Signage advising customers that alcohol should not be taken outside the premises in open containers should be overtly displayed inside the premises.
- f) An incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate, the incident must be reported to the West Midlands Police.
- g) To ensure compliance with 'Challenge 25', the incident log book must also be used as a refusal book where the sale of alcohol is refused to persons who present themselves as underage.

The following conditions will also be added to the licence:

- 2. No beverage classed as an 'alcopop' or any spirit to be sold at the premises.
- 3. No unaccompanied children to be allowed on the premises at any time.
- 4. All accompanied children to have left the premises by 2000 hours any day.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder, protection of children from harm and prevention of public nuisance licensing objectives.

Finally, such conditions as are specified on/or are consistent with the operating schedule will be attached to the licence, together with any mandatory conditions required by the Act.

All parties have a right of appeal to the Magistrates' Court within 21 days of receipt of this decision.



Licensing Sub-Committee

Minutes – 12 September 2013

Attendance

Members of the Sub-Committee

Cllr Bishan Dass (chair)
Cllr Alan Bolshaw
Cllr Patricia Patten

Staff

Sarah Hardwick	Senior Solicitor
Rob Edge	Section Leader, Licensing
Linda Banbury	Democratic Support Officer

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>	<i>Action</i>
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BUSINESS ITEMS

- Apologies for Absence**
There were no apologies for absence on behalf of the Sub-Committee.
- Declarations of interest**
No interests were declared.

DECISION ITEMS

- Licensing Act 2003 – Application for a new premises licence in respect of Super Mahan, 31 Thornley Street, Wolverhampton**
In attendance
For the premises
Mr D Campbell - Solicitor
Mr M S Mahani - Applicant
Mr F Ghasemi - Personal Licence Holder

Objectors

E Moreton - Licensing Authority

WPCs N Holt

& L Davies - West Midlands Police

Ms M Liburd - Public Health

Ms S Stiles - Environmental Health (Commercial)

The chair introduced the parties and outlined the procedure to be followed at the meeting.

The Licensing Manager outlined the report submitted to the meeting and circulated to all parties in advance. The Sub-Committee Members had received the previous day, via email, conditions agreed between the applicant and the West Midlands Police. The proposed conditions had already been emailed by the applicant to the remaining responsible authorities involved.

At this juncture, Mr Campbell outlined the application for a premises licence and, in so doing, confirmed that the proposed hours for the sale of alcohol had been reduced to between the hours of 0830 and 2300. He further advised that condition 10, under the prevention of crime and disorder licensing objective, should be amended to include the phrase "up to and including one litre cans". He also proposed to delete the second condition under the prevention of public nuisance licensing objective, as there was already a litter bin situated across the road from the premises.

Responding to questions, he advised that there was at present one member of staff who held a personal licence, although it was planned for a further person to obtain such a licence in due course. The decision to seek a licence enabling the sale of alcohol was in response to customer demand. He further advised that there were no plans to sell cheap price alcohol. In response to a request from the Licensing Authority, he agreed that the word "bottles" should be added to condition 10 under the prevention of crime and disorder licensing objective.

At this juncture, the responsible authorities outlined their representations as follows;

Mrs Moreton indicated that she was content to withdraw her representations, if the proposed conditions were added to the licence.

WPC Holt indicated that, although she still had some concerns, the proposed conditions went some way to addressing the issues raised by the West Midlands Police. Responding to questions, she advised that the presence of door staff had been considered, but it was decided that it would be impractical given the size of the premises.

Ms Liburd advised that the concerns of Public Health related to the proximity of the P3 hostel and that the proposed conditions would alleviate some of the potential problems.

Ms Stiles advised that she was content to withdraw the representations of Environmental Health (Commercial), in light of the proposed conditions.

At this juncture all parties were afforded the opportunity to make a final statement. On a point of clarification, Mr Campbell advised that the applicant's brother would be pursuing a personal licence and that this had been delayed as he was recovering from an injury and consequent hospitalisation.

EXCLUSION OF PRESS AND PUBLIC

4. Exclusion of press and public

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

All parties, with the exception of the Council's Solicitor and Democratic Support Officer, withdrew from the meeting at this point.

Part 2 – exempt items, closed to the press and public

5. Deliberations and decisions

The Sub-Committee discussed the issues which had been raised during consideration of the application for a Premises Licence and the Solicitor advised them of the options open to them in determining the application.

6. **Re-Admission of Press and Public**

Resolved:

That the press and public be readmitted to the meeting.

Part 1 – items open to the press and public

7. **Announcement of Decision**

The parties returned to the meeting and the Solicitor outlined the decision of the Sub-Committee, as follows:-

Rob Edge
Linda
Banbury

The Sub-Committee have taken note of all the written concerns raised in respect of Super Mahan, 31 Thornley Street, Wolverhampton. They have listened to the arguments of those who have spoken at the hearing, both for and against the application.

Having considered the views of all concerned, the Sub-Committee are satisfied that the Cumulative Impact Policy applies to these premises. They are further satisfied that, should conditions agreed between the parties be added to the licence, sufficient evidence has been provided by the applicant to illustrate that the premises will not add to the cumulative impact already experienced and that the presumption of non-grant has been rebutted.

The application for a new premises licence is therefore granted as applied for, subject to the following modified and agreed conditions:

1. Sale of alcohol to take place Monday to Sunday – 0830 to 2300 hours

Protection of Children from Harm

1. Signage to be displayed behind the till area stating:
 - a) no sales to persons under 18;
 - b) no sales to any person to deliver to someone under 18;
 - c) it is illegal to buy or attempt to buy alcohol if you are under 18, and
 - d) it is illegal to buy or attempt to buy alcohol to deliver to persons under 18.
2. All staff to be trained in 'Challenge 25' and ID checks to be undertaken by all staff to ensure no sale of alcohol is made to persons under 18. The only acceptable forms of ID would be a passport, photo card driving licence, card bearing Pass logo or Armed Forces identity card.
3. Refusals book to be used and completed, as soon as practicable, as fully as possible.

Prevention of Crime and Disorder

1. A CCTV system, with recording equipment, shall be installed and maintained in working order at the premises during all times when licensable activities are authorised by the licence.
2. CCTV should cover entry and exit points of the premises and all areas where alcohol/money is served/taken, all areas where public have access and the immediate vicinity outside the premises.
3. Images and recordings to be downloaded in a suitable format and provided to any officer of a responsible authority upon request.
4. Images and recordings must be of evidential quality, must indicate the correct date and time and be kept for at least 31 days.
5. At least one designated member of staff to be trained to use the CCTV system and to be available to provide downloads upon request or, in any case, within 24 hours.
6. A refusal/challenges and incident log must be maintained at the premises and a written record of any incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate, the incident must be reported to the West Midlands Police. The log book must be produced to an officer of a responsible authority upon request.
7. A Personal Licence holder must be on site when licensable activities are taking place.
8. All staff to receive training and refresher training every six months on their responsibilities with regard to licensing legislation and, in particular, to under age and proxy sales. This training must be documented and shown to an officer of a responsible authority upon request.
9. A Designated Public Place Order notice, provided by the Licensing Authority, shall be displayed prominently on the premises and be visible from outside the store.
10. No single sales of cans or bottles of beer, lager or cider, up to and including one litre, shall be sold from the premises if they have an (Alcohol By Volume) ABV above 6.5%.
11. Signage to be displayed above the till telling customers that alcohol must not be consumed within the ring road area of Wolverhampton.

Prevention of Public Nuisance

1. Daily checks to be made to ensure that litter does not accumulate at the frontage of the premises.

Following discussion during the meeting, the Sub-Committee strongly recommend the appointment of a second personal licence holder to work at the premises.

It is considered by the Sub-Committee that the above conditions should be attached in support of the prevention of crime and disorder and prevention of public nuisance licensing objectives.

Finally, such conditions as are specified on/or are consistent with the operating schedule will be attached to the Licence, together with any mandatory conditions required by the Act.

All parties have a right of appeal to the Magistrates' Court within 21 days of receipt of this decision.

[NOTE: Councillor Patricia Patten requested that her name be recorded as voting against this decision]

8. **Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A of the Act.

Part 2 – exempt items, closed to the press and public

9. **Review of Private Hire Vehicle Driver's Licence**

The Section Leader (Licensing) outlined the report and, in so doing, advised that Mr Saeed had attended an anger management course on 31 August 2013.

Mr Saeed was in attendance at the meeting, in connection with the review of his Private Hire Vehicle Driver's Licence, and answered questions raised by Members and Officers as appropriate. The Sub-Committee noted that the incident outlined in the report was an isolated domestic incident and had not affected his role as a Private Hire vehicle driver.

Resolved:

That, following careful consideration of all the information contained in the Licensing Officer's report and having listened to the representations made by Mr Saeed at the meeting, no further action be taken in respect of his Private Hire Vehicle Driver's Licence.

Elaine
Moreton



Licensing Committee

25 September 2013

Report Title

Schedule of Outstanding Minutes

Classification

Public

Originating service

Delivery/Democratic Support

Accountable officer(s)

Linda Banbury

Democratic Support Officer

Tel

01902 55(5040)

Email

linda.banbury@wolverhampton.gov.uk

Recommendation for noting:

The Committee is asked to note the report

	Subject	Date of Meeting and Minute No.	Decision	Comments
1.	Private Hire Vehicle Criteria	27.06.12 20(b)	Further report to be presented following completion of review by the Law Commission in relation to taxi legislation reform.	Report to future meeting
2.	Future of Hackney Carriage Services	13.02.13 38(c)	Further review of Hackney Carriage provision to take place in 2016	Report to July 2016 meeting
3.	Hackney Carriage and Private Hire Vehicle Testing at VOSA Registered Garages	17.04.13 61(f)	Report to be presented in twelve months on impact of proposals in regard to vehicle testing	Report to April 2014 meeting
4.	City Centre Pubwatch Scheme	22.05.13 2	Update to be presented on outcome of customer research	Report to November 2013 meeting
5.	Review of Decision Making	22.05.13 6(d)	Annual delegation report to be presented	Report to May 2014 meeting
6.	Alcohol Strategy: Progress Update	22.05.13 8(b)	Further update to be presented in six months (individual goal leads to attend the meeting)	Report to November 2013 meeting
7.	Scrap Metal Dealers Act 2013	31.07.13 6	Report to be presented seeking approval of fees, delegations and local conditions.	Report to this meeting



Licensing Committee

25 September 2013

Report Title	Safety of Sports Grounds Policy Document Managing Safety at Sports Grounds
Classification	Public
Wards Affected	All
Accountable Strategic Director	Tim Johnson, Education and Enterprise
Originating service	Environmental Health Commercial
Accountable officer(s) Telephone Email	Dan O'Brien Environmental Health Commercial (01902) 554381 dan.obrien@wolverhampton.gov.uk

Recommendation(s) for action or decision:

The Licensing Committee is recommended to:

Note and endorse the Policy Document Managing Safety at Sports Grounds.

1.0 Purpose of Report

1.1 To inform Councillors of the Policy Document and seek their endorsement

2.0 Background

2.1 The safety of the larger sports grounds within the City is the responsibility of the Licensing Committee. Accordingly, on 5 May 2004 Members approved proposals relating to the future arrangements for the discharge of the Council's function in respect of the regulation of the four sports grounds within the City i.e.

- Molineux Stadium, Waterloo Road
- Dunstall Racecourse, Dunstall Park
- Aldersley Leisure Village, Aldersley Road
- Monmore Green Stadium, Sutherland Avenue

2.2 On 7 November 2012 the Sports Grounds Safety Authority (SGSA) undertook a review of the Authority's self-assessment action plan. The review identified that although the Authority had extensive policies covering all areas of enforcement, no specific policy covered the Safety Certification process. The Authority committed to look at this matter and consider if a policy would be beneficial.

2.3 In line with modernising legislative approaches, the SGSA considered making available to Local Authorities and football clubs the opportunity to move to a more "goal setting" type of certificate. During the redevelopment of the Molineux stadium it was decided to review the General Safety Certificate for the Molineux Stadium and consider if it was an appropriate opportunity to change to the "goal setting" type of certificate.

2.4 The club were keen to explore the move to such a certificate and accordingly the Authority and the club have been jointly working on the new style of certificate over the last two years.

2.5 The move to a less prescriptive type of certificate results in a change to the enforcement approach and the need for policy guidance in order to maintain competencies, succession and ongoing Consistency.

2.6 As a result the attached policy document has been drafted to assist the Authority in the delivery of the certification process.

2.7 In addition to detailing the Council's policy the document details the types of other dynamic controls that can be used and have been used in the past in ensuring greater levels of safety and security to spectators.

2.8 A copy of the policy is attached at appendix A

3.0 Financial Implications

3.1 There are no financial implications in this report [TK/15082013/R]

4.0 Environmental Implications

4.1 This report has no direct environmental implications

5.0 Legal Implications

5.1 This report concerns the Council's duty in discharging its responsibilities to Designated Sports Grounds and Regulated Stands. There are no direct legal implications arising from this report. SH/16082013/W



POLICY DOCUMENT

MANAGING SAFETY AT SPORTS GROUNDS

September 2013

Introduction (1.0 Guide to the safety certification of sports grounds (GSCSG))

This policy document has been produced by Environmental Health (Commercial), Regeneration, Wolverhampton City Council, and is the agreed policy and procedure for managing safety at sports grounds within the borough. It identifies the roles and responsibilities of the Council in undertaking its statutory duties and has been consulted on with both the Emergency Services and the Sports Grounds Safety Authority.

Policy Aim

Wolverhampton Council's policy aim, working in conjunction with its partner agencies, is to ensure the reasonable safety of spectators attending any qualifying sports ground.

Legislative Duty

Under the Safety of Sports Grounds Act 1975 (as amended) "the 1975 Act" and the Fire Safety and Safety at Places of Sport Act 1987 "the 1987 Act" Wolverhampton City Council ("the Council") has a statutory duty:

- To issue a General Safety Certificate for each qualifying sports ground within the borough, containing such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety. These are sports grounds that, in his opinion, have accommodation for more than 10,000 spectators – (5,000 in the case of Premiership or Football League grounds in England and Wales) or contain a regulated stand, regulated stands are stands that provide covered accommodation for 500 or more standing or seated spectators, as determined by the local authority under section 26 of the 1987 Act
- To serve a prohibition notice in respect of a sports ground if the authority consider that the admission of spectators the sports ground involves or will involve a high risk to them, so serious that until steps have been taken to reduce the risk to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted.
- To issue a Special Safety Certificate where appropriate.

Currently, the only sports ground within the borough that is designated is the Molineux Stadium, home of Wolverhampton Wanderers Football Club. Dunstall Park, Monmore Green and Aldersley all have regulated stands

Responsibility for Safety (2.1 GSCSG)

The primary responsibility for the safety of spectators at the sports ground rests at all times with the sports ground management.

In respect of the Molineux Stadium the certificate holder is Wolverhampton Wanderers Football Club 1986 Ltd. In respect of the other three regulated stands the holder is either a named individual or body corporate.

This responsibility for safety should not be assumed by either the Council nor should the Council become involved in the management of events or take any action that could be interpreted as involvement in there management.

Environmental Health (Commercial), on behalf of the Council, are responsible for enforcing the recommendations contained in the Guide to Safety at Sports Grounds published by the Department of Culture Media and Sport (DCMS) and often known as the "Green Guide". The Guide lays down detailed advice related to such matters as adequate structure, provisions of gangways, fire escapes, crush barrier design and engineering services.

The statutory duties and powers imposed by the 1975 Act have been delegated to the Head of Regulatory Services who, in accordance with SGSA guidance, will act as Lead Officer/Chair for the Safety Advisory Group. As lead officer, the Head of Regulatory Services is responsible for ensuring that new or revised legal requirements relating to safety of sports grounds are implemented. Day to day responsibility falls to a Section Leader in Environmental Health (Commercial). Structural integrity of the stands is overseen by the Service Manager of Building Control. Competence and succession is maintained between the two officers by sharing knowledge and experience. This policy document represents the primary resource for WCC Staff responsible for delivering the service.

General Safety Certificate (2.0 GSCSG)

The General Safety Certificate for the designated sports ground is to contain those terms and conditions that the Council considers necessary or expedient to secure the reasonable safety of spectators at the sports ground when it is being used for the activities specified in the certificate. When all matters related to safety are in place a Safety Certificate can be issued and may cover or be limited to one or more specific events.

- *For the Molineux Stadium the general safety certificate is to cover the activity of football matches.*
- *For Aldersley the specified activities are football, athletics, cycling.*
- *For Monmore Green the specified activities are greyhound racing and motorcycle speedway.*
- *For Dunstall Park the specified activities are horse racing / horse trotting and other associated equestrian events.*

The most important condition in the Safety Certificate is the setting of the maximum number of spectators that may be accommodated. The Safety Certificate should prescribe the capacities for the premises as a whole and for each separate area.

The Assistant Director or his/her appointed officer is to sign the Safety Certificates on behalf of the Council.

Applying for a safety certificate (3.3 GSCSG)

An application for a Safety Certificate for a designated sports ground must be on the prescribed form. Or via the web at

http://www.wolverhampton.gov.uk/business/licences/businesses/safety_certificate_sports_stands.htm

The application should be accompanied by detailed information as to the structure, capacity and safety management systems. The Council may, by notice in writing, require the applicant to submit within a reasonable period such information and plans as it considers necessary to enable it to determine what terms and conditions to include.

Before it may issue a safety certificate for a sports ground, the Council must determine whether the applicant is a "qualified" person. This is defined in the 1975 Act as a person who is likely to be in a position to prevent any contravention of the terms and conditions of a safety certificate. The certificate holder should hold a position of authority within the management of the sports ground. This could include the chairman, chief executive, club secretary, sports ground manager, safety officer or a director, depending upon the sports ground and/or club.

The applicant has the right to appeal to the Magistrates Court against any refusal of a safety certificate.

Special safety certificate (3.10 GSCSG)

Where it is intended to hold an event of a type not specified in the general safety certificate, an application should be submitted to the local authority for a special safety certificate. The applicant may be required to supply whatever information is necessary for the local authority to discharge its functions. This should include details of any proposed changes to the normal accommodation or arrangements.

As with a general safety certificate, there is a right of appeal by the applicant for any refusal of a special safety certificate.

Consultation and co-ordination (2.8 GSCSG)

The Council is under a statutory duty to consult with the Chief Officer of Police, the Fire and Ambulance services, Building Control and the certificate holder. The Council needs to ensure that there is no conflict between its requirements on spectator safety and those relating to the safety of staff and visitors under the Management of Health and Safety at Work Regulations 1992 and the Fire Precautions (Workplace) (Amendment) Regulations 1999. The normal forum for this consultation will be the Safety Advisory Group ("the SAG").

Note: With regards to fire safety at sports grounds, the Council (Environmental Health) is the enforcing authority of the Regulatory Reform (Fire Safety) Order 2005

Review of the general safety certificate (3.8 GSCSG)

The holder shall formally review the relevant sections of the Operations Manual on an annual basis and also following any incident in which the safety of the public may have been put at risk or where doubts have been cast on the condition or management of the sports ground. A "near miss" should always be treated as an incident for these purposes. The annual review of the Operations Manual will be a standing agenda item on the SAG End-of-Season Meeting.

The Council may also need to amend the safety certificate to reflect changes at the sports ground. Planned changes may include improvements or alterations to the physical structure, safety management improvements or changes in the personnel identified in the safety certificate.

Monitoring by the Council (6.0 GSCSG)

The Council will monitor the holder's compliance with the terms and conditions and under the 1975 Act. It has a duty to enforce the provisions of the Act and to arrange for the periodical inspection of the Certificated sports grounds.

The Home Office Circulars prescribe what is to be examined by or on behalf of the local authority. In summary, this should encompass:

- the certificates covering structural, dynamic performance and electrical tests;
- the records maintained by the management of the sports ground, in particular of attendances, accidents, maintenance, equipment tests, steward training and contingency plans;
- the condition of the sports ground and its fixtures and fittings; and
- the lighting, public address, fire warning and entry control equipment.

The physical inspection of the sports ground by the Council in compliance with the Home Office Circulars is not to duplicate work that should be undertaken on behalf of the certificate holder. Instead it is for checking that the sports ground and its fittings have been properly maintained and, ideally, for noting and agreeing remedial action on problems already identified by the certificate holder. It will normally be sufficient for the local authority to inspect the structures and fittings once a year while the sports ground is empty. Further inspections are likely to be necessary only in the event of significant structural modifications. Structural inspections are undertaken on behalf of the Council by Building Control.

The General Safety Certificates for the Certificated grounds identifies the requirement for the annual structural appraisal and other required inspections or tests.

The Council remains free to carry out sample testing if it considers this to be necessary.

Any complaints or identified issues, relating to safety will be immediately investigated by the Council, with a view to ensuring appropriate action is taken to secure the continuing safety of persons attending the sports ground.

During performance inspections (6.4 GSCSG)

Management of safety at sports grounds is seen as an important factor in determining the safe capacity of a ground. The Council will therefore monitor not merely the holder's general compliance with the terms and conditions of the safety certificate but also other general matters such as:

- the competence of the safety officer;
- the competence of the stewards; and
- whether there are effective systems for identifying and tackling problems.
- The Contingency planning arrangements.

For designated sports grounds, the 1975 Act defines periodical as "at least once every twelve months". There is nothing to preclude the Council from inspecting the sports ground more frequently; this will be for the Council to determine, having regard to its duty to monitor the suitability of the terms and conditions of the certificate and to ensure that these are being observed. Relevant factors will include the capacity, design and layout of the sports ground, the management's level of commitment to safety, and the quality of the safety staff and safety management procedures.

Based upon the above factors and in consultation with the SGSA Inspector, the suggested minimum number of during performance inspections to be carried out over a season in respect of the Molineux Stadium is to be four. The criteria in deciding which specific fixtures the Council attends include:

- *Time of fixture in the football season, e.g. beginning of a season, end of a season.*
- *Envisaged attendance of the ground, i.e. full/part*
- *High/low profile fixture*
- *Policing levels, e.g. a police free fixture*
- *Daytime/Evening fixture*
- *Televised fixture*
- *Following specific concerns in respect of observance with the safety certificate.*
- *Following improvements or alterations as previously described*

Inspecting officers are required to be competent for the intended purpose and detailed records of all inspections are to be kept as part of an audit trail. The inspecting officers are to be the Section Leader (Environmental Health Commercial) and the Head of Building Control or his deputy who are required to be adequately trained in the discipline of safety of sports grounds, with this training being supplemented by relevant continuous professional development as required. Any remedial actions resulting from an inspection by the Council are to be conveyed to the certificate holder either verbally, communicated on the day, or more formally in writing.

Home Office Circular no. 97/1988 gives statutory guidance on inspection of regulated stands and the frequency of inspection. For covered stands with capacity in excess of 2000 spectators the minimum inspection frequency is once a calendar year. For covered stands with capacity less than 2000 spectators the minimum inspection frequency is once every other calendar year. This translates to a minimum annual inspection of Dunstall Park and every two years for Aldersley and Monmore Green.

Enforcement (7.0 GSCSG)

Enforcement action in all circumstances is taken in concert with the Education and Enterprise, Regeneration, Compliance and Regulatory Policy. The Council has a range of options to deal with incidents which put the public at risk, safety weaknesses and breaches of safety certificate terms and conditions. Any action by a local authority should be proportionate, targeted, consistent, transparent and accountable.

The available enforcement options are:

- Reducing the permitted capacity of all or part of the sports ground – this is done by the application of reduction factors on capacity relating to the physical condition (the (P) Factor) and the quality of the safety management (the (S) Factor) of the sports ground
- The issue of a prohibition notice - Section 10 of the 1975 Act empowers the Council to issue a prohibition notice in respect of all or part of any sports ground if it considers that spectators cannot be accommodated in reasonable safety. The prohibition may be general or may apply to a particular event. The Council needs to ensure that it can, if necessary, issue a prohibition notice at very short notice and without reference to senior officers or to members. Council standing orders identifies the Assistant Director, Education & Enterprise, the responsible officer for safety of sports grounds legislation. As safety of sports grounds is a specialist area, delegated authority is conferred upon the lead officer, i.e. the Section Leader Environmental Health Commercial.
- In the event of a breach of safety certificate conditions, a warning, simple caution or prosecution.

In extreme cases, where none of the above would sufficiently control an expected public safety hazard, the Council also has the option of seeking an injunction.

Rights of appeal exist in respect of prohibition notices and any reduction in capacity.

Other dynamic controls available to the Authority and Football Club to assist with managing a safe football event.

1. Alcohol Controls

One of the principle contributors to public disorder is the access to alcohol both before and during the event. Alcohol may be controlled in a number of ways. Within the ground alcohol may be restricted to one or both classes of fans, although this is usually reserved for away support. The restriction may apply to half time only or before kick-off and half time. Alcohol before the game may be restricted by kick off time and in exceptional circumstances the police may advise licenced premises not to open. Early kick off time and alcohol restrictions are usually reserved for high threat derby games. *Note: evening fixtures do not permit alcohol restrictions except in the ground, careful consideration should be given to the controls and teams to be played on evening fixtures.* Occasionally the offer of alcohol can be of benefit, providing for the away support an incentive to enter the ground early.

2. Ticketing Controls

Although cash turnstiles no longer operate, tickets are still sold to a variety of supporters and can represent both a useful control or an area vulnerable to disorder. Greatest levels of control can be achieved with home season ticket holders, this is because they have a designated seat every game, a history with the club, known name and address and supporter number. Least control would be with an away cash sale of a ticket to a walk up away supporter. This is because the club has no information as to the identity of the individual and they may not sit in allocated seats. There are a variety of intermediate possibilities between these two opposing states that can be used to impose controls. Firstly tickets may only be sold to individuals who give a name and address, greater security can be achieved with a known history of sales and address, some supporters may have a membership or supporter number or both, but will have a history of sales, finally they may be an existing and long term season ticket holder. Away fans are very much harder to control, both from a ticketing perspective and as a supporter group as a whole. Away fans are more inclined to stand, take unallocated seats and block radial gangways. Away fans can be uncooperative with stewards and generally more difficult to control. Normally away ticket allocation is sold to the away fans by the away club, tickets are usually sent two weeks prior to the game. On occasion, if there has been disorder in the past the home club may request conditions be placed on the ticket sale, such as to members only, or only supporters with a purchase history. The most draconian of away controls is the operation of a voucher system or a "Bubble" in conjunction with other controls. This requires all the away fans to travel by coach and arrive at a RV point

at the same time. The vouchers are then exchanged for tickets by the police, the police then escort the coaches to the coach park and then fans to the away turnstiles.

3. Seating Controls

Seating location and strategy can contribute to safety and security for both home and away spectators. Locations for away support have varied in the past, the main location has been the lower Steve Bull, this is of particular value when dealing with challenging sets of supporters owing to its low gradient and physical segregation. Other locations are the Jack Harris flank and the upper and lower quadrant in the Stan Cullis. The Harris flank was the least satisfactory away position owing to the gradient and the antagonistic nature of the home support, the Harris flank should no longer be used since the redevelopment of the Stan Cullis. The use of the lower Steve Bull with another location should be discouraged as it spreads both club and police resources. The quadrant is now the preferred location for the away support, however it does have disadvantages. The quadrant is very expensive in resources as the divide is exceptionally long, the upper tier is very steep and should not be used by persistent standing visitors. On a positive note, risk of pitch incursion is almost non-existent, the upper tier gradient may discourage standing, the facilities are well received and in the event of a hostile home pitch invasion the away support remain secure. Within grandstands seating can be controlled by restricting access to seats by the use of netting, this technique can be used to reduce the viewing area in the event that limited sales have been made, this has the advantage of reducing the number of open vomitories and thereby reducing the number of statutory stewards and concentrating spectators in a more manageable area. Rows may also be netted off, either to concentrate fans into an area or to exclude access to an area. The club may use this technique for commercial reasons such as the back two rows of the lower Steve Bull to separate away spectators from the executive boxes, or it could be required to sterilise an area such as all or part of the upper Steve Bull front two rows in the event of home over away where a credible risk of throwing exists. Other controls include placing "known" or season ticket holders in these positions instead of netting.

3.1. Persistent Standing

Persistent standing is a common trait of the Jack Harris stand and certain groups of travelling fans. Persistent standing is problematic for a number of reasons, standing in seated areas, where the gradient of the seating deck exceeds the maximum gradient for a standing terrace i.e. 25° should be regarded as unsafe by definition. The steeper the gradient of the seating deck equates to greater danger to spectators. Modelling of crowd dynamics has shown that progressive crowd collapse is a possibility that would result in multiple injuries, the risk increases with gradient. Generally the club response to known persistent standing away clubs is to site the away support in the lower Steve Bull. Standing however takes up more room than sitting and consequently pressure develops with some fans to block radial gangways, this condition does not arise with every group of supporters, some will stand and keep radials clear, others however will spill into gangways and be uncooperative in returning to their seat position. With clubs that present a risk of encroaching into radials an aisle seat reduction can be imposed, this is a reduction of one aisle seat per row for every seating block. In extreme cases a double aisle seat reduction has been implemented.

4. Non-League games excluding testimonials and friendlies.

Cup Games and Play-off games can attract occasional supporters, particularly if quite advanced for cup games and undoubtedly in the case of a play off or a local derby. Although season ticket holders will have options to retain their seat, all of the sales will be on a match to match basis which runs the risk of irregular supporters occupying home seats that may provide opportunity to provoke the away support. Such provocations may become excessive owing to the lack of concern over repercussions of irregular supporters. Particular care should be taken particularly where home is over away. Cup games are arranged at very short notice by the nature of the draw, depending on the opposition drawn and the competition a variety of pressures may arise. Certain cup competitions are always midweek and replays are

always midweek. The FA cup is subject to the 15% rule which may create pressure to site away support in two locations. Certain draws may on the face of it appear low risk candidates for Club Security only. Occasionally these have been anticipated by risk groups as police free and subsequently targeted by risk groups leading to disorder outside the ground.

5. Risk assessment of fixtures

In order to identify these safety controls the safety officer will carry out an a threat assessment of all matches, this assessment will point naturally to the measures needed to enhance the safety of a particular event. In combination with this assessment the police will carry out a similar assessment known as Strat I. Invariably these two assessments come to a similar conclusion as to the categorisation of the fixture although intelligence nearer the game can inform further controls.

Reporting of Performance

Minutes of the Safety Advisory Group are forwarded to the Licensing Committee on a periodic basis. The impact of any new arrangement or major safety failures, which may affect spectator safety, are reported promptly to senior management and Councillors.

Safety Advisory Group (4.3 GSCSG)

In the Final Report of the Inquiry into the Hillsborough Stadium disaster, Lord Taylor recommended that local authorities set up advisory groups to provide specialist advice to assist them in the effective discharge of their duties under the 75 Act.

The role of the Safety Advisory Group (SAG) is to develop as a body of expertise and to provide a forum within which the local authority can maintain a consistent approach to spectator safety.

With the delegated powers and authority to act quickly and appropriately to protect public safety and prevent dangerous situations arising, the Chair of the SAG is to be the Head of Regulatory Services.

The SAG fulfils an important safety role. This could well come under scrutiny in the event of a serious safety failure at a sports ground. Accordingly the SAG is properly constituted, has written terms of reference and effective procedures. These terms of reference encompass all matters falling within the purview of the local authority on spectator safety. The terms of reference identify the roles and responsibilities of the SAG and its members and thereby its potential liability.

The composition of the SAG includes core members and invited representatives, along with, other Council Services and national bodies as considered appropriate. Environmental Health provide the secretariat support to the SAG. SAG minutes constitute an important part of the audit trail that the Council is properly exercising its legal duties.

The SAG for the Molineux Stadium is to meet a minimum of four times a year (October, December, February, May) and following any major incident or near miss or prior to an event requiring significant safety management planning.

Review of (P) and (S) Factors (7.3 GSCSG)

(P) and (S) factors used in determining the safe capacity of a sports ground are to be subject to ongoing review by the Council. The calculation and methodology in determining these factors is to be formally reviewed by the SAG on an annual basis or after major safety failure.

Role of the Sports Grounds Safety Authority (4.10 GSCSG)

The Sports Grounds Safety Authority (SGSA) has the task of keeping under review the discharge by the Council of its safety certification functions under the 1975 Act. It may require the Council to include in any safety certificate such terms and conditions as it may specify.

The SGSA promotes the adoption and maintenance of a safety culture and is a source of advice and good practice. The SAG meeting is often the forum in which the SGSA can best engage with and assist the Council in a proactive and constructive manner.

The Sports Grounds Safety Authority undertakes audits of the Council's safety certification procedures.

Role of the Emergency Services – Police, Fire and Ambulance (4.4 SGCSG)

Each of the emergency services has its own policy guidance on how it undertakes its duties and responsibilities. Each service is to be represented by an appropriate person or persons on the SAG who will assist the local authority in exercising its functions, thereby serving to ensure a coordinated approach to spectator safety. The SAG Terms of Reference document identifies the role of the emergency services within the group to achieve these purposes. The Council is the enforcing authority for fire safety at certified sports grounds under the Regulatory Reform (Fire Safety) Order 2005. Wolverhampton City Council and the West Midlands Fire Safety Centre (WMFS) have a Memorandum of Understanding with respect to enforcement at certified sports grounds in the City. WMFS provide consultancy services for the Council.

Cost Recovery (3.12 GSCSG)

The Council may charge an applicant the cost of work reasonably and actually involved in the processing of an application for the issue, amendment, replacement, transfer or cancellation of a certificate. The Council may not charge for the annual review of a general safety certificate or for monitoring except in connection with the issue, amendment, replacement or transfer of a certificate.



Licensing Committee

25 September 2013

Report Title	New General Safety Certificate Molineux Stadium Waterloo Road Wolverhampton
Classification	Public
Wards Affected	All
Accountable Strategic Director	Tim Johnson, Education and Enterprise
Originating service	Environmental Health Commercial
Accountable officer(s) Telephone Email	Dan O'Brien Environmental Health Commercial (01902) 554381 dan.obrien@wolverhampton.gov.uk

Recommendation(s) for action or decision:

The Licensing Committee is recommended to:

Note and endorse the replaced General Safety Certificate for Molineux Stadium, Waterloo Road Wolverhampton.

1.0 Purpose of Report

- 1.1 To inform Councillors of the intention to issue a new General Safety Certificate for Molineux Stadium Waterloo Road Wolverhampton and seek endorsement.

2.0 Background

- 2.1 Since 1975, the format of General Safety Certificates has been based upon a prescriptive model template produced by the London District Surveyors Association (LDSA). The Sports Grounds Safety Authority (SGSA) recently reviewed the regulatory regime to bring it into line with modern thinking and look to a more “goal setting” rather than the prescriptive nature of the LDSA model. The regulatory principle permits a far more flexible approach and also means that the person with overall responsibility for the safety of spectators is also the person with ownership of the means of compliance.
- 2.3 During redevelopment of the Stan Cullis stand, both the Club and the Authority agreed that the need to amend the General Safety Certificate was an ideal opportunity to move towards a new style Safety Certificate.

3.0 Certificate Content

- 3.1 The LDSA model certificate consisted of a series of prescriptive statements referencing a list of schedules. Each schedule contained a further list of instructions adherence to which constituted compliance, deviation from which constituted non-compliance. Theoretically changing the location of certain stewards for perfectly good reasons could be deemed an offence, likewise with many other adjustments.
- 3.2 SGSA guidance on the format of a “goal setting” Certificate requires the club draw up an Operations Manual covering all the matters contained within “Safety Management” “Sports Grounds and Stadia Guide no. 4” these include:

- Spectator safety policy statement
- Safety management structure
- Capacity Calculations
- Stewarding Plan
- Medical Plan
- Fire Safety Plan
- Contingency plans
- Risk assessments
- Ticketing strategy / policy
- Event Management Plan

The Authority then reviews the efficacy and appropriateness of the Operations Manual and if satisfied it fulfils the requirements of the Certificate the Certificate can then be replaced.

3.3 During 2012 and 2013 the Club and the Authority have been developing both the Operations Manual and Certificate jointly, the Authority and members of the Safety Advisory Group are now satisfied that the Operations Manual satisfies all the requirements of the replacement Certificate and will contribute further to the enhanced safety and security of spectators at Molineux Stadium.

3.4 A copy of the replacement Certificate is attached at Annex A to this report.

4.0 **Safety of Sports Grounds Policy**

4.1 The move to a less prescriptive type of certificate results in a change to the enforcement approach and the need for policy guidance in order to maintain competencies and officer succession.

4.2 The Managing Safety of Sports Grounds Policy Document is the subject of a further report to Licensing Committee.

3.0 **Financial Implications**

3.1 Councils are permitted to charge for actual work done in preparing and issuing a Safety Certificate. The actual cost is currently being finalised but is expected to be in the region of £3000. [TK/20082013/H]

4.0 **Environmental Implications**

4.1 This report has no direct environmental implications

5.0 **Legal Implications**

5.1 This report concerns the Council's duty in discharging its responsibilities to Designated Sports Grounds. There are no direct legal implications arising from this report.
SH/16082013/R

Wolverhampton City Council

SAFETY OF SPORTS GROUND ACT 1975

AS AMENDED

**GENERAL SAFETY CERTIFICATE
FOR**

**MOLINEUX STADIUM
WATERLOO ROAD
WOLVERHAMPTON
WV1 4QR**

SAFETY AT SPORTS GROUND ACT 1975

AS AMENDED

GENERAL SAFETY CERTIFICATE

ARRANGEMENT

GENERAL SAFETY CERTIFICATE

APPENDIX 1 OPERATIONS MANUAL

APPENDIX 2 PERMITTED NUMBERS OF SPECTATORS

APPENDIX 3 SPECIFIED ACTIVITIES

APPENDIX 4 GENERAL GROUND ARRANGEMENT DRAWINGS

APPENDIX 5 SCHEDULE OF AMENDMENTS TO THE GENERAL SAFETY CERTIFICATE

APPENDIX 6 DOCUMENTS KEPT WITH THE GENERAL SAFETY CERTIFICATE

SAFETY OF SPORTS GROUNDS ACT 1975 AS AMENDED

INFORMATION

It is important to know all the provisions of the Safety of Sports Grounds Act 1975, which are relevant to stadia within its scope.

The following points are particularly important but reference should be made to the Act itself for authoritative information.

(i) **Right of Entry and Inspection**

Section 11 of the Act gives to authorised officers the power to enter and inspect a sports ground and to make any inquiries as are considered necessary for the purposes of the Act. Authorised officers also have power to examine records of attendance at the ground and records relating to the maintenance of safety at the ground.

(ii) **Alterations and Extensions**

Section 8 of the Act requires notice to be given to the Council before work is begun on any proposed alteration or extension to the stadium.

(iii) **Offences and Penalties**

For the following offences, that is to say: -

- (a) Contravening any term or condition of this certificate (otherwise than in pursuance of a prohibition notice), admitting spectators to the sports ground at a time when no application for a safety certificate has been made or where a certificate does not relate to the current sports ground or has been withdrawn, surrendered or cancelled; or in contravention of a prohibition notice, the penalty is, on summary conviction, a fine not exceeding the statutory maximum or, on conviction on indictment, a fine or imprisonment for a term not exceeding two years, or both.
- (b) Knowingly or recklessly making a false statement or producing, signing, furnishing or otherwise making use of a document containing a false statement, or
- (c) Failing to give notice of an alteration or extension to the sports ground or obstructing an authorised officer, the penalty is on summary conviction, a fine not exceeding level 5 on the standard scale.

(iv) **Prohibition Notices**

Section 10 of the Act (as amended) provides that if the local authority are of the opinion that the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted, the authority may serve a notice (referred to as a "prohibition notice") on the Holder of the general safety certificate or the person responsible for the management of the ground, prohibiting or restricting the admission of spectators.

(v) **Appeals**

Section 5(3) of the Act (as amended) provides that an interested party may appeal to a Magistrates' Court against the inclusion of anything in, or the omission of anything from, a safety certificate.

(vi) **Transfer of the Certificate**

If the Holder of the safety certificate ceases to be the person responsible for the management of the ground, an application must be made to the Council for the transfer of the certificate to some other qualified person.

(vii) **Other Legislation/guidance**

The holder should be aware that apart from the legislation detailed in (i) above there may be other acts and guidance that apply to the sports ground. These include health and safety legislation, legislation relating to people with disabilities, civil contingencies legislation, The Regulatory Reform Fire Safety Order (2005), Sports Ground and Stadia Guide No.4: 'Safety Management' document and any other specific pieces of legislation or guidance that may have relevant safety implications.

NOTE: No temporary variation of the terms and conditions of the certificate will be permitted other than in accordance with the terms and conditions of any relevant letter of consent by the certifying authority

SAFETY OF SPORTS GROUNDS ACT 1975

GENERAL SAFETY CERTIFICATE

Molineux Stadium, Waterloo Road, Wolverhampton WV1 4QR

1. In exercise of the powers conferred by the Safety of Sports Grounds Act 1975 (as amended) and all other enabling powers, the **Wolverhampton City Council** ("the Council") hereby issues to: -

Wolverhampton Wanderers Football Club (1986) Limited

("The Holder"), this General Safety Certificate in respect of **Molineux Stadium, Waterloo Road, Wolverhampton WV1 4QR** being a sports ground designated by Order of the Secretary of State as requiring a Safety Certificate.

2. This Certificate includes the Appendices and Drawings attached hereto.
3. The words used in this Certificate and the appendices attached hereto shall have the meaning assigned to them by the Safety of Sports Grounds Act, 1975, the Fire Safety and Safety of Places of Sport Act, 1987 and current edition of the Guide to Safety at Sports Grounds.
4. The Holder shall retain control over the whole and each part of the sports ground and shall take all necessary precautions for the reasonable safety of spectators admitted to the sports ground. The responsibility for the safety of spectators at the sports ground lies at all times with the Holder.
5. The Holder shall inform the Council of the name of the person at senior level in the organisation who is responsible for safety policy and its implementation, together with those of the safety officer and deputy safety officer who shall be of sufficient competence, status and authority to take responsibility for spectator safety and be able to authorise and supervise safety measures. Either the safety officer or a nominated deputy shall be present at any event during which spectators are admitted to the ground.
6. Unless a nominated Safety Officer or Deputy Safety Officer whose appointment has been notified to the Council, is present, the capacity of the sports ground will be zero.
7. The Holder shall ensure compliance with the terms and conditions of this certificate at all times the sports ground is in use for a specified activity.
8. The use of the sports ground for spectator events under this General Safety Certificate is restricted to those activities specified in Appendix 3 and is subject to the terms and conditions set out in this Certificate. No ancillary activities, apart from those listed in Appendix 3, are permitted without the prior consent of the Council.
9. The Holder shall produce and comply with a written statement of safety policy for spectators and employees, outlining the chain of command, and covering the safety objectives and the means of achieving them and take steps to ensure that it is known and understood by all staff and voluntary workers who may be involved in ground operations. The Holder shall also ensure that the policy is reviewed annually and revised as necessary. A copy shall be included in the operations manual and a copy of the policy shall be forwarded to the Council.
10. The Holder shall maintain and comply with all sections of the Operations Manual at appendix 1 which relates to the safety of spectators at the sports ground.

Note: *It should include but not be limited to: - the safety policy statement, the written spectator safety policy statement, the chain of command, the steward training policy, the stewarding plan, planned preventative maintenance schedule, medical plan, fire risk assessment, event day procedures, contingency plans, capacity calculations, on site vehicle movement and parking plan, the method of ensuring the safety of persons, site plans (which must include details and widths of all Ingress/Egress gates, doors and/or number of turnstiles) and details of safety equipment. The Operations Manual shall be forwarded to the Council and emergency services and attached to this certificate.*

11. The Holder shall ensure that the maximum number of spectators that may be admitted at any one time to the sports ground and to each part thereof shall not exceed the capacities specified in Appendix 2, and shall also ensure that any measures for managing crowds prescribed in the Operations Manual and this certificate are observed.
12. The Holder shall, on the basis of a risk assessment, identify and apply precautions to prevent the outbreak and spread of fire; measures to ensure the safety of spectators should fire break out; provision and maintenance of fire safety equipment and the training of staff to deal with an outbreak of fire. These shall be set out in a fire safety plan in Section 6 of the Operations Manual, a copy of which is appendix 1 to this Certificate.
13. The Holder shall undertake or commission a medical risk assessment from a competent person or organisation. In undertaking this assessment the local ambulance NHS trust, crowd doctor and first aid providers should be consulted. From the results of this assessment the Holder shall produce a medical plan defining the levels of medical and first aid provision for staff and spectators at the sports ground which shall be set out in Section 5 of the Operations Manual, a copy of which is at Appendix 1 to this certificate.
14. After conducting all the necessary assessments, the holder shall produce detailed capacity calculations in accordance with the guidance set out in the current edition of the Guide to Safety at Sports Grounds. These calculations shall be reviewed at least once a year, after any structural changes made at the sports ground and/or after any incident that involves implementing the Holder's emergency plans. The calculations shall be submitted to the council. The Holder may within this document specify different capacities for different events that might be held within the Sports Ground.
15. The Holder shall, on the basis of a risk assessment, identify the equipment, permanent staff, safety management personnel, stewards and others necessary to monitor, direct, guide, manage and assist spectators during specified activities. Details of the equipment to be provided, the level of staffing and the training given to those staff shall be set out in Sections 2 and 4 of the Operations Manual, a copy of which is at appendix 1 to this Certificate.
16. The Holder shall, identify the inspections and the testing of structures, equipment and systems necessary to ensure the reasonable safety of spectators. The Holder shall set out the frequency of the inspection and testing in Section 16 of the Operations Manual, a copy of which is at Appendix 1 to this certificate. The frequency of any such inspection and test should not be less than the frequency indicated by the equipment manufacturer.

The Holder shall keep a record of all inspections and tests specified in the Operations Manual. These records shall be available for inspection by authorised officer's at all reasonable times.

17. The Holder shall assess in writing, the risk of incidents prejudicing public safety or disrupting normal operations and produce a plan of action to deal with all contingencies. The plan of action shall be produced in consultation with the Police, Fire Brigade, Ambulance Service and the Council. The plan of action shall cover all reasonably foreseeable contingencies up to and including the need for partial and/or the need for total evacuation of the stadium and shall identify

appropriate individuals and their respective tasks. The Holder shall set out the plan of action in Section 7 of the Operations Manual a copy of which is at Appendix 1 to this certificate. The plans shall be reviewed annually, after any incident, near miss or exercise.

18. The plan of action shall also be reviewed when any permanent or temporary change is made to the structures or installations at the ground. Where following any review the Holder revises the plan of action in Section 7 of the Operations Manual, a copy of which is at Appendix 1 of this certificate details of the revisions should be forwarded to the council.
19. The Holder shall also demonstrate on suitable occasions throughout the season, the emergency procedures as set out in the "plan of action" operate correctly.
20. The Holder shall use his or her best endeavours to agree a Statement of Intent with the police over their respective roles.
21. The Holder shall notify the Council, in writing, at least 28 days before any change of circumstances affecting this certificate. Any changes, which may involve alterations or conditions at the ground, shall be accompanied by sufficient information: -
 - (a) Such information shall include two sets of drawings to an appropriate scale to clearly show the proposed works, capacity calculations and risk assessments and such other drawings as may be necessary,
 - (b) Such calculations, risk assessments and other details as are necessary, or are further required by the council to enable them to undertake the necessary consultation and to make an informed decision on the application.
22. No alteration or addition shall be made to the sports ground or its structures or installations without the prior consent of the Council.
23. The Holder shall draw up and keep up to date plans showing the layout of the sports ground, buildings, equipment, and all details considered necessary by the Council in connection with the Safety Certificate and shall upon request supply the Council with copies.
24. This Certificate is issued without prejudice to other legislation controlling the construction or use of sports grounds or buildings or otherwise affecting the Holder and does not invalidate any statutory obligation upon the Holder. The specific requirements of this certificate shall not be regarded as the limit of the obligation placed on the Holder to take all necessary precautions for the reasonable safety of spectators admitted to the sports ground.
25. The previous Certificate, effective from 1 February 2008 is replaced by this Certificate with effect from 25 September 2013. The Council will review this Certificate annually.

Wolverhampton City Council

Civic Centre

St Peter's Square

Wolverhampton

WV1 1DA

(The Officer appointed for this purpose)

Date: 25.09.13



Licensing Committee

25 September 2013

Report Title	Scrap Metal Dealers Act 2013	
Classification	Public	
Accountable Strategic Director	Tim Johnson Education and Enterprise	
Originating service	Licensing Services	
Accountable officer(s)	Name	Colin Parr
	Tel	01902 550105
	Email	colin.parr@wolverhampton.gov.uk

Recommendation(s) for action or decision:

The Licensing Committee is recommended:

- to endorse and approve the fee structure outlined within the report to enable applications to be received and processed from 1 October 2013
- to endorse and approve the delegation of decision making functions under the Act to the Strategic Director, Education and Enterprise, with a recommendation that he further delegate decision making as outlined within section 6.0 of this report.

Recommendations for noting:

The Licensing Committee is asked to note:

- the key provisions of the Scrap Metal Dealers Act 2013 and the proposed local implementation arrangements.
- the compliance and enforcement arrangements detailed at Section 5 of this report and agreed by Safer Wolverhampton Partnership Local Police and Crime Board.

1.0 Purpose

- 1.1 This report is intended to inform the Licensing Committee of the key provisions of the Scrap Metal Dealers Act 2013 and the proposed local implementation arrangements.
- 1.2 Licensing Committee is required to endorse and approve the proposed fees and charges as detailed at Section 5 of this report.
- 1.3 Councillors are also asked to endorse and approve the delegation of decision making functions under the Act to the Strategic Director, Education and Enterprise, with a recommendation that he further delegate decision making as outlined in section 6.0 of this report to enable transitional mechanisms to be in place in order that applications received can be processed from 1 October 2013.
- 1.4 The Licensing Committee is also asked to note the compliance and enforcement arrangements detailed at Section 7 of this report and agreed by Safer Wolverhampton Partnership Local Police and Crime Board.

2.0 Background

- 2.1 Between 2001 and 2012 the international price of ferrous scrap metal increased from \$77 per ton to over \$500 per ton, this increase is due to ever increasing demand for resources from developing economies. The consequences of this at a national level have been a significant increase in the theft and illegal trade of stolen metal.
- 2.2 The Association of Chief Police Officers (ACPO) have identified metal theft as the UK's fastest growing crime type and it is estimated to cost the economy £770m per year. The growth of metal theft across the country has included thieves regularly targeting infrastructure such as power lines, railway signals and manhole covers. Metal theft has also become an emotive and political issue with thefts reported from churches, schools and war memorials.
- 2.3 At a local level the Council itself has experienced spates of metal thefts including bin liners, manhole covers and gullies all being targeted. In 2009 the copper roof of Bushbury Crematorium was stolen causing extensive damage and costing thousands of pounds to replace.
- 2.4 In response to this national trend Richard Otterway MP tabled a Private Members Bill which was sponsored by the Home Office. The Bill proposed an overhaul of the regulatory framework governing the trade of scrap metal.
- 2.5 The Bill received Royal Assent on 28 February this year and became the Scrap Metal Dealers Act 2013.

3.0 Current Position

- 3.1 The Scrap Metal Dealers Act 1964 obliges every licensing authority to maintain a register of all persons carrying on a business in their area operating as a Scrap Metal Dealer. A Scrap Metal Dealer is defined as someone whose business is to buy and sell scrap metal.

- 3.2 Licensing Services currently has sixty four Scrap Metal Dealers registered. There is no registration fee.
- 3.3 The Vehicle (Crimes) Act 2001 and the Motor Salvage Operators Regulations 2002 provide the framework for the registration of Motor Salvage Operators. People or businesses are required to be registered as Motor Salvage Operators if they operate a business which involves the disposal of written off vehicles and the sale/re-use of salvageable parts from motor vehicles. The purpose of this registration scheme was to curtail the illegal trade in stolen vehicles.
- 3.4 Licensing Services has currently thirty two Motor Salvage Operators registered. The registration lasts for three years and a fee of £100 is required.
- 3.5 All enforcement activities under the current Scrap Metal Dealer and Motor Salvage Operator regimes are carried out by the police.

4.0 Scrap Metal Dealers Act 2013

4.1 The Scrap Metal Dealers Act 2013 will bring together the current registration schemes for Scrap Metal Dealers and Motor Salvage Operators and replace them with a single licensing regime.

4.2 The main provisions of the Act are as follows:-

- No person may carry on a business as a Scrap Metal Dealer unless licensed under the Act.
- There are two types of licence
 - (i) A Site Licence (authorises any site in a local authority area).
 - (ii) A Collectors Licence (authorises the licensee to carry on a business as a mobile collector in a local authority area).
- The licensing authority will be able to set fees locally for licences. However when determining fees regard will have to be had to the Home Office guidance.
- Applicants will have to satisfy the licensing authority they are a 'suitable person' to carry on a business as a Scrap Metal Dealer. The guidance will provide greater clarity as to the factors which will need to be considered in making this decision.
- A register of licences will be maintained by the Environment Agency.
- The Act makes it an offence for any Scrap Metal Dealer including collectors to buy scrap metal for cash.
- Requirement for detailed records to be kept for receipt and disposal of metal.
- Provides the police and licensing authorities with new powers to enter and inspect sites.
- Closure of unlicensed sites by the police and licensing authorities.
- Licences will be issued for three years.

- Licences can be refused, varied and revoked by the licensing authority with an appeal to the Magistrates Court.

4.3 The Home Office is responsible for the Act's commencement on 1 October 2013 and guidance in relation to the new Act.

5.0 Fees and Charges

5.1 Schedule 1 (6) of the 2013 Act provides that an application must be accompanied by a fee set by the Local Authority. Any fees levied should be set with reference to the actual costs to each authority. The fees and charges proposed in this section cover total cost recovery for the processing, determination and compliance of all licences granted under the Scrap Metal Dealers Act 2013. The fees have been arrived at in accordance with CIPFA approved guidelines.

5.2 The following fees and charges are proposed for the grant of licences under the Scrap Metal Dealers Act 2013:-

- Site Licence

One site	£450
Additional sites	£250 per site
 - Collector's Licence

Collector's licence	£160
Any additional authorised copy of a Collector's licence	£45
 - Variation fee
- £50

6.0 Delegations

6.1 Councillors are asked to endorse and approve the delegation to the Strategic Director, Education and Enterprise, of decision making functions under the Act with a recommendation that he will then delegate decision making as follows:-

- the grant a site or collectors licence with no representations – Licensing Officer
- the refusal, revocation, variation or review by way of adding conditions to a site or collector's licence – Licensing Manager/Head of Regulatory Services
- the issue of a closure notice, application to the Magistrates for a closure order and the termination of the order - Licensing Manager/Regulatory Services – Service Managers/Head of Regulatory Services
- authorisation of prosecution proceeding - Assistant Director for Regeneration or the Head of Regulatory Services

There is a right of appeal to the Magistrates Court against a decision of the authority under the Act, to include appeal against a condition, applied to the licence, under the Act.

7.0 Compliance and Enforcement Arrangements

- 7.1 Under the existing registration schemes all enforcement is carried out by the police, however the new Act will introduce enforcement powers for both licensing authorities and the police. It should be noted however that currently multi-agency days of action take place on a regular basis; these initiatives consider a raft of other issues outside the registration schemes and include various partners such as HMRC and the Environment Agency.
- 7.2 It is proposed that a multi-agency partnership approach will be adopted to enforcement and compliance activities as is the case with many existing licensing functions.
- 7.3 In the case of inspections at businesses that have applied for and been granted a licence under the new Act it is proposed that the licensing authority and the police will work in partnership and initially carry out joint visits to all such premises to assess the level of compliance with licence conditions.
- 7.4 Where licensed dealers are found to be non-compliant then these will generally be referred back to the licensing authority to conduct a review of the licence, although in some circumstances the police may also progress criminal proceedings based on any other criminal activities that are identified.
- 7.5 A partnership approach is also proposed for investigating businesses that are suspected through intelligence to be operating outside the licensing regime, with the police progressing any subsequent criminal proceedings including the offence of operating as a scrap metal dealer without a licence, which carries penalties on conviction of a fine of up to £5,000.
- 7.6 It is proposed that all enforcement and compliance activities are co-ordinated through the already established Responsible Authorities Forum.

8.0 Financial Implications

- 8.1 Guidance regarding fee setting were detailed in the Home Office guidance issued in August 2013.
- 8.2 The proposed fees and charges as detailed in Section 5 of this report will cover the administrative costs of processing the applications and compliance visits by employees together with any associated on costs. The fees have been arrived at in accordance with CIPFA approved guidelines. [TK/16092013/X]

9.0 Legal Implications

- 9.1 Contained within the main body of the report. [SH/13092013/H]

10.0 Environmental Implications

- 10.1 This report has environmental implications. The Council will work closely with partners to ensure that scrap metal dealers work inside the legislative framework to ensure environmental protection requirements are adhered to.



Licensing Committee

25 September 2013

Report Title	Performing Animals Act 1925	
Classification	Public	
Accountable Strategic Director	Tim Johnson Education and Enterprise	
Originating service	Licensing Services	
Accountable officer(s)	Name	Elaine Moreton
	Tel	01902 555033
	Email	elaine.moreton@wolverhampton.gov.uk

Recommendation(s) for action or decision:

The Licensing Committee is recommended to approve the proposed revised fee for the registration of performing animals.

1.0 Purpose

- 1.1 The Licensing Committee is requested to approve the revised fee for the Registration of Performing Animals.

2.0 Background

- 2.1 The Registration of Performing Animals (Regulation) Act 1925 requires the person who exhibits or trains any performing vertebrate animal to be registered with a local authority in whose area the person resides. This was later endorsed by the Animal Welfare Act 2006.
- 2.2 The Council is empowered under various statutes to levy fees for the issue of local licences, permits and registrations.
- 2.3 The Council policy is to review such fees on an annual basis and introduce increases at least in line with the increased cost of providing the service.
- 2.4 The registration fee would have initially been set by Environmental Health and Control Committee in 1985 when the registration of performing animals was transferred to local authority control.
- 2.5 On 16 January 2013 the Licensing Committee received a report on fees and charges. This report outlined the proposed fees and charges for 2013/2014.
- 2.6 Within the report it proposed that the current fee of £380 for the Registration of Performing Animals be increased by 10% to £420 for 2013/2014.
- 2.7 The Act confirms that a local authority may charge such fees as appear to them to be appropriate for registration and inspection of the register, including taking copies of extracts from the register.
- 2.8 The current fee of £420 appears to be excessive compared to other neighbouring local authorities for this one-off registration.
- 2.9 It should be noted that Wolverhampton City Council has only received one application for Registration of Performing Animals between 2000 and 2012.
- 2.10 It is recommended that a revised fee of £145 is approved for this registration with immediate effect.
- 2.11 The revised fee is based on the time allocated to the application process including time spent by the Licensing Officer, Animal Welfare Officer (together with associated on costs) and the maintenance of the statutory register.

3.0 Financial implications

- 3.1 The proposed fee of £145 for the Registration of Performing Animals will cover the administrative costs associated with processing an application. As there has only been one application in the past ten years, minimal impact on income is anticipated. [TK/05092013/A].

4.0 Legal implications

- 4.1 The regulation of Performing Animals is derived from the Performing Animals (Regulation) Act 1925 and endorsed by the Animal Welfare Act 2006.
- 4.2 The Licensing Authority has a statutory duty to keep a register of performing animals and to send copies of the registration to DEFRA.
- 4.3 The Licensing Authority may charge such fee as appears to the authority to be appropriate for registration and inspection of the register in accordance with section 1(2) and 1(8) of the Act [SH/06092013/Q].

5.0 Environmental implications

- 5.1 There are no direct environmental implications.

6.0 Schedule of background papers

- 6.1 Fees and charges annual report
Licensing Committee 16 January 2013