



# Licensing Sub-Committee

## 3 December 2014

**Time** 10.00 am      **Public Meeting?** YES      **Type of meeting** Regulatory  
**Venue** Committee Room 1 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

### Membership

**Chair** Cllr Bishan Dass (Lab)

#### Labour

Cllr Alan Bolshaw  
Cllr Ian Claymore

#### Conservative

Quorum for this meeting is two Councillors.

### Information for the Public

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

**Contact** Linda Banbury  
**Tel/Email** Tel: 01902 555040 Email: [linda.banbury@wolverhampton.gov.uk](mailto:linda.banbury@wolverhampton.gov.uk)  
**Address** Democratic Support, Civic Centre, 2<sup>nd</sup> floor, St Peter's Square,  
Wolverhampton WV1 1RL

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**Tel** 01902 555043

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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

- | <i>Item No.</i> | <i>Title</i>   |
|-----------------|--|
| 1               | <b>Apologies for absence</b>   |
| 2               | <b>Declarations of interest</b>  |
| 3               | <b>Licensing Act 2003 - Application for a variation of a Premises Licence in respect of The Royal London, 4-6 Wulfruna Street, Wolverhampton (Pages 1 - 104)</b><br>To consider an application to vary a Premises Licence within the Cumulative Impact Zone.   |
| 4               | <b>Exclusion of press and public</b><br>To pass the following resolution:<br>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 to the act relating to the business affairs of particular persons. |

## **PART II - PRESS AND PUBLIC EXCLUDED**

- |   |   |
|---|---|
| 5 | <b>Deliberations and decision</b>       |
| 6 | <b>Re-admission of press and public</b> |

## **PART I - ITEMS OPEN TO THE PRESS AND PUBLIC**

- |   |                                 |
|---|---------------------------------|
| 7 | <b>Announcement of decision</b> |
|---|---------------------------------|

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# Licensing Sub-Committee

3 December 2014

**Report Title**

**Licensing Act 2003 – Application for a variation of a Premises Licence in respect of The Royal London, 4-6 Wulfruna Street, Wolverhampton WV1 1LX.**

**Classification**

Public

**Wards Affected**

St Peters

**Accountable Strategic Director**

Tim Johnson, Education and Enterprise

**Originating service**

Licensing Services

**Accountable officer(s)**

Rob Edge

Section Leader (Licensing)

Tel

01902 55(0106 )

Email

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**Recommendation for action or decision:**

The Licensing Sub-Committee is requested to consider this application for a Variation of a premises licence within the Cumulative Impact Zone.

## 1.0 Purpose of Report

1.1 To submit for consideration by the Sub-Committee an application for a variation of a premises licence, within the Cumulative Impact Zone.

## 2.0 Background

2.1 An application has been received from the agent of the holder of the premises licence, Poppleston Allen solicitors on behalf of Stonegate Pub Company Ltd in respect of The Royal London, 4-6 Wulfruna Street. Wolverhampton. WV1 1LX. A copy of the application is attached at Appendix 1.

2.2 It is the understanding of the licensing authority, that the application to vary this premises licence has been properly made. The statutory requirement to give notice of the application has also been complied with. The premises are located in the St Peters ward and a location plan is attached at Appendix 2

2.3 The Royal London is situated within the Cumulative Impact Zone. A copy of the policy and area which it covers is attached at Appendix 3

2.4 The current application was received on 26 September 2014 and is to extend the permitted terminal hour for various licensable activities, and to remove conditions from the operating schedule.

2.5 A copy of the current licence is attached at Appendix 4.

2.6 The following responsible authorities have been consulted on this application:

- Licensing Authority
- Environmental Health (Commercial)
- West Midlands Police
- West Midlands Fire Service
- Planning
- Social Services
- Trading Standards
- Environmental Health (Commercial)

2.7 Relevant representations have been received from

- Licensing Authority
- Environmental Health
- Local Health Board

Copies of the representations can be found at Appendices 5, 6 and 7

2.8 The applicant, and all of those who have made representations, have been invited to attend the hearing.

2.9 An evidence bundle has been provided by the applicant's legal representative and is attached at the end of the report and appendices.

### 3.0 **Policy Implications**

- 3.1 On 4 November 2009, based on evidence submitted by West Midlands Police, the Statement of Licensing Policy was revised to give effect to the Cumulative Impact Policy (CIP). This decision supported the view that the number, type and density of premises selling alcohol for consumption and/or Late Night Refreshment in an area within the ring road in Wolverhampton City Centre was causing problems of nuisance and disorder and therefore causing an adverse impact on the licensing objectives of prevention of crime and disorder.
- 3.2 The Cumulative Impact Policy has been further revised on 28 April 2010 and 7 January 2011 to include the licensing objective, prevention of public nuisance.
- 3.3 The effect of this CIP is to create a **rebuttable** presumption that applications in respect of the sale or supply of alcohol and/or Late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates where the premises are situated in the City Centre Cumulative Impact Zone will be refused.
- 3.4 This policy does not act as an absolute prohibition on granting new licences in the City Centre Cumulative Impact Zone.
- 3.5 The premises are situated at Wulfruna Street, which is within the City Centre Cumulative Impact Zone.
- 3.6 Relevant representations have been received from West Midlands Police, Licensing Authority and Environmental Health which cite the Cumulative Impact Policy.
- 3.7 To rebut the presumption, explained in 3.3 above, the applicant is expected to demonstrate through their operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced and not therefore have an adverse impact in the Licensing Objectives.

### 4.0 **Legal Implications**

- 4.1 Section 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its function under the Act with a view to promoting the licensing objectives namely:
- (a) The prevention of crime and disorder;
  - (b) Public safety;
  - (c) The prevention of public nuisance;
  - (d) The protection of children from harm.
- 4.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the licensing objectives when determining a premises licence variation application.

4.3 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement.

4.4 In order for the Cumulative Impact Policy to be relevant to this application the Sub-Committee

I. Should be satisfied it applies due to:

- (a) Premises being located within the Cumulative Impact Zone;
- (b) Licensable activity applied for at the premises is to include sale of alcohol or late night refreshment and is;
- (c) The likelihood that the activity will have an impact on the crime and disorder or prevention of public nuisance licensing objectives.

And where the Cumulative Impact Policy is deemed to apply.

II. Should refuse an application based upon the Cumulative Impact Policy unless sufficient evidence is produced, by the applicant, to rebut the presumption that a licence will not be granted or varied.

4.5 If the Sub-Committee are satisfied sufficient evidence has been produced to show the premises will not add to the Cumulative Impact already being experienced, the application should not be refused based upon Cumulative Impact Policy. [SH/15102014/V]

## 5.0 Human Rights and Equalities Implications

5.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.

5.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

## 6.0 Financial Implications

6.1 Councillors agreed fees and charges for this function on 26 February 2014; the fees are based on a cost recovery basis. The fee for this application is £450.00, and is non-refundable. [TK/13022014/Q]



7.0 **Environmental Implications**

7.1 This report has environmental implications in that there is a potential for disturbance caused by patrons using the premises and nuisance caused by litter and waste originating from the premises.

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## Wolverhampton City Council

## Application to vary a premises licence under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Stonegate Pub Company Limited

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> WN/046655
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## Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
Royal London 4-6 Wulfrana Street			
<b>Post town</b>	Wolverhampton	<b>Post code</b>	WV1 1LX

<b>Telephone number at premises (if any)</b>	01902 795761
<b>Non-domestic rateable value of premises</b>	£90,000.00

## Part 2 – Applicant details

<b>Daytime contact telephone number</b>	08451262944		
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>	Porter Tun House 500 Capability Green		
<b>Post Town</b>	Luton	<b>Postcode</b>	LU1 3LS

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not, from what date do you want the variation to take effect? 

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. To extend the permitted terminal hours for sale of alcohol and regulated entertainment in the form of indoor sporting events, live music and performance of dance to 03:00 hours the following day, seven days a week.
2. To extend the permitted hours for regulated entertainment in the form of anything of a similar description to music or dance to 10:00 hours to 03:00 hours the following day, seven days a week.
3. To extend the permitted hours for films to 07:00 hours to 03:00 hours the following day, seven days a week.
4. To extend the permitted terminal hours for late night refreshment to 03:00 hours the following day, seven days a week.
5. To extend the permitted hours for opening to 07:00 hours to 03:30 hours the following day, seven days a week.
6. To remove all conditions under the existing operating schedule (save for recorded music permission and New Year's Eve trading permission) as this is outdated and to replace with an updated set of conditions which are appropriate to the style of operation.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend 

N/A
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**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- |   |                                     |
|---|-------------------------------------|
| <b><u>Provision of regulated entertainment</u></b>  | <b>Please tick yes</b>              |
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>            |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |
| <b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box I)                           | <input checked="" type="checkbox"/> |
| <b><u>Sale by retail of alcohol</u></b> (if ticking yes, fill in box J)                                     | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>		Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>		Both	<input type="checkbox"/>
Mon	07:00	03:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	07:00	03:00			
Wed	07:00	03:00	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur	07:00	03:00			
Fri	07:00	03:00	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	07:00	03:00			
Sun	07:00	03:00			
			No change to existing permissions		

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)  As existing
Day	Start	Finish	<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Mon	No Change	03:00	
Tue	No Change	03:00	
Wed	No Change	03:00	
Thur	No Change	03:00	
Fri	No Change	03:00	
Sat	No Change	03:00	
Sun	No Change	03:00	
			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  No change to existing permissions

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)			
Day	Start	Finish	Indoors	<input type="checkbox"/>		
Mon			Outdoors	<input type="checkbox"/>		
Tue			Both	<input type="checkbox"/>		
Wed			<b>Please give further details here</b> (please read guidance note 3)			
Thur						
Fri						
Sat						
Sun						
					<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)	
					<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon	No Change	03:00			
Tue	No Change	03:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed	No Change	03:00			
Thur	No Change	03:00			
Fri	No Change	03:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	No Change	03:00			
Sun	No Change	03:00			

**F – NO CHANGE**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Wed					
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon	No Change	03:00			
			No change		
Tue	No Change	03:00			
			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Wed	No Change	03:00			
Thur	No Change	03:00			
			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	No Change	03:00			
Sat	No Change	03:00			
			No change to existing permissions		
Sun	No Change	03:00			



**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)</p>			<p><b><u>Please give a description of the type of entertainment you will be providing</u></b></p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	03:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	03:00	<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed	10:00	03:00	<p>No Change</p>		
Thur	10:00	03:00	<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>		
Fri	10:00	03:00			
Sat	10:00	03:00	<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>		
Sun	10:00	03:00			
			<p>Ono the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity not including drinking up time) – 1<sup>st</sup> January 1hr, Valentines Night 1hr, Burns Night 1hr, 1<sup>st</sup> March (St Davids) 1hr, 17<sup>th</sup> March (St Patricks) 2hr, Easter Sunday 1hr, Easter Monday 1hr, May Bank Holiday (1<sup>st</sup>) Sunday prior 2 hrs, May Bank Holiday (1<sup>st</sup>) Bank Holiday Monday 1hr, May Bank Holiday (2<sup>nd</sup>) Sunday prior 2 hrs, May Bank Holiday (2<sup>nd</sup>) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2 hrs, August Bank Holiday Monday 1hr, Halloween 1hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27<sup>th</sup> December 2hrs, 28<sup>th</sup> December 2hrs, 30<sup>th</sup> December 2hrs.</p> <p>An additional hour to the terminal hour on the day that British Summertime commences.</p>		

<b>Late night refreshment Standard days and timings (please read guidance note 6)</b>			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 3)</b>		
Mon	No Change	03:00	No Change		
Tue	No Change	03:00			
Wed	No Change	03:00	<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</b>		
Thur	No Change	03:00			
Fri	No Change	03:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sat	No Change	03:00			
Sun	No Change	03:00			
			No change to existing permissions		

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	No Change	03:00			
Tue	No Change	03:00			
Wed	No Change	03:00			
Thur	No Change	03:00			
Fri	No Change	03:00			
Sat	No Change	03:00			
Sun	No Change	03:00	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
No change to existing permissions					

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8)

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	03:30	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)</p> <p>No change to existing permissions</p>
Tue	07:00	03:30	
Wed	07:00	03:30	
Thur	07:00	03:30	
Fri	07:00	03:30	
Sat	07:00	03:30	
Sun	07:00	03:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

To remove all conditions under the existing Operating Schedule as they are outdated as they refer to a previous owner and operator; save the recorded music permission and New Year's Eve permission, namely:-

- The playing of recorded music in the premises is permitted 24 hours a day
- On New Year's Eve the hours may be extended from the end of licensed hours on New Year's Eve to the start of licensed hours on New Year's Day

and to replace with a new Operating Schedule with the conditions listed below

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence  
N/A

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

We have considered the impact of the proposed variation and note that the premises fall within the Cumulative Impact area.

Pre consultation has taken place with the Lisa Davies (Police Licensing Officer), Sarah Styles (Environmental Health Officer) and Elaine Moreton (Licensing Officer).

The operating schedule is outdated and therefore a new operating schedule is set out below which is appropriate for the premises to promote the licensing objectives. In particular, the inclusion of a last admission time, which is not currently a condition on the premises licence and is earlier than the existing terminal hour for opening, will help to reduce the movement of customers around the cumulative impact area. As noted in the Council's licensing policy, longer opening hours are important in contributing to the gradual departure of customers, rather than mass dispersal.

Furthermore, the premises have operated until 03:00 hours under Temporary Event Notices without experiencing any issues.

**b) The prevention of crime and disorder**

1. A digital CCTV system shall be installed at the premises and maintained in good working order and used at all times when the premises are open for licensable activities. Any CCTV footage shall be held for at least 31 days and shall be made available to an officer of the Licensing Authority or Police on reasonable request.
2. Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.
3. The need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.
4. The company operates a policy of zero tolerance with regards to drugs.
5. There shall be no new entry or re-entry to the premises after 01:00hrs on Sundays to Wednesdays and 02:00 hours on Thursdays to Saturdays, save for persons who have stepped outside to smoke.
6. An incident log (which may be electronic) shall be kept on the premises and made available on request to an authorised officer of the Council or Police which will record the following:-
  - a. Any incidents of disorder
  - b. Any seizures of drugs or offensive weapons
  - c. Any ejections of patrons

**c) Public safety**

We understand our obligations under existing legislation and take our responsibilities seriously.

**d) The prevention of public nuisance**

1. Reasonable steps will be taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.

**e) The protection of children from harm**

1. A proof of age scheme such as Challenge 21 will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence or passport.
2. A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report shall be made available upon reasonable request.

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.**

Signature	<i>Poppleston Allen</i>
Date	<i>26th September 2014</i>
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature	
-----------	--

Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b> Clare Eames Poppleston Allen Solicitors 88 Kingsway			
Post town	London	Post code	WC2B 6AA
Telephone number (if any)	0207 936 5875		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) c.eames@popall.co.uk			

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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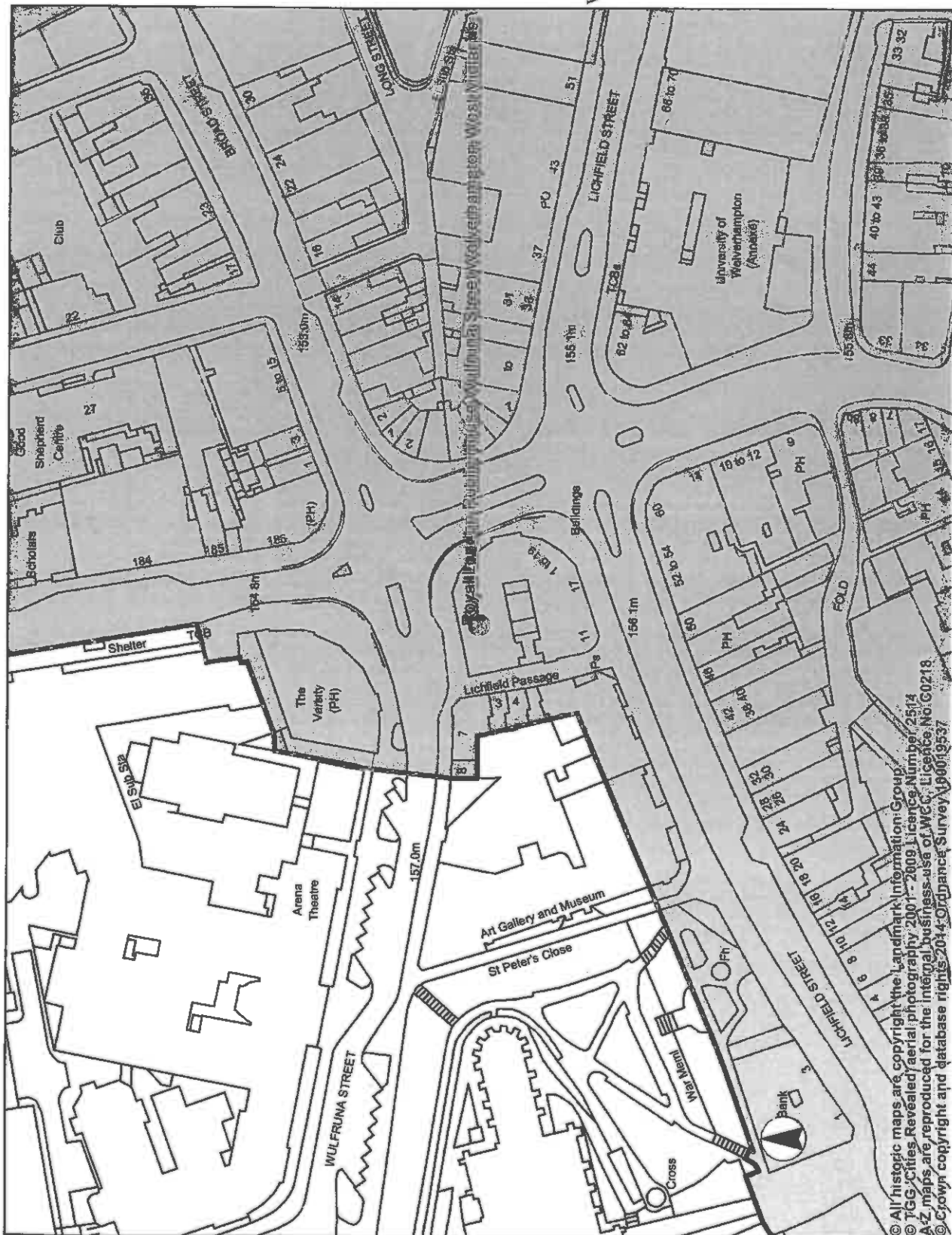


The Royal London  
Wulfruna Street - (CIZ)

Wolverhampton City Council  
Asset Management  
Civic Centre  
St Peters Square  
Wolverhampton  
WVI IRL

Plan Produced  
9.10.2014  
Scale 1:1,250

MA0016 - Revised by



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## 13.2 CUMULATIVE IMPACT POLICY

Following guidance issued under the Act a cumulative impact policy was adopted on 4/11/09. A revision to the policy to include late night refreshment and an additional area was adopted on 28/4/10. Details of the cumulative impact area can be found at Appendix F.

- 13.2.1 The Council recognises that because of the number of, and density of licensed premises selling alcohol and/or Late Night refreshment in a particular area there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. In these cases it may be necessary to seek controls over the issue of new licences through a "Special Cumulative Impact Policy."
- 13.2.2 The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption and/or Late Night refreshment in an area within the Ring Road in Wolverhampton City centre is causing problems of nuisance and disorder. This is having a greater than normal impact on the prevention of crime and disorder licensing objective. The area identified is shown in the attached plan and includes a portion of Wulfruna Street and Princess Square, Broad Street, Market Street, Lichfield Street, Pipers Row and Darlington Street. The Licensing Authority is now also of the view that this is causing cumulative impact and designates this area as the City Centre Cumulative Impact Zone in relation to premises licensed for the sale or supply of alcohol and/or Late Night Refreshment.
- 13.2.3 The effect of this Special Cumulative Impact Policy is to create a **rebuttable** presumption that applications in respect of the sale or supply of alcohol and/or Late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity) where the premises are situated in the City Centre Cumulative Impact Zone will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting new licences in the City Centre Cumulative Impact Zone.
- 13.2.4 The Special Cumulative Impact Policy will not be used to revoke an existing licence or certificate and will not be applicable to the review of existing licences.



**City Centre Cumulative  
Impact Zone**



- CCCZ
- ▣ Licensed Premises 2009
- ▲ Alcohol licensed premises 'On sales'
- ◻ Non-Alcohol licensed premises
- Alcohol Licensed Premises for 'Off Sales'

# Premises Licence

Issued in accordance with The Licensing Act 2003

**Name of Premises:** Royal London

**Address of Premises:** Wulfruna Street  
City Centre  
Wolverhampton  
WV1 1DZ

**Premises Licence Number:** WN/046655 - Variation of Premises DPS

**Date Licence Granted:** 19/11/2012

## 1. Opening hours of the premises

**Normal Hours:** Monday to Wednesday - 0900 Hours to 0130 Hours  
Thursday to Saturday - 0900 Hours to 0230 Hours  
Sunday - 0900 Hours to 0130 Hours

**Seasonal Variations:** None

**Non Standard Hours:** Times stated include any early morning opening (for non-licensable activities), all hours relating to licensable activities and an additional 30 minute voluntary closure policy, as per our operating plan overleaf.

On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1<sup>st</sup>

January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1 hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.

To retain the benefit to trade an additional hour when the clocks go forward by BST.

## 2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

**Activity:** Films

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 Hours to 0200 Hours  
Sunday - 1000 Hours 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1<sup>st</sup>

January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday

Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs,  
May Bank Holiday (2nd) Bank Holiday Monday 1hr, August  
Bank Holiday Sunday prior 2hrs, August Bank Holiday  
Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing  
Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th  
December 2 hrs.

To retain the benefit to trade an additional hour when the  
clocks go forward by BST.

**Activity: Indoor Sporting Events**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours

Thursday to Saturday - 1000 to 0200 Hours

Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in  
addition to the ones listed left) are to be permitted for the  
licensable activity (not including drinking up time) - 1st  
January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st  
March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter  
Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st)  
Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday  
Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs,  
May Bank Holiday (2nd) Bank Holiday Monday 1hr, August  
Bank Holiday Sunday prior 2hrs, August Bank Holiday  
Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing  
Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th  
December 2 hrs.

To retain the benefit to trade an additional hour when the  
clocks go forward by BST.

**Activity: Live Music**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours

Thursday to Saturday - 1000 to 0200 Hours

Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in  
addition to the ones listed left) are to be permitted for the  
licensable activity (not including drinking up time) - 1st  
January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st  
March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter  
Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st)  
Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday  
Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs,  
May Bank Holiday (2nd) Bank Holiday Monday 1hr, August  
Bank Holiday Sunday prior 2hrs, August Bank Holiday  
Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing  
Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th  
December 2 hrs.

To retain the benefit to trade an additional hour when the  
clocks go forward by BST.

**Activity: Recorded Music**

**Normal Hours:** Monday to Sunday 0000hrs to 2400hrs

**Seasonal Variations:** None

**Non Standard Hours:** None

**Activity:** **Performances of Dance**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** **Activity like music or dance**

**Normal Hours:** Monday to Wednesday 1100hrs to 2300hrs  
Thursday to Saturday 1100hrs to 0200hrs  
Sunday 1200hrs to 0030hrs

**Seasonal Variations:** None

**Non Standard Hours:** 1200hrs to 0200hrs on the Sunday preceding every Bank Holiday Monday

**Activity:** **Facility for making music**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** **Facilities for dancing**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** Facility like music or dance

**Normal Hours:** Monday to Wednesday 1100hrs to 2300hrs  
Thursday to Saturday 1100hrs to 0200hrs  
Sunday 1200hrs to 0030hrs

**Seasonal Variations:** None

**Non Standard Hours:** 1200hrs to 0200hrs on the Sunday preceding every Bank Holiday Monday

**Activity:** Late Night Refreshment

**Normal Hours:** Monday to Wednesday - 2300 Hours to 0100 Hours  
Thursday to Saturday - 2300 to 0200 Hours  
Sunday - 2300 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** Sale/Supply of alcohol on the premises

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in



addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.

To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** Sale/Supply of alcohol off the premises  
**Normal Hours:** As per On sales  
**Seasonal Variations:** As per On sales  
**Non Standard Hours:** As per On sales

**3. Name of the designated premises supervisor if the sale of alcohol is involved**

Donna Boden  
Personal Licence Number – DY/50/0779  
Issued by - Dudley Council

**4. Is access to the premises by children restricted or prohibited**

Provision only as prohibited or restricted under the Licensing Act 2003.

**5. Name, (registered) address of the holder of the premises licence**

Stonegate Pub Company Limited  
Porter Tun House  
500 Capability Green  
Luton  
Bedfordshire  
LU1 3LS



**N.P. Edwards**

**Assistant Director - Regeneration  
On behalf of Wolverhampton City Council**

# Mandatory Conditions

## Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

- (2) The first condition is that no supply of alcohol may be made under the premises licence:-
- (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

## Mandatory Conditions where the licence authorises supply of alcohol: 2010

1.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.— (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

#### **Mandatory condition: exhibition of films**

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where:-

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question; admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section:-

“Children means persons aged under 18; and

“Film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

#### **Mandatory condition: door supervision**

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed:-

(a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licence authorising plays or films), or

(b) In respect of premises in relation to –

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purpose of this section:-

(a) “Security activity” means an activity to which paragraph 2(1) (a) of that Schedule applies, and

(b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## Conditions consistent with the Operating Schedule

### Provision of substantial refreshment

Hot food or hot drinks may be provided in line with alcohol sales with an additional thirty minutes thereafter.

### Recorded Music

- The playing of recorded music in the premises is permitted 24 hours a day pursuant to Section 182 of the Licensing Act 1964

### New Years Eve

The Regulatory Reform (Special Occasions Licensing) Order 2002.

- Where this licence does not otherwise permit, on New Years Eve these hours may be extended from the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

### Special Hours

This licence is granted subject to the converted special hours certificate and conditions of that said certificate granted under section 78A of the Licensing Act 1964

### Conditions consistent with Public Entertainment Licence

- All conditions that are specified on or consistent with the Public Entertainment Licence granted on 18th June 2005 under the Local Government Act 1982 will apply
- The number of persons present at any public entertainment provided under this licence shall not at any time exceed:- 410 persons

### General

Royal London is part of and operated by Mitchells & Butlers Group (MAB). MAB own and operate over 2000 separate Managed businesses within the United Kingdom. Managers are employed by the company and operate under the direction and procedures of the company. We adopt a corporate approach to risk management across the whole estate. This ensures a consistent approach to the management of risk in each of our businesses through a range of policies, procedures and roles. This approach is fundamental to our operating principles and is integrated into the way we run our businesses.

We refer to the attached document, 'Mitchells & Butler - A Guide to our Policies'. This document which does not form part of this operating schedule, demonstrates our total commitment to best practice policies, enforced and monitored at this site. It is not possible to submit such policies as potential conditions as they are obviously subject to other legislation, corporate responsibility considerations and market conditions, and are therefore liable to change from time to time

This is a variation application that does not represent a fundamental change in the way in which this premises has already been trading under its existing licences and conditions. We are required in schedule 1, Part B2 to state 'any additional steps that you intend to take in order to promote the four licensing objectives if the proposed variation is granted'. We have carefully considered the risks and benefits associated with the additional hour(s) applied for and the

conditions attached to our PEL adequately address all the licensing objectives save where additional steps are necessary which are indicated below.

We will continue to train our staff in the standards required by the relevant legislation and as required by company policy

Our voluntary closure policy for the operation is 30 minutes after the approved closure time for the supply of alcohol.

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

The company monitors the need for door supervisors and in so doing takes into account any advice given by the Police

The pub manager is required to actively participate in and support local the Pubwatch scheme (where active)

Text and/or radio pagers, where already used will be used for any additional hours

Toughened glass is currently in use and will continue to be used during any additional hours

Existing CCTV system will continue to operate during the additional hours

In line with our Alcohol and Social Responsibility Policy there will be no promotions that encourage illegal, irresponsible or immoderate consumption

### **Public safety**

We already understand our obligations under existing Health and Safety legislation, take our responsibilities seriously and have extensive policies and practices in place to meet these obligations (see 'guide to our Policies').

It is our opinion that the nature of the operation and proposed variation will not lead to any increase in risks of the public safety.

The existing policies will simply be extended to cover the relatively small increase in opening hours. Our internal health and safety due diligence and incident reporting system will operate during the additional hour(s)

### **The prevention of public nuisance**

The style and nature of the operation will not differ significantly from the existing trading operation during the extended hour(s).

Indeed, the grant of the additional hour(s) will of itself promote the licensing objectives as stated at paragraph 3.29 of the Guidance, in allowing customers to emerge from premises at a more gradual rate.

Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.

Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with our role in the Community Guidelines

### **The protection of children from harm**

We recognise the importance of protecting children from harm and this is supported by:-

- Our commitment to health and safety in the operation and maintenance of the premises
- Our approach to managing the risk of under-age drinking

We will at all times observe the law and ensure that alcohol is not served to people who are under 18 years of age. The manager and staff are briefed in the importance of their responsibilities in ensuring customers are over 18.

No adult entertainment (paid for by the company of a nude physical nature) is permitted at these premises. Any children under 16 remain the responsibility of the accompanying adult when using the premises (and/or exterior area). Staff are not allowed to be in sole supervision of children which remains the responsibility the accompanying adult at all times.

**Plans**

As submitted with application dated 10/05/2005 and retained by Wolverhampton City Council.

Please Ask For

E Moreton

Direct Line

(01902) 555033

Facsimile

E-mail

Minicom

# Wolverhampton City Council



Nick Edwards  
Assistant Director  
Regeneration

Civic Centre St Peter's Square  
Wolverhampton WV1 1DA  
Main Switchboard (01902) 556556  
Website [www.wolverhampton.gov.uk](http://www.wolverhampton.gov.uk)

Mr R Edge  
Licensing Services  
Wolverhampton City Council  
St Peter's Square  
Wolverhampton  
WV1 1DA

Your Ref.

My Ref. PRE46

1 October 2014

Dear Mr Edge

**Application for a Variation of a Premises Licence under Licensing Act 2003**  
**Royal London, 4 - 6 Wulfruna Street, Wolverhampton WV1 1LX**

I write on behalf of the Licensing Authority as responsible authority to make formal representations to the above variation application. Representations are made in support of the crime and disorder and prevention of public nuisance. The premises falls within the Cumulative Impact Zone and there is a rebuttable presumption that the application will be refused unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.

The solicitor acting on behalf of the applicant, Stonegate Pub Company Ltd has been in consultation with the Licensing Authority, West Midlands Police and Environmental Health prior to submitting a formal variation application, in order to obtain views of these responsible authorities relating to the variation in hours for regulated entertainment and the sale and supply of alcohol on and off the premises.

The applicant has proposed amendments to their operating schedule for the above premises in order to show how the variation applied for will not contribute to the cumulative impact.

As the premises falls within the cumulative impact area the variation application will be referred to the Licensing Sub-Committee for determination.

Continued/.....



The Licensing Authority would be willing to withdraw their representations should the Licensing Sub-Committee be satisfied that there will be no negative cumulative impact on any of the four licensing objectives.

I shall be in attendance at the hearing should Councillors have any questions or require any further assistance.

Yours sincerely



E Moreton  
Section Leader Licensing  
On behalf of the Licensing Authority

cc. Copy to Applicant



**From:** Sarah Stiles  
**Sent:** 01 October 2014 11:45  
**To:** Licensing;

**PRE 46 - Royal London, 4-6 Wulfruna Street, City Centre - Full Variation**

On behalf of Environmental Health (Commercial) I am putting in representations to the above application based on the location of the premises being within the cumulative impact zone. I will liaise further with the applicant in relation to measures required to prevent public nuisance.

Regards

Sarah

Sarah Stiles  
Do/deho/seho, Education & Enterprise  
Tel. Office: 01902 554407

E-mail: [Sarah.Stiles@wolverhampton.gov.uk](mailto:Sarah.Stiles@wolverhampton.gov.uk)  
Wolverhampton City Council

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**From:** Public Health  
**Sent:** 03 October 2014 15:57  
**To:** Licensing  
**Subject:** FW: PRE 46 - Royal London, 4-6 Wulfruna Street, City Centre - Full Variation

Dear Licensing,

Public Health would like to make representations to this application on the grounds of crime and disorder given that the application falls within the designated cumulative impact zone. We would not support the request for the sale of alcohol off the premises until 3 am.

Whilst I cannot evidence issues from this specific premise I believe increasing the supply and availability of alcohol off the premises until 3 am in an area that has already experienced problems with alcohol misuse (hence there being a cumulative impact zone) is irresponsible and will only further add to the increasing levels of hazardous and harmful drinking the city currently experiences as outlined in the city's alcohol strategy.

Michelle Smith  
Commissioning Support Officer  
Public Health  
Victoria Square  
Wolverhampton  
WV1 1LD  
01902 550154

[michelle.marie-smith@wolverhampton.gov.uk](mailto:michelle.marie-smith@wolverhampton.gov.uk)

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## ROYAL LONDON

4-6 Wulfrana Street, Wolverhampton WV1 1LX

### Application for Variation of Premises Licence

Licensing Sub Committee: 3 December 2014

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#### Evidence Bundle Index

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Document	Page
Current Premises Licence	1 – 15
Variation Application Form	16 – 28
Operating Schedule	29
Stonegate Company Information Sheet	30 – 31
Dispersal Policy	32 – 33
Location Map of Area and Premises	34
Schedule of Temporary Event Notices	35
Email to Sarah Stiles on 14 <sup>th</sup> November 2014	36
Case Law	37 – 59



# Premises Licence

Issued in accordance with The Licensing Act 2003

Wolverhampton  
City Council



Name of Premises: Royal London

Address of Premises: Wulfruna Street  
City Centre  
Wolverhampton  
WV1 1DZ

Premises Licence Number: WN/046655 - Variation of Premises DPS

Date Licence Granted: 19/11/2012

Environmental Services  
Certified as a true copy  
of the licence

Sarah Taylor, Solicitor  
Poppleston Allen Solicitors  
Nottingham

## 1. Opening hours of the premises

**Normal Hours:** Monday to Wednesday - 0900 Hours to 0130 Hours  
Thursday to Saturday - 0900 Hours to 0230 Hours  
Sunday - 0900 Hours to 0130 Hours

**Seasonal Variations:** None

**Non Standard Hours:** Times stated include any early morning opening (for non-licensable activities), all hours relating to licensable activities and an additional 30 minute voluntary closure policy, as per our operating plan overleaf.

On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1<sup>st</sup> January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1 hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.

To retain the benefit to trade an additional hour when the clocks go forward by BST.

## 2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

**Activity:** Films  
**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 Hours to 0200 Hours  
Sunday - 1000 Hours 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday

Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs,  
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Bank Holiday Sunday prior 2hrs, August Bank Holiday  
Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing  
Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th  
December 2 hrs.

To retain the benefit to trade an additional hour when the  
clocks go forward by BST.

**Activity: Indoor Sporting Events**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in  
addition to the ones listed left) are to be permitted for the  
licensable activity (not including drinking up time) - 1st  
January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st  
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Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th  
December 2 hrs.

To retain the benefit to trade an additional hour when the  
clocks go forward by BST.

**Activity: Live Music**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in  
addition to the ones listed left) are to be permitted for the  
licensable activity (not including drinking up time) - 1st  
January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st  
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Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th  
December 2 hrs.

To retain the benefit to trade an additional hour when the  
clocks go forward by BST.

**Activity: Recorded Music**

**Normal Hours:** Monday to Sunday 0000hrs to 2400hrs  
**Seasonal Variations:** None



**Non Standard Hours:** None

**Activity:** **Performances of Dance**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** **Activity like music or dance**

**Normal Hours:** Monday to Wednesday 1100hrs to 2300hrs  
Thursday to Saturday 1100hrs to 0200hrs  
Sunday 1200hrs to 0030hrs

**Seasonal Variations:** None

**Non Standard Hours:** 1200hrs to 0200hrs on the Sunday preceding every Bank Holiday Monday

**Activity:** **Facility for making music**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** Facilities for dancing

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** Facility like music or dance

**Normal Hours:** Monday to Wednesday 1100hrs to 2300hrs  
Thursday to Saturday 1100hrs to 0200hrs  
Sunday 1200hrs to 0030hrs

**Seasonal Variations:** None

**Non Standard Hours:** 1200hrs to 0200hrs on the Sunday preceding every Bank Holiday Monday

**Activity:** Late Night Refreshment

**Normal Hours:** Monday to Wednesday - 2300 Hours to 0100 Hours  
Thursday to Saturday - 2300 to 0200 Hours  
Sunday - 2300 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs; May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** Sale/Supply of alcohol on the premises

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** Sale/Supply of alcohol off the premises  
**Normal Hours:** As per On sales  
**Seasonal Variations:** As per On sales  
**Non Standard Hours:** As per On sales

**3. Name of the designated premises supervisor if the sale of alcohol is involved**

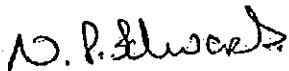
Donna Boden  
Personal Licence Number – DY/50/0779  
Issued by - Dudley Council

**4. Is access to the premises by children restricted or prohibited**

Provision only as prohibited or restricted under the Licensing Act 2003.

**5. Name, (registered) address of the holder of the premises licence**

Stonegate Pub Company Limited  
Porter Tun House  
500 Capability Green  
Luton  
Bedfordshire  
LU1 3LS



**N.P. Edwards**

**Assistant Director - Regeneration  
On behalf of Wolverhampton City Council**

## Mandatory Conditions

### Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:
- (2) The first condition is that no supply of alcohol may be made under the premises licence:-
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Mandatory Conditions where the licence authorises supply of alcohol: 2010

1.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.— (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

#### **Mandatory condition: exhibition of films**

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where:-

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question; admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section:-

"Children means persons aged under 18; and

"Film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

#### **Mandatory condition: door supervision**

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed:-

(a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licence authorising plays or films), or

(b) In respect of premises in relation to -

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purpose of this section:-

(a) "Security activity" means an activity to which paragraph 2(1) (a) of that Schedule applies, and

(b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **Conditions consistent with the Operating Schedule**

### **Provision of substantial refreshment**

Hot food or hot drinks may be provided in line with alcohol sales with an additional thirty minutes thereafter.

### **Recorded Music**

- The playing of recorded music in the premises is permitted 24 hours a day pursuant to Section 182 of the Licensing Act 1964

### **New Years Eve**

The Regulatory Reform (Special Occasions Licensing) Order 2002.

- Where this licence does not otherwise permit, on New Years Eve these hours may be extended from the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

### **Special Hours**

This licence is granted subject to the converted special hours certificate and conditions of that said certificate granted under section 78A of the Licensing Act 1964

### **Conditions consistent with Public Entertainment Licence**

- All conditions that are specified on or consistent with the Public Entertainment Licence granted on 18th June 2005 under the Local Government Act 1982 will apply
- The number of persons present at any public entertainment provided under this licence shall not at any time exceed:- 410 persons

### **General**

Royal London is part of and operated by Mitchells & Butlers Group (MAB). MAB own and operate over 2000 separate Managed businesses within the United Kingdom. Managers are employed by the company and operate under the direction and procedures of the company. We adopt a corporate approach to risk management across the whole estate. This ensures a consistent approach to the management of risk in each of our businesses through a range of policies, procedures and roles. This approach is fundamental to our operating principles and is integrated into the way we run our businesses.

We refer to the attached document, 'Mitchells & Butler - A Guide to our Policies'. This document which does not form part of this operating schedule, demonstrates our total commitment to best practice policies, enforced and monitored at this site. It is not possible to submit such policies as potential conditions as they are obviously subject to other legislation, corporate responsibility considerations and market conditions, and are therefore liable to change from time to time

This is a variation application that does not represent a fundamental change in the way in which this premises has already been trading under its existing licences and conditions. We are required in schedule 1, Part B2 to state 'any additional steps that you intend to take in order to promote the four licensing objectives if the proposed variation is granted'. We have carefully considered the risks and benefits associated with the additional hour(s) applied for and the

conditions attached to our PEL adequately address all the licensing objectives save where additional steps are necessary which are indicated below.

We will continue to train our staff in the standards required by the relevant legislation and as required by company policy

Our voluntary closure policy for the operation is 30 minutes after the approved closure time for the supply of alcohol.

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

The company monitors the need for door supervisors and in so doing takes into account any advice given by the Police

The pub manager is required to actively participate in and support local the Pubwatch scheme (where active)

Text and/or radio pagers, where already used will be used for any additional hours  
Toughened glass is currently in use and will continue to be used during any additional hours

Existing CCTV system will continue to operate during the additional hours  
In line with our Alcohol and Social Responsibility Policy there will be no promotions that encourage illegal, irresponsible or immoderate consumption

### **Public safety**

We already understand our obligations under existing Health and Safety legislation, take our responsibilities seriously and have extensive policies and practices in place to meet these obligations (see 'guide to our Policies').

It is our opinion that the nature of the operation and proposed variation will not lead to any increase in risks of the public safety.  
The existing policies will simply be extended to cover the relatively small increase in opening hours. Our internal health and safety due diligence and incident reporting system will operate during the additional hour(s)

### **The prevention of public nuisance**

The style and nature of the operation will not differ significantly from the existing trading operation during the extended hour(s).  
Indeed, the grant of the additional hour(s) will of itself promote the licensing objectives as stated at paragraph 3.29 of the Guidance, in allowing customers to emerge from premises at a more gradual rate.

Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.

Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with our role in the Community Guidelines

### **The protection of children from harm**

We recognise the importance of protecting children from harm and this is supported by:-

- Our commitment to health and safety in the operation and maintenance of the premises
- Our approach to managing the risk of under-age drinking

We will at all times observe the law and ensure that alcohol is not served to people who are under 18 years of age. The manager and staff are briefed in the importance of their responsibilities in ensuring customers are over 18.

No adult entertainment (paid for by the company of a nude physical nature) is permitted at these premises. Any children under 16 remain the responsibility of the accompanying adult when using the premises (and/or exterior area). Staff are not allowed to be in sole supervision of children which remains the responsibility the accompanying adult at all times.

**Plans**

As submitted with application dated 10/05/2005 and retained by Wolverhampton City Council.



# Premises Licence Summary

Issued in accordance with The Licensing Act 2003

Wolverhampton  
City Council



Environmental Services

Name of Premises: Royal London

Address of Premises: Wulfruna Street  
City Centre  
Wolverhampton  
WV1 1DZ

Premises Licence Number: WN/046655 - Variation of Premises DPS

Date Licence Granted: 19/11/2012

## 1. Opening hours of the premises

**Normal Hours:** Monday to Wednesday - 0900 Hours to 0130 Hours  
Thursday to Saturday - 0900 Hours to 0230 Hours  
Sunday - 0900 Hours to 0130 Hours

**Seasonal Variations:** None

**Non Standard Hours:** Times stated include any early morning opening (for non-licensable activities), all hours relating to licensable activities and an additional 30 minute voluntary closure policy, as per our operating plan overleaf.

Certified as a true copy  
of the licence

Sarah Taylor, Solicitor  
Poppleston Allen Solicitors  
Nottingham

On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1<sup>st</sup> January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1 hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.

To retain the benefit to trade an additional hour when the clocks go forward by BST.

## 2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

**Activity:** Films

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 Hours to 0200 Hours  
Sunday - 1000 Hours 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1<sup>st</sup> January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday

Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs,  
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Bank Holiday Sunday prior 2hrs, August Bank Holiday  
Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing  
Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th  
December 2 hrs.

To retain the benefit to trade an additional hour when the  
clocks go forward by BST.

**Activity: Indoor Sporting Events**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in  
addition to the ones listed left) are to be permitted for the  
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January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st  
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Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday  
Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs,  
May Bank Holiday (2nd) Bank Holiday Monday 1hr, August  
Bank Holiday Sunday prior 2hrs, August Bank Holiday  
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Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th  
December 2 hrs.

To retain the benefit to trade an additional hour when the  
clocks go forward by BST.

**Activity: Live Music**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in  
addition to the ones listed left) are to be permitted for the  
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To retain the benefit to trade an additional hour when the  
clocks go forward by BST.

**Activity: Recorded Music**

**Normal Hours:** Monday to Sunday 0000hrs to 2400hrs

**Seasonal Variations:** None

**Non Standard Hours:** None

**Activity:** Performances of Dance

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.

To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** Activity like music or dance

**Normal Hours:** Monday to Wednesday 1100hrs to 2300hrs  
Thursday to Saturday 1100hrs to 0200hrs  
Sunday 1200hrs to 0030hrs

**Seasonal Variations:** None

**Non Standard Hours:** 1200hrs to 0200hrs on the Sunday preceding every Bank Holiday Monday

**Activity:** Facility for making music

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.

To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity: Facilities for dancing**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity: Facility like music or dance**

**Normal Hours:** Monday to Wednesday 1100hrs to 2300hrs  
Thursday to Saturday 1100hrs to 0200hrs  
Sunday 1200hrs to 0030hrs

**Seasonal Variations:** None

**Non Standard Hours:** 1200hrs to 0200hrs on the Sunday preceding every Bank Holiday Monday

**Activity: Late Night Refreshment**

**Normal Hours:** Monday to Wednesday - 2300 Hours to 0100 Hours  
Thursday to Saturday - 2300 to 0200 Hours  
Sunday - 2300 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity: Sale/Supply of alcohol on the premises**

**Normal Hours:** Monday to Wednesday - 1000 Hours to 0100 Hours  
Thursday to Saturday - 1000 to 0200 Hours  
Sunday - 1000 Hours to 0100 Hours

**Seasonal Variations:** None

**Non Standard Hours:** On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1st January 1hr, Valentines Night 1 hr, Burns Night 1 hr, 1st March (St Davids) 1 hr, 17th March (St Patricks) 2 hrs, Easter Sunday 1 hr, Easter Monday 1hr, May Bank Holiday (1st) Sunday prior 2 hrs, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Sunday prior 2 hrs, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2hrs, August Bank Holiday Monday 1hr, Halloween 1 hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27th December 2hrs, 28th December 2 hrs, 30th December 2 hrs.  
To retain the benefit to trade an additional hour when the clocks go forward by BST.

**Activity:** Sale/Supply of alcohol off the premises

**Normal Hours:** As per On sales

**Seasonal Variations:** As per On sales

**Non Standard Hours:** As per On sales

**3. Name of the designated premises supervisor if the sale of alcohol is involved**

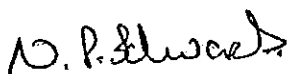
Donna Boden  
Personal Licence Number – DY/50/0779  
Issued by - Dudley Council

**4. Is access to the premises by children restricted or prohibited**

Provision only as prohibited or restricted under the Licensing Act 2003.

**5. Name, (registered) address of the holder of the premises licence**

Stonegate Pub Company Limited  
Porter Tun House  
500 Capability Green  
Luton  
Bedfordshire  
LU1 3LS



**N.P. Edwards**

**Assistant Director - Regeneration  
On behalf of Wolverhampton City Council**

Wolverhampton City Council

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We Stonegate Pub Company Limited  
being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number WN/046655
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description  Royal London 4-6 Wulfrana Street			
Post town	Wolverhampton	Post code	WV1 1LX

Telephone number at premises (if any)	01902 795761
Non-domestic rateable value of premises	£90,000.00

Part 2 – Applicant details

Daytime contact telephone number	08451262944		
E-mail address (optional)			
Current postal address if different from premises address	Porter Tun House 500 Capability Green		
Post Town	Luton	Postcode	LU1 3LS

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not, from what date do you want the variation to take effect?

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. To extend the permitted terminal hours for sale of alcohol and regulated entertainment in the form of indoor sporting events, live music and performance of dance to 03:00 hours the following day, seven days a week.
2. To extend the permitted hours for regulated entertainment in the form of anything of a similar description to music or dance to 10:00 hours to 03:00 hours the following day, seven days a week.
3. To extend the permitted hours for films to 07:00 hours to 03:00 hours the following day, seven days a week.
4. To extend the permitted terminal hours for late night refreshment to 03:00 hours the following day, seven days a week.
5. To extend the permitted hours for opening to 07:00 hours to 03:30 hours the following day, seven days a week.
6. To remove all conditions under the existing operating schedule (save for recorded music permission and New Year's Eve trading permission) as this is outdated and to replace with an updated set of conditions which are appropriate to the style of operation.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A
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**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- |   |                                     |
|---|-------------------------------------|
| <b><u>Provision of regulated entertainment</u></b>  | <b>Please tick yes</b>              |
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>            |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |
| <b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box I)                           | <input checked="" type="checkbox"/> |
| <b><u>Sale by retail of alcohol</u></b> (if ticking yes, fill in box J)                                     | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

**A**

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon			As existing		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur			<u>Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	07:00	03:00	As existing		
Tue	07:00	03:00			
Wed	07:00	03:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	07:00	03:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	07:00	03:00			
Sat	07:00	03:00			
Sun	07:00	03:00			



**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)  As existing
Day	Start	Finish	<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Mon	No Change	03:00	
Tue	No Change	03:00	
Wed	No Change	03:00	
Thur	No Change	03:00	
Fri	No Change	03:00	
Sat	No Change	03:00	
Sun	No Change	03:00	
			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  No change to existing permissions

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<b>Please give further details here</b> (please read guidance note 3)	
Thur			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)	
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat				
Sun				

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)					
Mon	No Change	03:00				No Change		
Tue	No Change	03:00						
Wed	No Change	03:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)					
Thur	No Change	03:00						
Fri	No Change	03:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)					
Sat	No Change	03:00				No change to existing permissions		
Sun	No Change	03:00						

**F – NO CHANGE**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
Tue								
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)					
Thur								
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)					
Sat						No change to existing permissions		
Sun								

**G**

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)  No change		
Mon	No Change	03:00			
Tue	No Change	03:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed	No Change	03:00			
Thur	No Change	03:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	No Change	03:00			
Sat	No Change	03:00	No change to existing permissions		
Sun	No Change	03:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	03:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	03:00	Please give further details here (please read guidance note 3)		
Wed	10:00	03:00	No Change		
Thur	10:00	03:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	10:00	03:00			
Sat	10:00	03:00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	10:00	03:00	On the days/ dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity not including drinking up time) – 1 <sup>st</sup> January 1hr, Valentines Night 1hr, Burns Night 1hr, 1 <sup>st</sup> March (St Davids) 1hr, 17 <sup>th</sup> March (St Patricks) 2hr, Easter Sunday 1hr, Easter Monday 1hr, May Bank Holiday (1 <sup>st</sup> ) Sunday prior 2 hrs, May Bank Holiday (1 <sup>st</sup> ) Bank Holiday Monday 1hr, May Bank Holiday (2 <sup>nd</sup> ) Sunday prior 2 hrs, May Bank Holiday (2 <sup>nd</sup> ) Bank Holiday Monday 1hr, August Bank Holiday Sunday prior 2 hrs, August Bank Holiday Monday 1hr, Halloween 1hr, Christmas Eve 2hrs, Boxing Day 2 hrs, 27 <sup>th</sup> December 2hrs, 28 <sup>th</sup> December 2hrs, 30 <sup>th</sup> December 2hrs. An additional hour to the terminal hour on the day that British Summertime commences.		

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)					
Mon	No Change	03:00				No Change		
Tue	No Change	03:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)					
Wed	No Change	03:00						
Thur	No Change	03:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)					
Fri	No Change	03:00				No change to existing permissions		
Sat	No Change	03:00						
Sun	No Change	03:00						

**J**

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	No Change	03:00			
Tue	No Change	03:00			
Wed	No Change	03:00			
Thur	No Change	03:00			
Fri	No Change	03:00			
Sat	No Change	03:00			
Sun	No Change	03:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
No change to existing permissions					

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	03:30	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)  No change to existing permissions
Tue	07:00	03:30	
Wed	07:00	03:30	
Thur	07:00	03:30	
Fri	07:00	03:30	
Sat	07:00	03:30	
Sun	07:00	03:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

To remove all conditions under the existing Operating Schedule as they are outdated as they refer to a previous owner and operator; save the recorded music permission and New Year's Eve permission, namely:-

- The playing of recorded music in the premises is permitted 24 hours a day
- On New Year's Eve the hours may be extended from the end of licensed hours on New Year's Eve to the start of licensed hours on New Year's Day

and to replace with a new Operating Schedule with the conditions listed below

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence  
N/A

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

We have considered the impact of the proposed variation and note that the premises fall within the Cumulative Impact area.

Pre consultation has taken place with the Lisa Davies (Police Licensing Officer), Sarah Styles (Environmental Health Officer) and Elaine Moreton (Licensing Officer).

The operating schedule is outdated and therefore a new operating schedule is set out below which is appropriate for the premises to promote the licensing objectives. In particular, the inclusion of a last admission time, which is not currently a condition on the premises licence and is earlier than the existing terminal hour for opening, will help to reduce the movement of customers around the cumulative impact area. As noted in the Council's licensing policy, longer opening hours are important in contributing to the gradual departure of customers, rather than mass dispersal.

Furthermore, the premises have operated until 03:00 hours under Temporary Event Notices without experiencing any issues.

**b) The prevention of crime and disorder**

1. A digital CCTV system shall be installed at the premises and maintained in good working order and used at all times when the premises are open for licensable activities. Any CCTV footage shall be held for at least 31 days and shall be made available to an officer of the Licensing Authority or Police on reasonable request.
2. Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.
3. The need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.
4. The company operates a policy of zero tolerance with regards to drugs.
5. There shall be no new entry or re-entry to the premises after 01:00hrs on Sundays to Wednesdays and 02:00 hours on Thursdays to Saturdays, save for persons who have stepped outside to smoke.
6. An incident log (which may be electronic) shall be kept on the premises and made available on request to an authorised officer of the Council or Police which will record the following:-
  - a. Any incidents of disorder
  - b. Any seizures of drugs or offensive weapons
  - c. Any ejections of patrons

**c) Public safety**

We understand our obligations under existing legislation and take our responsibilities seriously.

**d) The prevention of public nuisance**



1. Reasonable steps will be taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.

**e) The protection of children from harm**

1. A proof of age scheme such as Challenge 21 will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence or passport.
2. A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report shall be made available upon reasonable request.

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures (please read guidance note 10)**

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.**

Signature	Poppleston Allen
Date	26th September 2014
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature	
-----------	--

Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b> Clare Eames Popleston Allen Solicitors 88 Kingsway			
<b>Post town</b>	London	<b>Post code</b>	WC2B 6AA
<b>Telephone number (if any)</b>	0207 936 5875		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> c.eames@popall.co.uk			

### Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

## Royal London, Wolverhampton

### Operating Schedule

#### Conditions submitted with the application

##### The Prevention of Crime and Disorder

1. A digital CCTV system shall be installed at the premises and maintained in good working order and used at all times when the premises are open for licensable activities. Any CCTV footage shall be held for at least 31 days and shall be made available to an officer of the Licensing Authority or Police on reasonable request.
2. Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.
3. The need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.
4. The company operates a policy of zero tolerance with regards to drugs.
5. There shall be no new entry or re-entry to the premises after 01:00hrs on Sundays to Wednesdays and 02:00 hours on Thursdays to Saturdays, save for persons who have stepped outside to smoke.
6. An incident log (which may be electronic) shall be kept on the premises and made available on request to an authorised officer of the Council or Police which will record the following:-
  - a. Any incidents of disorder
  - b. Any seizures of drugs or offensive weapons
  - c. Any ejections of patrons

##### Public Safety

We understand our obligations under existing legislation and take our responsibilities seriously.

##### Prevention of Public Nuisance

Reasonable steps will be taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.

##### Protection of Children from Harm

1. A proof of age scheme such as Challenge 21 will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence or passport.
2. A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report shall be made available upon reasonable request.

##### Condition Proposed to the EHO on 14<sup>th</sup> November 2014

Notices will be displayed at the premises exit requesting customers to leave quietly.



# stonegate

PUB COMPANY

## **The Company**

Stonegate Pub Company is the largest privately held managed pub operator in the UK operating 620 pubs across the country. The business consists of branded and unbranded pubs and bars which include community and local pubs which cater for customers within the local neighbourhood; high street venues including the Slug & Lettuce, Yates's and Scream brands that attract businessmen and women, tourists, families, and students; Bars & Venues which are late night bars and nightclubs.

Since the formation of the company in 2010 the company has made significant investment within the estate, both within the fabric of the buildings and the services offered. Its pubs and bars continue to benefit from a multi-million pound investment programme that continually strives to improve amenities and community facilities. Free Wi-Fi is now standard across the estate.

## **People**

The company employs over 12,500 people and make significant investment in the training and development of their staff. A leading edge, award winning training programme ensures all front-line staff are equipped with the necessary learning's to safely and legally operate within the business. Within the last 6 months alone over 94,000 training modules have been undertaken by pub staff.

## **Community and Social Responsibility**

All site managers are encouraged to join their local Pubwatch, town centre management or business improvement forums, wherever they operate. Entry into Best Bar None programmes has resulted in many Stonegate pubs across the country being recognised for their contribution in helping create safer environments for staff and customers alike.

Engagement with the local community takes place in many forms, from supporting community groups, providing facilities for clubs and teams, to providing meals for local OAP's. Hundreds of thousands of pounds is raised for local and national charities each year – Variety, the children's charity has benefitted to the extent of over £300,000 this year, changing the lives of many disadvantaged children.

## **The Senior Management**

Stonegate Pub Company is operated by a team of highly experienced directors that have a wealth of industry experience.

Ian Payne is Chairman of Stonegate Pub Company. Ian, an accomplished expert in the licensed leisure sector, has held Board positions with Bass Taverns, Stakis plc and Ladbroke gaming. He was CEO of the Laurel Pub Company from its inception

in May 2001 through to December 2004 and later Chairman of the Bay Restaurant & Town and City Pub Groups prior to formation of Stonegate in November 2010. Ian started his career in the trade behind the bar of a local pub more than 35 years ago.

Simon Longbottom serves as the Chief Executive Officer at Stonegate Pub Company Limited. Simon served as the Managing Director of Pub partners at Greene King Plc since 2010. He served as Managing Director of Gala Coral's gaming division. He has over 11 years experience in the public sector having held senior positions at Mill House Inns and Mitchells & Butlers.

Graham Jones is Chief Operating Officer of Stonegate Pub Company. A high performing professional, Graham has held senior operations positions in Whitbread PLC, Laurel Pub Company, Greene King, Barracuda Group and more recently Punch Taverns.

Suzanne Baker is the Commercial Director of Stonegate Pub Company, responsible for all commercial contracts including purchasing and property. Suzanne has spent her career within the licensed leisure sector having previously held Board positions in Bay Restaurant Group, Laurel Pub Company and JD Wetherspoon. She commenced her career joining Grandmet Retail in operations progressing within the marketing and purchasing roles across national brands, including Chef & Brewer.

Tim Painter is the HR Director of Stonegate Pub Company. Tim, who joined from Musgrave Retail Partners, has extensive experience in HR strategy, leadership and development, and change management across the retail sector.

Richard Bruce is the Marketing Director of Stonegate Pub Company. Richard joined from Home Retail Group plc where he was head of brand and customer proposition programme at Homebase. He has a strong background in developing and implementing category strategy and previously worked with retail giants Marks & Spencer and Argos.



This policy details the actions which need to be taken with regard to compliance with the Licensing Act 2003. It is also designed to improve the wider management of the late night economy by detailing the steps which need to be taken to reduce the potential for disorder and disturbance.

It is considered by the Company that the majority of disturbance and disorder is likely to occur as a result of a poorly thought out approach to managing the end of night period. The following policy sets out the steps which should be taken at the end of the trading session to minimise the potential for disorder and disturbance as customers leave the premises. This includes measures to disperse customers over an extended period and also to ensure customers leave the venue in an orderly fashion and without bottles or glasses.

It is recognised that the Company has no direct jurisdiction outside of the boundaries of Company premises although we will continue to use our best endeavours to encourage customers to leave the immediate area in an appropriate fashion.

**1) Progressive Winding Down**

In all instances the premises should ensure that the playing of music, which includes both live music and DJ music (where provided) is progressively wound down over the last half hour of the trading session, or immediately after the service of alcohol ceases. During this period it is the responsibility of the General (Duty) Manager to ensure music is played which is of a quieter nature and a lower BPM.

Lighting levels throughout the premises should be gradually increased over the same period and not raised in a single step just prior to closure.

**2) Announcements and Signage**

Towards the end of the night announcements should be made if possible which include the following:-

- a) All customers are reminded that they must not take alcohol off the premises and this should be enforced by the provision of appropriate signage at the exit points of the venue and also all door supervisors must ensure that bottles and glasses are removed from any customers who are attempting to leave the premises with them.

- b) Customers should be asked to leave the premises in an orderly manner. Again, signage should be erected at appropriate exit points thanking them for their custom and requesting in addition that customers are considerate when they leave the premises.
- c) Details of local public transport and / or taxi services should be easily available to customers to enable them to disperse easily. This can be achieved by means of signage or by the availability of business cards for local taxi companies.

### 3) Door Supervisors Role

Where utilised it is the responsibility of the door team, in conjunction with the Site Management team to use their best endeavours to ensure:

- a) Customers who are leaving the premises do so in a quiet and orderly manner.
- b) If groups of customers are found to be loitering outside the premises after leaving they should be politely asked to move on.
- c) No bottles or glasses are permitted to be taken outside the site.
- d) Customers should be encouraged to leave gradually over the permitted period of "drinking up time"
- e) The practice of "herding out" customers as soon as service of alcohol has ceased should be discouraged, and customers should be encouraged to leave gradually over the course of "drinking up" time.
- f) Members of the door team should be visible outside the unit for a period of time after closing until all groups of customers have left the vicinity.

### 4) General / Duty Managers Role

It is the ultimate responsibility of the General Manager (or in the absence of the General Manager, the Duty Manager) to ensure that:-

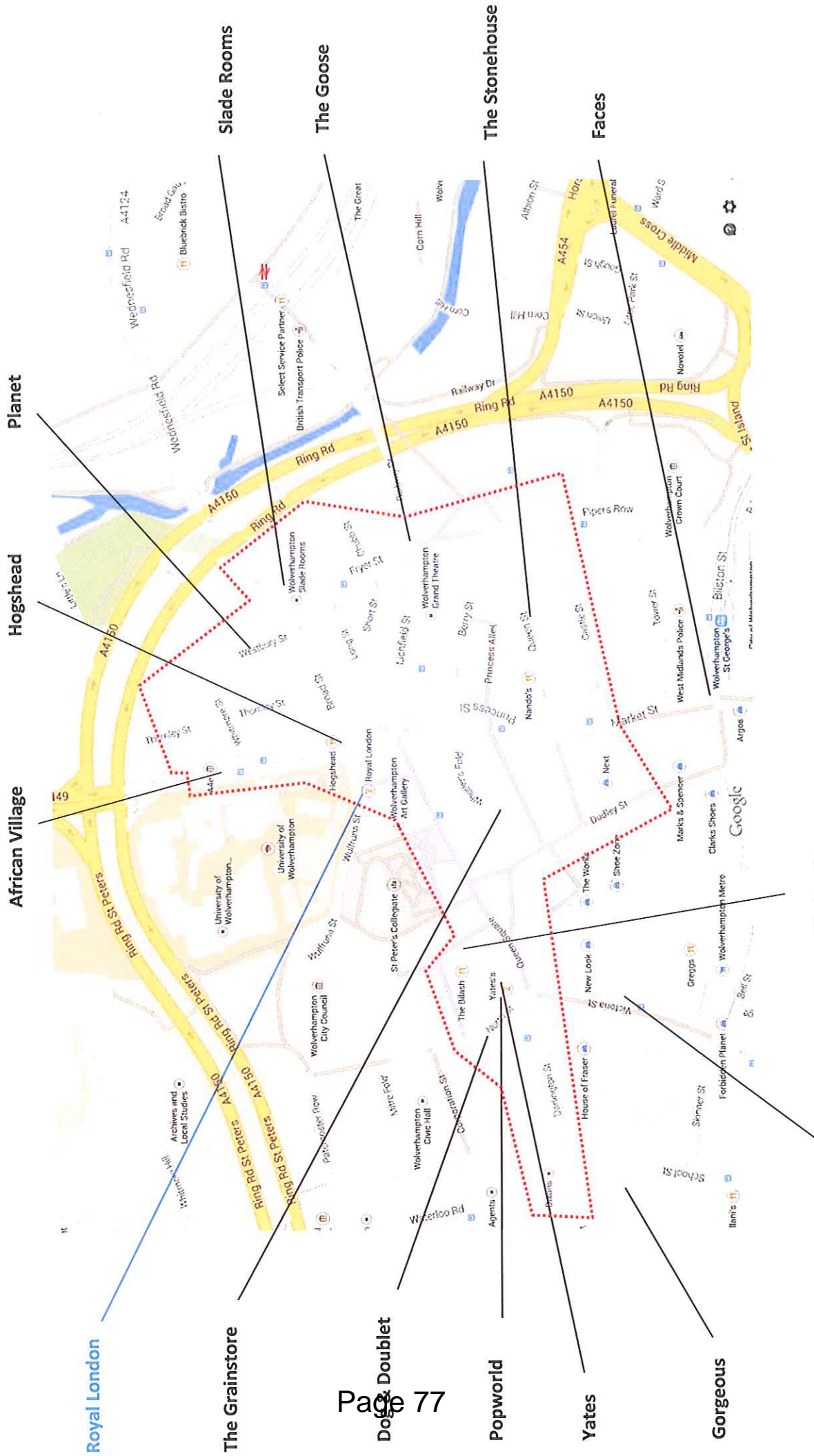
- a) The door team are acting effectively and responsibly in line with the responsibilities detailed in section 3.
- b) Customers are not causing any disturbance or nuisance within the vicinity of the unit. If any disturbance is occurring then customers should be asked politely to move on, if safe to do so, or authorities should be called to assist if situation becomes hostile.
- c) A member of the management team should be visible with the door team until all groups of customers have dispersed.





# ROYAL LONDON 4-6 Wulfrana Street, Wolverhampton WV1 1LX

Application for Variation of Premises Licence: Map of Licensed Premises in Vicinity





**ROYAL LONDON**

4-6 Wulfrana Street, Wolverhampton WV1 1LX

**Application for Variation of Premises Licence**

Licensing Sub Committee: 3 December 2014

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Schedule of Temporary Event Notices

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<b>Date and Event</b>	<b>Time</b>
5 March 2014 (Tuesday Night to Wednesday Morning) <i>Student Event</i>	Extension from 01:00 hours to 03:00 hours
12 March 2014 (Tuesday Night to Wednesday Morning) <i>Student Event</i>	Extension from 01:00 hours to 03:00 hours
30 July 2014 (Tuesday Night to Wednesday Morning) <i>Beach Party</i>	Extension from 01:00 hours to 03:00 hours
19 November 2014 (Tuesday Night to Wednesday Morning) <i>Student Event</i>	Extension from 01:00 hours to 03:00 hours
26 November 2014 (Tuesday Night to Wednesday Morning) <i>Student Event</i>	Extension from 01:00 hours to 03:00 hours

## Helen Cardy

---

**From:** Clare Eames  
**Sent:** 14 November 2014 16:36  
**To:** 'Sarah.Stiles@wolverhampton.gov.uk'  
**Cc:** 'Rob.Edge@wolverhampton.gov.uk'  
**Subject:** Royal London, Wolverhampton - Variation of Hours

**DOCID:** 2144880847  
**SENTON:** 14/11/2014 16:35:59

Dear Sarah,

Thank you for taking the time to speak to me this afternoon and as I explained I am the solicitor with overall conduct for licensing for Stonegate whose application for variation of hours for Royal London is due to be determined by Licensing Sub-Committee on 3<sup>rd</sup> December.

As discussed I understand that although you have received no complaints in respect of this premises clearly due to the location of cumulative impact the matter will be determined by the Licensing Authority but thank you for confirmation of that regard and also for your complimentary comments regarding my client's DPS and manager Donna.

I also confirm that we would be happy to add to the operating schedule the condition listed below that was sent in the draft application but for some reason was omitted from the final application on submission which I have slightly amended and hope that is acceptable as the exact wording will need to be decided by the premises.

I am copying this into Rob for information.

### **New Condition**

- 1. Notices will be displayed at the premises exit requesting customers to leave quietly.*

Kind Regards

Clare

Our determination in the matter of an appeal against the decision of the Leicestershire licensing authority relating to a premises licence by Sainsburys Supermarkets Ltd.

1. As experienced licensing Magistrates we are aware that this hearing should be looked at as a new application.
2. The application is for premises within a Cumulative Impact Zone (CIZ), which in itself does not preclude an application, but we must assess the possible impact that the premises would have on the area.
3. Sainsburys are proposing that the premises at 146 London road, formerly the Varsity pub, are converted to a local supermarket with off licence.
4. The issue is to determine the effect of this development on street drinking, which was the reason for the creation of the CIZ.
5. We recognise the beneficial effect that the multi-agency approach taken has had on substantially reducing the problem of street drinking. In particular, the imposition of a limit on the strength of beers, lagers and ciders within the CIZ has undoubtedly been a major contributory factor.
6. We have heard considerable evidence, agreed by all parties, that Sainsburys is a reputable and responsible organisation who can provide effective training, systems and support to a high level in the pursuit of good practice.
7. Sainsburys have agreed to implement a long list of conditions, which were suggested and agreed by the interested parties, if a grant of the licence were to be made.
8. In addition to this list, Sainsbury's have agreed to move the starting hour for the sale of alcohol to 8am.
9. We heard evidence of the problem of street drinking in the full length of London Road and that it is now under control to the extent that only three reportable issues occurred in the nine month period preceding this hearing.
10. We have also heard evidence that alcohol consumed by street drinkers, determined by higher strengths is currently purchased outside of the CIZ.
11. Whilst we fully understand and approve the implementation of the CZ, we are strongly persuaded that this application will have no adverse effect on the objectives of the CIZ, the licensing policy and the overall situation in the area.
12. We endorse the conditions that have been submitted, along with the starting hour of 8am. We consider that the condition relating to security staff should read 'The license holder shall employ security guards at the premises if, in consultation with the police, it considers it appropriate'.
13. We have therefore decided to grant the appeal.

# <sup>thePublican</sup> Morning Advertiser

## Leading licensing barrister slams councils over "iron-rule" approach to cumulative impact zones

By Noll Dinkovski, 28-Oct-2013

Related topics: General News

**A leading licensing barrister has slammed local councils for their "iron-rule" approach to cumulative impact zones (CIZs) after helping Sainsbury's win a court appeal against a refusal of a premises licence.**

Phillip Kolvin QC said councils were using cumulative impact policies as an excuse against granting further licences. He argued that instead, such policies should do nothing more than give councils the right to ask applicants to demonstrate that the licence will not impact negatively on the CIZ.

Kolvin said: "Councils can't refuse licences simply on the basis that a cumulative impact policy is in place. In this most recent case, we successfully argued on the basis that it is not an iron-rule - all it does is compel the applicant to demonstrate that their proposal will not have a negative impact on the area."

### **Irrelevance**

Sainsbury's won the appeal against Leicester City Council after it successfully argued that the issue of street drinking in the zone had been addressed through licence reviews and dealing directly with street drinkers.

Kolvin explained: "The council's case was that its progress ought not to be threatened by yet more licensed premises, even if it was a well-run operator such as Sainsbury's.

"However, any impact they were talking about had long since vanished. They hadn't reviewed their policy, and we successfully argued that the policy had become an irrelevance."

Kolvin expressed his surprise that there were so many CIZs across the country - estimated to be around 150 at the moment.

He believed the latest ruling should give encouragement to any business wishing to apply for a licence to sell alcohol in a CIZ.


### **Merits**

Kolvin said: "This case demonstrates the critical importance of giving individual consideration to the merits of applications and appeals, even when an application is contrary to a directly applicable cumulative impact policy."

"We have moved the argument a little, to show that you can win convincingly in a stressed area, if you present the right case - as we did for BrewDog in Leeds last year."

He added: "Any licensed premises applicant should think through what impact it is going to have, and think through what procedures and management policies they are going to put in place to ensure it don't add to that impact."

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IN THE LEEDS MAGISTRATES COURT

BETWEEN :-

BREWDOG BARS LIMITED

- and -

Appellant

LEEDS CITY COUNCIL

Respondent

NOTE OF DECISION OF  
DISTRICT JUDGE ANDERSON  
6<sup>th</sup> SEPTEMBER 2012

No doubt when the 2003 Licensing Act came into being, no-one foresaw the emergence of an operation such as Brewdog. They are a Scottish company specialising in craft beers with a devoted clientele. They do not operate large public houses selling cheap lager or cheap food. They have outlets in other cities including in cumulative impact areas where they operate well and without police objection. Now they seek to come to Leeds.

The company takes a didactic approach, with books on brewing, and customers invited to watch instructional videos playing at their premises. Their customers could be described as "alcohol geeks." They are not run of the mill or everyone's cup of tea, but there is a demand for outlets selling a good quality of beer.

If they had identified a site outside the City's Cumulative Impact Policy area, there is absolutely no doubt that they would already have their licence. They are an intelligent, well-run company, and in a short space of time they have shown themselves to be an effective operator.

However, this site does fall foul of the Cumulative Impact Policy which was introduced with the best possible motives to control the grant of licences to new premises. There is a presumption within it that new applications shall not be granted, unless the applicant can discharge the reverse burden in establishing that they will not add to the cumulative impact, and that is the issue in this case.

I can deal with one conclusion briefly, the issue of noise and nuisance. The Court heard evidence from Miss Ludford that she had gone to the trouble of circulating a letter to all residents in the neighbouring block of flats but received no objections. Against that was the more general evidence of Mr Kenny, which showed noise complaints to the Council. But most of those complaints were amplified music and Brewdog does not seek to be able to provide amplified music and so there is no risk of noise from regulated entertainment emanating from the premises. The capacity is small and any noise generated as people leave the premises will be very marginal indeed. It seems to me that the premises of this public house would not be a significant impact on the Cumulative Impact area regarding public nuisance and so I do not intend to mention this further.

That leaves the more important objection of the Police and the potential impact of another premises on the levels of crime in the area. There are a number of clubs around the Corn Exchange and the late



hours they trade, the marketing operations and the type of customer they attract means that there is regular disorder and violence, they run with late hours, attracting a different sort of customer. Their presence causes violence. That is a sad fact of modern life. The situation cannot be assisted by the sort of promotion I saw advertised by Chilli White with cheap vodka and free vodka, but they have their licence.

It cannot be the policy of the Cumulative Impact Policy to bring the iron curtain clanging down to allow such clubs to continue to trade while shutting out Brewdog which attracts more discerning customers who do not engage in binge drinking, though I do accept the requirement of the Cumulative Impact Policy is to ascertain specifically whether there will be impact.

If I accept, as I do, that the enterprise sells expensive beers in expensive measures, then I think I can conclude that the people likely to be attracted are not "get it down your neck" drinkers but rather better heeled customers. The type of clientele a premises attracts has a material part to the play in the decision, because if I am not worried about their clientele and am impressed by the running of their bars elsewhere, it follows that it is unlikely that their clientele will have any adverse impact on the area here.

The Police argued that customers may accidentally cause impact. Their argument that customers could get caught up in a melee caused by others is not a valid one. A simple increase in footfall isn't a rational reason to refuse entry to Leeds by Brewdog.

I have listened carefully but have heard nothing which causes me to believe that the application should not be granted. I am satisfied that the appellants have discharged the burden of proof placed on them.

I accept that the Committee and the Police did their best but their application of the Policy was too rigid. They seemed to take the view that man was made for the Policy, when the Policy should be made for man.

The appeal is upheld, and the licence granted in the terms set out in the bundle served on the Court.



Neutral Citation Number: [2008] EWHC 838 (Admin)

Case No: CO/5533/2006

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 06/05/2008

Before:

THE HONOURABLE MRS JUSTICE BLACK

Between:

Daniel Thwaites Ple	<u>Claimant</u>
- and -	
Wirral Borough Magistrates' Court	<u>Defendant</u>
- and -	
The Saughall Massle Conservation Society	1 <sup>st</sup> Interested Party
- and -	
Wirral Metropolitan Borough Council	2 <sup>nd</sup> Interested Party

David MW Pickup (instructed by Naphens ple) for the Claimant  
The Defendant did not appear and was not represented  
David Flood (instructed by Messrs Khryans) for the 1<sup>st</sup> Interested Party  
Matthew Copeland (instructed by Wirral MBC) for the 2<sup>nd</sup> Interested Party

Hearing date: 10<sup>th</sup> March 2008

**Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

Approved Judgment

Black J :

1. This is an application by Daniel Thwaites Plc ("the Claimant") for judicial review of a licensing decision made by the Wirral Magistrates' Court ("the Magistrates' Court") on 5 April 2006 and that court's decision on 21 April 2006 concerning the costs of the proceedings. The Claimant seeks an order quashing both decisions. Permission to apply for judicial review was granted by Mr Justice Pitchford on 2 November 2006.

The factual background

2. The Claimant owns the Saughall Hotel in Saughall Massie, Wirral which it operates as licensed premises ("the premises"). It originally held a licence under the Licensing Act 1964. In June 2005, it commenced an application to the Licensing Sub-Committee of the Metropolitan Borough of Wirral ("the licensing authority") for the existing licence to be converted to a premises licence under the Licensing Act 2003 and for the licence to be varied simultaneously.
3. In essence, the Claimant was seeking to conduct business at the premises for longer hours than were permitted under the original licence. The police did not support the extension of the hours to the extent that the Claimant initially proposed. The Claimant agreed to restrict the hours to those that were acceptable to the police. Accordingly, the licensing authority was asked to grant a licence that would permit music and dancing to 11 p.m. and alcohol sales until midnight on all nights except Friday and Saturday and, on Friday and Saturday nights, music and dancing to midnight and alcohol sales until 1 p.m., with the doors closing one hour after the last alcohol sale every night.
4. The police withdrew their representations against the modified proposals and did not appear before the licensing authority when the matter was heard on 23 August 2005. No representations were made by the Wirral Environmental Health Services either. However, there was opposition to the proposals at the hearing from the Saughall Massie Conservation Society ("the First Interested Party") and other Saughall Massie residents.
5. The Claimant told the licensing authority at the hearing that the hours of operation at the premises would not vary significantly from the existing hours of operation and that the application for extended hours was to allow flexibility to open later "on special occasions" This was a matter of which the licensing authority took note as is recorded in the minutes of their determination.
6. The licence was granted in the modified terms requested together with an additional hour for licensable activities and an extra 30 minutes for the hours the premises were to be open to the public over Christmas and at the major bank holidays.

Special arrangements were also permitted for New Year's Eve. The licensing authority removed certain conditions that had been imposed on the old licence (requiring all alcohol to be consumed within 20 minutes of the last alcohol sale and banning children under 14 from the bar) and imposed other conditions which were obviously aimed at controlling noise, namely that the area outside must be cleared by 11 p.m., that the premises must promote the use of taxi firms which use a call-back system, that all doors and windows must be kept closed when regulated entertainment was provided and that prominent notices should be placed on the premises requiring customers to leave quietly.

7. The Saughall Massie Conservation Society and "others" appealed against the licensing decision to the Magistrates' Court on the ground that the licensing authority's decision "was not made with a view to promotion of and in accordance with the licensing objectives pursuant to Section 4, Part 2 of the Licensing Act 2003".
8. The appeal occupied the Magistrates' Court from 3 – 5 April 2006. The respondents to the appeal were the licensing authority and the Claimant which both defended the licensing authority's decision. Witnesses were called including Saughall Massie residents, Police Sergeant Yehya who dealt with the stance of the Merseyside police, and Mr Miller, the manager of the premises.
9. The justices granted the appeal. Their Reasons run to 3 pages of typescript, one page of which is entirely taken up with setting out the new hours of operation they imposed. These permitted entertainment until 11 p.m. and alcohol sales until 11.30 p.m. on all nights except Friday and Saturday when entertainment would be permitted until 11.30 p.m. and alcohol sales until midnight. The premises could remain open to the public until midnight on all nights except Friday and Saturday when they could close at 1 a.m.. Similar provisions were imposed to those imposed by the licensing authority in relation to later opening at Christmas and major bank holidays and the provisions relating to New Year's Eve and the conditions of the licence remained unaltered.
10. The new licence had come into effect on 24 November 2005 so the new arrangements had been running for several months by the time of the hearing before the Magistrates' Court. There had been no formal or recorded complaints against the premises under the old or the new regime as the justices acknowledged in their Reasons. The residents who gave evidence were fearful of problems if the extended hours were allowed in the summer. The Chairman of the Conservation Society, who gave oral evidence, spoke of people urinating in the gardens and a problem with litter. It appears from the statement filed by the Chairman of the Bench for these judicial review proceedings that evidence was also given of interference with machinery on nearby Diamond Farm. The justices' Reasons make no reference at all to these matters. As to the statements of the "Witnesses of the Appellant", they say simply that they have read and considered them but attached little or no weight to them.

Approved Judgment

11. The justices and their legal advisor have filed a considerable amount of material in response to the judicial review proceedings, in all 31 closely typed pages. These comprise their Response to the Claim, statements from Alistair Beere (who was the chairman of the bench), Mary Woodhouse (another of the bench) and Stephen Pickstock (the legal advisor), and what is said in the index to be a document by Mr Beere from which he prepared his statement. There was limited argument before me as to the status of these documents and the weight that I should give to them. It was not submitted that I should decline to have *any* regard to them although I think it is fair to say that it was common ground between the parties, rightly in my view, that I should concentrate principally on the Reasons. It is established by authorities such as *R v Westminster City Council ex p Ermakov* [1996] 2 All ER 302 that the court can admit evidence to elucidate or, exceptionally, correct or add to the reasons given by the decision maker at the time of the decision but that it should be very cautious about doing so. The function of such evidence should generally be elucidation not fundamental alteration, confirmation not contradiction. In the circumstances, I have read carefully what the magistrates have provided but approached its role in the judicial review proceedings cautiously.

The broad nature of the claim in relation to the licensing decision

12. The Claimant argues that the Magistrates' Court decision is unlawful for a number of reasons. It is argued that the decision was not in line with the philosophy of the Licensing Act 2003 ("the Act") and imposed restrictions on the Claimant's operation which were not necessary to promote the licensing objectives set out in that Act, that it was based on speculation rather than evidence, that it took into account irrelevant considerations and failed to take into account proper considerations, and that it was a decision to which no properly directed magistrates' court could have come on the evidence. In so far as the court imposed conditions as to the time at which the premises must close, it is submitted that this was not a matter which can be regulated under the Act. It is further argued that the magistrates failed to give adequate reasons for their decision.

The legal background

13. The Licensing Act 2003 was intended to provide a "more efficient" "more responsive" and "flexible" system of licensing which did not interfere unnecessarily. It aimed to give business greater freedom and flexibility to meet the expectations of customers and to provide greater choice for consumers whilst protecting local residents from disturbance and anti-social behaviour.
14. Note 12 of the explanatory notes to the Act gives an indication of the approach to be taken under the Act. It reads:

"12. In contrast to the existing law, the Act does not prescribe the days or the opening hours when alcohol may be sold by retail for consumption on or off premises. Nor does it specify when other licensable activities may be carried on. Instead, the applicant for a premises licence or a club premises certificate will be able to choose

the days and the hours during which they wish to be authorised to carry on licensable activities at the premises for which a licence is sought. The licence will be granted on those terms unless, following the making of representations to the licensing authority, the authority considers it necessary to reject the application or vary those terms for the purpose of promoting the licensing objectives.”

15. Section 1 of the Act provides:

“S1(1) For the purposes of this Act the following are licensable activities—

- (a) the sale by retail of alcohol,
- (b) [clubs]
- (c) the provision of regulated entertainment, and
- (d) the provision of late night refreshment.”

16. To carry on a licensable activity, a premises licence granted under Part 3 of the Act is generally required, section 2. Application for a premises licence must be made to the relevant licensing authority, section 17(1).

17. By virtue of section 4, the licensing authority must carry out all its functions under the Act (including its functions in relation to determining an application for a premises licence or an application for a variation of a premises licence) with a view to promoting the “licensing objectives”. These are set out in section 4 as follows:

“S 4(2) The licensing objectives are—

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

18. In carrying out its licensing functions, by virtue of section 4(3) the licensing authority must also have regard to its licensing statement published under section 5 and any guidance issued by the Secretary of State under section 182.

19. Section 182 obliges the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act. Guidance was issued in July 2004 (“the Guidance”). It was updated in June 2007 but it is the original guidance that is relevant in this case. In any event, none of the changes made are material to the issues I have to determine.

20. The Foreword says that the Guidance

“is intended to aid licensing authorities in carrying out their functions under the 2003 Act and to ensure the spread of best practice and greater consistency of approach. This does not

Approved Judgment

mean we are intent on eroding local discretion. On the contrary, the legislation is fundamentally based on local decision-making informed by local knowledge and local people. Our intention is to encourage and improve good operating practice, promote partnership and to drive out unjustified inconsistencies and poor practice."

21. As the Guidance says in paragraph 1.7, it does not replace the statutory provisions of the Act or add to its scope. Paragraph 2.3 says:

"Among other things, section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, it is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and so long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken."

22. An application to the licensing authority for a premises licence must be accompanied by an operating schedule in the prescribed form including a statement of the matters set out in section 17(4) which are as follows:

"(a) the relevant licensable activities,  
(b) the times during which it is proposed that the relevant licensable activities are to take place,  
(c) any other times during which it is proposed that the premises are to be open to the public,  
(d) where the applicant wishes the licence to have effect for a limited period, that period,  
(e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,  
(f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,  
(g) the steps which it is proposed to take to promote the licensing objectives,  
(h) such other matters as may be prescribed."

23. Section 18 deals with the determination of an application for a premises licence. Section 35 deals in very similar terms with the determination of an application to vary a premises licence. It will be sufficient only to set out here the provisions of s 18.

24. Section 18(2) provides that, subject to subsection (3), the authority must grant the licence in accordance with the application subject only to:

"(a) such conditions as are consistent with the operating schedule accompanying the application,  
and  
(b) any conditions which must under section 19, 20 or 21 be included in the licence."

25. Section 19 deals with premises licences which authorise the supply of alcohol. Such licences must include certain conditions ensuring that every supply of alcohol is made or authorised by a person who holds a personal licence and that no supply of alcohol is made when there is no properly licensed designated premises supervisor. Sections 20 and 21 are not relevant to this claim.
26. Section 18(3) provides that where relevant representations are made, the authority has certain specified obligations. In so far as is relevant to this appeal "relevant representations" are defined in section 18(6) as follows:
- "(6) For the purposes of this section, "relevant representations" means representations which—
- (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
- (b) meet the requirements of subsection (7),
- (c) ...."
27. Subsection (7) provides:
- (7) The requirements of this subsection are—
- (a) that the representations were made by an interested party or responsible authority within the period prescribed under section 17(5)(c),
- (b) that they have not been withdrawn, and
- (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
28. Where relevant representations are made, the authority must hold a hearing to consider them unless the authority, the applicant and each person who has made representations agrees that a hearing is unnecessary. By virtue of section 18(3)(b), the authority must also:
- "(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives."
29. Section 18(4) provides:
- "(4) The steps are—
- (a) to grant the licence subject to—
- (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
- (ii) any condition which must under section 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application."
30. Conditions are modified for the purposes of subsection (4)(a)(i) if any of them is altered or omitted or any new condition is added.



Approved Judgment

31. During the currency of a premises licence, by virtue of section 51, an interested party (broadly speaking, a local resident or business) or a responsible authority (police, fire, environmental health etc.) may apply to the relevant licensing authority for a review of the licence on a ground which is relevant to one or more of the licensing objectives. By virtue of section 52, a hearing must be held to consider the application and any relevant representations and the authority must take such steps from a specified list as it considers necessary for the promotion of the licensing objective. The steps range from modifying the conditions of the licence to suspending it or revoking it completely.
32. The Act makes provision in Part 5 for "permitted temporary activity" which, loosely speaking, is a form of ad hoc licensing to cover licensable activities which are not covered by a more general licence. The system involves proper notification of an event to the licensing authority and the police. Provided the applicable number of temporary event notices has not been exceeded and the police do not intervene, the event is automatically permitted. Temporary event notices can only be given in respect of any particular premises 12 times in a calendar year and the period for which each event lasts must not exceed 96 hours.
33. Section 181 provides for appeals to be made against decisions of the licensing authority to a magistrates' court which is, of course, how the decisions in relation to which judicial review is sought in this case came to be made.

The detail of the claim

34. The Claimant submits that in making its decision to allow the appeal in relation to the premises licence, the Magistrates' Court failed in a number of respects to take account of the changes that the new licensing regime has made and failed to adopt the approach required by the Act. It is further submitted that the magistrates failed properly to consider and take into account the Guidance.
35. There is no doubt that the Guidance is relevant in the magistrates' decision making. As I have set out above, section 4(3) requires the licensing authority to "have regard" to the Guidance. By extension, so must a Magistrates' Court dealing with an appeal from a decision of the licensing authority. The Guidance says:
- "10.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court concerned will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it is justified to do so because of the individual circumstances of any case."
36. Mr Pickup submits that although the Guidance is not binding and local variation is expressly permitted, it should not be departed from unless there is good reason to do so.

37. Mr Flood for the First Interested Party submits that the Guidance simply serves to provide information for the magistrates and provided that they have had regard to it, that is sufficient. He also points out that, in some respects (as is clear from the wording of the Guidance), the Guidance is a statement of Government belief rather than proved fact. Inviting attention to the judgment of Beatson J in J. D. Weatherspoon ple v Guildford Borough Council [2006] EWHC 815 (Admin), he identifies that different policy elements in the Guidance may pull in different directions in a particular case, flexibility and customer choice potentially conflicting with the need to prevent crime and disorder. He submits that provided that the magistrates consult the Guidance, they do not need to use it as "a decision making matrix that the deciding Court has to sequentially address in making its decision in the manner it would if considering a section of a statute".
38. There is no doubt that regard must be had to the Guidance by the magistrates but that its force is less than that of a statute. That is common ground between the parties. The Guidance contains advice of varying degrees of specificity. At one end of the spectrum, it reinforces the general philosophy and approach of the Act. However, it also provides firm advice on particular issues, an example being what could almost be described as a prohibition on local authorities seeking to engineer staggered closing times by setting quotas for particular closing times. I accept that any individual licensing decision may give rise to a need to balance conflicting factors which are included in the Guidance and that in resolving this conflict, a licensing authority or magistrates' court may justifiably give less weight to some parts of the Guidance and more to others. As the Guidance itself says, it may also depart from the Guidance if particular features of the individual case require that. What a licensing authority or magistrates' court is not entitled to do is simply to *ignore* the Guidance or fail to give it any weight, whether because it does not agree with the Government's policy or its methods of regulating licensable activities or for any other reason. Furthermore, when a magistrates' court is entitled to depart from the Guidance and justifiably does so, it must, in my view, give proper reasons for so doing. As paragraph 2.3 of the Guidance says in relation to the need for licensing authorities to give reasons:

"When [departing from the Guidance], licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken."

This is a theme to which the Guidance returns repeatedly and is a principle which must be applicable to a magistrates' court hearing an appeal as it is to a licensing authority dealing with an application in the first instance. I agree with Mr Flood for the First Interested Party that the magistrates did not need to work slavishly through the Guidance in articulating their decision but they did need to give full reasons for their decision overall and full reasons for departing from the Guidance if they considered it proper so to do.

39. In this case, Mr Pickup submits that proper attention to the Guidance would have helped the magistrates to come to a correct and reasonable decision and that they

Approved Judgement

have failed to adhere to it without proper reason and failed to carry out their licensing function in accordance with the Act.

40. The foundation of the Claimant's argument is that the Act expects licensable activities to be restricted only where that is *necessary* to promote the four licensing objectives set out in section 4(2). There can be no debate about that. It is clearly established by the Act and confirmed in the Guidance. For example, in the Act, section 18(3)(b), dealing with the determination of an application for a premises licence, provides that where relevant representations are made the licensing authority must "take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives" (the steps in subsection (4) include the grant of the licence subject to conditions). Section 34(3)(b), dealing with the determination of an application to vary a premises licence, is in similar terms. The Guidance repeatedly refers, in a number of different contexts, to the principle that regulatory action should only be taken where it is *necessary* to promote the licensing objectives. In particular, it clearly indicates that conditions should not be attached to premises licences unless they are necessary to promote the licensing objectives, see for example paragraph 7.5 and also paragraph 7.17 which includes this passage:

"Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose."

41. The Guidance also refers a number of times to the need for regulation to be "proportionate". This is not a term contained in the Act but if a regulatory provision is to satisfy the hurdle of being "necessary", it must in my view be confined to that which is "proportionate" and one can understand why the Guidance spells this out.
42. Mr Pickup submits, and I accept, that the Act anticipates that a "light touch bureaucracy" (a phrase used in paragraph 5.99 of the Guidance) will be applied to the grant and variation of premises licences. He submits that this means that unless there is evidence that extended hours will adversely affect one of the licensing objectives, the hours should be granted. A prime example of this arises when an application for a premises licence is made and there are no relevant representations made about it. In those circumstances, s 18(2) obliges the licensing authority to grant the licence and it can only impose conditions which are consistent with the operating schedule submitted by the applicant. Mr Pickup says that such a light touch is made possible, as the Guidance itself says, by providing a review mechanism under the Act by which to deal with concerns relating to the licensing objectives which arise following the grant of a licence in respect of individual premises. He invites attention also to the existence of other provisions outside the ambit of the Act which provide remedies for noise, for example the issue of a noise abatement notice or the closure of noisy premises under the Anti-Social Behaviour Act 2003. The Guidance makes clear that the existence of other legislative provisions is relevant and may, in some cases, obviate the need for any further conditions to be imposed on a licence. Paragraph 7.18 from the section of the Guidance dealing with attaching conditions to licences is an illustration of this approach:

"7.18 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives."

43. The Guidance includes a section dealing with hours of trading which the Claimant submits further exemplifies the philosophy of the Act. It begins with paragraph 6.1 which reads:

"This Chapter provides guidance on good practice in respect of any condition imposed on a premises licence or club premises certificate in respect of hours of trading or supply."

44. It continues:

"6.5 The Government strongly believes that fixed and artificially early closing times promote, in the case of the sale or supply of alcohol for consumption on the premises, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This creates excessive pressures at places where fast food is sold or public or private transport is provided. This in turn produces friction and gives rise to disorder and peaks of noise and other nuisance behaviour. It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public.

6.6 The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided. We will monitor the impact of the 2003 Act on crime and disorder and the other licensing objectives. If necessary in the light of these findings, we will introduce further legislation with the consent of Parliament to strengthen or alter any provisions."

45. The Claimant submits that in imposing shorter hours than it requested for the supply of alcohol and for entertainment, the magistrates went beyond that which was necessary for these premises and failed to take into account that, as the Guidance explains, longer opening times would in fact reduce the potential for problems arising from licensed premises whereas curtailing operations could run counter to the licensing objectives.
46. The magistrates' Reasons record their acceptance that there had been no reported complaint in regard to public nuisance and that the extended hours had operated without any incidents. The magistrates also record in the Reasons, as I have already said, that they had attached little or no weight to the statements from witnesses of the appellant. Nothing is said about difficulties mentioned in evidence by the witnesses. As it was clearly incumbent on the magistrates at least to advert in broad terms to those matters that they took into account, it is fair to conclude in the circumstances that they proceeded upon the basis that there was no reliable evidence of actual problems linked to the premises either under the old licence or under the

Approved Judgment

new revised licence. This was in line with the oral evidence of Police Sergeant Yehya (as recorded in the rather truncated notes of the legal advisor):

"I reported incident for the site. No other incidents or complaints have been received. There are none in my file. There are no incidents we can directly link to the Saughall Hotel since previously open. There have been incidents locally but not linked to these premises."

47. To judge by the Reasons therefore, what led the magistrates to impose restricted hours of operation was their forecast as to what would occur in the future in association with the premises, notwithstanding the absence of reliable evidence of past problems. The First Interested Party observes that the manager of the premises had given evidence that he intended in the summer to "make hay while the sun shines" and submits, correctly in my view, that the magistrates were entitled to take this apparent change of emphasis into account. However, Mr Flood further submits that the evidence of what had happened in the winter months was therefore of "little evidential value" in determining what was likely to happen in the future and I cannot wholly agree with him about this. Undoubtedly the fact that the Claimant intended in future to make more use of the extended hours reduced the value of the premises' past record as a predictor of the future but it could not, in my view, be completely discarded by the magistrates. They still had to take into account that there had been extended hours for some months without apparent problems.

48. It is plain that the magistrates' particular concern was "migration" rather than problems generated by those coming directly to the premises for their evening out. Under the heading "The Four Licensing Objectives", they say that they accept that there have been no formal or recorded complaints against the premises "but feel that because of the concept of migration that public nuisance and crime and disorder would be an inevitable consequence of leaving the hours as granted by the Local Authority". Under the heading "Migration/Zoning" they begin:

"The Saughall Hotel due to its location and the fact that a number of license premises in the surrounding area have reduced hours to that of the Saughall Hotel we believe that as a consequence of this would be that customers would migrate from these premises to the Saughall Hotel. [sic]"

and end:

"We appreciate that the extended hours have been in operation for several months without any incidents but have taken into consideration this was during the Winter months and inevitable numbers will increase in the Summer causing nuisance/criminality."

49. They reiterate their concern under the heading "Nuisance (Existing/Anticipated)" saying that they "feel that public nuisance will be inevitable".

50. The Claimant complains that the magistrates' treatment of the issue of "migration" was fundamentally flawed on a number of grounds.

Approved Judgment

51. Firstly, it submits that there was no evidence on which the magistrates could find that customers *would* come to the premises when other premises in the vicinity closed or cause trouble and their concerns were no more than inappropriate speculation. The Claimant's position was that there was no evidence of migration to their premises. There were no recorded complaints of any kind about the premises let alone specifically about migration. Ms Lesley Spencer who lives opposite the premises and is the Secretary of the Saughall Massie Conservation Society gave evidence of her fear that customers would migrate but said that she did not think there had been any migration.
52. Apart from their own local knowledge, the only material on which the magistrates could possibly have formed their views about migration was what Police Sergeant Yehya said in evidence. According to the legal advisor's notes, whilst being cross-examined by Mr Kirwan, the sergeant gave evidence about the other licensed premises operating in the vicinity (which I have seen marked on a local map and which were within walking distance of the premises) and their closing hours and said that there were three assaults each week at one of the premises. The legal advisor records that he also said,
- "We have staggered closing. This could cause problems it has the potential to cause difficulties in the area. I have a list of considerations but none would rank as high as crime, not even noise. No complaints have been made to me even regarding noise. One concern was dispersal. We gave people one hour to disperse and therefore reduced from 2.00 a.m. to 1.00 a.m. 1.00 a.m. closing at 2. 280 people leaving premises. Other premises subject to high levels of crime *migration not an issue.*" [my italics]
53. I appreciate that this evidence acknowledged that staggered closing *could* cause problems but, had migration been a significant issue as opposed to a mere possibility, one can, I think, assume that the police would have made representations on that score, particularly given that they had plainly considered the impact of trading hours specifically and *had* initially objected to the even longer hours originally proposed by the Claimant. It is noteworthy that even when they were in opposition to the plans, it was never on the basis of migration of disruptive characters from other licensed premises and always simply on the basis of late noise from ordinary customers of the premises dispersing. The absence of police objections before either the licensing authority or the Magistrates' Court seems to have surprised the magistrates who said so in their Reasons, commenting:
- "We were surprised that the Police originally objected to the application but withdrew that objection after a slight variation of the terms."
- In so saying, they convey, in my view, not only their surprise about the Police approach but also their disagreement with it.
54. It was not open to the magistrates, in my view, to elevate what Sergeant Yehya said in the witness box to evidence that a problem with migration could reasonably be expected, nor do they say anything in their reasons which suggests that they did rely on his evidence in this way. The only concerns about migration were therefore the

Approved Judgment

magistrates' own with perhaps some fears expressed by local residents though not on the basis of firm historical examples of migration to the premises.

55. It is clear from the Guidance that drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence will require them to adjust their own impression. This is particularly likely to be so where it is given by a responsible authority such as the police. They must also scrutinise their own anxieties about matters such as noise and other types of public nuisance particularly carefully if the responsible authorities raise no objections on these grounds. These magistrates did recognise the absence of police objections which caused them surprise and they chose to differ from the police in reliance on their own views. The Claimant submits that in so doing they departed into the realms of impermissible speculation not only in concluding that there would be migration but also in concluding that in this case it would generate nuisance and disorder. The First Interested Party is correct in submitting that the Guidance accepts a link between migration and a potential breach of the licensing objectives but it is also clear from the Guidance that each case must be decided on its individual facts so the magistrates could not simply assume that if people came from other premises, there would be trouble.

56. The Claimant complains that the magistrates' treatment of the migration issue also flies in the face of the Guidance because firstly it was an improper attempt to implement zoning and secondly it ignored the general principle of longer opening hours.

57. Zoning is the setting of fixed trading hours within a designated area so that all the pubs in a given area have similar trading hours. The problem created by it, as demonstrated by experience in Scotland, is that people move across zoning boundaries in search of pubs opening later and that causes disorder and disturbance. The Guidance says, at paragraph 6.8:

"The licensing authority should consider restricting the hours of trading only where this is necessary because of the potential impact on the promotion of the licensing objectives from fixed and artificially-early closing times."

It stresses that above all, licensing authorities should not fix predetermined closing times for particular areas.

58. I am not convinced that the magistrates' limiting of the Claimant's operational hours can properly be described as implementing zoning which, in my view, is a term that is more appropriate to describe a general policy imposed by a licensing authority for a defined area than an individual decision of this type, albeit made with reference to the opening hours of other premises in the vicinity and having the effect of imposing the same hours as those premises.

Approved Judgment

59. What has more weight, however, is the Claimant's submission that the magistrates failed to give proper weight to the general principle of later opening hours and to the intention that the approach to licensing under the Act would be to grant the hours sought for the premises unless it was necessary to modify them in pursuit of the licensing objectives. The Reasons include a heading "Flexibility" under which the magistrates say simply:

"We have considered the concept of Flexibility."

In so saying, they may be referring to the sort of flexibility to which reference is made, for example, in paragraph 6.6 of the Guidance (see above) but their shorthand does not enable one to know to what conclusions their consideration of the concept led them in this case nor whether they had reliably in mind that the starting point should be that limitations should not be imposed upon the licence sought unless necessary to promote the licensing objectives rather than that the licensing authority or the court should form its own view of what was necessary for the premises and only grant that.

60. The Claimant was seeking to have the freedom to open later on certain occasions when the trade justified it or, as the magistrates put it, "the application for extended hours was to allow *flexibility* to open later on certain occasions". As the First Interested Party would submit, the magistrates may have inferred from Mr Miller's comment about making hay that the premises would *often* be open late rather than this happening only infrequently in accordance with the picture presented to the licensing authority. If this was their inference, however, it is odd that they considered that the Claimant could deal with the position by applying for a temporary certificate because this would have allowed the premises to open later on only a limited number of occasions. They make no express finding in their Reasons as to the frequency on which they considered the Claimant intended to keep the premises open late. This was material not only to the degree of disturbance that might be caused generally by late opening but also specifically to the issue of whether there would be migration. It would seem unlikely that customers from nearby pubs would bother to walk or even drive to the Saughall Hotel in search of another drink at the end of their evenings unless the Saughall Hotel was open late sufficiently frequently to lead them to a reasonable expectation that their journey would be worthwhile.
61. The magistrates' comment about the temporary certificate also seems to me to be an example of a failure by them to adopt the lighter approach that the Act dictated and to allow flexibility to those operating licensed premises unless the licensing objectives required otherwise. Temporary certificates would be a cumbersome and restricted means of achieving flexibility, not responsive to the day to day fluctuations in business, only available a limited number of times, and not in line with the philosophy of the Act.
62. There is no consideration in the magistrates' decision of whether the imposition of conditions to control noise or other nuisance (which were going to be imposed)



Approved Judgment

would be sufficient to promote the licensing objectives without reducing the operating hours of the premises. Given that the Act dictates that only such steps as are necessary should be taken with regard to the variation of the terms of operation sought, such consideration was required.

My overall conclusions

63. It would be wrong, in my judgment, to say that the magistrates failed to take account of the licensing objectives. At the outset of their Reasons, they correctly identify those which are relevant. Similarly, as the First Interested Party submits, whilst they did not *articulate* that the curtailment of the hours sought was "necessary" to promote those objectives, it is implied in their decision that they did take this view and it can also be inferred from their comment that because of the concept of migration, public nuisance and crime and disorder would be "an inevitable consequence" of leaving the hours as granted by the Local Authority. However, in my view their approach to what was "necessary" was coloured by a failure to take proper account of the changed approach to licensing introduced by the Act. Had they had proper regard to the Act and the Guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case. Their conclusion that it was so required on the basis of a risk of migration from other premises in the vicinity was not one to which a properly directed bench could have come. The fact that the police did not oppose the hours sought on this basis should have weighed very heavily with them whereas, in fact, they appear to have dismissed the police view because it did not agree with their own. They should also have considered specifically the question of precisely how frequently the premises would be likely to be open late and made findings about it. They would then have been able to compare this to the winter opening pattern in relation to which they accepted there had been no complaints and draw proper conclusions as to the extent to which the summer months would be likely to differ from the winter picture. Having formed a clear view of how frequently late opening could be anticipated, they would also have been able to draw more reliable conclusions about the willingness of customers from further afield to migrate to Saughall Massie. They proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances, their decision was unlawful and it must be quashed.
64. I have said little so far about what appears in the magistrates' response for the judicial review proceedings. The various documents comprising the response did nothing to allay my concerns about the magistrates' decision. Indeed quite a lot of what was said reinforced my view that the magistrates had largely ignored the evidence and imposed their own views. They refer in their response to incidents about which the residents had given evidence and to the residents not having complained formally for various reasons, for example because it was Christmas or because there was thought to be no point. If the magistrates considered these matters to be relevant, it was incumbent on them to say so clearly in their reasons whereas

they there recorded their acceptance that there had been no formal or recorded complaints, that the extended hours had been in operation for several months without incidents and that they had attached little or no weight to the statements of the witnesses of the appellant. They also refer extensively in their response to their thoughts on migration, including that people may come from further afield than the pubs in the vicinity in cars. Particularly concerning is that they refer repeatedly to a perceived issue over police resources which is not something that, as far as I can see, had been raised by Sergeant Yehya or explored with him in evidence. Mr Beere says in his statement for example, "...there is also the question of Police resources and their ability to effectively police this area especially at weekends with already stretched resources being deployed in Hoylake",

65. Reference is made in the response documents to the court feeling that the Brewery's proposed opening hours contradicted the acceptable activities of a family pub and that the Saughall Hotel is "a village pub and not a night spot in the centre of town". For the court to take matters such as this into account seems to me to be an interference with the commercial freedom of the premises of a type that was not permissible under the Act unless it was necessary to promote the licensing objectives. I appreciate that the magistrates' response seems to suggest that they feared that a different type of customer was being courted or would invite themselves once it got too late for families but this does not seem to have been founded on anything that was given in evidence so was really not much more than speculation.
66. Mr Beere's statement ends with a reference to the Brewery wanting to make hay while the sun shines, of which he says, "I believe that this statement was indicative of the Brewery's attitude to local residents and to the general management of the premises.". Given that problems with or in the vicinity of the premises had been almost non-existent and that the magistrates had not seen fit to make reference in their Reasons to any difficulties caused by the Hotel, it is hard to see how this belief could be justified but it does perhaps exemplify the approach of the magistrates.
67. I have considered quite separately the argument as to whether the hours of opening can be regulated as part of the licensing of premises as opposed to the hours during which licensable activities take place. It was suggested during argument that there was no power to regulate the time by which people must leave the premises. I cannot agree with this. Clearly keeping premises open (as opposed to providing entertainment or supplying alcohol there) is not a licensable activity as such. However, the operating schedule which must be supplied with an application for a premises licence must include a statement of the matters set out in section 17(4) and these include not only the times when it is proposed that the licensable activities are to take place but also "any other times during which it is proposed that the premises are to be open to the public". On a new grant of a premises licence, where there are no representations the licensing authority has to grant the application subject only to such conditions as are consistent with the operating schedule. I see no reason why, if it is necessary to promote the licensing objectives, these conditions should not include a provision requiring the premises to be shut by the time that is specified in the operating schedule. If representations are made and the licensing authority

Approved Judgment

ultimately grants the application, it can depart from the terms set out in the operating schedule when imposing conditions in so far as this is necessary for the promotion of the licensing objectives. It must follow that it can impose an earlier time for the premises to be locked up than the applicant wished and specified in its operating schedule. It is important to keep in mind in this regard that the role of the licensing authority and, if there is an appeal, the court, has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the applicant to ensure the promotion of the licensing objectives. A requirement that the premises close at a particular time seems to me to be a condition just like any other, such as keeping doors and windows closed to prevent noise. I see no reason why a condition of closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives.

The costs argument

68. In the light of my conclusion that the magistrates' decision is unlawful and therefore must be quashed, it is not appropriate for me to consider the arguments in relation to their costs order further. The appellants had given an undertaking to the Licensing Authority that they would not seek costs against the Licensing Authority and they sought the entirety of their costs of the appeal from the Claimant. The magistrates granted that order and the Claimant submits that that was not an order that was open to them. Whatever the merits of that argument, the magistrates' order in relation to costs cannot now stand. The basic foundation for the order for costs was that the appeal had succeeded and the Claimant had lost. That position has now been overturned and the costs order must go along with the magistrates' main decision. The magistrates would have had no reason to grant costs against the Claimant if the appeal had been dismissed.

