

Wolverhampton City Council

Draft Statement of Licensing Policy

Proposed revisions to the policy are highlighted as displayed

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Wolverhampton City Council

Draft Statement of Licensing Policy

1 INTRODUCTION

1.1 This is the fourth Statement of Licensing Policy issued by Wolverhampton City Council (the Council) in accordance with Section 5 of the Licensing Act 2003 (the Act) approved by Full Council on 3 April 2015 and effective as of the same date. The Statement of Licensing Policy sets out in broad terms, how the Council will implement the Act, taking into account the Regulations and Guidance issued by Government.

1.2 In developing this Policy the Council has consulted with the statutory consultees and a wide range of businesses and individuals. The Council is grateful for the help; support and advice given by all those who responded during the consultation period that helped shape this Policy.

1.3 This is a 'living document' that will be modified and developed over time to reflect changing circumstances. The Council will consider representations from statutory bodies and individuals that propose changes to the document. The Council is legally required to review its Policy Statement every five years.

1.4 The Statement of Licensing Policy focuses on the four statutory objectives which will be promoted by the Council when undertaking its duties under the Licensing Act 2003. They are:

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

1.5 This Policy will also be used to support the regeneration of the city and the Council will seek to work closely with businesses to ensure that the city has a diverse, vibrant and high quality leisure offer. This will be achieved through seeking to develop:

- Better and more proportionate regulation of the sale of alcohol and public entertainment.
- Integration of this policy with other policies and strategies.
- Greater choice for consumers.
- Support and advise for new businesses
- Encouragement of more family friendly premises.
- Further development of live music, dancing and theatre.
- Better protection for local residents and businesses.

1.6 The Statement of Licensing Policy also identifies what is required of those applying for licences under the Act i.e.:

- Premises Licences.
- Club Premises Certificates.
- Temporary Permitted Activities.
- Personal Licences.

1.7 The Council will help and support those applying for licences whilst protecting the rights of those affected by the issue of such licences.

2 **CONTEXT OF THE STATEMENT OF LICENSING POLICY**

2.1 Wolverhampton City Council is the licensing authority for all of the licensed activities specified under the Act within the City. The Council has the responsibility for determining applications for Premises Licences, Club Premises Certificates, Temporary Permitted Activities, Personal Licences in respect of the sale and supply of alcohol, the provision of regulated entertainment, late night refreshment and consideration of applications made in respect of those licence applications. In carrying out these responsibilities the Council will have regard to this Statement of Licensing Policy, Government Guidance, Regulations, the four licensing objectives and any other relevant information.

2.2 The Council has an equality scheme which monitors the effects of its policies on the promotion of race equality, gender issues and disability. To support these policies the Council has consulted with a wide range of residents and businesses as part of an Equalities Assessment. No adverse impacts were identified during the assessment. It will also act in accordance with its duties under the Crime and Disorder Act 1998, the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 and the Human Rights Act 1998.

3 **CONSULTATION**

3.1 In formulating this fourth Statement of Licensing Policy, the Council has consulted with:

- The Chief Officer of Police for the Council's area.
- The Fire Authority for the area.
- Such persons as the Council considered being representative of holders of premises Licences issued by the authority.
- Such persons as the Council considered being representative of holders of club premises certificates to be issued by the authority.
- Such persons as the Council considered being representative of holders of personal licences issued by the Authority.

- Such persons as the Council considered being representative of businesses and residents in its area e.g. Tenants and Residents Groups, The Chamber of Commerce, Voluntary and Community Groups.
- Responsible Authorities

The above bodies will be consulted on any future revisions to this Statement of Licensing Policy.

4 LICENSING COMMITTEE

- 4.1 The Council's Licensing Committee delegates its functions under the Act. Members of the Licensing Committee have received training on the legislation and their role in determining applications and reviews of licences. The Licensing Committee will be kept informed by way of reports from officers on a wide range of matters that impact on their role, some of which are described below. The Committee will also receive regular reports on the matters dealt with by officers under delegated powers.
- 4.2 Sub-Committees drawn from the membership of the full Licensing Committee will normally deal with contested applications. The scheme of delegation to be adopted by the Council is shown in **Appendix A**. The proposed delegations are based on Government Guidance issued under Section 182 of the Act.
- 4.3 Although the presumption is that the majority of contested applications will be dealt with by the Sub-Committee this will not preclude significant applications and matters that are considered to be sufficiently serious from being referred to the full Licensing Committee for determination (or where future guidance recommends it).
- 4.4 The Act states that an uncontested licence application will be granted. It follows therefore that this type of application will be delegated to officers to deal with provided that all information required to determine the application has been provided by the applicant.

5 AVOIDANCE OF DUPLICATION WITH PLANNING

- 5.1 The licensing function is, and should remain, distinct from planning control. It will be for the planning process to determine land-use decisions and for the market place to determine need for particular types of premises/activities. Licensing decisions will be made with regard to the furtherance of the licensing objectives. In most circumstances, it is expected that the applicant will have the necessary planning permission or Certificate of Lawful Use or the proposed use of the premises. However this is not a requirement and the applicant will need to ensure they comply with planning legislation before operating a business for which they have obtained a licence under the Licensing Act 2003 or he/she may be subject to sanctions under planning legislation.

5.2 The Licensing Committee will receive from time to time reports regarding the economic state of the City with regard to the sector for which they have licensing responsibility. These reports may include contributions from those responsible for the promotion of tourism, cultural development, planning, transport, reduction of crime and anti-social behaviour etc. This should enable the various agencies or service groups with their own strategies, aims and objectives to keep the Licensing Committee aware of the wider picture in pursuance of the licensing objectives.

6 RESPONSIBLE AUTHORITIES

6.1 On 25 April 2012 a number of reforms to the Licensing Act 2003 were introduced following the implementation of the Police Reform and Social Responsibility Act 2011. Among the reforms was the addition of the Licensing Authority and Public Health as Responsible Authorities under the Licensing Act 2003. Since this revision both services have made representations on several applications.

6.2 Outside the Police Reform and Social Responsibility Act 2011 and the city's Alcohol Strategy; Councillors have fed back a number of issues from Licensing Sub-Committee meetings, these have included;

- inconsistency of representations from individual Responsible Authorities,
- the non-participation of some Responsible Authorities,
- attendance at hearings, and,
- significant variance in conditions requested by different Responsible Authorities.

6.3 In response to the above issues it has been agreed to establish a Responsible Authorities Forum. The Forum has been established to provide a collective approach to executing the various roles agencies have in their capacity as Responsible Authorities, developing policy and co-ordinating compliance activities.

6.4 The Forum is Chaired by the Licensing Authority in its capacity as a Responsible Authority and held its first meeting on 19 September 2012

7 RIGHTS OF APPLICANTS AND THOSE MAKING REPRESENTATIONS AGAINST APPLICATIONS

7.1 This Policy does not seek to exclude any rights enshrined in the Act or any other legislation for applicants or those making representations against applications. Each application and any representations will be considered on their merits, taking into account the legislation, guidance and this Policy.

7.2 The Licensing Act 2003 includes the provision for other persons, including for example local residents or a local business, or responsible authority to call a review of an existing licence or certificate at any stage after the grant of a licence or certificate. However, any application to have a premises licence or a certificate reviewed must clearly show how the operation of the premises has not promoted one or more of the Licensing Objectives. The Licensing Authority in determining whether, following a request by other persons for a review must consider whether the request for a review to be frivolous vexatious or repetitious. In the event that a review is initiated interested parties and responsible authorities may also make representations relating to the relevant premises subject to review within 28 consecutive days of the original application being made.

8 LICENSING OBJECTIVES

8.1 The Act has four licensing objectives which the Council is required to promote:-

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

8.2 Each of the licensing objectives is considered further in the following sections.

8.3 The Responsible Authorities Forum will develop a set of model conditions which will form an appendix to this policy document

8.4 Applicants are expected to detail steps which they intend to take to promote the licensing objectives. These should be tailored by applicants to the individual circumstances of their application. These steps should also have regard to the location of the premises and how this will impact on the promotion of the licensing objectives.

9 THE PREVENTION OF CRIME AND DISORDER

9.1 It is recognised that licensed premises offering alcohol, entertainment or late night refreshment can be the source of disturbance and, sometimes, crime and disorder. Where a number of premises may be in close proximity, it may be difficult to attribute any disorder to customers of particular premises. There is a duty on Licensees to act responsibly to ensure their own customers do not contribute to crime and disorder whilst in their premises or in the vicinity of their premises.

9.2 Applicants will be expected to state in their Operating Schedule (which forms an integral part of their application for a licence) how they intend to address the crime and disorder issue. This may be through a range of measures such as the use of CCTV, the provision of Door Supervisors or by way of the design of the premises or the planned

mode of operation over the period that the premises are open. Applicants may wish to seek professional guidance in these matters.

9.3 The Council is committed to fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 in addressing crime and disorder issues.

9.4 Responsible Authorities will work closely with businesses to ensure licence conditions are met and that licensed premises are being operated according to the requirements of the Act.

10 PUBLIC SAFETY

10.1. It is the responsibility of the Licensee to ensure that their licensed premises are safe for the public and staff for the activities taking place.

10.2. The Council will consider attaching conditions where they are not contained within an applicant's Operating Schedule and, following relevant representations, the Authority may, if it thinks it is reasonable and proportionate, attach conditions to licences or permissions to promote safety.

11 THE PREVENTION OF PUBLIC NUISANCE

11.1 The types of business and range of premises covered under the licensing legislation could potentially lead to nuisance being caused to their neighbours.

11.2 This is particularly relevant for late night businesses as noise levels from equipment such as extractor fans, music or customers which may be acceptable during the day may not be acceptable at night.

11.3 Applicants must address in their Operating Schedules, as an integral part of their application, the issue of potential nuisance and what measures, if any, will be taken to ensure nuisance is not caused. Applicants may wish to seek professional guidance in these matters while drawing up their Operating Schedule. With the introduction of the Health Act 2006 and the requirement for customers to **have to** smoke outside the premises, there **is an increased potential for disturbance to be a resultant factor in residential areas**. All reasonable steps must be implemented to ensure this potential increase in disturbance to surrounding residential properties is kept to a minimum.

11.4 Applications will be determined on their individual merits. Following relevant representations the Council may, if it thinks it reasonable and proportionate, attach conditions in order to support the objective of preventing nuisance.

12 THE PROTECTION OF CHILDREN FROM HARM

12.1 The scope of 'Licensed premises' covered by the Act is very broad. It includes pubs, cinemas, theatres, restaurants, some shops etc. Children will generally not be restricted in their access to licensed

premises (apart from the restrictions referred to below) and neither will there be a requirement to give access to children. These will be subject to a Licensee's discretion. There are some circumstances where to promote the objective of 'protecting children from harm' restrictions will be necessary.

- 12.2 The Licensing Authority has regular meetings with WCC Safeguarding and will take appropriate action should concerns be raised regarding the welfare of children at any licensed premises.

13 **CUMULATIVE IMPACT POLICY**

- 13.1 It is not proposed to set quotas for particular types of licences. Applications will be considered on their individual merit thus ensuring that the characteristics of the many different types of licensed activity are fully considered. If crime and disorder or general disturbance/nuisance does prove to be linked to the concentration of customers of licensed premises or activities in these or any other particular areas, then it may be necessary to seek controls over the issue of new licences through a 'Cumulative Impact Policy'.
- 13.2 It would first be necessary to establish that, because of the number and density of licensed premises in a particular area, there are exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. Where particular premises are identifiable as being responsible for the problems, action will be taken against them.
- 13.3 Before deciding whether to adopt a Cumulative Impact Policy, the Council must be sure that the imposition of individual conditions to particular premises would not solve the problem. The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder.
- 13.5 In the Guidance issued under the Act there are four steps specified to be followed in considering whether to adopt a Cumulative Impact Policy:
- Identification of serious and chronic concern from a responsible Authority or representatives of residents about nuisance or disorder.
 - Assessment of causes.
 - Where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area.
 - Adopting a policy about future licence applications from that area.

13.6 The Licensing Committee will keep any Cumulative Impact Policy under review and modify or remove it, as considered appropriate.

13.7 As detailed above the Council recognises that because of the number of and density of licensed premises selling alcohol and/or Late Night Refreshment in particular areas 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 'Cumulative Impact Policy'.

13.8 The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or late night refreshment within five areas of the city is causing problems of nuisance and disorder. This is having a greater than normal impact on the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The areas identified are shown in the attached plans at Appendix F to this policy.

13.9 The Licensing Authority is now of the view that in these areas this is causing cumulative impact and designates these areas as Cumulative Impact Zones. The details of the policy specific to each area are described below.

13.10 The effect of the Cumulative Impact Policy is to create a **rebuttable** presumption that applications in respect the licensable activities detailed below 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 one of the Cumulative Impact Zones will be refused.

13.11 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 Cumulative Impact Zones.

13.12 The 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.

13.13 The details on each specific Cumulative Impact Zone are as follows:

City Centre Cumulative Impact Zone

The city centre CIZ (which was first introduced in 2009) has now been extended to include additional areas to the south of the city centre; this includes areas where the night time economy has grown since the

policy was first introduced. The additional areas of the CIZ will come into force on the same day as this policy.

The city centre CIZ will remain applicable to the sale and supply of alcohol for both on and off licensed premises and late night refreshment. This will potentially make the policy applicable to any premises licence application made within the CIZ, excluding those that are solely for regulated entertainment. The area covered by the city centre CIZ is shown at Appendix F.

Bilston Cumulative Impact Zone

The Bilston CIZ will come into force on the same day as this policy. The Bilston CIZ will be applicable to the sale and supply of alcohol for both on and off licensed premises. The area covered by the Bilston CIZ is shown at Appendix F.

Wednesfield Cumulative Impact Zone

The Wednesfield CIZ will come into force on the same day as this policy. The Wednesfield CIZ will be applicable to the sale and supply of alcohol for both on and off licensed premises. The area covered by the Wednesfield CIZ is shown at Appendix F.

Dudley Road Cumulative Impact Zone

The Dudley Road CIZ will come into force on the same day as this policy. The Dudley Road CIZ will be applicable to the sale and supply of alcohol for both on and off licensed premises. The area covered by the Dudley Road CIZ is shown at Appendix F.

Avion Centre Cumulative Impact Zone

The Avion Centre CIZ will come into force on the same day as this policy. The Avion Centre CIZ will only be applicable to the sale and supply of alcohol for off licensed premises. The area covered by the Avion Centre CIZ is shown at Appendix F.

14 LICENCE CONDITIONS

- 14.1 Conditions will only be imposed where they are considered to be proportionate and appropriate and will focus on matters within the control of the licensee or person granted a relevant permission. They will be used to address the four licensing objectives and matters that have an impact on those living, working or engaged in normal activities in the vicinity.

14.2 If no representations are made on an application it will be granted on the terms sought and no additional conditions imposed.

15 REPRESENTATIONS CONCERNING THIS DOCUMENT

15.1 Should you wish to make representations concerning the Statement of Licensing Policy contact Licensing Services at the following address:

Licensing Services
Wolverhampton City Council
Civic Centre
St Peter's Square
Wolverhampton
WV1 1DA

E Mail: licensing@wolverhampton.gov.uk

Telephone: Wolverhampton (01902) 550106

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Appendix A

TABLE OF PROPOSED DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If an objection made	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application for Minor Variation of premises licence			All cases
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application to disapply mandatory condition relating to sale of alcohol for community centres		If a representation made	If no representation made
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when Local Authority is a consultee and not the relevant Authority considering the application		All cases	
Determination of a Police objection to a temporary event notice		All cases	

B. MEASURES RELATING TO THE PREVENTION OF CRIME AND DISORDER

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

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

Conditions enforcing these arrangements are therefore unnecessary.

B.1 General

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

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

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

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

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

B.2 Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises. Such pagers provide two-way communication, enabling both licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

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

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

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

B.2 RADIO LINK SCHEME (WOLVERHAMPTON CITY CENTRE)

THE BUSINESS CRIME PARTNERSHIP FACILITATED BY WOLVERHAMPTON CITY CENTRE COMPANY LIMITED OPERATES THE CITY SAFE RADIO LINK SCHEME WITHIN THE CITY CENTRE TO CONNECT MEMBERS OF THE BUSINESS COMMUNITY. THIS INCLUDES PREMISES LICENCE HOLDERS, DESIGNATED PREMISES SUPERVISORS, MANAGERS OF PREMISES AND SECURITY PROVIDERS.

THE RADIO LINK SCHEME PROVIDES TWO-WAY COMMUNICATION BETWEEN THE LICENSED VENUES, DOOR SUPERVISORS, SECURITY PROVIDERS AND WEST MIDLANDS POLICE. THE RADIO LINK IS USED TO SHARE INFORMATION ABOUT SPECIFIC INCIDENTS AND DISORDER, WARN OF POTENTIAL TROUBLE OR INDIVIDUAL SUSPECTED OF CRIMINAL OR ANTI SOCIAL BEHAVIOUR THAT ARE IN THE CITY CENTRE.

THE SECRETARY OF STATE RECOMMENDS THAT RADIO LINK SCHEMES SHOULD BE CONSIDERED APPROPRIATE NECESSARY CONDITIONS FOR LICENSED VENUES OPERATING IN CITY AND TOWN CENTRE LEISURE AREAS WITH A HIGH DENSITY OF LICENSED PREMISES.

IT IS RECOMMENDED THAT A CONDITION REQUIRING THE RADIO LINK SHOULD INCLUDE THE FOLLOWING ELEMENTS:

- TO ASSIST IN THE PREVENTION AND DETECTION OF CRIME, DISORDER AND ANTI SOCIAL BEHAVIOUR
- TO SUPPORT AGENCIES WITH THE APPREHENSION AND PROSECUTION OF OFFENDERS
- HELP REDUCE THE LOSSES ASSOCIATED WITH BUSINESS CRIME
- REDUCE THE OPPORTUNITY FOR INDIVIDUALS TO COMMIT CRIME AND ANTI SOCIAL BEHAVIOUR IN THE CITY CENTRE
- TO WORK IN PARTNERSHIP WITH RELEVANT ORGANISATIONS
- TO BE A MEMBERS OF THE KNIGHTSAFE24 PUBWATCH GROUP

B.3 Door supervisors

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

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

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

Door supervisors also have a role to play in ensuring public safety (see section on public safety).

B.4 Bottle bans

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

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

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

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

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

The Licensing Authority is aware that many women consider that drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs in bottles the openings of which may be readily covered.

These issues therefore need to be carefully balanced.

B.5 Plastic containers and toughened glass

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

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

B.6 CCTV

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

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

B.7 Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

B.8 Restrictions on Drinking Areas

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

B.9 Capacity limits

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

B.10 Proof of Age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports. The Secretary of State for the Home Department strongly

supports the PASS accreditation system, which aims to approve and accredit various proofs of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.

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

B.11 Crime prevention notices

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

B.12 Drinks promotions

Standard conditions will not be attached to premises Licences or club premises certificates that promote fixed prices for alcoholic drinks. It is likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises that address irresponsible drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives. Save as aforementioned whilst the Council will not attach conditions to Licences on this matter, there is an expectation that any promotion will be responsible. The British Beer and Pub Association have produced a good practice guide for pub owners and Licensees on point of sales promotions as have the Portman Group. The Council would expect any promotion to reflect the guidance within these documents.

B.13 Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted

to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

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

B.14 Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

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

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

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

C. MEASURES RELATING TO PUBLIC SAFETY (INCLUDING FIRE SAFETY)

It should be noted that conditions relating to public safety should be those which are necessary in the particular circumstances of any individual premises or club premises and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

The following guides listed below will tell you what to do to comply with fire safety law, helps you to carry out a fire risk assessment and identify the general fire precautions you need to have in place:

Small and medium place of assembly
ISBN 13 978 1 85112 820 4

Large place of assembly
ISBN 13 978 1 85112 821 1

Theatres, cinemas and similar premises
ISBN 13 978 1 85112 822 8

Open air events and venues
ISBN 13 978 1 85112 823 5

C.1 General

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

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

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

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

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 011 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through:
www.streetartsnetwork.org.uk/pages/publications.htm
- The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1.

The following British Standards should also be considered:

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

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

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

C.2 Disabled people

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

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

C.3 Escape routes

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

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

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

C.4 Safety checks

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

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

C.5 Curtains, hangings, decorations and upholstery

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

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

C.6 Accommodation limits

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

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

C.7 Fire action notices

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

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

C.8 Outbreaks of fire

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

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

C.9 Loss of water

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

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

C.10 Access for emergency vehicles

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

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

C.11 First aid

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

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

C.12 Lighting

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

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Fire safety signs are adequately illuminated.
- Emergency lighting is not be altered;
- Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored

and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

C.13 Temporary electrical installations

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

- Temporary electrical wiring and distribution systems are not provided without [notification to the licensing authority at least ten days before commencement of the work] [prior inspection by a suitable qualified electrician];
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

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

C.14 Indoor Sports Entertainments

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

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

C.15 Alterations to the premises

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

C.16 Special effects

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

Specials effects which should be considered include:

- Dry ice machines and cryogenic fog;
- Smoke machines and fog generators;
- Pyrotechnics, including fireworks;
- Real flame;
- Firearms;
- Motor vehicles;
- Strobe lighting;
- Lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BSEN 60825: Safety of laser products);
- Explosives and highly flammable substances.

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

C.17 Theatres, cinemas, concert halls and similar places (promotion of public safety)

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

C.18 Premises used for Closely Seated Audiences

(i) Attendants

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

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

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

(ii) Standing and Sitting in Gangways etc.

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

(iii) Drinks

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

(iv) Balcony Fronts

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

(v) **Scenery**

Any scenery should be maintained flame-retardant.

(vi) **Safety Curtain**

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

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

(vii) **Ceilings**

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

(viii) **Seating**

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

C.19 Premises used for Film Exhibitions

(i) **Attendants - premises without a staff alerting system**

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

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

(ii) **Attendants - with a staff alerting system**

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

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

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

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

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

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

(iii) Minimum Lighting

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

(iv) Flammable films

No flammable films should be allowed on the premises without the prior notification of the Licensing Authority/Fire Authority.

D. MEASURES RELATING TO THE PREVENTION OF PUBLIC NUISANCE

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

D.1 General

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

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

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

D.2 Hours

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

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

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment

might not be permitted in garden areas of the premises after a certain time.

D.3 Noise and Vibration

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

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, structural sound attenuation measures for example acoustic baffling of air vents or installation of secondary glazing or internal lobbies, or to use noise limiters on amplification equipment used at the premises.
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.
- The placing of refuse - such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

D.4 Noxious Smells

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

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

D.5 Light Pollution

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

- Flashing or particularly bright lights on or outside Licensed premises do not cause a nuisance to nearby properties.

Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

D.6 Fly Posting

Fly posting can be an offence under the Anti-Social Behaviour Act 2003. It is acknowledged to be detrimental to an area and is certainly an eyesore. Those responsible for advertising events at premises must take responsibility for the distribution of such posters by employing responsible companies and/or persons to distribute the posters. The Licensing Committee will expect Licensees to take this responsibility seriously and if necessary arrange immediate removal of unauthorised posters from either public or private places at the Licensees expense.

D.7 Litter

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

- A permanent refuse receptacle must be placed outside the premises for customer use. The size, type and style of such a receptacle must be approved in advance by the Police and be in accordance with any specific requirements of the Council including arrangements for emptying of the receptacle.
- All packaging used in the food business must be suitably identifiable to the premises, i.e. by having a logo placed upon it. The logo can be either by label, stamp or a permanent logo placed on the businesses packaging items.
- Suitable and sufficient litter picks must be undertaken to ensure all litter generated from the premises within the immediate area outside the premises (as is deemed appropriate giving consideration to each individual application) is collected and appropriately disposed of. Suitable and sufficient records of such litter picks must be maintained at the premises for inspection by authorised officers of any Responsible Authority.
- Signage to be placed in conspicuous positions with the premises requesting customers to dispose of their litter in an appropriate way. It is recommended that the premises licence holder contacts Keep Britain Tidy on 01942 612621 or www.keepbritaintidy.org for further assistance. Adult 18+ posters will not be permitted to be displayed at the premises.

E. MEASURES RELATING TO THE PROTECTION OF CHILDREN FROM HARM

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

E.1 Access for children to Licensed premises - in general

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

- For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - Explain their reasons; and
 - Outline in detail the steps that they intend to take to protect children from harm on such premises.
- For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10.00 pm in the evening, there should be a presumption against the presence of children unaccompanied by adults under the age of 12 after that time. Applicants wishing to allow access when preparing

operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- Explain their reasons; and
 - Outline in detail the steps that they intend to take to protect children from harm on such premises.
- In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children of any age to premises. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there was no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.

E.2 Age Restrictions - Specific

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

- The hours of day during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00 pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- Types of event or activity in respect of which no age restrictions may be needed, for example;
 - Family entertainment; or
 - Non-alcohol events for young age groups such as under 18's dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
 - During "Happy Hours" or on drinks promotion nights;
 - During activities outlined in paragraph 1 above.

E.3 Age Restrictions - Cinemas

The Secretary of State for the Home Department considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the

Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

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

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

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

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

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

E.4 Theatres

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

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

E.5 Performances especially for children

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

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

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

E.6 Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing

in a show. Licensing authorities should familiarize themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below;

- **Venue** - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Fire safety** - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** - theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

E.7 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report.

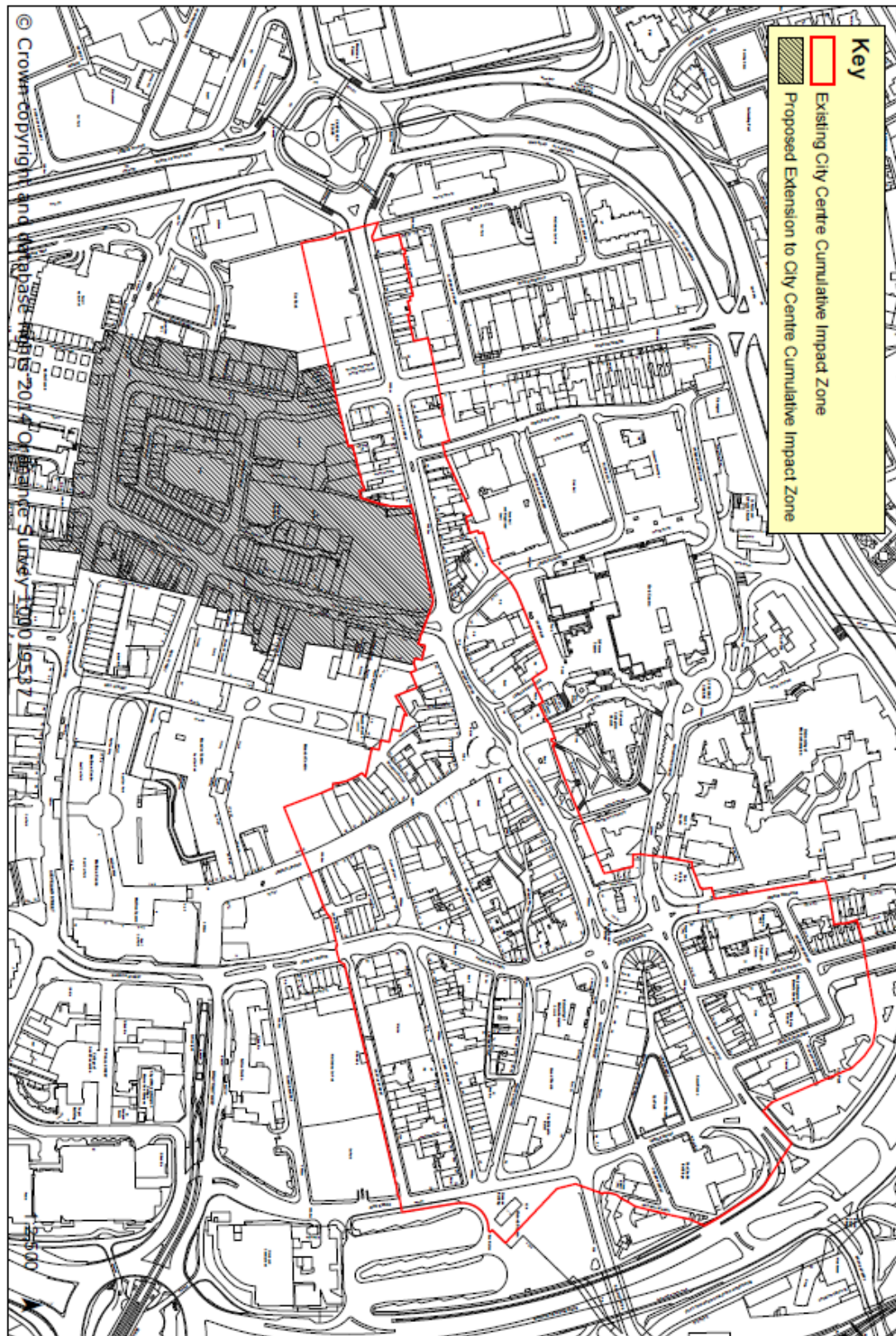
If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

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

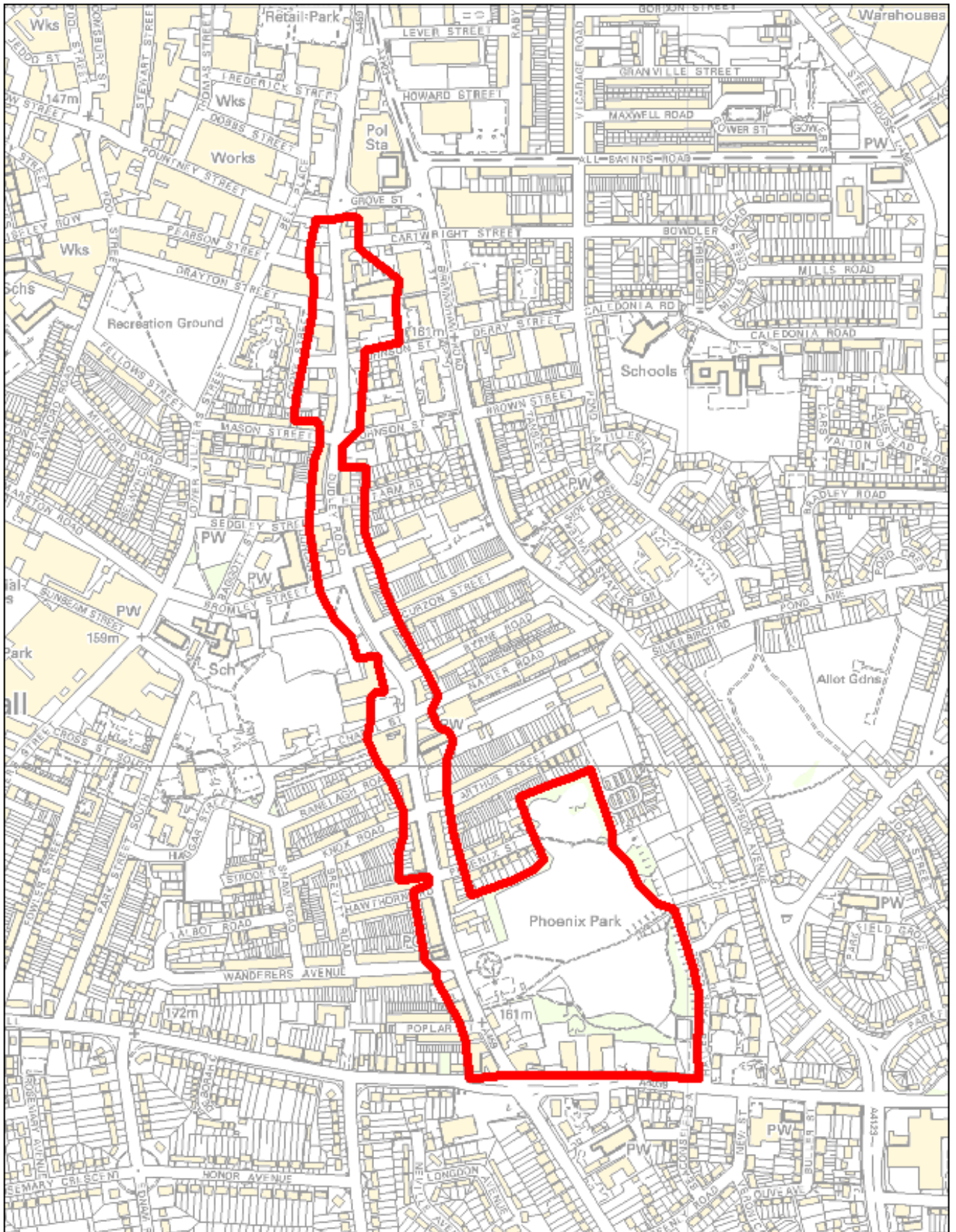
E.8 Proof of Age cards

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

City Centre CIZ

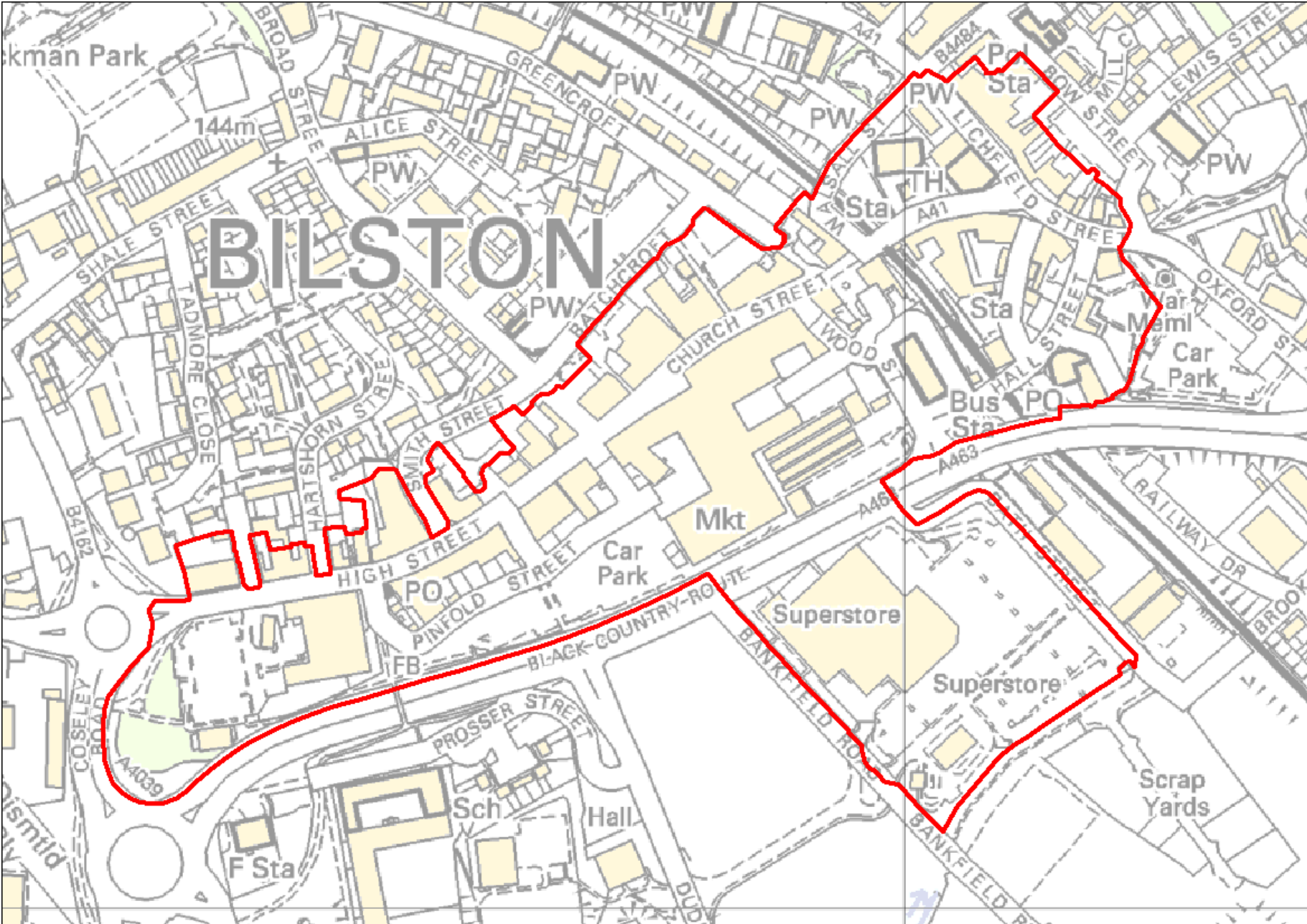


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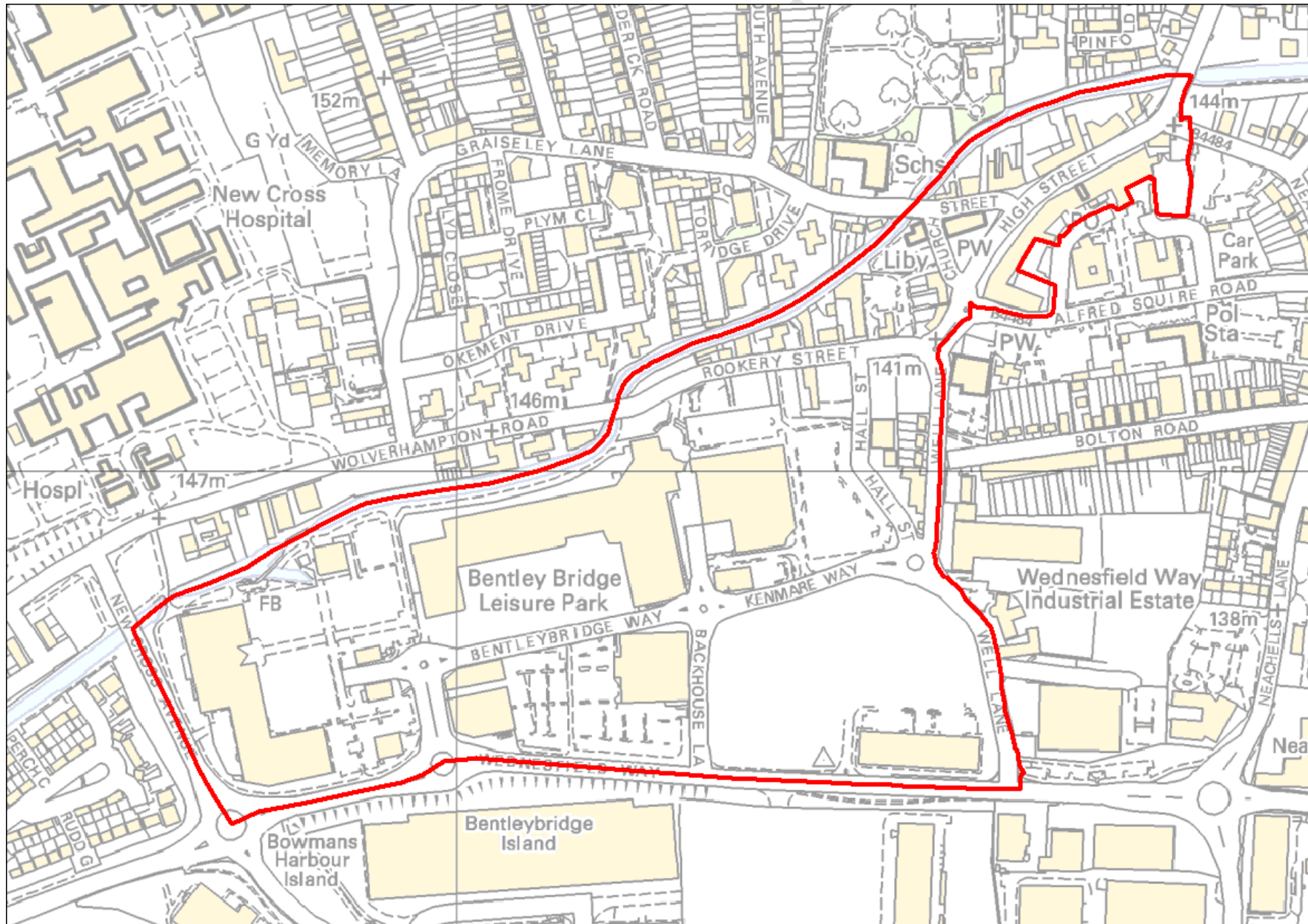


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Bilston CIZ



Wednesfield CIZ



Avion Centre CIZ

