



STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

Approved by Implementation Executive on 3 December 2008

Coming into force 1 April 2009

1. INTRODUCTION

1.1 Shropshire Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the county of Shropshire (“the area”) in respect of:-

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of clubs
- The provision of regulated entertainment
- The provision of late night refreshment.

2. CONSULTATION AND REVIEW

2.1 In producing this policy, the Licensing Authority has consulted the following bodies (including interested individuals) and have taken their views into account:

- The Chief Police Officer for the area;
- The Fire Authority;
- Bodies representing local holders of premises licences;
- Bodies representing local holders of club premises certificates;
- Bodies representing local holders of personal licences;
- Bodies representing businesses and residents within the area.

2.2 In addition, the Licensing Authority has consulted :

- Crime and Disorder Reduction Partnership (CDRP);
- The British Transport Police;
- Local Accident and Emergency Departments;
- Local Town and Parish Councils;
- Bodies representing consumers, promoting tourism, neighbouring authorities, local police consultative groups and any other body that the Authority deems fit.

2.3 Proper weight has been given to the views of all the persons/bodies consulted prior to this Policy Statement taking effect on 01 April 2009. It will remain in force for a period of not more than 3 years. The Policy Statement will be kept under review and revisions may be made as considered appropriate.

2.4 In preparing this policy the Licensing Authority has had regard to all Guidance issued by the Secretary of State for Culture Media and Sport under Section 182 of the Act

3. LICENSING OBJECTIVES

- 3.1 This Licensing Authority will carry out its various licensing functions so as to promote the following Licensing Objectives as set out in the Licensing Act 2003:
- prevention of crime and disorder;
 - public safety;
 - prevention of public nuisance;
 - protection of children from harm.
- 3.2.1 In addition, the licensing function of the Licensing Authority will seek to act in accordance with the relevant objectives set out in the Licensing Authority's Corporate Plan.
- 3.3 The Licensing Authority will work with relevant agencies, for example the Police and Fire and Rescue Service, in order to help promote the above Licensing Objectives.
- 3.4 Licensing is about regulating the carrying on of licensable activities on licensed premises by qualifying clubs and at temporary events within the terms of the Act. Conditions are likely to be attached to licences and the various other permissions, which will focus on matters falling within the control of individual licensees and others in possession of relevant authorisations. It should be noted that conditions will not be attached unless they are volunteered by the applicant or are determined by the Licensing Authority following representations being upheld from responsible authorities or interested parties.
- 3.5 When considering these conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. It should be noted that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

4. PREVENTION OF CRIME AND DISORDER

Introduction

- 4.1 The Police will have a key advisory role in respect of Crime and Disorder problems. There will also be an input from such bodies as Community Safety and Crime Prevention Partnerships. The Licensing Authority will establish protocols, which will provide arrangements for dealing with agreed problems. However, at all times, the Licensing Authority will ensure that the key principles of balance, consistency and fairness will be maintained.
- 4.2 Areas that the Licensing Authority considers fall within this remit may include:
- Measures to deal with the potential for nuisance and/or public order;
 - The gathering and sharing of information relating to drug usage between interested organisations and advising, where necessary, on the development of a drug policy for the premises;
 - Whether the grant of a licence would cause an increase in violence, public disorder or policing problems;

- The installation and monitoring of CCTV at licensed premises together with the use of Door Supervisors registered with the Security Industry Authority;
- Whether patrons leaving premises late at night cause nuisance to nearby residents;
- The requirements and provision of safe transport home;
- Working with venue owners and licence holders to resolve drug related problems, disorder problems, drunkenness and anti-social behaviour;
- The Licensing Authority will take serious account of its responsibilities under Section 17 of the Crime and Disorder Act 1998;

POLICY:

- 4.3 The Licensing Authority will expect the applicant to indicate in his operating schedule the steps proposed to prevent crime and disorder.

REASON:

- 4.4 Prevention of Crime and Disorder is both an objective of the Licensing Act 2003 and of the Crime and Disorder Act 1998. It is important, therefore, that the applicant will be able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective.

5. PUBLIC SAFETY

Introduction

- 5.1 The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.
- 5.2 Each of these types of premises present a mixture of risks to Public Safety, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 5.3 The Licensing Authority would expect that all safety checks will be carried out by competent and appropriately qualified / approved contractors.

POLICY:

- 5.4 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants may wish to seek advice from e.g. the Licensing Authority Health and Safety and Environmental Health Officers, the Fire Authority, the Police, Drug Alcohol Action Team (DAAT) etc. before preparing their plans and Schedules. To assist applicants in the preparation of operating schedules, a copy of the Safer Nightlife Guidance will be provided along with any other relevant documentation considered helpful.
- 5.5 The Licensing Authority will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from the Model Pool of Conditions, issued under Section 182 of the Licensing Act 2003.

REASON :

- 5.6 Public Safety is an important licensing objective. The Licensing Authority requires that anyone visiting a licensed venue within its area of responsibility may do so in safety and be assured that they will be visiting premises that are well managed, well maintained **and** have effective means of escape.

6. PREVENTION OF PUBLIC NUISANCE

Introduction

- 6.1 With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government recommends that statements of policy should recognise that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving the premises simultaneously are avoided. This can help to reduce friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disturbance.

Cumulative Impact

POLICY:

- 6.2 The Licensing Authority will take account of the Guidance issued under Section 182 of the Licensing Act 2003 if and when cumulative impact becomes an issue.

Hours of Operation

POLICY :

- 6.3 Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 6.4 This would treat residents in one area less favourably than those in another, as well as causing the peaks of disturbance that the Act is trying to avoid.
- 6.5 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for business. However, in the case of individual shops, which are known to be a focus of disorder and disturbance then, subject to representations being upheld from the police, a limitation on licensing hours may be appropriate.
- 6.6 In general, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, this will be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

REASON :

- 6.7 The Licensing Authority accepts that longer licensing hours for the sale of alcohol might avoid large numbers of people leaving the premises at the same time, which in turn could reduce peak demands of the functions of late night fast food outlets, taxi ranks, private hire offices and other sources of transport that can lead to disorder and disturbance.
- 6.8 The Licensing Authority recognises that a flexible approach to the hours of operation of premises licensed for regulated entertainment might be of benefit to both residents and operators.
- 6.9 The Licensing Authority has a duty to promote the four Licensing objectives and to protect the rights of local residents to peace and quiet.

7. PROTECTION OF CHILDREN FROM HARM

Introduction

- 7.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas restaurants, pubs, nightclubs, cafes, take-aways, community halls and schools. Children can be expected to visit many of these, often on their own, for food and for entertainment. Access by children to all types of premises will not be limited in any way (except for those exclusions made by the Licensing Act 2003) unless it is considered necessary to do so in order to protect them from harm.
- 7.2 The Licensing Act 2003 creates a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with other enforcing authorities to ensure the appropriate enforcement of the law particularly relating to the sale and supply of alcohol to children.
- 7.3 In general, action will be taken in accordance with agreed joint enforcement protocols and in line with the Licensing Authority's own enforcement policy. The key principles of consistency, transparency and proportionality will be maintained.

- 7.4 The Licensing Act 2003 makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol or consumption on those premises under the terms of a premises licence, club premises certificates, or where the activity is carried out under the authority of a temporary event notice.
- 7.5 It is also an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5.00 a.m. at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice.
- 7.6 Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity at those venues between 5 a.m. and midnight - the offence would not necessarily apply to many restaurants, hotels, cinemas and even many pubs where the main business activity is the consumption of both food and drink. This does not mean that children should automatically be admitted to such premises.
- 7.7 In connection with the protection of children from harm it will be necessary to consult and send copies of all applications to the Area Child Protection Committee: at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND.

Children and Cinemas

- 7.8 For all premises licences and club premises certificates authorising the exhibition of films, the Licensing Authority will expect licensees to include in their operating schedules arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself. (See Section 2.49 in the Guidance).

Children and Public Entertainment

- 7.9 Children see and take part in entertainment specifically arranged for them, e.g. children's film shows, dance or drama school productions and pantomimes and additional arrangements are required to safeguard them while at the premises.
- 7.10 Where a regulated entertainment is specifically presented for children, the Licensing Authority will expect applicants to consider arrangements to control their access and egress and to ensure their safety:
- 7.11 The Licensing Authority will expect the submitted Operating Schedules to satisfactorily address these issues.
- 7.12 Where children are taking part in any regulated entertainment, the Licensing Authority will require the arrangements set out in the Licensing Authority's "Guidance Note: Children in Performances" to be followed at the premises to ensure their safety.
- 7.13 The Licensing Authority will consider attaching Conditions to licences and permissions to prevent harm to children and these may include Conditions drawn from the Model Pool of Conditions relating to the Protection of Children from Harm.

POLICY:

- 7.14 The Licensing Authority will expect applicants to address within their operating schedule, areas which particularly address the issue of protecting children from harm.
- 7.15 The Licensing Authority expects Personal Licence holders to ensure that they do

not serve alcohol to children under 18, except in the limited circumstances allowed by law. The Licensing Authority recommends that the only way to verify a person's proof of age is with reference to their:

- Passport;
- A photo card driving licence issued in a European Union Country;
- An identity card that has been accredited under the Proof of Age Standards Scheme (PASS);
- An official identify card issued by H.M. Forces or by a European Union country bearing the photograph and date of birth;
- Any other means of identity scheme approved by the Licensing Authority.

7.16 The Licensing Authority will judge each application for a Premises Licence or Club Premises Certificate on its own merits and before deciding whether to impose conditions limiting children's access to individual premises take into account any relevant representations raising any of the following concerns. The following examples where there have been recorded incidents which may give rise to concern in respect of children would include premises :-

- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment or services of an adult or sexual nature are commonly provided;
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

7.17 The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children :

- limitations on the hours when children may be present;
- limitations on ages below 18;
- limitations on the exclusion of the presence of children of certain ages when particular specified activities are taking place;
- limitation on the parts of premises to which children might be given access;
- requirements for an accompanying adult;
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

7.18 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. Where no licensing restriction is necessary, this should remain a matter for the discretion of the individual licensee or club or person who

has given a temporary event notice. Venue operators seeking premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority concerned, these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises may be imposed by the Licensing Authority in these circumstances.

- 7.19 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 is important in protecting children from harm and as such is commended by this Licensing Authority.

REASON :

- 7.20 The policy is designed to allow flexibility for the licensee, to ensure that where appropriate licensed premises are “user friendly” for children, but also to ensure they are adequately protected.

8. INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

Introduction

- 8.1 Conditions attached to premises licences and club premises certificates will as far as possible reflect local crime prevention strategies.

POLICY :

- 8.2 By consulting widely prior to this policy statement being published, the Licensing Authority has endeavoured to secure proper integration with local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies and any other plans introduced for the management of town centres and the night-time economy. The Licensing Authority will continue to take an active part in promoting Safer Nightlife in association with other authorities including the Police, Drug Alcohol Action Team, trade organisations, etc.
- 8.3 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing Authority will therefore receive reports on the:
- needs of the local tourist economy;
 - cultural strategy of the area;
 - employment situation in the area and the need for new investment and employment where appropriate;
 - planning and transport considerations which might affect licensed premises.
 - Promotion of equalities.
- 8.4 The Licensing Authority will promote the licensing of the county’s open public spaces.

REASON :

- 8.5 The Licensing Authority recognises that licensing applications should not be seen as a re-run of any other regulatory regimes and that there should be a clear separation of the other regimes and licensing to avoid duplication and inefficiency.

9. CONDITIONS

- 9.1 Some conditions (mandatory conditions) are required to be imposed by the Act. Other conditions attached to licences or certificates will be tailored to the particular premises and events concerned.

POLICY :

- 9.2 Where considered appropriate and necessary for the promotion of Licensing Objectives, the Licensing Authority will consider attaching conditions drawn from the relevant model pools of conditions as detailed in the Guidance issued under section 182 of the Licensing Act 2003.
- 9.3 The model conditions cover, among other things, issues surrounding:
- crime and disorder;
 - public safety (including fire safety);
 - cinemas;
 - public nuisance;
 - protection of children from harm.

REASON :

To promote the Licensing Objectives

10. INSPECTION AND ENFORCEMENT

POLICY:

- 10.1 Inspection of premises will be carried out in line with the perceived risk.
- 10.2 Enforcement of the licensing function is covered by the authority's Public Protection Enforcement Policy
- 10.3 The Licensing Authority will continue to work within established protocols with responsible authorities.

REASON :

- 10.4 To avoid duplication, provide effective enforcement and conform with the Licensing Authority's policy of consistency, transparency and proportionality as set out in the adopted Enforcement Concordat.

11. LIVE MUSIC, DANCING AND THEATRE

POLICY :

- 11.1 In its role of implementing Licensing Authority cultural strategies, the Licensing Authority recognises the need to encourage and promote a broad range of entertainment including live music, dance and theatre for the wider cultural benefit of the community, particularly for children. It is the intention of the Licensing Authority to encourage the licensing of open public spaces where

required.

- 11.2 When considering applications for such events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 11.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

REASON :

- 11.4 To support the Licensing Authority's corporative objectives.
- 11.5 Advice as to whether or not activities need to be licensed can be obtained from the Authorities Licensing Section.

12. DEALING WITH APPLICATIONS

- 12.1 Applications must be complete, including any relevant document and fee. In accordance with the requirements of the Licensing Act 2003 this document must include an operating schedule that outlines the steps that are proposed to promote the licensing objectives. Due regard should be given to any guidance notes issued with the application form and the operating schedule.

Personal Licences

- 12.2 The Licensing Authority recognises it has very little discretion in the granting of personal licences. In general, provided an applicant has a qualification acceptable to the Department of Culture, Media and Sport, and does not have **relevant** criminal convictions, the application must be granted.
- 12.3 If an applicant has a relevant conviction, only the police can oppose the application. If an objection is lodged a hearing must be held.

POLICY:

- 12.4 At that hearing the Licensing Authority will consider carefully whether the grant of the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Licensing Authority will only grant the application if it is satisfied that in doing so it will promote this objective.

REASON :

- 12.5 Prevention of crime is both an objective of the Licensing Act 2003 and a responsibility of the Licensing Authority under the Crime and Disorder Act 1998. A person holding a personal licence should not only be properly qualified but a person who will assist in the prevention of crime. Granting a licence to a known criminal could undermine rather than promote the crime prevention objective.

Premises Licences And Club Premises Certificates

POLICY:

- 12.6 The Licensing Authority will expect individual applicants to effectively address the

licensing objectives in their operating schedule (which the Act requires them to prepare.) It will expect the operating schedule to have regard to the nature of the area where the premises is situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

REASON :

12.7 To comply with the legislative requirements of the Licensing Act 2003.

13. TEMPORARY EVENT NOTICES

POLICY:

13.1 The Act requires that the Licensing Authority be given a minimum of ten working days notice for temporary event notices. The definition in the Act of ten working days is working days and this excludes weekends and bank holidays and also excludes the day of the event and the day of receipt of application by the Licensing Authority. It is suggested that when a notice for a temporary event is made, that as much notice as possible is given. The Licensing Authority's preferred maximum notice period is 12 months and notices that are incomplete, not accompanied by the fee or where insufficient notice has been given will be rejected.

REASON :

13.2 The Licensing Authority has no discretion to accept applications that do not comply with legislation.

13.3 If an application is made too far in advance of an event, it may be difficult for the Police to make a sensible assessment and could lead to objections that could otherwise have been avoided.

14. DECISION MAKING

POLICY:

14.1 Unless there are relevant representations from either a responsible authority or interested parties, as described in the Licensing Act 2003, the decision to issue a licence and the setting of mandatory/volunteered conditions is delegated to the authorised Officer. Where there are relevant representations from any interested party or responsible authority, determination of the application will be by a Panel of 3 Members of the Licensing Authority's relevant Committee. This Panel will not include any Member who has a personal interest in or who may be biased for or against the application. This authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be sufficient.

14.2 Where there is a request to review a licence from a responsible authority or an interested party, so long as it is not frivolous, vexatious or repetitious, the request will be referred to the appropriate Committee for determination.

14.3 Subject to the necessary consultation with other Agencies, it is the Licensing Authority's intention to process all applications without undue delay.

- 14.4 The determination of all licences will be in accordance with the Licensing Authority's Equality Statement.
- 14.5 The table on the following page sets out the agreed delegation of decisions and functions to Licensing Committee, Panels and Officers
- 14.6 Even though a matter is delegated to an Officer he/she may refer it to the Panel or Committee if considered appropriate in the circumstances of any particular case.

Table of Delegations of Licensing Functions

Matter to be Dealt With	Full Committee	Sub-Committee	Officers
<i>Application for Personal Licence</i>		<i>If a police objection</i>	<i>If no objection made</i>
<i>Application for Personal Licence with unspent convictions</i>		<i>If objection made by police</i>	<i>If no objection made by police</i>
<i>Application for Premises Licence/Club Premises Certificate</i>		<i>If a relevant representation made</i>	<i>If no relevant representation made</i>
<i>Application for Provisional Statement</i>		<i>If a relevant representation made</i>	<i>If no relevant representation made</i>
<i>Application to vary Premises Licence/Club Premises Certificate</i>		<i>If a relevant representation made</i>	<i>If no relevant representation made</i>
<i>Application to vary Designated Premises Supervisor</i>		<i>If a police objection</i>	<i>All other cases</i>
<i>Request to be removed as Designated Premises Supervisor</i>			<i>All cases</i>
<i>Application for transfer of Premises Licence</i>		<i>If a police objection</i>	<i>All other cases</i>
<i>Application for Interim Authorities</i>		<i>If a police objection</i>	<i>All other cases</i>
<i>Application to review Premises Licence/Club Premises Certificate</i>		<i>All cases</i>	
<i>Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.</i>			<i>All cases (in consultation with the Service Manager)</i>
<i>Decision to object when Licensing Authority is a consultee and not the relevant authority considering the application</i>		<i>All cases</i>	
<i>Determination of police objections to a Temporary Event Notice</i>		<i>All cases</i>	

