



*Statement of
Licensing Policy for
2014 to 2019*

Adopted:

To come into effect on 1 April 2014

1 Introduction

Shropshire sits on the far western edge of the West Midlands region and borders Wales and the North Wales region. It is predominantly a rural area with a number of market towns, the largest of which is Shrewsbury. Shrewsbury is centrally located within the Shropshire Council area (see Annex 6). Based on data from the 2011 census, Shropshire has a population of 306,129 and a total geographic area of 319,730 hectares. The number of persons per hectare equates to 1, making the county one of the most sparsely populated in the country.

Licensed entertainment provides a vital boost to the local economy of the area through tourism and cultural development. However it is also recognised that such entertainment can lead to increased noise, nuisance and crime and disorder if not properly controlled.

The Licensing Authority wishes to minimise any negative impact from licensed premises on residential households whilst encouraging the economic diversity and prosperity such premises can encourage.

This policy aims to integrate its objectives and aims with other initiatives, policies and strategies that will:

- encourage young people and culture
- encourage arts and entertainment activities
- reduce crime and disorder
- encourage tourism
- encourage an early evening and night time economy which is viable and sustainable.
- reduce alcohol misuse
- encourage employment
- encourage the self sufficiency of local communities
- reduce the burden of unnecessary regulation on business

The aim of this policy is to find a balance between securing the safety and amenity of the residential and business communities in the Shropshire Council area while responsibly maintaining and developing entertainment and cultural facilities in the county.

2 Purpose and Scope of the Licensing Policy

The Licensing Authority must seek to promote the four licensing objectives contained in the Licensing Act 2003 when carrying out its licensing functions. These objectives are:

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

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 Licensing Act 2003.

Each licence application will be considered on its own merits in the context of the four licensing objectives, and unless relevant representations are received from responsible authorities or interested parties, the licence will be issued with the conditions volunteered by the applicant in their operating schedule, together with all mandatory conditions as dictated by the Licensing Act 2003. When conditions are attached to licences and various other permissions, they will focus on matters falling within the control of individual licensees and others in possession of relevant authorisations. Conditions will not be attached unless they are volunteered by the applicant or determined by the Licensing Authority following representations being upheld from responsible authorities or interested parties.

When considering these conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority will not take into account nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the control of the licence/permit holder.

The Police Reform and Social Responsibility Act 2011 gives provision for a Licensing Authority itself to make representations to applications made under the Licensing Act 2003. This Licensing Authority will not make representations that ought to be made by another responsible authority.

Examples of when the Licensing Authority may wish to make representations on its own account include:

- bringing together a number of minor unconnected complaints that in themselves do not require another responsible authority to make a representation, but when taken together may constitute a public nuisance or represent breaches of licence conditions only observed by licensing authority officers, or
- which undermine the licensing objectives, or
- when insufficient measures have been put forward to meet the four licensing objectives.

When making decisions on all types of application, the Licensing Authority will take this licensing policy into account, together with the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and any other guidance deemed relevant.

All representations made with respect to licensing applications must relate to one of the four licensing objectives. The representation must be relevant and should not be frivolous or vexatious. Representations can be both in opposition and support of an application and can be made by any individual, body or business that has grounds to do so. Representations relating to commercial damage/competition from a new licensed premises will not be accepted. In the event that a representation is rejected, the person or organisation submitting the representation will be notified of the Licensing

Authority's decision in writing or by e mail. Information on how to make a representation can be found on the Council's website www.shropshire.gov.uk

This policy will be applicable to all licensed premises within the Shropshire Council area. This policy was consulted on during 2013 and will come into effect on 1 April 2014.

The licensing process can only seek to control those measures within the control of the licensee. It is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder.

There are five local Community Alcohol Partnerships (CAP) currently in operation. These are:-

- Bridgnorth (B-CAP)
- Whitchurch (W-CAP)
- Ludlow (L-CAP)
- Minsterley/Pontesbury (M&P-CAP)
- Oswestry (Os-CAP),

The specific aims of these groups are determined locally. However, overall there is a drive to tackle proxy purchasing, i.e. where over 18s purchase alcohol and supply it to young people who are under 18; to provide alcohol awareness and information to communities; to work with young people to change their attitudes towards alcohol and to involve them in alternative positive activities; to challenge community perceptions associated with young people and alcohol; and to work closely with local licensees to encourage them to be part of the solution to the issues that face each local community. Information and training is provided to local licensees in each CAP area.

3 Duplication

The Licensing Authority will avoid duplication with other regulatory regimes and the control measures contained in any conditions sought will not duplicate those already provided for in other legislation. It is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operator, e.g. legislation controlling health and safety, fire safety, environmental protection, consumer protection, planning, etc.

4 Strategies and Partnership Working

The Licensing Authority has signed up to information sharing protocols with both West Mercia Police and the Shropshire Fire and Rescue Service and works closely with the other responsible authorities on licensing issues. Information on licensing issues is shared with the Licensing Enforcement Group and at Bronze Tasking Meetings, pub watch groups and community safety partnerships. These are all multi-agency groups dealing with a wide range of issues that influence Shropshire Communities.

Shropshire Council does not currently have a Cumulative Impact Policy, but should consideration be given to the introduction of one in the future, it will be

advertised and consulted upon and should one be introduced this policy will be amended accordingly.

There are currently no plans to introduce a late night levy in the Shropshire Council area but should consideration be given to the introduction of one in the future, it will be consulted upon and should one be introduced this policy will be amended accordingly.

5 Live Music Act

The Live Music Act came into force on 1 October 2012 and is designed to encourage more performances of 'live' music. The Act removes the licensing requirements for;

- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- unamplified 'live' music between 8am and 11pm in all venues
- the provision of entertainment facilities

More changes are expected in 2014, please refer to the Council's website www.shropshire.gov.uk for the latest information.

Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.

When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not; consequently organisers of events are encouraged to check with the Licensing Authority if they are in any doubt.

6 Objectives

The matters to be considered by the Licensing Authority in relation to each of the licensing objectives are not prescribed. Applicants should be aware that in addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those function on, and to do all it reasonably can to prevent crime and disorder in the county. However, those matters, amongst others, that are likely to be considered are set out below:-

The Prevention of Crime and Disorder

- a prescribed capacity;
- door supervisors;
- an appropriate ratio of tables and chairs to customers; and

- a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

Public Safety

- specific types of training for a DPS or security staff, including awareness of first aid or initiatives to protect women and vulnerable customers;
- provision and storage of CCTV footage; and
- ensuring safe departure of those using the premises.

The Prevention of Public Nuisance

- the prevention of irresponsible promotions,
- methods of preventing and managing noise and light pollution; and
- ways of managing litter.

The Protection of Children from Harm

- age verification schemes;
- test purchasing policies; and
- restrictions on the hours when children may be present.

To comply with the Licensing Act objectives detailed above, the Licensing Authority requests applicants to address the following when submitting an application:

- Volunteer a capacity limit for their premises on all new and variation applications.
- Any premises open after midnight to consider the installation of CCTV at their premises with images retained for a minimum of 31 days or detail the reason why they do not think this is appropriate in their operating schedule.
- Premises that have a history of problems or that are offering regulated entertainment after 11 pm to consider the employment of registered door supervisors to control entry at the following ratio or detail the reasons why they feel it is not appropriate for them to be employed
- A minimum of 1 supervisor for every entrance door and one supervisor for every 100 persons, or part thereof or more where a risk assessment deems it appropriate.
- Where door supervisors are employed, a register to be kept detailing the names of the door supervisors on duty, their registration number with the SIA, the time they started work, started and finished any breaks and the time they finished work and any incidents they were involved in. The requirement that door supervisor badges are worn conspicuously at all times that they are on duty.
- Join the local Pubwatch Scheme, where one is in operation
- The designated premises supervisor/licence holder to consider initiatives to protect vulnerable persons at their premises, including the provision of CCTV and retention of recordings for 31 days and any

other measures that will enhance the safe and quiet departure of customers from their premises.

- Applicants to give consideration as to how they will manage noise and light pollution and also any litter generated by their premises, e.g. to help manage noise pollution all windows and doors to be closed (except for the purposes of customers entering and exiting the premises) whilst regulated entertainment is taking place.
- Take-away premises to consider how they are going to manage litter created by their premises and consider clearing the area directly in front of their property at the end of each evening.
- Install a smoking litter bin, and consider a litter bin, outside the premise for use by customers.
- Consideration be given to the use of plastic drinking receptacles in outside drinking areas that are situated in town centres
- That when plastic 'glasses' are to be used these plastic receptacles must be compliant with applicable weights and measures requirements, e.g. beer must be served in a stamped measure (usually in multiples of ½ pt) – plastic ones are available as well as glass
- Where age-restricted products are available for sale or supply:-
 - The introduction of a "Challenge 25 policy linked with effective ID challenges and proof of age
 - The use of a "challenge log" recording all age restricted sales challenges
 - The type of prompt or reminder that may be appropriate for staff at the point of sale
 - The system that ought to be in place to ensure that the circumstances in which a customer may or may not be served is understood and consistently applied
 - The mechanism that will be used to inform customers of the law and policies/procedures that are in operation at the premises
 - How staff will be trained to ensure the law and policies/procedures are understood, up-to-date and applied consistently, including how staff's knowledge and understanding will be tested.

The points listed above are the Licensing Authority's expectations regarding management standards for licensed premises. We wish to encourage operators to address these key issues within their operating schedules on the basis that applications that do so are less likely to attract representations from responsible authorities.

7 The Licensing Authority as a responsible authority

The Licensing Authority may wish to make representations in order to ensure that appropriate and proportionate conditions are included on a licence where this is not clear from an operating schedule.

The level at which an application will be determined is detailed at Annex 2 of the policy under Table of Delegations of Licensing Functions.

8 Health as a responsible authority

Directors of Public Health are also now responsible authorities under the Licensing Act 2003 with all of the powers and responsibilities this brings. For Shropshire, this role will be undertaken by the Director of Public Health, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND.

It is expected that the Primary Care Trust (PCT)/Director of Public Health (DPH) will be particularly useful in providing evidence of alcohol-related health harms and for providing evidence such as alcohol-related A & E admissions or ambulance service data that the Licensing Authority may utilise when dealing with applications under the Act.

9 Responsible Authorities

A list of responsible authorities and their contact details, are detailed at Annex 5 and are also available on the Council's website at www.shropshire.gov.uk Applicants must check the website for any updates to these contact details.

10 Planning

Planning and licensing regimes will be properly separated to avoid duplication and inefficiency.

Licensing applications will not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the planning committee or permissions granted on appeal. There is no legal basis for the licensing authority to refuse a licence application because it does not have planning permission. However, where planning permission has not been granted, the Licensing Authority will enter into negotiations with the applicant and attempt to reach a satisfactory agreement before granting a licence.

There will be proper integration with the planning committee. This will include, where appropriate, providing regular reports on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

11 Licensing Hours

When the licensing authority's discretion is engaged, consideration will be given to the individual merits of an application; however the presumption will be to grant the hours requested unless there are objections to those hours raised by responsible authorities or interested parties on the basis of the licensing objectives.

In respect of applications for shops, stores and supermarkets, such premises will be able to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives, for restricting those hours.

The Licensing Authority recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.

Whilst it is possible for a licensing policy to presume against longer licensing hours when longer hours would have had a material impact on the licensing objectives, the Licensing Authority will consider all applications on their merits. In other words, a licensing authority can depart from the Secretary of State (SoS) Guidance if it has good reason to do so and will take case law into account. The case on this point is [R \(JD Wetherspoon plc\) v Guildford Borough Council \[2006\] EWHC 815 \(Admin\)](#).

12 Temporary Event Notices (TENS)

There are two types of TENS:

- A standard TEN, which is given no later than 10 working days before the event to which it relates (working days excludes the day on which the application was received and also the day of the event)
- A late TEN, which is not given before 9 and not later than 5 working days before the event.

Organisers should be aware that late TENS are limited in number and can be prevented by a single objection from a responsible authority. There is no right of appeal if an objection to a late TEN is received and this authority will refuse applications in these circumstances.

The definition of a TEN is a temporary event that is a relatively small-scale event attracting fewer than 500 people. The event must last no more than 168 hours and can be held either outdoors or indoors. Any premises can only be used for up to 12 events per calendar year, up to a total maximum of 21 days. Events that go beyond midnight will be counted as two (2) days.

In the event of an objection to a TEN at premises where there is a premises licence in force, conditions on an existing premises licence or club premises certificate may be attached to the temporary event, but may only be imposed at a hearing, unless the authority itself, the premises user and the responsible authorities raising objections has agreed that a hearing is not needed.

The Licensing Authority recommends that applicants give as much notice as possible when submitting applications. This is because the statutory period of 10 working days gives very little time for the Licensing Authority to process the application and for the police to respond. The maximum amount of notice for an event is 12 months. This is because it is difficult for the responsible authorities to make a judgement on an application received prior to this timescale.

Details of where the applications should be sent to, together with which responsible authorities require by law to be sent a copy can be found on the Council's website www.shropshire.gov.uk. Please note that the requirements for submitting the application form to the local authority are also applicable to the responsible authorities. Failure to submit a copy of the TEN to either the Licensing Authority or the designated responsible authorities will result in the

application not having been correctly submitted and the application will be rejected.

13 Sexual Entertainment

Shropshire Council has adopted procedures in relation to sex establishments, particularly sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. Standard conditions attached to such licences form part of the Sex Establishments Policy, which is published on the Council's website www.shropshire.gov.uk and licence holders should note that where there are similar conditions in the two regimes, the more onerous will apply.

There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. Should premises choose to use this exemption and there be related concerns, this may lead to a review of the premises licence and the imposition of conditions.

14 Cumulative Impact and Special Policies

The Licensing Authority currently has no plans to introduce a cumulative impact policy. However, should it choose to do so during the life of this policy, full consultation will be undertaken and the details will be published on the licensing pages of the Council's website www.shropshire.gov.uk

15 Early morning Restriction Orders (EMRO)

The Licensing Authority currently has no plans to introduce early morning restriction orders. However, should it chose to do so during the life of this policy, full consultation will be undertaken and the details will be published on the licensing pages of the Council's website www.shropshire.gov.uk

16 Late night levy

The Licensing Authority has no plans to introduce a late night levy; however should it choose to do so during the life of this policy, full consultation will be undertaken and the details published on the licensing pages of the Council's website www.shropshire.gov.uk

17 Children

The Licensing Authority will not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee.

Shropshire Council has adopted Section 18 of the Children and Young Persons Act 1933. This means that children under the age of 18 working in public houses behind the bar and in shops will be required to have every sale of alcohol individually authorised. However, if they are still of compulsory school age, they may **not** be employed in public houses to serve, i.e. they cannot pull pints, serve shorts etc.; they may sell in sealed containers. There

is also legislation relating to the hours that children are permitted to work and Children's Services, Transformation and Safeguarding at Shropshire Council should be contacted if you require further information regarding the hours they are permitted to work.

This policy does not attempt to anticipate every issue that may arise in respect of children and each application will be considered on its merits. However, there are particular areas that will give rise to concern in respect of children.

The Licensing Authority acknowledges that in certain instances children's access to premises should be limited. Suggested alternatives/conditions in such instances are as follows:

- Restrictions on the hours when children may be present;
- Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- Restrictions on the parts of the premises to which children may have access;
- Age restrictions;
- Restrictions or exclusions when certain activities are taking place;
- Requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

The Licensing Authority recognises The Stay Safe Service, Children and Young People, Shropshire Council, The Guildhall, Frankwell Quay, Shrewsbury SY3 8HQ as being competent to advise on matters relating to the protection of children from harm, and that applicants should copy their applications to it in its capacity as the 'responsible authority' for this purpose.

In relation to the exhibition of film, a mandatory condition will apply, requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification.

Any theatres which are incorporating adult entertainment in their productions should consider limiting access to children during these performances. In the case of theatrical entertainment specifically for children, applicants should consider what steps they will take and outline them in their operating schedule to ensure the well being of children during an emergency.

Applicants must consider 'Challenge 25' provisions and the type of proof they will accept with regard to proof of age. The Licensing Authority strongly recommends all licensed premises accept PASS accredited proof of age cars in addition to other appropriate photographic proof of age.

18 Criminal Activity

There is certain criminal activity that may arise in connection with licensed premises which will be treated seriously. These are the use of the licensed premises for the following:

- sale and distribution of illegal drugs and the laundering of the proceeds of drugs crime;
- sale and distribution of illegal firearms;
- piracy of films and music
- illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- prostitution or the sale of unlawful pornography;
- organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- organisation of racist activity or the promotion of racist attacks;
- knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- unlawful gambling; and
- sale of smuggled tobacco and alcohol

Where there is evidence of any such activity at a licensed premises, irrespective of any criminal investigation/action that may or may not be undertaken, a licence review will be seriously considered.

19 Unlawful and anti-social behaviour

The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:-

- planning controls
- enforcement of environmental protection legislation (e.g. on noise nuisance)
- positive measures to provide a safer and clean town centre
- environmental controls, in partnership with local businesses, transport operators and other departments of the Council
- powers to designate parts of the county as places where alcohol may not be consumed publicly
- police enforcement of the law with regard to disorder and anti-social behaviour including the issue of fixed penalty notices
- dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- confiscation of alcohol from adults and others in designated areas

- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the ground of disorder, the likelihood of disorder or excessive noise emanation from the premises and
- the power of the police, other responsible authorities, local residents and businesses to seek a review of the licence or certificate in question.

20 Conditions

The Licensing Authority is aware that conditions (other than the statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions drawn from the applicant's operating schedule since these are voluntary propositions). Any such conditions should be tailored to the individual style and characteristics of the premises and events concerned.

Proposed conditions should be:

- clear
- enforceable
- evidenced
- proportionate
- relevant
- be expressed in plain language capable of being understood by those expected to comply with them.

Conditions must be attached at a hearing; unless the authority, the premises user, and the relevant responsible authority have agreed a hearing is unnecessary. Where it is agreed a hearing is unnecessary, any conditions may be attached on a voluntary basis.

The licensing authority cannot impose blanket standard conditions. A pool of conditions is attached to assist applicants in completing their operating schedules at Annex 4.

Community and village halls who wish to take advantage of the provision for community premises to apply for the removal of the mandatory condition relating to the requirement for a Designated Premises Supervisor (DPS) and personal licence, should first contact the Licensing Authority for advice and should submit a new application for the premise licence together with the application to disapply the requirement to have a DPS.

21 Licence Reviews

The Licensing Authority will work in partnership with responsible authorities to achieve the promotion of the licensing objectives and when possible the responsible authorities will aim to give licensees early warning of any concerns identified at premises. Details of the review process and application forms to call for a review, can be found on the Council's website www.shropshire.gov.uk. The Home Office has produced a fact sheet to assist local residents in making representations and this can also be found on the Council's website.

In cases when the crime prevention objective is being undermined it is expected that revocation of the licence – even in the first instance – will be seriously considered, as per paragraph 11.30 of the Secretary of State (SoS) Guidance issued in October 2012. (See [also R on the application of Bassettlaw DC v Worksop Magistrates Court.](#))

The ambit and meaning of the “crime and disorder” objective is dealt with in detail in the 2008 “smoking ban” High Court case; [Blackpool Council, R \(on the application of\) v Howitt \[2008\]](#).

22 Minor Variations

The Licensing Authority will send copies of applications for minor variations to the most appropriate responsible authority in all cases. Application forms can be found on the Council’s website. Decisions on minor variation applications are delegated to officers in all cases and in the event of an objection/representation that cannot be resolved, the application will be refused.

23 Enforcement

The Licensing Authority will follow the protocols laid down in the Council’s Better Regulation and Enforcement Policy available to view on the Council’s website www.shropshire.gov.uk .

24 Fees

Licensing fees are agreed annually by the Licensing Authority, taking into account those fees that are prescribed by legislation, together with those discretionary fees that may be determined by the Licensing Authority.

25 Licence Suspensions

The Licensing Authority will suspend licences in respect of non-payment of annual fees. Notification of annual fees becoming due will be sent to licence holders by letter or email at least one month before they are due. The Licensing Authority will not issue invoices. In the event that payment is not received by the due date, a further letter will be sent giving 7 days from the date of the letter for payment to be received before the licence is suspended and this letter/email will be copied to the police. The licence will then remain suspended until such time as payment is received and in respect of cheques, cleared. All parties will be notified either in writing or by email once the payment has cleared and confirming that the suspension has been lifted.

26 Administration, Exercise and Delegations of Functions

Annex 2, attached to this policy, contains details of the level at which applications will be determined.

27 Contact Details, Advice and Guidance

Further information on the licensing and application process and fees can be obtained from the Council's website www.shropshire.gov.uk, by email to licensing@shropshire.gov.uk or by telephone 0345 6789000 or by writing to:

Shropshire Council
Public Protection (Licensing)
The Shirehall
Abbey Foregate
SHREWSBURY
Shropshire
SY2 6ND

Shropshire Council is currently in the process of updating the process for receipt of electronic applications; please see the Council's website for further information www.shropshire.gov.uk.

Addresses for responsible authorities can be found on the licensing pages on the Council's website, attached to this policy at Annex 5, or can be obtained from the licensing team – contact details to be found above.

If you are considering submitting a new or varying an existing premises licence or club premises certificate, please contact the licensing staff in the first instance. This will enable informal discussion to take place before the application process in order to resolve potential problems and avoid unnecessary hearings and appeals. The licensing staff can also advise on key industry bodies that may also be able to advise applicants together with contact details for the responsible authorities.

28 Equal Opportunities

Shropshire Council recognises that the Equality Act 2010 places a legal obligation to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Should you require this policy in a larger type or translating into another language, please contact Shropshire Council on 0345 6789000 for assistance.

29 Review of the Policy

The licensing policy must be formally reviewed and published every five years. This review must be the subject of full consultation. In addition, the licensing authority must keep its policy under review during each five year period and make appropriate revisions. Any revisions made, will be subject to consultation prior to their adoption and all consultation documents will be published on the Council's website.

ANNEX 1 - Other policies, legislation, and guidance sources

There are a number of both local and national policies, strategies, responsibilities and guidance documents that applicants should be aware of and the documents detailed below have been taken into account during the preparation and on consultation on this policy.

Crime Reduction Community Safety Strategy

<http://www.shropshire.gov.uk/media/32699/Crime-Reduction-Community-Safety-Strategy-2011-14.pdf>

Spotlight on the Shropshire Economy

<http://shropshire.gov.uk/media/78281/spotlight-on-the-shropshire-economy.pdf>

Local Transport Plan

<http://shropshire.gov.uk/media/281952/provisional-ltp-strategy.pdf>

Shropshire Community Alcohol Partnership

<http://shropcap.wordpress.com/>

Guidance Documents

[LGA Gambling Template](#)

[Home Office S182 Guidance](#)

[Test Purchasing Guidance](#)

[Protecting young people from alcohol related harm](#)

[Licensing large scale events \(music festivals etc\)](#)

[Licensing Village Halls](#)

[Councillor Handbook: Licensing Act 2003](#)

[Councillor Handbook: Community Events](#)

[Managing Crowds Safely](#)

[5 Steps to Risk Assessment](#)

[The Guide to Safety at Sports Grounds](#)

[Cabinet Office Principles of Consultation](#)

[The Plain English Campaign](#)

Strategies and Policies

Alcohol Strategy

British Beer and Pub Association Partnerships Initiative

Community Alcohol Partnership

Community Safety Strategy

Compliance Code Crime & Disorder Reduction Strategy

Better Regulation and Enforcement Policy

Cultural and Tourism Strategies including promotion of live music and community events

Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries

Local Development Framework

Local Transport Plan

National and local Pubwatch schemes

Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
Purple Flag (ATCM)
Safer Socialising

Related Legislation

Policing and Crime Act 2009
Anti Social Behaviour Act 2003
Crime and Disorder Act 1998
Crime and Security Act 2010
Criminal Justice and Police Act 2001
Private Security Industry Act 2001
Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000
The Clean Neighbourhoods and Environment Act 2005
The Health Act 2006
Violent Crime Reduction Act 200

PROPOSED POLICY

ANNEX 2 – Level at which applications will be determined

Table of Delegations of Licensing Functions

Matter to be Dealt With	Full Committee	Sub-Committee	Officers
Application for Personal Licence		If a police objection	If no objection made
Application for Personal Licence with unspent convictions		If objection made by police	If no objection made by police
Application for Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for Provisional Statement		If a relevant representation made	If no relevant representation made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor		If a police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases (in consultation with the Service Manager if deemed appropriate)

Decision to object when Licensing Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of objections to a Temporary Event Notice		All cases	
Determination of objections to a late Temporary Event Notice			All cases
Determination of application to vary premise licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation applications			All cases
Determination of minor variation application			All cases
Acknowledgement of notices, applications and other documents			All cases
Renewal of Personal Licence – Police Objection		All cases	
Renewal of Personal Licence – No Police Objection			All cases
Revocation of Personal Licence under Section 124 of the Licensing Act 2003		All cases	
Review of Premise Licence following closure under Section 167 of the Licensing Act 2003		All cases	

Issue of counter notice to temporary event under Section 107 of the Licensing Act 2003			All cases
Review of Premise Licence		All cases	
Nothing prevents the full committee or sub committee determining applications in any case, irrespective of the delegation to officers laid out in the table above.			

PROPOSED POLICY

ANNEX 3 - Useful References (organisations)

Local Government Association:

<http://www.local.gov.uk/regulatory-services-and-licensing>

Association of Convenience Stores (ACS)

<http://www.acs.org.uk/>

Association of Licensed Multiple Retailers (ALMR)

Now incorporating Bar, Entertainment and Dance Association (BEDA)

<http://www.almr.org.uk/>

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

Better Regulation Delivery Office (BRDO)

<http://www.bis.gov.uk/brdo>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

<http://www.bbfc.co.uk/>

British Institute of Inn Keeping (BII)

<http://www.bii.org/home>

British Retail Consortium (BRC)

http://www.brc.org.uk/brc_home.asp

Cinema Exhibitors' Association (CEA)

<http://www.cinemauk.org.uk/>

Department for Culture, Media and Sport

www.culture.gov.uk

Home Office

www.homeoffice.gov.uk

Institute of Licensing (IOL)

<http://www.instituteoflicensing.org/>

Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Licensing and Enforcement Officers (NALEO)

<http://www.naleo.org.uk/>

The Portman Group

<http://www.portmangroup.org.uk/>

ANNEX 4 – Pool of suggested Conditions to assist applicants when preparing an operating schedule

Conditions relating to the prevention of crime and disorder

It should be noted that it is unlawful under the Licensing Act 2003 Act to:

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

CORE PRINCIPLES

1. When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are appropriate to promote the licensing objectives.
2. Any risk assessment to identify appropriate measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:
 - the nature and style of the venue;
 - the activities being conducted there;
 - the location; and
 - the anticipated clientele.
3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only appropriate but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions

attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

Please note that this list is not exhaustive and these conditions **could** be used where necessary and appropriate to the particular circumstances of individual licensed premises

PART 1

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

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. Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and 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 for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas. It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
- the pager link is 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;
- any police instructions/directions are complied with whenever given; and
- 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.

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 individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues.

Where the presence of door supervisors conducting security activities is 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 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 given body searches).

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

Bottle bans

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include 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: this 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.

Bottle bans may also be a relevant necessary measure to promote public safety (see Part 2).

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where appropriate, consideration

should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries.

Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some 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 plastic containers or toughened glass may be a appropriate condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol. The use of plastic or paper drinks containers and toughened glass may also be relevant as measures appropriate to promote public safety (see Part 2).

When plastic glasses are to be used these plastic receptacles should be compliant with applicable Weights and Measures requirements. (e.g. beer must be served in a stamped measure (usually in multiples of 1/2pt) – plastic ones are available as well as glass)

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. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be appropriate to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant appropriate measures to prevent public nuisance (see Part 4).

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.

Restrictions on drinking areas

It may be appropriate 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 appropriate to prevent the consumption of alcohol on the terracing during particular sports events. 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.

Restrictions on drinking areas may also be relevant appropriate measures to prevent public nuisance (see Part 4).

Capacity limits

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered appropriate, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

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 these crimes, it may be appropriate for certain licensed premises to require the production of “proof of age” before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought, for example, many premises have adopted the “Challenge 25” or other similar initiatives. Under the “Challenge 25” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 25 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase. Proof of age may also be relevant and appropriate to protect children from harm (see Part 5).

Crime prevention notices

It may be appropriate 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 display 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 appropriate 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.

Signage

It may be appropriate for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place. Similarly, it may be appropriate for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

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 which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons. Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see Guidance issued under Section 182 of the Act for further information) to control entry for the purpose of compliance with the capacity limit.

PART 2

CONDITIONS RELATING TO PUBLIC SAFETY

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 appropriate to avoid and control them. Conditions enforcing these requirements are therefore unnecessary. On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Licensing authorities should note that under article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect. This means that licensing authorities should not seek to impose fire safety conditions where the Order

applies. See Chapter 2 for more detail about the Order.

General

Additional matters relating to cinemas and theatres are considered in Part 3. It should also be recognised that special issues may arise in connection with outdoor and large scale events. In addition, to considering the points made in this Part, 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 0 11 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)

In most premises existing legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to the following conditions.

Safety checks

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

Escape routes

- Exits are kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.
- 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.
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

Disabled people

- 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.

Lighting

- 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.
- Emergency lighting is not 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.

Curtains, hangings, decorations and upholstery

- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits
- temporary decorations are not used without prior notification to the licensing authority/relevant responsible authority.

Capacity limits

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded.
- 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.

Access for emergency vehicles

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

First aid

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

Temporary electrical installations

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or 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.
- 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 should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company. Indoor sports entertainments

- If appropriate, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Any ring is constructed and supported by a competent person and inspected by a competent authority.
- 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).

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.

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 to delete the relevant public safety condition. The

applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as appropriate to promote public safety. These might include the provision of door supervisors, bottle bans, and requirements to use plastic or toughened glass containers (see Part 1 for further detail).

PART 3

THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)

In addition to the points in Part 2, there are particular public safety matters which should be considered in connection with theatres and cinemas.

PREMISES USED FOR CLOSELY SEATED AUDIENCES

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	Minimum number of of the audience attendants required to present on a floor be present on that floor
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 prevent them from promptly discharging their duties in the event of an emergency or require 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.

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.

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.

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 and paper containers.

Balcony Fronts

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

Special effects

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 include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;

- lasers;
- explosives and highly flammable substances.

In certain circumstances, it may be appropriate to require that certain special effects are only used with the prior notification of the licensing authority. In these cases, the licensing authority should notify the fire and rescue authority, who will exercise their inspection and enforcement powers under the Regulatory Reform (Fire Safety) Order 2005.

Further guidance can be found in the following publications:

- HSE Guide 'The radiation safety of lasers used for display purposes' (HS(G)95)
- 'Smoke and vapour effects used in entertainment' (HSE Entertainment Sheet No 3);
- 'Special or visual effects involving explosives or pyrotechnics used in film and television production' (HSE Entertainment Sheet No 16);
- 'Electrical safety for entertainers' (HSE INDG 247)
- 'Theatre Essentials' – Guidance booklet produced by the Association of British Theatre Technicians 8

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 is appropriate and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

PREMISES USED FOR FILM EXHIBITIONS

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

Attendants – premises 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	Minimum number of	Minimum number of
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the audience present on the premises	attendants required to be on duty	other 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 their 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 they are 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.

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).

PART 4

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 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 appropriate for the prevention of public nuisance.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted 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 may result from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be appropriate 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. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be appropriate 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 is 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.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

Noise and vibration

In determining which conditions are appropriate and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

The following conditions may be considered:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.

This might be achieved by one or more of the following conditions:

- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;

- requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where appropriate;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).
- 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.

Noxious smells

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

Light pollution

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.

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as appropriate to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas

PART 5

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

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 appropriate to protect

children from harm. Precise policy and details will be a matter for individual licensing authorities.

The Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to:
 - heavy or binge or 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.

- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances, should when preparing new operating schedules or club operating schedules or variations of those schedules:

- 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 the Secretary of State recommends that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act

Age Restrictions – specific

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be appropriate to impose age restrictions for earlier parts of the day;
- types of event or activity that are unlikely to require age restrictions, for example:
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- 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 the first bullet point in the first paragraph above.

Age restrictions – cinemas

The British Board of Film Classification classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The Secretary of State therefore recommends that licensing authorities should not duplicate this effort by choosing to classify films themselves.

The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films 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.

Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at www.bbfc.co.uk before applying relevant conditions.

The Secretary of State considers that, in addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include 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;
- 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;
- 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 an age restrictive category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. For example:

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 while on-duty provided that the prior written consent of the person’s parent or legal guardian has first been obtained.”

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is appropriate to promote 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 should 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 appropriate. 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 during any emergency (See Part 3).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- 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 should 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.

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 familiarise themselves with these Regulations and not duplicate any of these requirements. However, if it is appropriate 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.
- 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.

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. 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.

Proof of Age cards

Proof of age cards are discussed under Part 1 in connection with the prevention of crime and disorder. However, a requirement for the production of proof of age cards before any sale or supply of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the “Challenge 25” or other similar initiatives. Under the “Challenge 25” initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 25 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making such a purchase.

PROPOSED POLICY

ANNEX 5

List of Responsible Authorities who require a copy of all new and variation applications for premises licences and club premise applications

The Licensing Office
Public Protection and Enforcement
The Shirehall
Abbey Foregate
Shrewsbury
Shropshire SY2 6ND
E Mail: licensing@shropshire.gov.uk

The Licensing Admin Officer
West Mercia Police
Police Station
Monkmoor Road
Shrewsbury
Shropshire SY2 5RW
E Mail: licensing.shropshire@westmercia.pn.n.police.uk

Planning
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Fire Officer
Shropshire Fire & Rescue HQ
St Michael's Street
Shrewsbury
SY1 1HJ
E Mail: enquiries@shropshirefire.gov.uk

E Mail:
Oswestry area planningdmnw@shropshire.gov.uk

Wem area planningdmne@shropshire.gov.uk

Shrewsbury area planningdmc@shropshire.gov.uk

Bridgnorth area planningdmse@shropshire.gov.uk

Ludlow area planningdmsw@shropshire.gov.uk

Environmental Health
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND
(Also responsible for Health & Safety)
E Mail: pollution@shropshire.gov.uk

Trading Standards
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND
E M: ts.enforcement@shropshire.gov.uk

Stay Safe Service
Children & Young People
The Guildhall
Frankwell Quay
Shrewsbury
SY3 8HQ
E Mail:

Director of Public Health
Public Health Department
Shropshire County P C T
William Farr House
Mytton Oak Road
Shrewsbury
SY3 8XL
E Mail:

If your application is for a vessel on a waterway your application should also be sent to the following responsible authority:

Maritime & Coastguard Agency
Liverpool Marine Office
Hall Road
West Crosby
Liverpool
L23 8SY

The above details may have changed since the policy was published, please check our website to confirm they are still current www.shropshire.gov.uk

ANNEX 6

Plan of the Shropshire Licensing Authority Area



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Glossary

Licensing Authority	Shropshire Council
DPS	Designated Premises Supervisor (the person who is named on a premises licence who is responsible for the day to day control of the premise and who authorizes the sale of alcohol)
Police	West Mercia Police
Fire Service	Shropshire Fire and Rescue Service
EMRO	Early Morning Restriction Orders
PRSR Act	Police Reform and Social Responsibility Act
Regulated Entertainment	The playing of live or recorded music, the provision of facilities for making music, indoor sport including boxing, plays, the exhibition of a film, dancing and the provision of a dance floor or something similar to any of the above that takes place in the presence of an audience.
Late Night Refreshment (LNR)	Hot food and beverages that are sold between the hours of 11 pm and 5 am
Relevant Representations	Representations made either in opposition to or in favour of an application made under the Licensing Act 2003 that are neither frivolous or vexatious and relate to one of the four licensing objectives
PCT	Primary Care Trust
TEN	Temporary Event Notice
Working Days	Monday to Friday, excluding bank holidays and weekends
CAPs	Community Alcohol Partnership
SoS	Secretary of State
Statutory Guidance	Guidance issued by the Home Office under Section 182 of the Licensing Act 2003. This guidance is updated every time there is a major change to licensing legislation.

List of Persons and organisations that were consulted with prior to adopting the Licensing Policy

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

- The Chief Police Officer for the area;
- The Fire Authority
- Local Town and Parish Councils;
- Association of Convenience Stores (ACS)
- Association of Licensed Multiple Retailers (ALMR)
- British Beer and Pub Association (BBPA)
- British Institute of Inn Keeping (BII)
- British Retail Consortium (BRC)
- British Board of Film Classification (BBFC)
- Licensed Victuallers Associations (LVAs)
- Pollution Team, Shropshire Council
- Trading Standards Team, Shropshire Council
- Planning Services, Shropshire Council
- Stay Safe Service
- Director of Public Health for Shropshire
- Bronze Tasking Groups within Shropshire Council area
- Pub Companies including Punch Taverns, Joules, Marstons, Enterprise, Admiral Taverns, Green King Brewing and Retailing, J D Wetherspoons, Ludlow Brewing Company, Mitchells and Butler, Nectar Taverns, Orchid Pubs (Fifteen) 1 1 Ltd, Star Pubs, Spirit Pub Company, Startmore Pub Company Ltd.
- McDonald's Restaurants Ltd
- Shrewsbury Residents Association
- Shropshire Association of Local Councils
- Shropshire Chamber of Trade
- Shrewsbury and Wem Pub Watch Groups

Consultation on this Policy was carried out from 29 July until 20 October 2013. Proper weight has been given to the views of all the persons/bodies consulted prior to this Policy Statement taking effect on 1 April 2014.

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