

## **Premises Licence Operating Schedules and Premises Plans Guidance**

**Guidance to prepare or amend a premises licence to effectively demonstrate the promotion of the licensing objectives. This guidance is not an exhaustive list of the factors that need to be considered and MUST be read in conjunction with the relevant paragraphs of the Section 182 Guidance and Shropshire Council's Statement of Licensing Policy 2019 - 2024.**

### **1.0 Summary**

- 1.1 This guidance is aimed at applicants for new, or variations to, premises licenses. It assists applicants by taking them through the operating schedule and plan requirements of an application, offering general guidance and outlining the Council's expectations and requirements of applicants.
- 1.2 Utilisation of this guidance when making applications will enable applicants to submit applications which meet the requirements of Shropshire Council's Statement of Licensing Policy 2019 – 2024, and promote the four licensing objectives, which are:
  - Public safety
  - The prevention of crime and disorder
  - The prevention of public nuisance
  - The protection of children from harm

### **2.0 The Operating Schedule**

- 2.1 The operating schedule is Part 3 of the new premises licence and Part 4 of the full and minor variation applications. This is the section which gives details about the premises, how it will operate and where you should demonstrate that the operation of the premises will promote the licensing objectives.
- 2.2 This is the most important part of the application and should be carefully thought about and completed. It is this section that will demonstrate to the Responsible Authorities, and anyone else, that you are able to run the premises responsibly and safely and without undermining the licensing objectives.

### **3.0 When do you want your premises licence to start?**

- 3.1 If you want your premises licence to start as soon as possible, either leave the date box in this part blank, or complete it with ASAP. If you have a specific start date on which you would like the licence to begin, you can put that in this

section. No licence will start until the relevant consultation period has ended, and any hearing process which may be necessary has been carried out.

- 3.2 If you only need your premises licence for a specific period, e.g. for a weekend long event, you should fill in the start *and* end dates in this section. The end date is the last day on which licensable activities will take place.
- 3.3 For the purposes of the Licensing Act 2003 a day is considered to start at 00:00 and end at 23:59. Any times on the application form should be given using the 24-hour clock.

#### **4.0 General description of the premises**

- 4.1 You need to provide a clear physical description of the premises in this section, which gives detail of the general situation and layout. The details should include where the premises is, the type of building and whether the building has other uses or occupants. For example:
- How many floors does the premises have and how many will be used for licensable activities?
  - What are the other floors used for?
  - What buildings does the premises adjoin and what are they used for?
  - Where will licensable activities primarily take place?
  - What will the internal layout be like?
  - What is the premises glazing like? e.g. is there double glazing or any secondary glazing? Are the windows capable of being opened?
  - Are you providing an outside space as part of the licensed premises? What is this like, how close is it to the premises, how is it accessed and how will it be laid out?
- 4.2 You should also provide some information about the location the premises is situated in. For example:
- What is the surrounding area like?
  - What is the general use of premises in the surrounding area e.g. mainly residential or predominantly other businesses?
  - Is it a rural or built up location?
  - Are there any schools nearby?
- 4.3 You should also use this section to provide any other details about the premises which may be relevant to the licensing objectives. For example, if you plan to provide gambling facilities or relevant entertainment (entertainment with nudity or semi nudity), where this will take place?
- 4.4 If you are applying for off-sales for the supply of alcohol, and you intend to provide a place outside your premises for the consumption of alcohol, which is not included in your licensed area and could be used for the consumption of these off-supplies (for example a beer garden or outside seating area), you

must include a description in this section of where this place is, how it is accessed from the premises, its layout and its proximity to the premises.

## **5.0 Licensable activities**

- 5.1 In sections A to J of the operating schedule, you must provide details of the days and times you wish to carry out the specific licensable activities you are applying for. If you are not applying for a licensable activity, leave the section blank. Complete the timings for each day using the 24-hour clock. If you need more information what is and what isn't a licensable activity, see paragraph 26.0 of the Council's Statement of Licensing Policy 2019 - 2024.
- 5.2 For each activity, you will need to tick the box to confirm if you intend to carry out the activity indoors, outdoors or both. If you are applying for the supply of alcohol, you should tick to indicate whether you will be supplying alcohol for consumption on the premises, off the premises or both.
- 5.3 'On premises' means alcohol can only be supplied and consumed within the licensed area of the premises (inside the red line on your plan). 'Off premises' means alcohol can only be sold for consumption off the premises (e.g. an off licence). 'Both' would indicate that alcohol could be supplied for consumption on the premises, but could also be sold to be taken away (e.g. a pub where patrons could also buy a bottle of wine to take home).
- 5.4 If you aren't sure if you need a licence for the activity you are planning, check guidance note 2 at the back of the new premises licence application form, read paragraph 26.0 of the Council's Statement of Licensing Policy 2019 - 2024, or contact the Licensing Team for advice.
- 5.5 In the 'further details' section for each licensable activity you are applying for, you should provide any useful additional information about the activity you plan to offer. For example:
  - Plays: If the play is a one off give the name of the play, otherwise give the nature of the plays e.g. plays for mixed audiences, pantomimes etc. How often will plays be shown?
  - Film Exhibitions: How many screens will there be? What types of film do you intend to show e.g. arts films, current box office releases etc.? How often will films be shown?
  - Boxing and Wrestling: What category fights do you plan to provide? Will they be professional or amateur? How often will there be matches?
  - Live music: Amplified or unamplified? What type of music? How many musicians will there generally be? How often will there be live music?
  - Recorded music: What type or style of music? Do you intend to use a live DJ or a sound system? Will there be DJ nights? Will you be offering karaoke?
  - Performance of Dance: Will there be a stage? What kind of dancing will be shown? Will there be any nudity or stripping?

- Entertainment of a similar description: Describe the type of entertainment e.g. comedy shows
  - Late night refreshment: Describe what you will be doing. Selling food for takeaway only? Providing food as part of events? What type of food?
- 5.6 In the seasonal variations section of each licensable activity, you should list any specific days you want to carry out the activity which wouldn't ordinarily be permitted by the standard timings you have applied for. For example:
- You may want to open on specific days you wouldn't normally e.g. where a premises would not ordinarily be open on a Monday, but you want to be able to open if Christmas Eve or New Year's Eve fall on that day, or for bank holidays and other nationally recognised holiday days.
- 5.7 In the non-standard timing section, you should provide details of specific days on which you want the activity to be able to take place during different hours than the standard timings already applied for. For example:
- The premises might usually close at 00:00, but on New Year's Eve would like to be able to open until 01:00.
- 5.8 In section J for the supply of alcohol, the Council recommends that applicants applying for on sales end the supply of alcohol half an hour before the intended closing time of the premises. This allows patrons to finish their last drink in a more leisurely manner and disperse over a longer period of time, reducing the likelihood of a public nuisance being caused outside the premises at closing time.
- 5.9 In section K, you should describe any activities intended to take place at the premises which may give rise to concern in respect of children. This includes any entertainment where there may be nudity or semi nudity, the showing of films which have age restrictions and if there will be any gambling activities or gaming machines. You should complete this section even if you do not intend for children to have access to the premises, but you are providing activities of this nature.

## **6.0 Opening hours**

- 6.1 In section L, you should state the desired opening hours of the premises. These are the hours during which the premises will be permitted to be open and carrying out licensable activities. Take paragraph 5.8 above into consideration when doing this if you are applying for the supply of alcohol.
- 6.2 It is strongly advised that you check the planning permission for the premises and apply for opening hours which correspond with, or are earlier than, the hours permitted by planning. If you aren't sure what the planning permission for the premises permits, you should contact Shropshire Council's Planning Department for advice.

- 6.3 The Licensing Team will check appropriate planning permissions on receipt of licence applications, and will discuss the need for licence opening hours above and beyond planning permissions with the applicant. If you do apply for licensable activity or opening hours without the planning permission for the premises, and the licence is granted, you must comply with the permission which finishes earliest.
- 6.4 If you feel the hours permitted by planning do not meet your needs for the premises, you should contact planning to discuss applying to amend the planning conditions.
- 6.5 In this section, you must also include any seasonal variations or non standard timings for the opening hours to reflect and correspond with those requested in the licensable activity sections.

## 7.0 Part M – Promoting the Licensing Objectives

- 7.1 Every premises licence application is considered on its own merits, so you must use section M to paint a detailed picture of your premises and how it will operate. You must carefully read and consider section 27.0 of the Council's Statement of Licensing Policy 2019 – 2024 before completing this section of the application form.
- 7.2 You must use the parts of section M of the application form to volunteer as much information as is necessary to demonstrate to the licensing authority, and all responsible authorities, the measures you propose to promote the licensing objectives at the premises. This is the section which shows the licensing authority and the responsible authorities how well you have understood the licensing objectives, and whether you have successfully taken account of them in terms of your specific premises.
- 7.3 The self-proposed measures in this section will become conditions of your licence if it is granted (subject to amendments and rewording by the Licensing Team), and so it is essential that you consider the following points carefully when writing this section:
- Conditions must be specific to the premises, taking into consideration its specific location, operation and circumstances
  - Conditions must be necessary and proportionate – it is important that you address all four of the licensing objectives, but don't propose conditions you won't be able to comply with or are unrealistic for your staff to achieve
  - You must be able to support any measures you propose with evidence of how you, the premises staff and/or the premises will be able to achieve them
  - If a question such as 'who', 'where', 'how' or 'when' can be asked about a condition you are proposing, it is not clear enough
  - **You must use definitive language when proposing conditions:**
    - **DO NOT use language such as: *should, may, could, recommend, as soon as possible, best endeavours, risk assessed basis***

- **DO use language such as: *must, shall, will, requirement of.***

## 8.0 The Prevention of Crime and Disorder

- 8.1 The promotion of this objective places a responsibility on prospective licence holders and licence holders to identify the risks and potential issues associated with the licensable activities they plan to offer in specific relation to their premises. They must become key partners in achieving a positive outcome through the proposal of effective and robust licence conditions. Following the carrying out of a risk assessment, applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained, to minimise or prevent crime and disorder, in and around the vicinity of their premises. Conditions are expected to be relevant to the individual style and characteristics of their premises and licensable activities.
- 8.2 The below list provides guidance on control measures that should be considered in order to deter and prevent crime and disorder including the prevention of illegal working in licenced premises. Considerations in relation to the premises and the licence must determine whether or not the following are required:
- Security Industry Authority (“SIA”) licenced staff (SIA requirements stipulate that licenced staff must display their name badge and carry proof of registration) for example:
    - To prevent the admission and ensure the departure from the premises of the drunk and disorderly, without causing further disorder
    - where there are capacity limits for the premises, compliance with and monitoring of that limit
    - 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
    - maintaining orderly queuing outside premises
  - Sufficient ratio of SIA licenced staff to customers
  - Where, and at what times, SIA licenced staff should be stationed on the premises
  - Closed-circuit television cameras (CCTV) inside and immediately outside the premises (the precise location of cameras must be shown on the premises plan)
  - A retention period for CCTV images
  - A condition to properly maintain CCTV cameras
  - Provision of appropriate communication systems including links to the police and other licence holders, e.g. text and radio pagers, radio links and ring-round phone systems, and any specific requirements relating to the way in which the system is operated
  - Conditions relating to the management competency of the Designated Premises Supervisor (DPS)

- Conditions that focus on preventing immigration crime e.g. undertaking right to work checks on all staff and retaining copies of any documents checked
- A ratio of tables and chairs to customers
- Membership of appropriate initiatives, schemes, professional bodies, etc.
- Initiatives to protect children, young people and adults with care and support needs
- Mechanisms to ensure the safe and quiet dispersal of customers
- Restrictions on the areas where alcoholic drinks may be consumed after being purchased from the bar
- Mechanisms to inform customers of the prevalence of crime and who to contact to report concerns
- Mechanisms to make the conditions that apply to the licenced premises clear to customers and others who may wish to know when breaches are taking place
- Provision of secure receptacles or areas for confiscated items such as drugs or weapons
- Systems for alerting the police of confiscated items and arranging collection/disposal of them by the police

## **9.0 Public Safety**

- 9.1 Having carried out appropriate risk assessments of their premises, prospective and current licence holders should be able to identify and propose conditions to mitigate risks to public safety. Conditions must be relevant to the individual style and characteristics of their premises and licensable activities, and should take into consideration the customer profile, nature of the surrounding area and nature of the services, events and facilities that will be on offer in the premises and how they might pose a threat to public safety.
- 9.2 The below list provides guidance on potential control measures to ensure the safety of people using licenced premises. Considerations in relation to the premises and the licence must determine whether or not the following are required:
- The use of weights and measures compliant plastic or toughened glass drinking receptacles
  - specific types of training for staff, the DPS or security staff, including awareness of first aid, conflict management or initiatives to protect potentially vulnerable customers
  - ensuring safe departure of those using the premises, e.g. providing information of local hackney carriages and private hire companies, provision of adequate external lighting
  - Prevention of sales of drinks in glass bottles i.e. bottle bans, taking into account that bottles may be considered a safer option to prevent the spiking of drinks
  - Conditions to prevent customers from taking alcoholic and other drinks from the premises in open containers e.g. glasses and opened bottles
  - A maximum capacity limit to prevent overcrowding

- Maintenance and repair schedules/checks attesting to the safety or satisfactory nature of equipment, fixtures etc.
- Queue management procedures inside and outside the premises
- For events or premises where there is a stage, crowd management procedures to prevent overcrowding or crushing
- Training for all staff on fire and emergency evacuation procedures
- For large events, adequate training for all staff on emergency and evacuation procedures

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

10.1 Thorough analysis of the premises which considers the specific licensable activities that will take place should be carried out, by a professional if necessary, in order to ensure that any potential sources of public nuisance are identified. Premises licence holders and applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained, to prevent public nuisance, in and around the vicinity of their premises.

10.2 The below list provides guidance on the control measures that should be considered to reduce the effect of the licensable activities at the specific premises on persons living and working, including those carrying on business, in the area around the premises. The issues will mainly concern noise/vibration nuisance, light pollution, noxious smells (e.g. fumes from smoking and vaping) and the adverse effects of artificial light, dust, insects and litter. Considerations in relation to the premises and the licence must determine whether or not the following are required:

- Methods of preventing and managing noise/vibration nuisance, light pollution, noxious smells, adverse effects of artificial light, dust, insects and litter.
- The Council is not minded to provide a definitive list of methods to address nuisance; instead applicants are advised to consider the following sources of nuisance and determine the most appropriate methods to control and manage them, with specific reference to their premises (this is not an exhaustive list):
  - outside areas e.g. use of gardens, play areas, car parks, temporary structures such as stages
  - doors
  - windows
  - ventilation systems/fans
  - flashing or particularly bright light including lasers
  - fireworks and pyrotechnics
  - rowdy behaviour
  - disposal of waste including bottle bins
  - plant and machinery
  - food preparation including cleaning of premises and equipment
  - deliveries and collections of patrons, staff and vehicles



- litter being dropped inside and outside of premises
- fly posting, advertising and distribution of promotional material
- live and recorded music (consider a period of lower volume and/or lower tempo music before closing - wind-down policy)
- positioning of speakers
- opening and closing times together with total operating periods

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

- 11.1 The promotion of this objective places a responsibility on prospective licence holders and existing licence holders to recognise their duty to protect children from harm, and prevent their premises and the licensable activities taking place within it from having any negative physical, moral or psychological effect on children.
- 11.2 Following the carrying out of a risk assessment, applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm in and around the vicinity of their premises. Conditions must be relevant to the individual style and characteristics of their premises and licensable activities.
- 11.3 It is recognised that the licensing objective relating to the protection of children from harm does not apply directly to young people and adults with care and support needs. However, the Council actively encourages applicants and licence holders to apply the same principles to young people and adults with care and support needs as they do when considering protecting children from harm in the operation of the premises.
- 11.4 The following issues will significantly increase the need for the operating schedule to include a robust explanation and detailed provisions setting out how children will be protected from harm, including circumstances where access is prohibited for all children under 18 years of age:
- Where the entertainment, activity or services (whether regulated entertainment or not) provided on the premises are clearly of an adult or sexual nature (relevant entertainment), particularly when the premises are located in the vicinity of residential housing, nurseries/pre-school facilities and schools and/or other educational establishments, play areas, places of religious worship, historic buildings, tourist attractions, family shopping areas, community facilities or public buildings such as youth clubs, libraries and sports centres
  - Where any member of the current staff at the premises has been convicted for serving alcohol to a minor or where there is a reputation for selling alcohol to underage children
  - Where It is known that unaccompanied children have been allowed access previously
  - Where the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises
  - Where there is a significant element of gambling on the premises

- Where the premises has a known association or involvement with the taking or dealing of drugs
- Where a premises has known associations with heavy, binge or underage drinking
- Where children under the age of 12 and unaccompanied by an adult may be on premises that do not serve alcohol for consumption on the premises but where the public are allowed after 23:00

11.5 The list below provides guidance on the control measures that must be considered to protect children from moral, psychological and physical harm and exploitation. Considerations in relation to the premises and the licence must determine whether or not the following are required:

- A 'Challenge 25' policy linked with identification challenges and proof of age
  - The use of a 'challenge log' recording all age restricted sales challenges
  - A 'Challenge 25' prompt or reminder for staff at the point of entry to premises and at points of sale
  - Systems to ensure that the circumstances in which a customer may or may not be served is understood and consistently applied
  - Mechanisms to inform customers of age restricted sales legislation and related policies/procedures that are in operation at the premises
  - Staff training to ensure age restricted sales legislation and policies/procedures are understood, up-to-date and applied consistently, including how staff's knowledge and understanding will be tested
  - The frequency and updating of staff training, which is recorded
  - External or internal test purchasing policies
  - Measures to prevent adults buying or attempting to buy alcohol on a child's behalf ('proxy sales')
  - Any other arrangements to prevent children from acquiring or consuming alcohol
  - Any other arrangement for the appropriate instruction, training and supervision of staff to prevent children from acquiring or consuming alcohol
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- Steps to prevent children from being exposed to drugs, drug taking or drug dealing
  - Arrangements to prevent children from being exposed to gambling
  - Steps to prevent children from being exposed to entertainment of an adult or sexual nature (relevant entertainment)
  - Steps to prevent children from being exposed to incidents of violence or disorder
  - Measures to prevent children from being exposed to environmental pollution such as excessive noise
  - Measures to prevent children from being exposed to other hazards, e.g. falls from height
  - Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm other than in relation to alcohol

- Mechanisms to make the conditions that apply to children in the licenced premises clear to customers and others who may wish to know in order to determine when breaches are taking place
- 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
- 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
- Full exclusion of children under 18 from the premises when any licensable activities are taking place
- Controls for entertainment specifically aimed at children
- Sufficient ratio of adult staff to children to ensure adequate supervision and protection of children is available
- Provision of play areas, baby changing facilities, etc.
- Provision of enhanced safety control measures targeted at protecting children
- Limits/restrictions on point of sale naming, marketing and promotion for alcohol and other products that are not suitable for children
- Steps to promote the protection of children from harm specifically where a decision is taken to completely exclude children from a premises, e.g. to address children gaining unauthorised access or where children may congregate in the vicinity of the premises
- Controls relating to children in performances, in particular, the care of the children, the suitability of the venue and the use of special effects
- Measures to stop children viewing age-restricted films which are classified by the British Board of Film Classification or the Council until they reach the required age
- Steps relating to child employment

### **12.0 How to prepare a plan of a licensed premises**

- 12.1 New premises licenses, or variations to premises licenses where there is a material change to the layout or operation of the premises which affects the existing plan, must be accompanied by a plan.
- 12.2 The plan will become part of the premises licence, it is therefore essential that they are carefully prepared and drawn accurately to avoid any errors or confusion.
- 12.3 Plans may be hand drawn, but will not be accepted if the drawing or writing on them is not clear and legible.
- 12.4 Regulations under the Licensing Act 2003 require specific details to appear on the plan. If all the following (where appropriate) are not on your plan it won't be accepted:

- Plans must be in the scale of 1:100 i.e. 1 millimetre represents 100 millimetres. Only in exceptional circumstances may a plan be submitted to a different scale and the prior consent of the Council must be gained
  - The boundary of the building, if the premises is a building, and any internal and external walls must be shown. If the premises is not a building the perimeter of the premises must be clearly defined
  - Entrance and exit points must be clearly shown/labelled
  - If there are emergency escape routes from the premises which are different from the normal entrances and exits they must be clearly shown/labelled
  - The areas to be used for all licensable activities must be clearly shown e.g. bars, stages, dance floors
  - Where the supply of alcohol will be a licensable activity the location or locations for the consumption of alcohol on the premises must be clearly demarked
  - Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of people to use exits or escape routes without impediment must be clearly shown/labelled
  - Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor
  - Any steps, stairs, elevators or lifts must be accurately and clearly shown/labelled
  - Facilities such as toilets and changing rooms must be clearly shown/labelled
  - All fire safety equipment e.g. fire extinguishers, hose reels, fire blankets, and any other safety equipment must be clearly shown/labelled
  - The location of a kitchen, if any, on the premises must be clearly shown/labelled
- 12.4 The total extent of the premises to be licensed should be defined by a bold and clear continuous red line
- 12.5 You may find it easier to use symbols to illustrate the location of all the required features on the plan e.g. where fire extinguishers are placed. This often stops the plan from becoming cluttered and difficult to read. If you do use symbols you must provide a key to the symbol used either on the bottom of the plan or as a separate sheet.
- 12.5 It is also useful if the plan submitted has the name and address of the premises it relates to, and is dated with when it was completed, but this is not a requirement.