

CITY OF WOLVERHAMPTON COUNCIL

**STATEMENT OF
LICENSING POLICY**

COMMENCING APRIL 2020

City of Wolverhampton Council: Statement of Licensing Policy 2020 to 2025

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INTRODUCTION (statement of licensing policy)

2020 sees the 15-year anniversary of the implementation of the Licensing Act 2003. The changes have brought new opportunities, flexibilities and freedoms to businesses across the city, balanced by responsibilities and accountability to their local communities, under a regime administered by the council with a duty to promote the licensing objectives.

We are mindful of the balance that we have to strike between the needs of our residents and those of our business community, which may sometimes conflict. We must ensure our residents can peacefully enjoy their homes and environment whilst also encouraging responsible and positive investment and economic growth.

We are committed to working in partnership with our Responsible Authorities to provide a responsive licensing approach to those who live, visit and work in Wolverhampton. We hope that this revised Statement of Licensing Policy is clear and easy to understand and reflects the needs of all our communities. We have worked with all of the responsible authorities, councillors and residents in compiling our new Statement of Licensing Policy and thank them for contributing their extensive experience and knowledge in formulating this Statement, as we aspire together to enhance our reputation as a safe and vibrant City, that welcomes responsible drinkers.Q2

The relentless demand for licences, has required us to balance the competing aspirations which inevitably arise. Whilst continuing to promote the growth of the local economy we cannot allow the city to become a licence free for all, and conscious of our responsibilities to all sectors of the city we are an essential buffer to residential interests and concerns.

Through this revised policy we intend to continue to apply this balance in a fair and transparent manner in the interests of all. We recognise the significant contribution that licensed premises can make to the city and acknowledge that the majority of these premises are well run businesses.

Alongside our partners, we encourage and support the Responsible Authorities to use the control mechanisms within the Licensing Act to regulate the irresponsible actions of a few utilising the review process.

Responsible businesses are sensitive to the communities in which they operate and seek to minimise any negative impact they may have on their neighbours. We will continue to work alongside responsible owners who fulfil their responsibilities in promoting the licensing objectives. We also encourage those businesses who promote responsible licensing by supporting their commitment and accountability through membership of organisations such as Pub Watch.

With continuing financial pressure on the council and the other Responsible Authorities, the partnership approach is increasingly important. Our joint working with West Midlands Police, Public Health, Trading Standards and the Home Office in

particular, as well as with the other responsible authorities lies at the heart of our work, whilst our engagement with local businesses and residents continues to flourish.

City of Wolverhampton Council continues to consider the empowerment of individuals, families and local communities at the heart of decisions which determine local licensing. We remain committed to that aim and I believe that this policy will continue to build on our success in promoting our City for the benefit of businesses, residents and visitors.

The Council's vision is that Wolverhampton will be a place where people come from far and wide to work, shop, study and enjoy our vibrant nightlife. It will be transformed while still retaining all of those attributes that give our city its unique identity. A thriving, international, 'smart city' renowned for its booming economy and skilled workforce, rich diversity and a commitment to fairness and equality that ensures everyone has the chance to benefit from success.

That success is based on collaboration across the city and beyond, using an approach that recognises we are far more effective when we pool our resources and ideas and work together creating a place where we all play our part in creating a confident, buzzing city that's synonymous with ambition, innovation and inclusion.

This is The Council's fifth Statement of Licensing Policy under the provisions of the Licensing Act 2003. Since the introduction of the first policy in 2005 the City has changed, and the night time economy has developed significantly. The Licensing Authority has a much more comprehensive knowledge of our local issues and this policy is being produced to be much more responsive and relevant to the Council's local areas, problem parts and more focussed on what we are trying to achieve.

The policy aims to promote a positive pattern of licensing and move from an alcohol led culture dominated by a mostly younger age group to create a greater cultural diversity with a wider family friendly age mix where people will feel safe and businesses can continue to thrive.

The role of this policy is both regulatory and advisory. The policy sets out management standards and controls that will help to achieve the Council's vision and promote the licensing objectives and encourages applicants to consider these in their operating schedules when making new applications or variations to existing applications.

The Licensing Authority will give consideration to these standards and controls when making decisions on applications and reviews. Applicants should refer to the council's licensing policy so that their applications are less likely to attract representations.

The policy also informs operators on the Licensing Authority's views on enforcement and what to expect. The Licensing Authority will establish partnership opportunities with all interested groups and agencies including the licensed trade.

The Licensing Authority believes that local improvements in standards and reduction in crime and disorder and antisocial behaviour will come as a result of multi-agency partnerships and initiatives.

The Council's vision seeks to support and promote a successful and vibrant City and encourage a variety of uses whilst avoiding over-concentration of particular uses (e.g. night time uses) where this use may erode local amenity.

PURPOSE AND SCOPE OF THE LICENSING POLICY

This is the fifth Statement of Licensing Policy (SLP) issued by Wolverhampton City Council (the Council) in accordance with the requirements of Section 5 of the Licensing Act 2003 (the Act).

This statement has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is City of Wolverhampton Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions.

The discretion of the licensing authority in relation to applications under the act are only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received.

It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted.

The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit.

This was approved by Full Council on 1 April 2020 and effective as of 3 April 2020. The Statement sets out in broad terms, how the Council will implement the Act during this five-year period, taking into account the Regulations and Guidance issued by Government. We are under a legal obligation to review this statement every five years.

VISION STATEMENT

Through this policy, we seek to unite the relationships with the Responsible Authorities, the Businesses that we licence and the people that we represent. A difficult task but one that we believe that we can achieve together.

Alcohol is an integral part of most peoples lives and connects many people in social situations. Alcohol in itself is not bad, but the way that it is sometimes used, can be.

Wolverhampton City Council, through this policy do not aim to secure exclusion and want to include responsible alcohol sales and usage. This requires all premises to work together to promote responsible alcohol sales and be a part of the network which seeks to improve our area for all.

We recognise that the majority of licensed premises operate responsibly. We believe that the minority should not undermine the majority as we recognise that this encourages problem premises.

Through careful selection and inclusion of alcohol licenced premises, we want to encourage well run premises to make the best of their businesses whilst dissuading or excluding undesirable premises.

We all have a right and a duty to create the city that we want to see and believe that this can be accomplished if we all work together to achieve this.

THE LICENSING OBJECTIVES

The Statement of Licensing Policy focuses on the four Licensing Objectives which will be promoted by the Council when undertaking its duties under the Licensing Act 2003. This will be the focus for all decision making.

The Licensing Objectives are:

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

The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.

Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business will have on the area surrounding their location.

Prevention of Crime and Disorder

We are committed to reducing Crime and Disorder across the city and ensuring that Wolverhampton is a safe place.

National and local crime statistics and research indicate that alcohol is often a significant contributory factor to levels of crime and disorder. Different premises impact upon the night time economy in different ways according to their style and characteristic. Nightclub venues contribute disproportionately highly to alcohol related violent crime in comparison to other licensed venues.

Crime and disorder may occur external to the premises such as people queueing outside a premises, persons exiting the premises, outdoor smoking and associated drinking on the highway and the potential for noise issues. Inside the premises matters of concern would be drugs, psychoactive substances, weapons and violence.

The type of event being held might also increase the possibility of violence and or disorder occurring within or near the premises. Some externally promoted live music events carry an increased risk of violent crime and disorder.

It may be a requirement to carry out a risk assessment of the activities proposed and share them with West Midlands Police before the event is booked and agreed.

Public Safety

We expect visitors and performers to be kept safe on licensed premises. Where legislation does not provide suitable protection to ensure public safety, the Authority will address any shortcoming through the licensing process.

The permitted capacity is a limit on the number of persons who may safely and comfortably be allowed on the premises at any time. Your application should indicate your proposed maximum capacity figure for each room / area and the measures you intend to take to ensure that this capacity is not exceeded. Your Fire Risk Assessor should be able work out your safe capacity for emergency evacuation procedures and there is also information on how to do this contained in the government guidance referred to on page 6 of the Fire Authority Guidance to applicants. You should be aware however, that Environmental Health or other agencies may set their own occupancy figures (based around the provision of toilets/wash room facilities, comfort etc,) and this figure may be greater or less than that required for Fire Safety Purposes.

The lowest figure calculated, must be adopted.

Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:

- (a) provision of closed-circuit television and panic buttons.
- (b) use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons why this should not be so.
- (c) use of door supervisors, licensed by the Security Industry Authority.
- (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- (e) the provision of designated and suitably trained first aiders.

Where appropriate, licence holders or their authorised representatives will submit event management and safety plans and operating manuals, attend Safety Advisory Groups and similar meetings prior to large events and host Event Liaison meetings during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE approved code of practice for events.

Prevention of Public Nuisance

We expect the operation of licensed premises not to unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community.

It is important to note that Public Nuisance can include low-level nuisance, perhaps affecting a few people locally, as well as larger scale nuisance affecting the whole community.

In determining applications when relevant representations have been received for new and varied licences, regard will be made to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

Applications for new licences or for the extension in size of licensed premises submitted by way of a variation, providing relevant representations have been received, should not normally be granted if the premises will use amplified or live music and operate within or abutting known noise-sensitive premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be clearly audible in any residence. Noise emanating from within licensed premises should not normally affect those nearby. In such circumstances, applicants will be encouraged to supply an acoustic report confirming that there will be no noise breakout from the premises likely to cause a public nuisance to persons living or working near the licensed premises.

Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises. This may be added as a condition where relevant representations have been received.

Generally, regulated entertainment in the open-air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to relevant updated guidance.

In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside.

Protection of Children from Harm

We expect the applicant to consider the following matters and measures to address them to ensure the protection of children from harm. Harm includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, e.g. in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (e.g. passport, photo driving licence or pass card).

It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not

seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them.

To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures: -

- Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- Further take-up of proof of age schemes will be promoted
- In-house, mystery shopper type schemes operated by local businesses will be supported
- Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

The licensing authority will not seek to expect that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the licensing authority.

Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing including proxy sales. Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

ADDITIONAL CONSIDERATIONS

Public Health

Protecting and improving Public Health is not a licensing objective. However, Alcohol related harm is a concern for our district which has the highest level of licensed premises per kilometre than any other district within the West Midlands. We will, as far as the legislation will allow, always consider health related harms when they are relevant to the promotion of the licensing objectives. Accordingly, when making representations, Public Health will demonstrate a link between health concerns and the licensing objectives and may provide information such as ambulance call outs, hospital admissions and other incidents which are specifically related to alcohol.

We recognise that licence holders are generally supportive of the need to address health issues relating to alcohol. We expect applicants to consider the health impacts of their proposed activities in relation to the licensing objectives and set out below some best practice proposals which we expect responsible licensed premises to consider including into their operating schedules.

Public Health will also use the powers available to them as a responsible authority to work with our partners to promote sensible drinking messages and support the approach to managing the local availability of alcohol ensuring the links between the density of licensed premises, alcohol availability and indicators of health-related harm to inform licence decisions.

- restricting special offers such as cheap shots, 'happy hours', 'buy one, get one free', 'buy two glasses of wine and get the whole bottle'. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels are reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour.
- aligning price with alcohol by volume (ABV), and ensure that non-alcoholic drinks are much cheaper than alcoholic drinks
- increasing seating for customers to reduce intensive drinking
- reducing the volume of music as loud music can increase alcohol consumption.
- actively promoting designated driver schemes where a driver is offered discounted or free non-alcoholic drinks
- making food available in late venues
- starting the sale of alcohol later in the day and not aligning it purely with opening hours
- not advertising alcohol in the shop window
- storing alcohol behind the shop counter
- not using display boards or other advertising on the shop floor
- not selling single cans of alcohol

- not selling single bottles of beer, and other alcohol beverages such as cider, under 1 litre
- not selling beer or cider over 5.5% ABV
- not selling alcohol where they could attract under age purchasers

OPERATING SCHEDULE CONSIDERATIONS

This Policy also supports the other key aims of the legislation which include:

- Better and more proportionate regulation of the sale of alcohol and public entertainment.
- Greater choice for consumers.
- Encouragement of more family friendly premises.
- Further development of live music, dancing and theatre.
- Better protection for local residents and businesses.

The Statement of Licensing Policy also identifies what is required of those applying for licences under the Act. Broadly this will cover:

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

This policy covers licensable activities within the jurisdiction of the City of Wolverhampton Council as defined by the Licensing Act 2003. These are: -

- The sale of Alcohol
- The supply of alcohol by or on behalf of a club
- The provision of regulated entertainment
- The provision of late-night refreshment

Advice may be sought from the licensing team regarding whether or not a licence is required for a premise or an event.

The Council will help and support those applying for licences whilst protecting the rights of those affected by the issue of such licences. There is an expectation that premises will be responsibly operated, and this Statement of Licensing Policy addresses how those affected by troublesome and poorly managed licensed premises can expect the Licensing Committee to deal with them.

Applicants should assess what matters, if any, need to be included within the operating schedule to address the licensing objectives. If an application is correctly and lawfully made and no relevant representation are received, then the council must grant the

application as applied for. Only if relevant representations are made will the Council's discretion be engaged.

Any conditions applied to licences will focus on matters which are within the control of licence holder. Each application will be considered on a case by case basis.

Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate as provision has been made for them to do so in the Act.

Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities, as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps that they propose to take to promote the licensing objectives. In particular, applicants are encouraged to demonstrate through the application process, their knowledge of the areas included within the already established Cumulative Impact Zones and the Special Consideration Areas.

This policy seeks to provide advice to applicants about the approach that they should take to making applications (new, minor or full variations) and the view that the council is like to take on key issues where representations have been made. Consideration should be given to the included Matrix approach when submitting applications in the Cumulative Impact Zones and the Special Consideration Areas.

Duration of Review

The policy takes effect from 3 April 2020 and will remain in force for a period not exceeding five years. During this time, it may be the subject of review and updating or modification as appropriate or required by legislative changes.

The policy of this Authority is subject to s182 Guidance, legislative changes and Regulations issued by the government. It will include any issued after the date of publication of this statement.

CONSULTATION

Local people and members of the council can have their say and their opinion heard through public consultation on this policy. Furthermore, this is strengthened by the ability to make representations about applications for premises licences or requesting reviews of licences if they are affected by problem premises.

Before revising or determining policy for any five-year period, the licensing authority must consult:

- (a) the chief officer of police for the licensing authority area;
- (b) the fire authority for that area;
- (c) the Director of Public Health
- (d) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
- (e) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by the authority;
- (f) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
- (g) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

In relation to this statement of licensing policy, the licensing authority has consulted the following persons or bodies:

West Midlands Ambulance Service

Accident & Emergency Services

The council's Transport Planning, Planning Policy, Community Safety, Tourism, Drug & Alcohol Awareness and Economic Development departments

Ward Councillors

Individual premises and personal licence holders and club premises certificate holders

Residents' Associations

The general public via the licensing pages of the council's website

PARTNERSHIP APPROACH – RESPONSIBLE AUTHORITIES

City of Wolverhampton Council encourages partnership working with other authorities and agencies. Organisations and groups such as the Responsible Authorities Forum, Business Improvement District, Night Safe Radio and Pub Watch, are encouraged to share information and facilitate exclusion of troublemakers.

Additional groups who wish to support the City of Wolverhampton in addressing problematic or irresponsible drinking and associated concerns, will be encouraged to combine their efforts into improving our district.

The policy recognises the need to balance economic prosperity with community protection. Good regulation at a local level provides fair trading conditions. This creates a fair-trading environment, discourages irresponsible practices and promotes community well-being. Local regulation is attuned to supporting the local economy and local businesses who all have a part to play in balancing good business with social responsibilities.

The Authority regard it as acceptable practice, where appropriate, for a responsible authority to act in a supporting role as regards the evidence of another responsible authority. All representations from responsible authorities and interested parties must be received in 28 days. If not, they cannot be considered. However, we can receive reasonable amplifications to those representations already made in the stipulated timeframe, for consideration after that deadline.

Environmental Health

Operating schedules are expected to contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem. Applicants should also provide details of any proposed noise control measures intended to be put in place, particularly for premises in largely residential areas where regulated entertainment is being applied for between the hours of 11 pm and 8 am.

If licence conditions are imposed they will be specific to the premises in question and will relate to the type of licensable activity proposed.

As far as licensing hours are concerned each application will be considered on its own individual merits but it should be recognised that restricting the hours of operation in some cases can play an important role in preventing public nuisance, especially in residential areas where there is a history of noise complaints relating to a premise from those living nearby.

Fire – West Midlands Fire Service

The Fire Authority is dedicated to assisting with the process of applications and the safe management of premises. Guidance has been produced which is designed to

assist applicants and responsible persons in achieving and maintaining a safe environment within licensed premises.

We will assist premises licence applicants if they feel that the guidance provided does not address their specific concerns.

Health and Safety

The main objective is to ensure the health, safety and welfare of employers, employees and members of the public working at or attending licensed premises.

Applicants applying for a premises licence or Club Premises Certificate should therefore be able to demonstrate a safe environment. Operating schedules will be expected to also set out what steps are being taken to ensure that electrical and gas installations are in good order, as well as being checked and maintained on a regular basis.

Although existing health and safety legislation will primarily be used it may be appropriate to apply for the review of a licence in the following circumstances:

- serious or regular contraventions of health and safety legislation
- failure to comply with Improvement or Prohibition notices
- service of a prohibition notice where a significant risk to public safety exists
- prosecution for failure to comply with health and safety legislation

The Council (Environmental Health) and the Health and Safety Executive are jointly responsible for enforcing health and safety. As a rule, the Council is responsible for the majority of premises, but the Health and Safety Executive is responsible in the case of Council-owned premises

Home Office

Immigration Enforcement carry out enforcement operations as part of a team of officers looking to detect, apprehend and remove persons unlawfully present in the UK in line with Immigration legislation. We undertake a range of activities which supports this work, visiting anywhere where immigration offenders can be found. Our visits are intelligence led operations. We can use Section 179 powers to enter a premise where there is a licensable activity or where licensing officers are not present.

Applications are considered by Immigration and used to establish if applicants are living in the UK, are entitled to be in the UK and entitled to work in a licensable activity.

Enforcement activities are conducted in conjunction with other responsible authorities in the spirit of co-operative working.

Licensing Authority

The Authority regard it as acceptable practice, where appropriate, for a responsible authority to act in a supporting role as regards the evidence of another responsible authority.

Additionally, where representations are received, and the Licensing Authority are aware of matters likely to affect the running of a premises, the Authority may operate in a stand-alone capacity to ensure that the Licensing objectives are upheld.

Planning

Planning, building control and licensing will be properly separated to avoid duplication and inefficiency. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored *before* licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licences.

Matters for consideration in licensing applications will not duplicate matters considered as part of any planning application.

The granting of planning permission does not automatically entitle the occupant to consider that their licence application will be successful. There are many factors to consider and a number of responsible authorities who may make comment on an application.

Similarly, the fact that a licence application may be granted, does not override the need to have the relevant planning consent or permission to operate the business.

Police - West Midlands Police (WMP)

West Midlands Police is the primary authority for matters of crime and disorder and serious crime and disorder. Additionally, WMP may hold key intelligence which relates to any of the four licensing objectives. Where appropriate, representations will be made relating to any of the additional licensing objectives.

West Midlands Police is one of the two authorities who may respond to temporary event notices considering all four of the licensing objectives. Applicants serving notice can expect their previous temporary event history to be taken into consideration when assessing any new notice served.

The Police have experienced increasing demand for resources further into the early hours of the morning. Increases in 'pre-loading,' when individuals coming into the City's night time economy have already consumed alcohol purchased at home. These trends provide obvious challenges to both the licensed on-trade and the police when assessing and responding to levels of drunkenness.

Dispersal from the city centre during the late evening and early morning continues to provide policing challenges. Over recent years, there has been a proliferation of off-licences and late-night refreshment venues. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, West Midlands Police support the Council's Special Consideration Area Policy in offering guidance to both applicants

and the Licensing Committee in relation to off-licences and late-night refreshment licences.

West Midlands Police have a growing concern that, despite staff training in age-restricted sales, under age individuals are still being served alcohol in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted utilising the services of Trading Standards.

Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Police support maintaining the Council's Special Policy which defines cumulative impact and special consideration areas. West Midlands Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping our City a safe and enjoyable city to live, work and visit.

Public Health

Public Health England and the Local Government Association recognise that the Statement of Licensing Policy provides an important opportunity to incorporate relevant local public health concerns within the wider policy context of the local licensing authority and that as a responsible authority, the Director of Public Health has a key role in identifying and interpreting health data and evidence.

Public health functions are now embedded into licensing considerations. We seek to tailor local solutions to local problems and to promote the Authority's duty to improve health and reduce inequality.

Where a local authority's Director of Public Health exercises its functions as a responsible authority and wishes to make representations, the DPH will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services. Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives.

Safeguarding 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. If children are to be permitted on the premises, consideration must be given to CSE (child sexual exploitation) training for staff who regularly come into contact with children.

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 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.

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 wellbeing of children during an emergency.

Applicants should 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 cards in addition to other appropriate photographic proof of age.

Proxy Sales. Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage or those that have been refused a sale due to being drunk.

Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons who are underage.

Trading Standards

The sale of age restricted products, in this case alcohol, remains a priority for Trading Standards.

Their aim is to ensure that;

- Owners of licensed premises, Premises Licence Holders and Designated Premises Supervisors are aware of their obligations in law and those associated with this policy.

- That non-compliant licensed premises are helped to achieve compliance.
- That there is restricted access to cheap alcohol by removing from sale counterfeit, illicit and non-duty paid alcohol and tobacco.

Trading Standards will

- Operate a risk rating scheme for licensed premises, so that those premises of highest risk can be focussed on.
- Maximise the use of intelligence to target non-compliant premises, areas where anti-social behaviour is linked to the sale of alcohol and areas of high alcohol misuse.
- Work with businesses and partner agencies in areas where anti-social behaviour is linked to the sale of alcohol by proxy sales, to raise awareness, increase compliance and reduce associated anti-social behaviour.
- Trading Standards are promoting Challenge 25 for all age restricted products including alcohol and tobacco

The sale of illicit/counterfeit and non-duty paid alcohol and tobacco products are having a very serious impact on the local economy. Legitimate retailers are struggling to compete with the small minority of dishonest traders who operate within the shadow economy.

Licence holders found to be selling illicit alcohol and/or tobacco may be liable to prosecution and could have their licence to sell alcohol reviewed by the Licensing Sub Committee under the prevention of crime and disorder objective.

Under these circumstances the authority will also consider amending licence conditions as well as whether the revocation of the premise license is also appropriate.

Licence holders should be aware that they may be subject to test purchasing by Trading Standards if there is cause for concern about the sale of alcohol to young persons.

APPLICATIONS

Applications (General) Making an Application

Directly from the Council

The relevant application forms and associated documents are available from the Council directly or via our Website at:

<https://www.wolverhampton.gov.uk/licences/beer-licences>

From the Government Website GOV.UK

In the event of our website being unavailable, generic application forms are available via the Gov.UK website at:

<https://www.gov.uk/government/publications/premises-licence-application>

Online Applications

Applicants may also make applications online and make payment online via this link

<https://www.gov.uk/premises-licence>

Operating Schedules

The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. The Licensing Authority expects an operating schedule to indicate the positive steps that the applicant proposes to take to promote the Licensing Objectives.

In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of the local area when describing the steps that they propose to take in order to promote the Licensing Objectives.

The Licensing Authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the Licensing Authority and other Responsible Authorities prior to submitting them.

The complexity and detail expected in the operating schedule will depend upon the nature and use of the premises concerned. For premises such as a public house where regulated entertainment is not provided, only a relatively simple document may be required. However; for an operating schedule accompanying an application

for a major entertainment venue or event, it will be expected that issues such as public safety and the prevention of crime and disorder will be addressed in detail.

The operating schedule must be set out on the prescribed form and include a statement of the following: -

- Full details of the licensable activities to be carried on at and the intended use of the premises;
- The times during which the licensable activities will take place;
- Any other times when the premises are to be open to the public;
- Where the licence is only required for a limited period, that period;
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- Whether alcohol will be supplied for consumption on or off the premises or both;
- The steps which the applicant proposes to promote the Licensing Objectives.

For some premises, it is possible that no measures will be appropriate to promote one or more of the Licensing Objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the Licensing Objectives.

PRINCIPLES OF GOOD MANAGEMENT OF PREMISES

The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced.

Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.

GENERAL INFORMATION –

STANDARD PREMISES LICENCES AND OUTDOOR EVENTS

Enforcement

The Enforcement of licensing law and inspection of licensed premises will be a joint approach between West Midlands Police, West Midlands Fire & Rescue Service and City of Wolverhampton Council.

The Licensing Authority will have regard to its published Licensing Enforcement Policy https://www.wolverhampton.gov.uk/sites/default/files/pdf/Black_Country_enforcement_policy_2016.pdf written in conjunction with other Black Country Authorities of Walsall, Dudley and Sandwell, when making enforcement decisions in accordance with our Statement of Licensing Policy.

In order to better target enforcement resources, inspections may be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings such as the Responsible Authorities Forum (RAF) or similar arrangements. Where specific operations are considered appropriate, an operational order will be produced for these targeted events.

Fire Safety

Premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.

Health and Safety: Certain premises will be the subject of health and safety enforcement by the local authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club. However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment, and where additional and supplementary measures are necessary to promote the licensing objectives, necessary, proportionate conditions will need to be attached to a licence.

Integration of Strategies

The licensing authority shall, as far as reasonably practicable, secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies. Ongoing liaison with police, public Health, Fire and Rescue, The Safety Advisory Group, Planning, Highways, local businesses, Private Security Industry Act 2001 changes and our Trading Standards Team with matters such as Test Purchasing codes of practice.

The licensing authority will consider any dispersal policies recommended and will incorporate matters such as this in their decision-making process.

Live Music, Dancing & Theatre

This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored to ensure that this policy is not a deterrent to community events.

The Licensing Sub-Committee represents the general interests of a community in determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives.

All members of the Licensing Committee must be trained and fully conversant with the Licensing Act 2003 and S182 Guidance. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only appropriate, proportionate and reasonable licensing conditions should impose any restrictions on such events.

It is the aim of the licensing authority to promote cultural and community events where possible and to balance the promotion of such events with the effects on the wider community.

Noise

Statutory and public nuisances are dealt with by the local authority's Environmental Health department under the Environmental Protection Act 1990, Noise Act 1996 and associated legislation. Noise from commercial premises may often fall under review powers set out in licensing provisions and closure powers in antisocial behaviour provisions.

Other regulatory regimes

This policy avoids duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:

Responsible Authorities Forum (RAF)

Matters which are drawn to the attention of the Licensing Authority or any of the other Responsible Authorities, will be the subject of discussion amongst the board of Responsible Authorities as defined under the Licensing Act 2003.

Premises which have been the subject of complaints, incidents or intelligence will be considered for action and will be visited by the relevant authority or authorities. Advice will be given in the first instance but may result in formal action being taken by any of the authorities if the errant premises does not undertake to address the matters requiring remedial action.

Where premises have been flagged onto the RAF system, it may be the subject of a multi-agency visit with our partners to seek to ensure compliance with the licence and its conditions. This visit and any intelligence gleaned may form evidence to support a review of the premises if remedial action is not taken.

Reviews

Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its powers it will take necessary steps to support the licensing objectives. Any Responsible authority who seek to apply for a review, is likely to be supported by other responsible authorities. We envisage co-operative working and a shared and supportive approach to reviews and enforcement.

Safety Advisory Group (SAG)

Co-ordinated by the Local Authority and involving Responsible Authorities as defined by the licensing act. Bodies such as environmental health, licensing, emergency services such as police, fire and rescue and ambulance departments (some of these might be private organisations employed by the event organiser), other relevant bodies and the event organiser. They may be event or location specific but otherwise tend to be based on local authority boundaries.

The role of SAG is to provide advice to individuals and organisations planning a public event and involve matters such a public safety and concerns at an event. The advice provided utilises the expertise of each of the constituent members based upon their experience of dealing with events. This is in addition to any legal requirements and government guidance. The recommendations given by SAG are advisory only and it is for the event organiser to take such steps that are necessary to ensure an event is undertaken safely. Should any concerns be raised, it is the event organiser's responsibility to take any appropriate action to alleviate these concerns. SAG participants nor any of its constituent members or their respective organisations act in an advisory capacity and accept no liability for the safety of events which remains the responsibility of the event organiser.

Attendance of the event organiser at SAG meetings may be voluntary or required by the Local Authority as a condition of using their land. There are significant benefits to be gained from engagement in the SAG process from the outset.

Event organisers may be asked to extend their duty past the boundaries of an event site to include the impact on the local transport network and civil contingencies in the event of an emergency.

For the City of Wolverhampton Council's webpage for Outdoor Events including links to the Industry-recognised Purple Guide and the HSE Event Guidance information, please follow this link - www.wolverhampton.gov.uk/pesag.

Smoking Advice

Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. The use of NightSafe radio, other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.

- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.
- Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

Street drinking

This licensing authority will have regard to Public Space Protection Orders (PSPOs). This is a citywide drinking restriction order linked to anti-social behaviour and on-street drinking. There is also a complete street drinking ban in the St Peter's and Park Wards. Fixed Penalty Notices will be issued for any breaches within those wards. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

Temporary Event Notices

The Licensing Authority will encourage bona fide community events. Applications for TENs at existing licensing premises will not be encouraged where the proposal is simply to extend the existing hours of operation and applications made in cumulative impact areas will be subject to increased scrutiny by Police and Environmental Health.

Licensing Guidance recognises that TENs are a light touch process, not requiring specific authorisation. The role of the licensing authority is purely administrative. However, the licensing authority will take into account the history. If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must issue an objection notice.

Where it seems apparent to the licensing authority that TEN's might be used instead of utilising the formal licensing process, this will be highlighted to the police and environmental health.

LICENSING BEST PRACTICE MEASURES

These Best Practice Measures are the sorts of things that the Authority would look to be included in applicants operating schedules. Information such as this would be particularly expected to be found in applications within the Special Consideration Areas:

Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, West Midlands Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise
- The DPS of the premises to maintain a list of all persons who have been approved/authorised to sell alcohol and for this to be readily available on request of West Midlands Police or an authorised officer of the Council.

Matters to which positive consideration would be given:

- membership of any group whose aims are to reduce unwanted incidents such as disturbance, reducing business crime, Pubwatch, Neighbourhood Watch or other similar schemes
- use of 'NightSafe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred or excluded clients are exchanged with other operators

- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events.
- Attendance at a SAG (Safety Advisory Group) meeting to

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off-licence trade
- Signage – proxy sale – deterrence

Care, control and supervision of premises

The Licensing authority supports the Night-Safe radio scheme which is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will always support responsible licensing schemes.

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, such as the type of licence, capacity, operating hours restrictions.

Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with crime. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. The Licensing Authority will support other partners in addressing breaches of the licensing objectives. Conditions may include use of closed-circuit television, properly licensed SIA registered door supervisors and earlier closing times.

This policy promotes and recognises the use of registered Door Supervisors who must be licensed by the Security Industry Authority.

Night-time Economy Safeguarding Initiatives

The SAFE HAVEN, run by City of Wolverhampton Council, currently operational in the city centre, runs throughout the year on the first and last Saturday of the month. Throughout December, it is open on every Friday and Saturday to provide a safe place for users of the night time economy who are rendered more vulnerable due to alcohol and/or drug use. First aid and first responder type assistance is available at the Safe Haven and staff will, where appropriate, signpost referrals to other agencies.

These strands of work aim to speak to workers such as pub and bar staff, door staff, fast food outlets, taxi firms and hotels to encourage them to look out for signs of sexual exploitation and inform or assist them as to how to report incidents of concern.

Off licences

In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home before going out prior to going into premises such as pubs and clubs otherwise known as “pre-loading”. The council is concerned that alcohol pre-loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children and other vulnerable people. Representations from the police, local residents and the director of public health at licensing panel hearings have testified to these problems.

The cumulative impact policy and the Special Consideration Areas apply to off-licences as explained in the **matrix approach**. In general, where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. The council will want to be assured that the operating schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances.

Applicants may seek to include the below into their operating schedules to help to best support their applications. Areas of best practice that may be included in an Operating Schedule include:

- the installation of a digital CCTV system by liaison with, and to a standard approved by West Midlands Police
- Challenge 25 policy
- Refusals system
- Documented staff training including underage sales, drunkenness and proxy sales
- Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers and ciders

- BCRP membership (or other accredited scheme)
- No sale of single cans
- Displays should not be located at the entrance/exit points or near check outs

Promoters and irresponsible drinks promotions and installation of Front-of-House Managers

The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late-night bars and clubs within the City of Wolverhampton hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers-by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self-generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. Also, to discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

Demonstration of this type of agreement, contracts of expectation and consideration will assist a premises licence holder to prove due diligence. Overall responsibility for the licence always lies with the premises licence holder.

Similarly, where a Front-of-House Manager is installed to deal with and manage a premise, the responsibility still lies with the Premises Licence Holder to ensure that their licence, any conditions and stipulations are complied with. This Authority will not view favourably any attempt to apportion blame to a third party for breaches of the licence and the licence conditions.

SPECIAL POLICIES AND INITIATIVES

City of Wolverhampton Council - Cumulative Impact Zones, Special Consideration Areas and Special Policy for the creation of a more diverse and balanced representation of premises within the City

The City of Wolverhampton Council have, over the fifteen years of alcohol and entertainment licensing, developed a sound understanding of our district and recognised where problems are arising and the concentration of premises which have exacerbated existing areas of concern.

To this end, we have worked with our partners to establish how we might address these concerns. Initially implementing Cumulative Impact Zones which enabled us to address areas of concern and help prevent furtherance of problems within a specified area.

We recognise the power of partnership working and with the other acknowledged experts in our field, have developed a strategy to attend to other concerning patterns and behaviours in an attempt to make the City of Wolverhampton a better place for all of its inhabitants and visitors.

It is not our intention to inhibit progress or to stifle businesses and opportunities. However, we have to balance the growth of successful business propositions with the rights and comfort of people living within our district. We do not propose to further constrain business through the implementation of a citywide cumulative impact zone, but have proposed a 'Special Consideration Area' surrounding and bordering our existing CIZ's in order to minimise the impact of potentially problematic premises but to also promote the types of businesses which we believe will enhance our district instead of those which we know, through our experience, will potentially intensify problems.

CUMULATIVE IMPACT

Cumulative Impact Zones

In acknowledging the concerning matters of crime and disorder, street drinking and anti-social behaviour, City of Wolverhampton Council have introduced five cumulative impact zones to help control and reduce these incidents. The CIZ policy is revisited every three years and was renewed in 2018 until 2021 and is reviewable independently of this Statement of Licensing Policy.

To further strengthen this policy with a view to reducing incidents, the Authority has sought advice to introduce a protected zone to enable all of the responsible authorities to more readily manage the escalation of incidents in our district and from where it can reasonably be considered to have an impact on the existing problem areas.

Certain areas within Wolverhampton have been identified as problematic for crime, street drinking and antisocial behaviour. Over recent years problems associated with street drinking have been experienced across the city but particularly by the Avion Centre, giving rise to the introduction of a Cumulative Impact Zone.

Part of the ongoing methods adopted to address such issues were to obtain the co-operation of off licenses within the problem areas to voluntarily amend their premises licence conditions to restrict the sale of super-strength beers and to not permit single can or bottle sales. This encourages all local premises to demonstrate their social responsibilities to address street drinking and antisocial behaviour. There has been limited uptake from some off licences to voluntarily participate in this responsible practice and therefore a firmer footing is sought to restrict premises looking to operate in the already acknowledged problem areas.

The licensing authority, after careful consideration of Police evidence, determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy. City of Wolverhampton Council have five Special Policies or Cumulative Impact Zones (CIZ's) which are kept under review every three years. The Licensing Committee resolved to retain the current CIZ's as defined in this Statement of Licensing Policy.

Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

Through effective coordination of relevant strategies and policy areas (eg licensing, policing and public safety), the council will seek to improve safety by encouraging a more balanced range of complementary evening and night-time economy uses appealing to a wider range of age and social groups and discouraging the activities which have proven to be problematic to manage. This will be in addition to the five existing 'Cumulative Impact Zones' within Wolverhampton and will afford much greater powers to control the number and type of acceptable licensed premises in the city.

This special policy will refer to five Cumulative Impact Zones within the district, At present, the policy of this authority identifies five cumulative impact zones. The City Centre, Bilston, Wednesfield, Dudley Road and the Avion Centre.

The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.

This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder. The presumption of refusal does not relieve responsible authorities or other persons

of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.

Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances.

If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

Cumulative Impact Policy Application

It is difficult to demonstrate what exceptional circumstances might mean. Examples of what would **not** be considered to be exceptional circumstances are:

- The fact that a premise will be or is well managed
- That the applicant is well qualified
- no residential premises nearby
- that the increase in hours applied for is only small
- that the increase in capacity applied for is only small

The policy of this licensing authority is that applications for certain premises types will be refused if relevant representations are received. These premise types are detailed in the Matrix Approach on pages 38 to 40 of this policy.

- The policy will be strictly applied
- It will be overridden only in exceptional circumstances

The intention of this Authority is that the policy is intended to be strict in order to address the issues of concern experienced since the implementation of this Act. This policy is directed at the overall impact of licensed premises within the CIZ areas, exceptional circumstances must be directed at showing that the likelihood of granting a licence will not cause any additional impact on the licensing objectives.

Exceptional circumstances *may* include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as membership of BID and Pubwatch), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).

By their nature, “exceptional circumstances” will be rare.

Applicants who wish to claim that their application is considered exceptional, are expected to set out their case for this within their operating schedule so that this can be evaluated by each of the responsible authorities and other persons deciding whether or not to make a representation on the application.

The types of premises which would be more favourably considered within the CIZ are Restaurants, Café Bars, Non-alcohol led premises (e.g. theatres).

Where there are no representations received, the application must be granted.

Special Consideration Areas

We do not wish to specify or name streets which will fall into the SCA's. Where a problem exists and a CIZ is implemented, allowing a premises licence to be granted in close proximity to that CIZ has the potential to impact upon the area and therefore to be of concern. However, we encourage businesses to propose a different type of alcohol licensed premises such as a cinema, theatre, café bar or restaurant.

Consideration of problem areas is a matter of shared responsibility for the local authority, responsible authorities, businesses and inhabitants of the district. This is a concern for every person that wishes to see the district improvement and work to ensure the success and regeneration of our area.

These protected zone areas will be known as Special Consideration Areas. Whilst they do not appear within the CIZ themselves, the premises are in such close proximity to a cumulative impact area that they should be more carefully considered as to the potential impact that their proximity has against the already recognised problem zone. Again, consideration will be given to the type of premises the application refers to. (See the Matrix Approach)

This is to ensure that objections are neither frivolous nor vexatious and that there is an evidential basis for the statutory licensing sub-committee to reach a decision.

Applications - Within the Cumulative Impact and Special Consideration Areas

Applications which fall within the City of Wolverhampton's Cumulative Impact Zones or Special Consideration Areas will be subject to the Matrix Approach to Licensing. Details of the Matrix Approach can be found at pages 37-39 onwards within this policy.

In cases where either responsible authorities or other people seek to establish that an application should be refused on the grounds that it would result in, or further contribute to, a cumulative impact in an area not designated as a cumulative impact area, which would undermine one or more of the licensing objectives, they shall:

- Identify the area where problems are arising or reasonably anticipated problem areas – for example areas immediately outside a CIZ
- Identify the licensing objective which it is considered will be undermined
- Identify the type of licensable activity likely to exacerbate the problem (e.g. sale of alcohol, late night refreshment)

- Provide full details and evidence to show the manner and extent to which it is alleged that the licensing objectives are being, or are at risk of being, undermined in the area
- Provide evidence to show that the undermining of the objective is caused by the patrons of licensed premises in the area.

Premises Licences and Club Premises Certificates – Variation applications for within the CIZ and SCA will be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. New public houses within the CIZ are unlikely to be granted where relevant representations are received, unless the applicant can demonstrate there are exceptional circumstances, eg specialist importers or other unique features which would warrant special consideration. A well-managed public house or a previous good track record at other licensed premises would not be considered exceptional circumstances.

Café Bars - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times.

Restaurants - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following restaurant condition.

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
- Restaurants with outside service - the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for café bars, the licensing authority will expect to see evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:
- The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

Late Night Takeaways – Statistics demonstrate links between late opening take-aways, particularly when in close proximity to late night venues, and breaches of the crime and disorder licensing objective. This can often be associated with drunkenness, queueing and perceived queue-jumping.

Members Club (Club Premises Certificates) – The siting of a new members club will be considered in any area but anticipated restrictions on numbers and restrictions on opening times if the application is within a CIZ or SCA would be more likely to be successful.

Night Club - the siting of a night club in any of our five cumulative impact zones will need to be robustly supported with the applicant's reasons with supporting evidence if appropriate, detailing how such premises will not have an impact on the CIZ. Normally applications of this nature in an already identified stress zone, will be unsuccessful.

Non Alcohol-Led Premises (E.G. Theatres) – applications for non alcohol-led premises such as a theatre, would be viewed favourably even within the CIZ or SCA as detailed in our matrix approach. The applicant would still be expected to show how they had considered the impact of their premises, but being predominantly non-alcohol, is less likely to receive representations and therefore more likely to succeed.

Off Licence - As a result of our comprehensive knowledge regarding our district, any application for an off-licence within any of our CIZs or SCAs will be unlikely to succeed where relevant representations have been made. Applications within the City centre or any other area (outside of CIZ and SCA) will be expected to contain information provided by the applicant to demonstrate why they would not have any negative impact on one or more of the licensing objectives.

Public House - the siting of a new public house in any of our five cumulative impact zones will be expected to be robustly supported with the applicant's reasons with supporting evidence if appropriate, detailing how such premises will not have an impact on the CIZ. Normally applications of this nature in an already identified stress zone, will be unsuccessful where relevant representation are received.

All applications will be the subject of a 28-day consultation period and if relevant representations are received which cannot be mediated with the responsible authorities or any other person, then it will be necessary to hold a hearing for the statutory licensing sub- committee to consider. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. The authority will then give notice to all interested parties that the hearing has been dispensed with.

THE MATRIX APPROACH

The Licensing Authority will support:

Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption.

This will enable City of Wolverhampton Council the potential to positively change the ambience of the city and specific areas of it. The resultant effect will be to provide a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the district.

City of Wolverhampton recognise that patrons turning out onto the streets at the same time may generate increased opportunities for violent crime and public disorder and we therefore support the idea of mixed-use venues encouraging a wider age balance.

A "matrix" approach to licensing decisions included in this policy is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investors and businesses making applications within this district. The matrix approach will only be implemented where there are relevant representations to the application.

The Matrix Approach, like a Cumulative Impact Zone is not absolute. The Authority will not fetter its discretion by excluding consideration of an application but will look at each application on a case-by-case basis. Where the committee procedure is instigated (through the receipt of relevant representations), the onus will be upon the applicant to show the Licensing sub-committee why he feels that this application warrants departure from the policy.

DEFINITIONS

Cumulative Impact Zone - Those areas defined by separate policy which have given rise to concerns over crime and disorder, anti-social behaviour and street drinking.

Special Consideration Area – Those areas just on the curtilage of the Cumulative Impact Zones which may give rise to concerns due to the close proximity to these zones.

Matrix approach for licensing decisions in City of Wolverhampton Council's Statement of Licensing Policy (times relate to licensable activities)				
	CUMULATIVE IMPACT AREA	SPECIAL CONSIDERATION AREA	CITY CENTRE	OTHER AREAS
RESTAURANT	Yes (Midnight)	Yes (Midnight)	Yes	Yes (Midnight)
CAFÉ BAR	Yes– 11:30pm	Yes (Midnight)	Yes	Yes (Midnight)
LATE NIGHT TAKEAWAYS	No	Yes (Midnight)	Yes	Yes (Midnight)
NIGHT CLUB	No	No	Yes	No
PUBLIC HOUSE	No	Yes (11pm)	Yes	Yes (Midnight)
NON ALCOHOL-LED PREMISES (E.G. THEATRES)	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
OFF LICENCE	No	No	Yes	Yes – up to 11pm but if in densely residential areas, closure time may be earlier
MEMBERS CLUB (CLUB PREMISES CERTIFICATES)	Yes (100 capacity) 11pm closure	Yes (100 capacity) 11pm closure	Yes	Yes

Notes on The Matrix Approach

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on its own individual merits. The suggested terminal hours for different application types may be varied if exceptional circumstances are demonstrated.
- 2) Applications within the CIZ are subject to the special policy on cumulative impact. There is a *strong* presumption against the success of applications within the CIZ *and* a need for exceptional circumstances to be presented. Directly outside this documented zone are areas which shall be defined as Special Consideration Areas. Applications in close proximity to, but outside the CIZ, will be more carefully vetted for potential detrimental impact upon the designated CIZ areas. There is a presumption against the grant of applications within the special consideration areas.
- 3) Departure from the matrix policy is expected only in exceptional circumstances.
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances *may* include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as membership of BID and Pubwatch), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community-based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the knowledge of Public Health, the Police and Councillors with local knowledge, together with the concerns of local residents will be relevant when considering applications for off-licences, pubs or café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Keen regard will be given to representations of responsible authorities such as the data provision of Public Health and other specialist representative knowledge of problematic areas when assessing alcohol licensing.
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds. Wolverhampton has a recognised problem area for street drinking and anti-social behaviour and for these reasons any additional applications or variations for off licences are likely to be refused unless there are significant demonstrable circumstances.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open-air including tents and marquees

should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to specialist guidance and advice.

LOCAL AUTHORITY DECISION MAKING PROCESS

Where representations are received and not mediated beforehand, the Local Authority decision making process will be engaged.

This Authority has a body of councillors appointed as a Statutory Licensing Committee who take decisions on licensing matters. As required by the Act, these councillors will meet as a Committee or a delegated sub-committee comprising three Licensing Councillors, one of whom is nominated as Chairperson.

The professional development and competence of licensing councillors will be provided and maintained to support the need to act as a professional licensing authority, meeting lawful standards of good administrative decision making. Decisions made will be after careful consideration of information provide by all of the attendees at the hearing.

Licensing Act 2003

All decisions are made in accordance with the legislative requirements of the Act, including Regulations, Guidance made under s182 of the Licensing Act 2003 and this Statement of Licensing Policy.

Additionally, The Licensing Committee or Sub-Committee will be guided by a specialist Legal Representative and will have regard to other legislation, case-law, updates and amendments.

Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The licensing authority will have particular regard to the following relevant provisions of the European Convention on Human Rights: -

- **Article 1** of the First Protocol that everyone is entitled to the peaceful enjoyment of his possessions (including for example possession of a licence).
- **Article 6** that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- **Article 8** that everyone has the right to respect for private and family life and his home.

DELEGATIONS

The national scheme of delegation for determinations is set out below.

MATTER TO BE DEALT WITH	FULL LICENSING COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a police objection	If no relevant representation made
Application for personal licence with unspent convictions		If a police objection	
Application for premises licence/club premises certificate	If discretion engaged for major applications	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 personal licence holder			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,			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All Cases

Decision of a Police/EHO objection to a Temporary Event Notice		All cases	
Policy Decisions	All Cases		
Decision whether to consult other responsible authorities on minor variation applications			All cases
Determination of minor variation applications			All cases

LIST OF RESPONSIBLE AUTHORITIES

<https://www.wolverhampton.gov.uk/licences/alcohol-licences/responsible-authorities-alcohol>

West Midlands Police - Licensing

wv_licensing@west-midlands.pnn.police.uk

01902 649085

Bilston Street Police Station
Bilston Street
Wolverhampton
WV1 3AA

West Midlands Fire Service

firesafety.admin@wmfs.net

0121 380 7500

West Midlands Fire Service Headquarters
Protection Admin
99 Vauxhall Road
Birmingham
B7 4HW

Environmental Health

environmentalhealth_responsibleauthority@wolverhampton.gov.uk

01902 554320

Environmental Health
Wolverhampton City Council
Civic Centre
St Peter's Square
Wolverhampton
WV1 1DA

Local Planning Authority

building.control@wolverhampton.gov.uk
planning@wolverhampton.gov.uk

01902 551155

Development Control
Wolverhampton City Council
Civic Centre
St Peter's Square.
Wolverhampton
WV1 1RG

The Home Office

alcohol@homeoffice.gsi.gov.uk

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Protection of Children from Harm

dawn.williams@wolverhampton.gov.uk

paul.cooper@wolverhampton.gcsx.gov.uk

01902 550661

Safeguarding Children
Wolverhampton City Council
Priory Green Building
Whitburn Close
Pendeford
Wolverhampton
WV9 5NJ

Trading Standards

paul.dosanjh@wolverhampton.gov.uk

01902 556056

Trading Standards
Wolverhampton City Council
Civic Centre
St Peter's Square
Wolverhampton
WV1 1DA

Director of Public Health

parpinder.singh@wolverhampton.gov.uk

publichealth@wolverhampton.gov.uk

01902 555475

Director of Public Health
Public Health
2nd Floor
Civic Centre
St Peters Square
Wolverhampton
WV1 1RT

Licensing Authority

licensing@wolverhampton.gov.uk

01902 551155

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

CONDITIONS APPLICABLE TO LICENCES – 3 METHODS OF APPLICATION

The conditions on a premises licence or club premises certificate set the parameters within which premises can lawfully operate. Conditions are attached to licences and certificates in three ways:

1. Mandatory Conditions, as set out in the Licensing Act 2003, stipulated on all licences and certificates.
2. Operating Schedule Conditions, where the completed operating schedule submitted by the applicant is translated into conditions which apply to the licence or certificate. These will be taken from completed applications for new premises licences or club premises certificates or variation applications.
3. Conditions applied by the Licensing Sub-Committee. Where relevant representations have been made by the Responsible Authorities (such as the police, Environmental Health and Trading Standards, or other parties such as local residents), the licensing authority may impose such conditions it considers appropriate to address these representations in order to promote the licensing objectives.

These model conditions are intended to provide a consistent approach for all parties by specifying suggested appropriate conditions that could be included on any licence or certificate granted; this could be by the applicant in designing the operating schedule, by responsible authorities or other parties in seeking to address concerns associated with the application, or ultimately, by the licensing authority when imposing conditions considered appropriate for the promotion of the licensing objectives.

All relevant standards are expected to be addressed through the operating schedules and it is the Council's policy that the licensing authority will attach conditions in line with the standards where appropriate and proportionate to promote the licensing objectives.

As stipulated in the legislation, these model conditions should not be regarded as standard conditions that apply in all cases. They should be regarded as a *suggested conditions* which may be tailored as appropriate to the size, type, location and characteristics of – and activities taking place at – the premises concerned.

The model conditions are not constrained to only addressing the issues they are listed against, and they may be used to address other relevant matters. The conditions are not intended to be, nor can they be, an exhaustive list, and they do not restrict the ability of any party to propose, or the Committee to impose, any reasonable or proportionate condition they consider appropriate for the promotion of the licensing objectives.

It is the intention of this licensing authority that our statement of licensing policy suggested conditions, conditions applied by a licensing sub-committee or multi-agency proposed minor variations, will as far as possible, not include conditions which duplicate or are imposed by other regulatory regimes.

TABLE OF CONDITIONS

Prevention of crime and disorder (CD)

Implementation of effective security measures at the premises	
Issue to be addressed	Appropriate conditions
There should be a defined policy that documents the security measures in place for the premises.	The premises licence holder will arrange for a crime prevention audit to be conducted by West Midlands Police or independent company approved by the licensing authority, and the recommendations of the audit shall be implemented within three months.
A defined policy should ensure a consistent approach and explain the standards expected of staff.	All staff shall be briefed and be aware of their responsibilities and relevant company operating procedures before they commence paid duty at the premises.
It is expected that premises hold security review meetings on a regular basis to help identify and resolve issues and ensure that staff are fully aware of important issues. Relevant issues could include the prevention of thefts, or identifying problematic individuals.	The premises licence and/or Designated Premises Supervisor (DPS) shall carry out reviews of security incidents at the premises. Such reviews shall be documented and conducted at least [monthly] [quarterly] and include details of any remedial action identified and implemented. Copies of the security review shall be made available upon inspection by a responsible authority, police officer, or authorised officer.
The effective Management of queues outside the premises	
Queues should be managed effectively to prevent any nuisance or disorderly behaviour.	<p>The designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.</p> <p>Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised by licensed door supervisors to ensure that there is no public nuisance or obstruction to the public highway.</p> <p>Queuing outside the premises shall be restricted to a designated area located at [specify location].</p>
The control of entry and egress from the premises, including assessing the need for door supervisors	

<p>Consideration should be given to how capacity will be controlled and how already drunk or disorderly individuals will be prevented from being admitted.</p>	<p>Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises</p> <p>A Clubscan/IDSCAN or similar system shall be operated at the premises. All persons entering the premises must provide verifiable ID and record their details on the system.</p>
<p>The need for security staff will be determined by documented risk assessment. Where door supervisors are provided, it is expected that licensees have consideration of the following:</p> <p>High-visibility identification – It is expected that door supervisors shall be easily identifiable by wearing high-visibility clothing.</p> <p>Appropriate number of staff – Door supervisors should be employed at specified times with regard to the individual circumstances of the premises. The need for door staff should also be regularly reviewed and risk-assessed, and appropriate security employed.</p> <p>The role of door supervisors in ensuring effective dispersal of patrons from the premises at the end of the night – Door supervisors should be instructed to encourage persons leaving the premises to do so without causing disturbance and in an orderly fashion.</p> <p>SIA Approved Contractor Scheme Companies</p>	<p>The premises licence holder shall ensure that the provision of door supervisors at the premises is appropriate to ensure the safe control of the premises, and shall review this on a regular basis and upon request from WMP.</p> <p>All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high-visibility [jackets or vests] [armbands].</p> <p>A minimum of [2] Security Industry Authority SIA-licensed door supervisors shall be on duty at the entrance of the premises at all times while it is open for business.</p> <p>Door supervisors shall be employed at the ratio of [XX] door supervisor for every 100 customers (or part thereof).</p> <p>At least [XX] female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.</p> <p>When the premises are carrying on licensable activities after [XX:XX] hours, at least [XX] registered door supervisor(s) is (are) to be on duty at each door used for entry or exit.</p> <p>A minimum of [XX] SIA-licensed door supervisors shall be on duty at the exit from the premises to ensure orderly dispersal from [XX] hours until the area immediately outside the premises is clear of customers at the close of business.</p>

<p>Holding security briefings at the start and end of duty.</p>	<p>Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company</p> <p>All door supervisors shall be briefed on their responsibilities and relevant company operating procedures before they commence duty.</p>
<p>Maintaining a register of door supervisors on duty on any occasion they are employed at the premises.</p>	<p>An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to WMP or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:</p> <p>the times on duty, names and the licence numbers, of all licensed door supervisors employed by the premises.</p>
<p>The need for searches will be determined by risk assessment.</p>	<p>The premises licence holder and/or DPS shall carry out a documented risk assessment on the need for searching patrons entering the premises. The risk assessment shall be reviewed regularly and no less than every six months.</p>
<p>Any search policy is expected to include provision for the following circumstances:</p> <p>a. Records maintained of searches and seized items – Records should be maintained of any searches where prohibited items are seized and removed. Records should be made available to the police.</p> <p>b. Circumstances under which searches will be conducted – Risk</p>	<p>A written policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operated at the premises.</p> <p>An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:</p> <p>seizures of drugs, offensive weapons, fraudulent ID or other items.</p>

<p>assessments should be conducted to consider when searches are appropriate.</p> <p>c. Location of where searches will take place – Areas should be covered by CCTV and not be in isolated areas.</p> <p>d. Use of detection devices to detect weapons and drugs and when and where they will be used – Consideration for appropriate detection devices should be risk-assessed and employed as appropriate.</p> <p>e. Putting procedures in place for the seizure and retention of recovered drugs and other prohibited items – Items recovered should be kept in a secure location and the police notified.</p>	<p>A clearly visible notice shall be placed at each entrance to the premises advising those attending that it is a condition of entry that customers agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons.</p> <p>All persons entering or re-entering the premises shall be searched by an SIA-trained member of staff [in an area monitored by premises CCTV].</p> <p>No patron shall be admitted or readmitted to the premises after [XX:XX] hours unless they have passed through a metal detecting search arch and, if the search arch is activated or at the discretion of staff, been physically searched in accordance with a procedure agreed with West Midlands Police, which will include a ‘pat down search’ and a full bag search.</p> <p>There shall be a policy agreed with West Midlands Police for the premises relating to illegal drugs, weapons or other prohibited items found on persons attempting to enter or on the premises.</p>
<p>The premises should have a documented policy that includes searches before the premises open, during hours of operation and at closing.</p>	<p>The DPS and/or a nominated member of staff shall carry out searches of the premises before the premises open, during hours of operation and at closing. Any relevant items recovered, eg. illegal drugs, lost property, shall be managed accordingly, in accordance with company procedures.</p>
<p>Late-night premises in the city centre are expected to consider subscribing to the Night Safe Radio System.</p>	<p>The Night-Safe Radio shall be operated [from [XX:XX] hours until the premises have closed] [at all times the premises are open to the public]. The radio shall be kept in good working order, operated by a responsible member of staff and used to report incidents of crime and disorder to the CCTV control room and other radio users from the base at the Mander Centre.</p>

<p>Important and relevant incidents that occur at the premises should be recorded.</p> <p>Such records should be made available upon request by a responsible authority.</p> <p>Recordable incidents could include:</p> <ul style="list-style-type: none"> – Accidents – Lost and found property – Refused sales of alcohol – Thefts – Banned and ejected persons – Other incidents – Injuries – Allegations against staff. 	<p>An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:</p> <ul style="list-style-type: none"> (a) all crimes reported to the venue, or by the venue to the police (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (e) seizures of drugs, offensive weapons, fraudulent ID or other items (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any faults in the CCTV system, searching equipment or scanning equipment (i) any visit by a relevant authority or emergency service (j) the times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.
<p>Promoters are expected to notify West Midlands Police in writing to wv_licensing@west-midlands.pnn.police.uk and the licensing authority no later than 28 days before the event.</p>	<p>28 days' notice shall be given to West Midlands Police of any events held that are organised by an external promoter, including full details of the nature of the event and of the promoter.</p> <p>There shall be no events at the premises that are organised by an external promoter.</p>
<p>Documented staff training should be conducted relevant to the prevention of crime and disorder issues on the premises, to include (but not limited to):</p> <ul style="list-style-type: none"> – Age restrictions in respect of products – Responsible Alcohol Service, including recognising signs of drunkenness, refusal skills, drugs awareness – Company policies and reporting procedures (see above) – Managing and resolving conflict – Action to be taken in the event of an emergency, including the report of a 	<p>All staff shall be trained in:</p> <ul style="list-style-type: none"> [relevant age restrictions in respect of products], [recognising signs of drunkenness], [how to refuse service], [the premises' duty of care], [company policies and reporting procedures], [action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services], [the conditions in force under this licence]. <p>Documented records of training completed shall be kept for each member of staff.</p>

<p>crime, fire, or request for emergency medical attention</p> <ul style="list-style-type: none"> – Licence conditions – Relevant obligations and offences under the Licensing Act 2003, including those associated with the sale of alcohol. 	<p>Training shall be regularly refreshed and at no greater than [4] [6] [12] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of City of Wolverhampton Council.</p>
<p>Records of all training should be documented and kept on the premises available for inspection by the responsible authorities.</p>	<p>The designated premises supervisor shall attend a formal training course on [avoiding underage sales] [responsible alcohol sales] such as the National Certificate for Designated Premises Supervisors or the BIIAB Award in Responsible Retailing and provide evidence of attendance if requested.</p>
<p>The premises should have a written policy in relation to drunkenness. Premises should not admit persons who are visibly intoxicated and staff should be trained regarding responsible alcohol sales, identifying drunkenness and preventing alcohol sales to them.</p> <p>Use of the 'Responsible Alcohol Service' Guide. http://www.iard.org/wp-content/uploads/2016/01/TK-Servers-Guide.pdf</p>	<p>All staff shall be trained in recognising signs of drunkenness, how to refuse service and the premises duty of care. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than [4] [6] [12] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of City of Wolverhampton Council.</p> <p>There shall be no self-service of spirits on the premises.</p> <p>The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.</p> <p>The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to sell alcohol to anyone who is drunk.</p> <p>The supply of alcohol shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.</p>

	<p>The sale of alcohol shall only be by waiter service to seated customers, and there shall be no sales of alcohol at the bar.</p> <p>Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises during the periods when alcohol is sold.</p> <p>A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of City of Wolverhampton Council at all times while the premises are open.</p>
<p>Consideration should be given to how any promotions could impact upon the mandatory licence condition for on-licensed premises prohibiting irresponsible promotions. It is expected that licensees have reference to recognised codes of practice in respect of the responsible sale and promotion of alcohol products, such as those codes issued by the British Beer and Pub Association, Portman Group and Drinkaware Trust. http://beerandpub.com/wp-content/uploads/2017/Briefings/Home-Office-Good-Practise-On-Mandatory-Conditions.pdf</p>	<p>*Voluntary Only* No super-strength beer, lagers or ciders (including perries) of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.</p> <p>Any promotional activity shall comply with the most current Portman Group Code of Practice on the Rules for Naming, Packaging and Promotion of alcoholic drinks. http://www.portmangroup.org.uk/docs/default-source/code-of-practice/code-of-practice---as-on-website.pdf?sfvrsn=2</p>
<p>It should be demonstrated how the premises will be effectively monitored, eg. patrols by staff, which areas will be covered by CCTV, whether security staff will be employed (and, if so, where), as well as any other appropriate measures. Additionally, appropriate monitoring of external areas, eg. immediately outside the entrance to the premises,</p>	<p>The premises shall install and maintain a comprehensive digital [colour] CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a</p>

<p>smoking shelters and beer gardens, should be addressed where relevant.</p> <p>Details of CCTV cameras should be provided (both internal and external).</p> <p>CCTV should be installed in liaison with, and to a standard approved by West Midlands Police.</p>	<p>minimum of [28] days with the date and time stamping.</p> <p>A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or an authorised officer of the licensing authority.</p> <p>Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided. (Note: this condition may be scaled back as appropriate for smaller premises.)</p> <p>The position of CCTV cameras at the premises shall be to the satisfaction of West Midlands Police and a plan showing the cameras shall be provided for the licensing authority and West Midlands Police.</p> <p>A TV monitor shall be positioned at the entrance/exit to the premises, showing live footage of persons entering and leaving.</p> <p>CCTV installed, monitored and 24-hour recordings kept for 28 days and made available to constables and persons authorised under the 2003 Act to help identify attempted proxy purchasing.</p>
<p>The licensing authority considers it good practice for alcohol-licensed premises to ensure that there is a personal licence holder on site at all times the premises are open for the sale of alcohol.</p> <p>Depending on the size of the premises, it may be appropriate for multiple personal licence holders to be on duty, eg. if the premises have more than one bar or are particularly large.</p>	<p>There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.</p> <p>The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for</p>

	<p>inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to verify their identity against the notice.</p>
<p>A zero-tolerance policy should be implemented regarding the use of illegal drugs on the premises. A drugs policy should be in writing and include how drugs will be prevented from being brought into the premises, what action the venue will take should anyone be caught with drugs on the premises, and how the drugs will be disposed of. The use of toilet attendants, regular documented toilet checks and searches of the premises could be conducted.</p> <p>Licensees for on-licensed premises should also consider what action will be taken to prevent the spiking of drinks at the premises. This could include encouraging customers to ensure that drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant.</p>	<p>There shall be a policy agreed with West Midlands Police for the premises relating to illegal or 'recreational' drugs (including 'legal highs') found on persons or on the premises.</p> <p>There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or [designated roleholder at business], shall have access. All controlled drugs (or items suspected to be, or containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to West Midlands Police for appropriate disposal.</p>
<p>A documented risk assessment should be conducted for the use of glassware on the premises, and safer drinking vessels, such as toughened glass or polycarbonate should be used when appropriate. Risk assessments should also include the use of glass in external areas (if appropriate) as well as how glass collections will be managed throughout the premises, including the frequency of such collections.</p>	<p>Alcohol is to be served in polycarbonate, plastic or shatterproof glasses [on specified days or events] [upon reasonable notice by West Midlands Police].</p> <p>No drinks shall be served in glass containers at any time.</p> <p>Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area as shown on the plan attached to the licence. The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.</p>
<p>Where businesses are selling alcohol for consumption off the premises, the following may be appropriate to impose as a self-regulating measure or applied by the licensing sub-committee in circumstances where alcohol sales</p>	<p>Designated single items – beer, alcopops and cider – must not to be sold to any person. A minimum of 4 units of beer, alcopops or cider to be sold as a multi-pack only.</p>

<p>are problematic amongst children or drunken persons.</p> <p>Premises which are known to sell alcohol to children to be conditioned to label stock thereby providing evidence of unlawful sales if product found commonly in possession of persons under 18.</p>	<p>Products to be labelled (a label stuck to the bottle or can) to show the details of the shop making the sale.</p>
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Public safety (PS)

Issue to be addressed	Appropriate conditions
<p>Capacity should be managed effectively and in accordance with an appropriate risk assessment to prevent overcrowding.</p> <p>Advice should be sought from West Midlands Fire and Rescue in relation to the safe capacity for premises and how it should be managed.</p>	<p>The number of persons permitted in the premises at any one time including staff shall not exceed [XX] persons, and this number shall be prominently displayed by each entrance to the premises. The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activities is in place, and that the results are securely recorded in a logbook for a period of at least 12 months.</p>
<p>Licensed premises should:</p> <ul style="list-style-type: none"> – Conduct a Fire Risk Assessment for the premises, which is reviewed as required, and as a minimum every 12 months. – Ensure all fire equipment is inspected and serviced annually and documented. 	<p>All external fire exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.</p> <p>All firefighting equipment is inspected and serviced in line with the appropriate British Standard.</p>
<p>Consideration should be given to implementing such checklists as they can help ensure that all appropriate and routine actions are conducted consistently, ensuring good practice.</p>	<p>The premises shall operate a pre-opening and closing checklist to ensure all appropriate steps have been taken before the premises are open to the public and at the close of business each day. These checks shall be recorded and kept for a minimum of six months and made available for inspection upon request by a responsible authority, police officer or authorised officer.</p>
<p>Documented staff training should be provided to ensure adequate public safety on the premises, including (but not limited to):</p>	<p>The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an</p>

<ul style="list-style-type: none"> – First aid – Fire safety procedures – Evacuation procedures – Terrorist threats (predominantly city-centre venues) – Overcrowding. 	<p>adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.</p> <p>The designated premises supervisor shall attend a formal public safety type training course, provided by West Midlands Fire Service, (responsible person course) where such training is available, and provide evidence of attendance if requested.</p> <p>All staff on duty at the premises shall be trained in the Fire Safety and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed.</p> <p>Training records shall be made available for inspection upon request by a police officer or an authorised officer of City of Wolverhampton Council.</p>
<p>Licensed premises, particularly those located in the city centre, should have regard to the Crowded places Guidance 2017</p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820082/170614_crowded-places-guidance_v1b.pdf</p>	<p>Staff training shall include procedures to deal effectively with emergency incidents, including:</p> <ul style="list-style-type: none"> i) reporting an emergency to the relevant emergency service ii) safe evacuation of customers iii) dealing with terrorist threats or incidents.
<p>Premises licensed for the sale of alcohol for consumption on the premises should have a policy and procedure in place to ensure effective and efficient collection of glasses and the cleaning up of spillages throughout the premises.</p>	<p>The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.</p>

The prevention of public nuisance (PN)

Issue to be addressed	Appropriate conditions
<p>This relates to both internal and external areas. Measures such as double-glazing, the use of an acoustic lobby, noise-limitation devices and soundproofing for internal areas may be relevant.</p> <p>Licensees should demonstrate the measures taken to address such issues.</p>	<p>All windows and external doors shall be kept closed between [XX:XX] hours and [XX:XX] hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.</p> <p>No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.</p> <p>A tamper-proof noise-limiting device shall be fitted to the sound system within the premises and all amplified music played at the premises must pass through this sound limiter at a level agreed by the Council's Environmental Health section. The noise limiter shall not be altered without prior agreement with the Council's Environmental Health section.</p> <p>Speakers shall not be located/operated in the entrance lobby or outside the premises, nor shall they be located or positioned in such a manner as to cause a nuisance outside the premises.</p> <p>While live or recorded music takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than six months and shall be made available upon request by a police officer or an authorised officer of City of Wolverhampton Council.</p>

	<p>Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.</p>
<p>Consideration should be given to a curfew on entry times, which can reduce the possibility of persons who may have been attracted to the premises causing noise and disturbance late at night.</p>	<p>There shall be no admittance or readmittance to the premises after [XX:XX] hours.</p>
<p>Licensees are expected to communicate with local residents and businesses to address and resolve relevant problems. This could include giving contact telephone numbers to local residents so they can report any issues to the premises for them to be dealt with. It is expected that contacts at the premises would be persons in a position of responsibility who are contactable whenever the premises are open to the public so that any issues can be addressed without delay. Licensees could also arrange regular meetings with neighbours to ensure good relations.</p>	<p>A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.</p> <p>Local residents shall be invited to quarterly residents' meetings held by the premises licence holder to resolve any problems associated with the carrying on of licensable activities at the premises. The minutes of the meeting and any action to be taken shall be lodged with the Council's Licensing Department by the premises licence holder within seven days of the meeting.</p>
<p>Where the premises include any exterior areas, licensees should demonstrate what measures are in place to prevent issues that may give rise to problems. Relevant considerations should include:</p> <ul style="list-style-type: none"> – A limit on the number of patrons in such areas – Whether there is a curfew – How they will be delineated, if relevant – How premises will be kept clean and litter free, particularly at the end of trading – What supervision will be in place? – Will the premises be covered by CCTV? – Will glasses be allowed outside? – What glass collection arrangements will be in place? – How to avoid customers causing noise disturbance – How the premises will prevent 	<p>There shall be a documented smoking policy, as agreed with the City of Wolverhampton Council Environmental Health section, implemented at the premises and a copy lodged with the Council's Licensing Unit.</p> <p>Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly.</p> <p>Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.</p> <p>Outside tables and chairs (in the beer garden) shall be rendered unusable by [XX:XX] hours each day.</p>

<p>begging at, and in the immediate exterior of, the premises.</p>	<p>All tables and chairs (in the beer garden) shall be removed from the outside area by [XX:XX] hours each day. Alcohol consumed outside the premises shall only be consumed by patrons seated at tables. Patrons permitted to temporarily leave and then re-enter the premises, eg. to smoke, shall not be permitted to take drinks or glass containers with them.</p>
<p>Where the licensable activities could give rise to litter being dropped in the vicinity of the premises, the measures in place to prevent this occurring and/or to tidy it up should be demonstrated. Such measures could include regular litter inspections during the hours of operation and at the close of business, the placing of litter bins in prominent areas of the premises, reducing packaging, and the use of branded packaging.</p>	<p>At the end of trading each day, the pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept or washed, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements.</p> <p>All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name.</p> <p>The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.</p> <p>Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.</p>
<p>Any use of flyers and other promotional material should be done in a responsible and appropriate manner.</p>	<p>No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.</p>
<p>Adequate and secure storage for refuse should be provided that is appropriate for</p>	<p>No rubbish, including bottles, shall be moved, removed or placed in outside</p>

<p>the nature of the business. Particular regard should be given to the management of glass bottles to prevent them being taken outside the premises as potential weapons, and to the emptying of bottles into refuse containers at times that could disturb local residents and businesses.</p>	<p>areas between [XX:XX] and [XX:XX] hours.</p> <p>No bottles, glasses or similar items may be disposed of in outside receptacles between [XX:XX] and [XX:XX] hours.</p> <p>All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.</p>
<p>Consideration should be given to how and at what times deliveries are made to the premises to avoid disturbance to local residents and businesses and avoid any obstruction. Equally, this would apply to any collections from the premises, eg. refuse collections by private contractors.</p>	<p>All deliveries to the premises must be made via the rear of the premises.</p> <p>No deliveries must be made to the premises between [XX:XX] and [XX:XX] hours.</p> <p>Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, overrevving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.</p> <p>All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.</p> <p>Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.</p>
<p>Licensed premises need to ensure the orderly exit and dispersal of customers from the premises. Relevant considerations could include:</p>	<p>There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodged with the Council's Licensing Unit.</p>

<ul style="list-style-type: none">– Prominent display of notices requiring courtesy for neighbours– Preventing customers from congregating outside– Directing to and advising on available public transport– Providing contact details for taxi/private hire firms and provision of a call-back service– Use of a dedicated taxi/private hire service– Implementing a dispersal policy based upon good practice– Use of a winding-down period– The role of door supervisors in managing persons leaving.	<p>Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.</p> <p>The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers, who will be encouraged to use such services.</p> <p>A call-back system must be operated, and drivers instructed not to sound their horns when collecting customers.</p>
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The protection of children from harm (CH)

Issue to be addressed	Appropriate conditions
<p>Regard should be had to specific risks that may arise when children are on the premises. The risk assessment should be documented and available for inspection by the responsible authorities upon request.</p> <p>Relevant considerations could include:</p> <ul style="list-style-type: none"> – Will access be restricted to certain areas of the premises? – Is there adequate supervision? – Are the areas covered by CCTV? – Will alcohol sales be restricted in areas where children are permitted? – How will children be prevented from accessing alcohol? <p>Special consideration is expected to be given to promoted events in licensed premises aimed at, or likely to attract, persons under 18. The licensing authority expects robust measures to be in place to address potential risks associated with such an activity.</p>	<p>Entry by children under the age of 18 [to the premises] [a specified part of the premises] is prohibited [whilst the following licensable activities take place:] [between the hours of [XX] and [XX]] [unless accompanied by an adult over the age of 18].</p> <p>No events solely for those under the age of 18 will be permitted on the premises.</p> <p>The premises licence holder must ensure that there is a minimum of one member of staff on duty for every [[XX] – number to be confirmed by Wolverhampton Safeguarding Children’s Board] children in the premises at any one time to assist in the evacuation of children in an emergency. Such number of staff may include licensed door supervisors.</p> <p>The premises licence holder shall ensure that adequate arrangements, including transport, are implemented for ensuring the wellbeing of children at the conclusion of any regulated entertainment under this licence.</p>
<p>Where adult-only entertainment is provided, children should be prevented from being on the premises when such entertainment is taking place.</p>	<p>No persons under 18 shall be permitted on the premises at any time that adult entertainment is provided at the premises.</p>
<p>Premises licensed for the sale of alcohol should take proactive steps to prevent this occurring.</p> <p>Possible measures include:</p> <ul style="list-style-type: none"> – Regular checks around and/or outside the premises for underage persons encouraging adults to purchase alcohol for them – Use of CCTV, particularly in 	<p>The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.</p>

<p>external areas</p> <ul style="list-style-type: none"> – Displaying prominent notices in the premises explaining the law in relation to purchasing alcohol on behalf of persons under 18 and the penalties involved. 	
<p>It is expected that any child performers are properly licensed with the Council’s Juvenile Employment Department and a nominated adult is present to act in a supervisory capacity.</p>	<p>The licence holder and/or DPS shall ensure that any child performer is licensed with City of Wolverhampton Council’s Licensing Unit and accompanied by a registered chaperone. Documented records should be kept for six months, including the child’s name, their licence number and chaperone details.</p>
<p>Where age-restricted films are displayed, appropriate and effective measures must be in place to ensure relevant age restrictions are complied with.</p>	<p>The Challenge [21] [25] scheme must be operated to ensure that any person who appears to be under the age of [21] [25] shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.</p>
<p>Effective and appropriate measures must be taken to ensure age restrictions are enforced at the premises. Relevant considerations include:</p> <ul style="list-style-type: none"> – Details of what forms of ID are acceptable – The use of till prompts – The maintenance of refusal logs – Staff training. 	<p>The Challenge [21] [25] scheme must be operated to ensure that any person who appears to be under the age of [21] [25] shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.</p> <p>The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that the Challenge [21] [25] scheme is in operation.</p> <p>A log shall be kept at the premises to record all refused sales of alcohol for the reasons that the person(s) is/are, or appear(s) to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member</p>

	<p>of staff who refused the sale. The log will be available on request by the police or an authorised officer of City of Wolverhampton Council.</p> <p>The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.</p> <p>There shall be a policy for the premises agreed with West Midlands Police on the handling of fraudulent identification used to attempt to purchase alcohol or gain entry to the premises.</p> <p>The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.</p> <p>Designated checkout(s) for alcohol sales (supermarket).</p> <p>Personal licence holder/DPS to be on site at all times during sales of alcohol.</p> <p>Personal licence holder/DPS to supervise and authorise every individual sale of alcohol.</p> <p>SIA registered security staff to be present at points of sales to support staff refusing sales to u-18s and drunks.</p> <p>Alcohol sales only to be made only by person aged 25 years or over</p> <p>CCTV installed at all points of sale and recorded.</p>
<p>Documented staff training is expected, particularly in relation to activities consistent with the licensing objectives, including (but not limited to):</p> <ul style="list-style-type: none"> – Identification and refusal of underage sales – Age-restricted products 	<p>In addition to any other training, the premises licence holder shall ensure that all staff are trained to prevent underage sales, are aware of and prevent proxy sales, maintain the refusals log, enter sales correctly on the tills so the prompts show as</p>

<p>– Any access restrictions to the premises by children.</p>	<p>appropriate, and that they monitor staff to ensure their training is put into practice.</p> <p>Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than (4) (6) (12) monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of City of Wolverhampton Council.</p>
<p>Where children are allowed on the premises, information should be available on what to do if there is a cause for concern regarding a child's welfare. This can include reporting to Wolverhampton Safeguarding Board telephoning the Contact Centre for or NSPCC Helpline (0808 800 500), or dialling 999 in the event of an immediate threat.</p>	<p>Where children are allowed on the premises, information shall be displayed [location] on what to do if there is a cause for concern regarding a child's welfare. This shall include reporting to City of Wolverhampton Council via its Contact Centre or dialling 999 in the event of an immediate threat.</p>
<p>– The licensing authority expects licensees to consider additional measures in their operating schedule when applying to provide adult entertainment if they are considered appropriate for the promotion of the licensing objectives:</p> <p>The exclusion of under-18s from the premises</p> <p>– A code of conduct for customers</p> <p>– A code of conduct for dancers and performers</p> <p>– Documentary checks for dancers and performers, including proof of age, identity and (where appropriate) proof of permission to work</p> <p>– How the entertainment will be advertised and promoted at the premises.</p>	<p>No entertainment, performance, service, or exhibition involving nudity or sexual stimulation that would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 shall be provided.</p> <p>There shall be no striptease or nudity, and all persons shall be decently attired at all times.</p>

<p>City of Wolverhampton Council has implemented Public Space Protection Orders in several areas throughout Wolverhampton in order to help address and prevent numerous problems caused by public consumption of alcohol. Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children.</p> <p>Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour.</p>	<p>All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.</p>
<p>Concealment of alcohol when not authorised for sale (not included in policy).</p> <p>Sale of alcohol at food takeaway premises (not included in policy).</p> <p>Alcohol delivery service (not included in policy).</p>	<p>Outside the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors to prevent access to the alcohol by customers or staff.</p> <p>Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a takeaway meal.</p> <p>The premises licence holder shall provide the following information in writing to the licensing authority before any sale of alcohol is carried out:</p> <ul style="list-style-type: none"> a) The trading name of any company that will operate under the licence b) All telephone numbers that will be used to accept orders c) The URL/website address that will be used to accept orders <p>Any change to this information must be notified to the licensing authority within seven days.</p> <p>Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this</p>

	includes flyers, leaflets and business cards promoting the business.
Restaurant condition	The premises shall only operate as a restaurant (i) in which customers are shown to their table (ii) that provides food in the form of substantial table meals prepared on the premises and served and consumed at the table using non-disposable crockery (iii) that does not provide any takeaway service of food or drink for immediate consumption (iv) where intoxicating liquor shall not be sold, supplied or consumed on the premises otherwise than to persons who are diners taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
Odours and noise from kitchen extract equipment	
Not included in Policy	There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used if 10 days' prior notice is given to the licensing authority where consent has not previously been given: – dry ice and cryogenic fog – smoke machines and fog generators – pyrotechnics, including fireworks – firearms (eg. blank firing pistol) – lasers – explosives and highly flammable substances – real flame – strobe lighting.
Restricting alcohol sales in relation to designated special events, eg. Football matches.	Prior to any [designated special event by West Midlands Police] ['designated sporting event' (as defined in the Sporting Events Control of Alcohol Act

	<p>1985)] the premises licence holder shall ensure that:</p> <p>(i) Alcohol sales in respect of cans of beer or cider are limited to no more than four cans per person for a minimum of four hours before the commencement of the relevant designated [special] [sporting] event</p> <p>(ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated [special] [sporting] event</p> <p>(iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated [special] [sporting] event</p> <p>(iv) On any day where there is a relevant designated [special] [sporting] event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated [special] [sporting] event or in the vicinity of the premises as a result of the designated [special] [sporting] event</p> <p>(v) All members of staff working at the premises are informed of this condition prior to taking up employment</p> <p>(vi) On the day of the relevant designated [special] [sporting] event, upon the direction of a police officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed.</p>
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ENFORCEMENT AND REVIEWS

The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. Principles of risk assessment and targeted inspection (in line with the Regulators' Code) should prevail and, for example, inspections should not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are used efficiently and for example, are more effectively concentrated on problem premises. Licensing authorities should also remind operators of licensed premises that it is incumbent on them to provide appropriate training for their staff to ensure the promotion the licensing objectives.

The Licensing Act contains measures to ensure that the council, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives. The council and responsible authorities are committed to encouraging a thriving day time and evening licensed economy but will not tolerate those premises whose activities infringe upon the quality of life for local residents and businesses.

The council has established a multi-agency risk-based enforcement of the Licensing Act 2003 This involves carrying out joint inspections with the police, the fire authority, trading standards and other relevant agencies.

The purpose of enforcement is to protect the public, interested parties and the environment from harm caused as a result of activities made licensable by virtue of the Licensing Act 2003.

Prosecution of breaches

The council adopts a multi-agency approach to the prosecution of offences under the Licensing Act. The Council also has a joint enforcement policy in conjunction with the other Black Country Authorities of Dudley, Sandwell, and Walsall.

Consideration will be given to the appropriate powers needed to address a problem. Each of the responsible authorities such as the police, fire authority, environmental protection and trading standards have their own enforcement powers under their own enabling legislation. The Licensing Act 2003 provides its own schedule of offences as well as prosecutable offences to be dealt with via the court.

Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.

Reviews of Licences

The council recognises that the ability of the police, other responsible authorities and members of the public to apply for a review of a premises licence, is an incentive to effective self-regulation.

On receipt of a properly made application to carry out a review the council has a range of options available to it under the Act. These include:

- modification of conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- exclusion of a licensable activity from the scope of the licence (permanently or temporarily)
- Removal of the Designated Premises Supervisor
- Suspension of the licence for a period not exceeding three months
- Revocation of the licence

The council will try to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.

Where a Magistrates Court makes a Closure Order under part 8 of the Licensing Act 2003 (on grounds of disorder) the council must carry out a review of the licence.

Where a Magistrates Court makes a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014 (on grounds of the use, supply or production of Class A drugs associated with disorder or serious nuisance) the police will usually ask the council to carry out a review of the licence.

Where a closure order has been made under the Anti-Social Behaviour, Crime and Policing Act 2014 (on grounds of noise) the council's Environmental Health section will normally request a review of the licence.

Trading Standards normally provides evidence of the keeping of smuggled goods, such as counterfeit alcohol or tobacco, The Home Office Enforcement Team will normally provide evidence for and instigate the review of a premises licence for the employment of persons who do not possess the right to work in the UK.

Matters to be considered

When considering a review request or the possibility of enforcement action the council will take into account all relevant circumstances but will view the following matters particularly seriously:

- use of the premises for criminal activities such as the supply of drugs or money laundering
- failure to promptly respond to a warning properly given by a responsible authority
- failure to engage with the RAs in an effective manner
- previous convictions for licensing offences
- previous failure to comply with licence conditions

The Violent Crime Reduction Act 2006 (Expedited Reviews)

The Violent Crime Reduction Act 2006 amended parts of the Licensing Act 2003 and expanded police and council powers to deal with problem premises in a more expedient manner.

A power to carry out summary reviews in cases of serious crime and disorder is brought in at section 53A of the Licensing Act 2003. Where a review application is accompanied by a certificate issued by a senior police officer, the Licensing Authority is required within 48 hours to consider whether it is necessary to take any interim steps pending the completion of the review process. This may include the immediate suspension of the premises licence.

ANNUAL FEES/LICENCE SUSPENSIONS FOR NON-PAYMENT

Annual fees are payable each year on the anniversary of the grant of the licence, and the only premises exempt from payment are community premises which do not include alcohol sales as an activity. The Licensing Act requires the Licensing Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due.

The Act provides for a grace period of 21 days in cases of an administrative error or where there is a dispute over liability for the fee, after which the licence/certificate will be suspended. In order to accommodate this period, the Premises Licence Annual Fee renewal letter is sent out 28 days prior to its due date. If renewal payments are not received by the due date, the licence *must* be suspended in accordance with the Act.

The Authority has to give a minimum 2 days' notice of the licence/certificate being suspended if payment is not made. This Authority gives notice on the invoice that if payment of the annual fee is not received by its annual fee 'due date', the premises licence is automatically immediately suspended.

If more than one year of Annual Fee payments have been missed, any payment which is made will be allocated to the oldest outstanding debt first.

Licences will not be reinstated until outstanding payments are made in full. In respect of cheques, when they have cleared.

All parties will be notified in writing by letter or email once the payment has cleared and confirming that the suspension has been lifted. If you make payment by either credit/debit card, you are advised to send the details of the payment directly to the licensing team. This will ensure that any suspensions are quickly lifted, and an early response made by email.

Amendments

Advice from Philip Kolvin QC included 16/9/2019

Amendments included from West Midlands Fire Service