

NON-CONFIDENTIAL



Borough of Tamworth

LICENSING ACT 2003

NOTICE OF HEARING

3 January 2014

Application for: Review of Premises Licence

On the **Friday, 10th January, 2014 at 10.00 am** in **Council Chamber - Marmion House**

Membership: Councillor Margaret Clarke, Councillor Tina Clements and Councillor Chris Cooke

Decisions will only be taken when all three Councillors are in attendance at the hearing. In the event of one Member being unable to attend, another member of the full Licensing Committee will substitute their place. If a substitution does take place, all parties will be informed of the change at the beginning of the hearing

SCHEDULE

- 1 Appointment of Chair**
- 2 Apologies**
- 3 Declarations of Interest**
- 4 CONSIDERATION OF THE APPLICATION FOR REVIEW OF A PREMISES LICENCE IN RESPECT OF ST GEORGE, 81 CALEDONIAN, TAMWORTH STAFFORDSHIRE B77 2ED UNDER THE LICENSING ACT 2003 (Pages 1 - 308)**

(The Report of the Director Assets and Environment)

DOCUMENTS ENCLOSED *Please read carefully*

Report of the Licensing Authority including any representations received

Procedure to be followed at the Hearing

Information on your rights at the Hearing

Reply form for you to fill in and send back to the Licensing Authority

(Please complete and return, the information given is a requirement of the Licensing Act 2003)

CONTACT

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Democratic Services: ☎01827 709265 ✉ committees@tamworth.gov.uk

www.tamworth.gov.uk

Please note:- That hearings may be recorded.

That hearings may be cancelled at short notice.

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**NAME OF COMMITTEE
LICENSING SUB COMMITTEE HEARING**

**DATE OF COMMITTEE
10th JANUARY 2014**

**REPORT OF THE DIRECTOR
ASSETS & ENVIRONMENT**

CONSIDERATION OF THE APPLICATION FOR REVIEW OF A PREMISES LICENCE IN RESPECT OF ST GEORGE, 81 CALEDONIAN, TAMWORTH STAFFORDSHIRE B77 2ED UNDER THE LICENSING ACT 2003

EXEMPT INFORMATION

None

PURPOSE

To consider the application for review of a premises licence in respect of **ST GEORGE, 81 CALEDONIAN, TAMWORTH STAFFORDSHIRE B77 2ED**.

This application cannot be determined under Officer's delegated powers because the Licensing Act requires that the decision must be made at a licensing hearing provided the application for review and any additional representations are not withdrawn.

RECOMMENDATIONS

If the review application and representations have not been withdrawn, the Sub Committee must take any of the following steps it considers appropriate for the promotion of the licensing objectives:

- Take no further action;
- To modify the conditions of the licence. Conditions of the licence are modified if any of them is altered or omitted or any new condition is added. Modifications of conditions may be imposed either permanently or for a period of up to three months;
- To exclude a licensable activity from the scope of the licence. Exclusions of licensable activities may be imposed either permanently or for a period of up to three months;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

Staffordshire police have requested that 12 conditions be placed on the premises licence to ensure that the licensing objectives are upheld. The proposed conditions are detailed at Appendix 1 to this report.

Paragraph 11.17 of the Home Office Guidance (Appendix 8) states that the Sub Committee may also issue an informal warning to the licence holder and/ or to recommend improvement within a particular period of time. Warnings should be issued in writing to the licence holder.

Staffordshire Police have requested that the notice of determination records that the Premise Licence Holder has been given clear warning that the Licensing Committee considers the sale of alcohol to children to be particularly serious and that any further sales of alcohol to children will result in a subsequent review of the Premises Licence by Staffordshire Police.

EXECUTIVE SUMMARY

An application for review of the premises licence for **ST GEORGE, 81 CALEDONIAN, TAMWORTH STAFFORDSHIRE B77 2ED** has been made by **Staffordshire Police**.

It has been determined that the review application is “relevant” under the requirements of the Licensing Act 2003.

The applicant for the review has requested that, in view of the evidence presented in their review application, the Licensing Sub Committee take the actions as detailed in the last two paragraphs of the recommendations within this report.

No representations have been received as a result of consultation of responsible authorities. Representations have been received from interested parties in support of the premises as follows:

Two letters dated 15 November 2013 from the same address;

One letter dated 21 November 2013

A petition dated 9 December 2013 with 109 signatures.

RESOURCE IMPLICATIONS

If the decision of the Licensing Sub Committee is appealed there will be a financial resource implication which cannot be quantified at present.

LEGAL/RISK IMPLICATIONS

The following parties are entitled to appeal against the decision of the Licensing Sub Committee

- **Staffordshire Police** (the applicant for the review),
- **Admiral Taverns Piccadilly Limited**(the holder of the premises licence), or
- **The Petitioners and Letter writers** (any other person who made relevant representations in relation to the application).

Although there is no reference in the statute, the appeal to the Magistrates’ Court is a complete rehearing.

Those parties who are affected by the decision of the Licensing Sub-Committee but are excluded from the review process (e.g. the freeholder of the premises) may apply for judicial review.

SUSTAINABILITY IMPLICATIONS

The effective regulation of licensing activities contribute to the strategic priority of being healthier and safer in Tamworth.

CONCLUSIONS

The Committee is obliged to determine this application for review with a view to promoting the particular licensing objective(s) which have given rise to the review application, and representations, namely:

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

In making its decision, the Committee must consider the Licensing Authority's own licensing policy and have regard to the national guidance. In particular, the Committee should have due regard to paragraph 3.1 of the Statement of licensing Policy and paragraph 1.17 of the Home Office guidance which state that each application must be considered on its own merits.

Background

A premises licence is held in respect of **ST GEORGE, 81 CALEDONIAN, TAMWORTH STAFFORDSHIRE B77 2ED**. The location of the premises is shown shaded on the location plan given in **Appendix 2**. **(Please note that on the plan the premise is shown under a former name, The Flying Scotsman).**

A copy of the premises licence that existed at the time the review application was made is given in **Appendix 3**. No changes have been made to this licence since the review application was received.

The licensable activities permitted by this premises licence are Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance, Late Night-Refreshment, Supply of Alcohol (On and Off Supplies). This particular licence contains:

- conditions consistent with the Operating schedule numbered 1 to 13 – Annex 2 of the Premises licence

Premises Licence Holder and Designated Premises Supervisor

On 11 November 2013, the date the review application was received, the **premises licence holder** was **Admiral Taverns Piccadilly Limited**. The **Designated premises supervisor** was **Michelle Jayne Briggs**.

The Home Office Guidance issued under Section 182 of the Licensing Act 2003 states:

“The designated premises supervisor is the key person who will be usually charged with the day to day management of the premises by the premises licence holder, including the prevention of disorder.” (Para 2.6)

“The main purpose of the ‘designated premises supervisor’ ...is to ensure that there is always one specified individual among these personal licence holders who can be identified for the premises where a premises licence is in force.....”(Para 10.26).

“The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act conditions attached to the premises licence to promote the licensing objectives.” (Para 10.27)

“It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained” (Para 2.7)

There have been several changes to the designated premises supervisor named on the premises licence in question. The following table summarises the changes to the premises licence.

ST GEORGE, 81 CALEDONIAN, TAMWORTH STAFFORDSHIRE B77 2ED

From	To	Name of Designated Premises Supervisor (DPS)
13 December 2010	22 March 2012	Paul Casey
23 March 2012	22 November 2012	James Davey
23 November 2012	6 February 2013	Victoria Patricia Jones
7 February 2013	Present Date	Michelle Jayne Briggs

Review Application

At any stage following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence. Para 11.1 of the Home Office Guidance stipulates that the proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.

The review application and representations must relate to the particular premises for which a premises licence is in existence and must be relevant to one or more of the licensing objectives.

An application for a review of the premises licence was received on 11 November 2013. The application was made by **PC 4025 D Evans** on behalf of **Staffordshire Police** on the grounds that the premises licence holder was not promoting the statutory licensing objective of the prevention of crime and disorder, public protection and the protection of children from harm. A copy of the application for review is given in **Appendix 4 (parts a to e)**.

In accordance with the regulations, officers arranged for a review notice to be displayed for 28 consecutive days at the premises and at the council offices. The period for further written representations to be submitted from other responsible authorities and other persons ended on 10 December 2013. On this occasion, no further representations were received during the consultation period from responsible authorities. However positive representations were received from interested parties in support of the premises as follows:

Two letters dated 15 November 2013 from the same address;
One letter dated 21 November 2013
A petition dated 9 December 2013 with 109 signatures.

Copies of their representations are enclosed at **Appendix 5**.

Representations must be in writing and may be amplified at the hearing or may stand in their own right.

The review application has arisen as a result of crime that is not directly connected with licensable activities as well as contraventions directly connected with licensable activities. The issues identified in the review application are briefly summarised in the following table.

Non-compliance with the Premises licence
27 September 2013 – Sale of alcohol to a person under the age of 18 years
Incidents of Crime and Disorder etc.
11 recorded incidents at the premises in the last 12 months involving drunkenness, crime and disorder, assault, injury and notable drugs readings.
20 March 2013 – an incident relating to an assault on a 16 year old female who was inside the premises with other children
25 August 2013 – an incident involving large scale disorder which had started in the premises resulting in Staffordshire Police having to close the premise to prevent further disorder issues. Connected to this incident were public order offences, assaults involving pool cues, an aggravated burglary and the commitment of every Police resource available in the area and from other towns. A firearms Taser deployment was also authorised.
The premises has a notable drugs problem from readings obtained this year.

The police submission also states that the premises already has conditions on the existing premises licence relating to under age sales and has an outdated challenge 21 policy albeit the seller has been trained in the challenge 25 policy now being operated in the Staffordshire area. At this time, the St George is failing to meet the licensing objectives and is contributing to crime and disorder in the Tamworth area. The Police request that the existing premises licence be improved and updated in order that the licensing objectives are achieved and ask that 12 conditions are upgraded and included on the premises licence. The conditions are detailed at **Appendix 1** of this report.

The premises licence currently contains two conditions which are pertinent to the prevention of sales of alcohol to children. Part of mandatory condition 1 of Annex 1 of the premises licence places the following minimum duties on the premises licence holder and any responsible person:

- 8(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- 8(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.”

In addition, Condition 13 of annex 2 of the premises licence requires the following:

“Staff must require sight of suitable evidence of age from any person appearing to those selling or supplying alcohol to be under 21 years and who is attempting to buy alcohol. Staff must not sell or supply alcohol to anyone appearing to be aged under 21 years who does not produce a suitable form of evidence of age.”

Police have requested several conditions to address the issue of supply of alcohol to minors:

- that the challenge 21 policy be replaced with a challenge 25 policy;
- Staff training on the challenge 25 policy;
- the use of a date of birth check card;
- the use of a refusal of sales book;

The Home Office guidance states that “it is completely unacceptable to sell alcohol to children (paragraph 2.26) and “licensing authorities should give considerable weight to representations about child protection matters” (paragraph 2.32) and it recommends that conditions restricting access to children should be strongly considered where a member or members of the current management have been convicted for serving alcohol to minors, the premises has a reputation for allowing underage drinking, there is a known association with drug taking or dealing, and the premises are used primarily for the sale of alcohol for consumption on the premises.

Paragraph 12.10 of Tamworth Borough Council’s licensing policy (**Appendix 6**) advises of the options the licensing authority may consider where concerns are identified and it is felt that access to children should be restricted.

As detailed previously in the report, the Police have also requested the addition of more stringent conditions in respect of staff training, improved documentation and staff training on the use of CCTV at the venue, and the keeping of an incident register and a refusals register. The Police also request the addition of more stringent conditions in respect of the prevention of drugs use on the premises.

Modification of conditions may be imposed either permanently or for a temporary period of up to three months. Consequently, if the Licensing Sub Committee decides to amend the licence conditions they will need to confirm whether the changes are permanent or, if temporary, the duration the conditions will be in effect.

In making its decision with a view to promoting the licensing objectives in the overall interests of the local community, the Licensing Sub Committee is required to give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives;
- The application, any representations presented by all parties (including supporting information);
- The national guidance; and
- The Council’s own licensing policy.

When the Home Office Guidance was amended in April 2012 greater weight was given to Police representations. Paragraph 9.12 states:

“In their role as a responsible authority the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder objective, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing

objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny on which they would be subject at a hearing.”

This review does not follow the conviction of offences in the criminal courts. It is not the role of the Sub Committee to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. The Home Office guidance makes clear at paragraph 11.24 that there “is no reason why representations giving rise to a review of a premises licence need to be delayed pending the outcome of any criminal proceedings”. It is the role of the Sub Committee to determine whether problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Local Policy Considerations

A copy of Tamworth Borough Council’s Statement of Licensing Policy can be found in **Appendix 6**. Please refer to **Appendix 7** of this report for a list of paragraphs within the Licensing Policy that are considered relevant to this application.

National Guidance

A copy of the *Home Office Amended Guidance Issued under Section 182 of the Licensing Act 2003* (June 2013) can be found in **Appendix 8**. Please refer to **Appendix 9** of this report for a list of paragraphs within the Home Office Guidance that are considered relevant to this application.

The Licensing Sub Committee must deviate from this national guidance and Tamworth Borough Council’s own licensing policy if the facts of the case demand it in the interests of the promotion of the licensing objectives. If the Sub Committee does depart from the guidance and Tamworth Borough Council’s policy it must be able to provide full reasons.

Tamworth Borough Council’s policy has not been amended to reflect changes in legislation which took effect in April 2012. The Sub Committee may therefore, find it necessary to depart from Tamworth Borough Council’s own policy.

Steps the Licensing Sub Committee May Take

In deciding which powers to invoke, the Licensing Sub Committee should, so far as possible seek to establish the cause or causes of concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

The Sub Committee must take one or more of any of the following steps it considers necessary for the promotion of the licensing objectives:

- (a) take no further action;
- (b) to modify conditions of the licence. Conditions of the licence are modified if any of them is altered or omitted or any new condition is added;
- (c) to exclude a licensable activity from the scope of the licence. The licensable activities permitted by the premises licence are:

Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance, Late Night-Refreshment, Supply of Alcohol (On and Off Supplies)

- (d) To remove the designated premises supervisor, **Michelle Jayne Briggs** from their post.
- (e) To suspend the licence for a period of not exceeding three months;
- (f) To revoke the licence so that it ceases to exist.

Paragraph 11.17 of the Home Office guidance (**Appendix 8**) states that the Sub Committee may also issue an informal warning to the licence holder and/or to recommend improvement within a particular period of time.

Staffordshire Police have requested that the notice of determination records that the Premise Licence Holder has been given clear warning that the Licensing Committee considers the sale of alcohol to children to be particularly serious and that any further sales of alcohol to children will result in a subsequent review of the Premises Licence by Staffordshire Police

Right of Appeal

There is a right of appeal against the decision made by this Licensing Sub Committee. The Sub Committee is therefore expected to record in full the reasons for any decision that it makes.

An appeal against the Licensing Sub Committee's decision may be made by:

- **Staffordshire Police** (the applicant for the review),
- **Admiral Taverns Piccadilly Limited**(the holder of the premises licence), or
- **The Petitioners and Letter writers** (any other person who made relevant representations in relation to the application).

Any such appeal must be made to the Magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The determination made by the committee does not have effect until the end of the 21 day appeal period, or if the decision is appealed against, until the appeal is disposed of.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head of Environmental Health

Telephone: 01827 709437."

Email: stephen-lewis@tamworth.gov.uk

LIST OF BACKGROUND PAPERS

- Tamworth Borough Council Licensing Policy, 2011-2014 (see **Appendix 6**)
- Home Office Guidance June 2013 – Amended Guidance Issued Under Section 182 of the Licensing Act 2003 (see **Appendix 8**)

APPENDICES

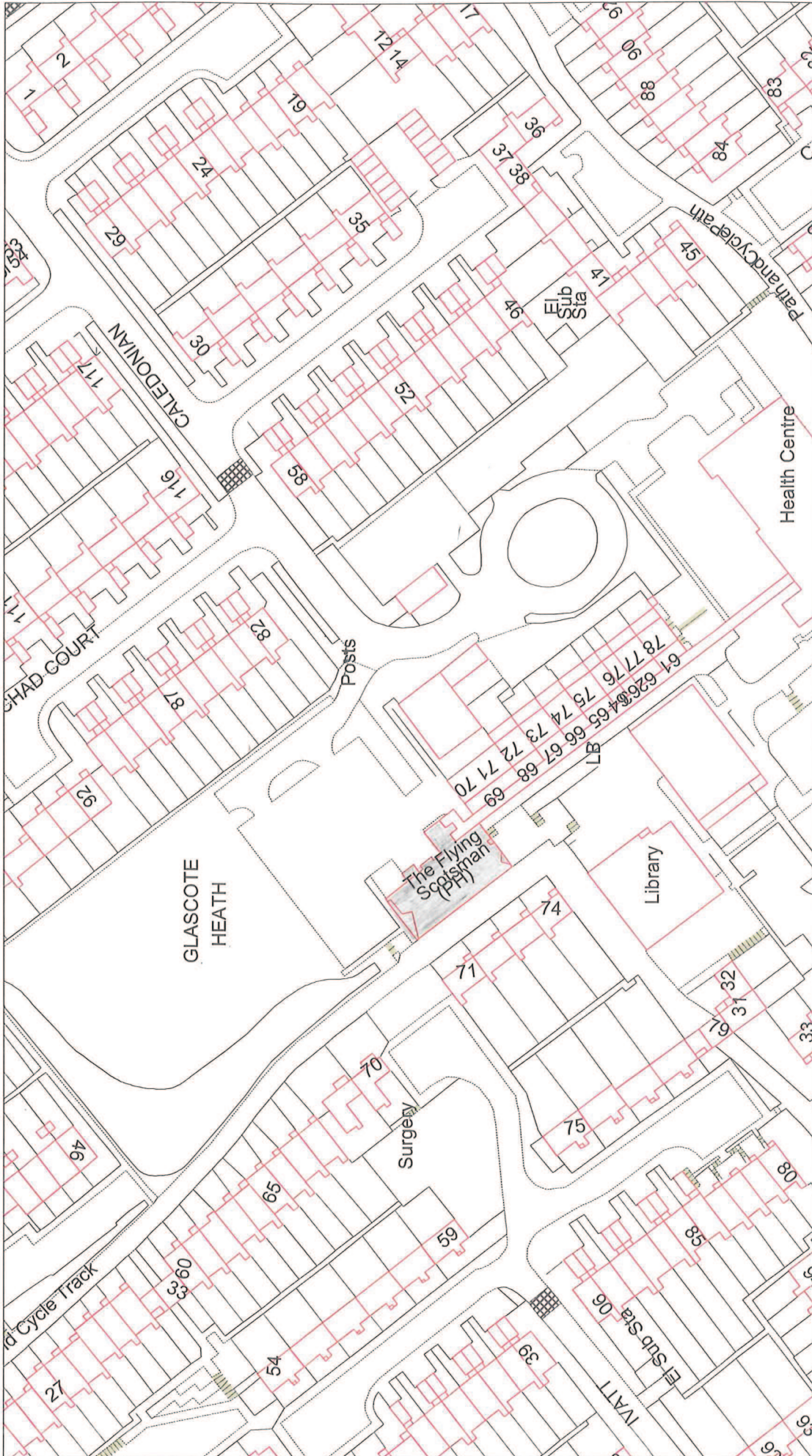
Appendix 1	Conditions proposed by Staffordshire Police
Appendix 2	Location plan
Appendix 3	The existing premises licence
Appendix 4(a)	Application for a review of a premises licence under the Licensing Act 2003.
Appendix 4(b)	Premises licence
Appendix 4(c)	Statements from officers
Appendix 4(d)	Interview notes of seller
Appendix 4(e)	Incident list and drugs readings
Appendix 5	Relevant representations
Appendix 6	Local policy guidance (full document)
Appendix 7	Local policy guidance summary table
Appendix 8	National policy guidance document (full document)
Appendix 9	National policy guidance summary table

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Conditions Proposed by Staffordshire Police to be Placed on Premises Licence for St George 81 Caledonian Tamworth Staffordshire B77 2ED

- 1) A CCTV register should be kept and signed daily by the designated premise supervisor.
- 2) A competent trained person in the use of and operation of the CCTV will at the premise or able to attend the premise as soon as is a practicable time that licensable activities take place, and be able to fully operate the CCTV system, to be able to download in a recognised format any information requested by the Police.
- 3) All CCTV footage will be stored for a minimum of 31 days and be made available upon request to the Police or other responsible authority.
- 4) The date and time on the CCTV to be set to the correct time relating to BST / GMT.
- 5) Training should be undertaken for staff every 3 months and refreshed accordingly within the 3 months period by the designated premise supervisor or an appropriately accredited training provider on the law in relation to the sale of alcohol. Its individual member of staff should have a personal training record. The training record should be signed by the designated premise supervisor.
- 6) An incident register should be kept at the premise and signed weekly by the designated premise supervisor.
- 7) A refusals register should be kept at the premise for any persons refused alcoholic drinks by staff. This should be signed daily by the designated premise supervisor.
- 8) At each till there will be placed a date of birth check card which will be kept updated at all times with the current date of birth which a person must be born before to be aged 18 or over.
- 9) A strict written premise drugs policy will be put in place advising staff on how to deal with customers using illegal substances and how to deal with issues surrounding drugs related issues.
- 10) Clear signage will be put in place in prominent positions inside the premises advertising a zero drugs tolerance policy to customers.
- 11) A written policy will be put in place for half hourly checks by staff in relation to drugs usage in the toilet areas which is to be produced to the Police or other responsible authority immediately upon request.
- 12) The premises licence holder will ensure that an age verification policy will apply to the premises whereby all staff will be trained to ask any customer attempting to purchase alcohol, who appears to be under the

age of 25 years (or older if the licence holder so elects) to produce, before buying alcohol, identification, being a passport or photo card identification bearing the customer's photograph, date of birth and the proof of age standard scheme (or similarly accredited scheme) hologram.



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LICENSING ACT 2003
Premises Licence
St George

Part One – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
The St George, 81 Caledonian,	
Post Town Tamworth	Post Code B77 2ED
Telephone number 01827 259 478	

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
Films Indoor Sporting Events Live Music Recorded Music Performances of Dance Late Night Refreshment Supply of Alcohol - (On & Off Supplies)

The times the licence authorises the carrying out of licensable activities

Films
Indoor Sporting Events
Live Music
Recorded Music
Performances of Dance

Indoors	From	To
Sunday	12:00	00:00
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	01:00
Friday	10:00	01:00
Saturday	10:00	01:00

Non-Standard Timings

Sunday of Bank Holiday Weekends 12:00 to 01:00 hours the following day
Monday of Bank Holiday Weekends 10:00 to 01:00 hours the following day

Christmas Eve, except on a Sunday 10:00 to 01:00 hours the following day
Christmas Eve on a Sunday 12:00 to 01:00 hours the following day

Boxing Day, except on a Sunday 10:00 to 01:00 hours the following day
Boxing Day on a Sunday 12:00 to 01:00 hours the following day

This licensable activity may take place on up to a further 20 occasions per annum from the start times given above until 01:00 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.

New Year's Eve 10:00 hours on New Year's Eve to the standard finish time on New Year's Day.

This licensable activity may take place when the premises is open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Indoors	From	To
Sunday	23:00	00:00
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	01:00
Friday	23:00	01:00
Saturday	23:00	01:00

Non Standard Timings

Sunday of Bank Holiday Weekends 23:00 to 01:00 hours the following day
Monday of Bank Holiday Weekends 23:00 to 01:00 hours the following day

Christmas Eve 23:00 to 01:00 hours the following day

Boxing Day 23:00 to 01:00 hours the following day

This licensable activity may take place on up to a further 20 occasions per annum from 23:00 hours until 01:00 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.

New Year's Eve 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day.

This licensable activity may take place when the premises is open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol - (On & Off Supplies)

Indoors	From	To
Sunday	12:00	00:00
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	01:00
Friday	10:00	01:00
Saturday	10:00	01:00

Non-Standard Timings

Sunday of Bank Holiday Weekends 12:00 to 01:00 hours the following day
Monday of Bank Holiday Weekends 10:00 to 01:00 hours the following day

Christmas Eve, except on a Sunday 10:00 to 01:00 hours the following day
Christmas Eve on a Sunday 12:00 to 01:00 hours the following day

Boxing Day, except on a Sunday 10:00 to 01:00 hours the following day
Boxing Day on a Sunday 12:00 to 01:00 hours the following day

This licensable activity may take place on up to a further 20 occasions per annum from the start times given above until 01:00 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.

New Year's Eve 10:00 hours on New Year's Eve to the standard finish time on New Year's Day.

This licensable activity may take place when the premises is open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On & Off Supplies.

The opening hours of the premises		
	From	To
Sunday	12:00	00:30
Monday	10:00	00:30
Tuesday	10:00	00:30
Wednesday	10:00	00:30
Thursday	10:00	01:30
Friday	10:00	01:30
Saturday	10:00	01:30
Non Standard Timings		
Sunday of Bank Holiday Weekends	12:00 to 01:30 hours the following day	
Monday of Bank Holiday Weekends	10:00 to 01:30 hours the following day	
Christmas Eve, except on a Sunday	10:00 to 01:30 hours the following day	
Christmas Eve on a Sunday	12:00 to 01:30 hours the following day	
Boxing Day, except on a Sunday	10:00 to 01:30 hours the following day	
Boxing Day on a Sunday	12:00 to 01:30 hours the following day	
<p>The premises may be open on up to a further 20 occasions per annum from the start times given above until 01:30 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.</p>		
New Year's Eve	10:00 hours on New Year's Eve to the standard finish time on New Year's Day.	
<p>The premises may be open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.</p>		

Part Two

Name, (registered) address, telephone number(s) and email (where relevant) of holder of premises licence

**Admiral Taverns Piccadilly Limited
Milton Gate, 60 Chiswell Street, London, EC1Y 4AG
Telephone – 01244 321 171**

Registered number of holder, for example company number, charity number (where applicable)

07420758

Name, address, and telephone number(s) of designated premises supervisor where the premises licence authorises the supply of alcohol

Miss Michelle Jayne Briggs

Telephone

Personal Licence Number and Issuing Authority of Personal Licence held by Designated Premises Supervisor where the premises authorises the supply of alcohol

**Licence number –
Tamworth Borough Council
Marmion House, Lichfield Street, Tamworth, Staffordshire B79 7BZ
Telephone - 01827 709709**

Dated this 7th February 2013

Director – Assets & Environment

Countersigned: _____

Address to which all communication should be sent:

**Licensing, Public Protection, Assets & Environment,
Tamworth Borough Council, Marmion House, Lichfield Street, Tamworth, B79 7BZ
Tel 01827 709445 or Fax 01827 709434**

Annex 1 - Mandatory Conditions**1 Mandatory conditions where licence authorises supply of alcohol (Section 19)**

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:
- (2) The first condition is that no supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (4) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (5) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- (6) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- (7) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- (8) (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a

holographic mark.

- (9) The responsible person shall ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

2 **Mandatory condition: exhibition of films (Section 20)**

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where-
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
 admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

3 **Mandatory condition: door supervision (Section 21)**

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of Section 4 of that Act.
- (2) But nothing in subsection (1) requires such a condition to be imposed-
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3 (2) of that Act) (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions Consistent with the Operating Schedule

1. All licensable activities shall take place indoors.

The Prevention of Crime & Disorder

2. Person(s) exercising a security activity will be employed at the premises at the discretion of the designated premises supervisor or the holder of the premises licence. Exercising a security activity is defined as guarding the premises against unauthorised access (which includes determining the suitability for admission to the premises of persons applying for admission) or occupation, against outbreaks of disorder or against damage.
3. No customer apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
4. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the Police.
5. Alcoholic and other drinks shall not be removed from the premises in an open container with the exception of drinks to be consumed in any external area within the curtilage of the premises.

The Prevention of Public Nuisance

6. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and the area quietly.
7. Noise and vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
8. The external drinking and patio area shall be closed and cleared by 23:00 hours.
9. All exterior doors and windows shall be kept closed when regulated entertainment is being provided.
10. A member of staff shall carry out noise monitoring at the curtilage of the premises, and thereafter adjust the volume if necessary, to ensure that noise emanating from the premises would not cause a nuisance to nearby properties.

The Protection of Children from Harm

11. Children under the age of 16 shall vacate the premises by 21:00 hours.
12. Children shall only be permitted on the premises with an appropriate adult.
13. Staff must require sight of suitable evidence of age from any person appearing to those selling or supplying alcohol to be under 21 years and who is attempting to buy alcohol. Staff must not sell or supply alcohol to anyone appearing to be aged under 21 years who does not produce a suitable form of evidence of age.

Annex 3 - Conditions Attached after a Hearing by the Licensing Authority

None

Annex 4 - Plans

Please see attached plan, PREM/05/0164 (plan issue date 24 November 2005).



LICENSING ACT 2003

Premises Licence Summary

St George

Part One – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
The St. George, 81 Caledonian,	
Post Town Tamworth	Post Code B77 2ED
Telephone number 01827 259478	

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
Films
Indoor Sporting Events
Live Music
Recorded Music
Performances of Dance
Late Night Refreshment
Supply of Alcohol - (On & Off Supplies)

The times the licence authorises the carrying out of licensable activities

Films
Indoor Sporting Events
Live Music
Recorded Music
Performances of Dance

Indoors	From	To
Sunday	12:00	00:00
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	01:00
Friday	10:00	01:00
Saturday	10:00	01:00

Non-Standard Timings

Sunday of Bank Holiday Weekends 12:00 to 01:00 hours the following day
Monday of Bank Holiday Weekends 10:00 to 01:00 hours the following day

Christmas Eve, except on a Sunday 10:00 to 01:00 hours the following day
Christmas Eve on a Sunday 12:00 to 01:00 hours the following day

Boxing Day, except on a Sunday 10:00 to 01:00 hours the following day
Boxing Day on a Sunday 12:00 to 01:00 hours the following day

This licensable activity may take place on up to a further 20 occasions per annum from the start times given above until 01:00 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.

New Year's Eve 10:00 hours on New Year's Eve to the standard finish time on New Year's Day.

This licensable activity may take place when the premises is open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Indoors	From	To
Sunday	23:00	00:00
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	01:00
Friday	23:00	01:00
Saturday	23:00	01:00

Non Standard Timings

Sunday of Bank Holiday Weekends 23:00 to 01:00 hours the following day

Monday of Bank Holiday Weekends 23:00 to 01:00 hours the following day

Christmas Eve 23:00 to 01:00 hours the following day

Boxing Day 23:00 to 01:00 hours the following day

This licensable activity may take place on up to a further 20 occasions per annum from 23:00 hours until 01:00 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.

New Year's Eve 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day.

This licensable activity may take place when the premises is open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol - (On & Off Supplies)

Indoors	From	To
Sunday	12:00	00:00
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	01:00
Friday	10:00	01:00
Saturday	10:00	01:00

Non-Standard Timings

Sunday of Bank Holiday Weekends 12:00 to 01:00 hours the following day

Monday of Bank Holiday Weekends 10:00 to 01:00 hours the following day

Christmas Eve, except on a Sunday 10:00 to 01:00 hours the following day

Christmas Eve on a Sunday 12:00 to 01:00 hours the following day

Boxing Day, except on a Sunday 10:00 to 01:00 hours the following day

Boxing Day on a Sunday 12:00 to 01:00 hours the following day

This licensable activity may take place on up to a further 20 occasions per annum from the start times given above until 01:00 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.

New Year's Eve 10:00 hours on New Year's Eve to the standard finish time on New Year's Day.

This licensable activity may take place when the premises is open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On & Off Supplies

The opening hours of the premises

Whole Premises		
	From	To
Sunday	12:00	00:30
Monday	10:00	00:30
Tuesday	10:00	00:30
Wednesday	10:00	00:30
Thursday	10:00	01:30
Friday	10:00	01:30
Saturday	10:00	01:30

Non Standard Timings

Sunday of Bank Holiday Weekends 12:00 to 01:30 hours the following day

Monday of Bank Holiday Weekends 10:00 to 01:30 hours the following day

Christmas Eve, except on a Sunday 10:00 to 01:30 hours the following day

Christmas Eve on a Sunday 12:00 to 01:30 hours the following day

Boxing Day, except on a Sunday 10:00 to 01:30 hours the following day

Boxing Day on a Sunday 12:00 to 01:30 hours the following day

The premises may be open on up to a further 20 occasions per annum from the start times given above until 01:30 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.

New Year's Eve 10:00 hours on New Year's Eve to the standard finish time on New Year's Day.

The premises may be open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.

Part Two

Name, (registered) address of holder of premises licence

**Admiral Taverns Piccadilly Limited
Milton Gate, 60 Chiswell Street, London, EC1Y 4AG**

Registered number of holder, for example company number, charity number (where applicable)

07420758

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Miss Michelle Jayne Briggs

State whether access to the premises by children is restricted or prohibited

Access is restricted

Dated this 7th February 2013

Director – Assets & Environment

Countersigned:

Address to which all communication should be sent:

**Licensing, Public Protection, Assets & Environment,
Tamworth Borough Council, Marmion House, Lichfield Street, Tamworth, B79 7BZ
Tel 01827 709445 or Fax 01827 709434**



Keeping our communities
safe and reassured



Appendix 4(a)

Licensing Department
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire B79 7BZ

Contact: PC 4025 Dave Evans
Direct Line: 01785 234772
Fax: 01785 233772
Our ref:
Your ref:
Date: 9th November 13

Dear Sir/Madam

**Review of Premise Licence: St George, 81 Caledonian, Tamworth, Staffordshire
B77 2ED**

Please find attached a review document and supporting evidence in relation to the police application for a review under Section 51 Licensing Act 2003 for the aforementioned premise.

If there are any queries in relation to this matter please feel free to give me a call.

Yours sincerely

PC 4025 Evans
Southern Licensing Unit
Burton Police Station
Horninglow Street
Burton on Trent
DE14 1PA 01785 234772

Cc other Responsible authorities and Premise licence holder

Depot Assets & Environment	
Date Received	11 NOV 2013
Cheque Received	
Job No	132273
Officer	





Licensing, Public Protection,
Assets and Environment
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

Telephone - 01827 709 445

Fax - 01827 709 434

Email - publicprotection@tamworth.gov.uk

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Police Constable 4025 D.Evans**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

St George , 81 Caledonian

Post town **Tamworth**

Post code (if known) **B772ED**

Name of premises licence holder or club holding club premises certificate (if known)

Admiral Taverns Piccadilly Limited, Milton Gate, 60 Chiswell Street , London , EC1Y 4AG

Number of premises licence or club premises certificate (if known)

07420758

Part 2 - Applicant details

I am

Please tick yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other

title

(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Pc Dave Evans c/o SOUTHERN LICENSING DEPARTMENT STAFFORDSHIRE POLICE BURTON POLICE STATION HORNINGLOW ROAD BURTON ON TRENT DE14 1PA
Telephone number (if any) 01785 234772
E-mail address (optional) David.evans@staffordshire.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

The Police have requested the review of the premise licence

The Premise Licence Holder for the St George is listed as Admiral Taverns Piccadilly Limited with the Designated Premise supervisor listed as Mrs Michelle Jayne Briggs.

On Friday 27th September 2013 the St George was subject to a compliance testing operation where an under age person was sent into the premise in order that they could attempt to purchase alcohol from staff serving inside the premise.

The under age volunteer entered into the premise and was not challenged as to their age. They were not asked for identification or any proof of age and were subsequently sold alcoholic drinks

The seller of the alcoholic drinks was formally interviewed by way of contemporaneous notes by the Police in relation to a criminal enquiry into breaches of the licensing Act 2003.

Staffordshire Police believe in light of this offence being committed that the Premise licence holder and staff must do more in relation to the promotion of the licensing objectives in the areas of Prevention of crime and disorder and also the Protection of children from harm and we believe in view of these facts a review of the Premise licence is necessary in these circumstances.

Please provide as much information as possible to support the application (please read guidance note 3)

Information to support the application

In relation to this review application the Police have attached appendices in relation to the areas of concern which are as follows:-

Appendix 1: Review Summary of breaches of license conditions

Appendix 2: Premise Licence

Appendix 3: Statement from Officers

Appendix 4: Interview notes of seller

Appendix 5: Incident List and Drugs readings.

The details of the underage sale are that on Friday 27th September 2013 a volunteer under the age of 18 years entered the St George in company with Plain clothes Police Officers from Staffordshire Police and also a Trading Standards officer in order that they could carry out a compliance purchase at 20:55 hours. The volunteer went to the bar area and purchased two bottles of WKD blue from an employee.

The volunteer was a female who was 15 years of age.

Prior to the operation the volunteer used in the compliance test was videoed and photographed. The volunteer was chosen because in the view of the Police officers participating in the operation she had a typical appearance of a child and in the interests of fairness to the premise employees was not selected because she looked falsely older than her actual years of age. She was selected because she clearly looked under the age of 18 years.

The 15 year old female volunteer asked the seller for two bottles of WKD blue which are alcoholic drinks sold in bottles. The volunteer was sold the two bottles of alcohol by the member of staff working behind the bar at the time. The volunteer was not asked for any proof of age identification prior to the sale of the alcohol taking place.

This sale is a criminal offence under the licensing Act 2003 and comes under section 146 of the Act which relates to the sale of alcohol to a person (child) under 18 years of age.

The seller was interviewed with regards to this offence shortly after the sale to the volunteer and fully admitted the matter. He stated that he had worked at the premise for about 18 months. He stated that he didn't think to ask how old they were. He stated that anyone who looked under 25 should be challenged for their identification. He stated that he had received training in relation to licensing about 2 weeks previously by the

Designated Premise supervisor in person. He was able to produce training records compiled by the Designated Premise supervisor. He was asked if there was a refusals register and he said there wasn't.

The seller was issued with a £90 fixed penalty ticket for the criminal offence committed by the sale of alcohol to a person under 18 years of age.

The sale of the alcohol to the volunteer and the failure to ask for any identification highlighted the fact that there have been a number of reported incidents at the premise.

Not including the sale to the volunteer there have also been 11 recorded incidents at the premise in the last 12 months involving drunkenness, crime and disorder, assault, injury and notable drugs readings which are included in this review.

An incident on the 20th March 2013 related to an assault on a 16 year old female who was inside the premise with other children.

An incident on 25th August 2013 involved large scale disorder which had started in the premise resulting in Staffordshire Police having to close the premise to prevent further disorder issues. Connected to this incident were public order offences, assaults involving pool cues, an aggravated burglary and the commitment of every Police resource available in the area and from other towns. A firearms Taser deployment was also authorised.

The premise also has a notable drugs problem from the readings obtained this year.

The St George already has conditions on the existing premise licence relating to underage sales and has the outdated challenge 21 policy albeit the seller has been trained in the challenge 25 policy now being operated in the Staffordshire area. By selling alcohol to the volunteer the premise is therefore also in breach of the licence conditions held on the licence.

Breaching conditions of the existing licence constitutes further criminal offences under Section 136 of the licensing Act 2003.

At this time the St George is failing to meet the licensing objectives and is contributing to the crime and disorder in the Tamworth area.

In light of the issue alluded to within this report Staffordshire Police believe a review of the premise licence is necessary under these circumstances.

We ask that the existing licence for the St George be improved and updated in order that the licensing objectives are achieved and ask that the following conditions be upgraded and included on the premise licence.

1. A CCTV register should be kept and signed daily by the designated premise supervisor.
2. A competent trained person in the use of and operation of the CCTV will at the premise or able to attend the premise as soon as is a practicable time that licensable activities take place and be able to fully operate the CCTV system to be able to down load in a recognised format any information requested by the Police.
3. All CCTV footage will be stored for a minimum of 31 days and be made available upon request to the Police or other responsible authority.
4. The date and time on the CCTV to be set to the correct time relating to BST/GMT.
5. Training should be undertaken for staff every three months and refreshed accordingly within the three months period by the designated premise supervisor or an appropriately accredited training provider on the law in relation to the sale of alcohol. Its individual member of staff should have a personal training record. The training record should be signed by the designated premise supervisor.
6. An incident register should be kept at the premise and signed weekly by the designated premise supervisor.
7. A refusals register should be kept at the premise for any persons refused alcoholic drinks by staff. This should be signed daily by the designated premise supervisor.
8. At each till there will be placed a date of birth check card which will be kept updated at all times with the current date of birth which a person must be born before to be aged 18 or over.
9. A strict written premise drugs policy will be put in place advising staff on how to deal with customers using illegal substances and how to deal with issues surrounding drugs related issues.
10. Clear signage will be put in place in prominent positions inside the premise advertising a zero drugs tolerance policy to customers.
11. A written policy will be put in place for half hourly checks by staff in relation to drugs usage in the toilet areas which is to be produced to the Police or other responsible authority immediately upon request.
12. The premise license holder will ensure that an age verification policy will apply to the premises whereby all staff will be trained to ask any customer attempting to purchase alcohol ,who appears to be under the age of 25 years (or older if the license holder so elects) to produce ,before buying alcohol, identification being a passport or photo card driving licence bearing a holographic mark or other form of identification bearing the customers photograph , date of birth and the proof of age standard scheme (or similarly accredited scheme) hologram.

We believe the evidence presented in relation to the underage sale the premise require the additional conditions to be added to the premise licence to ensure this offence does not happen again.

Staffordshire Police request that the Notice of Determination records that the Premise Licence Holder has been given clear warning that the Licensing Committee considers the sale of alcohol to children to be particularly serious and that any further sales of alcohol to children will result in a subsequent review of the Premise Licence by Staffordshire Police.

Should the conditions be attached fully and the warning given by the sub committee as outlined above the Police believe that the licensing objectives relative to prevention of crime and disorder and the protection of children from harm are likely to be met.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date 9th November 2013

.....

Capacity Licensing Constable

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

6. This is the address which we shall use to correspond with you about this application.

Premises licence number **PREM/05/0164**



LICENSING ACT 2003 Premises Licence Summary

St George

Part One – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
The St. George, 81 Caledonian,	
Post Town Tamworth	Post Code B77 2ED
Telephone number 01827 259478	

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

- Films**
- Indoor Sporting Events**
- Live Music**
- Recorded Music**
- Performances of Dance**
- Late Night Refreshment**
- Supply of Alcohol - (On & Off Supplies)**

The times the licence authorises the carrying out of licensable activities

Films
 Indoor Sporting Events
 Live Music
 Recorded Music
 Performances of Dance

Indoors	From	To
Sunday	12:00	00:00
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	01:00
Friday	10:00	01:00
Saturday	10:00	01:00

Non-Standard Timings

Sunday of Bank Holiday Weekends	12:00 to 01:00 hours the following day
Monday of Bank Holiday Weekends	10:00 to 01:00 hours the following day
Christmas Eve, except on a Sunday	10:00 to 01:00 hours the following day
Christmas Eve on a Sunday	12:00 to 01:00 hours the following day
Boxing Day, except on a Sunday	10:00 to 01:00 hours the following day
Boxing Day on a Sunday	12:00 to 01:00 hours the following day

This licensable activity may take place on up to a further 20 occasions per annum from the start times given above until 01:00 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.

New Year's Eve 10:00 hours on New Year's Eve to the standard finish time on New Year's Day.

This licensable activity may take place when the premises is open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment

Indoors	From	To
Sunday	23:00	00:00
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	01:00
Friday	23:00	01:00
Saturday	23:00	01:00

Non Standard Timings

Sunday of Bank Holiday Weekends 23:00 to 01:00 hours the following day

Monday of Bank Holiday Weekends 23:00 to 01:00 hours the following day

Christmas Eve 23:00 to 01:00 hours the following day

Boxing Day 23:00 to 01:00 hours the following day

This licensable activity may take place on up to a further 20 occasions per annum from 23:00 hours until 01:00 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.

New Year's Eve 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day.

This licensable activity may take place when the premises is open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol - (On & Off Supplies)

Indoors	From	To
Sunday	12:00	00:00
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	01:00
Friday	10:00	01:00
Saturday	10:00	01:00

Non-Standard Timings

Sunday of Bank Holiday Weekends 12:00 to 01:00 hours the following day

Monday of Bank Holiday Weekends 10:00 to 01:00 hours the following day

Christmas Eve, except on a Sunday 10:00 to 01:00 hours the following day

Christmas Eve on a Sunday 12:00 to 01:00 hours the following day

Boxing Day, except on a Sunday 10:00 to 01:00 hours the following day

Boxing Day on a Sunday 12:00 to 01:00 hours the following day

This licensable activity may take place on up to a further 20 occasions per annum from the start times given above until 01:00 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.

New Year's Eve 10:00 hours on New Year's Eve to the standard finish time on New Year's Day.

This licensable activity may take place when the premises is open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On & Off Supplies

The opening hours of the premises

Whole Premises	From	To
Sunday	12:00	00:30
Monday	10:00	00:30
Tuesday	10:00	00:30
Wednesday	10:00	00:30
Thursday	10:00	01:30
Friday	10:00	01:30
Saturday	10:00	01:30

Non Standard Timings

Sunday of Bank Holiday Weekends 12:00 to 01:30 hours the following day

Monday of Bank Holiday Weekends 10:00 to 01:30 hours the following day

Christmas Eve, except on a Sunday 10:00 to 01:30 hours the following day

Christmas Eve on a Sunday 12:00 to 01:30 hours the following day

Boxing Day, except on a Sunday 10:00 to 01:30 hours the following day

Boxing Day on a Sunday 12:00 to 01:30 hours the following day

The premises may be open on up to a further 20 occasions per annum from the start times given above until 01:30 hours the following day. The opening times for this purpose must be on 7 days prior notice to the Police if required by them.

New Year's Eve 10:00 hours on New Year's Eve to the standard finish time on New Year's Day.

The premises may be open for the broadcast of televised sporting events of national or international interest outside normal operating hours. The opening times for this purpose must be on 7 days prior written notice to the Police. The prior notice must include the sporting event which is to be shown.

Part Two

Name, (registered) address of holder of premises licence

**Admiral Taverns Piccadilly Limited
Milton Gate, 60 Chiswell Street, London, EC1Y 4AG**

Registered number of holder, for example company number, charity number (where applicable)

07420758

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Miss Michelle Jayne Briggs

State whether access to the premises by children is restricted or prohibited

Access is restricted

Dated this 7th February 2013

Director – Assets & Environment

Countersigned:

Address to which all communication should be sent:

Licensing, Public Protection, Assets & Environment,
Tamworth Borough Council, Marmion House, Lichfield Street, Tamworth, B79 7BZ
Tel 01827 709445 or Fax 01827 709434

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN 21

Statement of: Samantha Cuzick
Age Over 18

Occupation Special Constable

This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature Date: 27 September 2013

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I am a Special Constable in the Staffordshire Police Force currently stationed at.....

On Friday 27 September 2013. I was on a compliance testing operation relating to the enforcement of the Licensing Act 2003 specifically in relation to under age sales of alcohol to children. Two juvenile volunteers were used in this operation along with other plain clothes police officers and Trading Standards.

At approximately 19.40hrs on the same date the operation commenced.

At 20.55hrs I entered St George, Tamworth with two juvenile volunteers, Danielle and Charlotte both 15 years.

The volunteers walked up to the main bar. The volunteer Danielle asked a male behind the bar, who I now know to be Darren Weston for 2 bottles of UKO blue

Danielle handed the male the requested drinks and the change from the purchase.

The two volunteers exited the premise and I identified myself as a police officer.

I waited in the premise with Darren until SC Neal entered the premise. I identified Darren to SC Neal and exited the premise.

Signature:

Signature Witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN 21

Statement of: Neil Winter
Age Over 18

Occupation Special Constable

This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: _____ Date: 27 September 2013

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Special Constable in the Staffordshire Police Force currently stationed at Fugelay

On Friday 27 September 2013 I was on a compliance testing operation relating to the enforcement of the Licensing Act 2003 specifically in relation to under age sales of alcohol to children. Two juvenile volunteers were used in this operation along with other plain clothes police officers and Trading Standards.

At approximately 19.40hrs on the same date the operation commenced.

At 20.55hrs I entered St George, Tamworth with two juvenile volunteers, Danielle and Charlotte both 15 years

The volunteers walked up to the main bar. The volunteer Danielle asked a male behind the bar, for 2 bottles of WKD blue. I saw the Danielle hand the male the requested drinks and the change from the purchase.

As the volunteers started to leave the pub I seized the 2 bottles from Danielle and can produce them in evidence marked NEW/3 & NEW/4

At 20.59 hours that same date I handed the bottles NEW/3 & NEW/4 to PC A025 Evans who sealed the bottles and attached exhibit labels.

Signature: _____

Signature Witnessed by: _____

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN 21

Statement of: DAVID EVANS

Age Over 18

Occupation POLICE OFFICER

This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: _____ Date: 27-9-2013

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a POLICE OFFICER in the Staffordshire Police Force currently stationed at BURTON

On 27th SEPT 2013 I was on a compliance testing operation relating to the enforcement of the Licensing Act 2003 specifically in relation to under age sales of alcohol to children. Two juvenile volunteers were used in this operation along with other plain clothes police officers and Trading Standards.

At approximately 19-40 on the same date the operation commenced.

At 2059 Hours that same date I received from S/I WINTER 2 bottles of WKD marked NEW 3/4

The bottles were open and S/I WINTER informed me that he had taken them from volunteer DANIELLE in ST GEORGE

I sealed the bottles and attached exhibit labels.

Signature: [Signature]

Signature Witnessed by: _____

RECORD OF INTERVIEW

Contemporaneous Notes SELLER ON LICENCE

Person interviewed

Date of birth:

Place of interview: St George,

Home Address:

Police Exhibit No: NEW 13

Number of pages:

Signature of interviewing officer producing Exhibit

Telephone number: Record Overleaf

Date of interview: 27/09/13

Time commenced: 21:12

Time concluded: 21:50

Interviewing Officer(s): Olivia Neal, Sophie Wood

Other persons present: Michelle Briggs

Tape Counter Time	Person Speaking	Text
		CAUTION (All cases).
	Q	I wish to ask you some questions, but before I do I must caution you that you do not have to say anything, but it may harm your defence if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence
	R	
		Interviewee to sign:
	Q	I must also tell you that you are not under arrest and you are free to terminate this interview at any time. In addition, you are entitled to obtain independent legal advice either now or at any time during the interview. Do you understand?
	R	
		Interviewee to sign:
	Q	Do you wish to exercise any of these rights?

Signature(s):
(Contemporaneous notes only)

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Continuation Sheet No ...2....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	No Interviewee to sign:
	Q	You may, if you wish, speak to a solicitor on the telephone. Do you wish to do this?
	R	No Interviewee to sign:
	Q	What are your reasons for not wanting legal advice?
	R	'Isn't worth the hassle' Interviewee to sign:
	Q	What sort of premises is this and what does it sell?
	R	Public house, sells alcohol
	Q	Are you a personal licence holder?
	R	No (If they are a personal licence holder ask to see their personal licence and note details)
	Q	What is your job at this premises?
	R	'Nothing'
	Q	How many hours a week do you work?
	R	'Suck clean pipes kollar - 4 hours a week'

Signature(s):
(Contemporaneous notes only)

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Continuation Sheet No ...3....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	Q	How long have you worked here?
	R	18 months
	Q	Have you worked selling alcohol before?
	R	No
	Q	Police officers and Trading Standards Officers entered this premises with young persons who are ...15.....years of age. They purchased ...C.W.Ds..... You have been identified as being the person who sold them that alcohol. I am now showing you item number NEW 13..... Do you recall selling this item?
	R	Yes
	Q	The bottle states that this is ...4...% alcohol. Do you agree?
	R	Yes
	Q	The drink that was purchased by the underage person, how much does that cost?
	R	£2.80
	Q	What do you remember about the person who purchased this item.
	R	'Didn't take much notice'
	Q	I am now showing you a photograph of the person who purchased the product (Exhibit ...1.....). Can you confirm that you sold the alcohol to them?
	R	Yes
	Q	At the time you sold the item to them, how old did you think they were?
	R	'Didn't even think'

Signature(s):
(Contemporaneous notes only)

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Continuation Sheet No ...4....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	Q	Did you consider asking for any proof of age identification from this person?
	R	<i>No</i>
	Q	The police officers and the Trading Standards Officers who accompanied the volunteer purchaser witnessed the fact that you did not ask the person their age or ask for identification. Why was this?
	R	<i>'I don't normally work here'</i>
	Q	What is the age that a person can legally purchase alcohol in licensed premises?
	R	<i>18</i>
	Q	Are you aware that it is an offence to sell intoxicating liquor to a person under the age of eighteen?
	R	<i>Yes</i>
	Q	What training have you had in respect of selling alcohol and the age limits at which persons can buy it?
	R	<i>'Anyone under 25 should be asked for ID'</i>
	Q	When did you last receive any training in underage sales?
	R	<i>2 week ago - when police entered premises</i>
	Q	Who provided the last training you had?
	R	<i>Michelle Briggs</i>
	Q	How was your training delivered, was it in person or were you given a book to read yourself?
	R	<i>In Person</i>
	Q	Was it explained to you how to deal with underage sales, what to look for and what to ask for?
		<i>Yes</i>

Signature(s):
(Contemporaneous notes only)

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Continuation Sheet No ...5....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	Yes
	Q	If you have undertaken training, was it a "Challenge 21/25" or another scheme?
	R	'Challenge 21 & 25' (If training has been received)
	Q	What age was it suggested that someone should be to buy alcohol without having to show ID.
	R	25 (if applicable)
	Q	You have stated that the person looked... 25years old, why did you not ask for identification in line with your training?
	R	N/A
	Q	Do you have any documentary proof of the training you have received?
	R	No Yes
	Q	Where are these documents stores?
	R	- DPS had training records Seize records of training given to interviewee if available and ask...
	Q	Did you receive the training that is shown here?
	R	Yes
	Q	Are the signatures on these training records your signatures?
	R	Yes
	Q	Do you agree that by signing these documents you are accepting that you have received the training that the document relates to?
	R	Yes
	Q	Are you aware of any signs regarding age restrictions for alcohol sales being displayed in the premises?
	R	Yes

Signature(s):
(Contemporaneous notes only)

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Continuation Sheet No ...6....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
		(if they have them)
	Q	Where are they displayed?
	R	<i>At the Bar & Doors</i>
		(check signage)
	Q	Do you have a refusals register?
	R	<i>No</i>
		(check refusals register if they have one)
	Q	When was the last time you made an entry in this register?
	R	<i>N/A</i>
	Q	Who is the Designated Premises Supervisor of the premises?
	R	<i>Michelle Briggs</i>
	Q	How often do you see the Designated Premises Supervisor at the premises?
	R	<i>Everyday</i>
	Q	Where was the Designated Premises Supervisor at the time of the sale?
	R	<i>Bob 'In the kitchen, I don't know'</i>
	Q	At the time the volunteers were in the premises how many other customers were in the premises?
	R	<i>25</i>
	Q	How many members of staff were working at the time?
	R	<i>2</i>
		ANY FURTHER QUESTIONS SHOULD BE RECORDED HERE. IF THERE ARE NO FURTHER QUESTIONS THEN STRIKE OUT THE BLANK SPACE AND GO TO LAST COMMENT.

Signature(s):
(Contemporaneous notes only)

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Continuation Sheet No ...7....

Person interviewed.....


Tape Counter Time	Person Speaking	Text
		/
	Q	Is there anything you wish to add or clarify?
	R	<i>No</i>
	Q	You will be reported for the offence of selling alcohol to a person under the age of eighteen. You do not have to say anything, but it may harm your defence if you do not mention when questioned, something which you later rely on in court. Anything

Signature(s):
(Contemporaneous notes only)

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Continuation Sheet No ...8....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	<p>you do say may be given in evidence. Do you understand?</p> <p>Yes</p> <p>I have read this interview and confirm that it is a true and accurate account of the interview.</p> <p>Signature of interviewee: </p>

Signature(s):
(Contemporaneous notes only)

23/10/2013
08:47:06
8533
VCA150

STAFFORDSHIRE POLICE

Appendix 4(e)
Continued.

INCIDENT REPORT / SP-20130825-0038 / SP-2013-205180

25/08/2013 00:38:08 (C80) PUBLIC ORDER / WO96 2000 28082013
Priority:(4) APPOINTMENT SourceTEL 0300
Result Codes (1-6):-C80/ / / / /
Operator I.D.:-16217 Scenario:-SP
Dispatcher I.D.:-9303
Handling Unit:-WO96

LPTFW
RIAFW51 (422694,302746)
Creator Wkstn:-VCND
Owner Wkst:-VDFR2
Officer in case:-5041

----- Address Information -----

IVATT
IVATT, TAMWORTH,

Proximity:-
[X] Valid Gazetteer:-

CRIME RELATED

----- Complainant Details -----

Surname
Address
THIRD PARTY
DOB / Sex / Ethnicity:-, ,
Email:-

[X] Contact
[?] Media Consent
[?] NPT Priority
[?] Vulnerable/Upset
[?] ETA passed

----- Date/Time Info. -----

Call Received	25/08/2013	00:38:08
Incident Created	25/08/2013	00:38:08
Address Validated	25/08/2013	00:38:31
Initial Input Complete	25/08/2013	00:40:41
Transfer Sent	25/08/2013	00:40:47
Transfer Accepted	25/08/2013	00:40:41
Resource Assigned	28/08/2013	15:14:32
Resource Dispatched	25/08/2013	00:41:17
Arrived At Scene	25/08/2013	00:44:43
Units Cleared	25/08/2013	20:04:34
Incident Disposed	28/08/2013	21:25:35

----- Comments -----

THERE IS ABOUT 10 POLISH LADS AND ABOUT 30 ENGLISH LADS ALL RUNNING ABOUT AND FIGHTING	25/08/2013	00:39:00	16217	VCND	REMARKS
THEY ARE ALL DRUNK AND SHOUTING	25/08/2013	00:39:05	16217	VCND	REMARKS
I HAVE SEEN SOME WITH WOODEN STICKS LIKE SNOOKER CUES	25/08/2013	00:39:23	16217	VCND	REMARKS
I HAVE HEARD ONE OF THEM SAYING GET A SNOOKER CUE	25/08/2013	00:39:34	16217	VCND	REMARKS
SOMTHING IS KICKING OFF IT SEEMS	25/08/2013	00:39:40	16217	VCND	REMARKS
I DONT KNOW ANY OF THEM OR WHERE THEY ARE FROM	25/08/2013	00:40:13	16217	VCND	REMARKS
THEY ARE ALL AGED BETWEEN 15 - 35 YRS	25/08/2013	00:40:28	16217	VCND	REMARKS
Transfer Accepted At Terminal VDFR1 For Control	25/08/2013	00:40:41	9303	VDFR1	SYSTEM
Question set has been exited before completion	25/08/2013	00:40:45	16217	VCND	QUESTION
Transfer To 8. LICH From Terminal VCND Control	25/08/2013	00:40:47	16217	VCND	SYSTEM
I CANT SEE ANYONE BUT ICAN HEAR THEM ALL SCREAMING AND SHOUTING	25/08/2013	00:40:58	16217	VCND	REMARKS
IT WILL NEED MORE THAN ONE POLICE CAR	25/08/2013	00:41:06	16217	VCND	REMARKS
THERE IS ABOUT 40 PEOPLE	25/08/2013	00:41:13	16217	VCND	REMARKS
WN10 MOBILISED BY DRAG/DROP	25/08/2013	00:41:17	9303	VDFR1	SYSTEM
I SAW ABOUT 30 OF THEM CHASING DOWN THE RD	25/08/2013	00:41:21	16217	VCND	REMARKS
Cross Referenced To Incident SP-20130825-0040	25/08/2013	00:41:22	22123	VCNG	SYSTEM
WN05 MOBILISED BY DRAG/DROP	25/08/2013	00:41:22	9303	VDFR1	SYSTEM
WN25 MOBILISED BY DRAG/DROP	25/08/2013	00:41:22	9303	VDFR1	SYSTEM
THEY ARE BEHIND THE HOUSES NOW	25/08/2013	00:41:28	16217	VCND	REMARKS
WL13 MOBILISED BY DRAG/DROP	25/08/2013	00:41:29	9303	VDFR1	SYSTEM
...	25/08/2013	00:41:38	9303	VDFR1	REMARKS
WL83 MOBILISED BY DRAG/DROP	25/08/2013	00:41:40	9089	VDFR2	SYSTEM
**	25/08/2013	00:41:46	16217	VCND	REMARKS
WO00 WIL LMONITOR	25/08/2013	00:41:57	9303	VDFR1	REMARKS
I CAN SEE 4 MEN NOW WALKING TWDS THE PUB	25/08/2013	00:42:08	16217	VCND	REMARKS

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08:47:06

8533

INCIDENT REPORT / SP-20130825-0038 / SP-2013-205180

VCA150

SIGHT OF A LARGE GROUP IN IVATT, MALE POSS UNCONCIOUS ON THE FLOOR	25/08/2013 00:42:11 9303	VDFR1	REMARKS
THERE IS SOME STICKS	25/08/2013 00:42:14 9303	VDFR1	REMARKS
.	25/08/2013 00:42:15 9303	VDFR1	REMARKS
WN45 MOBILISED BY DRAG/DROP	25/08/2013 00:42:20 9089	VDFR2	SYSTEM
I CAN SEE ABOUT 20 OF THEM ONE HAS A SNOOKER CUE	25/08/2013 00:42:22 16217	VCND	REMARKS
WN95 MOBILISED BY DRAG/DROP	25/08/2013 00:42:25 9089	VDFR2	SYSTEM
THEY ARE GOING UP TWDS THE SCOTTSMAN PUB	25/08/2013 00:42:39 16217	VCND	REMARKS
WOOO MALE IC1 BALD HEAD, SHORT SLEEVED, KICKING OFF AGAIN NOW AND FIGHTING	25/08/2013 00:42:45 9303	VDFR1	REMARKS
.	25/08/2013 00:42:45 9303	VDFR1	REMARKS
WOOO JUST BY THE GEORGE PUB AREA	25/08/2013 00:42:57 9303	VDFR1	REMARKS
.	25/08/2013 00:42:57 9303	VDFR1	REMARKS
***	25/08/2013 00:43:26 8532	VCS13	REMARKS
FEMALE CALLING AGAIN THEY HAVE BROKEN INTO THE END HOUSE	25/08/2013 00:43:35 8532	VCS13	REMARKS
ALL FIGHTING POLISH PEOPLE	25/08/2013 00:43:39 8532	VCS13	REMARKS
Transfer To 8. LICH From Terminal	25/08/2013 00:43:43 8532	VCS13	SYSTEM
WN85 MOBILISED BY DRAG/DROP	25/08/2013 00:43:47 9089	VDFR2	SYSTEM
AND ENGLISH	25/08/2013 00:43:53 8532	VCS13	REMARKS
THEY HAVE GOT STICKS	25/08/2013 00:43:58 8532	VCS13	REMARKS
ACU FDO TAG ADDED	25/08/2013 00:44:06 8532	VCS13	SYSTEM
THEY ARE NOW RUNNING UP THE HILL	25/08/2013 00:44:16 8532	VCS13	REMARKS
SRI LANKEN PEOPLE LIVE IN THAT END HOUSE	25/08/2013 00:44:24 8532	VCS13	REMARKS
WOOO ALL OF THE GP ARE HEADING ALONG THER PATH TOWARDS ST GEORGES THERE ARE QUITE A FEW BATONS	25/08/2013 00:44:37 9089	VDFR2	REMARKS
FDO TASER AUTHORISED	25/08/2013 00:44:43 4093	VFDO1	SUPERVISOR
SOME OF THEM HAVE RAN UP THE HILL TOWARDS THE PUB THE GEORGE	25/08/2013 00:44:48 8532	VCS13	REMARKS
***	25/08/2013 00:44:56 8532	VCS13	REMARKS
WN25 THERE IS AN UNCONSCIOUS MALE ON THE FLOOR END OF IVATT	25/08/2013 00:45:11 9089	VDFR2	REMARKS
**	25/08/2013 00:45:13 9089	VDFR2	REMARKS
ACTIONS	25/08/2013 00:45:20 4093	VFDO1	SUPERVISOR
1. IF READILY AVAILABLE TWO TASER OFFICERS TO BE DEPLOYED, IF NOT READILY AVAILABLE A SINGLE TASER OFFICER MUST BE SUPPORTED BY MINIMUM ONE PPE OFFICER.	25/08/2013 00:45:20 4093	VFDO1	SUPERVISOR
2. POLICE OFFICERS TO BE IN POSSESSION OF THEIR PPE AND WHERE IT IS SAFE AND APPROPRIATE TO DO SO THEIR ARRIVAL AT THE SCENE WILL BE COORDINATED WITH THE ARRIVAL OF TASER OFFICERS.	25/08/2013 00:45:20 4093	VFDO1	SUPERVISOR
3. ALL OFFICERS ENGAGED IN THIS INCIDENT MUST BE IN A POSITION TO IDENTIFY THEMSELVES AS POLICE OFFICERS.	25/08/2013 00:45:20 4093	VFDO1	SUPERVISOR
4. OFFICERS MUST MAINTAIN AN ESCAPE ROUTE AT ALL TIMES AND REMAIN VIGILANT ON APPROACH.	25/08/2013 00:45:20 4093	VFDO1	SUPERVISOR
5. LOCAL SUPERVISOR TO BE INFORMED AND TO MAINTAIN AN OVERVIEW OF THE INCIDENT.	25/08/2013 00:45:20 4093	VFDO1	SUPERVISOR
6. IF THE THREAT HAS INCREASED AND OFFICERS ARE NOT ABLE TO MANAGE IT WITH THE KIT THEY HAVE, THEY ARE TO WITHDRAW TO POSITION OF COVER AND UPDATE FDO. MAINTAIN VISUAL CONTAINMENT	25/08/2013 00:45:20 4093	VFDO1	SUPERVISOR
IF POSSIBLE.	25/08/2013 00:45:20 4093	VFDO1	SUPERVISOR
Transfer Accepted At Terminal	25/08/2013 00:45:29 9089	VDFR2	SYSTEM
THIS CALL WAS FROM MRS ASKHAN 19 IVATT TEL 07446400604	25/08/2013 00:45:38 8532	VCS13	REMARKS
**	25/08/2013 00:45:40 8532	VCS13	REMARKS
FORCE DUTY OFFICER TASER ASSESSMENT:	25/08/2013 00:45:48 4093	VFDO1	FORCE DUTY
AUTHORITY FOR THE DEPLOYMENT OF TASER OFFICERS	25/08/2013 00:45:48 4093	VFDO1	FORCE DUTY
HAVING REVIEWED THE INFORMATION AND INTELLIGENCE AVAILABLE TO ME AT THIS TIME ON THIS SERIAL I HAVE REASON TO SUPPOSE THAT POLICE OFFICERS MAY HAVE TO PROTECT THEMSELVES OR MEMBERS	25/08/2013 00:45:48 4093	VFDO1	FORCE DUTY

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OF THE PUBLIC FROM VIOLENCE OR THE THREAT OF VIOLENCE, THAT VIOLENCE IS LIKELY TO BE OF SUCH SEVERITY THAT THEY MAY NEED TO RESORT TO THE USE OF FORCE TO ACHIEVE THEIR LAWFUL AIM OF DETAINING THE SUBJECT. I HAVE APPLIED THE NDMM IN ACCORDANCE WITH MY TRAINING AS AN FDO, IT IS MY ASSESSMENT THAT THIS MATTER CAN BE RESOLVED USING UNARMED POLICE OFFICERS SUPPORTED BY POLICE OFFICERS EQUIPPED WITH TASER DEVICES.	25/08/2013 00:45:48 4093	VFDO1	FORCE DUTY
..	25/08/2013 00:45:48 4093	VFDO1	FORCE DUTY
INITIAL WORKING STRATEGY TACTICAL PARAMETERS: TASER OFFICERS ARE DEPLOYED TO RESOLVE THIS INCIDENT SAFELY AND IN ACCORDANCE WITH THEIR TRAINING THROUGH THEIR APPLICATION OF THE NATIONAL DECISION MAKING MODEL.	25/08/2013 00:45:48 4093	VFDO1	FORCE DUTY
WORKING STRATEGY	25/08/2013 00:45:48 4093	VFDO1	FORCE DUTY
1.MINIMISE THE RISK POSED BY THE SUBJECT TO THE INTENDED VICTIM AND MEMBERS OF THE PUBLIC IN THE VICINITY OF THE SUBJECT THROUGH THE DEPLOYMENT OF POLICE OFFICERS AS SOON AS PRACTICABLE WHO ARE PROPERLY BRIEFED, EQUIPPED AND DEPLOYED IN SUFFICIENT NUMBERS TO RESOLVE THIS INCIDENT.	25/08/2013 00:45:48 4093	VFDO1	FORCE DUTY
2. MAXIMISE THE SAFETY OF THE POLICE OFFICERS DEPLOYED TO RESOLVE THIS INCIDENT BY THE ATTENDANCE OF OFFICERS TRAINED AND ACCREDITED IN THE USE OF THE TASER DEVICE, ENSURING THAT A PROPORTIONATE AND MEASURED USE OF FORCE IS PRESENT AND CAPABLE WHERE NECESSARY OF BEING IMMEDIATELY DEPLOYED.	25/08/2013 00:45:48 4093	VFDO1	FORCE DUTY
TASER TAG ADDED	25/08/2013 00:46:08 4093	VFDO1	SYSTEM
***INF THINK THE HOUSE THAT HAS HAD DOOR	25/08/2013 00:46:09 8532	VCS13	REMARKS
WO71 MOBILISED BY DRAG/DROP	25/08/2013 00:46:12 9089	VDFR2	SYSTEM
...	25/08/2013 00:46:18 9303	VDFR1	REMARKS
AMB LOG 106	25/08/2013 00:46:20 9303	VDFR1	REMARKS
.	25/08/2013 00:46:20 9303	VDFR1	REMARKS
WO41 MOBILISED BY DRAG/DROP	25/08/2013 00:46:21 9089	VDFR2	SYSTEM
WO71 I HAVE TASER	25/08/2013 00:46:30 9089	VDFR2	REMARKS
...	25/08/2013 00:46:32 9303	VDFR1	REMARKS
Cross Referenced By Incident SP-20130825-0042	25/08/2013 00:47:56 8516	VCS27	SYSTEM
WN25 LARGE NUMBER OF POLISH MALES HERE ALL VERY ANGRY	25/08/2013 00:48:26 9089	VDFR2	REMARKS
TOWARDS THE HILL	25/08/2013 00:48:30 9089	VDFR2	REMARKS
WO71 MAKING THIS	25/08/2013 00:48:35 9089	VDFR2	REMARKS
....	25/08/2013 00:48:39 9303	VDFR1	REMARKS
WL43 MAKIING BANCROFT AS LARGE GRP HEADING THERE	25/08/2013 00:48:57 9089	VDFR2	REMARKS
**	25/08/2013 00:49:00 9089	VDFR2	REMARKS
WO71 WE ARE TA BANCROFT	25/08/2013 00:49:43 9089	VDFR2	REMARKS
**	25/08/2013 00:50:22 9089	VDFR2	REMARKS
WN25 ALL IP CAN SAY IS THAT HE WAS WALKING ALONG AND HAS BEEN HIT	25/08/2013 00:50:45 9089	VDFR2	REMARKS
PARAMEDICS ARE T/A WITH HIM	25/08/2013 00:50:53 9089	VDFR2	REMARKS
**	25/08/2013 00:51:03 9089	VDFR2	REMARKS
WL13 GROUP HEADED TOWARDS BANCROFT WERE SEEN WALKING AWAY ONE HAD A WHITE T SHIRT ON	25/08/2013 00:51:50 9089	VDFR2	REMARKS
..	25/08/2013 00:51:56 9089	VDFR2	REMARKS
WN25 THE IP HAS LOST CONSCIOUSNESS AT SOME POINT HE IS NOW CONSCIOUS, SAYS HE WAS HIT WITH A STICK	25/08/2013 00:52:48 9089	VDFR2	REMARKS
**	25/08/2013 00:52:49 9089	VDFR2	REMARKS
WN25 MALE ADULT 112 SECTION 4	25/08/2013 00:57:44 9089	VDFR2	REMARKS
BURTOJN CUSTODY CAN ACCEPT	25/08/2013 00:58:24 9089	VDFR2	REMARKS
WN65 MOBILISED BY DRAG/DROP	25/08/2013 00:58:37 9089	VDFR2	SYSTEM
WS41 MOBILISED BY DRAG/DROP	25/08/2013 00:59:44 9303	VDFR1	SYSTEM
WS66 MOBILISED BY DRAG/DROP	25/08/2013 00:59:47 9303	VDFR1	SYSTEM

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Text	Date	Time	Code	Code	Code
***	25/08/2013	01:11:03	9089	VDFR2	REMARKS
WN10 THIS INCIDENT HAS STARTED IN THE GEORGE	25/08/2013	01:11:24	9089	VDFR2	REMARKS
PUB WE ARE IN PROCESS OF CLOSING THE PUB					
TWO GROUPS HAVE STARTED ARGUMENT ONE BEING	25/08/2013	01:11:46	9089	VDFR2	REMARKS
POLISH.					
WE ARE REMAINING AT THE ST GEORGES PUB UNTIL	25/08/2013	01:12:31	9089	VDFR2	REMARKS
EVERYONE HAS CLEARED.					
THE LANDLADY DOES NOT APPEAR TO HAVE ANY	25/08/2013	01:12:56	9089	VDFR2	REMARKS
CONTROL ON WHAT HAPPENES IN THE PUB AT ALL					
PLEASE TAG FOR LICENCING	25/08/2013	01:13:04	9089	VDFR2	REMARKS
LIC SOUTH TAG ADDED	25/08/2013	01:13:15	9089	VDFR2	SYSTEM
ABOVE COMMENTS FOR ATTN OF LICENCING	25/08/2013	01:13:41	9089	VDFR2	CALLTAKER
*****	25/08/2013	01:13:54	9089	VDFR2	REMARKS
ACU_FDO TAG DELETED	25/08/2013	01:21:15	4093	VFDO1	SYSTEM
**	25/08/2013	01:21:44	9089	VDFR2	REMARKS
WN10 THE ST GEORGE PUB HAS BEEN CLEARED OF	25/08/2013	01:22:35	9089	VDFR2	REMARKS
PEOPLE, I DO NOT FEEL THAT THIS SITUATION					
WILL BE RESOLVED OVER THE WEEKEND AND FURTHER					
PROBLEMS AVOIDED					
CAN THIS BE TAGGED FOR LOCAL NEIGHBOURHOOD	25/08/2013	01:22:47	9089	VDFR2	REMARKS
OFFICERS TO BE AWARE					
ENGAGEMENT TAG ADDED	25/08/2013	01:22:52	9089	VDFR2	SYSTEM
**	25/08/2013	01:23:05	9089	VDFR2	REMARKS
WN10 PATROLS ARE RESUMING FRO MTHIS INCIDENT.	25/08/2013	01:30:10	9303	VDFR1	REMARKS
I HAVE REQUESTED THAT THEY REMAIN IN AREA FOR					
5 MINS OR SO AND THEN THEY WILL ALL RESUME					
.	25/08/2013	01:30:10	9303	VDFR1	REMARKS
WN85 RESOURCE DIVERTED SP-20130820-0098	25/08/2013	01:30:45	9303	VDFR1	SYSTEM
Transfer To VDFR2 From Terminal VDFR1 Action	25/08/2013	01:30:45	9303	VDFR1	SYSTEM
Transfer Accepted At Terminal VDFR2 For Action	25/08/2013	02:33:54	9089	VDFR2	SYSTEM
HA85 - THIS INCIDENT WILL REQUIRE A COMMUNITY	25/08/2013	02:40:33	4618	VXF7	CADRE
IMPACT ASSESSMENT TO BE CONDUCTED BY TAMWORTH					
LPT IN MORNING.					
ARRESTED MACIEJ WISNIEWSKI	25/08/2013	03:28:08	9303	VDFR3	REMARKS
CUSTODY REF 21XD/2890/13	25/08/2013	03:28:08	9303	VDFR3	REMARKS
VICTIM HM QUEEN	25/08/2013	04:39:31	9089	VDFR2	REMARKS
CREATED SUPPLEMENTARY DATA CRIME	25/08/2013	04:40:33	9089	VDFR2	SYSTEM
Crime reference(s) requested by 9089	25/08/2013	04:42:35	9089	VDFR2	SYSTEM
Crime Reference N1/46956/2013 returned for	25/08/2013	04:42:48	SYSTEM	INT1	SYSTEM
person HM QUEEN					
	25/08/2013	08:05:10	5665	VXA116	REMARKS
THIS IS THE IP FOR THE ASSAULT AND NOT IN	25/08/2013	08:05:39	5665	VXA116	REMARKS
RELATION TO PUBLIC ORDER.					
HE DOES NOT HAVE A TELEPHONE NUMBER	25/08/2013	08:07:03	5665	VXA116	REMARKS
WN10...FOR NPT COMMUNITY ACTION TEAM RE A	25/08/2013	08:07:39	9461	VDFR1	REMARKS
COMMUNITY ASSESSMENT AS BELIEVE THERE WILL BE					
FURTHER PROBLEMS BETWEEN LOCAL RESIDENTS AND					
POLISH MALES.					
.	25/08/2013	08:08:36	9461	VDFR1	REMARKS
WN05...IP FOR ASSAULT WILL NEED TO BE SEEN THE	25/08/2013	08:09:32	9461	VDFR1	REMARKS
OFFENDER RE THE PUBLIC ORDER IS NOT THE					
OFFENDER FOR THE ASSAULT					
SP-20130825-0038 PRINTED AT WORKSTATION:VXG4	25/08/2013	08:10:37	0872	VXG4	SYSTEM
-> XG-LPSVR8 (SGTS) (from VXG4@xg-sgts) in					
session 3813					
Reason for Print:FOR REVIEW	25/08/2013	08:10:37	0872	VXG4	SYSTEM
****MO****	25/08/2013	08:13:26	5665	VXA116	REMARKS
KNOWN OFFENDER HAS BEEN ACTING IN A VERY	25/08/2013	08:15:28	5665	VXA116	REMARKS
AGGRESSIVE MANNER AND PACING AROUND IVATT					
AFTER A PUBLIC ORDER INCIDENT THREATENING TO					
SORT OUT THE ENGLISH BOYS - ARREST FOR SECTION					
4					
****DONE****	25/08/2013	08:17:27	5665	VXA116	REMARKS
ARREST STATEMENT	25/08/2013	08:17:27	5665	VXA116	REMARKS
PNC NO TRACE BUT WHEN PUT ON LIVE SCAN THIS	25/08/2013	08:17:27	5665	VXA116	REMARKS
SHOWS THAT HE IS WANTED IN POLAND					
****OUTSTANDING****	25/08/2013	08:18:07	5665	VXA116	REMARKS

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INTERVIEW	25/08/2013	08:18:07	5665	VXA116	REMARKS
COMPLETE FORM RE FOREIGN CONVICTIONS	25/08/2013	08:18:07	5665	VXA116	REMARKS
SP-20130825-0038 PRINTED AT WORKSTATION:VXA116	25/08/2013	08:19:30	5665	VXA116	SYSTEM
-> XG-COPIER5 (COLOUR PRINTING) (from VXA116@spw10721) in session 2757					
Reason for Print:5665	25/08/2013	08:19:30	5665	VXA116	SYSTEM
DIARY ENTRY ADDED TAMWORTH - 25/08/2013	25/08/2013	09:21:48	9461	VDFR1	SYSTEM
11:00:02 FOR SP-20130825-0038					
MOPI_CHECK TAG ADDED	25/08/2013	09:25:14	8455	VCS15	SYSTEM
MOPI_CHECK - DETAILS VERIFIED	25/08/2013	09:25:17	8455	VCS15	REMARKS
Priority changed from IMMEDIATE (URBAN) to APPOINTMENT - reason FURTHER INFORMATION	25/08/2013	09:58:10	9461	VDFR1	SYSTEM
WO95 MOBILISED BY DRAG/DROP	25/08/2013	11:21:08	9027	VDFR2	SYSTEM
WO95...IP HAS A CHIPPED TOOTH AND SWOLLEN LIP.	25/08/2013	11:21:46	9027	VDFR2	REMARKS
HE IS ADAMANT HE DOES NOT WANT TO MAKE ANY COMPLAINTS, AND WANTS NO FURTHER POLICE INVOLVEMENT. HE SAYS HE CANNOT REMEMBER WHAT HAPPENED.	25/08/2013	11:21:48	9027	VDFR2	REMARKS
DIARY ENTRY ADDED TAMWORTH - 25/08/2013	25/08/2013	11:22:56	9027	VDFR2	SYSTEM
20:00:01 FOR SP-20130825-0038					
HOWEVER, THE IP IS STILL IN DRINK AND STILL DRINKING. DUE TO THE LEVEL OF INJS I THINK HE REALLY SHOULD BE SEEN. CAN WE THEREFORE BOOK A LATE MCI FOR TODAY. HE SAYS HE IS DUE AT WORK AT MIDNIGHT, SO HOPEFULLY HE WILL STOP DRINKING SOON.	25/08/2013	11:23:41	9027	VDFR2	REMARKS
FURTHER MCI BOOKED FOR 20:00HRS TONIGHT.	25/08/2013	11:23:55	9027	VDFR2	REMARKS
**	25/08/2013	11:24:07	9027	VDFR2	REMARKS
25/08/2013	25/08/2013	11:25:34	9027	VDFR2	REMARKS
CALL CARD SUCCESSFULLY DEFERRED 25/08/2013	25/08/2013	11:25:54	9027	VDFR2	SYSTEM
18:00:00 Workstation Group 8. LICH					
.	25/08/2013	14:24:25	3893	VCS30	REMARKS
.	25/08/2013	14:24:25	3893	VCS30	REMARKS
.	25/08/2013	14:24:26	3893	VCS30	REMARKS
REQUESTING	25/08/2013	14:27:01	3893	VCS30	REMARKS
GIVE HIM A CALL TONIGHT ON					
AS HE IS THE OWNER OF THE PROPERTY WHICH HAS BEEN DAMAGED.	25/08/2013	14:27:57	3893	VCS30	REMARKS
.	25/08/2013	14:32:07	3893	VCS30	REMARKS
REACTIVATED AT VDFR2	25/08/2013	15:12:11	9248	VDFR2	SYSTEM
Transfer Accepted At Terminal VDFR2 For Control	25/08/2013	15:12:25	9248	VDFR2	SYSTEM
WF62 AND WO61 HAVE PATROLED THE AREA AND SPOKE WITH THE LANDLORD AND GIVEN REASURANCE. WILL KIV THE AREA WHEN ON DUTY.	25/08/2013	15:46:45	16714	VXG11	REMARKS
ENGAGEMENT TAG DELETED	25/08/2013	15:48:38	16714	VXG11	SYSTEM
DIARY ENTRY ADDED TAMWORTH - 25/08/2013	25/08/2013	16:34:15	9341	VDFR1	SYSTEM
20:00:02 FOR SP-20130825-0038					
*****CIT*****	25/08/2013	17:32:05	4897	VXF26	REMARKS
DP INTERVIEWED ADMITTED THE OFFENCE CHARGED WITH SECT 4 POA	25/08/2013	17:32:31	4897	VXF26	REMARKS
INTERPRETER CANCELLED ON ALS DTP1039696 TO REFER.	25/08/2013	17:33:02	4897	VXF26	REMARKS
INTERPRETER BOOKED FOR COURT HMC 1135283 TO REFER.	25/08/2013	17:33:34	4897	VXF26	REMARKS
.	25/08/2013	17:55:30	9248	VDFR2	REMARKS
WO97 AWARE	25/08/2013	17:55:32	9248	VDFR2	REMARKS
WO97 I HAVE ATTENDED THE ADDRESS AND THERE IS NO RESPONSE AT THE DOOR	25/08/2013	20:01:50	5041	PDA-LIVE	REMARKS
I HAVE LEFT A NOTE AND ASKED FOR CALL HOWEVER WOULD SUGGEST DAYTIME APPOINTMENT FOR MALE	25/08/2013	20:02:34	5041	PDA-LIVE	REMARKS
AS HE WORKS LATES. THEREFORE SUGGEST FURTHER MCI	25/08/2013	20:03:04	5041	PDA-LIVE	REMARKS
FOR INFO	25/08/2013	20:03:16	5041	PDA-LIVE	REMARKS
IP ADDRESS IS TAMWORTH NOI	25/08/2013	20:03:43	5041	PDA-LIVE	REMARKS
INFORMANT					
WO97 MOBILISED FROM ASSIGNMENT FORM	25/08/2013	20:04:21	9248	VDFR2	SYSTEM
WS90 HAS SEIZED CCTV REGARDS THIS SERIAL AND WILL BOOK INTO PROPERTY SYSTEM	25/08/2013	22:07:30	9334	VDFR2	REMARKS

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CCTV PLACED IN EVIDENCE BAG M06692361, BOOKED INTO THE PROPERTY SYSTEM REFERENCE 694787 AND PLACED IN THE TAMWORTH PROPERTY STORE	25/08/2013	23:35:56	16413	VXA45	REMARKS
SP-20130825-0038 PRINTED AT WORKSTATION:VXA119 -> XA-LPSVR7 (from VXA119@cg-enq2) in session 5441	27/08/2013	07:16:53	9588	VXA119	SYSTEM
Reason for Print:LICENSING / INNKEEPER	27/08/2013	07:16:53	9588	VXA119	SYSTEM
LIC_SOUTH TAG DELETED	27/08/2013	07:30:39	9588	VXA119	SYSTEM
..	27/08/2013	10:22:17	21457	VDFR1	REMARKS
CALLCARD CHANGED BY ANOTHER USER YOUR CHANGES WILL BE LOST	27/08/2013	10:23:17	8703	VDFR2	SYSTEM
MEDINA TAMWORTH C80 APPOINTMENT SP2 PIRA GRON 07411972266 89 IVATT TAMWORTH TEL 0300 THIRD PARTY B77	27/08/2013	10:23:23	21457	VDFR1	REMARKS
2HQ	27/08/2013	12:19:29	22349	VCA140	SYSTEM
Copied From SP-20130825-0038 Reason Code:VALIDATION TEAM CMS2 UPDATE (NOTES) TAG ADDED	27/08/2013	12:35:27	22349	VCA140	SYSTEM
PLEASE REMOVE THE VALIDATE TAG WHEN CLOSING, THANKS	27/08/2013	12:35:40	22349	VCA140	SYSTEM
VALIDATE - THERE ARE TWO OFFENCES REPORTED ON THIS SRL	28/08/2013	08:59:19	8703	VDFR1	REMARKS
THE PUBLIC ORDER HAS BEEN DEALT WITH	28/08/2013	08:59:27	8703	VDFR1	REMARKS
THE IP FOR THE ASSAULT - HAS BEEN SPOKEN TO	28/08/2013	09:02:01	8703	VDFR1	REMARKS
HE STATED THAT HE DIDNT WANT TO PURSUE A COMPLAINT	28/08/2013	09:02:19	8703	VDFR1	REMARKS
AN MCI APPT WAS MADE FOR HIM HOWEVER HE WAS IN DRINK	28/08/2013	09:03:59	8703	VDFR1	REMARKS
AT THIS TIME HE CONFIRMED AGAIN THAT HE DID NOT WISH TO PURSUE THE MATTER	28/08/2013	09:04:11	8703	VDFR1	REMARKS
A NOTE HAS ALSO BEEN PUSHED THROUGH AT HIS HOME ADDRESS	28/08/2013	09:06:05	8703	VDFR1	REMARKS
HE HAS STILL NOT MADE ANY CONTACT WITH US THEREFORE IN LINE WITH THE RE-CONTACT PROCEDURE CAN THIS PLS BE FILED DOWN - THANKS	28/08/2013	09:07:04	8703	VDFR1	REMARKS
Have the victim details been fully completed if applicable?: Done	28/08/2013	09:07:31	8703	VDFR1	REMARKS
Is there an M.O. on this incident?: Done	28/08/2013	09:07:35	8703	VDFR1	SYSTEM
VALIDATE TAG ADDED	28/08/2013	09:08:07	8703	VDFR1	SYSTEM
Result code: , 'C80'	28/08/2013	09:08:07	8703	VDFR1	DISPOSE
# Arrests # Cautions # Reports	28/08/2013	09:08:07	8703	VDFR1	DISPOSE
Handling Operative / OIC 5041	28/08/2013	09:08:07	8703	VDFR1	DISPOSE
Qualifiers,NO QUALIFIERS APPLY	28/08/2013	09:08:07	8703	VDFR1	DISPOSE
VALIDATE TAG LEFT ON RE ABV	28/08/2013	09:08:07	8703	VDFR1	DISPOSE
SP-20130825-0038 HAS BEEN DISPOSED	28/08/2013	09:08:07	8703	VDFR1	DISPOSE
Previous Result Codes:-C80	28/08/2013	15:09:13	4086	VCS23	SYSTEM
Qualifiers Were : ,NO QUALIFIERS APPLY	28/08/2013	15:09:13	4086	VCS23	SYSTEM
VALIDATE TAG DELETED	28/08/2013	15:09:13	4086	VCS23	SYSTEM
REACTIVATED AT VCS23	28/08/2013	15:09:16	4086	VCS23	SYSTEM
FURTHER INFORMATION	28/08/2013	15:09:16	4086	VCS23	REMARKS
	28/08/2013	15:11:39	4086	VCS23	REMARKS
REQUESTING THAT AN OFFICER SPEAK TO HIM REGARDING THE DAMAGE TO HIS DOOR.NO ONE HAS CONTACTED HIM TO DATE.	28/08/2013	15:11:58	4086	VCS23	REMARKS
THIS IS AS A RESULT OF THE ORGINAL INCIDENT.	28/08/2013	15:12:07	4086	VCS23	REMARKS
FOR MCI	28/08/2013	15:17:23	4086	VCS23	REMARKS
MCI 2000HRS 28082	28/08/2013	15:17:52	4086	VCS23	SYSTEM
Transfer To 8. LICH From Terminal VCS23 Control	28/08/2013	15:18:09	0519	VDFR2	SYSTEM
Transfer Accepted At Terminal VDFR2 For Control	28/08/2013	15:18:42	4086	VCS23	SYSTEM
Transfer Accepted At Terminal VCS23 For Action	28/08/2013	15:22:09	0519	VDFR2	SYSTEM
CALL CARD SUCCESSFULLY DEFERRED 28/08/2013	28/08/2013	18:05:06	9461	VDFR1	SYSTEM
19:00:00 Workstation Group 8. LICH REACTIVATED AT VDFR1	28/08/2013	18:05:28	0519	VDFR2	SYSTEM
Transfer Accepted At Terminal VDFR2 For Control	28/08/2013	18:05:35	9461	VDFR1	SYSTEM
DIARY ENTRY ADDED TAMWORTH - 28/08/2013	28/08/2013				
20:00:01 FOR SP-20130825-0038					

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SP-20130825-0038 PRINTED AT WORKSTATION:VXG7 -> XG-COPIER3 (from VXG7@xg-wol) in session 4551	28/08/2013 18:09:49 4952	VXG7	SYSTEM
Reason for Print:WO96	28/08/2013 18:09:49 4952	VXG7	SYSTEM
SP-20130825-0038 PRINTED AT WORKSTATION:VXG7 -> XG-COPIER3 (from VXG7@xg-wol) in session 4551	28/08/2013 18:10:00 4952	VXG7	SYSTEM
Reason for Print:WO96	28/08/2013 18:10:00 4952	VXG7	SYSTEM
FROM WO96 - I HAVE NOW SPOKEN TO AND OBTAINED A STATEMENT FR	28/08/2013 21:11:52 4952	VXA116	REMARKS
	28/08/2013 21:11:52 4952	VXA116	REMARKS
***** MO *****	28/08/2013 21:11:52 4952	VXA116	REMARKS
IP IS OWNER OF END TERRACE TWO STOREY HOUSE AND HE HAS 4 X ROMANIAN LODGERS (THEY SHARE TWO ROOMS), ON SATURDAY 24TH AUGUST 2013 AT 2PM HE LEFT THE HOUSE TO GO TO WORK AS A TAXI DRIVER. HIS FRONT DOOR IS MADE OF WOOD WITH TWO GLASS PANELS AT TOP AND BOTTOM. ON HIS RETURN TO THE HOUSE AT 3:15AM ON SUNDAY 25TH AUGUST HE SAW THAT HIS FRONT DOOR WAS ON THE FLOOR IN THE HALLWAY AND THERE WAS GLASS EVERYWHERE. HE HAS LIVED AT ADDRESS FOR 13 YEARS WITH NO PROBLEMS AND ON SPEAKING TO LODGERS HE WAS INFORMED THAT THE FRONT DOOR HAD BEEN	28/08/2013 21:11:52 4952	VXA116	REMARKS
KICKED OFF AND THAT A LARGE GROUP OF PEOPLE HAD ENTERED THE HOUSE, SOME HAD POOL CUES AND THAT THEY WERE LOOKING FOR POLISH PEOPLE (POSSIBLY MACIEJ WHO WAS MALE ARRESTED FOR SECTION 4). NO HARM CAME TO THE ROMANIAN LODGER THAT THE GROUP SPOKE TO AND THE GROUP THEN LEFT. PRIOR TO GROUP ENTERING THE HOUSE ONE POLISH MALE HAD ALREADY BEEN KNOCKED UNCONSCIOUS IN IVATT. IP STATES THAT IT HAS COST £130.00 TO REPAIR DOOR AND WILL COST A FURTHER £300-£400 FOR A NEW DOOR. IP DOES NOT WISH TO PURSUE A FORMAL COMPLAINT, HE HAS NO HOUSEHOLD INSURANCE AND WANTS THOSE RESPONSIBLE TO PAY FOR A NEW DOOR.	28/08/2013 21:11:52 4952	VXA116	REMARKS
***** MO END *****	28/08/2013 21:11:52 4952	VXA116	REMARKS
DAMAGE OUTLINED.	28/08/2013 21:11:52 4952	VXA116	REMARKS
	28/08/2013 21:11:52 4952	VXA116	REMARKS
	28/08/2013 21:11:52 4952	VXA116	REMARKS
THE ROMANIAN IN THE HOUSE AND HE HAS SAID THAT THOSE RESPONSIBLE ARE ALL LOCAL AND THAT HE SEES THEM EVERYDAY IN THE LOCAL PUB AND SHOP. HE IS TOO FRIGHTENED TO PROVIDE A STATEMENT THROUGH FEAR OF REPRISALS, HE HAS COME TO THE UK TO GET WORK.	28/08/2013 21:12:43 4952	VXA116	REMARKS
WAS NOT HURT DURING THE INCIDENT, HE STATES THAT THERE WAS A GROUP OF ABOUT 20 PEOPLE OUTSIDE THE HOUSE AND THAT THE FRONT DOOR WAS KICKED IN, A GROUP OF 6 OR 7 CAME INSIDE	28/08/2013 21:15:36 4952	VXA116	REMARKS
AND THAT 4 WERE CARRYING POOL CUES AND THAT THEY WERE ASKING WHERE THE POLISH PEOPLE WERE.	28/08/2013 21:15:36 4952	VXA116	REMARKS
I HAVE ALSO TRIED TO RING ORIGINAL INFORMANT BUT MOBILE PHONE NUMBER IS GOING THROUGH TO ANSWERMACHINE.	28/08/2013 21:17:56 4952	VXA116	REMARKS
APPARENTLY THE WHOLE DISORDER STARTED DUE TO THE FACT THAT ONE POLISH MALE WAS WEARING A	28/08/2013 21:17:56 4952	VXA116	REMARKS

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MANU SHIRT AND THE 'ENGLISH' PEOPLE IN THE PUB
ARE ALL VILLA SUPPORTERS. THERE WAS
INITIALLY SOME BANTER BUT THIS HAS ESCULATED 28/08/2013 21:17:56 4952 VX116 REMARKS
INTO DISORDER.
I HAVE RANG TAMWORTH CCTV WHO HAVE CONFIRMED 28/08/2013 21:19:22 4952 VX116 REMARKS
THAT IS NOT COVERED BY CCTV, SGT
SKINGLE HAS ALSO REVIEWED THE WHOLE INCIDENT
AND THE AGG BURGLARY IS NOT COVERED.
Relation: SP-20130828-0821 (FW51) DUPLICATED 28/08/2013 21:21:14 0519 VDFR2 SYSTEM
BY OPERATOR 0519
OIC FOR AGG BURG IS 4952 . 28/08/2013 21:25:13 4952 VX116 REMARKS
(NOTES) TAG DELETED 28/08/2013 21:25:25 0519 VDFR2 SYSTEM
VALIDATE TAG ADDED 28/08/2013 21:25:35 0519 VDFR2 SYSTEM
Result code: , 'C80' 28/08/2013 21:25:35 0519 VDFR2 DISPOSE
Arrests # Cautions # Reports 28/08/2013 21:25:35 0519 VDFR2 DISPOSE
Handling Operative / OIC 5041 28/08/2013 21:25:35 0519 VDFR2 DISPOSE
Qualifiers,NO QUALIFIERS APPLY 28/08/2013 21:25:35 0519 VDFR2 DISPOSE
VALIDATE TAG LEFT ON RE ABV 28/08/2013 21:25:35 0519 VDFR2 DISPOSE
SP-20130825-0038 HAS BEEN DISPOSED 28/08/2013 21:25:35 0519 VDFR2 DISPOSE
SP-20130825-0038 PRINTED AT WORKSTATION:VXA116 28/08/2013 21:25:42 4952 VX116 SYSTEM
-> XG-LPSVR5 (NRT) (from VXA116@spw10721) in
session 3463
Reason for Print:WO96 28/08/2013 21:25:42 4952 VX116 SYSTEM
VALIDATE TAG DELETED 29/08/2013 08:08:42 9892 VHQ50 SYSTEM
Copied From SP-20130825-0038 Reason 29/08/2013 08:46:47 9892 VHQ50 SYSTEM
Code:VALIDATION TEAM CMS UPDATE
Reason for Print:LICENSING 23/10/2013 08:47:06 8533 VCA150 SYSTEM

---- Relations ----

CALL CARD - SP-20130828-0821 (FW51) DUPLICATED BY OPERATOR 0519
CALL CARD - RELATED CALL C SP-20130825- (FM03) ASSOCIATED BY OPERATOR 8516
CRIME REF NUMBER - ISR REL A

PERSON - ARRESTED

PERSON - VICTIM

SIMILAR CALLS - ISR RELATI

---- Resource Activity ----

WN10 25/08/2013 00:41:17 4091 EN ROUTE TO INCIDENT
IVATT, IVATT, , TAMWORTH
WN10 25/08/2013 00:41:19 4091 EN ROUTE TO INCIDENT
MESSAGE SENT 4091 GREEN(#6183790) 00:41:17; SP-20130825-0038
WN05 25/08/2013 00:41:22 5665 EN ROUTE TO INCIDENT
IVATT, IVATT, , TAMWORTH
WN25 25/08/2013 00:41:22 4248 EN ROUTE TO INCIDENT
IVATT, IVATT, , TAMWORTH
WN05 25/08/2013 00:41:23 5665 EN ROUTE TO INCIDENT
MESSAGE SENT 5665 GROUTAGE(#6183793) 00:41:17; SP-20130825-0
WN25 25/08/2013 00:41:23 4248 EN ROUTE TO INCIDENT
MESSAGE SENT 4248 CURTIS(#6183794) 00:41:17; SP-20130825-003
WL13 25/08/2013 00:41:29 5473 EN ROUTE TO INCIDENT
IVATT, IVATT, , TAMWORTH
WL13 25/08/2013 00:41:30 5473 EN ROUTE TO INCIDENT
MESSAGE SENT 5473 DAVENPORT(#6183796) 00:41:17; SP-20130825-
WL83 25/08/2013 00:41:40 5041 EN ROUTE TO INCIDENT
IVATT, IVATT, , TAMWORTH
WL83 25/08/2013 00:41:40 5041 EN ROUTE TO INCIDENT
MESSAGE SENT 5041 SARGENT(#6183800) 00:41:17; SP-20130825-00
WN45 25/08/2013 00:42:20 5426 EN ROUTE TO INCIDENT
IVATT, IVATT, , TAMWORTH
WN45 25/08/2013 00:42:22 5426 EN ROUTE TO INCIDENT
MESSAGE SENT 5426 MOORUTH(#6183808) 00:41:17; SP-20130825-00
WN95 25/08/2013 00:42:25 5540 EN ROUTE TO INCIDENT

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INCIDENT REPORT / SP-20130825-0038 / SP-2013-205180

WN85	IVATT, IVATT, , TAMWORTH 25/08/2013 00:43:47 5791	EN ROUTE TO INCIDENT
WN85	IVATT, IVATT, , TAMWORTH 25/08/2013 00:43:48 5791	EN ROUTE TO INCIDENT
WN25	MESSAGE SENT 5791 DAVIES(#6183810) 00:41:17; SP-20130825-003 25/08/2013 00:44:43 4248	AT SCENE OF INCIDENT
WN85	IVATT, IVATT, , TAMWORTH 25/08/2013 00:44:47 5791	AT SCENE OF INCIDENT
WN95	IVATT, IVATT, , TAMWORTH 25/08/2013 00:44:48 5540	AT SCENE OF INCIDENT
WO71	IVATT, IVATT, , TAMWORTH 25/08/2013 00:46:12 4970	EN ROUTE TO INCIDENT
WO71	IVATT, IVATT, , TAMWORTH 25/08/2013 00:46:14 4970	EN ROUTE TO INCIDENT
WO41	MESSAGE SENT 4970 DEANS(#6183821) 00:41:17; SP-20130825-0038 25/08/2013 00:46:21 5795	EN ROUTE TO INCIDENT
WO41	IVATT, IVATT, , TAMWORTH 25/08/2013 00:46:24 5795	EN ROUTE TO INCIDENT
WN10	MESSAGE SENT 5795 KESTERTON(#6183824) 00:41:17; SP-20130825- 25/08/2013 00:46:51 4091	AT SCENE OF INCIDENT
WN05	IVATT, IVATT, , TAMWORTH 25/08/2013 00:46:52 5665	AT SCENE OF INCIDENT
WN45	IVATT, IVATT, , TAMWORTH 25/08/2013 00:46:54 5426	AT SCENE OF INCIDENT
WO41	IVATT, IVATT, , TAMWORTH 25/08/2013 00:46:56 5795	AT SCENE OF INCIDENT
WO71	IVATT, IVATT, , TAMWORTH 25/08/2013 00:46:57 4970	AT SCENE OF INCIDENT
WL83	IVATT, IVATT, , TAMWORTH 25/08/2013 00:46:59 5041	AT SCENE OF INCIDENT
WL13	IVATT, IVATT, , TAMWORTH 25/08/2013 00:47:02 5473	AT SCENE OF INCIDENT
WN65	IVATT, IVATT, , TAMWORTH 25/08/2013 00:58:37 5349	EN ROUTE TO INCIDENT
WN65	IVATT, IVATT, , TAMWORTH 25/08/2013 00:58:38 5349	EN ROUTE TO INCIDENT
WN65	MESSAGE SENT 5349 BOYCE(#6183847) 00:41:17; SP-20130825-0038 25/08/2013 00:58:51 5349	AT SCENE OF INCIDENT
WS41	IVATT, IVATT, , TAMWORTH 25/08/2013 00:59:44 7740	EN ROUTE TO INCIDENT
WS41	IVATT, IVATT, , TAMWORTH 25/08/2013 00:59:45 7740	EN ROUTE TO INCIDENT
WS66	MESSAGE SENT 7740 GIBSON(#6183852) 00:41:17; SP-20130825-003 25/08/2013 00:59:47 22186	EN ROUTE TO INCIDENT
WS41	IVATT, IVATT, , TAMWORTH 25/08/2013 01:05:21 7740	AT SCENE OF INCIDENT
WS66	IVATT, IVATT, , TAMWORTH 25/08/2013 01:05:33 22186	AT SCENE OF INCIDENT
WO41	IVATT, IVATT, , TAMWORTH 25/08/2013 01:29:14 5795	AT SCENE OF INCIDENT
WO41	IVATT, IVATT, , TAMWORTH 25/08/2013 01:29:14 5795	AT SCENE OF INCIDENT
WO71	IVATT, IVATT, , TAMWORTH 25/08/2013 01:29:22 4970	AT SCENE OF INCIDENT
WO71	IVATT, IVATT, , TAMWORTH 25/08/2013 01:29:22 4970	AT SCENE OF INCIDENT
WL83	IVATT, IVATT, , TAMWORTH 25/08/2013 01:30:18 5041	02-AVAILABLE - RESUMING PATROL
WL13	IVATT, IVATT, , TAMWORTH 25/08/2013 01:30:35 5473	02-AVAILABLE - RESUMING PATROL
WN85	IVATT, IVATT, , TAMWORTH 25/08/2013 01:30:44 5791	02-AVAILABLE - RESUMING PATROL
WN85	RESOURCE HAS BEEN REMOVED SP-20130825-0038 25/08/2013 01:30:45 5791	02-AVAILABLE - RESUMING PATROL
WN05	RESOURCE DIVERTED SP-20130820-0098 SP-20130825-0038 25/08/2013 01:31:23 5665	02-AVAILABLE - RESUMING PATROL
WN10	25/08/2013 01:31:24 4091	02-AVAILABLE - RESUMING PATROL
WN25	25/08/2013 01:31:25 4248	02-AVAILABLE - RESUMING PATROL
WN45	25/08/2013 01:31:27 5426	02-AVAILABLE - RESUMING PATROL
WN65	25/08/2013 01:31:28 5349	02-AVAILABLE - RESUMING PATROL

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23/10/2013
08:47:06
8533
VCA150

STAFFORDSHIRE POLICE

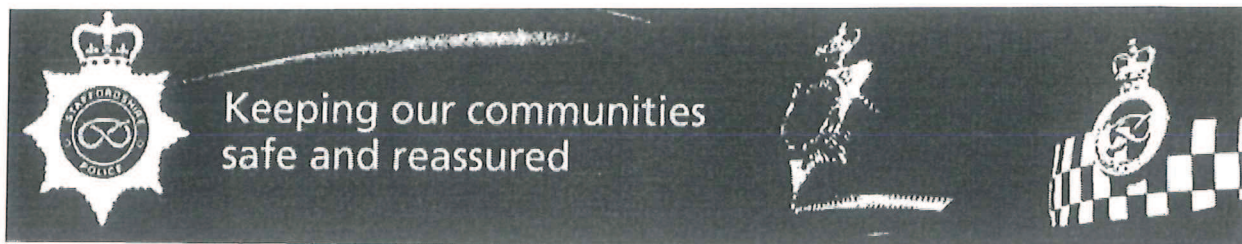
PAGE 10

INCIDENT REPORT / SP-20130825-0038 / SP-2013-205180

WN95	25/08/2013	01:31:29	5540	02-AVAILABLE - RESUMING PATROL
WS41	25/08/2013	01:31:32	7740	02-AVAILABLE - RESUMING PATROL
WS66	25/08/2013	01:31:33	22186	02-AVAILABLE - RESUMING PATROL
WO41	25/08/2013	05:13:32	5795	02-AVAILABLE - RESUMING PATROL
WO71	25/08/2013	05:13:32	4970	02-AVAILABLE - RESUMING PATROL
WO95	25/08/2013	09:25:01	5731	ASSIGNED TO INCIDENT
	IVATT, Ivatt, Tamworth			
WO95	25/08/2013	11:21:08	5731	EN ROUTE TO INCIDENT
	IVATT, IVATT, , TAMWORTH			
WO95	25/08/2013	11:21:10	5731	EN ROUTE TO INCIDENT
	MESSAGE SENT 5731 SEALEY(#6184903) 00:41:17; SP-20130825-003			
WO95	25/08/2013	11:25:37	5731	AT SCENE OF INCIDENT
	IVATT, IVATT, , TAMWORTH			
WO95	25/08/2013	11:25:38	5731	02-AVAILABLE - RESUMING PATROL
WO97	25/08/2013	16:35:33	5041	ASSIGNED TO INCIDENT
	IVATT, Ivatt, Tamworth			
WO97	25/08/2013	20:04:21	5041	EN ROUTE TO INCIDENT
	IVATT, IVATT, , TAMWORTH			
WO97	25/08/2013	20:04:22	5041	EN ROUTE TO INCIDENT
	MESSAGE SENT 5041 SARGENT(#6185823) 00:41:17; SP-20130825-00			
WO97	25/08/2013	20:04:23	5041	AT SCENE OF INCIDENT
	IVATT, IVATT, , TAMWORTH			
WO97	25/08/2013	20:04:33	5041	02-AVAILABLE - RESUMING PATROL
WD11	26/08/2013	10:03:51	5731	ASSIGNED TO INCIDENT
	IVATT, Ivatt, Tamworth			
WO96	28/08/2013	15:14:32	4952	ASSIGNED TO INCIDENT
	IVATT, Ivatt, Tamworth			

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Miss Briggs
St George
81 Caledonian
Tamworth
Staffordshire
B77 2ED

Contact: Sgt 588 Carsley
Direct Line: 01785/234722
Fax: 01785/ 233772
Our ref:
Your ref:
Date: 26 February 2013

Dear Miss Briggs

Re: St George, Tamworth

On Friday 22nd February 2013 licensing checks were carried out in the Tamworth area and premises routinely swabbed for the presence of narcotics.

Your venue was one those tested. We have found that a number of swabs showed trace of drugs including cocaine. The tests were as follows:

	Cocaine	Heroin
Male cubicle 1 cistern lid	3.54	
Male cubicle 2 cistern lid	4.45	
Male sinks	1.95	1.49
Male hand towel dispenser	2.33	
Female ledge 1	3.93	
Female ledge 2	4.62	
Female cubicle 1 top cistern	4.54	
Female cubicle 1 toilet lid	3.38	
Female cubicle 2 top cistern	4.40	
Female cubicle 2 toilet lid	3.02	
Female cubicle 3 top cistern	4.80	
Female cubicle 3 toilet lid	2.80	
Female hand dryer	1.01	
Female sinks	2.62	

As a guide to the results the drug machine manufacturers guidance is as follows:

- 1 – 2 – mainly secondary contamination eg bank note etc
- 3 – 4 – medium/small drugs problem
- 4 – 5 - possible drugs problem at premises
- 6 and over - drugs problem at premises

You may wish to consider the following points in order to try and combat any drug usage within your premises:

1. CCTV on the exterior of the toilets
2. Hourly checks of toilets by staff to include checking the cistern for discarded bags
3. Ultraviolet lights on the outside of toilets
4. Ultraviolet lights on the bar
5. Staff training in the identification of signs and symptoms of drugs use
6. Notices displayed stating a zero tolerance policy on drug use in your premises
7. Policy and procedure on drug finds including continuity of evidence and informing police

I am sure that you would wish to support the police in ensuring that your premise remains drug free, and should you wish any further support or advice please feel free to contact us on 01785 238222.

www.staffordshire.police.uk





Miss Michelle Jayne Briggs
 St George
 81 Caledonian
 Tamworth
 Staffordshire
 B77 2ED

Contact: Sgt 588 Carsley
 Direct Line: 01785/234722
 Fax: 01785/ 233772
 Our ref:
 Your ref:
 Date: 01 August 2013

Dear Miss Briggs

Re: St George

On 30th July 2013 licensing checks were carried out in the Tamworth area and premises routinely swabbed for the presence of narcotics.

Your venue was one of those tested. We have found that a number of swabs showed trace of drugs including cocaine. The tests were as follows:

Location	Cocaine	MDMA	Other
Mens toilets right hand sink	3.54	-	Heroin 1.34
Mens toilet back of urinals	-	-	-
Mens toilets hand dryer	2.93	-	-
Mens toilets cubicle 1 toilet cistern	5.76	-	-
Mens toilets cubicle 1 rim of pan	5.86	-	MDA 1.03
Mens toilets cubicle 1 handle	5.29	-	-
Mens toilets cubicle 2 toilet cistern	6.06	-	-
Mens toilets cubicle 2 rim of pan	4.70	2.10	-
Mens toilets cubicle 2 handle	5.05	-	-
Mens toilets cubicle 3 left hand sink	1.27	-	-

As a guide to the results the drug machine manufacturers guidance is as follows:

- 1 - 2 - mainly secondary contamination eg bank note etc
- 3 - 4 - medium/small drugs problem
- 4 - 5 - possible drugs problem at premises
- 6 and over - drugs problem at premises

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Keeping our communities
safe and reassured



Miss Michelle Jayne Briggs
St George
81 Caledonian
Tamworth
Staffordshire
B77 2ED

Contact: Sgt 588 Carsley
Direct Line: 01785/234722
Fax: 01785/ 233772
Our ref:
Your ref:
Date: 09 October 2013

Dear Miss Briggs

Re: St George

On 18th September 2013 licensing checks were carried out in the Tamworth area and premises routinely swabbed for the presence of narcotics.

Your venue was one of those tested. We have found that a number of swabs showed trace of drugs including cocaine. The tests were as follows:

Location	Cocaine	MDMA	Other
Gents right toilet cistern	-	-	-
Gents 1 st sink top	1.80	-	-
Gents 1 st Toilet cistern	2.15	-	-
Gents 2 nd sink top	1.29	-	-
Gents 2 nd Toilet cistern	1.07	-	-
Ladies middle toilet seat	2.65	-	-
Ladies middle sink	-	-	-
Ladies right toilet seat	2.15	-	-
Ladies left toilet seat	1.55	-	-
Ladies shelf above sinks	1.81	-	-
Ladies 3 rd sink	-	-	-
Ladies sink near hand dispenser	-	-	-

As a guide to the results the drug machine manufacturers guidance is as follows:

- 1 – 2 – mainly secondary contamination eg bank note etc
- 3 – 4 – medium/small drugs problem
- 4 – 5 – possible drugs problem at premises
- 6 and over - drugs problem at premises

You may wish to consider the following points in order to try and combat any drug usage within your premises:

1. CCTV on the exterior of the toilets
2. Hourly checks of toilets by staff to include checking the cistern for discarded bags
3. Ultraviolet lights on the outside of toilets
4. Ultraviolet lights on the bar
5. Staff training in the identification of signs and symptoms of drugs use
6. Notices displayed stating a zero tolerance policy on drug use in your premises
7. Policy and procedure on drug finds including continuity of evidence and informing police

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DATE	TIME	DAY	INCIDENT DETAILS	REFERENCES	INCIDENT TYPE	ARREST	COMMENTS
1st December 2012	21:42	Saturday	Drug Swabbing at premises. High recordings for cocaine found.		C91		
22nd February 2013	22:40	Friday	Drug Swabbing at premises. High recordings for cocaine found.		C91		
20th March 2013	21:19	Wednesday	Offender has stormed across bar area and struck out at a group of youths in a punching motion, connecting with one of the youths causing no injury. When officer arrived at location he was met by a group of young people estimated at around 15 - 16 yrs. In the main intoxicated. The group explained that their friend had been assaulted by an older male. Ip was spoken to, she was quite heavily in drink. Ip initially stated that she had only gone inside to use the toilet but later admitted that she had been part of a group of youngsters at a table inside when the incident occurred. Officer spoke later to the DPS who stated she had been upstairs having a lie down when the incident occurred. DPS was also unable to operate cctv which was not of a suitable standard.	SP-20130320-0745	/C80		
28th April 2013	00:45	Sunday	Last Drinks Proforma: Offender arrested whilst drunk for public order offence and assault PC. Stated his last drink was in the St. George.	Cust ref: XD/1457/13	LDP	1	
18th May 2013	01:26	Saturday	Last Drinks Proforma: Offender arrested whilst drunk for criminal damage. Stated his last drink was in the St. George.	Cust ref: XD/1720/13	LDP	1	
30th July 2013	18:53	Tuesday	Drug Swabbing at premises. High recordings for cocaine found. Also MDMA and heroin found.		C91		
4th August 2013	02:20	Sunday	Local resident complaining about a very noisy party following a funeral at the premises.	SP-20130804-0115	E60C		
25th August 2013	01:10	Sunday	Large groups of males fighting with weapons in the general area of the premises. On police attendance it was clear the incident had begun inside the premises where a dispute had occurred between a group of Polish males and local residents drinking inside. Once the incident was quelled police spoke to the DPS who still had a large number of locals inside with what appeared to be fresh alcoholic drinks. She was advised that the premises should be cleared for safety reasons and to prevent further problems as there were many who appeared drunk inside. There appeared to be little control exercised by the DPS.	SP-20130825-0038	/C80	1	
25th August 2013	21:20	Sunday	Full licensing check: The following breaches were found - 1. Recorded music could be heard from the car park to the side of the venue. 2. Fire exit door wedged open and recorded music could be heard. Observations made were that a member of the public had accessed the area behind the bar and a closed area within the venue. Cctv was installed but couldnt be as recording the 30 days, however dps had arranged a burned copy of the previous nights disorder ready for the police so it could be a defence that this was the case. A local person looks after her cctv system.		MISC		
18th September 2013	15:10	Wednesday	Drug swabbing at premises. 8 positive readings for cocaine with results between 1.07 - 2.65 from 12 swabs taken.		C91		
19th October 2013	01:50	Saturday	Whilst viewing another incident in the town centre cctv control room, officer has noticed the cameras showing the St George. There were persons entering and leaving through the door at the rear with the beer garden, and persons emerging with full pint glasses of beer to stand at the door and have a cigarette. This was a regular occurrence between 01:00hrs and 01:50hrs. It was noted that the premises should have been closed at 01:30hrs.		MISC		

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STAFFORDSHIRE POLICE

PAGE 1

INCIDENT REPORT / SP-20130320-0745 / SP-2013-062478

20/03/2013 21:19:31 (C80) PUBLIC ORDER LPTFW
Priority:(1) IMMEDIATE (URBAN) SourceTEL 0300 RIAFW30 (422825,302765)
Result Codes (1-6):-C80/ / / / /
Operator I.D.: -9723 Scenario:-SP Creator Wkstn:-VCND
Dispatcher I.D.: -9040 Owner Wkst:-VDFR1
Handling Unit:-WL69 Officer in case:-5731

----- Address Information -----
THE SAINT GEORGES, THE SAINT GEORGES
81 CALEDONIAN, TAMWORTH, B77 2ED Proximity:-
[X] Valid Gazetteer:-
TAGGED FOR LICENSING. DON'T REMOVE TAG AS PREMISES IS SUBJECT TO CONSTANT MONITORING

CRIME RELATED
NO QUALIFIERS APPLY

----- Complainant Details -----
Surname/First Name:- 4296 BURN, , 0 [X] Contact
Address:-WARWICKSHIRE, [?] Media Consent
OTHER POLICE FORCES [?] NPT Priority
DOB / Sex / Ethnicity:-, , [?] Vulnerable/Upset
Email:- [?] ETA passed

----- Date/Time Info. -----
INITIAL INPUT 20/03/2013 21:19:31
HELD 20/03/2013 21:20:43
UNACTIONED 20/03/2013 21:23:09
ASSIGNED
DISPATCHED 20/03/2013 21:24:43
AT SCENE 20/03/2013 21:28:29
MCI APPOINTMENT
FURTHER ACTION REQUIRED
CLEARED 22/03/2013 00:01:48
RESULTED
DISPOSED 24/03/2013 09:58:00

----- Comments -----
LIC_SOUTH TAG ADDED 20/03/2013 21:20:43 9723 VCND SYSTEM
THE CALLER IS 16 YRS OLD SAYING HER FRIEND 20/03/2013 21:21:16 9723 VCND REMARKS
{ HAS BEEN PUNCHED IN THE FACE BY
A MALE WHO IS NOW INSIDE THE PUB
FRIEND HEARD SCREAMING IN THE BACK GROUND 20/03/2013 21:21:24 9723 VCND REMARKS
SHE IS VERY WORKED 20/03/2013 21:21:28 9723 VCND REMARKS
SHE THINKS HE MIGHT BE KNOWN TO BUT THE 20/03/2013 21:21:43 9723 VCND REMARKS
CALLER DOESNT KNOW WHO HE IS
DOESNT KNOW IF ... INJURED SAID VERY UPSET 20/03/2013 21:21:57 9723 VCND REMARKS
DOESNT APPEAR INJURED
CALLER AMY 20/03/2013 21:22:30 9723 VCND REMARKS
WARWICKS LOG 329 20/03/2013 21:22:53 9723 VCND REMARKS
MASH_CHPR TAG ADDED 20/03/2013 21:23:09 9723 VCND SYSTEM
Question set has been exited before completion 20/03/2013 21:23:16 9723 VCND QUESTION
MISDIRECTED 999 20/03/2013 21:23:24 9723 VCND REMARKS
Transfer To 8. LICH From Terminal VCND Control 20/03/2013 21:23:28 9723 VCND SYSTEM
CREATED SUPPLEMENTARY DATA CRIME 20/03/2013 21:23:51 9723 VCND SYSTEM
Transfer Accepted At Terminal VDFR3 For Control 20/03/2013 21:24:02 9040 VDFR3 SYSTEM
WL64 MOBILISED BY DRAG/DROP 20/03/2013 21:24:44 9040 VDFR3 SYSTEM
WL69 MOBILISED BY DRAG/DROP 20/03/2013 21:24:55 9040 VDFR3 SYSTEM
WL68 MOBILISED BY DRAG/DROP 20/03/2013 21:26:22 9040 VDFR3 SYSTEM
WL64..THE OFFENDER IS NOT HERE LEFT PRIOR TO 20/03/2013 21:43:54 9040 VDFR3 REMARKS
OUR ARRIVAL, IP HAS BEEN TAKEN TO HER AUNTIES
ADDRESS
WE ARE JUST ATTENDING, IT DOES NOT APPEAR 20/03/2013 21:44:32 9040 VDFR3 REMARKS
SERIOUS AT THIS TIME, WE ARE JUST FINDING OUT

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08:18:04
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INCIDENT REPORT / SP-20130320-0745 / SP-2013-062478

WHAT LEVEL OF ASSAULT HAS OCCURRED IF ANY	20/03/2013	21:44:33	9040	VDFR3	REMARKS
WL69..THIS LADY HAS BEEN KNOCKED ON THE HEAD, SHE IS	20/03/2013	21:50:00	9040	VDFR3	REMARKS
AMB LOG A2655	20/03/2013	21:51:29	9040	VDFR3	REMARKS
SORRY FEMALE AT	20/03/2013	21:51:35	9040	VDFR3	REMARKS
	20/03/2013	21:52:25	9040	VDFR3	REMARKS
	20/03/2013	21:52:26	9040	VDFR3	REMARKS
WL69 - CAN THIS AMB BE REDIRECTED TO	20/03/2013	21:55:45	16428	VDFR2	REMARKS
	20/03/2013	21:58:13	9040	VDFR3	REMARKS
AMB UPDATED AND THANKED IN VIEW OF CHANGE OF LOCATION	20/03/2013	21:58:30	9040	VDFR3	REMARKS
	20/03/2013	21:58:31	9040	VDFR3	REMARKS
WL64 - WL69 IS TAKINIG IP TO HER HOME ADDRESS AWAY FRC . . .STILL NOT CLARIFIED IF WE HAVE AN ASSAULT OR NOT SPEAKING WITH PERSONS IN THE PUB AND STAFF, THEY ARE SAYING THAT THEIR HASNT BEEN AN ASSAULT...WE HAVE REQUESTED THE CCTV TO BE DOWNLOADED....SO THIS CAN BE CONFIRMED	20/03/2013	22:06:23	9248	VDFR1	REMARKS
	20/03/2013	22:06:54	9248	VDFR1	REMARKS
WL69 - FEMALE HAS BEEN LEFT WITH FAMILY....SHE IS NOT IF A FIT STATE TO GIVE A STMT AT THIS TIME.	20/03/2013	22:06:54	9248	VDFR1	REMARKS
	20/03/2013	22:45:29	9248	VDFR1	REMARKS
	20/03/2013	22:45:30	9248	VDFR1	REMARKS
PLS DEFER FOR MYSELF AT 1600HRS TOMORROW AND I WILL CONTINUE ENQS THEN	20/03/2013	22:45:56	9248	VDFR1	REMARKS
CALL CARD SUCCESSFULLY DEFERRED 21/03/2013 16:00:00 Workstation Group 8. LICH DEF FOR FURTHER ENQS BY PC SEALEY	20/03/2013	22:46:52	9248	VDFR1	SYSTEM
MOPI CHECK TAG ADDED	20/03/2013	22:46:52	9248	VDFR1	DEFER
No Data. Police Generated	21/03/2013	06:19:14	9445	VCS15	SYSTEM
SP-20130320-0745 PRINTED AT WORKSTATION:VXA119	21/03/2013	06:19:31	9445	VCS15	REMARKS
-> XA-LPSVR7 (from VXA119@cg-enq2) in session 15656	21/03/2013	09:00:10	9588	VXA119	SYSTEM
Reason for Print:LICENSING / INNKEEPER	21/03/2013	09:00:10	9588	VXA119	SYSTEM
LIC SOUTH TAG DELETED	21/03/2013	09:00:13	9588	VXA119	SYSTEM
REACTIVATED AT CADSRV	21/03/2013	16:00:37	SYSTEM	CADSRV	SYSTEM
Transfer Accepted At Terminal VDFR1 For Control	21/03/2013	16:06:03	8455	VDFR1	SYSTEM
WL69 MOBILISED BY DRAG/DROP	21/03/2013	16:06:54	8455	VDFR1	SYSTEM
WL69 VIEWING CCTV AND WILL SPEAK TO THE FEMALE INVOLVED	21/03/2013	16:07:37	8455	VDFR1	REMARKS
1 Guardian reference (folder type [L]) requested by SYSTEM	21/03/2013	19:22:26	SYSTEM	INT2	SYSTEM
Request for Guardian Reference deleted	21/03/2013	23:22:33	SYSTEM	INT2	SYSTEM
1 Guardian reference (folder type [L]) requested by SYSTEM	21/03/2013	23:22:33	SYSTEM	INT2	SYSTEM
I HAVE NOW VIEWED THE CCTV ALTHOUGHT IT CAN'T BE BURNED UNTIL 22/3/13.	21/03/2013	23:38:22	5731	INT1	REMARKS
IT SHOWS MALE BEING HELD BACK BY A FEMALE IN HI VIZ COAT, BREAKS FREE AND STORMS OVER TO A GROUP OF YOUNGSTERS (15/16/YRS) WHO ARE SAT AT TABLE AND REIGNS BLOWS DOWN TOWARDS THEM.	21/03/2013	23:40:02	5731	INT1	REMARKS
PERSONS NEARBY THEN RESTRIN HIM AND PULL HIM BACKWARDS. THEY RESTRIN HIM UNTIL HE IS MARCHED OUT THE BACK DOOR BY THE FEMALE IN HI VIZ COAT.	21/03/2013	23:40:51	5731	INT1	REMARKS
I HAVE NOW SPOKEN WITH THE YOUNG FEMALE, SHE STAES THE MALE APPROACHED ANDTHREW PUNCHES TOWARDS HER, SOME OF WHICH CONNECTED, CAUSING NO INJURY. THIS CAUSED HER TO FEAR.	21/03/2013	23:41:48	5731	INT1	REMARKS
SHE HAS PROVIDED A STSTEMENT BUT IS ADAMANT SHE DOES NOT WISH TO PURSUE A COMPLINT OF ASSAULT AND WILL NOT ATTEND COURT.	21/03/2013	23:42:09	5731	INT1	REMARKS
I HAVE LIAISED WITH SGT 872 SKINGLE AND IN THE CIRCS WE WILL BE TRACING THE MALE AND PURSUING THE MATTER RE A PUBLIC ORDER OFFENCE.	21/03/2013	23:43:01	5731	INT1	REMARKS
FROM WITNESSES, THE MALE IS NAMED AND	21/03/2013	23:44:02	5731	INT1	REMARKS

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THE FEMALE IN HI VIZ IS HIS PARTNER

DESCRIPTION	DATE	TIME	OFFICER	LOCATION	STATUS	REMARKS
I INTEND TO COMPLETE INNN KEEPER ENTRY TOMORROW NIGHT ONCE I HAVE SIEZED THE CCTV 2300HRS 22/3/13, AND SPOKEN FURTHER WITH THE STAFF AT THE ST GEORGES.	21/03/2013	23:44:54	5731	INT1		REMARKS
CALL CARD SUCCESSFULLY DEFERRED 23/03/2013 22:00:00 Workstation Group 8. LICH	22/03/2013	00:03:29	9248	VDFR1		SYSTEM
DEF FOR PC SEALEY - ENQS	22/03/2013	00:03:29	9248	VDFR1		DEFER
Guardian Reference Not Guardian Related added as primary reference	22/03/2013	13:13:11	SYSTEM	INT2		SYSTEM
Guardian ref [Not Guardian Related] Added by SYSTEM :Guardian 20130322 131307 08560	22/03/2013	13:13:11	SYSTEM	INT2		SYSTEM
MASH CHPR TAG DELETED	22/03/2013	13:29:24	0523	VSA100		SYSTEM
** FROM MASH - DOES NOT FIT THE REMIT FOR MASH	22/03/2013	13:30:23	0523	VSA100		CALLTAKER
** THANKS						
REACTIVATED AT CADSRV	23/03/2013	22:00:18	SYSTEM	CADSRV		SYSTEM
OVERDUE CRIME REF REQUESTED BY 0	23/03/2013	22:00:20	SYSTEM	INT1		SYSTEM
Transfer Accepted At Terminal VDFR1 For Control	23/03/2013	22:00:23	9187	VDFR1		SYSTEM
Crime Reference FZ/15371/2013 returned for person	23/03/2013	22:00:31	SYSTEM	INT1		SYSTEM
PC SEALEY ASKED TO VIEW	23/03/2013	22:23:52	9187	VDFR1		REMARKS
** M.O. *****	24/03/2013	05:02:05	5731	INT1		REMARKS
OFFENDER HAS BECOME AGGITATED WHILST INPUBLIC HOUSE AND HAS STORMED ACROSS PUBLIC BAR AREA, AND STRUCK OUT AT A GROUP OF YOUTHS IN A PUNCHING MOTION, CONNECTING WITH ONE OF THESE, CAUSING NO INJURY.	24/03/2013	05:03:14	5731	INT1		REMARKS
CCTV BEING BURNED AND TO BE SEIZED. NO COMPLAINT STATEMENT ONBTAINED FROM FEMALE.	24/03/2013	05:03:22	5731	INT1		REMARKS
MALE TO BE ARRESTE AND DEALT WIHT FOR PUBLIC ORDER OFFENCE.	24/03/2013	05:03:50	5731	INT1		REMARKS
*****	24/03/2013	05:04:02	5731	INT1		REMARKS
Have the victim details been fully completed if applicable?: Done	24/03/2013	05:04:05	5731	INT1		REMARKS
Is there an M.O. on this incident?: Done	24/03/2013	05:04:05	5731	INT1		REMARKS
Common Location Comment:TAGGED FOR LICENSING.	24/03/2013	05:04:05	5731	INT1		REMARKS
DON'T REMOVE TAG AS PREMISES IS SUBJECT TO CONSTANT MONITORING	24/03/2013	05:25:50	8816	VDFR3		SYSTEM
Question set has been exited before completion	24/03/2013	05:25:50	8816	VDFR3		SYSTEM
RE CLASSIFIED AS PER SERIAL	24/03/2013	06:55:42	9334	VDFR1		REMARKS
VICTIM HM QUEEN	24/03/2013	06:55:47	9334	VDFR1		QUESTION
ENQUIRIES IN HAND BY PC 5731 SEALEY	24/03/2013	06:55:58	9334	VDFR1		REMARKS
Have the victim details been fully completed if applicable?: Done	24/03/2013	07:16:50	9334	VDFR1		REMARKS
Is there an M.O. on this incident?: Done	24/03/2013	09:57:33	9334	VDFR1		REMARKS
VALIDATE TAG ADDED	24/03/2013	09:57:33	9334	VDFR1		SYSTEM
Result code: , 'C80'	24/03/2013	09:57:42	9334	VDFR1		SYSTEM
# Arrests # Cautions # Reports	24/03/2013	09:57:59	9334	VDFR1		DISPOSE
Handling Operative / OIC 5731	24/03/2013	09:57:59	9334	VDFR1		DISPOSE
Qualifiers,NO QUALIFIERS APPLY	24/03/2013	09:57:59	9334	VDFR1		DISPOSE
Other Factors,Not Applicable	24/03/2013	09:58:00	9334	VDFR1		DISPOSE
AS PER SERIAL	24/03/2013	09:58:00	9334	VDFR1		DISPOSE
SP-20130320-0745 HAS BEEN DISPOSED	24/03/2013	09:58:00	9334	VDFR1		DISPOSE
SP-20130320-0745 PRINTED AT WORKSTATION:VXA119	24/03/2013	09:58:00	9334	VDFR1		DISPOSE
-> XA-LPSVR7 (from VXA119@cg-enq2) in session 4558	25/03/2013	09:39:53	9588	VXA119		SYSTEM
Reason for Print:LICENSING / INNKEEPER	25/03/2013	09:39:53	9588	VXA119		SYSTEM
Copied From SP-20130320-0745 Reason	25/03/2013	13:14:50	9726	VHQ51		SYSTEM
Code:VALIDATION TEAM CMS2						
Copied From SP-20130320-0745 Reason	25/03/2013	13:15:37	9726	VHQ51		SYSTEM
Code:VALIDATION TEAM CMS2						
VALIDATE TAG DELETED	25/03/2013	13:20:36	9726	VHQ51		SYSTEM
Reason for Print:LICENSING	23/10/2013	08:18:04	8533	VCA150		SYSTEM

---- Relations ----
CRIME REF NUMBER - Not Guardian Related

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INCIDENT REPORT / SP-20130320-0745 / SP-2013-062478

Added by Guardian System Interface SYSTEM
CRIME REF NUMBER - ISR REL ADDED BY CMS2 SYSTEM
:FZ/15371/2013
PERSON - VICTIM HM QUEEN

---- Resource Activity ----

WL64	20/03/2013	21:24:43	5201	EN ROUTE TO INCIDENT
	THE SAINT GEORGES, THE SAINT GEORGES, 81 CALEDONIA			
WL64	20/03/2013	21:24:44	5201	EN ROUTE TO INCIDENT
	MESSAGE SENT 5201 EVANS(#5797114) 21:24:43; SP-20130320-0745			
WL69	20/03/2013	21:24:55	5731	EN ROUTE TO INCIDENT
	THE SAINT GEORGES, THE SAINT GEORGES, 81 CALEDONIA			
WL69	20/03/2013	21:24:57	5731	EN ROUTE TO INCIDENT
	MESSAGE SENT (#5797117) 21:24:43; SP-20130320-0745; THE SAI			
WL68	20/03/2013	21:26:22	5688	EN ROUTE TO INCIDENT
	THE SAINT GEORGES, THE SAINT GEORGES, 81 CALEDONIA			
WL68	20/03/2013	21:26:23	5688	EN ROUTE TO INCIDENT
	MESSAGE SENT 5688 HADEN(#5797119) 21:24:43; SP-20130320-0745			
WL68	20/03/2013	21:26:23	5688	EN ROUTE TO INCIDENT
	MESSAGE SENT (#5797120) 21:24:43; SP-20130320-0745; THE SAI			
WL69	20/03/2013	21:28:29	5731	AT SCENE OF INCIDENT
	THE SAINT GEORGES, THE SAINT GEORGES, 81 CALEDONIA			
WL64	20/03/2013	21:43:23	5201	AT SCENE OF INCIDENT
	THE SAINT GEORGES, THE SAINT GEORGES, 81 CALEDONIA			
WL68	20/03/2013	21:43:29	5688	AT SCENE OF INCIDENT
	THE SAINT GEORGES, THE SAINT GEORGES, 81 CALEDONIA			
WL69	20/03/2013	22:46:02	5731	02-AVAILABLE - RESUMING PATROL
WL68	20/03/2013	22:46:03	5688	02-AVAILABLE - RESUMING PATROL
WL64	20/03/2013	22:46:33	5201	02-AVAILABLE - RESUMING PATROL
WL69	21/03/2013	16:06:54	5731	EN ROUTE TO INCIDENT
	THE SAINT GEORGES, THE SAINT GEORGES, 81 CALEDONIA			
WL69	21/03/2013	16:06:57	5731	AT SCENE OF INCIDENT
	THE SAINT GEORGES, THE SAINT GEORGES, 81 CALEDONIA			
WL69	22/03/2013	00:01:48	5731	02-AVAILABLE - RESUMING PATROL

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23/10/2013
08:46:09
8533
VCA150

STAFFORDSHIRE POLICE

PAGE 1

INCIDENT REPORT / SP-20130804-0115 / SP-2013-185627

04/08/2013 02:20:06 (E3) ASB - ENVIRONMENTAL	LPTFW
Priority:(5) RESOLVED	RIAFW51 (422694,302746)
Result Codes (1-6):-E60/C/ / / / /	SourceTEL 0300
Operator I.D.: -0498	Scenario:-SP
Dispatcher I.D.:-	Creator Wkstn:-VCS26
Handling Unit:-	Owner Wkst:-VDFR1
	Officer in case:-9089

----- Address Information -----

IVATT
IVATT, TAMWORTH,

Proximity:-
[X] Valid Gazetteer:-

ANTI-SOCIAL BEHAVIOUR

----- Complainant Details -----

Surname/First Name
Address
WITNESS
DOB / Sex / Ethnicity:-, ,
Email:-

[X] Contact
[?] Media Consent
[?] NPT Priority
[?] Vulnerable/Upset
[?] ETA passed

----- Date/Time Info. -----

INITIAL INPUT	04/08/2013	02:20:06
HELD	04/08/2013	02:21:19
UNACTIONED	04/08/2013	02:22:32
ASSIGNED		
DISPATCHED		
AT SCENE		
MCI APPOINTMENT		
FURTHER ACTION REQUIRED		
CLEARED		
RESULTED		
DISPOSED	04/08/2013	02:50:10

----- Comments -----

ASB_FW TAG ADDED	04/08/2013 02:22:32 0498	VCS26	SYSTEM
Question set has been exited before completion	04/08/2013 02:22:37 0498	VCS26	QUESTION
COMPLAINT RE VERY NOISY PARTY FOLLOWING A	04/08/2013 02:22:57 0498	VCS26	REMARKS
FUNERAL AT THE STS. GEORGE PUB IN IVATT (NEXT TO NO. 70)			
Transfer To 8. LICH From Terminal VCS26 Control	04/08/2013 02:23:13 0498	VCS26	SYSTEM
Transfer Accepted At Terminal VDFR1 For Control	04/08/2013 02:24:22 9158	VDFR1	SYSTEM
LIC_SOUTH TAG ADDED	04/08/2013 02:48:40 9089	VDFR2	SYSTEM
Priority changed from APPOINTMENT to RESOLVED	04/08/2013 02:49:49 9089	VDFR2	SYSTEM
- reason FURTHER INFORMATION			
Result code: , 'E60/C'	04/08/2013 02:50:10 9089	VDFR2	DISPOSE
# Arrests # Cautions # Reports	04/08/2013 02:50:10 9089	VDFR2	DISPOSE
Handling Operative / OIC 9089	04/08/2013 02:50:10 9089	VDFR2	DISPOSE
Qualifiers, NO QUALIFIERS APPLY	04/08/2013 02:50:10 9089	VDFR2	DISPOSE
TAGGED FOR LICENSING	04/08/2013 02:50:10 9089	VDFR2	DISPOSE
SP-20130804-0115 HAS BEEN DISPOSED	04/08/2013 02:50:10 9089	VDFR2	DISPOSE
MOPI_CHECK TAG ADDED	04/08/2013 09:30:23 9445	VCS15	SYSTEM
MOPI_CHECK - NO DATA AVAILABLE	04/08/2013 09:31:20 9445	VCS15	REMARKS
SP-20130804-0115 PRINTED AT WORKSTATION:VXA119	05/08/2013 07:24:03 9588	VXA119	SYSTEM
-> XA-LPSVR7 (from VXA119@cg-enq2) in session 19365			
Reason for Print:LICENSING / INNKEEPER	05/08/2013 07:24:04 9588	VXA119	SYSTEM
LIC_SOUTH TAG DELETED	05/08/2013 07:24:07 9588	VXA119	SYSTEM
TAGGED FOR LICENSING	05/08/2013 09:10:30 0694	VHI22	DISPOSE
FCR: CALL TYPE INCORRECTLY CHANGED	07/10/2013 09:37:16 9630	VBH14	COMMENTS
TAGGED FOR LICENSING	07/10/2013 09:37:22 9630	VBH14	DISPOSE
Reason for Print:LICENSING	23/10/2013 08:46:09 8533	VCA150	SYSTEM

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Glascote Heath
Tamworth
Staffordshire

Telephone
Mobile

Friday, 15 November 2013

To whom it may concern

Re: **Discipline and the Running of the St George Pub.**

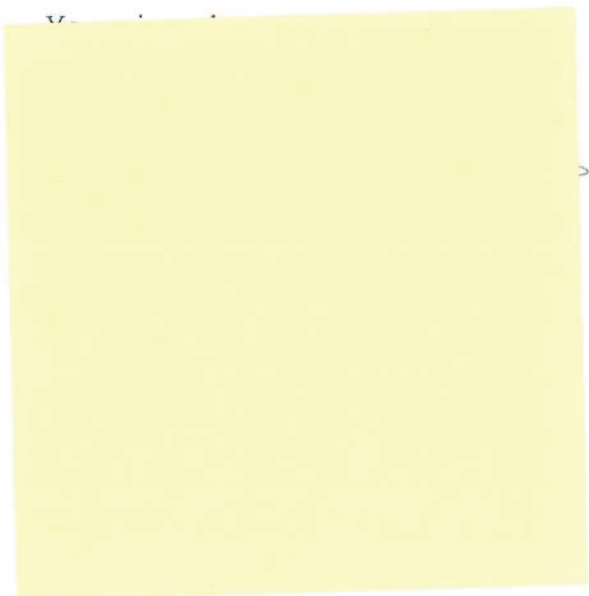
I am writing on behalf of Michelle the Landlady of the St George Pub on Glascote Heath. I have lived on Glascote Heath Estate since April 1972 and I used to frequent the Flying Scotsman as it used to be called then as and when my shift as a prison Officer allowed me.

The pub then was a place you could safely bring your family for a quiet drink and join in any events that the landlord put on. In 1974 the pub changed hands and slid down hill as the drunks and addicts were let in. it ended up being a pub for all the worst elements of Society and that is how it was for many, many years.

A few years ago Michelle and a friend took over the running of the Now St George and have got rid of the undesirable element and runs a family orientated pub with friendliness and compassion. She has turned the place into a **Community Pub** that people are not afraid to go in and are welcomed.

Michelle encourages community events and runs a popular Prize Bingo night every fortnight and puts on Karaoke nights for the community. She also works very hard for many charitable events. If this pub for any reason close or be run in the style by some of the undesirable landlords that have run the pub the community would lose a valuable Asset.

Michelle has worked hard to get rid of the Drugs and the corruptness that has gone on in the past I for one who has come back to the friendly pub that is at the heart of the community would hate for her to lose her licence. It is my view that people like Michelle should be encouraged and guided.



Glascote Heath
Tamworth
Staffordshire
B77 2HP
Telephc

Friday, 15 November 2013

To whom it may concern.

I used to go in the St George regularly when I was younger, but it got so bad with the drug abuse and the constant fights so I stopped going in.

Since Michelle took over she has done a brilliant job of turning the pub around and she does a lot for the community. She raises money for various Charities and is always pleasant to her customers.

If she closes I don't think that I could go back to the pub, going back to its old ways because the right person is running it I do like the way she runs it and I know I am safe there.

To keep her customers entertained she runs Karaoke nights bingo for prizes. I would hate to have to travel to Tamworth to try and find as friendly pub as the St George. I for one being disabled would have difficulty getting there and I cannot speak for everyone but I would put money on it that they would feel the same as I do.

If she lost the pub it would be a bitter blow for all her regulars who like what she has achieved with that pub.

Yours sincerely

Glascote Heath
Tamworth
Staffordshire

221113

Andrew Barratt
Director – Assets & Environment
Licensing
Public Protection
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
B79 7BZ

21 November 2013

Dear Sir

St George Pub, Glascote Heath, Tamworth

Regarding the above named public house, I would just like to say how very sad and utterly disappointed I would be if the pub was ever going to shut or if Michelle, our landlady ever left.

I have been going in the St George for 11 years now since my move from Derby and I was lucky enough to meet my husband in there. Unfortunately on 13 July 2013, my husband sadly passed away which was a shock to not only me and his family but to the whole community. I have never seen a community come together so much at a sad time and it was so heart-warming to me, his sons and family that everyone gathered at the pub to pay their respects and give us their wishes. The funeral was probably the busiest day it has ever seen in the St George and it went absolutely perfect with no hiccups and this was all thanks to Michelle. This I will be eternally grateful for.

The St George is not only a pub, it's where the community / our whole big family gather together to see one another. Without this place it just wouldn't be the same and would be a huge shame on the whole community. Michelle puts on all sorts of events to get the community involved in including bingo, pub quizzes, karaoke and live bands – everyone always seems to have a great night!

I understand there have been some issues with the misuse of drugs and disruptive behaviour but since Michelle has taken over from the pub I don't see any of that anymore. I believe this is all down to Michelle!

Yours sincerely

Depot Assets & Environment	
Date Received	22 NOV 2013
Cheque Received	/
Job No	132270
Officer	SC

A Petition In Favour of The St. George Public House in Glascote Heath, Tamworth

NAME	ADDRESS	COMMENTS	SIGNATURE
I. Forstny		<p>BEEN COMING TO THIS PUB FOR YEARS GREAT atmosphere, would be pleased to see it stay open.</p>	
A Crilly		<p>This pub serves our community, & should be allowed to remain doing the</p>	
A MATTHEWS		<p>Social & Community Hub of Glascote EVERYBODY WHO USES THIS PUB IS GREAT FRIENDS OF THE COMMUNITY</p>	
R Pratt		<p>A GREAT COMMUNITY PUB THE RECENT LICENCE HAS CHANGED A LOT ABOUT THE PUB MAKING EVENTS SUCH AS BINGO & CIGARETTES YOUNG</p>	
M Alexander		<p>I've been coming in this pub for years, we need a pub on the estate, and since the pub's management</p>	
M. DALRY		<p>HUB OF GLASCOTE NEEDS TO STAY.</p>	
L. EVANS		<p>BEEN DRINKING HERE FOR 15 YEARS AND IS A GREAT PLACE TO SOCIALISE.</p>	
L. DAVIES		<p>WE NEED OUR PUB OPEN</p>	
Lizy yzob		<p>A Good Community Pub. Great place this pub is the heart & soul community, apart from some exceptional instances, everything runs smoothly, it has a great atmosphere & surrounding businesses would also suffer if closed</p>	
S. Thomas		<p>KEEP OUR PUB OPEN PLEASE</p>	
W. STEARNE		<p>GREAT PUB, TOP GAZEB, ALL WELCOME</p>	
P. NORMAN		<p>GREAT BORDER / HEART OF THE ESTATE. I HAVE TO TRAVEL TO GET HERE & ITS WORTH IT</p>	
R. Stocks		<p>GREAT LOCAL, Great People. MUST STAY</p>	
C. Brown			

A Petition In Favour of The St. George Public House in Glascoate Heath, Tamworth

NAME	ADDRESS	COMMENTS	SIGNATURE
S. DURRANT		IVE DRANK THERE FOR OVER 20 YEARS. GREAT LOCAL PUB	
D. HALES		AS A FELLOW LICENSEE THIS PUB IS ONE I WOULD RECOMMEND TO ANY ONE. FUNNY, GREAT ATMOSPHERE, GREAT STAFF & VERY WELCOMING.	
S. COOPER		VERY FRIENDLY PUB, WITH GREAT ATMOSPHERE & BAR STAFF. GREAT PUB	
S. WILSON		Good friendly pub always welcoming	
C. Bailey		been coming for 5 years playing pool Always made welcome, now look forward to coming back!!	
D. DANCENAZEN		GREAT FRIENDLY PUB, ALWAYS WELCOME PLAYED FOOTBALL FOR MANY YEARS	
MATHIEUS		GREAT WELCOMING FRIENDLY PUB	
R. Webb		I've been coming here for the last year or 2 for pool matches and every time I have enjoyed coming down. Great staff, welcoming atmosphere. Never had a bad word to say against it.	
		Good pub, always look forward coming here	
K. Hayward		great pub been coming here for 6 years	
J. Wood		Great friendly pub, always welcome and lady tries hard to involve the community	
T. Simons		Great pub love coming where friendly	
S. SIMONS		VERY GOOD PUB WITH GREAT BAR STAFF	
I. THOMAS		A MASSIVE PART OF GLASCOATE COMMUNITY	
K. Wilson		Good family friendly pub, always makes you welcome! Part of the community	
M. Wilson		St George is the heart of the community of Glascoate and would be missed	

A Petition In Favour of The St. George Public House in Glascote Heath, Tamworth

NAME	ADDRESS	COMMENTS	SIGNATURE
Stevie Cabden		Great chid friendly pub, socialsible place, full of laughs + smiles	
DAVE HALE'S		Been coming to this pub for 33 years And the atmosphere is wicked IT WOULD BE A GREAT STRIKE TO LOSE THIS COMMUNITY PUB	
DARLEN WESTON		Lovely pub, lovely people we all get on	
Stephanie		X landlord of pub and I believe that the new tenants are doing well.	
Bob		Good old fashioned friendly atmosphere that you can't find elsewhere	
J Thompson		one when I was Glascote Heath I remember the place that holds so many happy memories	
S. Marsell		IT'S SUCH A SPECIAL PLACE FOR SO MANY PEOPLE SO MANY DIFFERENT REASONS. A GREAT PLACE GREAT PEOPLE	
S. BILBOE		GOOD COMMUNITY PUB WITH LOTS OF FRIENDLY PEOPLE	
L. WHITE (SHED)		ITS LIKE A SECOND HOME.	
M. EDWARDS		AND THE PEOPLE ARE GOOD.	
S. BUTLER		GREAT COMMUNITY PUB, ALWAYS WELCOME WITH SOME GREAT REGULARS	
N RALPH		VERY GOOD COMMUNITY PUB DOES A LOT FOR CHARM AND THE LOCAL SCHOOLS HELPS KEEP THE SHOPS SAFE FOR THE OLD.	
L. HUGHES		HEART BEAT OF OUR LOCAL COMMUNITY.	
B. WHISTLE		BEEN HERE ALL MY LIFE SINCE THE PUB BEEN OPEN	
A. HUNT		FOR A LOT OF PEOPLE OLD AND YOUNG GIVES THEM A SOCIAL LIFE THEY WOULD OTHERWISE NOT HAVE.	
Don		Best PUB in TAMWORTH!!	
L. PETTINGER		A PUB WHICH WE NEED IN OUR COMMUNITY	

A Petition In Favour of The St. George Public House in Glascote Heath, Tamworth

NAME	ADDRESS	COMMENTS	SIGNATURE
CHRIS - GILL		Nothing wrong with this Pub	
K O Sullivan		wtf - Very nice job	
Tracey Andrew		Amazing pub and people	
Kelvin Gray		Awesome atmosphere	
GAZ MOSSOP		BEST ITS BEEN	
LUKE DEACIN		NO BETTER PUB IN TOWN	
BROOKHURST		NEW TO GREAT ONE OF THE BEST PUBS IVE BEEN IN	
JAMES		PUB IS NOW GREAT AND THIS IS MOST UNUSUAL	
M. CULLIS		VERY GOOD PUB VERY FRIENDLY AND BEST PUB THEY MAKE YOU FEEL	
T. GIBBINS		Brilliant Pub nothing else out there	
DEL REOMOND		EXCELLENT community spirit	
DEB FERO		Great Pub! with friendly atmosphere	
A VIEIRA		GREAT PUB GREAT PEOPLE	
DARILLIANS		GREAT LOCAL PUBS GOOD PEOPLE	
Lee Allen		Great Local Pub Good People	
JIM CLARK		MAKE ME MOST WELCOME AND BEST IS BEST	

A Petition In Favour of The St. George Public House in Glascoate Heath, Tamworth

NAME	ADDRESS	COMMENTS	SIGNATURE
S HACK		WE USE THE ST GEORGE DON'T IT	
M. WARDEN		ABIE LOST TO THE COMMITTEE	
T. PEARCE		IT'S THE HEART AND SOUL OF GLASCOATE	
L. JASEN		USE IT ALL THE TIME	
T. BRILEY		USED IT FOR YEARS	
David Wood		Get good mates here.	
Sharon Stevens		Friendly Pub	
DAVID SPARUS		FRIENDLY PUB. LOTS OF LOCALS	
D. Whiting		Good pub.	
D. MILD		"	
M. Hill		GOOD COMMUNITY PUB	
D. Turner		Community Pub serving the estate for decades	
J. GERRI		Good pub part of the community	
P. BRADLEY		GOOD PUB HEART OF THE COMMUNITY	
E. Reid		Brought up in Glascoate Heath	
P. Noble		STILL USE IN ST GEORGE	
		A Community pub.	
		I am ex navy and I used to use it to see my	

A Petition In Favour of The St. George Public House in Glascote Heath, Tamworth

NAME	ADDRESS	COMMENTS	SIGNATURE
A DAVIES		THIS PUB NEEDS TO BE OPEN	
ROHAN DEVAID :		GOOD PUB PROPSL MANAGERS	
A PETERSON		GIVE THEM A CHANGE	
B BRANSAW C		ALL ROUNDS GOOD PUBS	
J. M HORGAN		WIND THIS PUB For us all.	
J. Hozygale		We need it.	
SUE WEA UNDERHILL		THEY HELP THE COMMUNITY.	
SUE UNDERHILL		THEY EVERY ONE NEEDS THEM	
Sheehana		GOOD PUB NOW NEED THEM.	
J. Under		Good People	
C S m d h		Good People	
J. Priest.		NEED THE PUB FOR SOCIAL NIGHTS ^{VERY WELCOMING STAFF} OUT.	
J. Williams.		STAFF ARE VERY FRIENDLY + DO GREAT NIGHTS FOR PUB	
H Redfern.		SOME HAVE FROM OTHER ESTATE, FRIENDLY ATMOSPHERE + PART OF THE COMMUNITY	
P. Redfern		BIG PART OF GLASCOTE COMMUNITY	
G TAYLOR		Best pub in the neighbourhood	

A Petition In Favour of The St. George Public House in Glascoate Heath, Tamworth

NAME	ADDRESS	COMMENTS	SIGNATURE
D. BRADLEY		THIS IS A COMMUNITY PUB. LEAVE ALONE	
E. BENNETT		Community Pub is Very important!!	
M. FURSK		Community Pub is important	
D. REYNOLDS		THIS IS MY LIFE	
J. ALTON		KEEPING THE COMMUNITY TOGETHER	
C. JACILSON		WOMEN FEEL LIKE HOME. I KNOW IN	
J. HALES		FEELS LIKE ONE BIG FAMILY	
DAVIES		I TAKE IT AWAY!! WHY	
"		KANE	
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MEETINGS		DONT & IN 70th BILLY	
1997		DONT OVER THE YEARS	
MEETINGS		SO WHAT IS THE PROBLEM	
CAME		PLEASE DONT CLOSE WHEN	
		I WILL GO.	

A Petition In Favour of The St. George Public House in Glascote Heath, Tamworth

NAME	ADDRESS	COMMENTS	SIGNATURE
	Glascote Heath Tamworth, Staffs.	To whom it may concern, I have been a patron of the St George Pub/Club, previously known as the Flying Scots Man since 1980. My late father and his peers also frequented the establishment that has been an important part of our community and served numerous generations of it.	[Signature]
		For the last 27 years I have been living in my flat above the neighbouring Spar shop. My flat is actually joined to the St George and in all that time I have never been given cause to complain by the pub or its patrons.	[Signature]
			[Signature]
		I would urge you not to allow these PTO	[Signature]

Premises to close as it serves a vital function and helps to bind our community.
Its closure would see the loss of a communal meeting place and would
be detrimental to our community spirit.
I would also like to congratulate the present landlord Michelle ~~and~~ all
the good work she and her staff do to improve and assist our estate and its
residents. She is a pillar of our community and without her we would be
at a loss.

Statement of Licensing Policy

2011 -2014

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TAMWORTH BOROUGH COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2011 - 2014

1.0 INTRODUCTION

- 1.1** The Licensing Act 2003 came into force on 24 November 2005. From that date the Licensing Authority became responsible for issuing authorisations for premises in the Borough in respect of the sale and supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.2** The Borough of Tamworth is located in the south-eastern corner of Staffordshire, 15 miles north-east of Birmingham and covers an area of 3,095 hectares. It is situated at the confluence of two rivers, the river Tame and Anker. Tamworth is essentially urban in character, which includes a vibrant town centre and smaller centres within local districts.
- 1.3** Tamworth's resident population of around 74,500 makes it one of the main urban centres in Southern Staffordshire. It has the highest population density (24.2 people per hectare) of all Southern Staffordshire districts and second only to Stoke on Trent (25.8 people per hectare) in the County as a whole. (Source – Census 2001, ONS)
- 1.4** The Borough has a wide range of recreational facilities including the Snowdome, an indoor real ski slope (the first in Europe), an athletics stadium, a football stadium, leisure centres, a municipal golf course, indoor bowls and a 26 lane ten-pin bowling alley. It also has a ten-screen cinema, nightclubs, pubs and restaurants.

2.0 LICENSING ACT 2003 STATEMENT OF LICENSING POLICY PURPOSE AND SCOPE

- 2.1** This licensing policy statement sets out the manner in which Tamworth Borough Council (the Licensing Authority) will consider applications for licences as required by the Licensing Act 2003 (the Act).
- 2.2** The Licensing Authority's policy relates to all licensing activities falling within the provisions of the Act, namely:

- The sale of alcohol by retail; (including for consumption on or off premises, with or without food);
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment to the public, club members or with a view to profit;
- the provision of late night refreshment.

2.3 Regulated Entertainment

2.4 Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- A performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- boxing or wrestling entertainment;
- a performance of live music (not incidental music, i.e. piano in a restaurant);
- any playing of recorded music;
- a performance of dance;
- provisions of facilities for making music;
- entertainments of a similar description to the performance of live music, the playing of recorded music and the performance of dance where the entertainment takes place in the presence of an audience and is provided for the purpose (or for purposes which include the purpose) of entertaining that audience.

2.5 Subject to the qualifying conditions, definitions and the exemptions, entertainment facilities include facilities for enabling persons to take part in entertainment for the purpose of, or for the purposes that include the purpose, of being entertained:

- a) Making music;
- b) dancing;
- c) entertainment of a similar description to making music or for dancing.

2.6 Late Night Refreshment

2.7 Late night refreshment (subject to certain exemptions) is regarded as the supply on or off any premises between the hours of 11:00pm and 5:00am of hot food or drink for consumption on or off the premises.

2.8 The policy will apply in respect of new consents, renewals, transfers and variations to the following:

- Premises Licences;
- Club Premises Certificates;
- Personal Licences;
- Temporary Event Notices.

2.9 The licensing authority must have regard to the guidance issued by the Secretary of State for Culture, Media and Sport in discharging its functions under the Act and this statement of licensing policy has been prepared taking into account guidance issued under section 182 of the Act. (June 2007)

2.10 Consultation

2.11 Section 5 of the Act requires that the licensing authority prepares and publishes a statement of its licensing policy every 3 years. The revised statement of licensing policy must be published by 7 January 2011 to enable the Licensing Authority to continue to exercise its licensing functions under the Act.

2.12 The Act makes provision for this policy to be the subject of consultation and in developing this policy the Licensing Authority has consulted a wide range of organisations including statutory consultees as follows:

- Chief Officer for Police for Staffordshire;
- Chief Fire Officer for Staffordshire;
- Representatives of local holders of existing licences, within the meaning of Part 1 of Schedule 8 to the Act;
- Representatives of local holders of club premises certificates within the meaning of the Licensing Act 1964.

2.13 **The Licensing Authority has also consulted a range of non statutory consultees including:**

- Staffordshire County Council – Department of Social Care and Health;
- The Tamworth Community Safety Partnership;

- Local Accident and Emergency Departments;
 - Bodies representing consumers;
 - Officers within the Borough Council responsible for Planning, Regeneration, Tourism, Cultural Strategy, Transport, Health and Safety, Pollution Control and Racial Equality.
- 2.14** The views of all consultees have been given proper weight in the preparation of this policy document.
- 2.15** When approved, the statement of licensing policy will be used by the Licensing Authority in the administration and enforcement of its duties under the Act.
- 2.16** The policy will apply from the 7 January 2011; it will remain in force for a period of 3 years from that date and will be reviewed and subject to further consultation before the end of the 3-year period.
- 2.17** During the currency of any statement of licensing policy, the Licensing Authority will keep the operation of the policy under review and make appropriate revisions to ensure the effectiveness of the policy.

3.0 LICENSING OBJECTIVES AND FUNDAMENTAL PRINCIPLES

3.1 In exercising its duties and responsibilities under terms of the Licensing Act 2003, the Licensing Authority will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. In exercising its powers under the Act the Licensing Authority will have regard to any relevant guidance issued by the Secretary of State under section 182 of the Act.

3.2 The Licensing Authority will exercise its duties so that the licensing objectives of the Act are met. The licensing objectives are:

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

3.3 The Licensing Authority confirms that each of these objectives is considered to be of equal importance.

3.4 Applications, Notices and Representations

3.5 The Licensing Authority requires that all applications for the grant, variation or transfer of any licence, permit or certificate detailed in the Act, are made in accordance with the Act and statutory guidance. In particular all such applications must be accompanied by the

appropriate fee, where applicable, to be deemed duly made. Where applications are incomplete or inadequate and therefore not duly made, the whole application will be returned to the applicant. The Licensing Authority will do all that it can in such circumstances to provide guidance to an applicant on the reasons for the applications return. Where such applications are statutorily required to be advertised, or notified to other specified persons, the application must confirm that such advertising or notification has been properly made.

- 3.6** Upon receipt of a valid application, the Licensing Authority will consider the matter and determine it in accordance with this licensing policy, statutory requirements and current guidance issued by the Secretary of State. In order to maximise administrative speed, efficiency and cost effectiveness, the application will be determined in accordance with the delegation criteria detailed in section 14 of this policy.
- 3.7** The Licensing Authority will encourage all applicants intending to submit an application under the Act to carefully consider within the operating schedule accompanying the application, the steps that they propose to promote each of the licensing objectives.
- 3.8** Applicants should make themselves aware of the Licensing Authority's statement of licensing policy, in particular the issues that will need to be addressed in producing the operating schedule.
- 3.9** Prospective holders of new premises licence and those seeking variations to existing licences are advised to consult with the Licensing Authority's licensing officers and other responsible authorities early in the planning stage in order to reduce the risk of confusion and dispute arising.
- 3.10** The Licensing Authority will expect representations on applications relating to licensable activities and applications for the review of existing authorisations under the Act to relate directly to the promotion of one or more of the licensing objectives and to be supported and justified by a proper evidence base.
- 3.11** It will also expect that where such representations are made by interested parties and, in particular, by responsible authorities, they will have informed the applicant of their concerns with a view to agreeing amendments to the details of the application that are acceptable to all parties. Whenever feasible, the Licensing Authority will facilitate discussions between the applicants and objectors to assess whether a compromise can be agreed between both parties. Where such agreements are reached, the Licensing Authority after consulting other appropriate responsible authorities may then agree with the original parties that a hearing is no longer necessary.
- 3.12** When one part of the Licensing Authority seeks a premises licence from the licensing authority, the licensing committee and its officers will consider the matter from an entirely neutral standpoint. If relevant

representations are made, for example, by local residents or the Police, they will be considered fairly by the committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application considered by the licensing authority may be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.

3.13 Hearings and Determinations

3.14 Where an objection is received concerning the grant or variation of a licence for any purpose regulated by the Act, the matter will be determined in accordance with the terms of this licensing policy. The objection will be considered in accordance with the delegation criteria listed in the table at 14.4.

3.15 Where the complaint or objection has been judged to be irrelevant, frivolous or vexatious, the matter will not proceed any further and the complainant will be advised in writing this fact.

3.16 Where "relevant representations" (as defined in section 18(6), 31(5), 35(5), 52(7), 72(7), 85(5) and 88(7) of the Act) are received, the Licensing Authority will normally hold a hearing to consider them. Applicants will be advised of all representations and all parties involved will be informed of the time and place of the hearing.

3.17 Where no representations are received, representations are withdrawn, or agreements are made that a hearing on an application is unnecessary; the Licensing Authority will approve the application and only impose conditions that are consistent with operating schedules accompanying it and/or are statutorily required of it under sections 19, 20, 21, 73 and/or 74 of the Act.

3.18 Where, however, an application for review of an existing premises licence or club premises certificate is received in accordance with sections 52(1) or section 88(1) of the Act, respectively, the Licensing Authority will hold a hearing to consider it, whether or not representations are received. The application for review will be considered in accordance with the delegated criteria listed in the table at section 14.4.

3.19 The Licensing Authority will take steps to reject applications, to impose or modify conditions, to exclude specific licensable activities, or, to cancel or revoke existing authorisations under the Act, only where it considers such steps necessary for promoting one or more of the licensing objectives.

3.20 In relation to a refusal to grant a licence or club premises certificate, the notification will detail the grounds for the refusal and specify the process for the applicant to appeal against the Licensing Authority's decision.

- 3.21** Where an application for review has been judged to be irrelevant, frivolous or vexatious, the matter will not proceed any further and the complainant will be advised in writing of this fact.
- 3.22** When an application to review a premises licence or club premises certificate has been determined in accordance with the procedures detailed above, the licence or certificate will either:
- Continue in operation unaltered;
 - be modified and the terms and conditions changed in accordance with the Licensing Authority's decision, or
 - be cancelled.
- 3.23** The Licensing Authority will determine the date upon which the decision will take effect and the licence holder and applicant for review advised accordingly.
- 3.24** In relation to a modification or the cancellation of a licence or club premises certificate, the notification will detail the grounds for the modification or cancellation and specify the process for the applicant to appeal against the Licensing Authority's decision.
- 3.25 Conditions**
- 3.26** The Licensing Authority can only regulate licensable activities at those premises and events licensed or authorised within the terms of the Act. Its licensing function is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are beyond the direct control of those holding individual licences/certificates under the Act.
- 3.27** Any conditions imposed on licences/certificates issued under the Act will, therefore, relate only to those matters falling within the control of the holders of those authorisations.
- 3.28** Conditions will be targeted to control the direct impact that activities taking place at a licensed premises have on members of the public living, working, or engaged in normal activity in the area.
- 3.29** If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions may become conditions attached to the licence, or certificate if so attached and will be enforceable as such.
- 3.30** Any conditions imposed under the Act will be tailored to the specific needs of the premises and will relate only to the licensing objectives. When imposing conditions, consideration will be given to representations and recommendations made by responsible authorities

defined in section 13(4) and section 69(4) of the Act and to the model pool of conditions included in guidance issued under section 182 of the Act.

3.31 In order to avoid duplication with other statutory regimes, the Licensing Authority will not attach conditions regarding matters that are already adequately covered by other legislation. Other regulatory controls are referenced in more detail in section 4.0 of this policy document.

3.32 Temporary Event Notices

3.33 The Act provides for certain occasions when regulated entertainment at small scale events (for no more than 499 people at a time lasting for no more than 96 hours) do not need a licence but do need to provide advance notice to the Police and the Licensing Authority. The Police can object to a temporary event notice if the event is likely to undermine the crime prevention objective.

3.34 The law states that at least 10 working days notice must be given to the Police and the Licensing Authority prior to the date of the event but the less time that is given will increase the likelihood of a Police objection being made. Applicants should note that section 193 of the Licensing Act 2003 defines "working day" as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking & Financial Dealings Act 1971 in England and Wales. "Ten working days" notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

3.35 In the event of a relevant representation from the Police, the Licensing Authority will hold a hearing not less than 24 hours before the event is due to take place.

3.36 It should be noted that for events concerning more than 499 people a premises licence will be required for a limited period. Due to the fact that a premises licence is required, where the sale of alcohol is involved there must be a designated premises supervisor specified on the application who must be a personal licence holder.

3.37 Much larger crowds may be attracted to large scale temporary events and the risks to public safety and to crime and disorder as well as public nuisance may be considerable. The Licensing Authority should be given early notice of such major events to discuss operating schedules with the organiser prior to a formal application being submitted. It will be required that public safety, crime and disorder as well as public nuisance are considered in the operating schedule.

3.38 The Licensing Authority would recommend that applicants refer to the documents detailed at Appendix 2 of this policy for further guidance.

3.39 Personal Licences

- 3.40** Any person may seek a personal licence, whether or not they have current employment or business interests associated with the use of the licence. Applications cannot be made in the name of a corporate body.
- 3.41** A personal licence will be valid for 10 years.
- 3.42** The Licensing Authority will grant a personal licence providing the following criteria is met:
- a)** The applicant is over 18;
 - b)** has paid the required fee;
 - c)** the applicant possesses a relevant licensing qualification;
 - d)** the applicant has not forfeited a personal licence in the previous 5 years beginning with the day the application was made;
 - e)** the applicant has not been convicted of any relevant offence, or foreign offence as defined in the Act;
 - f)** the Police have not given an objection notice about the grant of a personal licence following notification of any unspent relevant offence or foreign offence;
 - g)** the application has been submitted correctly.
- 3.43** In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence or foreign offence, applicants will be required to produce a current Criminal Record Bureau certificate. The Licensing Authority will consult with the Police regarding any relevant offences or foreign offences as listed in Schedule 4 of the Licensing Act 2003 and Annex C of the Guidance.
- 3.44** A relevant offence or a foreign offence will be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.
- 3.45** The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence or foreign offence as defined in the Act.
- 3.46** Where an applicant for a personal licence has an unspent criminal conviction for a relevant offence or foreign offence, the Police and Licensing Authority may interview the applicant should the Police be minded to object to the grant of the licence.
- 3.47** If a representation is made by the Police to an application the matter will be referred to the licensing sub committee.

- 3.48** A hearing will be held for the licensing sub committee to consider the matter. Each application will be judged on its merits.
- 3.49** Tamworth Borough Council will be the “relevant licensing authority” for all 10 year personal licences issued regardless of the subsequent place of residence of the licence holder.
- 3.50** Where a personal licence holder is convicted by a court for a relevant offence, the Court will advise the Licensing Authority in accordance with section 131 of the Act. On receipt of such notification, the Licensing Authority will contact the holder within 14 days requesting return of the licence so that the necessary action can be taken in accordance with section 134 of the Act.
- 3.51** The personal licence holder has a duty to inform the Licensing Authority of any new relevant offences or foreign offences that he / she has been convicted of in accordance with section 132 of the Act.
- 3.52 Designated Premises Supervisor**
- 3.53** On premises where there is the supply or sale of alcohol, the Licensing Authority will require one of the personal licence holders to be a designated premises supervisor. The main purpose being to ensure that there is always one specified individual among the personal licence holders, who can be readily identified as having key responsibilities at the premises. Therefore it will be clear who is in charge of the day to day running of the business. Guidance issued under section 182 of the Act does not state that a designated premises supervisor must be physically on the premises at all times when there is a supply or sale of alcohol.
- 3.54** The premises licence will specify the name of the designated premises supervisor. It is the responsibility of the premises licence holder to notify the Licensing Authority immediately of any change of designated premises supervisor.

3.55 Working with Partners

The Licensing Authority recognises that licensing functions under the Licensing Act 2003 are only one means of promoting the delivery of the licensing objectives. The Licensing Authority is committed to working in partnership with a wide range of organisations, including Staffordshire Police, Fire, and Social Services Authorities, Planning Authorities, Environmental Health the Tamworth Local Strategic Partnership and Community Safety Partnership, local businesses, local communities, performers and other organisations, to deliver these objectives.

3.56 Rights of Individuals

3.57 This policy sets out the general approach this Licensing Authority will take in making licensing decisions under the Act. It does not seek to 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.

3.58 Similarly, this policy does not seek to override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so under the Act.

4.0 INTEGRATING OTHER REGULATORY CONTROLS

4.1 There are a number of other regulatory controls that may affect the Licensing Authority's licensing function. The following key areas have been considered during the formulation of this policy and will continue to be taken into consideration during administration and enforcement of the licensing process. However, the Licensing Authority recognises that it cannot use its powers under the Licensing Act 2003 as a mechanism for enforcing other legislation where it is more appropriate to enforce those requirements through more specific statutory provisions.

4.2 Planning and Building Control

4.3 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing decisions will take into account any relevant planning decisions made by the Council's planning committee or made as a result of appeal and will not cut across such decisions.

4.4 Where applications relating to premises licences and club premises certificates involve material alterations to a building, the granting of any such licence/certificate will not relieve the applicant of the need to apply for planning permission or building regulation approval and refusal of either of these may be taken into consideration by the Licensing Authority when considering representations on such applications.

4.5 Where requested, the Licensing Authority will arrange for reports to be provided to the Council's planning committee on situations regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder, in order for that committee to have regard to such matters when considering planning decisions.

4.6 Health and Safety

4.7 The Health and Safety at Work Act (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises to prevent where possible or minimise the risk of injury or ill health to people affected by work activities or the condition of the premises. Local authorities are the enforcing authority for the majority of premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible.

4.8 Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation. In the majority of cases health and safety requirements will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety, consideration may be given to addressing those matters through the imposition of licence/certificate conditions.

4.9 Fire Safety

4.10 The licensing objective for public safety overlaps with fire safety requirements, which are enforced by the Stoke on Trent and Staffordshire Fire Authority, under the Regulatory Reform (Fire Safety) Order 2005 and the Health and Safety at Work etc Act 1974, in premises where licensable activities take place in the Borough of Tamworth. In the majority of cases, therefore, fire safety requirements will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety, consideration may be given to addressing those matters through the imposition of licence/certificate conditions. The Licensing Authority will not seek to impose any fire safety conditions where the Regulatory Reform (Fire Safety) Order 2005 applies.

4.11 Noise and Other Public Nuisance

4.12 The licensing objective for the prevention of public nuisance overlaps with statutory environmental health requirements for controlling statutory nuisances, including noise, which are enforced, in Tamworth Borough, by the Council under the Environmental Protection Act 1990. Powers under the Act are also available to the Police and, under the Anti Social Behaviour Act 2003, to environmental health officers to secure the closure of licensed premises causing a public nuisance because of noise. In the majority of cases, therefore, controls to

prevent statutory nuisance will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However, when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that there is the potential for noise (or other public nuisance such as that caused by light pollution, noxious smells and/or litter) and where it is considered that such statutory provisions do not provide for adequate protection with regard to public nuisance, consideration may be given to addressing those matters through the imposition of licence/certificate conditions.

4.13 Human Rights Act

4.14 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. When considering applications relating to licensable activities or representations on applications, the Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in 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 their home and private life; and
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.

4.15 Disability Discrimination Act

4.16 This Act provides that any person providing a service to the public must make reasonable adjustments to enable disabled people to access the service. From October 2004 service providers are under a duty to make reasonable adjustments to any physical features which make it impossible or unreasonably difficult for disabled persons to access a service, or they have to provide the service by a reasonable alternative means. The Licensing Authority will not attach conditions to licences or certificates which conflicts with or duplicates this requirement. Applicants may wish to obtain guidance from the Building Control Section of Tamworth Borough Council as regards access to buildings and their facilities, particularly as any alterations affecting access may require an application for building control approval. Further advice can also be obtained from the Disability Rights Commission at www.drc-gb.org.uk

4.17 Race Relations Act 1976 as amended

4.18 The Tamworth Borough Council has adopted an Equal Opportunities Policy and a Race Equality Scheme in which it sets out how it aims to address race equality issues in the Borough, and to have due regard to eliminate unlawful discrimination, promote equality of opportunity and good relations between different racial groups.

4.19 The Licensing Authority's undertaking of its licensing functions will therefore be monitored in accordance with Tamworth Borough Council's Equal Opportunities Policy and Race Equality Scheme and will be subject to equality impact assessments.

4.20 The Licensing Authority will be mindful the following legislation and related strategies when executing its licensing functions under the 2003 Act:

- Crime & Disorder Act 1998
- The Government's Alcohol Harm Reduction Strategy - Safe Sensible Social. The next steps in the National Alcohol Strategy (June 2007)
- The Anti-Social Behaviour Act 2003
- Violent Crime Reduction Act 2006
- The Health Act 2006
- The Clean Neighbourhoods & Environment Act 2005
- Local Government & Public Involvement in Health Act 2007

5.0 INTEGRATING OTHER STRATEGIES

5.1 There are a number of strategic influences that may affect Tamworth Borough Council's licensing function. The following key areas have been considered during the formulation of this policy and will continue to be taken into consideration during administration and enforcement of the licensing process.

5.2 Corporate Vision & Community Strategy

5.3 Corporate Priorities

5.4 By working with local people and partners we will:

- make our communities safer, more confident and better places to live
- develop and maintain an environment that reflects the needs of the future while conserving the uniqueness of our past
- develop a vibrant and prosperous town

- improve housing choice and address housing needs for the people of Tamworth
- promote Tamworth as good for business, great to visit, and welcoming to all
- actively support those responsible to improve the health and education standards in Tamworth
- be accountable, approachable, and visible

The corporate priorities are been subject to revision and have been adopted by the Council in 2010. Any subsequent new priorities will be inserted into this policy.

5.5 Community Strategy

5.6 The Local Government & Public Involvement in Health Act 2007 places a statutory requirement on the Local Authority to develop a Local Area Agreement (LAA), along with duties on named partners to cooperate with the Authority. The Licensing Authority recognises the key role that this statement of licensing policy will have in the successful implementation of the Tamworth LAA, particularly in relation to safer stronger communities, health and well being and children and young people. The Licensing Authority will work with its partners through joint operations to ensure the high level outcomes of the LAA are achieved. The Tamworth LAA is split into five blocks, each of which has developed a delivery plan. More information can be found on the Council's website www.tamworth.gov.uk Home>Community and Living>Tamworth LAA

5.7 The Licensing Authority will consider any reports submitted to it by the LSP on local issues and aspirations on social inclusion, environmental protection, employment and economic development of the Borough, to ensure that these needs are reflected in its licensing considerations.

5.8 Culture, Tourism and Employment

5.9 The Borough Council has a tourism strategy, 7 and is developing a cultural strategy. These strategies will feed into the Local Area Agreement delivery plans. Arrangements will be made to facilitate the opportunity for the Licensing Committee to receive reports and/or representations relating to the needs of the local tourist economy and local employment situation, with particular reference to the entertainment sector and night time economy.

5.10 Live Music, Dancing and Theatre

5.11 The Licensing Authority is aware of the need to encourage and promote a broad range of entertainment, particularly live music and

dancing and traditional theatre performances. The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children. Where there is any indication that such events are being deterred by licensing requirements, this policy statement will be reviewed to see how that situation may be reversed. Advice and guidance on this matter will be sought from the Council's Deputy Director (Communities, Planning and Partnerships).

5.12 In addition the Licensing Authority will consult the National Association of Local Government Arts Officers (NALGAO) for practical help and advice in this area when required.

5.13 To promote this policy, Tamworth Borough Council now holds its own premises licences for some public spaces within the Borough including St Editha's Square, some streets in the town centre and the Castle Pleasure Grounds. This is intended to encourage the above mentioned activities in that at these premises and venues performers and entertainers would not need to acquire a licence to perform but would only need the permission of the Council as the premises licence holder.

5.14 Transport

5.15 Licensing protocols agreed between the Licensing Authority and Staffordshire Police will be established and will incorporate any procedures necessary to ensure that adequate arrangements are made in local transport plans and, where appropriate, in conditions relating to premises licences and club premises certificates for the swift and safe dispersal of people from premises and events authorised under the Act.

5.16 Alcohol Harm Reduction Strategy

5.17 The Government published in (2004) its Alcohol Harm Reduction Strategy for England in this it outlined how the Licensing Act can be used to address some of the social health and crime and disorder issues raised by the misuse of alcohol, when considering applications for premises or personal licences. On occasions when the Licensing Authority's decision making powers under the Act have been engaged, i.e. - upon receipt of relevant representations, this strategy will be taken into account specifically with regard to the sale of alcohol to under 18's and the impact of lack of effective steps to tackle antisocial behaviour.

5.18 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, which seeks to ensure that drinks are packaged and printed in a socially responsible manner and only to those who are 18 years old or older, is commended for consideration by applicants whose proposed licensable activities involve the supply of alcohol.

5.19 Drug Abuse

5.20 The Licensing Authority would commend for consideration by applicants the strategy outlined in the Home Office Drug Strategy booklet - Safer Clubbing - Guidance for Licensing Authorities, Club Managers and Promoters.

5.21 On occasions when the Licensing Authority's decision making powers have been engaged, the Licensing Authority may impose special conditions for certain types of premises to prevent the sale and use of drugs and to create a safer environment for those who may have taken them. Conditions will take into account the Home Office "Safer Clubbing" guidelines and Annex D of the guidance issued under section 182 of the Act.

6.0 CUMULATIVE IMPACT OF A CONCENTRATION OF LICENSED PREMISES

6.1 There can be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives. "Need" concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy. "Need is a matter for planning committees and for the market".

6.2 "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement and when determining applications under the Act.

6.3 Where representations regarding cumulative impact are upheld, or, reports from any of the responsible authorities or the Tamworth LSP, indicate any of the licensing objectives are compromised, or are likely to be compromised, through the cumulative impact of a significant number of licensed premises in one area, the Licensing Authority, will consider adopting a special "saturation policy".

6.4 Steps that the Council will follow in Considering whether to Adopt a Special Policy

Representations from responsible authorities or interested persons, as defined under section 13(4) and section 69(4) of the Act and reports from those responsible authorities or the Tamworth LSP on cumulative impact issues will be expected to:

- Identify the boundaries of the area within which it is alleged problems are arising;

- provide full details and evidence as to the seriousness of the nuisance and/or disorder caused in the area;
 - identify the licensable activities causing the nuisance and/or disorder;
 - identify the licensing objective(s) which it is alleged will be undermined.
- 6.5** Where representations are made, the licensing objectives, which it is alleged will be undermined, should be identified with specific regard to:
- The occupancy figure for the proposed premises;
 - the nature of the licensed activity to be carried on at the premises;
 - the patrons of the premises.
- 6.6** The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.
- 6.7** A special saturation policy will only be adopted by the Licensing Authority after it has considered the available evidence and consulted those individuals and organisations listed in section 5(3) of the Act. Any special saturation policy will take the form of a formal, published amendment to this statement of licensing policy and will be reviewed regularly.
- 6.8 Effects of Special Policies Relating to Cumulative Impact**
- 6.9** The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licenses or club premises certificates or material variations will normally be refused, if relevant representations about cumulative impact on the licensing objectives are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
- 6.10** Applicants, therefore, need to address any special saturation policy issues in their operating schedules in order to rebut the presumption that applications for new licences/certificates or for material variations would normally be refused.
- 6.11** Special saturation policies will never be absolute. They will still allow for each application to be considered individually on its own merits and for licences and/or certificates that are unlikely to add to the cumulative impact on the licensing objectives, to be granted. Furthermore the Licensing Authority is under a legal duty to grant applications where there have been no relevant representations.

6.12 Special saturation policies will not be used to justify:

- Revocation of existing licences or certificates;
- rejecting applications to vary an existing licence/certificate, except where those modifications are directly relevant to the policy and the rejection is strictly necessary for the promotion of the licensing objectives;
- provisions for terminal hours of operation;
- imposing quotas on the number or capacity of premises that restrict the consideration of any application on its individual merits, or, impose limits on trading hours in particular areas.

6.13 Adopted Special Policy Relating to Cumulative Impact

6.14 As a Responsible Authority defined under section 13(4) and section 69(4) of the Act, a formal request was made by Staffordshire Police in November 2004, for the Licensing Authority to consider and declare a 'cumulative impact' area in Tamworth town centre. Following consultation with stakeholders and consideration of responses arising from that consultation, the Licensing Authority resolved to amend the statement of licensing policy adopted on 14 December 2004, by the insertion of a "special policy relating to cumulative impact". This policy relates to a defined special cumulative impact area within the Tamworth town centre and is attached to this statement of licensing policy as Appendix 3.

6.15 Other Methods of Controlling Cumulative Impact

6.16 There are, however, other mechanisms, both within and outside the licensing system, that are available for addressing the potential effects of cumulative impact in areas. These include:

- Planning controls;
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other service units of the Council;
- provision of CCTV surveillance, sufficient taxi facilities, public conveniences open late at night, street cleaning and litter patrols;
- designation of parts of the Borough as places where alcohol may not be consumed publicly;
- confiscation of alcohol from adults and children in designated areas;
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;

- prosecution of personal licence holders or members of staff at licensed/certificated premises that are selling alcohol to people who are drunk;
- Police powers to close down instantly, for up to 24 hours, any licensed/certificated premises or temporary event on grounds of disorder, the likelihood of disorder, or, noise emanating from the premises causing a nuisance;
- powers of local authority environmental health officers to close premises, for up to 24 hours, where noise is causing a public nuisance;
- local authority, fire authority and Health and Safety Executive powers to prohibit activities including the use of premises or parts of premises, where there is a risk of serious personal injury;
- the right of responsible authorities or interested parties, to seek reviews of premises licences and club premises certificates.

7.0 OPENING HOURS

- 7.1** The Licensing Authority will deal with licensing hours on the merits of each individual application. The Licensing Authority will have regard to the overall impact of the licensed premises on the local amenity and any proposals the applicant might submit to mitigate such impact.
- 7.2** The Licensing Authority recognises that longer licensing hours, with regard to the sale of alcohol, may be an important factor in ensuring that the concentrations of customers leaving premises simultaneously are avoided. This will help reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport. It will not, therefore, seek to impose fixed trading hours within any designated area, (i.e. zoning) but will take into consideration the individual merits of each application and any representations received from responsible authorities and/or interested parties regarding those applications.
- 7.3** When relevant representations have been received thus engaging the Licensing Authority's decision making functions under the Act, the Licensing Authority may, if appropriate, consider applying stricter conditions with regard to licensing hours for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This may particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving during normal night time sleeping periods (11:00pm – 07:00am). However, when considering applications, the Licensing Authority will consider each application on its merits and will have regard to the overall impact of the licensed premises on the local

amenity and any proposals the applicant might submit to mitigate such impact.

7.4 In the absence of any relevant representations being received, the Licensing Authority will approve the application subject only to any applicable mandatory conditions and such conditions which are consistent with the applicants operating schedule.

7.5 With regard to shops, stores and supermarkets, the Licensing Authority will not seek to restrict the sales of alcohol for consumption off the premises during times when the retail outlet is open for shopping, unless representations received from any responsible authority or interested party, regarding any of the licensing objectives being compromised, are substantiated.

7.6 However, limitations on operating hours may be imposed as appropriate, for example in the case of specific premises known to be a focus of disorder and disturbance late at night.

8.0 THE LICENSING OBJECTIVES

8.1 Section 3.2 of this policy outlines the four licensing objectives which are paramount considerations at all times.

8.2 The following four sections of this policy (9, 10, 11, 12) provide further detail in respect of the four licensing objectives. The Licensing Authority recognises that applicants will know their businesses best and it is therefore for them to demonstrate how they will promote the four licensing objectives.

8.3 The Licensing Authority wishes to make it clear that where no relevant representations are received in respect of applications, the Licensing Authority will grant the application subject to any applicable mandatory conditions and such conditions which are consistent with the applicant's operating schedule. This is in line with Guidance issued by the Secretary of State under section 182 of the Act

9.0 PREVENTION OF CRIME AND DISORDER

9.1 Tamworth Borough Council is committed to reducing crime and disorder and improving community safety in the Borough of Tamworth.

9.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Tamworth Borough Council, Staffordshire Police, Staffordshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities. The Licensing Authority will therefore have regard to the likely impact of licensing on related crime and disorder in the Borough, particularly when considering the location, impact, operation and management of licensable activities.

- 9.3** Conditions relating to premises licences and club premises certificates will, so far as is possible, reflect local crime prevention strategies and, where the Licensing Authority is satisfied, having received reports from the Tamworth Community Safety Partnership through the LSP or from Staffordshire Police, that there are serious crime prevention issues that need to be addressed in a particular area or areas of the Borough, it will consider adopting a “saturation policy”. Adoption of saturation policies is referenced in more detail in section 6.0 of this policy document.
- 9.4** The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives and in particular the prevention of crime and disorder
- 9.5** The Licensing Authority recommends that all licensees of licensed premises be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises.
- 9.6** The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. When addressing crime and disorder, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.
- 9.7** Within the operating schedule for premises from which alcohol will be sold, a premises supervisor must be designated (‘Designated Premises Supervisor’ DPS). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis.
- 9.8** Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the temporary event notice procedure. Depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.
- 9.9** **Security Operatives**
- 9.10** Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA).

- 9.11** Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Harm Reduction Strategy.
- 9.12** All security operatives employed at licensed premises will be expected to display their identification as issued by the Security Industry Authority (SIA).
- 9.13** If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.
- 9.14** When the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such certain premises may require strict supervision for the purpose of the promotion of the licensing objectives, the Licensing Authority may impose a condition that licensed security operatives must be employed at the premises either at all times, or, at such times that certain licensable activities are taking place. However, the Authority will consider each application on its merits.

10.0 PUBLIC SAFETY

- 10.1** The Act covers a wide range and variety of premises that require licences, including cinemas, concert halls theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises will present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants against these risks as far as is practicable.
- 10.2** There are a wide range of statutory requirements as detailed in section 4.0 in this policy which are separate regulatory requirements with which applicants and employers have a duty to comply.
- 10.3** The licensing authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in their operating schedule the steps which will be taken to ensure public safety.
- 10.4** The capacity of a premises is a legitimate public safety issue. The Licensing Authority is aware that from 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Under article 43 of the Fire Safety Order any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by the Order, automatically ceased to have effect. This means that the Licensing Authority will not

seek to impose fire safety conditions or capacity limits where the Order applies.

10.5 The Licensing Authority may set an occupancy capacity following representations from the Chief Fire Officer for Stoke on Trent and Staffordshire Fire Authority, after having regard to any guidance issued by the Secretary of State if considered necessary to meet the public safety licensing objective. Each application will be considered on its merits.

10.6 The Licensing Authority would recommend that applicants refer to the documents detailed at Appendix 2 of this policy for further guidance.

11.0 PREVENTION OF PUBLIC NUISANCE

11.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. These issues mainly relate to noise nuisance, light pollution and noxious odours. However this will depend on the individual circumstances of any premises including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

11.2 The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

11.3 There are a number of statutory controls available to deal with nuisance issues as outlined in section 4.0.

11.4 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

11.5 Applicants need to be clear that where relevant representations have been received, the Licensing Authority may apply stricter conditions, including controls on noise and operating hours, where licensed premises are in residential areas.

12.0 PROTECTION OF CHILDREN FROM HARM

12.1 The protection of children from harm is an extremely important issue and is one of the statutory licensing objectives. It is the Licensing Authority's wish that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

- 12.2** The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.
- 12.3** It is also an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5:00am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice.
- 12.4** Otherwise, the Act does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity at those venues. However this does not mean that children should automatically be allowed access to such premises.
- 12.5** The Licensing Authority will enforce the requirements of the Act restricting access by children to premises and events licensed or authorised under the Act. It will not, however, seek to limit such access through the imposition of conditions (other than those statutorily required of it), unless representations are received from any responsible authority or interested party and it is considered necessary to impose limitations for the prevention of physical, moral or psychological harm to children.
- 12.6** The Licensing Authority recognises Staffordshire County Council through its Safe Guarding Children's Board or any successor Board or Directorate charged with the responsibility for or interest in matters relating to the protection of children from harm and the Staffordshire Police as the responsible authorities for advising the Licensing Authority in matters relating to the protection of children from harm and competent to advise it on such matters.
- 12.7** When addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.
- 12.8** When considering applications and deciding whether to limit access of children to premises, the Licensing Authority will judge each application on its own merits.
- 12.9** However the Licensing Authority will have particular regard to premises where there is substantial evidence that:

- Entertainment or services of an adult or sexual nature are commonly provided such as topless bar staff, striptease, lap-, table- or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language
- there have been convictions of members of the current staff at the premises for serving alcohol to minors, or, the premises has a reputation for under age drinking;
- there is a known association with drug taking or dealing;
- there is a known association with prostitution;
- there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

12.10 Where concerns have been identified in respect of individual premises, and it is felt that the access of children should be restricted the Licensing Authority may consider the following options:

- Limiting the hours when children may be present;
- age limitations (below 18);
- limiting or prohibiting access when certain activities are taking place;
- fully excluding persons under the age of 18 from the premises when certain licensable activities are taking place;
- limitations on access to certain parts of the premises for persons under 18;
- permitting access only when accompanied by an adult.

12.11 The above list is not exhaustive and the alternatives may be adopted in combination.

12.12 Applicants applying for premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules where their risk assessments have determined the presence of children is undesirable or inappropriate.

12.13 Where no relevant representations are made to the Licensing Authority, these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises may be imposed by the Licensing Authority in these circumstances.

12.14 The Portman Group operates on behalf of the alcohol industry a Code of Practice on the Naming, Packaging and Promotion of alcoholic drinks. The Code seeks to ensure that alcoholic drinks are only marketed to those 18 years and older. The Licensing Authority commends the adoption of this Code by all relevant parties.

- 12.15** The Licensing Authority will, as required by the Act, impose a condition on all licences and certificates authorising the exhibition of films, requiring the admission of children to be restricted in accordance with the recommendations given to films by a body designated under section 4 of the Video Recordings Act 1984 (at the date of publishing this policy the British Board of Film Classification was the only body so designated), or in specific cases the Licensing Authority itself. The Licensing Authority will expect that operating schedules accompanying applications relating to activities involving film exhibitions, will include details of the arrangements proposed for preventing children from viewing age restricted films.
- 12.16** When considering any application, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.
- 12.17** Where representations are received from a responsible authority regarding regulated entertainment attended by children, the Licensing Authority will consider imposing conditions requiring the presence of adult staff for the purposes of controlling access and egress from the premises and for the protection of children from harm. The numbers of adults required will be determined through consultation with the appropriate responsible authorities defined in section 13(4) and section 69(4) of the Act; i.e., Staffordshire County Council through its Safe Guarding Children's Board or any successor Board or Directorate and the Chief Fire officer for Stoke on Trent and Staffordshire Fire Authority.
- 12.18** The Licensing Authority will not impose any condition specifically requiring access to be provided for children at any premises. Where no restriction or limitation is imposed, the issue of access will remain a matter for the discretion of the individual licence/certificate holder.
- 12.19 Illegal Sales of Age Restricted Goods.**
- 12.20** The Licensing Authority recognises the important work carried out by Staffordshire County Council Trading Standards and Staffordshire Police in this field. The Licensing Authority, Staffordshire County Council Trading Standards and the Police take a very serious view of the illegal sale of alcohol and other age restricted goods and the Licensing Authority will work closely with Trading Standards and the Police to seek to ensure that illegal sales of alcohol and other age restricted goods is reduced and ultimately eradicated.
- 12.21** The sale of alcohol to minors (under 18 years of age) is a criminal offence and Trading Standards has, over time, worked to advise the off-licence trade on how to set up systems to avoid sales taking place. Trading Standards will continue to regularly conduct covert test purchasing exercises with volunteers in response to complaints and local intelligence. Trading Standards have been successful in bringing a number of prosecutions recently; having particular regard to the link

between alcohol and crime and disorder issues, and this continues to be a concern of Staffordshire County Council under the new Licensing Act 2003.

- 12.22** Staffordshire Trading Standards have issued guidance that applicants may wish to consider in respect of underage age sale of alcohol and other age restricted goods. Copies of this guidance can be obtained from Staffordshire Trading Standards or from the Licensing Authority.

13.0 ENFORCEMENT

- 13.1** The Licensing Authority has established good working relationships with the Police and other enforcing authorities. These arrangements provide for the targeting of agreed problem high risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained. The Licensing Authority will incorporate the Hampton principles of inspection and enforcement into these activities.

- 13.2** It is intended that in general, action will only be taken in accordance with agreed enforcement principles and in line with the Licensing Authority's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

14.0 THE LICENSING PROCESS AND DELEGATION OF FUNCTIONS

- 14.1** The Licensing Authority's licensing functions, will be discharged by the licensing committee. To facilitate the processing of applications made under the Act and in the interests of speed, efficiency and cost effectiveness, the Licensing Authority's licensing committee will delegate those functions to sub committees, each of which will comprise three members of the licensing committee.

- 14.2** Many of the licensing committee's decisions will be purely administrative and, where under the provisions of the Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objections to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be delegated to officers of the Licensing Authority who are responsible for the administration and enforcement of the Act.

- 14.3** The Licensing Authority's licensing committee will receive regular reports on decisions made by officers and its sub committee so that it maintains an overview of the general licensing situation in the Borough.

- 14.4** Applications will be determined in accordance with the following delegation criteria:

Function	Full Committee	Sub Committee	Officers
Application for personal licence		Where an objection has been received from the Police	Where no objection received
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate	<ul style="list-style-type: none"> • Where objection relates to cumulative impact • Where application falls within paragraph 14.5 below 	Where “relevant representation” has been made	Where no “relevant representation” made
Application for provisional statement	<ul style="list-style-type: none"> • Where objection relates to cumulative impact • Where application falls within paragraph 14.5 below 	Where “relevant representation” has been made	Where no “relevant representation” made
Application to vary a premise licence/club premises certificate	<ul style="list-style-type: none"> • Where objection relates to cumulative impact • Where application falls within paragraph 14.5 below 	Where “relevant representation” has been made	Where no “relevant representation” made
Application to vary designated premise Supervisor		Where an objection has been received from the Police	Where no “relevant representation” made

Request to be removed as designated premises supervisor			All cases
Application for transfer of premise licence		Where an objection has been received from the Police	All other cases
Applications for interim authority notices		Where an objection has been received from the Police	All other cases
Application to review premise licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police representation to a temporary event notice		All cases	

14.5 Where a councillor who is a member of the licensing committee or a licensing sub committee has had a direct or indirect involvement in the affairs of an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the premises licence in question.

- 14.6** The Licensing Authority's nominated officers will deal with all licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 14.7** Entitlements to appeal for parties aggrieved by decisions of the Licensing Authority are set out in Schedule 5 of the 2003 Act. Other than in the case of personal licences, an appeal has to be made to the magistrates' court. In which the premises concerned is situated. In the case of personal licences, the appeal must be made to the magistrates' court for the area in which the licensing authority (or any part of it) which made the decision is situated.

15.0 FURTHER INFORMATION

- 15.1** Further information about the Licensing Act 2003 and the Licensing Authority's licensing policy can be obtained from:

Environmental Management
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

Telephone (01827) 709445
E-mail publicprotection@tamworth.gov.uk

This policy is available on the Council's web-site www.tamworth.gov.uk

Definitions

The following definitions are included to provide an explanation of certain terms included in the Act and therefore in this policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

Appeals

Appeals against decisions of the licensing authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Council's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the licensing authority with directions; and make an order for costs.

Authorised Persons

"Authorised Persons" are specified people who have statutory duties in relation to the inspection of premises, e.g. licensing officers, police, fire, health & safety, environmental health officers.

Interested Parties

"Interested Parties" are persons living in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity.

Responsible Authorities

"Responsible Authorities" include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection and other specified authorities. Only these groups can make representations about an application for a premises licence.

Closure Order

New powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

Club Premises Certificate

A certificate which licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc club premises certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

Conditions

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. Secretary of State's guidance provides "The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder". Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

Designated Premises Supervisor

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the premises licence or will be the premises licence holder themselves (who must also be a personal licence holder).

Interim Authority Notices

Where a premises licence lapses due to death, incapacity or insolvency etc of the holder, specified persons can within 7 days serve an interim authority notice on the Licensing Authority. This revives the licence, subject to Police objection, for a period of up to 2 months so the premises can continue trading. This is the equivalent to "interim authorities" and "protection orders" under the Licensing Act 1964.

Late Night Refreshment

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00pm and 5.00am.

Licensable Activities

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club, or to the order of a member of the club;
- the provision of regulated entertainment;
- the provision of late night refreshment.

Licensing Authority

Tamworth Borough Council

Licensing Objectives

The objectives of licensing set out in the Act:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- and the protection of children from harm.

The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.

Licensed Premises

Includes club premises and events unless the context otherwise requires.

Mandatory Conditions

Conditions that the Act requires are imposed on a premises licence, club premises certificate or personal licence.

Objection Notice

A procedure whereby the police can object to the grant of a personal licence on the grounds where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

Operating Schedule

A document containing a statement of the following matters (and any others that may be prescribed):

- Steps taken by the licence holder to tackle the four licensing objectives;

- the licensable activities to be conducted on the premises;
- the times during which the licensable activities are to take place and any other times when premises are open to the public;
- where the licence is required only 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.

Personal Licence

A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned does not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the Police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).

Premises Licence

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on the death, insolvency etc of the holder. Applications are dealt with by the local authority licensing committee in the area where the premises are situated.

Provisional Statement

A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Equivalent to a "provisional grant" under the Licensing Act 1964. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

Qualifying Club

Club premises certificates will be issued to qualifying clubs formerly registered members clubs. To be eligible for a club premises certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to support that the club is non profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club

must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

Regulated Entertainment

- A performance of a film;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance;
- (or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Relevant Offences

Relevant offences are set out in Schedule 4 to the 2003 Act.

Relevant Representations

The 2003 Act does not use the term "objections". Instead authorised persons, interested parties and responsible authorities may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or responsible authority the local authority need only consider relevant representations. The making of relevant representations engages the licensing authorities discretion to take "steps" consistent with the licensing objectives when considering the application.

Review of Licence

Where a premises licence is in force an interested party or responsible authority may apply to the Council for it to be reviewed. The Council must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as modification of conditions;

exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to 3 months; or the revocation of the licence.

Responsible Authority

- the Chief Officer of Police in the area where the premises are situated;
- the Fire Authority in the area where the premises area situated;
- the enforcing authority for Health and Safety at Work.
- the Local Planning Authority;
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health;
- the body representing matters relating to the protection of children from harm;
- in relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board.

Statement of Licensing Policy

Each licensing authority must every 3 years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.

Supervisor

Responsible for supervision of the premises e.g. the day to day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.

Temporary Event Notice

A permitted temporary activity involving one or more licensable activities subject to the following various conditions and limitations:

- Duration – they are limited to events lasting for up to 96 hours;
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used;

- The number of notices given by one individual within a given period of time – a personal licence holder is limited to 50 notices in 1 year, and any other person to 5 notices in a similar period;
- (If these conditions are not fulfilled, the temporary event would require a premises licence if it were currently unlicensed for the activity involved).

Transfer

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

List of Publications That Provide Guidance When Considering Public Safety

Annex D of the Statutory Guidance issued under section 182 of the Licensing Act 2003 includes a list of publications that provide guidance on public safety matters. The Guidance recommends that in addition, to considering the points made in Annex D, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider the following:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance (2002) ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications);
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999, reprinted 2002) (“The Purple Book”) (HSG 195) ISBN 0 7176 2453 6;
- Managing Crowds Safely: guide for organisers at events and venues (HSE 2000) (HSG 154) ISBN 0 7176 1834 X;
- 5 Steps to Risk Assessment: Case Studies (HSE 1998, reprinted 2002) (HSG 183) ISBN 07176 15804;
- The Guide to Safety at Sports Grounds 4th revised edition The Department of National Heritage (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2;
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through:
www.streetartsnetwork.org.uk/publications./index.php
- The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” (2001) ISBN 0 9531229 2 1.

The following British Standards should also be considered:

- BS 5588-6:1991 Fire precautions in the design, construction and use of buildings. Code of practice for places of assembly
- BS 5588-9:1999 Fire precautions in the design, construction and use of buildings. Code of practice for ventilation and air conditioning ductwork
- BS 5588-8:1999 Fire precautions in the design, construction and use of buildings. Code of practice for means of escape for disabled people
- BS 5839 (fire detection, fire alarm systems and buildings)

- BIP 2081:2006 A Guide to Emergency Lighting ISBN 0580 47755

However, in consulting these texts, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should note that under no circumstances should any conditions be regarded as standard for all premises.

**TAMWORTH BOROUGH COUNCIL
SPECIAL POLICY RELATING TO CUMULATIVE IMPACT**

- 1.1** This policy applies to the following roads ('the special cumulative impact area'):
- 1)** Lower Gungate, from its junction with Albert Road and Aldergate to its junction with Colehill.
 - 2)** Spinning School Lane, from its junction with Lower Gungate to its junction with Marmion Street.
 - 3)** Colehill, from its junction with Lower Gungate and Church Street, to its junction with Bolebridge Street and George Street.
 - 4)** Bolebridge Street from its junction with Colehill, George Street up to its junction with the first traffic island (Mill Lane / Anker Drive island).
 - 5)** George Street, from its junction with Colehill, Bolebridge Street to its junction with Market Place and Market Street.
 - 6)** Market Street, from its junction with George Street, Middle Entry to its junction with Silver Street and Holloway.
 - 7)** Silver Street, from its junction at the entrance into Market Street up to the traffic lights at junction between Aldergate, Church Street and Lichfield Street.
 - 8)** Church Street, from its junction at the traffic lights in Silver Street, Lichfield Street, Aldergate, up to its junction with Colehill.
 - 9)** Aldergate, from its junction at the traffic lights with Lichfield Street, Church Street and Silver Street up to its junction with Lower Gungate, Hospital Street, Upper Gungate and Albert Road.
 - 10)** All other roads, streets and areas enclosed within the area bounded by the above streets, to include College Lane, Middle Entry, Market Place, King Street, Corporation Street, St Editha's Square, St Editha's Close, Church Lane, Little Church Lane and Lower Gungate Precinct.
- 1.2** The Licensing Authority is aware of the potential link between an increase in licensed premises within the town centre and the rise in the number of violent crimes, and antisocial behaviour.
- 1.3** As a consequence of the number of late night premises within the town, the Licensing Authority and the Police has adopted a number of measures to deal with the resulting crime and antisocial behaviour. These have included additional Police resources at times of peak

demand; the introduction of CCTV in the town centre; and playing a full part in supporting a Town Centre Licensees' Forum.

- 1.4 One of the Council's key objectives is to seek a reduction in crime and disorder throughout the Borough, consistent with its statutory duty under section 17 of the Crime & Disorder Act 1998, and an improvement in local amenity through the reduction of antisocial behaviour.
- 1.5 Accordingly, the Licensing Authority is adopting a special policy. **Where relevant representations have been received about applications within the special cumulative impact area**, it will consider whether to refuse the application if it appears that the application is likely to add to the existing problems of crime and disorder in the area, or if public nuisance is more likely than not to be caused.
- 1.6 As part of this policy, the licensing committee will not consider whether or not there is a need for any particular type of premises (as this is largely a matter for the local planning authority) but it will consider the cumulative impact that an application for grant of a new licence/club premises certificate or the variation of an existing premises licence or club premises certificate would have on the special cumulative area.
- 1.7 Notwithstanding this policy, the Licensing Authority is under a legal duty under the Act to grant applications where there are no relevant representations. In circumstances where no representations have been received, a licence application will be granted. It is also open for applicants to demonstrate to the Licensing Authority that their application will not add to the existing cumulative problems of crime, disorder, and nuisance within the special cumulative impact area.
- 1.8 **Exceptions to the Special Cumulative Impact Policy**
- 1.9 In general, the Licensing Authority wants to encourage "family friendly" entertainment in the town centre and discourage antisocial behaviour especially that associated with excessive alcohol consumption.
- 1.10 Even in the light of valid representations, acceptable grounds for exceptions to be considered may include:
 - 1) The applicant can demonstrate that the premises will not be used primarily for the consumption of alcohol or as a hot food takeaway premises. This may be evidenced by the general nature of the business activity, eg - restaurant or other considerations such as the proportion of the floor space available for other activities that do not involve alcohol consumption and / or
 - 2) The applicant can demonstrate that the general age profile of customers will be 25+ and / or family groups. The committee may consider evidence such as marketing plans showing examples of advertising and promotions.

- 1.11** In any case where an applicant wishes an exception to be considered, the responsibility is with the applicant to show why an exception should be considered, not on the committee to demonstrate why an exception should not be made.
- 1.12** If an exception is made to this special policy relating to cumulative impact, applicants must fulfil the other requirements to be granted a premises licence or club premises certificate.
- 1.13** Where the Licensing Authority's discretion is engaged, grounds that will not be considered as an exception to the policy include:
- 1)** That the building design will be of a high standard. It is assumed that all applicants will want to ensure the highest design standards possible.
 - 2)** That the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol.
 - 3)** The premises are small. A small business can still contribute to crime, disorder and nuisance suffered by interested parties in the vicinity of the special policy area.

Cumulative Impact Area



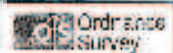
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1.14 Nudity Striptease and Other Entertainment of an Adult or Sexual Nature

- 1) This part of the policy statement details the approach of the Licensing Authority to entertainment involving nudity, striptease or other entertainment of an adult nature and applies to applications relating to:
 - new premises licence;
 - new club premises certificate;
 - variation of a converted premises licence;
 - variation of an existing premises licence;
 - variation of a converted club registration certificate;
 - variation of an existing club premises certificate; and
 - a provisional statement.

In which entertainment involving nudity, striptease or other entertainment of an adult nature is proposed.

- 2) This part of the policy also applies to reviews.

The Policy

- 3) On the 2nd of June 2010 the Council's Cabinet adopted the new powers under section 27 of the Policing and Crime Act 2009 regarding the regulation of Sexual Entertainment Venues including lap dancing.
- 4) The Council is aware of the Indecent Displays Act 1981 and other legislation covering indecency and obscenity, and notes the Secretary of State's Guidance (para. 2.17) in not seeking to use the Licensing Act 2003 or the police and crime act to go beyond these other legislative controls.

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Appendix 6 Local Policy Considerations

Table listing paragraphs within Tamworth Borough Council's **Statement of Licensing Policy 2011 – 2014** which are considered relevant to the review of the St George 81 Caledonian Tamworth Premises Licence.

Please note that the list is not exhaustive.

Section/Paragraph number(s)	Pages	Subject
3.1 – 3.3	6	Licensing Objectives and Fundamental Principles (All applications to be treated on their merits)
3.4 – 3.12	6-7	Applications, Notices and Representations
3.13 – 3.24	7-9	Hearings and Determinations
3.25 – 3.31	9	Conditions
8.0 -8.3	27	Licensing Objectives
9.0 – 9.8	28-29	Prevention of Crime & Disorder
12.0 – 12.22	32-35	Protection of Children From Harm
13.1-13.2	36	Enforcement
14.0 – 14.7	37-40	Licensing Process and Delegation of Functions

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Home Office

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

June 2013



Home Office

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

This revised version of the guidance comes into force on the day it is laid before Parliament

Presented to Parliament pursuant to Section 182(4) of the Licensing Act 2003

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Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Any enquiries relating to regulated entertainment should be sent to: The Entertainment Licensing Team, 4th Floor, 100 Parliament Street, London SW1A 2BQ

Any other enquiries regarding this publication should be sent to: The Alcohol Team, The Home Office, 4th Floor, Fry Building (North West), 2 Marsham Street, London SW1P 4DF
(email: AlcoholStrategy@homeoffice.gsi.gov.uk)

This document is also available from our website at gov.uk

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1. Introduction

The Licensing Act 2003

- 1.1 The Licensing Act 2003 (referred to in this Guidance as the 2003 Act), its explanatory notes and any statutory instruments made under it may be viewed online at www.legislation.gov.uk. The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. However, the Department for Culture, Media and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act (see Chapter 15).

Licensing objectives and aims

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

- 1.3 The licensing objectives are:

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

- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

The guidance

- 1.6 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. This revised guidance comes into force as soon as it is laid. Where a licence application was made prior to the coming into force of the revised guidance, it should be processed in accordance with the guidance in force at the time at which the application was made; the revised guidance does not apply retrospectively. However, all applications received by the licensing authority on or after the date the revised guidance came into force should be processed in accordance with the revised guidance.

Purpose

- 1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

Legal status

- 1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

Licensing policies

- 1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.
- 1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

Licensable activities

- 1.13 For the purposes of the 2003 Act, the following are licensable activities:
- The sale by retail of alcohol;
 - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - The provision of regulated entertainment; and
 - The provision of late night refreshment.

Further explanation of these terms is provided in Chapter 3.

Authorisations or permissions

- 1.14 The 2003 Act provides for four different types of authorisation or permission, as follows:
- Premises licence – to use premises for licensable activities.
 - Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
 - Temporary event notice – to carry out licensable activities at a temporary event.
 - Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

General principles

- 1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

Licence conditions – general principles

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
 - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format.

Each application on its own merits

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Additional guidance

- 1.18 From time to time, the Home Office may issue additional supporting guidance to licensing authorities and other persons on the GOV.UK website. This supporting guidance is good practice guidance and should be viewed as indicative and subject to change. Such supporting guidance will broadly reflect but will not be part of the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act. Licensing authorities may wish to refer to, but are under no statutory duty to have regard to such supporting guidance issued by the Home Office.

Other relevant legislation

1.19 Whilst licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- Health and Safety (First-Aid) Regulations 1981
- The Equality Act 2010

2. The licensing objectives

Crime and disorder

- 2.1 **Licensing authorities should look to the police as the main source of advice on crime and disorder.** They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 **In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible** and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 **Conditions should be targeted on deterrence and preventing crime and disorder.** For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 **The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas** with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.
- 2.6 **Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.** The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 **It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent** and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

Public safety

2.8 **Licence holders have a responsibility to ensure the safety of those using their premises**, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.13-2.15, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.34-8.42), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.11 **Licence holders should make provision to ensure that premises users safely leave their premises.** Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.12 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.13 **“Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises.** For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.14 **It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk.** This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.
- 2.15 **Where an authorisation is required under the 2003 Act for a performance of dance (see paragraphs 15.10 and 15.15 below), section 177 of that Act provides that any licence condition which relates to a performance of dance has no effect if certain conditions are met.** In particular, the suspension of licence conditions can only occur if the permitted capacity of premises is not more than 200 persons. The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises

certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

- 2.16 Whilst the Cinematograph (Safety) Regulations 1955 (S.I. 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1955 Regulations.
- 2.17 Public safety includes the safety of performers appearing at any premises.

Public nuisance

- 2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.20 **Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises.** This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- 2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.22 **Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.** For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.
- 2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.24 **Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law.** An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

- 2.25 **The protection of children from harm includes the protection of children from moral, psychological and physical harm.** This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).
- 2.26 **The Government believes that it is completely unacceptable to sell alcohol to children.** Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

- 2.27 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.28 **Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.** Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.29 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.30 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- 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 (below 18);
 - 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.
- 2.31 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.32 **Licensing authorities should give considerable weight to representations about child protection matters.**
- 2.33 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.34 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises

licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.35 **Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers** (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

Section	Offence
Section 145	Unaccompanied children prohibited from certain premises
Section 146	Sale of alcohol to children
Section 147	Allowing the sale of alcohol to children
Section 147A	Persistently selling alcohol to children
Section 148 ¹	Sale of liqueur confectionery to children under 16
Section 149	Purchase of alcohol by or on behalf of children
Section 150	Consumption of alcohol by children
Section 151	Delivering alcohol to children
Section 152	Sending a child to obtain alcohol
Section 153	Prohibition of unsupervised sales by children

¹ Note. The Government has announced its intention to repeal this offence, in 2013 at the earliest.

3. Licensable activities

Summary

- 3.1 A premises licence authorises the use of any premises (see Chapter 5) for licensable activities. Licensable activities are defined in section 1 of the 2003 Act, and a fuller description of certain activities is set out in Schedules 1 and 2 to the 2003 Act.
- 3.2 The licensable activities are:
- the sale by retail of alcohol;
 - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - the provision of regulated entertainment; and
 - the provision of late night refreshment.

Wholesale of alcohol

- 3.3 **The sale of alcohol to the general public is licensable under the 2003 Act in accordance with the definition of “sale by retail” in section 192 of the 2003 Act.** This section makes it clear that, to be excluded from the meaning of “sale by retail”, a sale must be:
- made from premises owned by the person making the sale, or occupied under a lease with security of tenure; and
 - for consumption off the premises.
- 3.4 In addition, to be excluded, the sales must be sales which are made to:
- a trader for the purpose of his trade;
 - to a club for the purposes of that club;
 - to a holder of a premises licence or a personal licence for the purpose of making sales under a premises licence; or
 - a premises user who has given a temporary event notice, for the purpose of making sales authorised by that notice.
- 3.5 If an employee were buying alcohol as an “agent” for their employer and for the purposes of their employer’s trade (i.e. selling alcohol), this could be treated as a sale to a trader. If, however, an employee were buying for the employee’s own consumption, this would be a retail sale, and would require a licence.
- 3.6 The same considerations apply in the case of caterers who supply alcohol to their customers. Where a caterer purchases alcohol and then sells this alcohol to its customer, an authorisation will be required at the location where the retail sale of the alcohol is made (likely to be the caterer’s own premises). If the customer was proposing to sell the alcohol under an authorisation, it is the customer who would need an authorisation under the 2003 Act. In this case, the exemption under the 2003 Act may apply to the sale made by the caterer.

Mobile, remote, internet and other delivery sales

- 3.7 **The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act.** Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.
- 3.8 **The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract** (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.
- 3.9 **Persons who run premises providing ‘alcohol delivery services’ should notify the relevant licensing authority** that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether to make an application to vary their licence to add this activity to their existing licensable activities.

Regulated entertainment

- 3.10 **Schedule 1 to the 2003 Act sets out what activities are to be treated as the provision of regulated entertainment** and those that are not and are therefore exempt from the regulated entertainment aspects of the licensing regime (including incidental music – see paragraphs 15.1 to 15.3 below). Chapter 15 of this Guidance document sets out the types of entertainment regulated by the 2003 Act.

Late night refreshment

- 3.11 **Schedule 2 to the 2003 Act sets out what activities are to be treated as the provision of late night refreshment** and those that are not and are therefore exempt from the late night refreshment aspects of the licensing regime.
- 3.12 **Schedule 2 provides a definition of what constitutes the provision of late night refreshment.** It involves only the supply of ‘hot food and hot drink’. Shops, stores and supermarkets selling cold food and cold drink that is immediately consumable from 11.00pm are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and take away food outlets where people may gather at any time from 11.00pm and until 5.00am. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a take-away is handed to a customer over the counter.

- 3.13 Some premises provide hot food or hot drink between 11.00pm and 5.00am by means of vending machines. The supply of hot drink by a vending machine is not a licensable activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.
- 3.14 However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.
- 3.15 It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions. The key licensing objectives in connection with late night refreshment are the prevention of crime and disorder and public nuisance, and it is expected that both will normally have been adequately covered in the conditions relating to the other licensable activities on such premises.
- 3.16 The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is caught by the provisions relating to the sale or supply of alcohol.
- 3.17 The supply of hot food or hot drink free of charge is not a licensable activity. However, where any charge is made for either admission to the premises or for some other item in order to obtain the hot food or hot drink, this will not be regarded as “free of charge”. Supplies by a registered charity or anyone authorised by a registered charity are also exempt. Similarly, supplies made on vehicles – other than when they are permanently or temporarily parked – are also exempt.
- 3.18 Supplies of hot food or hot drink from 11.00pm are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:
- a member of a recognised club supplied by the club;
 - persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
 - an employee supplied by a particular employer (for example, a staff canteen);
 - a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
 - a guest of any of the above.

Unauthorised activities

- 3.19 **It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed at paragraph 3.2 above** other than in accordance with a licence or other authorisation under the 2003 Act. The maximum fine for this offence is £20,000, six months’ imprisonment or both. Police and local authorities have powers to take action in relation to premises carrying on unauthorised activities.

4. Personal licences

- 4.1 This chapter provides advice about the framework for personal licences. It also contains guidance for decision-making on applications by those managing community premises (church and village halls etc.) to remove the usual mandatory conditions that relate to personal licences and the requirement for a designated premises supervisor (DPS).

Requirements for a personal licence

- 4.2 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. This is why sales of alcohol may not be made under a premises licence unless there is a DPS in respect of the premises (who must hold a personal licence); and every sale must be made or authorised by a personal licence holder. The exception is only for those community premises which have successfully applied to remove the DPS requirement (see paragraph 4.18 below).
- 4.3 Any premises at which alcohol is sold or supplied where the requirement for a personal licence holder does apply may employ one or more such licence holders. For example, there may be one owner or senior manager and several junior managers holding a personal licence. However, the requirement that every sale of alcohol must at least be authorised by a personal licence holder does not mean that the licence holder has to attend or oversee each sale; it is sufficient that such sales are authorised. It should be noted that there is no requirement to have a DPS in relation to a Temporary Event Notice (TEN) or club premises certificate, and sales or supplies of alcohol authorised by a TEN or club premises certificate do not need to be authorised by a personal licence holder.

Who can apply?

- 4.4 In the case of an application for a personal licence under Part 6 of the 2003 Act, the requirements are that:
- the applicant must be aged 18 or over;
 - the applicant possesses a licensing qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent) or is a person as prescribed in the Licensing Act 2003 (Personal licences) Regulations 2005²);
 - the applicant must not have forfeited a personal licence within five years of their application;
 - the applicant has paid the appropriate fee to the licensing authority; and
 - in a case in which the applicant has an unspent conviction for a relevant offence or a foreign offence, the police have not objected to the grant of the application on crime prevention grounds or the licensing authority has considered their objection but determined that the grant of the application will not undermine the crime prevention objective.

2 Currently persons prescribed in regulations are: a member of the company of the Master, Wardens, Freemen and Commonalty of the Mystery of the Vintners of the City of London; a person operating under a licence granted by the University of Cambridge; or a person operating premises under a licence granted by the Board of the Green Cloth.

- 4.5 Any individual may apply for a personal licence whether or not they are currently employed or have business interests associated with the use of the licence. The issues which arise when the holder of a personal licence becomes associated with particular licensed premises and is specified as the DPS for those premises are dealt with at paragraphs 4.20 to 4.27 below. Licensing authorities may not therefore take these matters into account when considering an application for a personal licence.

Criminal record

- 4.6 Regulations made under the 2003 Act require that, in order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, an applicant for the grant or renewal of personal licence must include a criminal conviction certificate, a criminal record certificate or the results of a subject access search of the Police National Computer by the National Identification Service to the licensing authority.
- 4.7 The requirement for an individual to establish whether or not they have unspent convictions for a relevant offence or foreign offence applies whether or not the individual has been living for a length of time in a foreign jurisdiction. It does not follow that such individuals will not have recorded offences in this country. All applicants are also required to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence. This applies both to applicants ordinarily resident in England and Wales and any person from a foreign jurisdiction. Details of relevant offences as set out in the 2003 Act should be appended to application forms for the information of applicants, together with a clear warning that making any false statement is a criminal offence liable to prosecution.
- 4.8 Licensing authorities are required to notify the police when an applicant is found to have an unspent conviction for a relevant offence defined in the 2003 Act or for a foreign offence. The police have no involvement or locus in such applications until notified by the licensing authority.
- 4.9 Where an applicant has an unspent conviction for a relevant or foreign offence, and the police object to the application on crime prevention grounds, the applicant is entitled to a hearing before the licensing authority. If the police do not issue an objection notice and the application otherwise meets the requirements of the 2003 Act, the licensing authority must grant it.
- 4.10 A number of relevant offences never become spent. However, where an applicant is able to demonstrate that the offence in question took place so long ago and that the applicant no longer has a propensity to re-offend, a licensing authority may consider that it is appropriate to grant the application on the basis that doing so would not undermine the crime prevention objective.
- 4.11 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice, the chief officer of police is entitled to appeal against the licensing authority's determination. Licensing authorities are therefore expected to record in full the reasons for any decision which they make.

Issuing of personal licences by welsh licensing authorities

- 4.12 All application forms in Wales should be bilingual. Proceedings before a court must be capable of being conducted in Welsh at the request of the applicant. There is a panel of Welsh speaking magistrates so this can be arranged if necessary. Licensing authorities in Wales should consider issuing personal licences in a bilingual format.

Licensing qualifications

- 4.13 Details of licensing qualifications accredited by the Secretary of State will be notified to licensing authorities and the details may be viewed on the GOV.UK website.

Relevant licensing authority

- 4.14 Personal licences are valid for ten years unless surrendered, suspended, revoked or declared forfeit by the courts. Once granted, the licensing authority which issued the licence remains the “relevant licensing authority” for it and its holder, even though the individual may move out of the area or take employment elsewhere. The personal licence itself will give details of the issuing licensing authority.

Changes in name or address

- 4.15 The holder of the licence is required by the 2003 Act to notify the licensing authority of any changes of name or address. These changes should be recorded by the licensing authority. The holder is also under a duty to notify any convictions for relevant offences to the licensing authority and the courts are similarly required to inform the licensing authority of such convictions, whether or not they have ordered the suspension or forfeiture of the licence. The holder must also notify the licensing authority of any conviction for a foreign offence. These measures ensure that a single record will be held of the holder’s history in terms of licensing matters.
- 4.16 The 2003 Act authorises the provision and receipt of such personal information to such agencies for the purposes of that Act.

Renewal

- 4.17 Renewal of the personal licence every ten years provides an opportunity to ensure that the arrangements ensuring that all convictions for relevant and foreign offences have been properly notified to the relevant licensing authority have been effective, and that all convictions have been properly endorsed upon the licence. It also provides an opportunity to ensure that the photograph of the holder on the personal licence is updated to aid identification.

Specification of new designated premises supervisors

- 4.18 Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises

which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act. Guidance on such applications is set out in paragraphs 4.33 to 4.46 of this Guidance.

- 4.19 The Government considers it essential that police officers, fire officers or officers of the licensing authority can identify immediately the DPS so that any problems can be dealt with swiftly. For this reason, the name of the DPS and contact details must be specified on the premises licence and this must be held at the premises and displayed in summary form.
- 4.20 To specify a DPS, the premises licence holder should normally submit an application to the licensing authority (which may include an application for immediate interim effect) with:
- a form of consent signed by the individual concerned to show that they consent to taking on this responsible role, and
 - the relevant part (Part A) of the licence.
- 4.21 If they are applying in writing, they must also notify the police of the application. If the application is made electronically via GOV.UK or the licensing authority's own electronic facility, the licensing authority must notify the police no later than the first working day after the application is given.
- 4.22 The premises licence holder must notify the existing DPS (if there is one) of the application on the same day as the application is given to the licensing authority. This requirement applies regardless of whether the application was given by means of an electronic facility, or by some other means.
- 4.23 The general guidance in Chapter 8 on electronic applications applies in respect of new applications.
- 4.24 Only one DPS may be specified in a single premises licence, but a DPS may supervise two or more premises as long as the DPS is able to ensure that the licensing objectives are properly promoted and that each premises complies with licensing law and licence conditions.
- 4.25 Where there are frequent changes of DPS, the premises licence holder may submit the form in advance specifying the date when the new individual will be in post and the change will take effect.

Police objections to new designated premises supervisors

- 4.26 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.
- 4.27 Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.

4.28 The portability of personal licences between premises is an important concept under the 2003 Act. It is expected that police objections would arise in only genuinely exceptional circumstances. If a licensing authority believes that the police are routinely objecting to the designation of new premises supervisors on grounds which are not exceptional, they should raise the matter with the chief officer of police as a matter of urgency.

Police objections to existing designated premises supervisors

4.29 The 2003 Act also provides for the suspension and forfeiture of personal licences by the courts following convictions for relevant offences, including breaches of licensing law. The police can at any stage after the appointment of a DPS seek a review of a premises licence on any grounds relating to the licensing objectives if problems arise relating to the performance of a DPS. The portability of personal licences is also important to industry because of the frequency with which some businesses move managers from premises to premises. It is not expected that licensing authorities or the police should seek to use the power of intervention as a routine mechanism for hindering the portability of a licence or use hearings of this kind as a fishing expedition to test out the individual's background and character. It is expected that such hearings should be rare and genuinely exceptional.

Convictions and liaison with the courts

- 4.30 Where a personal licence holder is convicted by a court for a relevant offence, the court is under a duty to notify the relevant licensing authority of the conviction and of any decision to order that the personal licence is suspended or declared forfeit. The sentence of the court has immediate effect despite the fact that an appeal may be lodged against conviction or sentence (although the court may suspend the forfeiture or suspension of the licence pending the outcome of any appeal).
- 4.31 When the licensing authority receives such a notification, it should contact the holder and request the licence so that the necessary action can be taken. The holder must then produce the relevant licence to the authority within 14 days. It is expected that the chief officer of police for the area in which the holder resides would be advised if they do not respond promptly. The licensing authority should record the details of the conviction, endorse them on the licence, together with any period of suspension and then return the licence to the holder. If the licence is declared forfeit, it should be retained by the licensing authority.

Relevant offences

4.32 Relevant offences are set out in Schedule 4 to the 2003 Act.

Disapplication of certain mandatory conditions for community premises

4.33 The 2003 Act was amended in 2009 to allow certain community premises which have, or are applying for, a premises licence that authorises alcohol sales to also apply to include the alternative licence condition in sections 25A(2) and 41D(3) ("the alternative licence condition") of that Act in the licence instead of the usual mandatory conditions in sections 19(2) and 19(3). Such an application may only be made if the licence holder is, or is to

be, a committee or board of individuals with responsibility for the management of the premises (the “management Committee”). If such an application is successful, the effect of the alternative licence condition will be that the licence holder (i.e. the management committee) is responsible for the supervision and authorisation of all alcohol sales authorised by the licence. All such sales will have to be made or authorised by the licence holder. There will be no requirement for a DPS or for alcohol sales to be authorised by a personal licence holder.

- 4.34 Community premises are defined as premises that are or form part of a church hall, chapel hall or other similar building; or a village hall, parish hall or community hall or other similar building.
- 4.35 The process requires the completion of a form which is prescribed in regulations made under the 2003 Act. Where the management committee of a community premises is applying for authorisation for the sale of alcohol for the first time, it should include the form with the new premises licence application or the premises licence variation application. No extra payment is required beyond the existing fee for a new application or a variation.
- 4.36 Where a community premises already has a premises licence to sell alcohol, but wishes to include the alternative licence condition in place of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act, it should submit the form on its own together with the required fee.

Definition of community premises

- 4.37 In most instances, it should be self evident whether a premises is, or forms part of a church hall, chapel hall or other similar building; or a village hall, parish hall, community hall or other similar building.
- 4.38 Licensing authorities may have previously taken a view on how to determine whether a premises meets the definition of community premises for the purpose of the fee exemptions set out in regulation 9(2)(b) of the Licensing Act 2003 (Fees) Regulations 2005 (SI 2005/79). As the criteria are the same, premises that qualify for these fee exemptions for regulated entertainment will also be “community premises” for present purposes.
- 4.39 Where it is not clear whether premises are “community premises”, licensing authorities will need to approach the matter on a case-by-case basis. The main consideration in most cases will be how the premises are predominately used. If they are genuinely made available for community benefit most of the time, and accessible by a broad range of persons and sectors of the local community for purposes which include purposes beneficial to the community as a whole, the premises will be likely to meet the definition.
- 4.40 Many community premises such as school and private halls are available for private hire by the general public. This fact alone would not be sufficient for such halls to qualify as “community premises”. The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use, and not only at the usefulness of the premises for members of the community for private purposes.
- 4.41 If the general use of the premises is contingent upon membership of a particular organisation or organisations, this would strongly suggest that the premises in question are not a “community premises” within the definition. However, the hire of the premises to individual organisations and users who restrict their activities to their own members and guests would not necessarily conflict with the status of the premises as a “community premises”, provided the premises are generally available for use by the community in the

sense described above. It is not the intention that qualifying clubs, which are able to apply for a club premises certificate, should instead seek a premises licence with the removal of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act relating to the supply of alcohol.

Management of the premises

- 4.42 Sections 25A(1) and 41D(1) and (2) of the 2003 Act allow applications by community premises to apply the alternative licence condition rather than the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act only where the applicant for the licence is the management committee of the premises in question. In addition, sections 25A(6) and 41D(5) require the licensing authority to be satisfied that the arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.
- 4.43 The reference to a “committee or board of individuals” is intended to cover any formally constituted, transparent and accountable management committee or structure. Such a committee should have the capacity to provide sufficient oversight of the premises to minimise any risk to the licensing objectives that could arise from allowing the responsibility for supervising the sale of alcohol to be transferred from a DPS and personal licence holder or holders. This could include management committees, executive committees and boards of trustees.
- 4.44 The application form requires applicants to set out how the premises is managed, its committee structure and how the supervision of alcohol sales is to be ensured in different situations (e.g. when the hall is hired to private parties) and how responsibility for this is to be determined in individual cases and discussed within the committee procedure in the event of any issues arising. The application form requires that the community premises submit copies of any constitution or other management documents with their applications and that they provide the names of their key officers. Where the management arrangements are less clear, licensing authorities may wish to ask for further details to confirm that the management board or committee is properly constituted and accountable before taking a decision on whether to grant the application (subject to the views of the police). Community premises may wish to check with the licensing authority before making an application. The management committee is strongly encouraged to notify the licensing authority if there are key changes in the committee’s composition and to submit a copy to the chief officer of police. A failure to do so may form the basis of an application to review the premises licence, or be taken into account as part of the consideration of such an application.
- 4.45 As the premise licence holder, the management committee will collectively be responsible for ensuring compliance with licence conditions and the law (and may remain liable to prosecution for one of the offences in the 2003 Act) although there would not necessarily be any individual member always present at the premises. While overall responsibility will lie with the management committee, where the premises are hired out the hirer may be clearly identified as having responsibility for matters falling within his or her control (e.g. under the contract for hire offered by the licence holder), much in the same way that the event organiser may be responsible for an event held under a Temporary Event Notice. Where hirers are provided with a written summary of their responsibilities under the 2003 Act in relation to the sale of alcohol, the management committee is likely to be treated as having taken adequate steps to avoid liability to prosecution if a licensing offence is committed.

4.46 As indicated above, sections 25A(6) and 41D(5) of the 2003 Act require the licensing authority to consider whether the arrangements for the management of the premises by the committee are sufficient to ensure adequate supervision of the supply of alcohol on the premises. Where private hire for events which include the sale of alcohol is permitted by the licence, it would be necessary to have an effective hiring agreement. Licensing authorities may wish to consider model hiring agreements that have been made available by organisations such as ACRE and Community Matters. Such model agreements can be revised to cater for the circumstances surrounding each hire arrangement; for example to state that the hirer is aware of the licensing objectives and offences in the 2003 Act and will ensure that it will take all appropriate steps to ensure that no offences are committed during the period of the hire.

Police views

4.47 In exceptional circumstances, the chief officer of police for the area in which the community premises is situated can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder, and any responsible authority or other person can seek reinstatement of the mandatory conditions through a review of the licence (as provided in section 52A of the 2003 Act). The police will want to consider any history of incidents at an establishment in light of the actual or proposed management arrangements, include the use of appropriate hire agreements. If the chief officer of police issues a notice seeking the refusal of the application to include the alternative licence condition, the licensing authority must hold a hearing in order to reach a decision on whether to grant the application.

Appeals

4.48 Where the chief officer of police has made relevant representations against the inclusion of the alternative licence condition, or given a notice under section 41D(6) which was not withdrawn, the chief officer of police can appeal the decision of the licensing authority to allow the inclusion of the alternative licence condition. Similarly, a community premises can appeal a decision by the licensing authority to refuse to include the alternative licence condition following a hearing triggered by relevant representations or by a notice given under section 41D(6). Following a review of the licence in which the mandatory conditions are reinstated, the licence holder may appeal against the decision. If the alternative licence condition is retained on review, the applicant for the review or any person who made relevant representations may appeal against the decision.

5. Who needs a premises licence?

- 5.1 A premises licence authorises the use of any premises (which is defined in the 2003 Act as a vehicle, vessel or moveable structure or any place or a part of any premises) for licensable activities defined in section 1 of the 2003 Act.

Relevant parts of Act

- 5.2 In determining whether any premises should be licensed, the following parts of the 2003 Act are relevant:

Relevant part of Act	Description
Section 1	Outlines the licensable activities.
Part 3	Provisions relating to premises licences.
Part 4	Provisions for qualifying clubs.
Section 173	Activities in certain locations which are not licensable.
Section 174	Premises that may be exempted on grounds of national security.
Section 175	Exemption for incidental non-commercial lottery (e.g. a minor raffle or tombola).
Section 176	Prohibits the sale of alcohol at motorway service areas; and restricts the circumstances in which alcohol may be sold at garages.
Section 189	Special provision in relation to the licensing of vessels, vehicles and moveable structures.
Section 190	Where the place where a contract for the sale of alcohol is made is different from the place where the alcohol is appropriated to the contract, the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract.
Section 191	Defines “alcohol” for the purposes of the 2003 Act.
Section 192	Defines the meaning of “sale by retail”.
Section 193	Defines among other things “premises”, “vehicle”, “vessel” and “wine”.
Schedules 1 and 2	Provision of regulated entertainment and provision of late night refreshment.

- 5.3 Section 191 provides the meaning of “alcohol” for the purposes of the 2003 Act. It should be noted that a wide variety of foodstuffs contain alcohol but generally in a highly diluted form when measured against the volume of the product. For the purposes of the 2003 Act, the sale or supply of alcohol which is of a strength not exceeding 0.5 per cent ABV (alcohol by volume) at the time of the sale or supply in question is not a licensable activity. However, where the foodstuff contains alcohol at greater strengths, for example, as with some alcoholic jellies, the sale would be a licensable activity.

Premises licensed for gambling

- 5.4 Gambling is the subject of separate legislation and licensing authorities should not duplicate any conditions imposed by this legislation when granting, varying or reviewing licences that authorise licensable activities under the 2003 Act. When making a licence application, the applicant may, in detailing the steps to be taken in promoting the licensing objectives, refer to the statutory conditions in respect of their gambling licence (where relevant). In addition, any conditions which are attached to premises licences should not prevent the holder from complying with the requirements of gambling legislation or supporting regulations. Further information about the Gambling Act 2005 can be found on the GOV.UK website.

Designated sports grounds, designated sports events and major outdoor sports stadia

- 5.5 Outdoor sports stadia are regulated by separate legislation and sports events taking place at outdoor stadia do not fall within the definition of the provision of regulated entertainment under the 2003 Act, with the exception of boxing or wrestling entertainment (see 15.34 -15.35). Licensing authorities should therefore limit their consideration of applications for premises licences to activities that are licensable under the 2003 Act.
- 5.6 Major stadia will often have several bars and restaurants, including bars generally open to all spectators as well as bars and restaurants to which members of the public do not have free access. Alcohol may also be supplied in private boxes and viewing areas. A premises licence may make separate arrangements for public and private areas or for restaurant areas on the same premises. It may also designate areas where alcohol may not be consumed at all or at particular times.
- 5.7 Licensing authorities should be aware that paragraphs 98 and 99(c) of Schedule 6 to the 2003 Act and the repeals of section 2(1A) and section 5A of the Sporting Events (Control of Alcohol etc.) Act 1985 have not been commenced because their effect would have been different from that which Parliament had intended.

Sports stadia with roofs that open and close

- 5.8 Major sports grounds with roofs that open and close do not fall within the definition of an “indoor sporting event” under the 2003 Act. As a result, events taking place in these stadia are not ‘regulated entertainment’ and are not licensable under the 2003 Act.

Vessels

- 5.9 The 2003 Act applies to vessels (including ships and boats) as if they were premises. A vessel which is not permanently moored or berthed is treated as if it were premises situated in a place where it is usually moored or berthed. The relevant licensing authority for considering an application for a premises licence for a vessel is therefore the licensing authority for the area in which it is usually moored or berthed.
- 5.10 However, an activity is not a licensable activity if it takes place aboard a vessel engaged on an international journey. An “international journey” means a journey from a place in the United Kingdom to an immediate destination outside the United Kingdom or a journey from outside the United Kingdom to an immediate destination in the United Kingdom.

- 5.11 If a vessel is not permanently moored and carries more than 12 passengers it is a passenger ship and will be subject to safety regulation by the Maritime and Coastguard Agency (MCA).
- 5.12 When a licensing authority receives an application for a premises licence in relation to a vessel, it should consider the promotion of the licensing objectives, but should not focus on matters relating to safe navigation or operation of the vessel, the general safety of passengers, or emergency provision; all of which are subject to regulations which must be met before the vessel is issued with its Passenger Certificate and Safety Management Certificate.
- 5.13 If the MCA is satisfied that the vessel complies with Merchant Shipping standards for a passenger ship, the premises should normally be accepted as meeting the public safety objective. In relation to other public safety aspects of the application, representations made by the MCA on behalf of the Secretary of State should be given particular weight.
- 5.14 If a vessel, which is not permanently moored and carries no more than 12 passengers, goes to sea, it will be subject to the Code of Practice for the Safety of Small Commercial Sailing Vessels. This code sets the standards for construction, safety equipment and manning for these vessels and MCA will be able to confirm that it has a valid safety certificate.
- 5.15 If a vessel carries no more than 12 passengers and does not go to sea, it may be regulated or licensed by the competent harbour authority, navigation authority or local authority. The recommended standards for these vessels are set out in the (non-statutory) Inland Waters Small Passenger Boat Code, which provides best practice guidance on the standards for construction, safety equipment and manning. Some authorities may use their own local rules. MCA has no direct responsibility for these vessels and will not normally comment on a premises licence application.

International airports and ports

- 5.16 Under the 2003 Act, the Secretary of State may 'designate' a port, hoverport or airport with a substantial amount of international traffic so that an activity carried on there is not licensable. The Secretary of State may also preserve existing designations made under earlier legislation.
- 5.17 Areas at designated ports which are "airside" or "wharveside" are included in the exemption in the 2003 Act from the licensing regime. The non-travelling public does not have access to these areas and they are subject to stringent bye-laws. The exemption allows refreshments to be provided to travellers at all times of the day and night. Other parts of designated ports, hoverports and airports are subject to the normal licensing controls.

Vehicles

- 5.18 Under the 2003 Act, alcohol may not be sold on a moving vehicle and the vehicle may not be licensed for that purpose. However, licensing authorities may consider applications for the sale of alcohol from a parked or stationary vehicle. For example, mobile bars could sell alcohol at special events as long as they were parked. Any permission granted would relate solely to the place where the vehicle is parked and where sales are to take place.
- 5.19 The provision of any entertainment on premises consisting of or forming part of any vehicle while it is in motion and not permanently or temporarily parked is not regulated entertainment for the purposes of the 2003 Act.

Trains and aircraft

5.20 Railway vehicles and aircraft engaged on journeys are exempted from the requirement to have an authorisation to carry on licensable activities (although a magistrates' court can make an order to prohibit the sale of alcohol on a railway vehicle if this is appropriate to prevent disorder). Licensing authorities should note that some defunct aircraft and railway carriages remain in a fixed position and are used as restaurants and bars. These premises are subject to the provisions of the 2003 Act.

Garages and motorway service areas

5.21 Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used as a garage if they are used for one or more of the following:

- the retailing of petrol;
- the retailing of derv;
- the sale of motor vehicles; and
- the maintenance of motor vehicles.

5.22 The licensing authority must decide whether or not premises are used primarily as a garage. The accepted approach is based on "intensity of use" to establish "primary use". For example, if a garage shop in any rural area is used more intensely by customers purchasing other products than by customers purchasing the products or services listed above, it may be eligible to seek authority to sell or supply alcohol.

5.23 Where there is insufficient evidence to establish primary use, it is for the licensing authority to decide whether to grant the licence and deal with any issues through enforcement action and it may be able to use its case management powers to enable further evidence to be obtained.

Large scale time-limited events requiring premises licences

5.24 Licensing authorities should note that a premises licence may be sought for a short, discrete period. The 2003 Act provides that a temporary event notice is subject to various limitations (see Chapter 7 of this Guidance). The temporary provision of licensable activities that fall outside these limits will require the authority of a premises licence if the premises are currently unlicensed for the activities involved.

5.25 The procedures for applying for and granting such a licence are identical to those for an unlimited duration premises licence except that it should be stated on the application that the applicant's intention is that the period of the licence should be limited. Licensing authorities should clearly specify on such a licence when it comes into force and when it ceases to have effect. If the sale of alcohol is involved, a personal licence holder must be specified as the designated premises supervisor.

6. Club premises certificates

6.1 This Chapter covers the administration of the processes for issuing, varying, and reviewing club premises certificates and other associated procedures.

General

- 6.2 Clubs are organisations where members have joined together for particular social, sporting or political purposes. They may then combine to buy alcohol in bulk as members of the organisation to supply in the club.
- 6.3 Technically the club only sells alcohol by retail at such premises to guests. Where members purchase alcohol, there is no sale (as the member owns part of the alcohol stock) and the money passing across the bar is merely a mechanism to preserve equity between members where one may consume more than another.
- 6.4 Only 'qualifying' clubs may hold club premises certificates. In order to be a qualifying club, a club must have at least 25 members and meet the conditions set out below. The grant of a club premises certificate means that a qualifying club is entitled to certain benefits. These include:
- the authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence;
 - the authority to provide late night refreshment to members of the club without requiring additional authorisation;
 - more limited rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public;
 - exemption from police powers of instant closure on grounds of disorder and noise nuisance (except when being used under the authority of a temporary event notice or premises licence) because they operate under their codes of discipline and rules; and
 - exemption from orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected.
- 6.5 Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for profit. These require a premises licence and are not qualifying clubs.
- 6.6 A qualifying club will be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. Instant membership is not permitted and members must wait at least two days between their application and their admission to the club. A qualifying club may choose to apply for a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them. However, an individual on behalf of a club may give temporary event notices. See Chapter 7.
- 6.7 The 2003 Act does not prevent visitors to a qualifying club being supplied with alcohol as long as they are 'guests' of any member of the club or the club collectively, and nothing in the 2003 Act prevents the admission of such people as guests without prior notice. The

2003 Act does not define “guest” and whether or not somebody is a genuine guest would in all cases be a question of fact.

- 6.8 There is no mandatory requirement under the 2003 Act for guests to be signed in by a member of the club. However, a point may be reached where a club is providing commercial services to the general public in a way that is contrary to its qualifying club status. It is at this point that the club would no longer be conducted in “good faith” and would no longer meet “general condition 3” for qualifying clubs in section 62 of the 2003 Act. Under the 2003 Act, the licensing authority must decide when a club has ceased to operate in “good faith” and give the club a notice withdrawing the club premises certificate. The club is entitled to appeal against such a decision to a magistrates’ court. Unless the appeal is successful, the club would need to apply for a premises licence to authorise licensable activities taking place there.

Qualifying conditions

- 6.9 Section 62 of the 2003 Act sets out five general conditions which a relevant club must meet to be a qualifying club. Section 63 also sets out specified matters for licensing authorities to enable them to determine whether a club is established and conducted in good faith – the third qualifying condition. Section 64 sets out additional conditions which only need to be met by clubs intending to supply alcohol to members and guests. Section 90 of the 2003 Act gives powers to the licensing authority to issue a notice to a club withdrawing its certificate where it appears that it has ceased to meet the qualifying conditions. There is a right of appeal against such a decision.

Associate members and guests

- 6.10 As well as their own members and guests, qualifying clubs are also able to admit associate members and their guests (i.e. members and guests from another ‘recognised club’ as defined by section 193 of the 2003 Act) to the club premises when qualifying club activities are being carried on without compromising the use of their club premises certificate.

Applications for the grant or variation of club premises certificates

- 6.11 The arrangements for applying for or seeking to vary club premises certificates are extremely similar to those for a premises licence. Clubs may also use the minor variation process to make small changes to their certificates as long as these could have no adverse impact on the licensing objectives. Licensing authorities should refer to Chapter 8 of this Guidance on the handling of such applications.
- 6.12 In addition to a plan of the premises and a club operating schedule, clubs must also include the rules of the club with their application (as well as making a declaration to the licensing authority in accordance with regulations made under the 2003 Act). On notifying any alteration to these rules to the licensing authority, the club is required to pay a fee set down in regulations. Licensing authorities cannot require any changes to the rules to be made as a condition of receiving a certificate unless relevant representations have been made. However, if a licensing authority is satisfied that the rules of a club indicate that it does not meet the qualifying conditions in the 2003 Act, a club premises certificate should not be granted.

Steps needed to promote the licensing objectives

- 6.13 Club operating schedules prepared by clubs, must include the steps the club intends to take to promote the licensing objectives. These will be translated into conditions included in the certificate, unless the conditions have been modified by the licensing authority following consideration of relevant representations. Guidance on these conditions is given in Chapter 10 of this Guidance.

7. Temporary Event Notices (TENs)

- 7.1 This Chapter covers the arrangements in Part 5 of the 2003 Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or club premises certificate.

General

- 7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).
- 7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and “local authority exercising environmental health functions” (“EHA”) at least ten working days before the event (although a premises user may give a limited number of TENs to the licensing authority less than 10 working days before the event to which they relate). “Working day” under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, the 2003 Act defines a “day” as a period of 24 hours beginning at midnight.
- 7.4 If a TEN is sent electronically via GOV.UK or the licensing authority’s own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.
- 7.5 The police or “local authority exercising environmental health functions” (“EHA”) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. The police or EHA (“relevant persons” for the purposes of TENs) may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.31-7.35 below). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded.
- 7.6 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

Limitations

- 7.7 A number of limitations are imposed on the use of TENs by the 2003 Act. The limitations apply to:
- the number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
 - the number of times a TEN may be given for any particular premises (12 times in a calendar year);
 - the maximum duration of an event authorised by a TEN is 168 hours (seven days);
 - the maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year);
 - the maximum number of people attending at any one time (fewer than 500); and
 - the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).
- 7.8 Any associate, relative or business partner of the premises user is considered to be the same premises user in relation to these restrictions. The 2003 Act defines an associate, in relation to the premises user, as being:
- the spouse or civil partner of that person;
 - a child, parent, grandchild, grandparent, brother or sister of that person;
 - an agent or employee of that person; or
 - the spouse or civil partner of a person listed in either of the two preceding bullet points.
- 7.9 A person living with another person as their husband or wife, is treated for these purposes as their spouse. ‘Civil partner’ has its meaning in the Civil Partnership Act 2004.
- 7.10 A TEN that is given and subsequently withdrawn by the TEN user can be included within the limits of the numbers of TENS allowed in a given calendar year. The limits for the number of TENs that may be given include a combination of both “standard” and “late” TENs.
- 7.11 Proposed activities that exceed these limits will require a premises licence or club premises certificate.
- 7.12 TENs may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.
- 7.13 In determining whether the maximum total duration of the periods covered by TENs at any individual premises has exceeded 21 days, an event beginning before midnight and continuing into the next day would count as two days towards the 21-day limitation.
- 7.14 There is nothing in the 2003 Act to prevent notification of multiple events at the same time, provided the first event is at least ten working days away (or five working days away in the case of a late TEN). For example, an individual personal licence holder wishing to exhibit and sell beer at a series of farmers’ markets may wish to give several notices simultaneously. However, this would only be possible where the events are to take place in the same licensing authority (and police area) and the limits are not exceeded in the case of each notice.

Who can give a temporary event notice?

Personal licence holders

- 7.15 A personal licence holder can give a TEN at any premises on up to 50 occasions in a calendar year. This limit is inclusive of any late TENs given in the same year. The use of each TEN must of course observe the limits described above, including the limit of 12 TENs in respect of each premises in a calendar year.

Non-personal licence holders

- 7.16 The 2003 Act provides that any individual aged 18 or over may give a TEN whether or not that individual holds a personal licence. Such an individual will not, therefore, have met the requirements that apply to a personal licence holder under Part 6 of the 2003 Act. Where alcohol is not intended to be sold, this should not matter. However, many events will involve a combination of licensable activities. In the absence of a premises user holding a personal licence, the 2003 Act limits the number of notices that may be given by any non-personal licence holder to five occasions in a calendar year (this limit is inclusive of any late TENs in the same year). In every other respect, the Guidance and information set out in the paragraphs above applies.

Standard and late temporary event notices

- 7.17 There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

Standard temporary event notices

- 7.18 “Ten working days” (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event. A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
- 7.19 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives. Where an objection is given, there is provision under section 106 of the 2003 Act for the police or EHA to agree with the premises user to modify the TEN (see paragraph 7.36 below).
- 7.20 Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them.

Late temporary event notices

- 7.21 Late TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. However, late TENs may, of course, be given in any circumstances providing the limits specified at paragraph 7.7 are not exceeded.

- 7.22 For a standard TEN, the police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives. However, if there is an objection to a late TEN from either the police or EHA, the event will not go ahead. In these circumstances there is no scope for a hearing or the application of any existing conditions. There is no scope under the 2003 Act for the modification of a late TEN as is possible in relation to a standard TEN.
- 7.23 Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and EHA. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised. The number of late TENs that can be given in a calendar year is limited to ten for personal licence holders and two for non-personal licence holders. Late TENs count towards the total number of permitted TENs (for example, the limit of five TENs per year for non-personal licence holders and 50 TENs for personal licence holders). Once these limits have been reached, the licensing authority should issue a counter notice (permitted limits) if any more are given.

Role of the licensing authority

- 7.24 The licensing authority must check that the limitations set down in Part 5 of the 2003 Act are being observed and intervene if they are not (see paragraph 7.7). For example, a TEN would be void unless there is a minimum of 24 hours between events notified by the same premises user, or an associate or someone who is in business with the relevant premises user in respect of the same premises. This is to prevent evasion of the seven-day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. In addition, for these purposes, a TEN is treated as being from the same premises user if it is given by an associate.
- 7.25 Where the application is not within the statutory parameters described earlier, the licensing authority will issue a counter notice to the premises user.
- 7.26 Where the TEN is in order, the relevant fee paid, the event falls within the prescribed limits and there has been no objection from the police or EHA on the basis of any of the four licensing objectives, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically).
- 7.27 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.
- 7.28 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for

example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.

- 7.29 In the case of an event authorised by a TEN, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user would be liable to prosecution.
- 7.30 Section 8 of the 2003 Act requires licensing authorities to keep a register containing certain matters, including a record of TENs received. There is no requirement to record all the personal information given on a TEN.

Police and environmental health intervention

- 7.31 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.32 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.
- 7.33 The police and EHA have the right under sections 109(5) and (6) of the 2003 Act to request the premises user to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance be expected or arise.
- 7.34 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 give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.
- 7.35 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead. If the police, EHA or both give an objection to a late TEN, the TEN will not be valid.

Modification

- 7.36 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree.

Applying conditions to a ten

- 7.37 The 2003 Act provides that only the licensing authority can impose conditions from the existing conditions on the premises licence or club premises certificate to a TEN. The licensing authority can only do so:
- if the police or the EHA have objected to the TEN;
 - if that objection has not been withdrawn;
 - there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
 - and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.
- 7.38 This decision is one for the licensing authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

Hearings to impose conditions

- 7.39 Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary. If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN.

8. Applications for premises licences

Relevant licensing authority

- 8.1 Premises licences are issued by the licensing authority in which the premises are situated or, in the case of premises straddling an area boundary, the licensing authority where the greater part of the premises is situated. Where the premises is located equally in two or more areas, the applicant may choose but, in these rare cases, it is important that each of the licensing authorities involved maintain close contact.
- 8.2 Section 13 of the 2003 Act defines the parties holding important roles in the context of applications, inspection, monitoring and reviews of premises licences.

Authorised Persons

- 8.3 The first group –“authorised persons”– are bodies empowered by the 2003 Act to carry out inspection and enforcement roles. The police are not included because they are separately empowered by the 2003 Act to carry out their duties.
- 8.4 For all premises, the authorised persons include:
- officers of the licensing authority;
 - fire inspectors;
 - inspectors with responsibility in the licensing authority’s area for the enforcement of the Health and Safety at Work etc Act 1974 etc; and
 - officers of the local authority exercising environmental health functions.
- 8.5 Local authority officers will most commonly have responsibility for the enforcement of health and safety legislation, but the Health and Safety Executive is responsible for certain premises. In relation to vessels, authorised persons also include an inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995. These would normally be officers acting on behalf of the Maritime and Coastguard Agency. The Secretary of State may prescribe other authorised persons by means of regulations, but has not currently prescribed any additional bodies. If any are prescribed, details will be made available on the GOV.UK website.

Responsible authorities

- 8.6 The second group –“responsible authorities”– are public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence. These representations must still be considered ‘relevant’ by the licensing authority and relate to one or more of the licensing objectives. For all premises, responsible authorities include:
- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
 - the chief officer of police;
 - the local fire and rescue authority;

- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority's Director of Public Health (DPH) in England³ and Local Health Boards (in Wales); and
- the local weights and measures authority (trading standards).

- 8.7 The licensing authority should indicate in its statement of licensing policy which body it recognises to be competent to advise it on the protection of children from harm. This may be the local authority social services department, the Local Safeguarding Children Board or another competent body. This is important as applications for premises licences have to be copied to the responsible authorities in order for them to make any representations they think are relevant.
- 8.8 In relation to a vessel, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated when being used for licensable activities; the Environment Agency; the Canal and River Trust; and the Secretary of State (who in practice acts through the Maritime and Coastguard Agency (MCA)). In practice, the Environment Agency and the Canal and River Trust only have responsibility in relation to vessels on waters for which they are the navigation statutory authority.
- 8.9 The MCA is the lead responsible authority for public safety, including fire safety, affecting passenger ships (those carrying more than 12 passengers) wherever they operate and small commercial vessels (carrying no more than 12 passengers) which go to sea. The safety regime for passenger ships is enforced under the Merchant Shipping Acts by the MCA which operates certification schemes for these vessels. Fire and rescue authorities, the Health and Safety Executive and local authority health and safety inspectors should normally be able to make "nil" returns in relation to such vessels and rely on the MCA to make any appropriate representations in respect of this licensing objective.
- 8.10 Merchant Shipping legislation does not, however, apply to permanently moored vessels. So, for example, restaurant ships moored on the Thames Embankment, with permanent shore connections should be considered by the other responsible authorities concerned with public safety, including fire safety. Vessels carrying no more than 12 passengers which do not go to sea are not subject to MCA survey and certification, but may be licensed by the local port or navigation authority.
- 8.11 The Secretary of State may prescribe other responsible authorities by means of regulations. Any such regulations are published on the Government's legislation website: www.legislation.gov.uk

Other persons

- 8.12 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for

³ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous, vexatious and repetitious representations.

- 8.13 Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

Who can apply for a premises licence?

- 8.14 Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period.
- 8.15 "A person" in this context includes, for example, a business or a partnership. Licensing authorities should not require the nomination of an individual to hold the licence or determine the identity of the most appropriate person to hold the licence.
- 8.16 In considering joint applications (which is likely to be a rare occurrence), it must be stressed that under section 16(1)(a) of the 2003 Act each applicant must be carrying on a business which involves the use of the premises for licensable activities. In the case of public houses, this would be easier for a tenant to demonstrate than for a pub owning company that is not itself carrying on licensable activities. Where licences are to be held by businesses, it is desirable that this should be a single business to avoid any lack of clarity in accountability.
- 8.17 A public house may be owned, or a tenancy held, jointly by a husband and wife, civil partners or other partnerships of a similar nature, and both may be actively involved in carrying on the licensable activities. In these cases, it is entirely possible for the husband and wife or the partners to apply jointly as applicant for the premises licence, even if they are not formally partners in business terms. This is unlikely to lead to the same issues of clouded accountability that could arise where two separate businesses apply jointly for the licence. If the application is granted, the premises licence would identify the holder as comprising both names and any subsequent applications, for example for a variation of the licence, would need to be made jointly.
- 8.18 A wide range of other individuals and bodies set out in section 16 of the 2003 Act may apply for premises licences. They include, for example, Government Departments, local authorities, hospitals, schools, charities or police forces. In addition to the bodies listed in section 16, the Secretary of State may prescribe by regulations other bodies that may apply and any such regulations are published on the Government's legislation website. There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence is already held.

Application forms

- 8.19 The Provision of Services Regulations 2009 require local authorities to ensure that all procedures relating to access to, or the exercise of, a service activity may be easily completed, at a distance and by electronic means. Electronic application facilities for premises licences may be found either on GOV.UK or the licensing authority's own website. It remains acceptable to make an application in writing.

Electronic applications

- 8.20 Applicants may apply using the licence application forms available on GOV.UK, or will be re-directed from GOV.UK to the licensing authority's own electronic facility if one is available. Applicants may also apply directly to the licensing authority's facility without going through GOV.UK.

Electronic applications using forms on gov.uk

- 8.21 GOV.UK will send a notification to the licensing authority when a completed application form is available for it to download from GOV.UK. This is the day that the application is taken to be 'given' to the licensing authority, even if it is downloaded at a later stage, and the application must be advertised from the day after that day (as for a written application). The licensing authority must acknowledge the application as quickly as possible, specifying the statutory time period and giving details of the appeal procedure.
- 8.22 The period of 28 consecutive days during which the application must be advertised on a notice outside the premises is, effectively, the statutory timescale by which the application must be determined (unless representations are made). This will be published on GOV.UK and must also be published on the licensing authority's own electronic facility if one exists. If no representations are made during this period, the licensing authority must notify the applicant as quickly as possible that the licence has been granted. The licensing authority must send the licence to the applicant as soon as possible after this, but the applicant may start the licensed activity as soon as they have been notified that the application is granted. The licence may be supplied in electronic or written format as long as the applicant is aware which document constitutes 'the licence'. If representations are made, the guidance in Chapter 9 applies.

Requirement to copy application to responsible authorities

- 8.23 The licensing authority must copy electronic applications, made via GOV.UK or its own facility, to responsible authorities no later than the first working day after the application is given. However, if an applicant submits any part of their application in writing, the applicant will remain responsible for copying it to responsible authorities.

Applications via the local authority electronic application facility

- 8.24 Where applications are made on the licensing authority's own electronic facility, the application will be taken to be 'given' when the applicant has submitted a complete application form and paid the fee. The application is given at the point at which it becomes accessible to the authority by means of the facility. The licensing authority must acknowledge the application as quickly as possible, specifying the statutory time period and giving details of the appeal procedure.

‘Holding’ and ‘deferring’ electronic applications

- 8.25 The Government recommends (as for written applications) that electronic applications should not be returned if they contain obvious and minor errors such as typing mistakes, or small errors that can be rectified with information already in the authority’s possession. However, if this is not the case and required information is missing or incorrect, the licensing authority may ‘hold’ the application until the applicant has supplied all the required information. This effectively resets the 28 day period for determining an application and may be done any number of times until the application form is complete. Licensing authorities must ensure that they notify the applicant as quickly as possible of any missing (or incorrect) information, and explain how this will affect the statutory timescale and advertising requirements.
- 8.26 If an application has been given at the weekend, the notice advertising the application (where applicable) may already be displayed outside the premises by the time that the licensing authority downloads the application. It is therefore recommended that, if a licensing authority holds an application, it should inform the applicant that the original (or if necessary, amended) notice must be displayed until the end of the revised period. The licensing authority should also advise the applicant that they should not advertise the application in a local newspaper until they have received confirmation from the licensing authority that the application includes all the required information. To ensure clarity for applicants, the Government recommends that licensing authorities include similar advice on their electronic application facilities (where these exist) to ensure that applicants do not incur any unnecessary costs.
- 8.27 If an applicant persistently fails to supply the required information, the licensing authority may refuse the application and the applicant must submit a new application.
- 8.28 Licensing authorities may also ‘defer’ electronic applications once if the application is particularly complicated, for example if representations are received and a hearing is required. This allows the licensing authority to extend the statutory time period for the determination of the application by such time as is necessary, including, if required, arranging and holding a hearing. Licensing authorities must ensure that applicants are informed as quickly as possible of a decision to defer, and the reasons for the deferral, before the original 28 days has expired.

Written applications

- 8.29 A written application for a premises licence must be made in the prescribed form to the relevant licensing authority and be copied to each of the appropriate responsible authorities. For example, it would not be appropriate to send an application for premises which was not a vessel to the Maritime and Coastguard Agency. The application must be accompanied by:
- the required fee (details of fees may be viewed on the GOV.UK website);
 - an operating schedule (see below);
 - a plan of the premises in a prescribed form; and
 - if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor (DPS).
- 8.30 If the application is being made in respect of a community premises, it may be accompanied by the form of application to apply the alternative licence condition.
- 8.31 Guidance on completing premises licence, club premises certificate and minor variation forms can be found on the GOV.UK website. The Licensing Act 2003 (Premises licences

and club premises certificates) Regulations 2005 contain provision about the prescribed form of applications, operating schedules and plans and are published on the legislation.gov.uk website.

Plans

8.32 Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is “clear and legible in all material respects”, i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

Steps to promote the licensing objectives

- 8.33 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also 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 they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.
- 8.34 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
 - any risk posed to the local area by the applicants’ proposed licensable activities; and
 - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- 8.36 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider how this impact upon their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

- 8.37 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:
- the Crime Mapping website;
 - Neighbourhood Statistics websites;
 - websites or publications by local responsible authorities;
 - websites or publications by local voluntary schemes and initiatives; and
 - on-line mapping tools.
- 8.38 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 8.39 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.
- 8.40 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.
- 8.41 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.

Variations

Introduction

- 8.42 Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out in Chapter 8 above.

Simplified processes

- 8.43 There are simplified processes for making applications, or notifying changes, in the following cases:
- a change of the name or address of someone named in the licence (section 33);
 - an application to vary the licence to specify a new individual as the designated premises supervisor (DPS) (section 37);

- a request to be removed as the designated premises supervisor (section 41);
 - an application by a licence holder in relation to community premises authorised to sell alcohol to remove the usual mandatory conditions set out in sections 19(2) and 19(3) of the 2003 Act concerning the supervision of alcohol sales by a personal licence holder and the need for a DPS who holds a personal licence (sections 25A and 41D); and
 - an application for minor variation of a premises licence (sections 41A to 41C) or club premises certificate (sections 86A to 86C).
- 8.44 If an application to specify a new DPS or to remove the mandatory conditions concerning the supervision of alcohol sales is made electronically via GOV.UK or the licensing authority's own electronic facility, the authority must notify the police no later than the first working day after the application is given.
- 8.45 Where a simplified process requires the applicant (if they are not also the personal licence holder) to copy the application to the licence holder for information, this will apply regardless of whether the application is made in writing or electronically. Otherwise the general guidance set out above (paragraphs 8.21 to 8.28) on electronic applications applies.

Minor variations process

- 8.46 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular, or copy it to responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must comply with the requirements set out in regulation 26A of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. In accordance with those regulations, the notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.
- 8.47 On receipt of an application for a minor variation, the licensing authority must consider whether the variation could impact adversely on the licensing objectives. It is recommended that decisions on minor variations should be delegated to licensing officers.
- 8.48 In considering the application, the licensing authority must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.
- 8.49 The licensing authority must also consider any relevant representations received from other persons within the time limit referred to below. As stated earlier in this Guidance, representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives. In the case of minor variations, there is no right to a hearing (as for a full variation or new application), but licensing authorities must take any representations into account in arriving at a decision.
- 8.50 Other persons have ten working days from the 'initial day', that is to say, the day after the application is received by the licensing authority, to submit representations. The licensing authority must therefore wait until this period has elapsed before determining the application, but must do so at the latest within 15 working days, beginning on the first working day after the authority received the application, with effect either that the minor variation is granted or the application is refused.

- 8.51 If the licensing authority fails to respond to the applicant within 15 working days (see section 193 of the 2003 Act for the definition of working day), the application will be treated as refused and the authority must return the fee to the applicant forthwith. However, the licensing authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.
- 8.52 Where an application is refused and is then re-submitted through the full variation process, the full 28 day notification period will apply from the date the new application is received and applicants should advertise the application and copy it to all responsible authorities (in accordance with the regulations applicable to full variations).
- 8.53 Minor variations will generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.

Changes to structure/layout

- 8.54 Many small variations to layout will have no adverse impact on the licensing objectives. However, changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by:
- increasing the capacity for drinking on the premises;
 - affecting access between the public part of the premises and the rest of the premises or the street or public way, for instance, block emergency exits or routes to emergency exits; or
 - impeding the effective operation of a noise reduction measure such as an acoustic lobby.
- 8.55 Licensing authorities will also need to consider the combined effect of a series of applications for successive small layout changes (for example, as part of a rolling refurbishment of premises) which in themselves may not be significant, but which cumulatively may impact adversely on the licensing objectives. This emphasises the importance of having an up-to-date copy of the premises plan available.
- 8.56 An application to remove a licensable activity should normally be approved as a minor variation. Variations to add the sale by retail or supply of alcohol to a licence are excluded from the minor variations process and must be treated as full variations in all cases.
- 8.57 For other licensable activities, licensing authorities will need to consider each application on a case by case basis and in light of any licence conditions put forward by the applicant.

Licensing hours

- 8.58 Variations to the following are excluded from the minor variations process and must be treated as full variations in all cases:
- to extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
 - to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.

- 8.59 Applications to reduce licensing hours for the sale or supply of alcohol or, in some cases, to move (without increasing) the licensed hours between 07.00 and 23.00 will normally be processed as minor variations.
- 8.60 Applications to vary the time during which other licensable activities take place should be considered on a case-by-case basis with reference to the likely impact on the licensing objectives.

Licensing conditions

a) Imposed conditions

- 8.61 Licensing authorities cannot impose their own conditions on the licence through the minor variations process. If the licensing officer considers that the proposed variation would impact adversely on the licensing objectives unless conditions are imposed, they should refuse it.

b) Volunteered conditions

- 8.62 Applicants may volunteer conditions as part of the minor variation process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with responsible authorities or the licensing authority.
- 8.63 For instance, there may be circumstances when the licence holder and a responsible authority such as the police or environmental health authority, agree that a new condition should be added to the licence (for example, that a nightclub adds the provision of late night refreshment to its licence to ensure a longer period of dispersal). Such a change would not normally impact adversely on the licensing objectives and could be expected to promote them by preventing crime and disorder or public nuisance. In these circumstances, the minor variation process may provide a less costly and onerous means of amending the licence than a review, with no risk to the licensing objectives. However, this route should only be used where the agreed variations are minor and the licence holder and the responsible authority have come to a genuine agreement. The licensing authority should be alive to any attempts to pressure licence or certificate holders into agreeing to new conditions where there is no evidence of a problem at the premises and, if there is any doubt, should discuss this with the relevant parties.

c) Amending or removing existing conditions

- 8.64 However, there may be some circumstances when the minor variation process is appropriate. Premises may change over time and the circumstances that originally led to the condition being attached or volunteered may no longer apply. For example, there may be no need for door supervision if a bar has been converted into a restaurant. Equally some embedded conditions may no longer apply.
- 8.65 Changes in legislation may invalidate certain conditions. Although the conditions do not have to be removed from the licence, licence holders and licensing authorities may agree that this is desirable to clarify the licence holder's legal obligations. There may also be cases where it is appropriate to revise the wording of a condition that is unclear or unenforceable. This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licence holder to understand and comply with the condition and easier for the licensing authority to enforce it.

Full variations process

- 8.66 Any other changes to the licence or certificate require an application to vary under sections 34 or 84 of the 2003 Act.
- 8.67 Licensing authorities may wish to consider whether there is any likely impact on the promotion of the licensing objectives in deciding whether there is a need for an application to vary in relation to features which are not required to be shown on the plan under section 17 of the 2003 Act, but have nevertheless been included, for example, moveable furniture (altering the position of tables and chairs) or beer gardens (installation of a smoking shelter that will not affect the use of exits or escape routes).
- 8.68 However, it should be noted that a section 34 application cannot be used to vary a licence so as to:
- extend a time limited licence;
 - transfer the licence from one holder to another; or
 - transfer the licence from one premises to another.
- 8.69 If an applicant wishes to make these types of changes to the premises licence, the applicant should make a new premises licence application under section 17 of the 2003 Act; or, to transfer the licence to another holder, an application under section 42 of the 2003 Act.

Relaxation of opening hours for local, national and international occasions

- 8.70 It should normally be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year – such as bank holidays and St. George's or St. Patrick's Day – and to include appropriate opening hours in their operating schedules. Similarly, temporary event notices should be sufficient to cover other events which take place at premises that do not have a premises licence or club certificate.
- 8.71 However, exceptional events of local, national or international significance may arise which could not have been anticipated when the application was first made. In these circumstances, the Secretary of State may make a licensing hours order to allow premises to open for specified, generally extended, hours on these special occasions. This avoids the need for large numbers of applications to vary premises licences and club premises certificates. Typical events might include a one-off local festival or a Royal Jubilee.

Advertising applications

- 8.72 The requirements governing the advertisement of applications for the grant, variation or review of premises licences and club premises certificates are contained in the regulations made under the 2003 Act which are published on the Government's legislation website.
- 8.73 Applicants are required to:
- publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the area in which the premises are situated; and
 - display a brief summary of the application on an A4 size notice immediately on or outside the premises.

- 8.74 As prescribed in regulations, licensing authorities must also place a notice on their website outlining key details of the application as set out in regulations, including:
- the name of the applicant or club;
 - the postal address of the premises or club premises;
 - the postal address and, where applicable, the internet address where the relevant licensing authority's register is kept and where and when the record of the application may be inspected;
 - the date by which representations from responsible authorities or other persons should be received and how these representations should be made; and
 - that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.
- 8.75 The summary of the application should set out matters such as the proposed licensable activities and the proposed hours of opening and should be clearly displayed for the period during which representations may be made, together with information about where the details of the application may be viewed.
- 8.76 Licensing authorities in Wales should consider encouraging applicants to provide details in the alternative language (Welsh or English) to that of the main advertisement itself where the application may be viewed. Therefore, if an applicant publishes a notice in English they should be encouraged to provide a statement in Welsh as to where the application may be viewed, and vice versa. This would allow the reader of the notice to make enquiries to the licensing authority and find out the nature of the application.
- 8.77 Licensing authorities in Wales are also required to publish key information from licence applications in Welsh on their websites.
- 8.78 In the case of applications for premises licences involving internet or mail order sales, notices should be conspicuously displayed at the place where the alcohol is appropriated to the contract.
- 8.79 A vessel which is not permanently moored or berthed is treated as if it were a premises situated in a place where it is usually moored or berthed. The newspaper advertisement notice for such a vessel would need to be in relation to this place (where it is usually moored or berthed) and there is no provision requiring such advertising in other areas, for instance, if the vessel journeys through other licensing authority areas.
- 8.80 Arrangements should be put in place by the licensing authority for other parties to view a record of the application in the licensing register as described in Schedule 3 to the 2003 Act. Charges made for copies of the register should not exceed the cost of preparing such copies. Licensing authorities may wish to conduct random and unannounced visits to premises to confirm that notices have been clearly displayed and include relevant and accurate information.

Applications to change the designated premises supervisors

- 8.81 Chapter 4 covers designated premises supervisors and applications to vary a premises licence covering sales of alcohol by specifying a new designated premises supervisor. Chapter 4 covers applications by community premises to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act concerning the authorisation of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence.

Provisional statements

- 8.82 Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.
- 8.83 The 2003 Act does not define the words “otherwise altered”, but the alteration must relate to the purpose of being used for one or more licensable activities.
- 8.84 Any person falling within section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended or changed. This would be possible where clear plans of the proposed structure exist and the applicant is in a position to complete an operating schedule including details of:
- the activities to take place there;
 - the time at which such activities will take place;
 - the proposed hours of opening;
 - where the applicant wishes the licence to have effect for a limited period, that period;
 - the steps to be taken to promote the licensing objectives; and
 - where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.
- 8.85 In such cases, the licensing authority would include in the licence the date upon which it would come into effect. A provisional statement will normally only be required when the information described above is not available.
- 8.86 The 2003 Act therefore provides for a person, if an individual aged 18 or over, who has an interest in the premises to apply for a “provisional statement”. This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the licensing authority will accept representations. “Person” in this context includes a business.
- 8.87 When a hearing is held, the licensing authority must decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a premises licence was sought for those premises, it would consider it appropriate for the promotion of the licensing objectives to:
- attach conditions to the licence;
 - rule out any of the licensable activities applied for;
 - refuse to specify the person nominated as premises supervisor; or
 - reject the application.
- It will then issue the applicant with a provisional statement setting out the details of that decision together with its reasons.
- 8.88 The licensing authority must copy the provisional statement to each person who made relevant representations, and the chief officer of police for the area in which the premises is situated. The licensing authority should give full and comprehensive reasons for its decision. This is important in anticipation of an appeal by any aggrieved party.
- 8.89 When a person applies for a premises licence in respect of premises (or part of the premises or premises which are substantially the same) for which a provisional statement

has been made, representations by responsible authorities and other persons will be excluded in certain circumstances. These are where:

- the application for a licence is in the same form as the licence described in the provisional statement;
- the work in the schedule of works has been satisfactorily completed;
- given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
- there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made.

- 8.90 Any decision of the licensing authority on an application for a provisional statement will not relieve an applicant of the need to apply for planning permission, building control approval of the building work, or in some cases both planning permission and building control.
- 8.91 A provisional statement may not be sought or given for a vessel, a vehicle or a moveable structure (see section 189 of the 2003 Act).

Transfers of premises licences

- 8.92 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police. Where it is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police no later than the first working day after the application is given. However, the responsibility to notify the DPS remains with the applicant. Otherwise the general guidance on electronic applications set out in paragraphs 8.21 to 8.28 applies.
- 8.93 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.
- 8.94 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder).
- 8.95 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police.

Interim authorities

- 8.96 The 2003 Act provides special arrangements for the continuation of permissions under a premises licence when the holder of a licence dies suddenly or becomes bankrupt or mentally incapable. In the normal course of events, the licence would lapse in such circumstances. However, there may also be some time before, for example, the deceased person's estate can be dealt with or an administrative receiver appointed. This could have a damaging effect on those with interests in the premises, such as an owner, lessor or employees working at the premises in question; and could bring unnecessary disruption to customers' plans. The 2003 Act therefore provides for the licence to be capable of being reinstated in a discrete period of time in certain circumstances.
- 8.97 These circumstances arise only where a premises licence has lapsed owing to the death, incapacity or insolvency of the holder. In such circumstances, an "interim authority" notice may be given to the licensing authority within 28 consecutive days beginning the day after the licence lapsed. Where applications are made in writing, the applicant must give notice of the application to the chief officer of police. If an application is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police no later than the first working day after the notice is given. Otherwise the general guidance on electronic applications set out in at paragraphs 8.21 to 8.28 applies.
- 8.98 An interim notice may only be given either by a person with a prescribed interest in the premises as set out in the regulations made under the 2003 Act (which may be viewed on www.legislation.gov.uk, the Government's legislation website); or by a person connected to the former holder of the licence (normally a personal representative of the former holder; or a person with power of attorney; or where someone has become insolvent, that person's insolvency practitioner).
- 8.99 The effect of giving the notice is to reinstate the premises licence as if the person giving the notice is the holder of the licence and thereby allow licensable activities to continue to take place pending a formal application for transfer. The maximum period for which an interim authority notice may have effect is three months.
- 8.100 The interim authority notice ceases to have effect unless, by the end of the initial period of 28 consecutive days, a copy of the notice has been given to the chief officer of police. Within two working days of receiving the copy, and if satisfied that in the exceptional circumstances of the case failure to cancel the interim authority would undermine the crime prevention objective, the police may give a notice to that effect to the licensing authority. In such circumstances, the licensing authority must hold a hearing to consider the objection notice and cancel the interim authority notice if it decides that it is appropriate to do so for the promotion of the crime prevention objective.
- 8.101 Licensing authorities should be alert to the need to consider the objection quickly. Under section 50 of the 2003 Act, where the premises licence lapses (because of death, incapacity or insolvency of the holder) or by its surrender, but no interim authority notice has effect, a person who may apply for the grant of a premises licence under section 16(1) may apply within 28 consecutive days of the lapse for the transfer of the licence to them with immediate effect pending the determination of the application. This will result in the licence being reinstated from the point at which the transfer application was received by the licensing authority. Where the application is made in writing, the person applying for the transfer must copy their application to the chief officer of police. If the application is made electronically the licensing authority must copy the application to the police.

Right of freeholders etc to be notified of licensing matters

- 8.102 A person (which will include a business or company) with a property interest in any premises situated in the licensing authority's area may give notice of their interest to the authority using a prescribed form and on payment of the relevant fee. The application may be made in writing or electronically via GOV.UK or the licensing authority's own facility, in which case the guidance at paragraphs 8.21 to 8.28 applies. Details of fees and forms are available on the GOV.UK website. It is entirely at the discretion of such persons whether they choose to register or not. It is not a legal requirement. Those who may take advantage of this arrangement include the freeholder or leaseholder, a legal mortgagee in respect of the premises, a person in occupation of the premises or any other person prescribed by the Secretary of State.
- 8.103 The notice will have effect for 12 months but a new notice can be given every year. Whilst the notice has effect, if any change relating to the premises concerned has been made to the licensing register (which the licensing authority has a duty to keep under section 8 of the 2003 Act), the licensing authority must notify the person who registered an interest of the matter to which the change relates. The person will also be notified of their right under section 8 to request a copy of the information contained in any entry in the register. In cases relating to interim authority notices (see above), it is important that such communications are dealt with promptly.

9. Determining applications

General

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions

Where representations are made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

The role of responsible authorities

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

Representations from the police

- 9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local

area⁴. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.
- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee

⁴ Elections for Police and Crime Commissioners (PCCs) in all police force areas in England and Wales (except in London, where the Mayor of London has taken on the powers of a PCC in relation to the Metropolitan Police) took place on 15th November 2012. PCCs are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police will remain the named responsible authority under the 2003 Act.

comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.

- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Health Bodies Acting As Responsible Authorities

- 9.20 Where a local authority's Director of Public Health in England (DPH)⁵ or Local Health Board (LHB) (in Wales) acts as a responsible authority, they should have sufficient knowledge of the licensing policy and health issues in order to be able to fulfil this function. If they wish to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies exercising health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information would be relevant to the public safety objective and in some cases the crime and disorder objective. In making representations, DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at

⁵ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

Disclosure of personal details of persons making representations

- 9.22 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.23 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.24 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.25 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.26 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.27 Regulations governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.28 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.29 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

- 9.30 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.31 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.32 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.35 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.
- 9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

- 9.37 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Considering cases where licensing and planning applications are made simultaneously

- 9.41 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

10. Conditions attached to premises licences and club premises certificates

General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Hours of trading

- 10.11 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.12 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.13 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The performance of plays

- 10.14 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

Censorship

- 10.15 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

Major art and pop festivals, carnivals, fairs and circuses

- 10.16 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.
- 10.17 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.
- 10.18 In the case of circuses and fairgrounds, much will depend on the content of any entertainment presented. For example, at fairgrounds, a good deal of the musical entertainment may be incidental to the main attractions and rides at the fair that are not themselves regulated entertainment.
- 10.19 In addition, in the context of festivals and carnivals, local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name. This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place. Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

Fixed prices

- 10.20 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives.
- 10.21 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the

particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

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

- 10.22 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.
- 10.23 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:
- a prescribed capacity;
 - an appropriate ratio of tables and chairs to customers based on the capacity; and
 - a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

Mandatory conditions in relation to the supply of alcohol

- 10.24 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

Designated Premises Supervisor

- 10.25 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.
- 10.26 The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).

10.27 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Authorisation by personal licence holders

10.28 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.

10.29 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.

10.30 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.

10.31 The following factors should be relevant in considering whether or not an authorisation has been given:

- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
- there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
- there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

10.32 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.

10.33 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.

10.34 It must be remembered that whilst the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder

remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

Arrangements for the mandatory licence conditions

- 10.35 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification and small measures) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory aspirational licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.
- 10.36 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex A of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.
- 10.37 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact that the introduction of the mandatory conditions has had on pre-existing conditions.

Irresponsible promotions

- 10.38 Under this condition, the “responsible person” (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have taken all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which does not promote the licensing objectives.

Drinking games

- 10.39 Irresponsible promotions can include activities, whether drinking games or not, which may require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise. For example, this may include organised ‘drink downing’ competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit ‘happy hours’ as long as these are not designed to encourage individuals to drink excessively or rapidly.

Large quantities of alcohol for free or a fixed price

10.40 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or “all you can drink for £10”. This condition does not apply to a promotion or discount on alcohol for consumption with a table meal. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

Prizes and rewards

10.41 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, “Buy one and get two free” and “Buy one cocktail and get a second cocktail for 25p”. This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

Sporting events

10.42 Irresponsible promotions can include the provision of alcohol for free or for a discounted price in relation to a sporting event shown on the premises, where the sale, supply or provision of alcohol depends on the outcome of a race, match or other event. For example, this may include offering unlimited drinks based on the outcome of a sporting competition. It also applies to events which are unpredictable, such as offering free double shots for every foul committed in a football match, or heavily reduced drinks for five minutes after a try is scored in a rugby match.

Posters and flyers

10.43 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

Dispensing alcohol directly into the mouth

10.44 The responsible person (see paragraph 10.38) must ensure that no alcohol is dispensed directly by one person into the mouth of another person. For example, this may include drinking games such as the ‘dentist’s chair’ where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers’ mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

Free tap water

- 10.45 The responsible person (see paragraph 10.38) must ensure that free potable tap water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply.

Age verification

- 10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.38) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark.
- 10.47 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.48 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.
- 10.49 The premises licence holder or club premises certificate holder must ensure that staff (in particular staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy applied by the premises.

Smaller measures

- 10.50 The responsible person (see paragraph 10.38) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: ½ pint
 - Gin, rum, vodka or whisky: 25ml or 35ml
 - Still wine in a glass: 125ml

- 10.51 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures – for example, by making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent, conspicuous place in the relevant premises (for example, at the bar).
- 10.52 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.
- 10.53 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

Exhibition of films

- 10.54 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification – BBFC) or by the licensing authority itself.
- 10.55 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to ‘any film’, it is therefore applicable to the exhibition of adverts.

Door supervision

- 10.56 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 (“the 2001 Act”), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority (“the SIA”) under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.
- 10.57 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA’s Approved Contractor Scheme (section 15).
- 10.58 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.

- 10.59 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:
- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
 - casinos or bingo halls licensed under the Gambling Act 2005;
 - premises where a club certificate is in force when activities are being carried on under the authority of that certificate.

See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.

- 10.60 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.
- 10.61 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.)

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitive. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
 - for unlawful gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

12. Appeals

12.1 This chapter provides advice about entitlements to appeal in connection with various decisions made by a licensing authority under the provisions of the 2003 Act. Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the 2003 Act.

General

12.2 With the exception of appeals in relation to closure orders, an appeal may be made to any magistrates' court in England or Wales but it is expected that applicants would bring an appeal in a magistrates' court in the area in which they or the premises are situated.

12.3 An appeal has to be commenced by the appellant giving of a notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

12.4 The licensing authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant, licence holder, club or premises user against the representations of a responsible authority or any other person, or the objections of the chief officer of police or local authority exercising environmental health functions, the holder of the premises or personal licence or club premises certificate or the person who gave an interim authority notice or the premises user will also be a respondent to the appeal, and the person who made the relevant representation or gave the objection will be the appellants.

12.5 Where an appeal has been made against a decision of the licensing authority, the licensing authority will in all cases be the respondent to the appeal and may call as a witness a responsible authority or any other person who made representations against the application, if it chooses to do so. For this reason, the licensing authority should consider keeping responsible authorities and others informed of developments in relation to appeals to allow them to consider their position. Provided the court considers it appropriate, the licensing authority may also call as witnesses any individual or body that they feel might assist their response to an appeal.

12.6 The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both.

12.7 On determining an appeal, the court may:

- dismiss the appeal;
- substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

Licensing policy statements and Section 182 guidance

- 12.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it was justified to do so because of the individual circumstances of any case. In other words, while the court will normally consider the matter as if it were "standing in the shoes" of the licensing authority, it would be entitled to find that the licensing authority should have departed from its own policy or the Guidance because the particular circumstances would have justified such a decision.
- 12.9 In addition, the court is entitled to disregard any part of a licensing policy statement or this Guidance that it holds to be ultra vires the 2003 Act and therefore unlawful. The normal course for challenging a statement of licensing policy or this Guidance should be by way of judicial review, but where it is submitted to an appellate court that a statement of policy is itself ultra vires the 2003 Act and this has a direct bearing on the case before it, it would be inappropriate for the court, on accepting such a submission, to compound the original error by relying on that part of the statement of licensing policy affected.

Giving reasons for decisions

- 12.10 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

Implementing the determination of the magistrates' courts

- 12.11 As soon as the decision of the magistrates' court has been promulgated, licensing authorities should implement it without delay. Any attempt to delay implementation will only bring the appeal system into disrepute. Standing orders should therefore be in place that on receipt of the decision, appropriate action should be taken immediately unless ordered by the magistrates' court or a higher court to suspend such action (for example, as a result of an on-going judicial review). Except in the case of closure orders, the 2003 Act does not provide for a further appeal against the decision of the magistrates' courts and normal rules of challenging decisions of magistrates' courts will apply.

Provisional statements

- 12.12 To avoid confusion, it should be noted that a right of appeal only exists in respect of the terms of a provisional statement that is issued rather than one that is refused. This is because the 2003 Act does not empower a licensing authority to refuse to issue a provisional statement. After receiving and considering relevant representations, the licensing authority may only indicate, as part of the statement, that it would consider certain steps to be appropriate for the promotion of the licensing objectives when, and if, an application were made for a premises licence following the issuing of the provisional statement. Accordingly, the applicant or any person who has made relevant representations may appeal against the terms of the statement issued.

13. Statements of licensing policy

Introduction

The Licensing Act 2003

- 13.1 This chapter provides guidance on the development and preparation of local statements of licensing policy for publication by licensing authorities, the general principles that it is recommended should underpin them, and core content to which licensing authorities are free to add.

General

- 13.2 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met. If the licensing authority determines and publishes its policy in this way, a new five-year period commences on the date it is published. Previously, licensing authorities were required to determine their licensing policies for each three-year period. Licensing policies published in respect of the three-year period that began on 7 January 2011 are to be treated as though they apply to a period of five years beginning at that date.
- 13.3 Where revisions to the section 182 Guidance are made by the Secretary of State, it will be for the licensing authority to determine whether revisions to its own licensing policy statement are appropriate.

Consultation on policies

- 13.4 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
- the chief officer of police for the area;
 - the fire and rescue authority for the area;
 - each local authority's Director of Public Health in England (DPH)⁶ or Local Health Board in Wales for an area any part of which his in the licensing authority's area,
 - persons/bodies representative of local premises licence holders;
 - persons/bodies representative of local club premises certificate holders;
 - persons/bodies representative of local personal licence holders; and
 - persons/bodies representative of businesses and residents in its area.

⁶ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

- 13.5 The views of all these persons or bodies should be given appropriate weight when the policy is determined. It is recognised that in some areas, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the 2003 Act, but licensing authorities must make reasonable efforts to do so. Licensing authorities should note that the terms of the 2003 Act do not prevent them consulting other bodies or persons.
- 13.6 Subject to the statutory requirements, it is for each licensing authority to determine the extent of the consultation it should undertake, and whether any particular person or body is representative of the groups described in the 2003 Act. Whilst it is clearly good practice to consult widely, this may not always be necessary or appropriate (for example, where a licensing authority has recently carried out a comprehensive consultation in relation to a revision to its policy made within five years of a full revision to it). As such, it may decide on a simple consultation with those persons listed.
- 13.7 However, licensing authorities should consider very carefully whether a full consultation is appropriate as a limited consultation may not allow all persons sufficient opportunity to comment on and influence local policy (for example, where an earlier consultation was limited to a particular part of the policy, such as a proposal to introduce a cumulative impact policy).
- 13.8 When undertaking consultation exercises, licensing authorities should have regard to cost and time. Fee levels are intended to provide full cost recovery of all licensing functions including the preparation and publication of a statement of licensing policy, but this will be based on the statutory requirements. Where licensing authorities exceed these requirements, they will have to absorb those costs themselves.

Fundamental Principles

- 13.9 All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote. In determining its policy, a licensing authority must have regard to this Guidance and give appropriate weight to the views of consultees.
- 13.10 While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.
- 13.11 Similarly, no statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.
- 13.12 Statements of policies should make clear that:
- licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and
 - conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.
- 13.13 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation

concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

Licence conditions

- 13.14 Statements of licensing policy should reflect the general principles regarding licence conditions set out in Chapter 1 of this guidance.
- 13.15 Statements of licensing policy should include a firm commitment to avoid attaching conditions that duplicate other regulatory regimes as far as possible. Chapter 10 provides further detail on this issue.

Enforcement

- 13.16 The Government recommends that licensing authorities should establish and set out joint-enforcement protocols with the local police and the other authorities and describe them in their statement of policy. This will clarify the division of responsibilities for licence holders and applicants, and assists enforcement and other authorities to deploy resources more efficiently.
- 13.17 In particular, these protocols should also provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. In some local authority areas, the limited validity of public entertainment, theatre, cinema, night café and late night refreshment house licences has in the past led to a culture of annual inspections regardless of whether the assessed risks make such inspections necessary. 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 recommendations of the Hampton review) 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

The need for licensed premises

- 13.18 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

The cumulative impact of a concentration of licensed premises

What is cumulative impact?

- 13.19 “Cumulative impact” is not mentioned specifically in the 2003 Act. In this Guidance, it means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.
- 13.20 In some areas, where the number, type or density of premises selling alcohol is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 13.21 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 13.22 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

Evidence of cumulative impact

- 13.23 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. Local Community Safety Partnerships and responsible authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which would inform licensing authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - statistics on local anti-social behaviour offences;
 - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - environmental health complaints, particularly in relation to litter and noise;
 - complaints recorded by the local authority, which may include complaints raised by local residents or residents’ associations;
 - residents’ questionnaires;

- evidence from local councillors; and
 - evidence obtained through local consultation.
- 13.24 The licensing authority may consider this evidence, alongside its own evidence as to the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:
- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
 - changes in terminal hours of premises;
 - premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.
- 13.25 Where existing information is insufficient or not readily available, but the licensing authority believes there are problems in its area resulting from the cumulative impact of licensed premises, it can consider conducting or commissioning a specific study to assess the position. This may involve conducting observations of the night-time economy to assess the extent of incidents relating to the promotion of the licensing objectives, such as incidences of criminal activity and anti-social behaviour, examples of public nuisance, specific issues such as underage drinking and the key times and locations at which these problems are occurring.
- 13.26 In order to identify the areas in which problems are occurring, information about specific incidents can be mapped and, where possible, a time analysis undertaken to identify the key areas and times at which there are specific issues.
- 13.27 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to include an approach to cumulative impact in its licensing policy statement. The special policy should also be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises, as set out in paragraph 13.39. When the licensing authority decides to introduce an approach to cumulative impact, it may decide it is appropriate to indicate in its statement that it is adopting a special policy whereby, when it receives relevant representations, there is a rebuttable presumption that, for example, applications or variation applications which seek to extend the sale or apply of alcohol are refused or subject to certain limitations.

Steps to a special policy

- 13.28 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised below.
- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).

- Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

Effect of special policies

- 13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.
- 13.30 However, a special policy must stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 13.31 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the special policy should be amended.
- 13.32 The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 13.33 Special policies may apply to the impact of a concentration of any licensed premises. When establishing its evidence base for introducing a special policy, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the special policy.
- 13.34 It is recommended that licensing authorities should publish contact points in their statements of licensing policy where members of public can obtain advice about whether or not activities should be licensed.

Limitations on special policies relating to cumulative impact

- 13.35 A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. 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 or a theatre may not. 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 appropriate conditions would be ineffective in preventing the problems involved.

- 13.36 Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so (see chapter 16). The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.
- 13.37 Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly appropriate for the promotion of the licensing objectives.
- 13.38 Every application should still be considered individually. Therefore, special policies must not restrict such consideration by imposing quotas – based on either the number of premises or the capacity of those premises. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned.

Other mechanisms for controlling cumulative impact

- 13.39 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. To enable the general public to appreciate the breadth of the strategy for addressing these problems, statements of policy should also indicate the other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:
- planning control;
 - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 - the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
 - the confiscation of alcohol from adults and children in designated areas;
 - police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
 - prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
 - police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance; and

- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate.
- Early Morning Alcohol Restriction Orders (see Chapter 16).

Designated public place orders

- 13.40 Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the Designated Public Place Order (DPPO) will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the DPPO at all other times⁷. This allows local authorities to promote community events whilst still using DPPOs to tackle the problems of anti-social drinking. Further guidance about DPPOs is available on the GOV.UK website.
- 13.41 It should be noted that when one part of a local authority seeks a premises licence of this kind from the licensing authority, the licensing committee and its officers must consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they must be considered fairly by the committee. Anyone making a representation that is genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority would be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision.

Licensing hours

- 13.42 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 13.43 Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

⁷ Licensed premises in general are exempt from the effect of a DPPO.

Children

- 13.44 It is an offence under the 2003 Act to:
- permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a TEN; and
 - to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or TEN.
- 13.45 Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. This does not mean that children should automatically be admitted to such premises and the following paragraphs are therefore of great importance notwithstanding the offences under the 2003 Act. The expression ‘exclusively or primarily’ should be given its ordinary and natural meaning in the context of the particular circumstances.
- 13.46 Where it is not clear that the business is predominately for the sale and consumption of alcohol, operators and enforcement agencies should seek to clarify the position before enforcement action is taken. Mixed businesses may be more difficult to classify and in such cases operators and enforcement agencies should consult where appropriate about their respective interpretations of the activities taking place on the premises before any moves are taken which might lead to prosecution.
- 13.47 The 2003 Act does not automatically permit unaccompanied children under the age of 18 to have free access to premises where the consumption of alcohol is not the exclusive or primary activity or to the same premises even if they are accompanied, or to premises where the consumption of alcohol is not involved. Subject only to the provisions of the 2003 Act and any licence or certificate conditions, admission will always be at the discretion of those managing the premises. The 2003 Act includes no presumption of giving children access but equally, no presumption of preventing their access to licensed premises. Each application and the circumstances of individual premises must be considered on their own merits.
- 13.48 A statement of licensing policy should not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm to them (please see Chapter 2). It may not be possible for licensing policy statements to anticipate every issue of concern that could arise in respect of children in relation to individual premises and therefore the individual merits of each application should be considered in each case.
- 13.49 A statement of licensing policy should make clear the range of alternatives which may be considered for limiting the access of children where that is appropriate for the prevention of harm to children. Conditions which may be relevant in this respect are outlined in paragraph 2.30.
- 13.50 Statements of policy should also make clear that conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, this should remain a matter for the discretion of the individual licence holder, club or premises user.

- 13.51 Venue operators seeking premises licences and club premises certificates should consider including such prohibitions and restrictions in their operating schedules particularly where their own risk assessments have determined that the presence of children is undesirable or inappropriate.

Responsible authority and children

- 13.52 A statement of licensing policy should indicate which body the licensing authority judges to be competent to act as the responsible authority in relation to the protection of children from harm. This may be the local authority social services department, the Local Safeguarding Children Board or other competent body as agreed locally. It would be practical and useful for statements of licensing policy to include descriptions of the responsible authorities in any area and appropriate contact details.

Children and cinemas

- 13.53 The statement of policy should make clear that in the case of premises giving film exhibitions, the licensing authority will expect licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself (see paragraphs 10.54 to 10.55).

Integrating strategies

- 13.54 It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

Planning and building control

- 13.55 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 13.56 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

Promotion of equality

- 13.57 A statement of licensing policy should recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 13.58 Public authorities are required to publish information at least annually to demonstrate their compliance with the Equality Duty. The statement of licensing policy should refer to this legislation, and explain how the Equality Duty has been complied with. Further guidance is available from Government Equalities Office and the Equality and Human Rights Commission.

Administration, exercise and delegation of functions

- 13.59 The 2003 Act provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by its licensing committee (except those relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it). The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officials supporting the licensing authority. Where licensing functions are not automatically transferred to licensing committees, the functions must be carried out by the licensing authority as a whole and not by its executive. Statements of licensing policy should indicate how the licensing authority intends to approach its various functions. Many of the decisions and functions will be purely administrative in nature and statements of licensing policy should underline the principle of delegation in the interests of speed, efficiency and cost-effectiveness.
- 13.60 The 2003 Act does not prevent the development by a licensing authority of collective working practices with other parts of the local authority or other licensing authorities for work of a purely administrative nature, e.g. mail-outs. In addition, such administrative tasks may be contracted out to private businesses. But any matters regarding licensing decisions must be carried out by the licensing committee, its sub-committees or officers.
- 13.61 Where, under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters should be dealt with by officers in order to speed matters through the system. Licensing committees should receive regular reports on decisions made by officers so that they maintain an overview of the general situation. Although essentially a matter for licensing authorities to determine themselves, it is recommended that delegation should be approached in the following way:

Table: Recommended Delegation of Functions

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases	
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

14. Licence fees

- 14.1 The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.

Dispute

- 14.2 The 2003 Act describes a dispute as one relating to liability to pay the fee at all or relating to its amount. In either case, the licence or certificate holder must notify the licensing authority of the dispute on or before the date on which the fee to which it relates becomes due.

Administrative error

- 14.3 There is no definition of “administrative error” in the 2003 Act, but it can include an error on the part of the licensing authority, the licence or certificate holder, or any other person. Therefore, “administrative error” will be given its plain, ordinary meaning. An example might be where post has been misdirected.

Suspension

- 14.4 If a licensing authority suspends a licence or certificate, it must notify the holder in writing and specify the date on which the suspension takes effect; this date must be at least two working days after the day the authority gives the notice. It should be noted that this is the minimum period only, and licensing authorities should consider applying longer periods. The authority may wish to inform the police and other responsible authorities that the licence or certificate has been suspended.
- 14.5 A suspension ceases to have effect on the day on which the licensing authority receives payment of the outstanding fee from the licence or certificate holder. To enable the licence holder to demonstrate that the licence has been reinstated, the licensing authority is required to give the holder written acknowledgment of receipt as soon as practicable following receipt, and:
- a) if payment was received on a working day, no later than the end of the next working day, or
 - b) if payment was received on a day when the authority is not working, no later than the end of the second working day after the day on which the fee was received.

- 14.6 Licensing authorities may wish to consider requesting, in the notice of suspension mentioned above, that subsequent payment of the outstanding fee may be made in such manner as would most expeditiously bring it to the attention of the authority. The licensing authority may also wish to inform the police and other responsible authorities that the licence or certificate has been reinstated.

Effects of suspension

- 14.7 A premises licence or certificate that has been suspended does not have effect to authorise licensable activities. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment. The suspension of licences and certificates is only applicable to unpaid annual fees that become due after sections 55A and 92A of the 2003 Act came into force on 25 April 2012. In the case of a licence or certificate where more than one payment year has been missed (since the coming into force of sections 55A and 92A) payment of the outstanding fee in relation to each year will be required to reinstate the licence.

Additional fees for large scale events

- 14.8 It should be noted that premises licences for large scale events do not automatically attract the higher fee levels set out in the fee regulations made under the 2003 Act, which must be paid in addition to the standard application or variation fees when the premises licence relates to activities attracting the attendance of 5,000 or more. Venues that are permanent or purpose built or structurally altered for the activity are exempt from the additional fee.
- 14.9 Regulations prescribe that the additional fee for large scale events would not be payable where the premises is a structure which is not a vehicle, vessel or moveable structure, and has been constructed or structurally altered to allow:
- the proposed licensable activities to take place;
 - the premises to be modified temporarily, from time to time, if relevant for the proposed licensable activities;
 - the proposed number of people on the premises at any one time; and
 - the premises to be used in a manner which complies with the operating schedule.
- 14.10 The full details of where the additional fee is applicable can be found in regulations on the Government's legislation website – www.legislation.gov.uk/

15. Regulated entertainment

Types of regulated entertainment

- 15.1 Subject to the conditions, definitions and the exemptions referred to in Schedule 1 (see especially paragraphs 15.9-15.11 below), the types of entertainment regulated by the 2003 Act (as amended by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) are:
- a performance of a play;
 - an exhibition of a film;
 - an indoor sporting event;
 - a boxing or wrestling entertainment;
 - a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
 - a performance of live music;
 - any playing of recorded music;
 - a performance of dance;
 - entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

General circumstances in which entertainment activities are licensable

- 15.2 A more detailed description of some of the above entertainments, and the circumstances in which they are licensable, is given in paragraph 15.10 (for the general overview) and paragraphs 15.29-15.33 (for conditions).
- 15.3 More generally, to be licensable, one or more of these activities needs to be provided (at least partly) to entertain that audience; has to be held on premises made available (again, at least in part) for the purpose of enabling that activity; and must also take place either:
- in the presence of a public audience, or
 - in private, where a charge is made with a view to profit.

Audience

- 15.4 For the purposes of regulated entertainment, the term “audience” refers to any person for whose entertainment (at least in part) any licensable activities are provided. An audience member need not be, or want to be, entertained: what matters is that an audience is present and that the purpose of the licensable activity is (at least in part) intended to entertain any person present. The audience will not include performers, together with any person who contributes technical skills in substantial support of a performer (for example, a sound engineer or stage technician), during any associated activities. This includes setting up before the entertainment, reasonable breaks (including intervals) between activities and packing up thereafter. Similarly, security staff and bar workers will not form part of the audience while undertaking their duties, which include reasonable breaks.

- 15.5 The amendments made to the 2003 Act by the Live Music Act 2012 (“the 2012 Act”) and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 (“the 2013 Order”) do not prevent more than one activity (or for a single activity, more than one performance or event) being held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, in separate rooms or on separate floors. However, any person involved in organising or holding these activities must ensure that audiences do not grow or migrate so that the audience exceeds the relevant limit for any one performance or event at any time. If uncertain, it might be easier and more flexible to secure an appropriate authorisation.

Private events

- 15.6 Events held in private are not licensable unless those attending are charged for the entertainment with a view to making a profit (including raising money for charity). For example, where a party is held for friends in a private dwelling featuring amplified live music, if a charge or contribution is made solely to cover the costs of the entertainment, the activity is not regulated entertainment. Similarly, any charge made to the organiser of a private event by musicians, other performers, or their agents does not of itself make that entertainment licensable – it would only do so if the guests attending were themselves charged by the organiser for that entertainment with a view to achieving a profit. The fact that this might inadvertently result in the organiser making a profit would be irrelevant, as long as there had not been an intention to make a profit.
- 15.7 Schedule 1 to the 2003 Act also makes it clear that before entertainment is regarded as being provided for consideration, a charge has to be:
- made by or on behalf of a person concerned with the organisation or management of the entertainment; and
 - paid by or on behalf of some or all of the persons for whom the entertainment is provided.
- 15.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation (e.g. crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

Circumstances in which entertainment activities are not licensable

- 15.9 This Guidance cannot give examples of every eventuality or possible entertainment activity. However, the following activities are examples of entertainment which are not licensable:
- education – teaching students to perform music or to dance;
 - activities which involve participation as acts of worship in a religious context;
 - activities that take place in places of public religious worship;
 - the demonstration of a product – for example, a guitar – in a music shop;
 - the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit (including raising money for charity);
 - games played in pubs, youth clubs etc. (e.g. pool, darts, table tennis and billiards);

- stand-up comedy;
- the provision of entertainment facilities (such as dance floors, which were previously licensable under the 2003 Act before its amendment by the 2012 Act).

15.10 As a result of amendments to the 2003 Act by the 2012 Act and the 2013 Order, no licence is required for the following activities to the extent that they take place between **08:00-23:00** on any day:

- **a performance of a play** in the presence of any audience of no more than 500 people;
- **an indoor sporting event** in the presence of any audience of no more than 1,000 people;
- most⁸ **performances of dance** in the presence of any audience of no more than 500 people; and
- **live music**, where the live music comprises:
 - a performance of **unamplified live music**;
 - a performance of **live amplified music in a workplace** with an audience of no more than 200 people; or
 - **a performance of live music on licensed premises**⁹ which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied.

So, for example, an indoor sporting event that takes place between 07:00 and 23:30 on a particular day is licensable in respect of activities taking place between 07:00-08:00 and 23:00-23:30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500.

15.11 The various effects of the changes made to entertainment licensing under the 2003 Act by the 2012 Act and the 2013 Order are described below. For live music, see paragraphs 15.12 to 15.19 below; and for an explanation of what happens where an existing authorisation imposes conditions on plays, indoor sporting events and dance, see paragraphs 15.29 to 15.33 below.

Live music and the effect of the Live Music Act 2012

15.12 To encourage more performances of live music, the Live Music Act 2012 amended the 2003 Act by deregulating aspects of the performance of live music so that in certain circumstances live music is not a licensable activity. However, it remains licensable:

- where a performance of live music – whether amplified or unamplified – takes place before **08:00** or after **23:00** on any day;
- where a performance of **amplified** live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at relevant licensed premises at a time when those premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises (see Chapter 3 of this Guidance);

⁸ For an explanation of which performances of dance are fully licensable, see paragraph 15.32-15.33.

⁹ The Live Music Act 2012 provides that if premises are licensed under the 2003 Act, they cannot also be treated as a workplace for the purpose of the 2012 Act.

- where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 200 people; or
 - where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended by the 2012 Act) when imposing a condition on a premises licence or club premises certificate as a result of a licence review (see paragraphs 15.23-15.24 below).
- 15.13 In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or Temporary Event Notice, allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.
- 15.14 Public performance of live unamplified music that takes place between 08:00 and 23:00 on any day no longer requires a licence in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.
- 15.15 This amendment to the 2003 Act by the 2012 Act means that section 177 of the 2003 Act now only applies to performances of dance.

Key terms used in the Live Music Act 2012

- 15.16 Under the ‘live music’ provisions, ‘music’ includes vocal or instrumental music or any combination of the two. ‘Live music’ is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, ‘live’ music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music to create new sounds. There will inevitably be a degree of judgement as to whether a performance is live music or not and organisers of events should check with their licensing authority if in doubt. In the event of a dispute about whether a performance is live music or not, it will ultimately be for the courts to decide in the individual circumstances of any case.
- 15.17 A “workplace” is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.
- 15.18 In addition to what paragraphs 15.4 and 15.5 above say about the way in which the 2003 Act uses the term “audience”, people may be part of an audience even if they are not located in exactly the same place as the performers, provided they are present within the audible range of the performance. So, for example, if a band is performing in a marquee, people dancing outside that marquee may nevertheless be members of the audience.
- 15.19 For the purposes of this Chapter only, “relevant licensed premises” refers to premises which are authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a Temporary Event Notice.

Licence conditions and reviews

- 15.20 The amendments made to the 2003 Act by the Live Music Act 2012 affect conditions relating to **live music** in licensed premises. Any existing licence conditions on relevant licensed premises (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music remain in place, but are **suspended** between the hours of 08:00 and 23:00 on the same day where the following conditions are met:
- at the time of the live music, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
 - if the live music is amplified, the performance takes place before an audience of no more than 200 people; and
 - the live music takes place between 08.00 and 23.00 on the same day.
- 15.21 The effect of conditions relating to **other activities** that are deregulated between 08:00-23:00 is explained in paragraphs 15.29 to 15.33.

Live music and conditions

- 15.22 In some instances, it will be obvious that a condition relates to live music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of Regulated Entertainment all doors and windows must remain closed” would not apply if the only entertainment provided was live music between 08:00 and 23:00 on the same day to an audience of up to 200, but the condition would continue to apply if there was a disco in an adjoining room.
- 15.23 However, even where the 2003 Act (as amended by the 2012 Act) has deregulated aspects of the performance of live music, it remains possible to apply for a review of a premises licence or club premises certificate if there are appropriate grounds to do so. On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to live music. Similarly, under section 177A(4), a licensing authority may add a condition relating to live music as if live music were regulated entertainment, and as if that premises licence or club premises certificate licensed the live music.
- 15.24 An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements (see Chapter 11 of this Guidance for more information about reviews under the 2003 Act).
- 15.25 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.

Live music: conditions relating to beer gardens

- 15.26 Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08:00 and 23:00 on the same day before an audience of 200 people or fewer.

- 15.27 Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace. Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08:00 and 23:00 on the same day in front of an audience of no more than 200 people.
- 15.28 However, a licensing authority may, in appropriate circumstances, impose a licence condition that relates to the performance of live music in an unlicensed beer garden using any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

Conditions relating to plays, dance and indoor sport

- 15.29 As a result of the 2013 Order, a performance of a play or dance, or an indoor sporting event, will no longer require a licence to the extent that certain qualifying conditions (see paragraph 15.10) are satisfied. Similarly, to the extent that those qualifying conditions are satisfied, any current licence condition that relates to an activity for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect.
- 15.30 Where, however, non-licensable activities take place at the same time as other activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may nevertheless apply to the non-licensable activities in the circumstances set out in paragraphs 15.36 and 15.37 below (conditions relating to other non-licensable activities).
- 15.31 A licence holder who wishes to remove conditions relating to activities that are no longer licensable may apply to the licensing authority for a licence variation. In the course of considering such applications, licensing authorities are encouraged to remove such conditions unless there are sufficiently serious specific concerns about the hosting of deregulated entertainment activities in relation to the remaining licensable activities taking place in the premises in question.
- 15.32 Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not affected by the 2013 Order, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
- 15.33 In almost all cases where a performance of dance is potentially licensable as both the provision of **relevant** entertainment (under the 1982 Act) and **regulated** entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act will be required where:
- the premises are not licensed as a sex entertainment venue under the 1982 Act, and
 - relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

Conditions relating to combined fighting sports

- 15.34 The 2013 Order amended the existing descriptions of regulated entertainment to make clear that both an indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and that any contest, exhibition or display combining boxing or wrestling with one or more martial arts ('combined fighting sports') is – whether indoors or not – a boxing or wrestling entertainment.
- 15.35 To the extent that a premises licence or club premises certificate purports to authorise a boxing or wrestling entertainment or combined fighting sports as an 'indoor sporting event', the 2013 Order provides that the authorisation will be treated as having authorised those activities as a boxing or wrestling entertainment. Those activities will continue to be subject to any relevant conditions attached to that authorisation.

Conditions relating to other non-licensable activities

- 15.36 If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the 2003 Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.
- 15.37 Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities (and will generally be classed as a performance of live music – see paragraph 15.16 above) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers, if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting access to a dance floor, where the presence of customers who had been consuming alcohol on the premises had led to serious disorder.

Temporary event notices

- 15.38 The circumstances in which a temporary event notice ("TEN") is required for a performance of live music are described above in paragraph 15.12. In addition, licensing authorities should be aware that, following changes made by the 2013 Order, a TEN is only required for an indoor sporting event or the performance of dance or a play if the activity takes place before 08:00 or after 23:00 on any day. As no more than 499 people can be permitted on authorised premises by a TEN, a TEN cannot authorise the performance of a play or dance, or an indoor sporting event, where such an activity is licensable because the relevant audience limit is exceeded (see paragraph 15.10). Other regulated entertainment, or the sale or supply of alcohol, would need to be authorised by a TEN or a premises licence or club premises certificate.

More than one entertainment event in the same premises

15.39 Where there are different audience limits for different entertainment activities (e.g. 500 for plays or dance, 1,000 for indoor sport) and different activities are occurring at the same premises at the same time, the event organisers must ensure that the audience for each entertainment does not exceed the relevant threshold unless an authorisation is in place for that entertainment. Event organisers will have to consider the possibility of audience migration (see also paragraph 15.5).

Morris dancing

15.40 The amendments to the 2003 Act by the 2012 Act extend the exemption relating to music accompanying morris dancing in paragraph 11 of Schedule 1 to the 2003 Act, so that it applies to the playing of live or recorded music as an integral part of a performance of morris dancing, or similar activity.

Incidental music

- 15.41 In addition to provisions introduced by the 2012 Act, the performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act.
- 15.42 As a result of the 2013 Order, the incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required as it takes place between 08:00 and 23:00 on the same day before an audience which does not exceed the relevant limit; such an activity would no longer be a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment, such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required (e.g. because it is an indoor sporting event taking place between 08:00 and 23:00 before an audience which does not exceed 1,000).
- 15.43 Whether or not music is "incidental" to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor will be whether, against a background of the other activities already taking place, the addition of music` will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. Other factors might include some or all of the following:
- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
 - Is the music advertised as the main attraction?
 - Does the volume of the music disrupt or predominate over other activities, or could it be described as 'background' music?
- 15.44 Conversely, factors which would not normally be relevant in themselves include:
- The number of musicians, e.g. an orchestra providing incidental music at a large exhibition.
 - Whether musicians are paid.

- Whether the performance is pre-arranged.
- Whether a charge is made for admission to the premises.

Spontaneous music, singing and dancing

15.45 The spontaneous performance of music, singing or dancing does not amount to the provision of regulated entertainment and is not a licensable activity because the premises at which these spontaneous activities occur would not have been made available to those taking part for that purpose.

16. Early morning alcohol restriction orders

General

- 16.1 This chapter provides guidance to licensing authorities about Early Morning Alcohol Restriction Orders (“EMROs”). The power conferred on licensing authorities to make, vary or revoke an EMRO (or propose to take any of these steps) is set out in sections 172A to 172E of the 2003 Act. This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 16.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 16.3 An EMRO:
- applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
 - applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week;
 - applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
 - applies to the whole or any part of the licensing authority’s area;
 - will not apply to any premises on New Year’s Eve (defined as 12am to 6am on 1 January each year);
 - will not apply to the supply of alcohol by those who provide hotel or similar accommodation to their residents between 12 am and 6am, provided the alcohol is sold at those times only through mini-bars and/or room service; and
 - will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the 2003 Act.

The EMRO process

- 16.4 An EMRO can apply to the whole or part of the licensing authority’s area. The area may, for example, comprise a single floor of a shopping complex or exclude premises which have clearly demonstrated to the licensing authority that the licensable activities carried on there do not contribute to the problems which form the basis for the proposed EMRO.
- 16.5 If the licensing authority already has a Cumulative Impact Policy (“CIP”) in its Licensing Policy Statement (see Chapter 13 of this Guidance), it should consider the relationship between the CIP and proposed EMRO area, and the potential overall impact on its local licensing policy.
- 16.6 Introducing an EMRO is a licensing function. Therefore, this is not the responsibility of a council’s executive. The final decision to make an EMRO (or to vary or revoke one) must

be made by the full council of the licensing authority. Any preceding steps, including advertising the proposed EMRO, holding hearings and making a determination to put before the full council for its final decision, are for the licensing committee of the licensing authority. The licensing committee may delegate these steps to the licensing sub-committee or officers as it sees fit.

Evidence

- 16.7 When establishing its evidence base for making an EMRO, a licensing authority may wish to consider the approach set out in paragraphs 13.23 to 13.26 of this Guidance which includes indicative types of evidence, although this should not be considered an exhaustive list of the types of evidence which may be relevant.
- 16.8 Before a licensing committee determines to recommend that the full council make a proposed EMRO, it should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The requirement to take an evidence-based decision to promote the licensing objectives should enable licensing authorities to draw on their experience from other licensing decisions they make under the 2003 Act, such as the determination of applications for the grant of premises licences. The licensing authority should consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

Introducing an EMRO

- 16.9 An EMRO is a powerful tool which will prevent licensed premises in the area to which the EMRO relates from supplying alcohol during the times at which the EMRO applies. The licensing authority should consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO. As set out in paragraphs 9.38-9.40 of this Guidance, when determining whether a step is appropriate to promote the licensing objectives, a licensing authority is not required to decide that no lesser step will achieve the aim. They should, however, consider whether taking that step is reasonable, justified and proportionate. Other measures that could be taken instead of making an EMRO might include:
- introducing a CIP;
 - reviewing licences of specific problem premises;
 - encouraging the creation of business-led best practice schemes in the area;
 - using other mechanisms such as those set out in paragraph 13.39 of this Guidance.
- 16.10 If the licensing authority has identified a problem in a specific area attributable to the supply of alcohol at two or more premises in that area, and has sufficient evidence to demonstrate that it is appropriate for the promotion of the licensing objectives, it can propose making an EMRO. The licensing authority should first decide on the matters which must be the subject of the proposal. These are:
- the days (and periods on those days) on which the EMRO would apply;
 - the area to which the EMRO would apply;
 - the period for which the EMRO would apply (if it is a finite period); and
 - the date from which the proposed EMRO would apply.

In relation to the date when it plans to introduce the EMRO, the licensing authority should note that this may change when it is specified in the final order.

Advertising an EMRO

- 16.11 The proposed EMRO must be advertised. The licensing authority should include a short summary of the evidence and the manner in which representations can be made in the document, as well as the details of the proposed EMRO. The proposal must be advertised for at least 42 days (a reference in this Chapter to a period of “days” means a period comprising calendar days and not only working days). The licensing authority must publish the proposal on its website and in a local newspaper. If no newspaper exists, it must be published in a local newsletter, circular or similar document. The licensing authority must also send a notice of the proposal to all affected people in its area. They are:
- holders of (and applicants for) premises licences or club premises certificates to which the proposed EMRO would apply;
 - premises users in relation to TENS to which the proposed EMRO would apply;
 - those who have received a provisional statement in respect of a premises to which the proposed EMRO would apply.
- 16.12 Licensing authorities must, moreover, display a notice of the proposal in the area to which the EMRO would apply, in a manner which is likely to bring the proposal to the attention of those who may have an interest in it.
- 16.13 The licensing authority should also inform responsible authorities in its area and neighbouring licensing authorities of its proposal to make an EMRO. It may also like to consider what further steps could be taken, in any particular case, to publicise the proposal in order to draw it to the wider attention of any other persons who are likely to have an interest in it.

Representations

- 16.14 Those who are affected by a proposed EMRO, responsible authorities or any other person have 42 days (starting on the day after the day on which the proposed EMRO is advertised) to make relevant representations. To be considered a relevant representation, a representation must:
- be about the likely effect of the making of the EMRO on the promotion of the licensing objectives;
 - be made in writing in the prescribed form and manner, setting out the EMRO to which it relates and the nature of the representation;
 - be received within the deadline; and
 - if made by a person other than a responsible authority, not be frivolous or vexatious. Chapter 9 of this Guidance gives further advice on determining whether a representation is frivolous or vexatious.

Representations can be made in relation to any aspect of the proposed EMRO. If a licensing authority decides that a representation is not relevant, it should consider informing the person who has made that representation.

- 16.15 Responsible authorities may wish to make representations, as may affected persons (as set out in the above paragraph).
- 16.16 Others may also wish to make representations about the proposed EMRO. These persons could include, but are not limited to:
- residents;
 - employees of affected businesses;
 - owners and employees of businesses outside the proposed EMRO area; and
 - users of the late night economy.

Hearings

- 16.17 If a relevant representation or representations are received, the licensing authority must hold a hearing to consider them (unless the authority and anyone who has made representations agree that this is unnecessary). The licensing authority should consider, based on the number of relevant representations received by it and any other circumstances it considers appropriate, whether to hold the hearing over several days, which could be arranged to take place other than on consecutive working days.
- 16.18 As described in paragraph 16.6, a hearing to consider representations in relation to an EMRO may be held by the licensing committee, the licensing sub-committee or an officer of the licensing authority. It is recommended, however, that such hearings be conducted by the licensing committee or sub-committee.
- 16.19 Licensing committees should be familiar with the hearing process as it has similarities with other processes under the 2003 Act. Further guidance on hearings can be found in Chapter 9 of this Guidance (paragraphs 9.27 to 9.37). However, licensing authorities should note the following key points in relation to a hearing about a proposed EMRO:
- the hearing must be commenced within 30 working days, beginning with the day after the end of the period during which representations may be made;
 - the hearing does not have to take place on consecutive working days, if an authority considers this to be necessary to enable it to consider any of the representations made by a party or if it considers this approach to be in the public interest;
 - a licensing committee or sub-committee must make its determination within 10 working days of the conclusion of the hearing; and
 - the licensing committee or sub-committee is not required to notify those making representations of its determination.
- 16.20 The licensing committee or sub-committee will determine the manner in which the hearing will be conducted in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. If a licensing committee or sub-committee determines that a representation is frivolous or vexatious, it must notify in writing the person who made the representation.
- 16.21 As a result of the hearing, the licensing committee has three options:
- to determine that the proposed EMRO is appropriate for promotion of the licensing objectives;
 - to determine that the proposed EMRO is not appropriate for the promotion of the objectives and therefore that the process should be ended;
 - to determine that the proposed EMRO should be modified.

In the final case, if the authority proposes that the modified EMRO should differ from the initial proposal in relation to the area specified, any day not in the initial proposal or the period of any day specified, the authority should advertise what is in effect a new proposal to make an EMRO in the manner described above, so that further representations may be made.

Final EMRO

- 16.22 If the licensing determines that the proposed EMRO is appropriate for the promotion of the licensing objectives, its determination must be put to the full council for its final decision. There is no time specified in legislation by which the full council must make this decision. This is intended to reflect the fact that the licensing authority may only meet in full council infrequently.

- 16.23 The matters set out in the final order must be no different from the matters set out in the proposal to make the order, subject to the caveat described above in paragraph 16.21. The order must be set out in the prescribed form and contain the prescribed content.
- 16.24 No later than 7 days after the day on which the EMRO is made, the licensing authority must send a notice to all affected persons of the EMRO, and make the order available for at least 28 days on its website and by displaying a notice in the EMRO area. A licensing authority should retain details of the EMRO on its website for as long as the EMRO is in force. It is recommended that the licensing authority advises neighbouring licensing authorities and the Secretary of State that the order has been made, the nature of the order and when (and for how long) it will take effect.
- 16.25 The licensing authority should monitor the effectiveness of the EMRO to ensure it continues to be appropriate for the promotion of the licensing objectives and periodically review whether it is appropriate to continue to apply it. The licensing authority should consider setting out its policy in relation to reviewing EMROs (if any) in its statement of licensing policy.
- 16.26 The variation or revocation of an order requires the licensing authority to undertake the same process as that which applied on its introduction; that is after gathering the appropriate evidence, it advertises its new EMRO proposal, following the process set out above so that those affected and anyone else can make representations.
- 16.27 If an order applies for a finite period, the order will cease to apply on its last day. If the licensing authority wishes to introduce a further (new) EMRO, it must follow the full process for proposing a new EMRO.
- 16.28 Licensing authorities should update their statement of licensing policy (in accordance with section 5 of the 2003 Act) to include reference to the EMRO as soon as reasonably possible.

Exceptions to an EMRO

- 16.29 EMROs will not apply on New Year's Eve in recognition of its status as a national celebration. The supply of alcohol to residents through mini-bars and room service in premises with overnight accommodation will also not be subject to an EMRO.

Enforcement of EMROs

- 16.30 The sale or supply of alcohol in contravention of an EMRO is an 'unauthorised licensable activity' which is an offence under section 136 of the 2003 Act. Moreover, it may result in a closure notice being served on the premises under section 19 of the Criminal Justice and Police Act 2001 as a precursor to an application for a closure order under section 21 of that Act. This may alternatively, result in the licence being reviewed on crime prevention grounds. Further information on reviews can be found in Chapter 11 of this Guidance.
- 16.31 An EMRO overrides all authorisations to supply alcohol under the 2003 Act (including temporary event notices). It is immaterial whether an authorisation was granted before or after an EMRO was made as there are no authorisations that have the effect of authorising the sale of alcohol during the EMRO period, with the only exception being a licensing hours order made under section 172 of the 2003 Act.

Appendix 9 National Policy Considerations

Table listing paragraphs within the Home Office *Amended Guidance Issued Under Section 182 of the Licensing Act 2003* (June 2013) which are considered relevant to the application to Review the Premises Licence for the St George 81 Caledonian Tamworth.

Please note that the list is not exhaustive.

Section & Paragraph Number	Pages	Summary of content
1 Introduction	7	Licensing Authority may depart from S182 guidance.
1.9		
1.12	8	Licensing Authority may depart from its own policy.
1.17	9	Each application must be considered on its own merits.
1.19	10	Avoiding duplication of other legal requirements.
2 The Licensing Objectives		
Crime & Disorder 2.1 - 2.7	11 - 12	Police should be main source of advice on crime and disorder. Conditions should be targeted on deterrence of crime and disorder Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It is the responsibility of the premises licence holder to ensure that managers appointed at the premises are competent.
Protection of Children from Harm 2.25 – 2.35	15 - 17	Matters to be considered to promote the protection of children from harm
3. Licensable activities		
Unauthorised activities 3.19	20	Criminal offence under section 136 to carry on unauthorised licensable activities.
4. Personal Licences		
Specification of a new designated premises supervisor 4.18 – 4.25	23-24	Role of the designated premises supervisor and process to appoint a new designated premises supervisor.
Police objections to	25	Seeking a review if there are problems relating

Section & Paragraph Number	Pages	Summary of content
existing designated premises supervisor 4.29		to the performance of a DPS.
9. Determining Applications Representations from the police 9.12	59-60	Police are an essential source of advice and information.
10 Conditions attached to premises licences & club premises certificates 10.1 - 10.10	65-66	Introduction to adding conditions Proposed Conditions Imposed conditions Proportionality
Mandatory conditions in relation to the supply of alcohol 10.24 – 10.34	68-70	Designated premises supervisor role and responsibilities Authorisation by personal licence holders
Age verification 10.46 – 10.49	72	Age Verification
11 Reviews 11.1 to 11.11 11.16 to 11.30	75-80	Reviews
12 Appeals 12.8 -12.9	82	Licensing Authority to have regard to statement of licensing policy and S182 Guidance.
12.10	82	Giving reasons for decision.