



South Staffordshire Council

Licensing Act 2003

Statement of Licensing Policy 2021- 2025



www.sstaffs.gov.uk



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Introduction

1. Introduction

- 1.1 South Staffordshire is a mainly rural area on the north western edge of the West Midlands conurbation. The District is made up of a collection of diverse settlements ranging from hamlets to large villages. It covers an area of approximately 101,000 acres with an estimated population of 111,900 people. Approximately 80% of South Staffordshire is Green Belt land and the remainder is open countryside. It enjoys good transport links with major rail lines and the M6, M6 Toll and M54 all pass through the district. South Staffordshire is also one of eight Districts within the County of Staffordshire.
- 1.2 The vision of the Council is to make South Staffordshire a safe and healthy place to live, with prosperous villages and thriving communities, where everyone can develop their abilities to the full, and pass on to future generations a better environment.
- 1.3 The Licensing Act 2003 (the Act) provides for a unified system for regulating the sale and supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshment. In the Act, these activities are referred to collectively as “licensable activities” and 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.
 - Provision of “regulated entertainment”, which includes:
 - Performance of plays.
 - Film exhibitions.
 - Indoor sporting events.
 - Boxing or wrestling entertainment.
 - Performance of live music.
 - Playing of recorded music.
 - Performance of dance.
 - Entertainment of a similar description to a performance of live music, playing recorded music and /or performance of dance. The supply of hot food and/or drink from any premises between 11.00pm and 5.00am (late night refreshment).
- 1.4 South Staffordshire District Council (The Council) is the licensing authority for the purposes of the Act in South Staffordshire. Reference to “the Council” in this document will relate to its capacity as that licensing authority.

Introduction

- 1.5 The Act requires that the Council publish a “Statement of Licensing Policy”, setting out its policy in respect to the exercise of its licensing functions under the Act.
- 1.6 This Statement of Licensing Policy was prepared in accordance with the provisions of the act and, in particular:
- Having regard to guidance issued by the Secretary of State under Section 182 of the Act.
 - After proper consideration of responses to consultation with those authorities and representative bodies as required by Section 5(3) of the Act.
- 1.7 It can be accessed on the Council’s website at **www.sstaffs.gov.uk** and in hard copy from
- Environmental Health and Licensing Service,
South Staffordshire Council Offices,
Codsall,
WV8 1PX.**

Commencement

- 1.9 This policy will be effective from **6th January 2021**.

Future Review

- 1.10 The Council will continue to monitor the effectiveness of the policy in promoting the licensing objectives and will consider further reviews as appropriate.
- 1.11 The Council will consider changes to the policy in the light of new legislation and developments affecting the district and will undertake stakeholder consultation at the time such changes are considered. Some legislative changes are incorporated into this Policy by operation of law and do not require consultation or Council approval.

2. Licensing Objectives and Fundamental Principles

2.1 The Council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives. These are:

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

They are in no particular order. No Licensing objective has priority over any other.

2.2 The Council recognises that the entertainment industry is a major contributor to the local economy. It attracts visitors from outside the area as well as local residents and helps create vibrant villages and communities within the District.

2.3 The Council will determine its policies and conditions so as to ensure that licensed premises and events operate in such a way that the above objectives are met. Conditions will be targeted to control the direct impact that activities taking place at a licensed premise have on members of the public living, working or engaged in normal activity in the area. Licensing law cannot be used to control general nuisance and anti-social behaviour once those concerned are away from the licensed premises and, as such, beyond the direct control of the licence, certificate or (other) authorisation holder.

2.4 The Council recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the local community generally. In determining such applications, the Council will balance this need against the promotion of the licensing objectives and the potential costs which may be imposed on the production of such events.

2.5 In addition, it will carry out those functions having regard to this policy and to any guidance issued by the Secretary under Section 182 of the Act. A copy of this guidance can be found at:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

3. Promotion of the Licensing Objectives

Prevention of Crime and Disorder

- 3.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment for large numbers of people, can be associated with elevated levels of crime and disorder.
- 3.2 The Council expects authorisation holders to regularly review how they propose to continue to prevent any crime and disorder that relates to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Council expects the Police to discuss any concerns they have relating to crime and disorder with the authorisation holder initially. The Council encourages local residents and other businesses to discuss issues of concern directly with individual businesses, or, to contact the Police Licensing Unit if they believe that particular licensed premises are failing to promote this objective.
- 3.3 The Council, as a statutory member of the Local Community Safety Partnership will develop and participate, as appropriate, in multi-agency strategies and action plans to tackle the misuse of alcohol, which has also been identified in the Cabinet Office's Alcohol Harm Reduction Strategy as being a precursor to crime and anti-social behaviour. The Council expects existing authorisation holders and new applicants to be able to demonstrate the steps they take or propose to take, to prevent and actively discourage the sale/supply of alcohol to persons under 18 and the sale/supply of alcohol to individuals who are already intoxicated and therefore potentially vulnerable or pose a risk to others.
- 3.4 Authorisation holders and new applicants should undertake an assessment of the risk posed to their business from crime and disorder. This risk assessment approach remains fundamental to the operation and good practice of all licensed premises. Authorisation holders and applicants are strongly recommended to work closely with the local Police Licensing Unit in developing and implementing appropriate control measures to either overcome established or prevent potential problems.
- 3.5 The Council will expect new applicants and existing authorisation holders to adopt recognised good practice in whatever area of operation they are engaged. The Licensing Authority regards the Police as the primary source of advice in relation to preventing crime and disorder and will normally expect Police advice/recommendations to be followed unless there are good reasons for not doing so.
- 3.6 The Council has specific duties under Section 17 of the Crime and Disorder Act 1998 that underpin any control strategy that is employed. The Council will continue to work in partnership with the Police in addressing crime and disorder issues.

Promotion of the licensing objectives

- 3.7 The Council is of the view that generally, in order to promote the licensing objectives; all licensed premises within South Staffordshire are encouraged to be members of the relevant local Pubwatch Scheme, where one exists.
- 3.8 The Council and Police will not tolerate illegal substance/drug misuse in licensed premises and recognise that drug use is not something that can be associated with all licensed premises. However, it is recognised that specific conditions may need to be imposed for certain premises to reduce the likelihood of drugs being sold and used on the premises.
- 3.9 Once away from licensed premises, a small number of consumers may behave inappropriately and unlawfully. There are additional mechanisms both within and outside of the licensing regime that are available to address such issues. The Council will address a number of these issues through the Community Safety Partnership in line with its objective to reduce crime and disorder and drug and alcohol misuse within the district.
- 3.10 In relation to premises seeking or holding a Premises Licence and where alcohol will be sold under the terms of that licence the Council expects that:
- (a) A Designated Premises Supervisor (DPS) will have been given sufficient management authority and to be able to exercise effective day-to-day control of the premises; and
 - (b) Authority for an individual to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing.
- 3.11 This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promotes the prevention of crime and disorder. This will also benefit operators themselves by being able to demonstrate a commitment to the proper management of premises, in particular where enforcement action is being considered or becomes necessary.

Human Trafficking / Modern Slavery

- 3.12 Human trafficking is the movement of a person from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability. It is possible to be a victim of trafficking even if your consent has been given to being moved. Although human trafficking often involves an international cross-border element, it is also possible to be a victim of human trafficking within your own country.
- 3.13 Victims are often trafficked for sexual exploitation, forced labour or domestic servitude. Victims of Human Trafficking could be used to work in restaurants, fast food establishments and other licensed establishments.
- 3.14 The Council is committed to deterring and combatting such criminal activity. The Council will work with Staffordshire Police and other partner agencies to gather and share intelligence to identify, tackle and deter such activity.

Promotion of the licensing objectives

Promotion of Public Safety

- 3.15 Public safety is not defined within the Act, but the Government Guidance advises that it is concerned with the physical safety of people using the premises and not with public health. To ensure the safety of customers, applicants should be able to demonstrate, where required, that the premises comply with all health and safety regulations.
- 3.16 Applicants and event organisers will be expected to assess not only the physical environment of the premises (or site), but also working practices, in order to ensure and protect the safety of members of the public visiting the premises/site, those employed in the business, those engaged in running an event or anyone else that could be affected by the premises/site/event activities. This assessment would normally take place within a risk assessment framework.
- 3.17 Holders of premises licences and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.
- 3.18 For licensed or certificated premises and for temporary events; public safety must be kept under review and where changes to operational practices occur, or where the customer profile changes, a review of associated risk assessments should be undertaken.
- 3.19 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.
- 3.20 Where a Responsible Authority has recommended a safe capacity limit on all or part of premises the Council will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

Prevention of Public Nuisance

- 3.21 The Council is sensitive to the needs and expectations of different parts of the community in respect of leisure and cultural pursuits and will view applications accordingly. The impact of those activities on people who have to live, work and visit the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable, the Council will take account of this when exercising its functions.
- 3.22 The Council considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.
- 3.23 Licence holders already in receipt of complaints should look to remedy any confirmed problem at the earliest opportunity. The organisers of temporary events should consider and prevent

Promotion of the licensing objectives

potential nuisance, especially when complaints have previously arisen at the same premises. License holders must be aware that any licence granted under the Act does not confer any rights to, in particular, hold events or play music to such a level that it causes a statutory noise nuisance under Section 79 of the Environmental Protection Act 1990.

- 3.24 The Council expects authorisation holders to use risk assessment and their Operating Schedules to review and, where necessary, make improvements to the premises, or to operational practices, in order to prevent public nuisance.
- 3.25 Where the provisions of existing legislation prove inadequate or inappropriate for control purposes, the Council will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Council to promote the prevention of public nuisance objective will focus on measures within the direct control of the licence holder or designated premises supervisor.

Protection of Children from Harm

For the purposes of this policy, the following definition are used:

- (a) “Child” means an individual aged under 16,
- (b) A child is unaccompanied if he is not in the company of an individual aged 18 or over.

- 3.26 The Act details a number of legal requirements designed to protect children in licensed premises. The Council is duty bound to ensure that authorisation holders including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.
- 3.27 The Act prohibits children aged under 16 years old and unaccompanied by an adult, from being present in licensed premises (including premises operating under a TEN) that are being used primarily or exclusively for consumption of alcohol
- 3.28 The Council is committed to protecting children from harm and views this as an important licensing objective. The Council’s licensing team works with Children’s Services during the development of licensing policy where the protection of children is concerned. Information and intelligence sharing with the Staffordshire Safeguarding Children’s Boards ensures that the protection of children from harm remains key. In addition, the Council recognises the important role of Staffordshire Trading Standards in contributing to the promotion of this licensing objective, in particular in relation to restriction of alcohol to those underage.

Promotion of the licensing objectives

- 3.29 The Council is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.
- 3.30 Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.
- 3.31 Staffordshire Safeguarding Children Board's work with other statutory authorities and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. The Children's Board can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.
- 3.32 The Council encourages authorisation holders:
- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and
 - To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.
- 3.33 Staffordshire Safeguarding Children Board's provide local information about child safety, child sexual exploitation, policies and procedures including risk factors and signs and symptoms:
<https://www.staffsscb.org.uk>
- 3.34 The Council will take seriously any referral alleging the exploitation of children at or in the area immediately surrounding a licensed premise. The premises may be reviewed, and the authorisation subjected to further conditions or suspended or revoked if the allegations are made out.
- 3.35 The admission of children to any premises will otherwise normally be left to the discretion of the individual licence holder/event organiser, as the Act does not generally prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, then additional measures should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises where possible but cannot impose conditions requiring the admission of children to any premises.

Promotion of the licensing objectives

- 3.36 The Licensing Authority will judge the merits of each separate application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in the Government Guidance.
- 3.37 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised “Proof of Age” scheme. The Council supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The Council recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).
- 3.38 The Council expects that children should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings. By ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems.
- 3.39 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions as part of their operating schedule where their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.
- 3.40 The Council recognises that the Corporate Director of Social Care and Health for Staffordshire County Council is the responsible authority for advising this Council on all matters relating to the protection of children from harm.
- 3.41 The Council 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). It will also be expected 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.
- 3.42 Where a large number of children are likely to be present on any licensed premises, for example, a children’s show or pantomime, the Council may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

4. Applications, notices and representations

- 4.1 The Council will not accept notices, applications and representations that are not submitted in accordance with the requirements of the Act or regulations made under it.
- 4.2 The Council will expect all notices and applications to be publicised and advertised in accordance with the requirements of the Act or regulations made under it.
- 4.3 The Council will expect operating schedules accompanying applications for premises licences and club premises certificates to include sufficient information as to the steps proposed by applicants to promote each of the licensing objectives. A potential operator should undertake a risk assessment of their proposed operation so as to inform them as to what they need to do to promote the objectives. The Council will rely on the various responsible authorities as defined in the Act, to make representations regarding any concerns they may have over the sufficiency of that information. In addition, the Environmental Health and Licensing Team within this Council is a responsible authority under the law, and it may choose to express its concerns about any perceived insufficiency of information on an application.
- 4.4 The Council 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.
- 4.5 It will also expect the person making such representations will have informed the applicant of their concerns with a view to agreeing amendments to the details of the application or to the existing authorisation (in the case of a proposed review) that are acceptable to all parties.

Online Applications

- 4.6 Applications can be made using the forms on the Home Office website:
<https://www.gov.uk/alcohol-licensing>
- 4.7 The Council's web site also has links to these government web sites:
<http://www.sstaffs.gov.uk/your services/legal protection/licensing/premises licence.aspx>

Online Payments

- 4.8 In order to satisfy its obligations under the Provision of Services Regulations 2009 (and the EU Services Directive) the Council supports and encourages applications and payments made online.

Applications, notices and representations

Hearings and determinations

- 4.9 Where relevant representations (as defined in the Act) are received, the Council will normally hold a hearing to consider them. The Council will give notice of the hearing to those entitled as required by regulations made under the Act.
- 4.10 Where no relevant representations are received, such representations are withdrawn, or agreements are made that a hearing on an application is unnecessary; the Council must grant the application imposing only those conditions that are consistent with the operating schedule accompanying it and those that are mandatory under the Act.
- 4.11 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 Council will hold a hearing to consider it, whether or not relevant representations are received.
- 4.12 The Council may 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 appropriate so as to promote one or more of the licensing objectives.
- 4.13 When considering representations on applications made under the Act, the Council's licensing officers and members of its Licensing Committee (or Licensing Sub Committee) will maintain an impartial and objective stance with regard to representations made by other officers of the Council in their capacity as "responsible authorities", or, by other members should they be present as "interested parties", under the Act.
- 4.14 The Council can only regulate licensable activities at those premises authorised within the terms of the Act. Its licensing functions are not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of those holding the authorisation under the Act. The Council will focus primarily on the direct impact of the activities taking place at the licensed premises on members of the public living, working, or engaged in normal activity in the area concerned.

Minor variations

- 4.15 Licence holders can apply to make small changes to premises licences or club premises certificates through the minor variation process, which is cheaper, easier and quicker than the full variation process.
- 4.16 A minor variation is defined as one that could not impact adversely on any of the four licensing objectives. (see Chapter 3). These typically include:
 - (a) A minor change to the structure or layout of a premises.

Applications, notices and representations

- b) Small adjustments to licensing hours.
 - c) The removal of out of date, irrelevant, or unenforceable conditions, or the addition of volunteered conditions.
 - d) The addition of certain licensable activities that will not impact adversely on the licensing objectives.
- 4.17 The Minor Variations process cannot be used to add the retail or supply of alcohol to a licence.
- 4.18 Interested Parties may still make representations and the Council is entitled to seek the views of any of the responsible authorities when determining such applications. There is no right to a hearing and officers have delegated powers to determine applications under this process.
- 4.19 The minor variation application form and further guidance on minor variations can be found on the Home Office website at:
<https://www.gov.uk/government/publications/minor-variations-to-premises-licence-application-form>

Conditions

- 4.20 Any conditions imposed on licences/certificates issued under the Act will relate only to those matters falling within the control of the holders of those authorisations.
- 4.21 The Council will not impose standard 'blanket' conditions on authorisations issued under the Act and will avoid imposing disproportionate and over burdensome conditions.
- 4.22 Any conditions imposed under the Act will be tailored to the specific needs of the premises and will relate only to the licensing objectives.
- 4.23 In order to avoid duplication with other statutory regimes, the Council will not attach conditions regarding matters that are already adequately covered by other legislation.

Discretion

- 4.24 This policy sets out the general approach this Council will take in making licensing decisions under the Act. It does not alter the provisions of either the Act or regulations made under it. Any licensing function of the Council will be carried out with a view to promoting the licensing objectives having regard to both this policy and the guidance issued by the Secretary of State issued under Section 182 of the Act. The Council will carry out any such functions on the basis of the individual merits of the particular matter within the scope of the Act. The Council is generally bound to follow this policy and must have regard to the guidance issued by the Secretary of State under section 182. However, the Council can depart from both its policy and the guidance where there is good reason to do so. The reasons for any departure will be documented.

Applications, notices and representations

- 4.25 Similarly, this policy does not seek to 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 under the Act.

Personal licences

- 4.26 Applicants for personal licences must recognise that the licensing objectives are an important consideration when their application is being determined. Once at work, licence holders will be expected to maintain order, minimise anti-social behaviour on licensed premises and help prevent disorder and nuisance caused by excess alcohol consumption.
- 4.27 Applicants should also be aware of their responsibilities and should demonstrate a willingness to recognise their social responsibilities through a beneficial relationship with the enforcement agencies.
- 4.28 Personal licences will remain valid indefinitely unless suspended, surrendered or revoked. There is no fit and proper test in relation to licence holders. However, applicants should be free from police objection and must:
- Be aged 18 or over.
 - Produce a relevant Criminal Records Bureau disclosure issued no more than 1 month prior to application being made.
 - Possess a licensing qualification accredited by the Secretary of State.
 - Not have forfeited a personal licence within 5 years of the application.
 - Provide the appropriate fee.
 - Prove that they have the right to work in the UK.
- 4.29 Personal licence holders have a statutory duty to notify the issuing licensing authority of any change to their name or address. Licence holders must advise the Council in writing of their new details and return the 2-part personal licence to the Council along with the appropriate fee.
- 4.30 If taken to Court for a relevant offence, personal licence holders have a duty to inform the Court that they are a personal licence holder. They must then notify the Council without delay of any relevant offence they have been convicted of. A list of relevant offences can be found in schedule 4 which can be accessed by clicking here
- <http://www.legislation.gov.uk/ukpga/2003/17/schedule/4#text%3Dschedule%204>**
- 4.31 The personal licence application form and further guidance can be found on the Home Office website at:
- <https://www.gov.uk/government/collections/alcohol-licensing-personal-licences>**

Applications, notices and representations

- 4.32 Not every person who sells alcohol at licensed premises needs to hold a personal licence. However, premises licensed to sell alcohol must have a Designated Premises Supervisor (DPS) who:
- Must be a personal licence holder.
 - Should be responsible for the day to day running of the premises.
- Any supply of alcohol must be made or authorised by a personal licence holder. It is good practice for the designated premises supervisor to record in writing the names of the individuals who he/ she has authorized and the date of the authorization. The Council would expect that the Designated Premises Supervisor will have ensured that the individual concerned understands the law relating to the sale of alcohol e.g. in relation to persons under 18, proxy sales, intoxicated persons etc.
- 4.33 The authorisation should be kept in a place where it may be made available for inspection to any police officer or authorised officer of the Council upon request.
- 4.34 It is a mandatory condition upon every licence where alcohol is sold, that every sale of alcohol must be authorised by a personal licence holder. It therefore follows that the more personal licence holders are employed at a licensed premise, the easier it will be to comply with the legislation.

Temporary event notices

- 4.35 The Licensing Act 2003 provides that Temporary Event Notices (TENs) can be used to temporarily authorise licensable activities upon premises, such as the sale or supply of alcohol, the provision of regulated entertainment or the supply of late night refreshments which are not already authorised by either a premises licence or a club premises certificate. The TEN process is one of notification to the licensing authority and the police by the giver of the notice.
- 4.36 Temporary Event Notices (TEN's) do not seek permission to carry on licensable activity and do not make application for it. TEN's are a system of notification which the s182 guidance confirms is a light touch process.
- 4.37 It should be recognised that limitations apply to Temporary Event Notices. These include:
- The payment of a statutory fee.
 - A restriction on the number of times a person may give a TEN (50 times in any year for personal licence holders and 5 times per year for other people).
 - A restriction on the number of times a TEN may be given in respect of a premises (15 times a year).
 - The maximum aggregate duration of the periods covered by the TEN at any one premises; (15 times a year covering a maximum of 21 days in total).

Applications, notices and representations

- The maximum duration of an event authorised by a TEN (168 hours/seven days maximum).
- The scale of the event in terms of the number of people attending the event (a maximum of 499 people within the licensed area).
- The minimum period between events authorised under separate TEN's in relation to the same premises (not including withdrawn TEN's) by the same premises user is 24 hours.

4.38 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.

www.gov.uk/government/collections/alcohol-licensing-temporary-events-notices

Standard Temporary Event Notices

- 4.39 “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.
- 4.40 The Police and the Council’s Environmental Health department are the only bodies that can make representations regarding standard temporary event notices.
- 4.41 The Police and Environmental Health department 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. At any time before a hearing is held or dispensed with, the Police or Environmental Health Department may, with the agreement of the premises user, modify the temporary event notice by making changes to it.

Late temporary event notices

- 4.42 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 are not exceeded. There is no right of appeal in respect of police or EHA objections relating to late TENs.
- 4.43 Those who give notice of a TEN must be aware of relevant offences within the Act; the potential for police representation to the event and their powers to close premises where the licensing objective relating to the prevention of crime and disorder maybe or has been undermined.

Applications, notices and representations

4.44 Applicants should also be aware of the need for proper respect for the concerns of local residents, the requirements of legislation relating to matters such as health and safety, fire safety, noise nuisance, and food safety, plus the need for any planning or other permissions and the need to prevent antisocial behaviour. TEN applications may be referred to the responsible authorities for their attention where considered appropriate.

4.45 In certain circumstances, such as events involving large numbers of people (up to 499), or events in sensitive locations, the applicant may be required to submit an event management plan detailing the steps that will be taken to ensure that licensing objectives are not undermined.

Such notifications may involve a meeting with the Safety Advisory Group (SAG) which is made up of representatives from each of the responsible bodies. Applicants are advised to seek advice from the licensing authority. Failure to submit such a plan upon request may lead to representations being made by the Police and/ or Environmental Health Officer to the effect that, on the face of it, one or more objectives will not be sufficiently promoted if the event were to go ahead.

Review of licences

4.46 Where possible, the Council's responsible authorities will aim to give the licence holder(s) or DPS early warning of any concerns relating to their licensed premises which have been identified. The Council will also encourage dialogue between non council responsible authorities and the authorisation holder with a view to resolving problematic issues and helping to prevent formal application for a review being made.

4.47 The role of the Council is to administer the process and determine its outcome at a hearing. Those who approach the Council with a view to making application for review of a premises licence will, in the first instance, be directed to the most relevant responsible authority that may help them.

4.48 Application for review must be evidence based and the onus will be on the applicant to demonstrate that the licensing objectives have been or will be compromised.

4.49 Where an application for review of a premises licence is received and, following negotiation, is not withdrawn, there will be a need for a hearing to take place.

Any allegation that the licensing objective of preventing crime and disorder has or is being undermined will be looked at thoroughly by the Licensing Sub-Committee concerned.

4.50 Where the discretion of the Licensing Sub Committee is engaged, they will seek to balance the benefit to the community of a licensed venue with the need to ensure that the licensing objectives are promoted as well as protect the amenity of local residents from noise and disturbance.

Applications, notices and representations

- 4.51 The possible actions that may be taken by the Licensing Sub Committee in order to achieve this are:
- To take no action.
 - To modify the conditions of the licence.
 - To exclude a licensable activity.
 - To remove the Designated Premises Supervisor.
 - To suspend the licence for a period not exceeding 3 months.
 - To revoke the licence.
- 4.52 Following a review, where the status quo is maintained or where any licence is modified, suspended or revoked; any party involved in the hearing may engage in the appeal process which is available through the Magistrates' Court.
- 4.53 Where the Licensing Sub Committee is convened and agreement is reached between parties prior to, or during the hearing, then any such agreement must be ratified by the Sub Committee.



5. Other Regulatory Controls

- 5.1 There are a number of other regulatory controls that may affect the Council's licensing functions.
- 5.2 The Council will not seek to use its licensing functions for non-licensing purposes.
- 5.3 The Council will not seek to use its licensing functions in a matter that duplicates other regulatory controls as to do so would not be necessary. Where there is another regulatory control but it does not adequately address a specific licensing issue then the Council will utilise its licensing functions to affect additional and supplementary controls as appropriate, to promote the licensing objectives.
- 5.4 The grant of an authorisation does not establish, or even indicate, that regulatory bodies other than the licensing authority are content or that further licenses, permissions, consents or similar are not required.

Licensing hours

- 5.5 The Council recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of the customers leaving premises simultaneously are avoided.
- 5.6 With regard to shops, stores and supermarkets, the Council will not seek to restrict the sale of alcohol for consumption off the premises during times when the retail outlet is open for shopping, unless there are good reasons, based on the licensing objectives, for restricting those hours.

Capacity within licensed premises

- 5.7 Capacity and fire safety issues are covered in a useful guide found at:
<https://www.staffordshirefire.gov.uk/your-safety/business-safety/business-legislation/the-licensing-act-2003/>

Children in premises

- 5.8 The Council recognises the great variety of premises for which a Premises Licence may be sought and wishes to make it clear that there are a range of alternatives available for limiting the access of children where that is appropriate for the objective of the protection of children from harm.
- 5.9 Measures that may assist in the promotion of the objective relating to the protection of children from harm include:- restrictions on the hours when children may be present; restrictions or

Other Regulatory Controls

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 (under 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.

- 5.10 The admission of children into licensed premises will normally be at the discretion of the licence holder/management and this should be reflected in the operating schedule submitted to the Council upon application.
- 5.11 The Council will not seek to limit the access of children to any premises unless it receives representations to that effect. However, where premises give 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.

Live music

- 5.12 As a result of recent changes made to the Act no licence is required for the following activities:-
- A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - A performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - A performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that:
 - The audience does not exceed 500, and the organiser gets consent for the performance from a person who is responsible for the premises.
 - A performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that:
 - The audience does not exceed 500.
 - The organiser gets consent for the performance on the relevant premises from: (i)

Other Regulatory Controls

the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Relevant entertainment (adult entertainment)

- 5.13 Adult entertainment is only authorised where the Premises Licence clearly states that such entertainment is permitted. New applicants must make clear on the application form that adult entertainment may take place at the premises.
- 5.14 Existing licence holders should be aware that if adult entertainment is not mentioned within their current Premises Licence then a variation to the licence or a Temporary Event Notice (TEN) will be required before adult entertainment can take place. The TEN form makes specific reference to the provision of adult entertainment.

Community premises

- 5.15 Provision exists within the Act for community premises to apply for the removal of the mandatory condition relating to the need for a DPS and personal licence and the Council will support any requests of this nature.

Suspension of licence/certificate for non-payment of fees

- 5.16 Premises Licence or Club Premises Certificate annual fees are due to be paid to the Licensing Authority on the anniversary of the grant of the authorisation.
- 5.17 When annual fees are not paid the Licensing Act 2003 requires licensing authorities to suspend the premises licence or club premises certificate.
- 5.18 The Premises Licence or Club Premises Certificate is to be suspended unless the holder has failed to pay the fee at the time it became due because of an administrative error, or before or at the time the fee became due, the licence holder notified the authority in writing that the licence holder disputed liability for, or the amount of, the fee.
- 5.19 The suspension can only take place after a 21-day period of grace is afforded to the licence holder which begins on the day after the fee became due. After that 21 day period expires a suspension notice will be served by the licensing authority giving at least two working days before the suspension takes effect.
- 5.20 The suspension will be lifted on the day that the annual fee is paid.

<http://www.legislation.gov.uk/ukpga/2011/13/section/120/enacted>

6. Enforcement of licence requirements and conditions

- 6.1 The Act does not require the inspection of premises or events licensed or authorised under the Act, save at the discretion of those charged with this role. The Council will not, therefore, undertake routine premises inspections but will follow a risk-based system of targeting inspections of highest risk and problem activities, as and when judged necessary.
- 6.2 The regulation of licensable activities by the Council can only seek to control those measures which are within the control of the licensee and in the area immediately surrounding a premise. Licence holders are under a duty to ensure that the licensing objectives are being achieved and can make a substantial contribution to the reduction of crime and disorder in and around the premises as well as upon public nuisance, the public safety and protecting children from harm.
- 6.3 The Council will establish protocols with the police and other enforcing authorities where appropriate, for assessing risk. These protocols will provide for the targeting of problem and high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintain high standards.
- 6.4 Those who do not enter into a socially responsible partnership with enforcement and other agencies must recognise that they will be at risk of greater attention from the police and other responsible authorities than licence holders, managers and designated premises supervisors who actively cooperate.
- 6.5 In general, action will only be taken in accordance with agreed enforcement procedures and principles in line with the Council's own enforcement policy. To this end, the key principles of consistency, transparency and proportionality will be maintained. The Council recognises that providing effective information, guidance and education as well as ensuring proper enforcement are key factors in helping to ensure that the licensing objectives are met.



7. Wider licensing considerations

Reduction of Alcohol Harm

- 7.1 Health bodies have been able to act as responsible authorities under the Licensing Act 2003 since April 2012. Following the health reforms in April 2013 which saw the transfer of public health responsibilities to Local Authorities, health bodies and Directors of Public Health (in England) have unique access to data not available to other responsible authorities which may inform licensing decisions.
- 7.2 Public Health is not currently a licensing objective and there is no specific licensing objective related directly to health within the current legislation. However, it is recognised that 'Staffordshire Public Health' (SPH) at Staffordshire County Council has much to add in reducing health harms within the current licensing framework.
- 7.3 This licensing authority sees an effective working relationship with the Director of Public Health (DPH) and his team SPH, working together to ensure that the health impacts of alcohol licensing are considered. Although the DPH will be notified of all new licence applications, it is acknowledged that not every application will require or result in a response from public health. However, any representations should be considered relevant by the licensing authority where they relate to one or more of the licensing objectives.
- 7.4 Health bodies when making representation are most likely to relate such representations to the objectives on public safety and protecting children from harm. However, any health evidence will need to relate to a specific premises or group of premises in a particular area such as a cumulative impact zone. SPH may be able to provide evidence of alcohol related health harms, alcohol related A&E admissions or ambulance service data that may be directly relevant to an application under the Act.
- 7.5 The role of the DPH is to help promote the health and wellbeing of the local populations they serve and in the DPHs annual report of 2013-14 'Reducing alcohol-related harm: everyone's responsibility' 3 strategic priorities were identified:
 - (i) Prevention and early intervention
 - (ii) Treatment and recovery
 - (iii) Regulation and enforcement
- 7.6 The above three objectives are also underpinned by the cross-cutting theme of 'taking responsibility' in that individuals, families, communities and organisations will all need to take various forms of responsibility if alcohol problems are to be reduced.
- 7.7 The health reforms along with the publication of 'The Governments Alcohol Strategy' in March

Wider licensing considerations

2013 (still extant at the time of updating this Policy) and the development of local structures, assists in creating a joined-up approach in taking the appropriate action locally to tackle alcohol related harm. Given this, an Alcohol & Drugs Strategy for the District has been developed which focuses on the harm associated with alcohol misuse to individuals, families and communities in South Staffordshire and the collective broader efforts developed and implemented to reduce such harms and improve health and wellbeing local residents.

The Licensing Authority as a Responsible Authority

- 7.8 Although the Council's Environmental Health and Licensing Service is a responsible authority, it will not duplicate representations or applications made by other responsible authorities and other persons. However, if other parties have failed to take action and above team is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 7.9 This team may sometimes be better placed than other Responsible Authorities and connect seemingly unconnected reports from various sources.
- 7.10 The above team may also make representations where a Cumulative Impact Zone is in place and no other representations have been received.

Planning Decisions

- 7.11 Licensing & Planning are discrete regulatory functions.
- 7.12 There are several key differences between licensing and planning control, and their respective approaches to applications. Planning applications involves consideration of how land or buildings are to be used, with licensing considering the behaviour of people using the premises terms of its proposed use and the impact on the licensing objectives.
- 7.13 In some cases, it is possible that a premise has different hours of operation (in particular closing times) on its planning permission and premises licence. This can occur because considerations for obtaining planning consent are different to those for obtaining an authorisation under the Licensing Act 2003.
- 7.14 The distinction between planning and licensing functions must be clear, but it is also important that the functions are aligned to provide a cohesive and customer focussed service.

Cumulative Impact

- 7.15 'Cumulative impact' refers to the potential impact on the licensing objectives of the concentration of a significant number of licensed premises in a particular area.
- 7.16 The Council will not normally refuse applications simply because there are already a number of other licensed premises in the vicinity. However, the cumulative effect of the impact of licensed

Wider licensing considerations

premises on an area is a matter for consideration by the Council. It may be regulated by the designation of a Cumulative Impact Area (CIA) policy for determining applications for new premises licences or club premises certificates because the area is already saturated.

- 7.17 Where a CIA policy is adopted there will be a presumption against the grant of new licences and material variations unless the applicant can satisfy the Council that the application would not adversely affect the promotion of any of the licensing objectives.
- 7.18 There are currently no cumulative impact areas within the South Staffordshire district.

Early Morning Alcohol Restriction Orders (EMRO)

- 7.20 Under Section 172 A to E of the Act, the Council has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of 24:00 and 06:00. These are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which cannot be directly attributed to a specific premise.
- 7.21 The Council acknowledge that an EMRO may be restrictive, whilst also being a powerful tool to address recurring problems. Prior to making an EMRO the Council will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified.
- 7.22 In taking any decision to make an EMRO, the Council will follow the statutory process and will invite representations. An EMRO could only be made if the evidence demonstrated it was justified as appropriate for the promotion of the licensing objectives.

Late Night Levy

- 7.23 Under Section 125 of the Police Reform and Social Responsibility Act 2011 the Council can adopt a Late-Night Levy, following a consultation process, outlined by the Home Office.
- 7.24 The Late-Night Levy allows the Council to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) between 24:00 and up to 06:00 in order to cover the additional costs associated with late night alcohol trading.
- 7.25 Legislation allows the prescribed time to start from midnight, but it is up to the Council to decide when they wish to apply it.
- 7.26 The Council will consider implementing a Late-Night Levy if this is shown to be justified as appropriate for the promotion of the licensing objectives.

Delegation of functions

8. Delegation of functions

- 8.1 In accordance with the requirements of the Act, the Council's licensing functions, except those relating to the adoption of its licensing policy, will be discharged by its Licensing and Regulatory Committee.
- 8.2 To facilitate the processing of applications made under the Act and in the interests of speed, efficiency and cost effectiveness, the Council's Licensing and Regulatory Committee will delegate those functions to sub-committees (each of which will comprise three members of the Licensing and Regulatory Committee) and, so far as is permissible under the Act, the Council's licensing officers.
- 8.3 The scheme of delegation adopted by the Council's Licensing and Regulatory Committee follows the recommendations made by the Secretary of State in guidance issued under Section 182 of the Act:

Matter to be dealt with	Delegated to Sub-Committees	Delegated to 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 a minor variation to a premise's licence/club premises certificate		All cases
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence /club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases

Delegation of functions

Matter to be dealt with	Delegated to Sub-Committees	Delegated to Officers
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 a police and/or environmental health objection to a temporary event notice	All cases	



9. Contact details /advice & guidance

- 9.1 Applicants can obtain further details about the licensing and application processes, including application forms, fees, and details regarding each type of application, including the minor variation process via following:

**Environmental Health & Licensing
Council Offices
Codsall
South Staffordshire
WV8 1PX**

Email: **licensing@sstaffs.gov.uk**

Telephone: **01902 696000**

Fax: **01902 696219**

On Line: **<http://www.sstaffs.gov.uk/yourservices/licensing-services-1.aspx>**



Contact details /advice & guidance

Useful contacts

Staffordshire Trading Standards

2 Staffordshire Place
Stafford
ST16 2DH

Tel: **0300 111 8002**

businessadvice@staffordshire.gov.uk

Staffordshire Police

Early Intervention and Prevention Unit
Licensing Division
Smithfield One
Leonard Coates Way
Hanley
Stoke on Trent
Staffordshire
ST1 4FA

Tel: **101**

Noise/Public Nuisance:

Environmental Health Service
South Staffordshire District Council
Council Offices
Codsall
South Staffordshire
WV8 1PX

Tel: **01902 696000**

env.protection@sstaffs.gov.uk

Fire and Rescue Service

Staffordshire Fire and Rescue Service
Headquarters
Pirehill
Stone
Staffordshire
ST15 0BS

Tel: **0300 330 1000**

contact@staffordshirefire.gov.uk

Safeguarding:

SSCB Development Officer
Children & Lifelong Learning
Vulnerable Children's Division
Tipping Street
Stafford
ST16 2DH

Tel: **01785 854214**

Planning:

Development Management Services
South Staffordshire District Council
Wolverhampton Road
Codsall
Staffordshire
WV8 1PX

Tel: **01902 696000**

Contact details /advice & guidance

Health and Safety

Environmental Health Service
South Staffordshire District Council
Council Offices
Codsall
South Staffordshire
WV8 1PX

Tel: **01902 696220**

env.commercial@staffs.gov.uk

Health & Safety Executive

Health & Safety Executive
Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Tel: **01270 256654**

Public Health

Director of Public Health
Staffordshire County Council
Number 1
Staffordshire Place
Stafford
ST16 2LP

Home Office

Home Office (Immigration Enforcement)
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

alcohol@homeoffice.gsi.gov.uk



South Staffordshire Council

