LICENSING POLICY

(The Licensing Act 2003)
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Executive Summary

Dudley Metropolitan Borough Council is responsible for the licensing of licensable activities under the Licensing Act 2003.

This document sets out the policies that the Council will apply when making decisions upon applications for:

- 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 late night refreshment (the supply of hot food or drink from a premises between 11.00pm and 5.00am)
- The provision of regulated entertainment

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

Performance of a play
Exhibition of a film
Indoor sporting event
Boxing or wrestling entertainment (indoors and outdoors)
Performance of live music (not incidental music, i.e. a piano in a restaurant)
Playing of recorded music (not incidental music, i.e., simultaneous reception and playing of a television programme)
Performance of dance

Entertainment of a similar description to the performance of live music, the playing of recorded music and the performance of dance.

This policy shall apply in respect of new consents, renewals, transfers and variations to the following:

Premises Licence
Club Premises Certificates
Personal Licences
Temporary Event Notices

The Act makes provision for this policy to be the subject of consultation and the list of consultees is attached as Appendix B. The Council will review this policy at least every five years and consult on any proposed revisions.

The Act sets out four main licensing objectives which the Council has a duty to promote in determining applications:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Each of the objectives is considered to be of equal importance.
This Policy and the Council’s functions as Licensing Authority seek to achieve control of premises, qualifying clubs and temporary events within the terms of the Act. Terms and conditions will focus on achieving the Licensing Objectives with reference to:-

- matters within the control of individual licensees
- the specific premises and the places used
- the vicinity of those premises and places
- the direct impact of the activity taking place at the licensed premises on public who live, work and carry out normal activity in the area concerned

Licensing is not a mechanism for the general control of anti-social behaviour by individuals beyond the direct control of the licensee of the premises concerned. In this respect the Council recognises that there are a number of other mechanisms available for addressing issues of unruly behaviour e.g., drunk and disorderly conduct that can occur away from licensed premises including:-

- planning controls
- measures to create a safe and clean environment in partnership with local businesses and other departments of the Council
- powers of the Council to designate parts of the Borough as places where alcohol may not be consumed publicly under the Anti-social Behaviour, Crime and Policing Act 2014
- police enforcement of the normal law concerning disorder and anti-social behaviour including issuing fixed penalty notices
- the prosecution of any Personal Licence Holder or member of staff at such premises who is selling alcohol to people who are drunk, or under age
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- the power of the police, other responsible authority or interested parties or business to seek a review of the licence or certificate in question

The objective of the licensing process is to allow the continuation of retail sales of alcohol, the provision of regulated entertainment and the provision of late night refreshment in a way which ensures compliance with the Act, public safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Council’s wish to aid well run and managed premises with license holders demonstrating sensitivity to the impact of the premises on their neighbours and the local area.

The Council recognises that the licensed entertainment business sector and community licensed facilities in the Borough contribute to the local economy and social infrastructure. The Council wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc., for the wider cultural benefit. They are a factor in maintaining a thriving and sustainable community, which is one of the Council’s aims.

* The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. We will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children, and will not allow the views of vocal minorities to predominate over the general interests of the community.
We will only attach licence conditions that are reasonable, proportionate, and appropriate for the promotion of the licensing objectives. We are aware of the need to avoid measures as far as possible that deter live music, dancing and theatre for example by imposing indirect costs of a disproportionate nature.

We will monitor the impact of licensing on regulated entertainment in the Borough, particularly on live music and dancing. If there is evidence that licensing requirements deter such activities, we will consider how to prevent it, and if necessary will change this Policy.

The Council is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. We wish to encourage them for the benefit of all.

The Council may seek in its own name premises licences for appropriate public spaces within the Borough. This will make it easier for people to organise suitable cultural events. We will consider any request for permission to use such public spaces for cultural activities.

The Borough is a mixed commercial and residential area, whose amenity the Council has a duty to protect. One of the Council’s aims is to promote safer and stronger communities. These factors will be taken into account where applications will increase the concentration of entertainment uses, and or, lengthen hours of operation in a way that would materially impact on the local area.

This policy will set out the general approach the Council will take when it considers applications for licences. It will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any “interested party” to make representations on an application or seek a review of a licence where provision has been made for them to do so in the Act. However, the Council will disregard any representations, which are regarded as irrelevant, frivolous and/or vexatious.

This Policy has been prepared to assist the Council in reaching a decision on applications, setting out those matters that will normally be taken into account. This policy also seeks to provide clarity for applicants, objectors, residents and other occupiers of property.
1.0 Introduction

1.1 The Metropolitan Borough of Dudley is a conurbation situated on the western edge of the West Midlands and includes part of the Black Country industrial region. The Local Authority provides services to approximately 313,000 residents.

1.2 The Metropolitan Borough Council of Dudley (“the Licensing Authority”) is responsible for the licensing of licensable activities under the Licensing Act 2003 (“the Act”) in accordance with Part 1 section 1.

This document sets out the policies that the Licensing Authority will apply when making decisions upon applications for:

- 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 late night refreshment (the supply of hot food or drink from a premises between 11.00pm and 05.00am)
- The provision of regulated entertainment

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

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Playing of recorded music (not incidental music, i.e., simultaneous reception and playing of a television programme)
Performance of dance
Entertainment of a similar description to the performance of live music, the playing of recorded music and the performance of dance.

1.3 This policy shall apply in respect of new consents, renewals, transfers and variations to the following:-

Premises Licence
Club Premises Certificates
Personal Licences
Temporary Event Notices

1.4 The Act makes provision for this policy to be the subject of consultation and the list of the consultees is attached as Appendix B. The Licensing Authority will review this policy at least every five years and consult on any proposed revisions. We are aware that the government may amend licensing legislation and guidance from time to time, but this policy will not be reviewed in the light of these changes, so please refer to the government web site for an up to date statement of the law and guidance. The Local Authority will act in accordance with guidance issued under S182.
The Act sets out four main licensing objectives which the Licensing Authority has a duty to promote in determining applications:

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **Protection of Children from Harm**

Each of the objectives is considered to be of equal importance.

1.5 This policy and the Metropolitan Borough Council of Dudley’s functions as Licensing Authority seek to achieve control of premises, qualifying clubs and temporary events within the terms of the Act. Terms and conditions will focus on achieving the Licensing Objectives with reference to:

- Matters within the control of individual licensees
- The specific premises and the places used
- The vicinity of those premises and places
- The direct impact of the activity taking place at the licensed premises on public who live, work and carry out normal activity in the area concerned.
2.0 Other Policies Objectives and Guidance

2.1 Other statutory requirements may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate Food Safety legal requirements are met. It would be expected that a licensee would have registered the premises as a food business with the Licensing Authority. It is not a requirement of any licence decision to address these matters. However, it is a good reflection of the responsible licensee that they conform to all relevant legislation.

2.2 Many of the specific licensing requirements relate to matters potentially affecting public safety. In addition to these licensing requirements there are wider duties on all businesses (whatever their legal status and regardless of whether a licence is needed) to protect the health and safety of employees (and the self employed) as well as the public. Some of these duties are deliberately wide, generalised and all encompassing e.g., main duties under Section 2, 3 and 4 of the Health & Safety at Work etc. Act 1974, and others are very specific e.g., requirements under the Control of Substances Hazardous to Health Regulations 2002, and do not apply in all circumstances. Some of these duties are “absolute” under law and have to be complied with, without exception. Thus these Health and Safety duties tend to include all specific safety requirements under licensing requirements for the public on the premises and extend them to cover the safety of others e.g., staff, contractors, passers-by, etc. Thus there is considerable overlap between the licensing regime and the wider health and safety regimes.

The Licensing Authority is committed to ensuring that the safety of persons visiting licensed premises is not compromised. Members of the public visiting licensed premises have a right to expect that due consideration has been taken of their needs with respect to public safety.

The applicant will be expected to carry out a thorough risk assessment for public safety prior to application. The actions resulting from a risk assessment should be included in the Operating Schedule for premises with respect to addressing the licensing objective of public safety. Guidance will be issued to assist applicants decide what should be considered in their risk assessments and included in their Operating Schedules. The list will not be exhaustive and applicants are encouraged to include other matters that they consider relevant to the individual circumstances of their premises.

The Licensing Authority will have particular regard to representations from its environmental health officers as well as from the Fire Service and the Police to determine if measures proposed are sufficient to ensure the safety of the public. Where actions are detailed in the Operating Schedule are not deemed to be comprehensive and in accordance with guidance issued then the responsible authorities for health and safety can make representations. The Licensing Authority will not seek to duplicate responsibilities already held under other statutes, but where safety issues are either unique to the premises or the licensing objectives they should be addressed.

2.3 All applicants for Premises Licences and Club Premises Certificates and those intending to hold Temporary Events are reminded that planning permission will normally be required for such uses and such planning consents may carry conditions with which they are expected to comply or action may be taken under the relevant planning legislation. In general, planning consents authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality.
The precise nature of the impact of the specified activities proposed by a prospective licence will also be considered when an application is made for a Premises Licence.

Licensing applications should not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. The Licensing and Safety Committee will ensure however that the Development Control Committee is advised of the situation regarding licensed premises in the borough including the general impact of alcohol related crime and disorder and any proposals to introduce a saturation policy to assist the Development Control Committee in its decision making process. The purpose of a saturation policy is to minimise the cumulative impact of licensed premises where it can be shown that the density of premises selling alcohol and the concentration of drinkers is such that it is resulting in anti-social behaviour, noise, or crime and disorder. This conflict may be the result of the late night demand on local resources, for example the queuing for fast food outlets, public transport, etc. The Licensing Authority however will not take need into account when considering an application, as this is a commercial decision and a matter for planning control and the market.

2.4 The current Unitary Development Plan (UDP) is a collection of documents and associated information on the use of land throughout the whole of the Dudley Borough. It takes the form of a written statement and a plan showing the whole Borough (proposals map). The UDP sets out both broad and detailed policies that offer clear advice to the public, developers and Council officers on what sort of development would be appropriate in a given location. It does this through identifying on the proposals map various different types of land use, such as open land or industrial areas, and linking these areas to policies designed to govern them. The UDP forms the basis of all planning decisions throughout the Dudley Borough.

Planning decisions on proposals to build on land, or change its use, should not be arbitrary. They must be considered against clearly set out criteria. The statutory development plan provides the primary basis for this consideration, but decisions must also take into account other material considerations, including the government’s national and regional planning guidance and material representations from interested parties. The development plan, therefore, provides an essential framework for planning decisions, and enables the whole community to be fully involved in their shaping, through the public participation process.

2.5 The Licensing Authority will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant consultation of this policy and individual applications.

2.6 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a Local Authority to act in a way that is incompatible with a Convention Right. The Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 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.
The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees;

- Since December 1996 it has been unlawful to treat disabled people less favourably that other people for a reason related to their disability;
- Since October 1999 reasonable adjustments should be made for disabled people, such as providing extra help or making changes to the way they provide their services; and
- Since Oct 2004 reasonable adjustments should be made to the physical features of their premises which are open to the public, such as Licensed Premises.

The Licensing Authority has published its Race Equality Scheme in which it sets out how it aims to address race equality issues in the Borough. When considering licence applications the Licensing Authority is required to assess and consult on the likely impact of the application on the race equality policy. It must also comply with The Equality Act 2010.

The Licensing Authority’s Crime & Disorder Strategy
The Licensing Section works with partner agencies to target problem premises and formulate strategies to reduce alcohol related crime in the Borough.

Tourism & Employment
The Licensing Authority already has a Black Country Visitor Economy Strategy and Economic Strategy which address the issues of the local tourist economy. These strategies are currently under review and will be consolidated into a Community Strategy. Arrangements will be made, to keep the Committee appraised of the local tourist economy, and the Cultural Strategy for Dudley. Where appropriate the Committee will also be advised of the employment situation and the need for any new investment in a particular area.

The Health Act 2006 – Workplace Smoking Ban
The ban on smoking in all enclosed workplaces and public spaces came into force on the 1st July 2007. The ban includes smoking in pubs, restaurants and members’ clubs where bar or other staff are employed. In this context “enclosed” will mean anywhere with more than 50% of wall and ceiling space in-filled.

There are a number of other local and national policies, strategies responsibilities, and guidance documents which have been taken into account when formulating this policy. A list of these policies, legislation, case law and guidance can be found at Appendix I to this policy.

Live Music Act
The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of ‘live’ music. The Act removes the Licensing requirement for:

- amplified ‘live’ music between 8.00 am and 11.00 pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
- amplified ‘live’ music between 8.00 am and 11.00 pm before audiences of no more than 200 people in workplaces otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment);
- unamplified ‘live’ music between 8.00 am and 11.00 pm in all venues;
- the provision of entertainment facilities;
- where licensable activities continue to take place on premises any licence conditions relating to ‘live’ music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.
The Policy should emphasise that, when considering whether an activity constitutes ‘the provision of regulated entertainment’ each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events should be encouraged to check to with the licensing authority if in doubt.
3.0 Determinations

3.1 When determining applications the Licensing Authority will work within the framework of this Policy which has been prepared having regard to guidance issued by The Home Office.

3.2 Each licence application will be considered on its own merits in the context of the four current licensing objectives, and unless relevant representations are received from responsible authorities or other parties, there is no provision for a licensing authority to impose conditions on a licence other than mandatory conditions or those proposed within the application.

3.3 The provisions for determination of Club Premises Certificates will be the same as those for Premises Licences.

3.4 This policy shall apply in respect of new consents, renewals, transfers and variations to the following:

- Premises Licence
- Club Premises Certificates
- Personal Licences
- Temporary Event Notices

3.5 Premises must be constructed or adapted in such a way that it is deemed safe and appropriate to the nature of the activities to be licensed. Premises in the course of construction, alteration, extension, etc., can be granted a Provisional Statement pending completion to the required standard and compliance with all other requirements. An applicant will be able to make application for a premises licence where the exact specification of the building is known, including all matters to be included, into the Operating Schedule. This in turn will be enough for responsible Authorities and interested parties to base a decision on as to whether or not to make a relevant representation.

3.6 The following list contains examples of measures and guidance that might be taken into account by the Licensing Authority when considering Licensing applications and operating schedules.

- The steps the Applicant has taken or proposes to take to prevent public nuisance. Such steps may include the installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, parking provision, notices at exits and in the car park.
- The likelihood of any public disorder, violence or other alcohol related crime arising if a licence were to be granted. The British Beer and Pub Association good practice on managing safety in pubs can be found at [www.beerandpub.com](http://www.beerandpub.com)
- Consider the use of special effects (e.g., lasers, smoke generators, foam parties, etc) and the measures needed to ensure public safety.
- Applicants will be required, when appropriate, within their Operating Schedules to specify the dispersal measures the venue will take at the end of the trading session to minimise the potential for disorder and disturbance as customers leave the premises.

An extract from the Bar, Entertainment and Dance Association’s Dispersal Policy can be found within the document Social Responsibility for the Production of Alcoholic Drinks in the UK at [www.beerandpub.com](http://www.beerandpub.com)
3.7 If there is any representation by a responsible Authority or other persons to an application for a premises licence the matter will be referred to a Licensing Sub-Committee for determination, in the absence of lack of agreement between the parties.
4.0 Conditions

4.1 A suitable individual who is also a Personal Licence holder must be nominated as a Designated Premises Supervisor responsible for the day to day management of the premises at any time when it is open for the carrying out the sale of alcohol.

4.2 Upon grant of a licence, the Act sets out mandatory conditions, which may be attached in certain circumstances and in addition to these special conditions may be attached. These conditions will be appropriate to the nature of the activities specified in the submitted Operating Schedule for the premises and shall reflect the four current licensing objectives. Any special condition will normally be drawn from a Pool of Conditions (see Appendices C, D, E and F), which will be compiled to meet the circumstances of the proposed activities. However to avoid duplication with other statutory regimes as far as possible the Licensing Authority will not attach conditions on a licence unless they are considered appropriate for the promotion of the Licensing Objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. Conditions imposed will be in consultation as appropriate with the relevant authorities.

Where the responsible Authorities and other parties do not raise any representations about the application made to the Licensing Authority, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the Operating Schedule or Club Operations Schedule and any mandatory conditions prescribed in the 2003 Act itself.

Failure to comply with the Licensing Authority’s conditions could amount to a criminal offence, with conviction punishable by a fine of up to £100,000 or 6 months imprisonment or both.

4.3 Where representations have been received from a responsible authority(s) and the representation upheld by the Licensing Committee, any conditions to be attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned and will relate to matters within the control of the licensee, the premises themselves, which are appropriate to meet the licensing objectives. For example conditions may be imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions on sound levels. Conditions may also be imposed requiring licensees to display signs at all exits of premises reminding customers to leave the premises quietly and to respect the rights of nearby residents.

In addition conditions may be attached requesting premises serving customers from takeaways and fast food outlets from 11.00 pm to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers.

4.4 It shall be the Licensing Authority’s policy that premises will comply with the Licensing Authority’s Pool of Conditions (relate to Appendices C, D, E, F) that will be determined in each case in consultation with other relevant authorities.

The above will be based on representations received from relevant authorities and other persons.
The Licensing Authority may also consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the Licensing Authority may impose a condition that door supervisors must be present at the premises either at all times or such times as certain licensable activities are being carried out.

4.5 In any case Licensees shall keep a record of all door supervisors/security personnel employed at the premises, together with an incident report book. Both books shall be available for inspection by an authorised officer of the Licensing Authority or a Police Officer.
5.0 Films

5.1 No film shall be exhibited at licensed premises which is likely to lead to disorder and/or stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

If a licence holder is notified by the Licensing Authority that a particular film in the opinion of the Licensing Authority falls into that category and may not be shown, its decision shall be final in that respect.

5.2 In connection with the film exhibition, conditions will specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

5.3 No film shall be available to the public without being classified which must be displayed and the film if it is unclassified must be given to the Licensing Authority at least 28 days before screening for classification.

5.4 Where videos are shown on Licensed Premises they should be suitable for children if children are permitted in the Operating Schedule.

5.5 The admission of children to any film exhibition shall be restricted in accordance with the recommendations given to films by the British Board of Film Classification or by the Licensing Authority.
6.0 Licensing Hours

6.1 In making decisions that relate to the hours for which a premises is licensed consideration will be given to the individual merits of the application in conjunction with the licensing objectives. The presumption will be to grant the hours requested unless there are objections to those hours raised by responsible authorities or interested parties on the basis of the licensing objectives.

6.2 It is hoped that varied licensing hours will minimise concentrations of customers leaving licensed premises simultaneously. This will help reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.

6.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the Guidance to the 2003 Act establishes the principle that allows sales of alcohol at all times while such premises are open for business.

6.4 In making decisions in respect of hours, consideration will be given to representations made by residents and businesses, their representatives, the police as well as the applicant and other agencies as appropriate.

6.5 Fixed trading hours will not be set for particular geographical areas. However account will be taken of any guidelines that are adopted in respect of licensing hours. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met. Stricter conditions however are likely to apply where the premises are situated in mainly residential areas to minimise disturbance to local residents. Any further guidelines will be incorporated into this Policy and will be the subject of further consultation prior to implementation.

6.6 Limitations on operating hours may be imposed as appropriate, for example, following police representations in the case of isolated shops known to be a focus of disorder, disturbance or for people engaging in anti-social behaviour, including pressurising shop staff to make unlawful sales.

6.7 Shops, store and supermarkets
Shops, stores and supermarkets should 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 very good reasons for restricting those hours. Accordingly if the law permits the shop to open for 24 hours or limits such opening, i.e. on Sundays the Licensing Authority will generally permit the sale of alcohol during those hours.
7.0 Cumulative Impact of Licensing on the Amenity of Particular Areas

7.1 The Licensing Authority recognises that the cumulative effect of licensed premises may result in an increase in numbers of people either walking through or congregating in streets or cause adverse effects on amenity and this in turn may have a number of undesirable consequences, for example:

- An increase in crime against both property and persons;
- An increase in noise causing disturbance to residents;
- Traffic congestion and/or parking difficulties;
- Littering and fouling.

7.2 The Licensing Authority will take into account:

- The character of the surrounding area;
- The potential and real impact of the licence on the surrounding area, both individually and cumulatively with existing licences;
- The nature and character of the proposed operation; and
- Any other relevant considerations

7.3 Where there is evidence that a particular area of the Borough is suffering adverse effects arising from a concentration of licensed premises, or that residential areas are under stress, this will be taken into account in determining any further applications or variations to existing licences for premises within the area identified. The onus will be on the objectors to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed.

The Licensing Authority may consider a specific saturation policy if this proves necessary.

The Licensing Authority in considering whether to adopt a special saturation policy will take the following steps:

- identify serious and chronic concern from a responsible authority or representatives from residents or local businesses concerning nuisance and/or disorder;
- assess the causes;
- where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identify the area from which problems are arising and the boundaries of that area; and
- adopt a special policy about future licence applications from that area.

7.4 There are other mechanisms both within and outside of the licensing regime to address the bad and unlawful behaviour of a minority of consumers once they are away from licensed premises. These include :-

- Planning controls
- 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, ample taxi ranks, revision 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.
• Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
• The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
• The confiscation of alcohol from adults and children in designated areas.
• Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from premises causing a nuisance.
• The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
• Other local initiatives that similarly address these problems.

7.5 The Council approved the introduction of a Special Policy regarding Cumulative Impact in Stourbridge Town Centre on the 16th October 2006. (See Appendix C for details of Policy and Designated Area of Stourbridge).

7.6 Following the introduction of the Special Policy regarding Cumulative Impact the council introduced a scheme to close Stourbridge High Street to all vehicles except Hackney Carriage and emergency vehicles between midnight and 4.00 am, together with the appointment of taxi marshals. This scheme aids the dispersal of people at the end of the evening, allows the police and emergency vehicles easy access to the High Street and has helped to reduce alcohol related crime in the area. It is kept under regular review by a multi-agency group which includes the police and the Licensing Authority.

7.7 The Special Policy regarding the Cumulative Impact in Stourbridge High Street has been kept under review. The police violent crime figures have seen significant reductions since the introduction of the policy.
Early Morning Restriction Orders (EMRO)

8.1 The power for licensing authorities to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by section 119 of the Police Reform and Social Responsibility Act 2011. These provisions came into force on the 31st October 2012. This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12.00 am and 6.00 am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

8.2 EMRO’s 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.

8.3 The only exemption relating to EMRO’s are New Years Eve and the provision of alcohol to residents in premises with overnight accommodation.

8.4 The licensing authority must be satisfied that it has sufficient evidence to demonstrate that its decision to introduce an EMRO is appropriate for the promotion of the licensing objectives and it will consider both the potential burden this decision would impose as well as the potential benefits. Evidence will be considered from partners, including responsible authorities and Local Community Safety Partnerships.

8.5 Information which may form consideration of the introduction of an EMRO 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 councillors; and
- Evidence obtained through consultations.

8.6 The function of making, varying or revoking an EMRO will be determined by Full Council following a hearing by a Licensing and Safety Sub-Committee.
9.0 Children

9.1 The Licensing Authority will carry out its responsibilities so as to promote the licensing objective for the protection of children from harm.

9.2 Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.

9.3 The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary for the prevention of physical, moral or psychological harm. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can best be promoted in each individual case.

9.4 The Licensing Authority will not impose a right of access to children. This will remain a matter for the discretion of the licensee it is anticipated that the issue of access to children will be addressed in the Operating Schedule.

9.5 The range of options which may be considered for limiting the access of children where it is necessary for the prevention of harm to children include:

- limitations on the hours when children may be present;
- limitations excluding the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations (below 18);
- requirements for accompanying adults (include for example a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of those people under 18 from the premises when any licensable activities are taking place.

9.6 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the Licensing Authority.

9.7 The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The number of staff required should be assessed by the licensee, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor.
9.8 Anyone intending to provide staff for the supervision of activities to under 18’s will be required to carry out enhanced DBS checks on all persons involved servicing such activities, this includes all staff at cinemas, subject to advice from Children’s Services and The Children’s Safeguarding Board. These checks should be entered into a register which should be kept on the premises at all times and made available to the Police or authorised Licensing Authority Officer on request. Staff shall only be appointed who have been subject to a check and are found to be suitable, if in doubt the applicant should liaise directly with the Police.

9.9 The Licensing Authority will specifically require the Operating Schedule to address issues relating to children. In such cases applications will be served on Children’s Services for their consideration and expert opinion. Applicants will also be advised to contact Children’s Services directly should they wish to seek advice prior to submitting their application.

9.10 Premises that sell alcohol should have due regard to Proof of Age Schemes which operate across the UK.

9.11 Where there are restrictions (whether imposed by statute or by the Licensing Authority) on the sale or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training must be given to all persons who might be in a position to refuse such children. Such training must include recognition of age, seeking proof of age, verifying the authenticity of proof of age cards, and handling refusals.
10.0 Premises Licence

10.1 Application
Any person aged over 18 years, a business or partnership may apply for a premises licence. The application must be accompanied by:

- the required fee
- an operating schedule
- a scale plan of the premises 1cm:100cm to which the application relates in the prescribed form and,
- if the premises involves the supply of alcohol, a form of consent from the individual who is to be specified as the designated premises supervisor
- application to be advertised in the manner prescribed by the Licensing Authority (see Guidance and Regulations 25 and 26 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulation 2005).
- After the licensing committee has revoked a premises license, the committee will not normally consider a new application unless the applicant can demonstrate that they have no connection to the previous license holder or management structure.

10.2 Operating Schedule
An operating schedule should include information to enable the Licensing Authority or any interested party to assess the steps taken by the applicant to promote the Licensing Objectives. For example it will include a description of the style and character of the business to be conducted on the premises.

When addressing the Crime & Disorder; Public Nuisance; Protection of Children; and Public Safety Licensing Objectives, 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 each objective. Such steps as are required to deal with these identified issues should be included within the applicants Operating Schedule.

Premises where alcohol is to be sold for consumption on the premises it would be valuable to know the extent of seating, the type of activities available on the premises whether licensable under the 2003 Act or not. If there is to be dancing on the premises the operating schedule should describe the type of dancing, if this will include striptease or lap dancing, if the dancing will include members of the public, by professional performers or both and in what setting.

Other examples of information required in the Operating Schedule are:-

- Relevant licensable activities to be conducted on the premises
- Times/days of the week including holiday periods or different times of the year, the activities are to take place.
- Any other times the premises is open to the public
- Where the licence is required for a limited period, that period
- If the activities include the supply of alcohol, the name and address of the designated premises supervisor
- If alcohol is to be supplied, if it is to be consumed on/off the premises or both
- The steps the applicant proposes to promote the Licensing Objectives e.g., leaving a licensed premises quietly, public transport for customers leaving the premises.

The applicant will be expected to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications. Applicants must refer to the guidance on risk assessments produced by the Health and Safety Executive. Conditions
of Licence may be added on the advice of Environmental Health where operating schedules do not adequately address the risk assessment.
10.3 **Wholesale of Alcohol**
The wholesale of alcohol to the public is a licensable activity under the 2003 Act. Therefore there will be a need for a Premises Licence and a Designated Premises Supervisor who holds a Personal Licence where such transactions take place.

10.4 **Internet and mail order sales**
A premises licence will be required for the warehouse/storage facility of alcohol, however, the call centre where the order was placed would not be licensable.

10.5 **Regulated Entertainment**
This will require a Premises Licence.

10.6 **Late Night Refreshment**
The provision of hot food and/or hot drink for consumption either on or off the premises is licensable under the 2003 Act from the hours of 11.00pm and until 05.00am. Some premises are exempt from this licensing requirement:
- clubs, serving hot food and hot drink only to their members
- hotels, or comparable premises, serving hot food and hot drink only to those who will be staying at the hotel that night
- premises serving hot food and hot drink only to their own employees
- premises serving hot food and hot drink only to guests of those falling in the categories outlined above.

10.7 **Restaurants and Cafes**
Restaurants and cafes which sell hot food or drink between the hours of 11pm to 5am will need a Premises Licence. Restaurants and cafes will also need a Premises Licence if they sell alcohol at any time during the day or night.

10.8 **Casinos and Bingo Clubs**
Casinos and bingo clubs are the subject of separate legislation with regard to the licensing of gaming. The Gambling Act 2005 regulates this area. When granting, varying or reviewing licences authorising the sale of alcohol for consumption on such premises and/or the provision of regulated entertainment and/or late night refreshment at such premises the Licensing Authority should not duplicate any conditions imposed by virtue of such legislation. Where applicants wish to carry on activities licensable under the 2003 Act, they will need to prepare and submit an operating schedule, but in detailing the steps to be taken in promoting the four licensing objectives the applicant may refer to the statutory conditions in respect of his gaming licence where relevant. In addition, any conditions which are attached to premises licences should not prevent the holder from complying with the requirements of the Gambling Act 2005 and its supporting regulations.

10.9 **Garages**
If a licence is granted in respect of premises that sell petrol, and the primary use of the premises is that of a garage (this being the retailing of petrol or derv or the sale and maintenance of motor vehicles) then the licence will no longer have effect.

10.10 **Vehicles and Moveable Structures**
The sale of alcohol or the carrying out of other licensable activities from vehicles/moveable structures may only be carried out from a premises or site which holds a Premises Licence. It should also be noted that the provision of any entertainment or entertainment facilities on premises consisting of or forming part of any vehicle while it is in motion and not permanently or temporarily parked is not to be regarded as a regulated entertainment for the purposes of the 2003 Act. For example, a band performing on a moving float in a parade would not
require a premises licence if performances only take place while the vehicle is in motion.

10.11 **Vessels and Ships**
Vessels or ships are licensable by the Licensing Authority where they are usually moored.

10.12 **Sports Grounds**
Premises subject to the Safety at Sports Ground Act, the safety shall take precedence over conditions imposed or activities permitted by the premises licence during those times the Safety Certificate applies.

10.13 **Vending Machines**
Premises selling hot food by a vending machine will need to apply for a Premises Licence where the activity takes place between 11.00 pm and 5.00 am.

Licensed Premises are expected to site any cigarette vending machines in accordance with the National Association of Cigarette Vending Machines Code of Practice, where such premises allow access to under 18's. In particular, cigarette vending machines will need to be positioned to allow supervision from the bar area.

10.14 **Sexual Entertainment Venues**
The Licensing Authority has adopted the amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

Accordingly, if premises offer the following forms of entertainment on more than 11 occasions within a twelve-month period or such entertainments last longer than 24 hours they will require a Sexual Entertainment Venue Licence.

- Lap Dancing
- Pole Dancing
- Table Dancing
- Strip Shows
- Peep Shows
- Live Sex Shows

If such premises wish to sell alcohol and carry on other licensable activities they will require to be licensed under the 2003 Act in addition to requiring a Sexual Entertainments Venue Licence.

10.15 **Gaming Machines** *(see Appendix A - Definitions)*
The Gambling Act 2005 introduced a new system of regulation for the gambling industry. The formal implementation date for the Act was the 1st September 2007.
The Gambling Act 2005, Section 282 provides an automatic entitlement to make available two gaming machines (of category C or D) for use in alcohol licensed premises. If authorisation is sought for more than two machines, the applicant will be required to attend a hearing of the Licensing and Safety Sub-Committee to support the application. All plans submitted with applications for premises licences must set out the siting of each Amusement with Prizes machine.

There is unlikely to be the need for a hearing where the application is for renewal of the existing permit for more than two machines or where the application is for the grant of an Amusements with Prizes permit at premises which already have an existing permit for more than two machines, and where that number is not increased.

The following table defines categories of machines:-

<table>
<thead>
<tr>
<th>Category of Machine</th>
<th>Maximum Stake (from July 2011)</th>
<th>Maximum Prize (from July 2011)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Unlimited – No category A gaming machines are currently permitted</td>
<td></td>
</tr>
<tr>
<td>B1</td>
<td>£5</td>
<td>£10,000</td>
</tr>
<tr>
<td>B2</td>
<td>£100 (in multiples of £10)</td>
<td>£500</td>
</tr>
<tr>
<td>B3A</td>
<td>£2</td>
<td>£500</td>
</tr>
<tr>
<td>B3</td>
<td>£2</td>
<td>£500</td>
</tr>
<tr>
<td>B4</td>
<td>£2</td>
<td>£400</td>
</tr>
<tr>
<td>C</td>
<td>£1</td>
<td>£100</td>
</tr>
<tr>
<td>D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)</td>
<td>30p</td>
<td>£8</td>
</tr>
<tr>
<td>D – non-money prize (crane grab machine)</td>
<td>£1</td>
<td>£50</td>
</tr>
<tr>
<td>D – money prize (other than a coin pusher or penny falls machine)</td>
<td>10p</td>
<td>£5</td>
</tr>
<tr>
<td>D – combined money and non-money prize (other than a coin pusher or penny falls machine)</td>
<td>10p</td>
<td>£8 (of which no more than £5 may be a money prize)</td>
</tr>
<tr>
<td>D – combined money and non-money prize (coin pusher or penny falls machine)</td>
<td>20p</td>
<td>£20 (of which no more than £10 may be a money prize)</td>
</tr>
</tbody>
</table>
11.0 Club Premises Certificate

11.1 Application
In order for Qualifying Clubs to supply alcohol and provide other licensable activities on Club premises, a Club Premises Certificate is required, and there is no requirement to specify a Designated Premises Supervisor.

11.2 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 Licensing Authority 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.

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

11.4 Any member of a club over 18 years of age may apply for a Club Premises Certificate and applications must be accompanied by:-
• Completed application form
• The required fee
• An operating schedule
• A scale plan of the premises to which the application relates in the prescribed form
• A copy of the Club rules
• A copy of notice to be advertised in the prescribed form

11.5 Operating Schedule
The Licensing Authority will require the Club to produce an Operating Schedule which should include the following:
• The qualifying club activities to which the application relates;
• The proposed hours of those activities and any other times during which it is proposed that the premises are to be open to the public;
• Where the relevant Qualifying Club activities include the supply of alcohol, whether the supplies are for consumption on and/or off premises;
• Information to enable the Licensing Authority or any interested party to assess the steps taken by the applicant to promote the Licensing Objectives (for example, the arrangements for door security to promote the prevention of crime and disorder).

11.6 Where a Club intends to admit the general public to a Regulated Entertainment event then a Premises Licence or a Temporary Events Notice is required. Where alcohol is sold and there is a Premises Licence, then there will also be a requirement to obtain a Personal Licence. These Temporary Event Notices are subject to certain restrictions i.e. 12 occasions per year, must not aggregate more than 15 days, be no longer that 96 hours in duration or have more than 499 people attending.

11.7 If an applicant wishes to vary a Club Premises Certificate, the Licensing Authority require the application to be processed in the same manner as for a Premises Licence.
11.8 The Licensing Authority will require the Club Secretary’s contact details to be readily available in the event of an emergency.

11.9 **Club Gaming Permits**

Under Section 271 of the Gambling Act, members’ clubs and miners’ welfare institutes (but not commercial clubs) can apply to the Licensing Authority for the grant of a Club Gaming Permit which will authorise them to provide gaming machines, equal chance gaming and games of chance.

Club Gaming permits allow the provision of no more than three gaming machines. These may be from categories B4, C or D (see 10.1).

11.10 **Club Machine Permits**

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-gaming machines, they may apply to the Licensing Authority for a Club Machine permit. This will authorise the holder to have up to three gaming machines of categories B4, C and D (see 10.1).
12.0 **Personal Licences**

12.1 The Licensing Authority will grant a personal licence providing the following criteria is met:
   a. The applicant is over 18
   b. The required fee
   c. The applicant possesses a relevant licensing qualification
   d. The applicant has not forfeited a personal licence in the previous five 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.

12.2 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 BDS Certificate, which should be copied to the Police along with the application. The Licensing Authority will consult with the Police regarding any relevant offences or foreign offence as listed in schedule 4 of the Licensing Act 2003 and schedule C of the Guidance made by the applicant.

A relevant offence or a foreign offence will be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.

12.3 If a representation is made by the Police to an application the matter will be referred to by the Licensing Sub-Committee.

12.4 The refusal of the application will be the normal course where there are relevant offences unless there are, in the opinion of the Licensing Authority, exceptional and compelling circumstances that justify granting the application.

12.5 The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence as defined in the Act. Where an applicant for a personal licence has an unspent criminal conviction for a relevant offence, the police may interview the applicant should the police be minded to object to the grant of the licence.

12.6 The Police will interview all personal licence holders transferring to Dudley Borough.

12.7 The Personal Licence holder has a duty to inform the Licensing Authority of any new relevant convictions.

12.8 Every supply of alcohol must be made under the authority of a personal licence holder. Authorisation does not imply direct supervision by a personal licence holder. However the personal licence holder should give specific written authorisations to individuals that they are authorising to retail alcohol. This should include:-
   - Clear identification of the person(s) authorised to sell alcohol at any particular premises;
   - The acts which may be carried out by the person being authorised;
   - The arrangements for the personal licence holder to monitor the activity of the individual that they have authorised on a reasonably regular basis.
12.9 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 who can be readily identified at the premises. Thus it will be clear who is in charge of the day-to-day running of the business.

12.10 Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Licensing Authority will expect an individual to be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.

12.11 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.

12.12 Where a Personal Licence holder is convicted by a court for a relevant offence, the Court will advise the Licensing Authority accordingly. 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. Licensees are required to let the Licensing Authority know of any relevant convictions.
13.0 Temporary Event Notices

13.1 The Act provides for certain occasions when licensable activities at small scale events (for no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence but do need to provide advance notice to the police, the Licensing Authority and Environmental Health. The Police and Environmental Health can object to a Temporary Event Notice.

13.2 Where a Premises Licence is needed for a short period, a Temporary Event Notice may be required. There are two types of Temporary Event Notices a Standard Temporary Event Notice and a Late Temporary Event Notice. These are subject to various conditions and limitations which concern the following:-

- The number of Late Tens is 10 for a Personal Licence Holder and 2 for a non-Personal Licence holder;
- The number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and 5 times in a calendar year for other people). This includes both Standard and Late TENS;
- The number of times a TEN may be given for any particular premises (currently 12 times in a calendar year);
- The maximum duration of an event authorised a by a TEN is 168 hours;
- 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).

13.3 If the above conditions are not fulfilled, a temporary event at which licensable activities are to take place would require a Premises Licence.

13.4 The law states that in the case of a Standard TEN at least ten working days notice must be given to the Police, and the Licensing Authority prior to the date of the event the less time that is given will increase the likelihood of the police or Environmental Health objecting. The Licensing Authority recommends that at least 28 days notice be given to hold such events to allow consideration of the application and full guidance to be given to organisers to run their event in a proper manner and to pass on any relevant local information. The organisers may find it useful to refer to “the purple guide”. It is strongly recommended that organisers consult with Dudley Council Safety Advisory Group.

Safety Advisory Group recommendations for all events held on council or publicly owned land or the highway is 3 months notice for small events and 6 months for larger events.

13.5 In the event of a relevant representation from the Police, and/or Environmental Health to a Standard TEN the Licensing Authority will hold a hearing not less than 24 hours before the event is due to take place.

Conditions on an existing premises licence or club premises certificate may only be imposed at a hearing, unless the authority itself; the premises user and the responsible authorities raising objections has agreed that a hearing is not needed.
13.6  
- A Late TEN must give notice to the Police, Environmental Health and the Licensing Authority not before nine and not later than five working days before the event.
- 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.

13.7  
It should be noted that for events concerning more than 499 people a Premises Licence will be required for a limited period. 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.

13.8  
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 it is for that reason that organisers should refer to the HSE website on event safety.
14.0 Provisional Statement

14.1 Applicants will need to apply for a Provisional Statement where premises are being constructed or extended or substantially changed structurally in circumstances where it is proposed to carry out a licensable activity but where the exact specification of the building has not yet been finalised.

14.2 Applicants for a provisional statement will need to complete the appropriate application form to be determined by the regulations. An application must be accompanied by a Schedule of Works which will include:-

- A statement made by or on behalf of the applicant including particulars of the premises to which the application relates and of the licensable activities of which the premises are to be used.
- Plans of the work being or about to be done at the premises.
- Such other information as may be prescribed.

A copy of the application must also be served on the Police.

14.3 The licence will not become effective until the Licensing Authority stipulates the effective start date.

14.4 Applications for a Provisional Statement shall be dealt with in the same way as a Premises Licence.

14.5 The applicant will be required to state the days and hours during which they wish to be authorised to carry on licensable activities. The licence will be determined on such terms unless, following the making of relevant representations, the Licensing Authority considers it necessary to reject the application or vary those terms for the purposes of the Licensing Objectives.
15.0 Consultation

15.1 This section of the policy outlines the licensing consultation process. The aim of consultation is to provide the opportunity for all parts of the community to be involved in the licensing process.

15.2 The applicant will be required to advertise a premises licence application for the grant or variation of a licence. Application procedures and public consultation required for each type of licence will be in accordance with the Act.

15.3 Types of consultation normally undertaken by the applicant and the Licensing Authority will include:
- Statutory Authorities - Applicant
- Requiring the display of a notice of the application on the premises - Applicant
- Advertising in local newspapers - Applicant
- Notification on the Council's website – Licensing Authority
- Notice to Ward Members

15.4 Appeals
Where an applicant is aggrieved by a condition, decision or relevant representation from a responsible authority or relevant person, there is a right of appeal. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to the Magistrates Court.

15.5 In respect of Personal Licences, refusal to issue or revocation - appeals must be made to the Magistrates Court in the area where the licence was issued.

15.6 Appeals in relation to all other licences must be made to the Magistrates Court where the premises or event is situated.
16.0 Complaints Against Licensed Premises

16.1 Complaints relating to the activities carried out at licensed premises of any description will be referred to the Licensing Authority’s Licensing Section. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned.

It is recognised that complaints with regard to the under-age sale of alcohol are likely to be made to the Police or Trading Standards Division in the first instance. These complaints will be investigated and the Licensing Section notified of the outcome of the investigation/prosecution in order that appropriate action can then be taken with regard to the licence.

16.2 The Licensing Authority where practicable will seek to facilitate mediation between applicants, relevant statutory agencies and occupiers of nearby premises, local residents groups, community or interested groups where significant issues have arisen relating to a licence application. The Licensing Authority, where possible, will facilitate mediation through:

- Identification of potential issues for other relevant statutory agencies particularly regarding the safety and amenity of local residents.
- Negotiation of, if possible, potential conditions to reflect resolutions of mediation forums.

16.3 This process if used will not override the right of any interested party to ask that the Licensing Authority consider their valid objections or for any licence holder to decline to participate in a mediation meeting.

16.4 At any stage, following the grant of a premises licence, a responsible authority, or an interested party (e.g. local residents, local organisations and councillors) may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The licensing officers may not initiate their own reviews of premises licences.

16.5 Review of Licensed Premises

The Licensing Authority will disregard any representations which are irrelevant, frivolous and/or vexatious (i.e. representations that are made without foundation).

16.6 The 2003 Act provides a range of power for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives

- Issue an informal warning and/or to recommend improvement within a particular period of time;
- To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
- To exclude a licensable activity from the scope of the licence;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding 3 months;
- To revoke the licence.

When crime prevention licensing objective is being undermined it is expected that revocation of the licence – even in the first instance – will be seriously considered.
16.7 A senior Police Officer may, under section 161 of the Licensing Act 2003 close a premises in the interest of Public Safety for up to 24 hours on the grounds of likely or imminent disorder on or in the vicinity of the premises. Premises may also be closed if a public nuisance is being caused by Noise from the premises.

16.8 Where a review is brought on the ground that there has been a display, sale, or possession for sale of counterfeit alcohol from a premises, the Licensing Authority is likely to deem this a serious breach of the licensing objectives.
17.0 **Enforcement Policy**

17.1 The Licensing Authority has a Joint Enforcement Protocol which is available at the Licensing Office on the Dudley website.

17.2 The enforcement policy with regard to offences against licensing legislation will consider whether to commence a prosecution; issue a formal caution; or take no further action based upon the evidence provided in accordance with the Attorney-General’s Guide to Crown Prosecutions.

17.3 The Licensing Authority will seek to work actively with the Police, Fire and any other relevant authority to enforce the licensing legislation. It expects the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, to consult closely with the Licensing Authority when any enforcement action may be required and expects the police to continue using their powers under criminal law.

17.4 The Licensing Authority will employ licensing enforcement officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with.

17.5 The Local Authority will from time to time carry out test purchasing exercises to establish whether the law it enforces is being adhered to. Where appropriate this will involve the use of under age children to test compliance with the law relating to age restricted sales and supply. Any such exercise using children will have regard to the BRDO Code of Practice.

17.6 The Licensing Authority will carry out its responsibilities for enforcement so as to promote the licensing objectives and will aim to ensure enforcement is fair, open, reasonable, consistent and proportionate

- No inspection should take place without a reason.
- The Licensing Authority recognises that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection.
- Enforcement will be targeted to agreed problem and high risk premises while providing a lighter touch for low risk well run premises.
18.0 Administration, Exercise and Delegation

18.1 The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing and Safety Committee to administer them. The powers under the Act also allow for delegation of powers/functions to Licensing sub-committees or to one or more officers.

18.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Licensing Authority has taken advantage of these powers and has established four Licensing Sub-Committees.

18.3 Many of the decisions and functions are largely administrative in nature such as the grant of non-contentious applications, including for example those licences and certificates where no representations have been made. These will be delegated to Licensing Authority officers. All such matters dealt with by officers will be reported for information to the next Licensing and Safety Committee meeting.

18.4 Applications where there are relevant representations will be dealt with by a Licensing Sub-Committee – unless such representations are considered irrelevant, frivolous or vexatious or unless the Licensing Authority, the applicant and everyone who has made representations agrees that a hearing is not necessary (usually after successful mediation).

18.5 The table given in 18.10 below sets out the agreed delegation of decisions and functions of the Licensing and Safety Committee, sub-committees, and officers. The various delegations include delegation to impose appropriate conditions.

18.6 This scheme of delegation is without prejudice to the right of relevant parties to refer an application to a Licensing sub-committee or the full Licensing and Safety Committee if considered appropriate in the circumstances of any particular case.

18.7 Unless there are compelling reasons to the contrary, the Licensing Authority will require the Licensing and Safety Committee or any of its sub-committees to meet in public – although Members can retire into private session to consider their decision.

18.8 ‘Relevant representations’ are representations as defined by Section 18 of the Act:
   a. about the likely effect of the Premises Licence on the promotion of the licensing objectives
   b. made by an interested party or a responsible Authority, have not been withdrawn and, in the case of representations made by an interested party they are not in the Licensing Authority’s opinion irrelevant, frivolous or vexatious.

18.9 ‘Other Person who is not a Responsible Authority’ means any person who has made a representation which is relevant and neither vexatious or frivolous.
### 18.10 Delegation of functions:

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Full Licensing Committee</th>
<th>Licensing Sub-committee</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for Personal Licence</td>
<td></td>
<td>If a Police objection</td>
<td>If no objection made</td>
</tr>
<tr>
<td>Application for Personal Licence with unspent convictions</td>
<td></td>
<td></td>
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<tr>
<td>Application for Premises Licence / Club Premises Certificate</td>
<td></td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application for Provisional Statement</td>
<td></td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application to vary Premises Licence / Club Premises Certificate</td>
<td></td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application to vary Designated Premises Supervisor</td>
<td></td>
<td>If a Police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Request to be removed as Designated Premises Supervisor</td>
<td></td>
<td></td>
<td>All cases</td>
</tr>
<tr>
<td>Application for Transfer of Premises Licence</td>
<td></td>
<td>If a Police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Application for Interim Authorities</td>
<td></td>
<td>If a Police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Application to review Premises Licence / Club Premises Certificate</td>
<td></td>
<td></td>
<td>All cases</td>
</tr>
<tr>
<td>Decision on whether a complaint is irrelevant frivolous vexatious etc</td>
<td></td>
<td></td>
<td>All cases</td>
</tr>
<tr>
<td>Decision to object when local authority is a consultee and not the relevant authority considering the application</td>
<td></td>
<td></td>
<td>All cases</td>
</tr>
<tr>
<td>Determination of a Police objection to a Temporary Event Notice</td>
<td></td>
<td></td>
<td>All cases</td>
</tr>
</tbody>
</table>
19.0 Policy Consultation & Review

19.1 This Policy was published in September 2015.

19.2 This Policy came into effect in November 2015 and will remain in force for 5 years.

19.3 In developing this policy the Licensing Authority consulted widely to ascertain an appropriate licensing framework for its area. The bodies consulted included all Responsible Authorities.

19.4 In addition the Licensing Authority will consult:
   • Representatives of the local strategic partnership
   • Licensing solicitors
   • West Midlands Ambulance Service

19.5 Monitoring and Review of Policy
The police, fire authority and other consultees (see Appendix B) are encouraged to report to the Licensing Authority annually on the operation of the licensing function.

19.6 The Licensing Authority is also required to take into account any guidance issued by the Secretary of State. Following consultation, any revisions to this Policy shall be published.
20.0 Further information

Further information about the Licensing Act 2003 and the Council’s licensing policy can be obtained from:

Licensing Section
Unit 1, Hurst Business Park, Narrowboat Way, Brierley Hill, DY5 1UF
Tel: 01384 815489
Email: liquor.licensing@dudley.gov.uk
Website: www.dudley.gov.uk

Information is also available from:

The Home Office
Website: www.gov.uk

The draft has also been made available for inspection/comment on the Council’s web-site.

www.dudley.gov.uk

Public Information

The Register of Premises Licenses and Personal Licence holders will be available for inspection by appointment during normal office hours following implementation of the Policy and full implementation of the Licensing Act 2003.
Appendix A

Definitions

In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the 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 Licensing Authority’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.

Closure Order

New powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to see 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 Gaming Permits

A club gaming permit is a permit issued by a licensing authority authorising the provision of facilities for gaming.

Applicants are advised to consult Section 271 of the Act for further conditions and regulations within the definition, each application being considered on its own merits in line with this Section of the Act.

Club Machine Permits

A lower level permit, this can provide restricted facilities to the club gaming permit, full details of which can be found in Section 273 of the Gambling Act.

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 reasonable, proportionate and appropriate 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 reasonable, proportionate or appropriate to impose the same or similar duties on the premises licence holder”. Conditions must be proportionate and tailored to size, style, characteristics and activities taking place at the premises concerned. The imposition of conditions is a step taken to address a specific concern.

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 themself (who must also be a Personal Licence holder).

Gaming Machines (formerly Amusement with Prizes)

A ‘gaming machine’ means a machine, which is designed or adapted for use of individuals to gamble (whether or not it can also be used for other purposes).

With the large variety of machines now available, applicants are advised to consult Section 235 of the Act to establish the type of machine they operate or propose to operate, and also if appropriate, establish which of the categories, as per Section 9.15 of the Authority’s Licensing Policy, the machines fall into.

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

Dudley Metropolitan 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 that 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 life. 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 Licensing Authority 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

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 authority’s discretion to take “steps” consistent with the licensing objectives when considering the application.

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.

Responsible Authority

- The Chief Officer of Police in the area where the premises are situated.
- The Local Fire and Rescue Authority in the area where the premises area situated.
- The local Planning Authority.
- The local authority responsible for environmental health.
- The body representing matters relating to the protection of children from harm.
- The Relevant Licensing Authority
- The Director of Public Health for the Local Authority
- Trading Standards

Review of Licence

Where a premises licence is in force an interested party or responsible authority may apply to the Licensing Authority for it to be reviewed. The Licensing Authority 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 three months; or the revocation of the licence.

Statement of Licensing Policy

Each licensing authority must every five 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 168 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 currently 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 one year and any other person to five 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.
Appendix B

List of Consultees

Pub Companies

Marstons Plc
Admiral Taverns Ltd
Amber Taverns Ltd
Black Country Traditional Inns
Real Ale Taverns Ltd
Punch Taverns
Enterprise Inns
Mitchells & Butlers
Holdens Brewery
Spirit Pub Company
Bathams Delph Ltd
J D Wetherspoon Plc
S A Brain & Co Ltd
Whitbread Group Plc
Greene King Retailing Ltd

Trade Organisations

Association of Licensed Multiple Retailers
Licensed Victuallers Association
The Portman Group
British Retail Consortium
British Hospitality Association
C.A.M.R.A.
National Association of Kebab Shops
Club Institute Union
Association of Convenience Stores
British Institute of Innkeeping
National Pubwatch
British Beer and Pub Association
National Licensed Trade Association
Solicitors and Other Court Users

Berwin Leighton Paisner, Solicitors
Blake Lapthorn, Solicitors
Blake Morgan, Solicitors
Blount Hemmings, Solicitors
Bond Pearce (inc Cartwrights), Solicitors
Challinors, Solicitors
DLA Piper UK Ltd
Dransfields
DWF Solicitors
Elliott & Allen, Solicitors
Flint Bishop, Solicitors
Freeths, Solicitors
Gamestec Leisure Ltd
HCB Solicitors
Hammonds, Solicitors
Inncourt
John Gaunt & Partners, Solicitors
Lanyon Bowdler, Solicitors
Licensed Trade Legal Services
Lockett & Co
Needham & James, Solicitors
Osborne Clarke, Solicitors
Poppleston Allen, Solicitors
Premier Automatic Machines Ltd
Recaf Equipment Ltd
Rees Page, Solicitors
Sanders & Co, Solicitors
Sceptre Leisure
Sharp Young & Pearce, Solicitors
Shoosmiths, Solicitors
TLT Solicitors
Town & County Leisure Ltd
Quality Solicitors Talbots
Waldrons, Solicitors
Wright, Solicitors
Winkworth Sherwood, Solicitors

Art Organisations

Equity
Arts Council
National Operatic & Dramatic Association
Cinema Exhibitors Association
Musicians Union
Hotel/Leisure Groups

Bowlplex
Casino 36 Ltd
Copthorne Hotels
David Lloyd Leisure
Natl Amusements (UK) Ltd
Rank Organisation
Reel Cinemas Ltd
Top Notch Health Clubs
United Cinemas International (UK) Ltd

Off Licences

A F Blakemore & Son Ltd
B & M Retail Ltd
Booker Ltd
Costcutter Supermarkets
One Stop Stores Ltd

Supermarkets

Aldi
Asda
Iceland Foods Plc
Lidl Uk GmbH
Midcounties Co-op
Morrisons
Sainsburys
Tesco

Other

Police
Premise Licence Holders
Club Secretaries
Neighbourhood Watch DMBC
Chamber of Commerce
All responsible Authorities
Appendix C

Special Policy with Regard to Cumulative Impact
in Stourbridge Town Centre

Special Policy Regarding Cumulative Impact

The Council may take into account the existence of a saturation of premises in one area may have. The cumulative impact of new licences in a particular area becoming saturated with premises of a certain type, making it a focal point for large groups of people together, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. The Council will therefore consider representations from any responsible authority or interested party based on the impact on the licensing objectives if a particular application were to be granted. The onus will be on the person making the representation to provide evidence to support the assertion that the addition of the premises would have the suggested impact on the licensing objectives.

Further, the Council may adopt a special policy regarding cumulative impact where it considers that a significant concentration of licensed premises will or is having an impact on the licensing objectives and granting of further licences in the area would add to this impact. When adopting such a special policy, reference to the steps outlined in paragraph 3.18 of the Licensing Act Guidance shall be made.

Any special policy regarding cumulative impact is not absolute and where licences are unlikely to add to the cumulative impact on the licensing objectives or the Council does not receive any representations, the licence will be granted.

A special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises is being operated. Representations would be considered and determined in respect of the four licensing objectives. However the special policy may be a justification to refuse an application to vary a licence or certificate.

The Council recognises the difference between cumulative impact and commercial need of premises in an area. Need is a matter for the Council’s Development Control Committee and market forces, and is not a matter for the Council to consider as part of its licensing function.

The Council will not operate a quota of any description, including any special policy, which would pre-determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned and the differing impact they will have on the local community.

Dudley Metropolitan Borough Council’s Special Policy

As a consequence of the number of late night premises within Stourbridge Town Centre, within the Ring Road together with that corner of the Ring Road from the Picture House to the Ring Road and Foster Street East area of Dudley Metropolitan Borough Council, the Council and the Police have adopted many special measures to deal with the crime and disorder and anti-social behaviour in that particular area. Measures have included additional police manpower, particularly at weekends; to increase the police presence in the area and the introduction of CCTV. Pubwatch organisations involving licence holders being encouraged to improve working relationships and to reduce competitive prices, drinks promotions and happy hours.
The Council therefore is adopting a special policy, if representations are made, of refusing licence applications in the above-mentioned Stourbridge Town Centre area, if, by granting them, they would contribute to the cumulative impact on Stourbridge that the Licensing Authority wishes to mitigate.

If an application for a licence for this area is requested, the Council will expect the applicant to demonstrate in their Operating Schedule, the steps to be taken to prevent problems of nuisance and public safety, and the steps to be taken to promote the reduction of crime and disorder. The Council will consider the individual merits of any application, and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Council will grant the application.

The Council recognises that if no representations are made regarding an application for a licence in an area where a special policy exists, the Council must and will grant the licence.

The Policy will be subject to a 3 year review.
Liquor Licensed and Take-away Premises

1. Crystal Leisure Centre
2. Yummy's Kebabland - 2, Bell Street
3. Duke William Public House - Coventry Street
4. The French Connection - Coventry St.
5. The Glassblower (Hogshedge) Public House - Foster Street
6. Rosie's Pizza - Foster Street
7. Tropical Spice Balti House & Restaurant
8. The Glass House
9. Chicago Rock Cafe - High Street
10. Pizza Express - 74 High Street
11. Olivio Pizza - 72 High Street
12. Talbot Hotel - High Street
13. Cellars Restaurant - 184 Lower High Street
14. Cuisine East Restaurant - 22 Lower High Street
15. Mitre Inn Public House - Lower High Street
16. Moloko - St. Giles Row Lower High Street
17. The Moorings Public House - Lower High Street
18. Bell Hotel - 23 Market Street
19. Metropolitan Lounge Bar & Dining Rooms - 32 Market Street
20. Choo Yuan Sin Chinese Restaurant - 36 Market Street
21. Saffron House - 13 Market Street
22. Que Pasa - Ryemarket
23. Luciano's Restaurant - 14 Victoria Passage
24. Ringside Refreshments (mobile) - Jncn. Foster / High Street
25. Ringside Refreshments (mobile) - Adjacent to clock tower
26. The Edward Rutland - 77 High Street
27. The Old Swan - 5, Hagley Road
28. Rock Station Public House - Vauxhall Road
29. Old Crispin Inn - Church Street
30. Wagon & Horses Public House - Worcester Street
31. Exclusive Wine Bar is 60 - 62 Hagley Road
32. Picture House Nightclub - Hagley Road

Stourbridge Town Centre: Liquor Licensed and Take-away Premises