

# LICENSING ACT 2003

## GUIDANCE DOCUMENT FOR APPLICANTS

TBC

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# **INTRODUCTION**

## **THE LICENSING OBJECTIVES AND MANAGEMENT STANDARDS**

The following guidance is subdivided according to the four licensing objectives. It includes management standards, policies and procedures which may be included within operating schedules to demonstrate upholding the licensing objectives. Any such measure should be considered according to the:

- type
- size
- location
- hours
- characteristics, and
- activities taken place

Applicants are encouraged to read all four sections as there is clearly overlap between some of the information included.

The Licensing Authority expects all applicants for the grant or variation of a premises licence or club premises certificate to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained, to promote the four licensing objectives on and in the immediate area of their premises.

Whilst the Designated Premises Supervisor (DPS) or personal licence holder may authorise other individuals to sell alcohol in their absence, they remain responsible for any sales that may be made. Therefore, clear instructions and procedures must be in place. This would assist personal licence holders in demonstrating due diligence should enforcement issues arise and would protect employees if they themselves were challenged in respect of their authority to sell alcohol.

Many studies have shown that deprived communities suffer substantively greater alcohol-related morbidity and mortality despite

reporting average alcohol consumption similar to their more affluent counterparts (Erskine, 2010), (Makela, 1999). This alcohol harm paradox suggests that deprived drinkers appear to suffer greater harms even after accounting for ecological confounders.

Healthy life expectancy is the average number of years that a person can expect to live in "full health". In other words, the length of their life they can expect to live, not hampered by disabling illnesses or injuries. Healthy life expectancy for men living in Sandwell is 4.7 years lower than the national average and for Sandwell women it is 5.6 years lower than the national average. This means that, on average, a woman in Sandwell can expect to live with illness and disability following diagnosis or injury for 22.9 years, for men 18.3 years.

Consideration also needs to be given to the harm alcohol causes to people other than the person who is drinking, sometimes referred to as 'social harm' or 'passive drinking'. Children of parents misusing alcohol may experience severe emotional distress, physical abuse and violence as well as a general lack of care, support and protection.

International research shows reducing the density of licensed premises and reducing permitted hours of sale can reduce violence and other alcohol-related harm. Furthermore, increased numbers of outlets or extended hours of sale potentially increases the competitive pressures on existing outlets, which may result in price reductions that lead to increased levels of consumption.

## **DRINKING LEVELS AND PATTERNS**

Alcohol is now more readily available and more affordable than it was in the 1980s and there has been a significant rise in home drinking and wine consumption.

Supermarkets are now leading providers of alcohol for home consumption and there has been an overall decline in the amount of alcohol consumed in pubs.

Approximately 55,018 Sandwell residents are thought to drink alcohol at levels that are likely to cause harm. This includes:

- 38,278 increasing risk drinkers (those who display a pattern of alcohol consumption that increases their risk of harm. Some would limit this definition to consequences on physical or mental

health, others would include the social consequences.

- 12,040 higher risk drinkers (Someone who regularly consumes over 50 alcohol units per week for adult men or over 35 units per week for adult women).
- 4,700 dependent drinkers (those who due to a cluster of behavioural, cognitive and physiological factors which typically include a strong desire to drink alcohol and difficulties in controlling its use. Someone who is alcohol-dependent may persist in drinking, despite harmful consequences. They may also give alcohol a higher priority than other activities and obligations).
- 40,075 binge drinkers (Are those that participate in a heavy drinking session in which they drink a lot of alcohol in a short period of time raising their risk of harm on that occasion).

Preloading is a term that relates to people drinking alcohol at home before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident.

## **BEST PRACTICE**

Sandwell strongly promotes working in partnership with licensed premises and the adoption of high standards of management at all premises. We recognise many licensees are supportive of the need to address the health issues relating to alcohol and suggests the following actions that can be adopted through conditions: -

- Restrict "special offers" like cheap shots, 'Happy Hours', Buy One Get One Free or buy 2 glasses of wine get whole bottle. This slows down consumption, the rate at which blood alcohol concentrations increase. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour.
- Align pricing with Alcohol by Volume (ABV) and ensure that non-alcoholic drinks are cheaper. All licensed premises are encouraged to apply a minimum unit price of 50p to all alcoholic products sold under their premises license. (The unit pricing will be

reviewed in line with national Guidance.)

- Display unit awareness information within the vicinity of alcohol stock
- Start the sale of alcohol later in the day and not align it purely with opening hours.
- Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks.
- No advertisements for alcohol in the shop window.
- Storing alcohol behind the shop counter.
- No display boards or other advertising showing on the shop floor.
- Cans of alcohol should not be sold singly.
- No beers, lager or ciders with an ABV of over 6.5% in plastic bottles or cans should be sold.
- No alcopops sold where they could attract under age purchasers.

## **SECTION 1 – THE PREVENTION OF CRIME AND DISORDER**

Any reports of serious crimes in the immediate vicinity of the premises, such as those outlined below, will automatically result in a license review:

- Shootings
- Stabbings
- Murders
- Assaults
- Grievous Bodily Harm – a serious physical injury inflicted on a person following a deliberate act by another

Licensed premises, especially those offering late night /early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, may become a source of crime and disorder and public nuisance problems. The Licensing Authority will expect an applicant to be responsible for minimising the impact of crime, disorder and antisocial behaviour by their patrons both on and within the immediate

vicinity of their premises.

The Licensing Authority expects all applicants to demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises, through to the daily operation of the business, have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Operating schedules should be regularly reviewed and up-to-date.

There are many steps that an applicant can take to prevent crime and disorder. The Licensing Authority will look to Police as the main source of advice on these matters, and in accordance with the Guidance, police views on matters of crime and disorder will be given considerable weight.

Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application from the following conditions:

On Match days for premises licensed for the supply of alcohol for consumption on the premises:

Drinks to be served in polypropylene or similar plastic drinking receptacles and all bottled drinks shall be poured into such drinking receptacles before being handed to the customer. These should be made of recyclable materials.

Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

Prior to addressing this objective in the operating schedule, the applicant may wish to seek the views of the Police on appropriate measures to be implemented. Consideration should be given to the following to prevent crime and disorder:

## **1.1 ON-LICENCE PREMISES**

Consideration should be given to the following to prevent crime and disorder:

- The provision of good quality, colour, digital CCTV. This can act both as a deterrent and as a useful tool in detecting crime and



disorder. Access to CCTV should be readily available for viewing by Police and other Responsible Authorities and staff should be trained in its use.

- **Effective Queue Management** - This can help maintain order from those patrons seeking to gain entry to the premises and assist door supervisors in identifying underage customers and those who may be unfit through drink or drugs. Employment of licensed door supervisors and other appropriately trained staff. Security operatives/door supervisors must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives, they will need to be licensed by the SIA as a supervisor/manager. The numbers of licensed door supervisors required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.
- **Metal detection and search facilities.** The use of metal detectors and a policy of random searching of customers can act as a deterrent to patrons seeking to enter premises with weapons and/or drugs. Where possible, procedures should be in place to allow for female door supervisors to carry out searches of female customers.
- **Proof of Age Schemes** - Whilst there is a mandatory requirement for a proof of age scheme to be operated, national schemes such as Challenge 21/25 have proved a success in preventing access to alcohol for under 18's.
- **Use of PubWatch Radio System/Ring Round Phone Systems or local equivalent** - particularly for premises within the Town Centre and allows for instant communication between managers of licensed premises and the police and other licensed venues.
- **Regular glass collection and the use of shatter resistant/plastic glasses and bottles** which can reduce the risk of crime and disorder and contribute to the public safety licensing objective.
- **Security Patrols** which can act as a deterrent and help identify hotspot areas within the premises.

- Regular documented checks of toilet areas or the provision of a toilet attendant which can help deter and identify drug use within the premises.
- A clear and effective Dispersal Policy. This should include a winding down period, information on access to taxi services and for larger venues, the gradual dispersal of customers by door supervisors.
- Installation of non-retrievable bottles bins at exits and door supervisors which can ensure that customers do not leave the premises with glasses and bottles.
- Policies and Procedures including but not limited to:
  - Regular, documented and on-going staff training addressing alcohol sales, drunkenness, underage sales, proxy sales, crime prevention, thefts, disorder and conflict management
  - Maintenance of Incident Logs for recording incidents of crime and disorder and a Refusal Register
  - Drugs Policy to prevent the use or supply of illegal drugs and the installation of a drugs deposit box
  - Procedures for assessing risk associated with special events
  - Participation in the Pub Watch Scheme or local equivalent and any other relevant schemes
  - Policy to deal with the disposal of weapons
  - Policy to promote the duty of care for dealing with patrons suffering adversely from the effects of alcohol/drugs and victims of disorder
  - Anti-theft strategy
  - Regular Security reviews and Policy to address issues of public security e.g. antiterrorism measures
  - Lost Property Procedure

## **1.2 OFF-LICENCE PREMISES**

More alcohol is now being purchased from shops and consumed at

home than in pubs, restaurants and night clubs. This change has the potential to create specific problems including easier access to alcohol by children, thefts from off licence premises, increased incidence of street drinking, and increases in anti-social behaviour, crime and disorder and public nuisance. The availability of alcohol at cheaper prices through sales from off licence premises has supported the growing practice of “pre- loading” - people consuming alcohol before going out to an on licensed premises.

Consideration should be given to the following to prevent crime and disorder:

- The location of alcohol stock. This should be detailed on a plan and located away from entry/exit points where it can be easily stolen, interfere with customer flow and, in larger premises, away from checkouts.
- The location of products which are considered high risk for dependent or underage drinkers. These should be displayed in a secure location or behind the counter.
- The provision of good quality, colour, digital CCTV can act both as a deterrent and as a useful tool in detecting crime and disorder. Access to CCTV should be readily available for viewing by Police and other Responsible Authorities and staff should be trained in its use.
- Not selling certain alcohol products such as super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above.
- Limiting the sale of single cans or bottles of beer or cider.
- Policies and Procedures including but not limited to:
  - Regular, documented and on-going staff training addressing alcohol sales, drunkenness, underage sales, proxy sales, crime prevention, thefts, disorder and conflict management
  - Maintenance of Incident Logs for recording incidents of crime and disorder and a Refusal Register
  - Participation in local other relevant schemes which are designed to ensure compliance and best practice within the

industry for example the Responsible Business Scheme operated by Sandwell MBC

- Anti-theft strategy and regular security reviews

### **1.3 CHECKLIST FOR PREVENTION OF CRIME AND DISORDER**

Tick relevant conditions:

- All instances of crime and disorder shall be reported to the police.
- An incident book shall be used to record all instances of public disorder.
- The holder of the premises licence shall subscribe to and participate fully in the local pub/club/shop watch scheme.
- The licensee shall provide a sufficient number of door supervisors to prevent the admission of, and ensure the departure from the premises of drunk and disorderly people or other people displaying signs of other substance abuse, without causing further disorder.
- When alcohol and/or regulated entertainment is provided by way of music and dancing and continues past 2 am, then SIA registered door supervisors will be employed from 9 pm until closing time at the rate of one door supervisor for every one hundred customers.
- CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request. Staff shall be trained in the operation of the CCTV system and able to download footage if requested by responsible authorities.
- The use of regular glass cups will not be permitted on the premises. All drinks must be served in plastic or paper cups, or cups made from toughened glass.

- Alcoholic and other drinks purchased from the premises may not be taken away from the immediate curtilage of the premises in open containers such as glasses or opened bottles.
- No customers carrying open or sealed bottles shall be allowed to enter the premises at any time that the premises are open to the public.
- Alcoholic drinks may only be consumed within the premises. The premises licence holder must ensure that no alcohol is consumed outside the premises at any time.
- Clear and prominent notices shall be displayed on the premises warning customers of the need to guard their property and to be aware of the operation of pickpockets, bag snatchers, etc. The notices shall advise customers to report concerns to the designated premises supervisor or the person in charge of the licensed premises.

## **2 PUBLIC SAFETY**

Each premise presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants understand these risks, that they are managed, that the premises are constructed or adapted and operated in such a way to safeguard the occupants

It is expected that applicants will have addressed the requirements of the Health and Safety at Work Act, Fire Safety legislation and any appropriate technical standards. Applicants are advised to seek advice on such matters from the Council's Health and Safety Service, Health and safety Executive, Sandwell Police and Sandwell Fire and Rescue Service.

The Licensing Authority will expect the operating schedule to detail how the premises will be maintained and managed to ensure public safety is maintained at all times. Risk assessments should be carried out and recorded to ensure that all reasonably foreseeable hazards are reduced or managed. The Licensing Authority considers that when carrying out a risk assessment of the premises the applicant should also include the immediate vicinity.

Consideration should be given to the following to ensure the safety of the public:

- First Aid Provision
- Public security
- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building safety
- Transport
- Drink driving issues
- Provision of cooler, “Quiet” areas for customers
- Use of special effects such as pyrotechnics, smoke machines, lasers
- Special events such as foam parties, “silent” nights.
- Zero tolerance drug policy and confiscation procedure (including staff training and log of incidents to be available to relevant authorities when required)
- Knives / Weapon detection and confiscation procedure (including staff training and log of incidents to be available to relevant authorities when required)

The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council’s Building Control Section, Environmental Health Section and the Sandwell Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the

premises or event will not be exceeded.

## **2.1 CHECKLIST FOR PROMOTION OF PUBLIC SAFETY**

Tick relevant conditions:

- Safety checks shall be carried out before the admission of the public. Details of safety checks shall be kept in a Log-book on the premises. The Log-book shall be made available for inspection by authorised officers.
- All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided, internal gangways shall be kept unobstructed.
- All exits doors shall be maintained easily operable without the use of a key, card, code or similar means.
- Exit doors shall be regularly checked to ensure that they function satisfactorily, and a record of the check shall be kept.
- Any removable security fastenings must be removed whenever the premises are open to the public or occupied by staff.
- The edges of the treads of steps and stairways must be maintained so as to be in good condition and be conspicuous.
- When disabled people are present, there must be sufficient numbers of staff and adequate arrangements must be in place to enable their safe evacuation in the event of an emergency. Disabled people on the premises must be made aware of such arrangements by staff and by the use of appropriate signage.
- In the absence of adequate daylight, the lighting in any area accessible to the public shall be fully in operation when they are present.
- Emergency lighting batteries are fully charged before the admission of the public.
- Access for emergency vehicles must be kept clear and free from

obstruction.

- Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.
- There must be at least one suitably trained first-aider on duty when the public are present, and if more than one suitably trained first-aider is available, their respective duties must be clearly defined.
- Special effects must not be used without the prior consent of the licensing authority.

### **3 PREVENTION OF PUBLIC NUISANCE**

Public Nuisance is not narrowly defined in the Licensing Act 2003 and can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting a whole community.

The concerns relate, amongst other things, to noise nuisance resulting from music, human voices, ventilation equipment and vehicles, as well as light pollution, noxious smells and litter.

It should be noted that licensing law is not the primary mechanism for the general control of nuisance and anti-social behavior by individuals once they are away from the licensed premises. The licensee would focus on the licenced premises and the immediate surroundings, any area beyond that would be outside of their control and outside of their direct management. The Licensing Authority considers that any conditions attached to the license will seek to control the behavior of customers within the direct management of the license holder. This includes reducing the impact of the behavior of customers entering or leaving the premises on people living or working near the premises. The Licensing Authority considers that patrons who are using external smoking shelters or areas that are there as a direct result of the licensed premises and is within the control of the licensee.

The Licensing Authority will expect applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.



### **3.1 LOCATION AND IMPACT OF ACTIVITY**

Consideration should be given to the following to prevent public nuisance; operating hours after 23.00 to consider proximity to residential areas, proximity to sensitive premises such as nursing homes, old peoples accommodation, hospitals, schools, places of worship, alcohol treatment centres and playgrounds.

Where applicants are completing operating schedules the Licensing Authority encourages them to have regard to whether any proposals may have a disproportionate impact in residential areas or near other sensitive premises such as nursing homes, old people's accommodation, hospitals, schools or places of worship.

It is recommended that applicants consult with Environmental Health Officers prior to submitting applications for advice on measures that may need to be incorporated into an operating schedule. This may include, but is not limited to:

- Whether noise control measures such as noise limiting devices, acoustic curtains, speaker mounts, double glazing are required.
- Whether doors and windows can be kept closed whilst entertainment is taking place or after a particular time.
- A Dispersal Policy for patrons at the end of the evening, including signs being placed at exits to buildings encouraging patrons to be quiet until they leave the area, and to respect the rights of residents.
- The size, location and hours permitted for the use of outdoor drinking areas.
- The size and location of smoking areas which may encourage patrons to use external areas more extensively than for just smoking and returning to the inside of the premises.
- The display of contact details or a direct telephone link to a private hire/taxi firm.
- Provision of bins for cigarette litter.

- End of trading cleaning/clearing up procedures, in particular cigarette litter, empty glasses/bottles and other waste around the vicinity of the premises.
- Effective waste collection arrangements to ensure that waste collections are not made at times which are likely to cause disturbance to nearby residents and businesses.

If relevant representations are made by Environmental Health or by local residents, the Council will consider whether issues relating to public nuisance can be effectively dealt with by the imposition of conditions to regulate activity and the behaviour of patrons on or in the vicinity of the premises

Takeaways and late-night refreshment premises to consider management of litter from outside their premises and along the pavement.

### **3.2 CHECKLIST FOR PREVENTION OF PUBLIC NUISANCE**

- Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
- Regulated entertainment shall not be provided in outside areas after the agreed operating schedule hours (See section 14 of the main policy).
- The beer garden/outside drinking area shall be cleared of customers within 30 minutes of the agreed terminal hours.
- Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved

scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.

- If a noise limiting device or devices are installed then the entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council, are not exceeded.
- The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
- Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. live and recorded music.
- A dedicated licensed taxi/mini cab service shall be available with the premises for customers.
- Bottling out from the premises is advised against during the hours of 23.00 to 08.00.
- Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
- The contact telephone number for the premises licence holder/designated premises supervisor/duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.
- Operators are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises; this included areas surrounding hot food takeaways, external smoking areas and external seating areas.

### **3.3 IRRESPONSIBLE DRINKS PROMOTIONS, SALES AND PRICING**

The mandatory conditions brought in to force in April 2010, have addressed the issue of irresponsible drinks promotions in on licence premises where it is likely to adversely affect the licensing objectives.

However, the Council is also aware of the impact of the availability of cheap alcohol sold through off licence premises, particularly products consumed by binge drinkers, problem and underage drinkers. The Licensing Authority encourages applicants to give consideration when developing their operating schedule how the pricing of alcohol products on sale in their premises will not negatively impact on the licensing objectives.

The Licensing Authority recommends all applicants and licence holders read the Home Office, 'Selling Alcohol Responsibly – The New Mandatory Licensing Conditions' document dated April 2010. The document gives guidance on appropriateness of promotions. But if there is any doubt as to whether the promotion you are planning to run falls foul of the mandatory conditions, it is recommended that you discuss your proposals with your local Licensing Authority and/or police before running the promotion.

The Licensing Authority encourages the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, where the premises are found to be running promotions that breach the mandatory conditions or where problems are associated with the premises that are negatively impacting on the licensing objectives, a responsible authority may bring review proceedings, following which a referral to Committee could be made.

## **4 PROTECTION OF CHILDREN FROM HARM**

The Licensing Act 2003 encourages a family friendly culture around alcohol and other licensable activities and this must be achieved in such a way that child protection and safeguarding issues are not compromised. The Licensing Authority in carrying out its functions under the Licensing Act has a legal obligation to promote the protection of

children from harm. Licence Holders have responsibility to ensure so far as possible that children and young people are protected from harm at their premises.

This licensing objective should be considered in relation to the safeguarding of children and young people in its widest sense. The protection of children from harm requires children and young people to be protected from physical, psychological and moral harm. This includes the issues of the risk of child sex exploitation, vulnerability and anti-social behaviour around a licensed premise. In many licensed premises such as hot food takeaways, restaurants, sports venues and off licences young people can enter without an adult, in some licensed premises young people can be employed and these factors and risks should be a considered in any application in order to ensure they are protected from any harm.

## **4.1 WORKING TOGETHER**

There are many examples of best practice and opportunities where the licensed trade can work together with the Licensing Authority and other regulatory agencies such as the Police to improve the standard and management of licensed premises, tackle specific issues and improve the night time economy. The Licensing Authority encourages partnership working and participation in schemes such as:

- Facewatch or local equivalent
- Child Protection Schemes
- Trade forums, e.g. on and off licence forum, area forums
- Responsible Business Scheme

Pubwatch/Shopwatch

## **4.2 CHECKLIST WHERE AGE-RESTRICTED PRODUCTS ARE AVAILABLE FOR SALE OR SUPPLY:**

- The introduction of a "Challenge 25 " policy linked with effective ID challenges and proof of age
- The use of a "challenge log" recording all age restricted sales challenges

- The type of prompt or reminder that may be appropriate for staff at the point of sale
- The system that ought to be in place to ensure that the circumstances in which a customer may or may not be served is understood and consistently applied
- The mechanism that will be used to inform customers of the law and policies/procedures that are in operation at the premises
- How staff will be trained to ensure the law and policies/procedures are understood, up-to-date and applied consistently, including how staff's knowledge and understanding will be tested.

The points listed above are the Licensing Authority's expectations regarding management standards for licensed premises. We wish to encourage operators to address these key issues within their operating schedules on the basis that applications that do so are less likely to attract representations from responsible authorities.

### **4.3 CHILD SEXUAL EXPLOITATION**

Sexual exploitation of children and young people involves girls and boys under the age of 18 who are encouraged or forced into a sexual relationship or situation by an adult. This often involves the young person being offered something, such as food, accommodation, drugs, alcohol, cigarettes, affection gifts or money, in return for them performing sexual acts or others performing sexual acts on them but is not limited to this.

Child sexual exploitation is a crime and if it happens at or is associated with a premise it may cause serious financial and reputational damage and action may be taken under the Licensing Act. To play a positive role in preventing child sex exploitation and to ensure businesses are not vulnerable to being associated with child sexual exploitation applicants are expected to work with the authority.

### **4.4 AWARENESS RAISING, TRAINING AND COMPETENCY ON SAFEGUARDING AND CHILD PROTECTION MATTERS**

The Licensing Authority consider that a licence holder is responsible for

ensuring that their staff are fully aware of their responsibilities regarding protecting and safeguarding children who use their licensed premises. The level of awareness and knowledge required will depend on the type of licensed premises, the level of engagement with young people and the risk associated with the premises and this should be reviewed regularly.

Accredited training can be provided by Sandwell MBC at [skills4businesssuccess](#)

A licence holder should consider:

- If young people have access to the premises and the purpose of that access;
- Ensuring that staff are aware who and where to report concerns or suspicions;
- Provide awareness training to all members of staff on safeguarding issues which may include:
  - Being alert to the possibility of child abuse and neglect.
  - Recognising suspicious, abusive or potentially abusive event or set of circumstances.
  - Being competent in taking the appropriate immediate or emergency action.
  - Knowing how to make a referral to the appropriate Organisation and/or the Sandwell Children Safeguarding Board.
- In some cases, the Licensing Authority may consider that a written children and young people's risk assessment is carried out and this will be dependent on the risk associated with a premises.
- Licensing Authorities and Responsible Authorities expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. Conditions

relating to the protection of children from harm can include:

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

## **4.5 AGE VERIFICATION SCHEME**

It is mandatory for premises which supply or sell alcohol to have an age verification scheme in place. The Licensing Authority expects applicants to operate a Challenge 25 scheme and when this is included in an operating schedule, appropriate weight will be given when the Licensing Authority determines the licence application.

Licensed premises are expected to have clear and visible signs on the premises explaining that underage drinking constitutes an offence in law and that customers may well be required to produce proof of their age to a member of staff. Licensed premises are expected to operate a method of recording when a sale is refused as part of any age challenge scheme (refusals book) which should be made available to any responsible authority on request. The currently accepted verification for proof of age are a passport, a photo card driving licence or an accredited proof of age scheme bearing either a holographic mark or ultraviolet feature such as



The Citizencard & Sandwell MBC card. See attached example.



#### 4.6 GUIDANCE FOR DOOR STAFF WHEN CHECKING ID

It is proposed that the following procedure should be followed in a licensed premise in relation to checking ID:

- check the photograph. The area in which door staff operate should be well lit, or they should otherwise be provided with light sources to ensure that they can check ID sufficiently.
- Ask questions to carry out further checks on:
  - their date of birth
  - their post code
  - their age
  - their star sign, or
  - ask for another form of ID, e.g. student card.

## **4.7 UNDERAGE AND MIXED AGE EVENTS**

The Licensing Authority is aware of young persons' vulnerability to alcohol. Events which are aimed at children under the age of 18 years on licensed premises often provide an incentive for children to consume alcohol off the premises ("pre-loading) or to "smuggle" alcohol into the premises during the event. Mixed age events also carry similar risks, with the additional consideration of proxy sales and the relevant management required. Such events are not supported by the Licensing Authority unless the applicant can demonstrate that appropriate policies and procedures are in place to ensure that the licensing objective will be upheld.

The Licensing Authority, Sandwell Police and the Local Authority Children's Service support the application of a "Good Practice Guide" for events catering for under-18's and for mixed events of under and over 18's. The Guide should be considered by licence holders and event organisers if promoting underage events. This document is attached as Appendix 1.

## **4.8 LICENSED PREMISES AND THEIR LOCAL ENVIRONMENT**

Applicants and licence holders are expected to have an awareness of the local issues of alcohol use and concerns in their local area. A premises licence holder should be aware if their premises, or the area in close proximity to their premises is being used by young people to congregate or 'hang out', particularly late at night or when children should be at school. These issues should be reported to the Local Authority or to the Police.

## **4.9 ACCESS TO CINEMAS**

In the case of premises requiring a licence to show films, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

## **4.10 CHILDREN AND PUBLIC ENTERTAINMENT**

Many children go to see and / or take part in an entertainment arranged

especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises. Applicants who wish to offer such activities will be required to submit an appropriate Child Protection Policy which details how safeguarding matters will be managed within the premises, including the DBS checks for relevant staff.

#### **4.11 SUPERVISION OF CHILDREN ON LICENSED PREMISES**

Where entertainment requiring a licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Licensing Authority will require those caring for or supervising children to have undergone an appropriate criminal record check with the Disclosure and Barring Service.

#### **4.12 CHECKLIST FOR PROTECTION OF CHILDREN FROM HARM**

- The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.
- The licensee should put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards e.g. Citizencard & Sandwell MBC, a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
- The licensee and staff should note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.
- Enhanced DBS checks carried out for any person providing entertainment to, or supervising children.

- For age limited films, a policy/procedure for ensuring compliance with age should be in place.
- There should be a “reporting policy” regarding young people in place in relation to licensed premises and for the local environment (for e.g. young people ‘hanging out’ during school hours or late at night).
- There should be an appropriate child protection policy in place where entertainment specific to children is to be published including details of how safeguarding matters will be managed within the premises including DBS/CRB checks for relevant staff.
- Have appropriate policy and staffing arrangements for the supervision of children on licensed premises where entertainment requiring a license is specifically presented for children.
- Up-to-date age verification scheme should be in place supported by clear signing and refusals logging policy.
- Door staff should be trained and up-to-date on checking IDs. There should be an ID check policy that includes a procedure for dealing with false IDs.

Please also refer to the section in this document about the Age Verification Scheme in relation to the sale of age restricted products.

#### **4.13 UNDER 18 ONLY EVENTS**

- The Police Licensing Officer, Licensing Authority and Local Authority Children’s Service are to be notified of any under 18 event at least 28 days in advance of the event. Such notification should be from the Premise Licence Holders or Designated Premise Supervisor, as they would be held accountable should the event undermine any of the licensing objectives.
- The premises should be covered by good quality, colour, digital CCTV which meets the requirements and expectations of the Licensing Authority and Police. The equipment to record whilst the event is being held on the premise, all recordings to be retained for a minimum period of 31 days and to be made available

upon request to the Police or Licensing Authority within a period of 7 days.

- The operator should ensure that the premises have sufficient numbers of SIA registered security staff and ensuring that they are employed in the following minimum ratio: 2 for the first 100 customers, one of which being female, 2 for the second 100 customers and 1 for every 100 customers thereafter. At least one member of security staff being employed as a floorwalker and constantly monitoring patrons for evidence of alcohol or drugs and also protecting patrons from unwanted attention or harassment.
- The operator should ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.
- Where there is normally a bar, ensuring that alcohol is not on display and is locked away.
- Ensuring that there is at least 1 hour between the conclusion of the youth event and the venue opening for the commencement of any adult entertainment.
- Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises. Searches are a method of protecting the venue, its staff and customers, and reduces the chances of serious harm to customers and staff and are a means to prevent alcohol and other illegal substances, offensive weapons or other unauthorised items (ie incendiary devices, fireworks, laser pens etc) entering the premises. Any searches should be with the consent of the person being searched. Any searches should be undertaken by someone of the same sex as the person being searched.
- Where alcohol is seized from persons aged under 18, the details should be recorded in a register.
- Any prior marketing of the event (internet, flyers, posters etc.) to make it clear that no alcohol will be sold to under 18's, nobody

who appears to be drunk will be allowed admission to the event and searches will take place to ensure that no alcohol is brought into the venue. Permissible ages for attendance at the event to be printed in prominent writing on any tickets issued for the event.

- Should ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates the level of duty of care expected to be provided.
- Toilet checks being carried out at regular intervals and records of such checks retained.
- First aid provision to be available at the premises.
- Ensure a policy is in place to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside.
- For events held on a Thursday, Friday or Saturday evening a terminal hour of no later than 23.00.
- An area should be designated as a safe space, whereby ill or intoxicated persons, including minors, can be taken to a place of safety for medical treatment or in the case of minors until reunited with a parent, guardian or responsible adult.

#### **4.14 GUIDANCE FOR UNDER 18 AND MIXED AGE EVENTS AT LICENSED PREMISES**

The Protection of Children from Harm is one of the four licensing objectives that underpin the Licensing Act 2003. As such any events aimed at attracting attendance by young people under 18, even though alcohol may not be available at the event, could involve some risk.

Mixed age events (where alcohol is available for sale to persons over 18 and those under 18 may also be in attendance at the event) significantly increase this potential risk.

Clear management plans should be in place demonstrating how the licence holder intends to control and mitigate the potential harm to individuals under 18 years of age attending these events, irrespective of whether alcohol is available or not.

Whilst every event should be assessed on its own merits the Licensing Authority, Police and Local Authority Children's Service recommend that a code of conduct/policy for these events is adopted to ensure that the four licensing objectives are complied with, in particular the Protection of Children from Harm objective. Measures expected to be considered include;

#### **4.15 ADDITIONAL MEASURES EXPECTED TO BE CONSIDERED FOR MIXED AGE EVENTS**

- All patrons to be given a form of identification to differentiate their age as being above or below the age of 18. This may be in the form of different colour wristbands or stamps for the back of the hand.
- Only one alcoholic drink to be purchased at any one time by an individual aged over 18 years of age.
- At least 2 SIA registered security staff acting as floorwalkers to constantly monitor patrons aged under 18 years of age for evidence of alcohol or drugs and also to protect patrons from unwanted attention or harassment.
- Children under 16 years of age should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than four children under the age of 16.
- All drinks to be served in plastic or polycarbonate glasses.

It must be stressed that the above measures are not considered to be an exhaustive list and licensees are encouraged to discuss the management of any such events in detail with the responsible authorities as part of their risk management process.

#### **4.16 ADULT ENTERTAINMENT (INCLUDING NUDITY AND STAGE HYPNOTISM)**

Applicant should give particular consideration to the promotion of the licensing objectives in relation to the protection of children from harm where adult entertainment activities are proposed including timing of activity, proximity of the premises to schools and youth clubs, advertising

display location and times.