



Producing an Operating Schedule for a Premises Licence/Club Premises Certificate

Licensing Act 2003

Notes of Guidance for Applicants

Introduction

This guide has been produced by Solihull MBC to enable applicants to be aware of the likely requirements of the “responsible authorities” that are consulted in connection with applications for premises licences/club premises certificates, so that these requirements can be considered by applicants when producing their operating schedules.

Status of the Guidance

Licensing Authorities are required by the Licensing Act 2003 to publish a statement of their licensing policy every three years. These guidance notes do not form any part of that policy and are separate from it. The Licensing Policy may be viewed online at the Council’s website at www.solihull.gov.uk or a paper copy may be obtained, on request, from the Licensing Office.

Where representations are made about applications for premises licences/club premises certificates and a hearing is held, the Licensing Authority will not simply follow the requirements of these guidance notes, but will consider each case on its merits, taking into account all the evidence presented to it at the hearing.

The Role of Operating Schedules

An operating schedule is a document which sets out various details on how the premises is proposed to operate when carrying out licensable activities and, if the application for a premises licence/club premises certificate is granted, will be incorporated into the licence itself and will set out the permitted activities and the limits (if any) on them.

The Licensing Authority will normally expect applicants to detail in their Operating Schedule the steps they will take to promote the Licensing Objectives within the context of the location of the premises, the type of premises, the licensable activities to be provided, the operational procedures and the needs of the local community.

The Licensing Act 2003 requires that all applications for the variation or grant of a new premises licence/club premises

certificate are accompanied by an operating schedule. The operating schedule must be on the official form and give details of:

- the licensable activities to be carried out, and the times during which the licensable activities are to take place
- any other times during which the premises will be open to the public
- the duration of the licence, if the application is for a limited period
- whether alcohol will be supplied for consumption on or off the premises
- if alcohol will be supplied on the premises, information about the designated premises supervisor,
- the steps which will be made to promote the licensing objectives of:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- as well as other matters that the government may specify.

The operating schedule will allow the responsible authorities to evaluate the application and to decide if there are grounds for them to make a representation about it or not.

If there are no representations made about an application, the licensing authority will grant the licence and attach to it only conditions relating to the operating schedule and any mandatory conditions required by the Act. For example, if the operating schedule were to state under the prevention of public nuisance, that windows of the premises would be kept closed when live music was being played, this could be made a condition of the licence and would have to be adhered to. Any contravention of this could lead to the licence being reviewed.

If a representation were to be made by a responsible authority, the first step would be to discuss the points raised with a view to mediation (not mandatory). Should this not be successful, the next step would be to hold a hearing to consider the representation. After the licensing authority had listened to both the applicant and the responsible authority that made the representation, the licensing authority would decide whether to grant the licence or not and what, if any, conditions it should apply.

Steps Required to Promote the Licensing Objectives

Each application will be judged entirely on its own merits, but it may be worth taking into consideration the following points in respect of the Licensing objectives when planning your schedule:

Prevention of crime and disorder

The use of CCTV cameras, (this has training implications for the use of the system and correct storage of tapes)

Door supervisors

Imposing capacity limits

Using plastic or toughened glass containers

Restricting the areas in which alcohol may be consumed

These are only examples and of course will not be relevant to all types of premises, but they will hopefully give an idea of the ways in which applicants should be thinking in order to satisfy the licensing objective and the West Midlands Police, who are the responsible authority concerned with overseeing the prevention of crime and disorder. Advice and assistance may be obtained from:

PC Pete McBride
West Midlands Police
Homer Road
Solihull
West Midlands
B91 3QL

Telephone 0845 113 5000 ext 79216700
Fax 0121 712 6185
Email p.mcbride@west-midlands.pnn.police.uk

Public safety

Concerned with the safety of both members of the public and staff/visitors at all premises.

Health & Safety – identify potential slip, trip and fall hazards, electrical & equipment safety, fixtures, fittings & upholstery, minimum lighting levels, where premises has seated audience attendants to keep gangways & exits clear etc.

Health & Safety is all about preventing people from being harmed or becoming ill through work. This responsibility also extends to members of the public visiting the premises for business or leisure purposes. A risk assessment may help you to identify potential problem areas and the measures to be taken to overcome them. Advice may be obtained from:

Health & Safety Executive
Infoline: 08701 545 500
www.hse.gov.uk

Local Office:
1 Hagley Road
Birmingham
B16 8HS

Telephone 0121 607 6200

Fire safety – make sure you have adequate means of escape, emergency lighting, fire safety signs & notices, fire fighting equipment and training etc.

Again, these are only examples and of course will not be relevant to all types of premises, but they will hopefully give an idea of the ways in which applicants should be thinking in order to satisfy the licensing objective and the West Midlands Fire Service, who are the responsible authority concerned with public safety. Advice and assistance may be obtained from:

Officer Dave Hall
Hay Mills Fire Safety Centre
West Midlands Fire Service
Speedwell Road
Yardley
Birmingham
B25 8HH

Telephone 0121 753 1313
Fax 0121 753 1334
Email: haymills.fs@wmfs.net

Prevention of public nuisance

Concerned mainly with the potential noise & light pollution from licensed premises.

It may be worth taking a look round your premises to determine the source of likely noise, for example speakers, amps, microphones etc. Then look at how and where noise could be emitted from the premises and who in the surrounding community could be affected by it. Are there any other factors that could contribute to noise in the vicinity of your premises?

Measures to reduce the impact of noise could be among the following, careful siting of speakers, amps etc away from outside walls and windows/doors, double glazing, acoustic sealing or adequate ventilation/air conditioning to remove the necessity for doors/windows to be opened during an event. If you have a large car park, perhaps only one end, away from residences, could be used for late night events to prevent noise and disturbance as patrons leave.

Again, these are only examples and of course will not be relevant to all types of premises, but they will hopefully give an idea of the ways in which applicants should be thinking in order to satisfy the licensing objective and the Council's Environment Protection Team, who are the responsible authority concerned with public nuisance. Assistance and advice may be obtained from:

Phil Kershaw
Environmental Health
P O Box 24
Council House
Solihull
B91 3QL

Telephone 0121 704 6795
Fax 0121 711 4742
Email pkershaw@solihull.gov.uk

Protection of children from harm

Issues relating to the protection of children must be fully taken into consideration by **all** parties involved in the licensing process. Obviously, requirements will vary depending upon the type of premises and the activities to be carried out there, but the basic need to address the licensing objective remains.

There are certain activities that will cause obvious concern, such as:

Where entertainment or services of an adult or sexual nature are commonly provided

Where there is a strong element of gambling

Where the premises has a reputation for underage drinking/known drug dealing or taking

Where the premises is known to be a focal point for children to congregate

It is important that all premises have some form of Child Protection Policy in place, or at the very least a management system which all staff are aware of, to deal with any problems which may arise.

There are certain obvious measures which can be taken, such as the imposition of age restrictions accompanied by appropriate signage, a proof of age card scheme, limitations or exclusions when certain activities are taking place, requirement for an accompanying adult, appropriate checks carried out on all staff supervising unaccompanied children. Assistance and advice may be obtained from:

Liz Murphy
Safeguarding Children Business Manager
Chelmsley Wood Library
Stephenson Drive
Chelmsley Wood
Birmingham
B37 5TA

Telephone 0121 788 4324

Fax 0121 704 8129

Email lizmurphy@solihull.gov.uk

Other responsible authorities included in the consultation process are:

Debbie Lott
Trading Standards
P O Box 1833
Council House
Solihull
B91 9DZ

Telephone 0121 704 8571
Fax 0121 704 6888
Email dlott@solihull.gov.uk

Maureen Westwood
Planning Services
Solihull Central Library
Homer Road
Solihull
B91 3RG

Telephone 0121 704 6372
Email developmentcontrol@solihull.gov.uk

Should you wish to discuss any aspect of the contents of this document, or require further advice and assistance, please do not hesitate to contact:

Public Protection Team Leader - Licensing
P O Box 1833
Council House
Solihull
B91 9DZ

Telephone 0121 704 6817
Fax 0121 704 6888
Email licensing@solihull.gov.uk