Wakefield Council

Licensing Act 2003

Statement of Licensing Policy 2017 – 2022

As revised April 2017
Licensing Contact Details:

1. Address – Licensing Office
   Wakefield One Building
   PO Box 700
   Burton Street
   Wakefield
   WF1 2EB

2. Email – licensingoffice@wakefield.gov.uk

3. Telephone – 01924 302932
# Contents

<table>
<thead>
<tr>
<th>Part</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Executive Summary</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Purpose and Scope</td>
<td>2-3</td>
</tr>
<tr>
<td>3.</td>
<td>Wakefield District</td>
<td>4</td>
</tr>
<tr>
<td>4.</td>
<td>Integration of Strategies</td>
<td>5</td>
</tr>
<tr>
<td>5.</td>
<td>General Principles</td>
<td>6-7</td>
</tr>
<tr>
<td>6.</td>
<td>Cumulative Impact Policy</td>
<td>8-13</td>
</tr>
<tr>
<td>7.</td>
<td>The Late Night Levy</td>
<td>14-16</td>
</tr>
<tr>
<td>8.</td>
<td>The Early Morning Restriction Order</td>
<td>17</td>
</tr>
<tr>
<td>9.</td>
<td>Licensing Process</td>
<td>18-21</td>
</tr>
<tr>
<td>10.</td>
<td>Licensing Objectives</td>
<td>22-32</td>
</tr>
<tr>
<td>11.</td>
<td>Representations</td>
<td>33</td>
</tr>
<tr>
<td>12.</td>
<td>Licensing Committee/Delegation</td>
<td>34-38</td>
</tr>
<tr>
<td>13.</td>
<td>Enforcement and Reviews</td>
<td>39-40</td>
</tr>
</tbody>
</table>

Appendix 1 = The crime figures within the Cumulative Impact Area for the period 1 January 2016 to 31 December 2016

Appendix 2 = Publications list providing Further Reading and Useful Information for applicants

Appendix 3 = The names and addresses for the Responsible Authorities
1. Executive Summary

1.1. The Wakefield district enjoys a widespread and diverse selection of licensed premises and venues. The Council as Licensing Authority has almost 1400 premises currently licensed for one or more of the licensable activities which include the sale and supply of alcohol, provide entertainment and sell hot food late at night. These range from pubs, bars, night clubs, members clubs, theatres, cinemas and indoor sports facilities through to restaurants, cafes, takeaway establishments, off-licences, supermarkets and grocers. Together they help to make Wakefield the exciting, vibrant district it is by providing a wide-range of leisure and cultural opportunities that support tourism, provide employment and make a significant economic contribution to the local community.

1.2. The Authority believes that as long as licensed premises are managed responsibly and promote the licensing objectives by running safe, well managed venues while working together with the local authority, its partners and the local community, they make a positive contribution toward building community cohesion and cultural development.

1.3. The Authority also recognises the negative impacts that occur when premises are poorly managed, with the resultant anti-social behaviour, nuisance and disturbance along with the serious crime and disorder it brings. The misuse of alcohol, in particular, is an important contributing factor in all of these problems and impacts on our community, public health and the public purse.

1.4. The Authority is aware that incidences of alcohol fuelled violent crime are particularly evident during the late evening and early hours of the morning in our City and town centres. The Authority, therefore, seeks to promote a move away from a culture of 24 hour drinking.

1.5. The Authority does not consider it reasonable that licensed premises should cause impact upon local people and visitors to the district as a consequence of failures by the operators of such premises. This policy, therefore, seeks to provide a necessary balance between providing a platform upon which responsible business operators may thrive and contribute towards a vibrant business and night-time economy, while ensuring that the quality of life of those living, working and visiting the district is protected and enhanced through the licensing regime.
2. Purpose and Scope

2.1. Section 5 of the Licensing Act 2003 (the Act) requires Wakefield Council as the Licensing Authority to produce a Statement of Licensing Policy which will be kept under review and must be reviewed no later than 2022.

2.2. In accordance with section 5 (3) of the Act, the Licensing Authority has consulted with, and considered the views of, a wide range of people and organisations including:

- Responsible authorities namely:
  - West Yorkshire Police.
  - West Yorkshire Fire and Rescue Service.
  - West Yorkshire Trading Standards Service.
  - Wakefield District Safeguarding Children’s Board
  - Wakefield Council:
    - Building Control Services.
    - Public Health.
    - Environmental Protection Team.
    - Health and Safety Team.
    - Licensing Authority.

- Elected Members.
- Representatives of local business.
- Regeneration & Economic Growth.
- Community representatives and groups.
- Parish and town councils.
- Local members of Parliament.
- Representatives of existing licence holders including:
  - The British Beer and Pub Association.
  - National Pub Watch.
  - Licensing solicitors.

2.3. The policy has also had regard to the guidance issued by the Home Office under Section 182 of the Act.

2.4. The policy provides information and guidance to applicants and those making representations on the general considerations and approach that will be adopted by the Licensing Authority in making determinations under the Act and supports a number of other key aims and purposes which the Licensing Authority strives to implement. They include:

- The necessary protection of local residents whose lives can be blighted by disturbance and anti-social behaviour associated.
- Improved and more proportionate regulation to give business greater freedom and flexibility to meet customers’ expectations.
- Greater choice for the public about where, when and how they spend their leisure time.
- Encouragement of more family friendly premises.
• The protection of vulnerable people.
• The further development within communities of our rich culture of live music, dancing and theatre both in rural areas and in our towns and cities.
• The regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night time economy can bring.

2.5. The policy promotes the four licensing objectives set out in the Act, these are:

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

All are of equal importance.

2.6. The policy covers the following licensable activities:

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

2.7. The term ‘sale by retail’ is defined in Section 192 of the Act.

2.8. The supply of alcohol in relation to a qualifying club is defined in Section 1(2) and Section 2 of the Act.

2.9. The provision of regulated entertainment is defined in Schedule 1 of the Act.

2.10. The provision of late-night refreshment is defined in Schedule 2 of the Act.

2.11. The policy will promote the licensing objectives through the issue of licences and the assessment of notices covered by the Act. These are:

• Personal licences for individuals – necessary where alcohol is to be sold or supplied on the premises.
• Premises licences and club premises certificate – subject to suitability of premises and measures taken by applicant.
• Temporary event notice – simplified process for smaller scale events.

2.12. The Licensing Authority may depart from the policy if the individual circumstances of the case merit such a decision, in the interests of the promotion of the licensing objectives. Full reasons for departing from the policy must be given. Each case will be taken on its own merits.

2.13. In determining applications, the Licensing Authority will seek to strike a balance between the rights and expectations of local people and businesses against the
wishes of the applicants and at all times that will be underpinned by the licensing objectives.

3. Wakefield District

3.1. The Wakefield district covers some 338 square kilometres and is home to 331,379 people in a diverse range of city, urban and rural communities and an amalgam of what were previously 14 different local authorities.

3.2. The north west includes Horbury, Ossett, Wrenthorpe, Stanley and Altofts, while Normanton, Castleford, Pontefract, Knottingley, Featherstone and a host of smaller settlements make up the five towns. In the south east, there are the towns of Hemsworth, South Kirkby and South Elmsall as well as other communities.

3.3. Some 69 per cent of the rural communities within the district designated as green belt. Dotted about the rolling countryside are villages like Middlesbrough, Crigglestone, Crofton, Woolley and Ackworth.

3.4. Major achievements have already been made in reclaiming former colliery sites for both leisure and industrial use.

3.5. The award winning gallery the Hepworth, opened in 2011 on the city's Waterfront, to house original works by Barbara Hepworth as well as significant works by other artists.

3.6. The city centre is vibrant with cafés, restaurants, bars and an exciting nightlife enhancing its cosmopolitan feel. A multi-million pound regeneration project has seen a significant transformation of the city's retail core at the northern gateway into the city.
4. Integration of Strategies

4.1. The Licensing Authority will take into account its position in relation to partnership working to deal with various issues, including:

- Creating a safer environment.
- Reducing and preventing crime and disorder.
- Economic regeneration.
- Providing reassurance to residents and persons who work in the area.
- Reducing alcohol harm, reducing drug harm.
- Use of planning policies.
- Sustainable development.
- Promoting the transport strategy.
- Encouraging tourism, cultural events and associated activities.
- Supporting city and town centre strategies.

4.2. The Licensing Authority will seek to actively participate in other council, statutory authority, police, fire service and government strategies and objectives that have a bearing on the promotion of the licensing objectives.

4.3. Where a Responsible Authority makes relevant representations or requests a review, and the Licensing Authority upon being satisfied that so as to ensure the promotion of the licensing objectives it is both appropriate and proportionate to impose conditions on licences this will be followed in support of the strategies. This would include ensuring that any conditions did not detract from, or work in opposition to, these strategies as set out in paragraph 4.1.

4.4. In support of these strategies, the Licensing Authority may, by application, look to licence under the Act, land and premises for use by such groups and for community events so as to enable the events to take place. The issue of such licences by the Licensing Authority will be transparent and impartial, each application having to meet the requirements of the Act in its own right.

4.5. The Licensing Authority will avoid placing conditions on licences that duplicate statutory requirements.

4.6. The legislation covering health and safety, fire safety, building safety and nuisance all place a range of statutory duties both on licensees and their employees in respect of the general public when on the premises.

4.7. The only conditions that will be attached are those that are required for the promotion of the licensing objectives either from the operating schedule, or following representations as determined at a hearing of the Licensing Sub Committee.
Planning

4.8. The grant of a premises licence or club premises certificate does not negate the need to seek and be granted, any required planning consent or Building Regulation Approval.

4.9. A hearing on any licence application will not consider whether any decision to grant or refuse planning permission was lawful and correct. The licensing process is not a re-run of the planning process.

4.10. Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

4.11. There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to enforcement proceedings under planning law.

5. General Principles

Human Rights

5.1. The European Convention on Human Rights makes it unlawful for a local authority to act in a way that is incompatible with a convention right.

5.2. In relation to this policy the Licensing Authority has given regard to the following provisions of the European Convention on Human Rights especially:

- Article 1 of the First Protocol, that every person is entitled to the peaceful enjoyment of his or her possessions, including for example, the possession of a licence.
- Article 6, that in the 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 his private and family life,
- Article 9, the freedom of thought, conscience and religion.
- Article 10, the freedom of expression.
- Article 11, the freedom of assembly and association.
- Article 14, enjoyment of Convention rights without discrimination.

It is recognised that circumstances may exist where these rights are in conflict with each other. The Licensing Committee will consider this when these circumstances arise, and will provide reasons for all decisions.
Licensing Hours

5.3. The Licensing Authority will deal with the issue of licensing hours based on the merits of the individual application, subject to specific considerations in line with the cumulative impact policy, where applicable. It will give consideration to any representations made, either from residents, other businesses or responsible authorities. It may have to impose additional conditions and controls in terms of the potential steps the applicants can take to promote the four licensing objectives. In areas of denser residential accommodation, these could relate to a number of conditional matters in relation to noise inside and outside of the premises, the number of vehicle movements, provision of transport etc. If these conditions cannot be achieved in order to meet the licensing objectives, then a limit on licensable hours may be required. Such a restriction will not be imposed without due regard to the individual merits of the application.

Live Music and Entertainment

5.4. As a result of the Live Music Act 2012 and other deregulatory changes that have amended the Act, a licence is not required for the following activities, between 8am and 11pm, where entertainment is provided to audiences of no more than 500:

- Plays.
- Dance.
- Films: no licence is required for ‘not-for-profit’ film exhibitions held in community premises and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Live music.
- Unamplified music to unlimited audiences.
- Amplified music in premises licensed to sell alcohol and in church, village and community halls as well as schools, hospitals and Council buildings as well as any workplace.
- Recorded music in premises licensed to sell alcohol and in church, village and community halls as well as schools, hospitals and Council buildings.

5.5. No licence is required for the following activities between 8am and 11pm to audiences of no more than 1000:

- Indoor sporting events.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of greco-roman wrestling, or freestyle wrestling.
6.1. **Cumulative Impact Policy**

6.2. Cumulative impact relates to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

6.3. If the number of licensed premises in one area of the district has an effect whereby the licensing objectives cannot be met, or are seriously jeopardised, the Licensing Authority may consider the question of whether the grant or material variation of further premises licences, or club premises certificates would further undermine one or more of the licensing objectives.

6.4. It is the Licensing Authority’s policy that there will be a rebuttable presumption that applications for premises licences, club premises certificates or material variations in respect of premises currently licensed will be refused if relevant representations are received about the cumulative impact on the licensing objectives.

6.5. The Licensing Authority does not intend to set a quota as to the number of premises within the impact area and will consider the circumstances of each application fully. It may grant licences where they are unlikely to add to the cumulative impact on the licensing objectives.

6.6. It is important to note that adoption of a cumulative impact policy does not mean the Licensing Authority may apply a blanket ban to all applications within a cumulative impact area. It should also be noted that any decision to refuse an application on cumulative impact grounds may only be made where relevant representations are received. The Licensing Authority is obliged to grant an application, regardless of the fact that it falls within a cumulative impact area, if no such representation is received.

6.7. It will be the responsibility of those making representations to provide evidence of how the additional licence or variation would adversely affect the cumulative impact and the promotion of the licensing objectives. Conversely, the applicant would have to provide evidence that the additional licence would not have an adverse impact and address the cumulative impact policy issues within their operating schedule.

6.8. A material variation will depend upon the nature of the variation and its potential impact on the licensing objectives. The Licensing Authority will have regard to the amended guidance issued under Section 182 of the Act by the Home Office.

6.9. The Licensing Authority will review the special cumulative impact policy as part of the requirement to review the statement of licensing policy every 5 years.
**Other Mechanisms to Control Cumulative Impact**

6.10. The licensing policy is not the only method available to control cumulative impact, other measures include:

- Planning policies.
- 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 and ample taxi ranks.
- 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 and extended to 48 hours on any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
- The power of the police, other responsible authorities, other persons or business to seek a review of a licence or certificate.
- Other local initiatives that similarly address these problems.
- Provision of late night public transport.

**Representations**

6.11. If there are no representations are made against an application, the Licensing Authority must grant the application in terms that are consistent with the operating schedule submitted.

6.12. The Licensing Authority, in its role as responsible authority, may make a representation to any application within the cumulative impact area. Representations will be based on evidence held by the Council and will be made, where relevant, in consultation with ward councillors. Other representations may be submitted in their own right but will support those of the Licensing Authority.

**Applying a Cumulative Impact Policy to other areas of the District**

6.13. In respect of other areas within the district the Licensing Authority will need to be provided with evidence based information and each area will be considered on its own merits. Concerns have already been expressed in respect of some areas of the district where there are problems of drunkenness, anti-social behaviour, crime and disorder and public nuisance in, and on the streets outside licensed premises.

6.14. The Licensing Authority will adopt the following procedures to determine if any further cumulative impact policy was required:
• Identify that a serious concern from a responsible authority, or a resident or representative of residents or a business or a representative of business, in relation to crime and disorder or public nuisance exists in a given area.
• Assess the situation to identify the causes.
• Establish if crime and disorder or nuisances are arising and if so if it is caused by the customers of licensed premises in the area.
• Consult with the bodies specified in Section 5(3) of the Act.
• Adopt a policy to ensure the licensing objectives are met.
• Publish the special policy as part of the policy.

**Wakefield City Centre Cumulative Impact Policy**

6.15. A special cumulative impact policy was applied to an area of Wakefield City Centre in 2006.

6.16. The area had been identified because the Licensing Authority were satisfied that the cumulative impact of the concentration of licensed premises in this area was adversely affecting the promotion of the following licensing objectives:

• Prevention of Crime and Disorder.
• Prevention of Public Nuisance.

6.17. In support of the policy, evidence was gathered from a number of agencies including the police and relevant services within the Council. Additional evidence was also gathered when the policy was reviewed in 2008, 2010 and 2011.

6.18. The policy was further revised in 2017 to reflect the changing demands of the city centre. A two tier policy was created to reflect the hotspots associated with alcohol related crime and disorder within the city, additionally, further changes were made to highlight the type of premises the Licensing Authority would seek to promote within the area.

6.19. In reviewing the policy, the Licensing Authority consulted with responsible authorities and interested parties, including licensees and those representing licensees.

6.20. Within the area as identified on the plan overleaf, strong evidence of an impact on crime and disorder caused by the people attending those premises exists. The Police have provided the crime figures within the area for the period 1 January 2016 to 31 December 2016 (see Appendix 1).
Amber area: Cumulative impact area
Red area: Will only be granted in exceptional circumstances, based on the merits of the application and the representations made
*Includes premises fronting the boundary area marked in amber

6.21. The policy applies to all licensed premises within the area identified and include the following premises:

- Pubs.
- Bars.
- Social clubs.
- Working men’s clubs.
- Night clubs.
- Off licences.
- Takeaways.

6.22. There is also evidence of public nuisance problems, including noise nuisance at and from licensed premises, noise from music, from people entering and leaving premises and noise caused by taxis and private hire vehicles. Whilst attenuation measures imposed as a result of planning or existing licensing conditions have addressed some of the public nuisance element, the evidence suggests that there
are problems caused by the movement of people and associated noise in these areas.

6.23. Taxi ranks and takeaways are flashpoints for crime and disorder and public nuisance.

6.24. There is also evidence of environmental impact, including litter, food waste and unlawful advertising on, and related to, licensed premises.

6.25. Within this area there are a significant number of pubs, clubs and bars with relatively high capacities. Although these have staggered closing times it still leads to a large number of people on the street during the late evening and early hours of the morning. The capability of the transport system to disperse these numbers rapidly with minimum impact on crime and disorder and public nuisance is not there.

6.26. The Licensing Authority takes the view that the principal problems are caused by the number of people attending too many licensed premises in this area, their movement to and from these premises and to and from hot food takeaways. The Council, the police and other agencies have implemented a number of initiatives to reduce violent crime. The Licensing Authority believes that a cumulative impact policy in this area supports and assists those initiatives in reducing violent crime and disorder and public nuisance.

6.27. Accordingly, the Licensing Authority has previously resolved to adopt a policy which will limit the number of licensed premises within the area by refusing applications at a hearing when relevant representations have been made and having heard those representations concludes that the application should be refused.

Applications within the City Centre

6.28. The Licensing Authority wishes to encourage the provision of a range of entertainment in Wakefield and to reduce the dominance of large vertical drinking establishments at the heart of the city. It recognises previous problem areas can be improved by introducing new styles of premises and would encourage, for example, applications for food led premises and well managed, boutique style premises with an emphasis on quality beers and wines provided in a seated environment.

6.29. Any future expansion of licensed premises/night time economy should be consistent with the wider regeneration aspirations of the Council and its partners and should actively promote an inclusive city centre for all, which is a safe and pleasant place to be.

6.30. The proposals in respect of the city centre are intended to target all licensed premises and particularly pubs, bars and off licences serving alcohol at any time during the day/night and takeaways that open after 11pm which can act as a flashpoint for crime and disorder and public nuisance. It is not intended to constrain the development of other entertainment uses which do not add to the problems being experienced in this area.
6.31. Venues within the city centre should be of the highest standard with policies and practices that actively promote the reduction of crime and disorder, public nuisance and threat to vulnerable people.

**On Licensed Premises**

6.32. To reflect the Licensing Authority’s desire to restrict the number of premises within the city while also seeking to encourage alternative style venues it has decided, in the case of On Licensed premises to adopt an approach of designating areas red and amber within the policy area.

6.33. Applications within and abutting (next to or sharing a boundary with) the red area as identified on the plan on page 11 will only be granted in exceptional circumstances as the Licensing Authority believes that the impact on the licensing objectives are at such a level that the area cannot support any more premises or extension to the hours of existing businesses.

6.34. Applications in the amber area will be expected to offer additional measures in their applications to mitigate the problems associated with their surroundings.

**Off Licences and Takeaways**

6.35. Where applications are received for off licences and late night takeaways, then no red or amber approach will be adopted. The Licensing Authority believes that the whole of the city centre area has reached a point where any more premises or extension to hours would have an adverse impact on the licensing objectives. The Licensing Authority will consider the whole of the impact area as red where such applications are received and will only grant a licence in exceptional circumstances.

**Hours**

6.36. Although it will be anticipated that all applications within the area affected by the cumulative impact policy will be of a high standard, where premises seek to operate beyond 2am then the Licensing Authority will expect that applications will be of an exceptional standard. Crime figures provided by West Yorkshire Police at Appendix 1, refer to a time analysis for occurrence of violent crime. The violent crime is particularly evident between the hours of 22.00 and 04.00 in the Westgate/Kirkgate and Union Street areas of the City Centre, but there are also occurrences in other areas of the city centre. Given the lateness of the hour and the reduction of Responsible Authority resources available to patrol and police the area after 2am, there is an identified risk of a potential increase in crime and disorder. Applications will therefore be required to evidence, through their operating schedule, the additional measures they will put in place to mitigate any negative impact on the licensing objectives beyond these hours.
7.0 The Late Night Levy

7.1. The late night levy is a power that Licensing Authorities may adopt to introduce a charge for premises that have late alcohol licences running beyond midnight. The aim of the levy is to allow councils to charge businesses who benefit from the late night economy for the extra cost of enforcement during this period.

7.2. The levy cannot apply to a specified area and must cover the whole district. The Licensing Authority may decide to apply certain discounts and exemptions. A minimum of 70% of the net levy must be paid to the police, the remaining 30% may be spent by the Licensing Authority but only for a number of specific purposes.

7.3. The levy will not apply to premises trading between midnight and 6am on 1 January.

Decision to Apply the Levy

7.4. The Licensing Authority has the power to decide if the late night levy is to apply and if so, will draft a proposal setting out the terms of the levy. The decision will be made by Council. However, at this moment it is not planned that this will occur, for the reasons set out in paragraph 7.20

7.5. When making the decision the Licensing Authority must consider:

- The costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6 am, and;
- Having regard to those costs, the desirability of raising revenue to be applied in accordance with legislation.

7.6. The terms of the proposed levy must include:

- The date from which the levy is to apply.
- The late night supply period i.e. the times for sale of alcohol which will mean a licence holder is subject to the levy.
- The exemption categories.
- The reduction categories.
- The proportion of the levy to be paid to the Police (minimum 70%).

7.7. The Licensing Authority must consult with:

- The relevant local policing body (the Police and Crime Commissioner).
- The relevant chief officer of police (the Chief Constable).
• Holders of relevant late night authorisations.

7.8. The Licensing Authority’s decision, after considering responses to the consultation, must be advertised both on the website and in the local paper. The Licensing Authority must also write to all holders of relevant premises licences and the police.

7.9. Any decision to amend the terms of the levy must be consulted on again.

Exemptions

7.10. The Licensing Authority may grant certain exemptions to the levy. The premises eligible for exemption are:

• Hotels and guest houses where the sale of alcohol is restricted to residents only.
• Theatres and cinemas.
• Bingo halls.
• Community Amateur Sports Clubs (CASCs).
• Qualifying community premises.
• Qualifying country village pubs.
• Business Improvement Districts.

7.11. It would be a matter for the Licensing Authority to determine if any, or all, of the above premises should be exempt.

Reductions

7.12. Licensing Authorities have the discretion to offer discounts to premises that participate in schemes such as Best Bar None and Pub Watch.

Collection of the Levy

7.13. The levy would be collected at the same time as the annual licence fee; non-payment will result in a suspension of the premises licence.

Relevant Expenses

7.14. The Licensing Authority is allowed to deduct any relevant expenses from the annual levy payment in connection with, or as a consequence of:

• The decision making process.
• Collection of payments of the late night levy.
• Enforcement of the late night levy requirement.

7.15. The Licensing Authority is required to publish a statement of its estimate of the amount of deductions at the beginning of the year, and at the end of the year a statement of the net amount of levy payments for the year, showing the deductions for relevant expenses.
Payment to the Police

7.16. The Licensing Authority must pay at least 70% of the net levy to the relevant local policing body (the Police and Crime Commissioner); the remainder may be retained by the authority but must be used for specific purposes.

Late Night Levy Fee

7.17. Premises are split into bands based upon their rateable value to determine how much they pay under the levy. The late night levy is set at a national level which is prescribed in regulations.

7.18. A multiplier is added to premises in the Bands D and E that primarily or exclusively sell alcohol. This will ensure that larger pubs and clubs contribute more to the levy than restaurants and theatres which may serve alcohol, but are likely to have a smaller impact on late night crime.

7.19. Premises that do not want to pay the levy will be able to change their opening hours free of charge to avoid being required to do so. This will enable all premises to make an informed decision on whether to remain open and pay the levy, balancing the extra charge against the revenue they would be likely to raise from remaining open past midnight.

7.20. Wakefield Council supports the Business Improvement District within the City Centre and does not intend to pursue the introduction of a Levy at this time. The Authority is aware of its power to exempt businesses participating in a BID from any late night levy that may be considered in the future.
8. The Early Morning Restriction Order

8.1. Early Morning Restriction Orders (EMRO) were introduced by the Police Reform and Social Responsibility Act 2011 allowing the Licensing Authority to restrict late night sales of alcohol across the whole or part of the district, where it considers it appropriate for the promotion of the licensing objectives.

8.2. EMROs are a local power that the Licensing Authority can choose whether or not to exercise. They apply to premises licences, club premises certificates and temporary event notices within a specified area and time period.

8.3. The Licensing Authority can apply an EMRO for a specified period at any time between midnight and 6.00 am. An Order may also apply on different days and times and can be time limited if the Licensing Authority consider it appropriate.

8.4. It is a matter for the Licensing Authority to decide where an EMRO should apply, this may be across the whole district, within a town, the City Centre or even a single street.

8.5. It may be appropriate to introduce a number of EMROs within the district

Exemptions

8.6. There are no exemptions to an EMRO, other than room service and mini bars in hotels and guest houses.

8.7. An EMRO cannot apply on New Year’s Eve.

Introducing an EMRO

8.8. The powers are discretionary and it would be for the Licensing Authority to decide whether or not to apply EMROs within the district. Before adopting the powers the Licensing Authority would need to be satisfied that an EMRO is appropriate in a particular area for the promotion of the licensing objectives under the Act.

8.9. In deciding whether to adopt an EMRO the Licensing Authority must consult. Regulations provide that all affected persons must be included and the proposed Order must be advertised in a prescribed manner.

8.10. If any relevant representations are made the Licensing Authority must hold a hearing. Any decision to adopt and EMRO will be taken by Council.
8.11. Before adopting an EMRO the Licensing Authority should consider other powers available to them to tackle anti-social behaviour linked to the night time economy. Such measures would include voluntary schemes and a lower threshold for the review of premises licences.

8.12. Wakefield Council supports the Business Improvement District within Wakefield City Centre and does not intend to pursue the introduction of an Early Morning Restriction Order at this time.

9.0 Licensing Process

9.1. The policy accepts the right of an individual to make an application under the Act and that each application will be determined on its individual merits.

9.2. Unless representations are received from Responsible Authorities or Other Persons the Act makes no provision for the Licensing Authority to impose conditions on a licence other than those proposed within the application. In the absence of any relevant representations the Licensing Authority is obliged to issue the licence on the terms sought.

Applications

9.3. All applications and notices must be made on the forms prescribed by the Secretary of State in line with the relevant section of the Act. Applications or notices together with any supporting documents must be completed in the English language and submitted with the relevant fee where appropriate. Failure to enclose the relevant fee will result in the application being returned undetermined.

9.4. Electronic applications may be submitted in accordance with the EU Services Directive.

Premises Licences and Club Premises Certificates

9.5. A premises licence and club premises certificates authorise the sale or supply of alcohol, regulated entertainment and late night refreshment (sale of hot food and drink after 11pm). Businesses wishing to apply for a licence or certificate must include with their application details of the hours of operation, any hours for licensable activities, a plan of the premises and an operating schedule.

9.6. The Licensing Authority strongly recommend that applicants seek advice from the appropriate agencies, for example West Yorkshire Police and West Yorkshire Fire Service prior submitting the application.

9.7. Applicants must provide an operating schedule with the application which evidences how the four licensing objectives will be met. Further information on the licensing objectives is available in section 10.
9.8. The applicant must send copies of completed application forms to the responsible authorities and advertise the application in a local newspaper and on the premises, the Licensing Authority will also advertise the application on its website.

9.9. Relevant representations may be submitted by responsible authorities or other persons during the prescribed 28 day objective period. If no representations are received the Licensing Authority must grant the application as applied for. If representations are received the application will be determined at a hearing of the licensing Sub Committee.

Temporary Events

9.10. The system of permitted temporary activities is intended as a light touch process and as such, the carrying on of licensable activities does not have to be authorised by the Licensing Authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the ‘premises user’) gives notice to the Licensing Authority of the event (a ‘temporary event notice’ or TEN).

9.11. Temporary event notices are subject to the following limitations:

- The number of times a premise 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).
- The number of times a TEN may be given for any particular premises (15 times in a calendar year).
- The maximum duration of an event authorised by a TEN is 168 hours (7 days).
- The maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year).
- The maximum number of people attending at any one time (fewer than 500).
- 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).

9.12. The police or environmental health authority may intervene to prevent such event taking place by submitting an objection to the Licensing Authority who will then decide if the event should go ahead.

9.13. Many premises users giving temporary event notices will not have commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, all of which may stage public events to raise funds, at which licensable activities will take place. The Licensing Authority will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups. This guidance will be available on the Council’s website.

9.14. There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than 10 working days before the
event to which it relates; a late TEN is given not before 9 and not later than 5 working
days before the event. The notice periods do not include the day the authority
receives the notice or the day of the event.

9.15. The Licensing Authority encourages notice providers to give at least 28 days notice of
events likely to take place. This is particularly relevant to events which are to take
place in the open air or in a temporary structure. Assistance with the planning of
events can be provided through the Council’s Safety Advisory Group. Further details
are available on the Council’s website at http://www.wakefield.gov.uk/residents/events-and-culture/events/organising-an-
event/safety

9.16. The Act provides that in exceptional circumstances, the police or environmental
health may issue an objection notice because they believe the event would
undermine the one or more of the four licensing objectives set out in the Act. The
police or environmental health must issue an objection notice within 3 working days of
being notified, but they can subsequently withdraw the notice. The issuing of such an
objection notice requires the consideration of the objection by the Licensing Authority
at a hearing in the case of a standard TEN. If an objection notice is issued in relation
to a late TEN then the TEN is cancelled and licensable activities are not authorised.

9.17. The ability of police and environmental health to serve such a notice is a further
reason why event organisers are strongly encouraged by the Licensing Authority not
to rely on giving the minimum amount of notice and to contact the local Police and
Environmental Health Service at the earliest possible opportunity about their
proposals.

Personal Licences

9.18. Every supply of alcohol under the premises licence must be made or authorised by a
person who holds a personal licence. The Act does not require the presence of a
personal licence holder at all material times but if any sales are made when a
personal licence holder is not present, then they must have been authorised by
someone who holds a personal licence. Regardless of whether a personal licence
holder is present or not, they will not be able to escape responsibility for the actions of
those they authorises to make such sales.

9.19. Every premises licence that authorises the sale of alcohol must specify a designated
premises supervisor (DPS). This will be a personal licence holder who has been given
day to day responsibility for running the premises by the premises licence holder. To
specify a DPS the premises licence holder must submit an application to the
Licensing Authority.

9.20. The Licensing Authority will normally expect the designated premises supervisor, a
personal licence holder or a suitably trained and authorised person to be on the
premises or be readily available at all times alcohol is being supplied so as to be the
focal point for enquiries and action should the need arise.
9.21. The Licensing Authority recommends if the DPS is to be away from the premises for more than 7 days, then the licence holder must make appropriate arrangements for the running of the premises by a suitably trained person so that the licensing objectives and any conditions are met.

9.22. The Licensing Authority recommends that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear as to their legal responsibilities. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders.

9.23. The Licensing Authority recognises that it has no discretion regarding the granting of personal licenses where the applicant:

- Is 18 years or over.
- Possesses a licensing qualification.
- Has not been convicted of a relevant offence.
- Has not forfeited a licence in the last five years.

9.24. An application must be made in the form specified by regulation and must be accompanied by the requisite fee together, with a relevant licensing qualification, two enclosed photographs and a DBS certificate or results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service.

9.25. Where the application discloses relevant unspent convictions, the Licensing Authority will notify the police of that application and the convictions. The police may then make objection on the grounds of an unspent relevant or foreign offence. If an objection is lodged a hearing has to be held.

9.26. The Licensing Authority will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances.

9.27. All personal licence holders should note that on their first appearance in any court, when charged with a relevant offence they must declare their status as a holder of a personal licence to that court. Where subsequently convicted they must declare that conviction to the Licensing Authority.

9.28. When the Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence, foreign offence or been required to pay an immigration penalty, the Licensing Authority may revoke the licence or suspend it for a period of up to six months. The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the relevant offence or foreign offence, until the appeal is disposed of. Where an appeal is not lodged, the Licensing Authority will not take action until the time limit for making an appeal has expired.
9.29. If the Licensing Authority decides not to revoke the licence it will give notice to the chief officer of police that it intends not to do so, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day the notice was received. Any representations made by the chief officer of police must be taken into account by the Licensing Authority in deciding whether to suspend or revoke the licence.

10.1. **Licensing Objectives**

10.2. The Licensing Authority will carry out its functions under the Act with a view to promoting 4 licensing objectives. These are:

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

10.3. Each objective is of equal importance and the 4 objectives will be paramount considerations for the Licensing Authority at all times.

10.4. It is for an applicant to decide what measures to offer in their operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.

10.5. The Licensing Authority recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.

10.6. Applicants are reminded that responsible authorities or other persons may make representations if they feel that the applicant’s proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.

10.7. The Licensing Authority expects applicants to consult a professional body, trade organisation or association who have experience in the relevant field to give appropriate professional advice as to how to ensure the licensing objectives will be met.

**Conditions**

10.8. The primary purpose of a licence, or certificate is to regulate and control behaviour on premises, the conduct of the premises, access to and from those premises and individuals when in or in the immediate vicinity of the premises.

10.9. The Licensing Authority will not impose conditions that are disproportionate to the type of activity to be licensed and will only apply conditions that are necessary to achieve the relevant licensing objective.
10.10. Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the premises and events concerned.

10.11. The Licensing Authority will use the pool of conditions published by the Secretary of State and develop other conditions, which are appropriate and proportionate to the application, for attachment to the licence to promote the licensing objectives.

10.12. Conditions attached to licences will be based on the operating schedule submitted with the application and will be consistent in promoting the licensing objectives. The operating schedule has to include the steps that it is proposed to take to meet the licensing objectives.

10.13. The conditions attached to a licence will be expressed in unambiguous terms, so that the meaning and duty placed on the licence holder, in terms of compliance are clear.

10.14. Failure to comply with any condition attached to a licence or certificate could be subject to enforcement action, representations or other proceedings being taken against the licence holder of the licence or certificate or other individuals who have breached the Act or conditions attached to the licence or certificate. The effects of breaching the Act or a condition could ultimately lead to suspension or revocation of the licence or certificate.

10.15. Applicants for a premises licence, club premises certificate and personal licences will be required to be fully aware of their legal responsibilities for ensuring adequate supervision and management of the relevant licensed premises.

10.16. The Licensing Authority and the responsible authorities will use the operating schedule as part of the material information in their determination of the grant of the application, any conditions required and, if appropriate, the refusal of the application.

Crime and Disorder

10.17. The lead agency for the prevention of crime and disorder is the police. The Licensing Authority will look to the police as the main source of advice on these matters.

10.18. The Licensing Authority will look to the police to give advice to applicants on how to put in place measures to deal with crime and disorder, and where appropriate will actively support these measures in terms of best practice, partnership schemes and conditions.

10.19. Applicants should consider all forms of crime and disorder and especially what actions they will take to ensure that any problems from their premises are not just moved into a public place for others to have to deal with.

10.20. It is grossly unfair for licence holders having sold or supplied alcohol to leave any resultant problems for others to deal with, if they have not prepared a procedure to deal with these incidents so that the appropriate body, i.e. the police, pub watch, door supervisors etc. are informed and can take appropriate action. This type of action
does not meet the promotion of this licensing objective and could result in a review of the licence.

10.21. For some premises they will only be able to inform the police because there are no other bodies in the area, but for others there will be other licensed premises that could be affected and a communication system or other arrangements may be in place. For example, a single licensed premise in a rural village may only be able to inform the local police station of the incident but a night club in the city centre may be able to inform the police, alert the CCTV control room, inform other premises and inform door supervisors at nearby premises.

10.22. There is no stigma attached to contacting the police or the other bodies mentioned to pass on information about persons who may cause crime and disorder, public nuisance, public safety problems or harm to children. Unless there is cause to believe that the premise or its staff contributed to the problem by not promoting the licensing objectives or contravened the Act then no regard will be made of the matter other than to assist in the wider issues of promoting the licensing objectives, forming good practice and to identify those committing criminal offences or their anti social behaviour.

10.23. Applicants should consider the crime and disorder objective in terms of ‘designing out’ potential problems. Where appropriate, applicants should consider the use of lighting, installation of closed circuit television (CCTV), non-shatter safety glass for windows, drinking and glasses and bottles, increased seating, appropriate location of tables and chairs and secure storage for empty bottles within the licensed premises.

10.24. The Licensing Authority recognise there is a real value in installing CCTV in premises where it is appropriate and proportionate for the promotion of the licensing objectives.

10.25. Conditions requiring the use of CCTV must be considered on a case by case basis and made in accordance with guidance issued by the Information Commissioner’s Office on the use of CCTV in licensed premises. Such requirements should not be attached as a model condition on all licences.

10.26. It is important to liaise with the Police’s licensing department before order or installation of the equipment to ensure it is operated to the required standards, in the correct areas and has suitable recording equipment.

10.27. All door staff or other security staff employed on premises must be licensed by the Security Industry Authority (SIA).

10.28. The Licensing Authority will not require some categories of persons who are responsible for the care of others to be licensed with the Security Industry Authority. Such persons will include those responsible for the care or control of children, looking after child performers i.e. staff at children’s discos or other entertainment, staff in charge of child entertainers but who do not carry out a security activity function as defined in the Act. Also see paragraph 10.51 – 10.80 relating to Child Protection.
10.29. In the case of hot food takeaways selling alcohol, applicants will be required to include detailed mitigation measures, this will include measures to ensure that alcohol is not sold to persons already intoxicated. For home delivery, measures to ensure alcohol is not sold to persons under 18 years of age should also be demonstrated.

10.30. The Licensing Authority requires that a record of all relevant training received or given to all staff, personal licence holders, designated premises supervisors, committees and secretaries of registered clubs and premise licence holders should be maintained by the licence holder.

Public Safety

10.31. The Licensing Authority will seek to promote public safety at all licensed premises or events. Some of these requirements will already be included within existing legislation and it will be the responsibility of every applicant to carry out a risk assessment for the premises and activities they intend to apply for which will aid them in determining what is required to meet the licensing objectives and any other statutory requirements.

10.32. On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The Licensing Authority will not seek to impose fire safety conditions as conditions on licences where the order applies.

10.33. Each application will be unique and any conditions beyond the existing legislative requirements relating to this part of the policy will only be attached to the licence to promote the licensing objective for public safety.

10.34. Any conditions the Licensing Authority may need to attach to the licence to promote this objective will seek to be the most cost effective solution taking into account the nature of the premises and the scale and type of entertainment to be provided.

10.35. In relation to the electrical safety of premises it will be a requirement that evidence can be produced that the electrical installation and fixed or portable equipment is subject of inspection and maintenance by a competent person who can issue a safety certificate for the installation including emergency lighting, fire alarm and back up systems. Specific types of electrical systems are recommended for the areas where entertainers and members of the public use electrical equipment either provided by the entertainer or the premises. This includes residual circuit breakers etc. to prevent danger of electrocution to users of the equipment and is contained in the Health and Safety Executive (HSE) leaflet INDG247.

10.36. This would equally apply to the gas installation, (Leaflet “Gas Appliances - Get Them Checked Keep Them Safe also available from the HSE) fire safety and other safety equipment in the premises.

10.37. An assessment should be carried out to ensure suitable medical care facilities are available and appropriate to the type of event held.
10.38. The Licensing Authority expects applicants to positively address the need to ensure access and safety for people with disabilities who wish to visit the premises or use the facilities.

10.39. Applicants should refer to the publications list in Appendix 2 for advice and guidance.

Public Nuisance

10.40. Risk assessments carried out by the applicant should focus on how noise, vibration, odour, light and litter arising from licensable activities will impact on those in the vicinity of the premises.

10.41. The applicant should show, in the operating schedule, the results of the risk assessment and how they intend to promote this licensing objective by specifying the steps they will take to prevent or control those risks in relation to the prevention of public nuisance.

10.42. The Licensing Authority recognises that noise can be a major concern for people living and working close to licensed premises when it is generated above a reasonable level.

10.43. The Licensing Authority recognises that different people have different levels of tolerance to the unavoidable activities involved in the everyday provision of entertainment and refreshment, and will look carefully at the impact of licensed premises and events with regard to noise and disturbance in the vicinity of the premises. This is especially the case where entertainment takes place late at night and during other times when the activities may be more intrusive.

10.44. Applicants must address matters such as encouraging customers to leave in an orderly manner, using properly trained door supervisors and staff to facilitate this, backed up by suitable announcements and notices appropriately displayed at exits from the premises.

10.45. When considering each application, the Licensing Authority will be examining the steps taken or proposed to be taken to deal with:

- Noise from amplified and non-amplified music, singing and speech.
- Plant and machinery (including extract systems).
- Noise from patrons and vehicles associated with the venue, e.g. car doors, horns, stereos, engine noise, etc.
- Littering including waste packaging, food from takeaway premises and publicity leaflets and flyers.
- Light pollution e.g. artificial light, security, decorative, advertising and lasers.
- Premises located near to hospitals, hotels and nursing homes etc.
10.46. The Licensing Authority will, and responsible authorities and others should, refer to the publication list in Appendix 2 for advice and guidance.

10.47. The aim is that noise from the premises shall not cause unreasonable disturbance or nuisance. This particularly applies between the hours of 11pm and 9am. If a risk assessment indicates this is the case, or representations are made, then steps must be taken to mitigate the effect.

10.48. The provision of licensable activities within the premises may be controlled by conditions to effect the promotion of this objective. These could include:

- Different operating hours for different types of activity.
- Closure of doors and windows.
- Outdoor areas closing earlier.
- Noise management and monitoring procedures.
- Litter cleaning and cleansing outside venues.

10.49. The Licensing Authority will make a presumption against the use of outdoor areas in noise sensitive locations after 10pm. Premises outside of residential areas should include a detailed and effective management plan within the operating schedule.

10.50. The Licensing Authority will encourage the use of structural and physical methods of noise reduction as a permanent means of preventing or controlling nuisance rather than by reliance on individual human intervention or control, where the cost of carrying out such works is proportionate to the prevention of public nuisance and the promotion of this licensing objective. This may mean structural modification to contain or control noise would be preferred to the manual volume control of music levels.

10.51. The Licensing Authority accepts that an individual who engages in antisocial behaviour is accountable in their own right and other criminal legislation is available to deal with this type of incident. However the licence holder is responsible for taking immediate positive action to deal with the incident.

**Protection of Children from Harm**

10.52. The Licensing Authority is committed to protecting children from harm (moral, psychological and physical) in relation to any premises licensed under the Act who propose to allow children into the premises.

10.53. The Act does not prohibit a child from having access to the various licensed premises. It does however impose statutory restrictions in relation to specific premises when they are providing licensable activities and these will be strictly enforced.

10.54. Each and every application in relation to premises and children will be dealt with on its own merits and, where required, conditions will be attached to the licence to meet the licensing objectives.
10.55. It is a requirement that premises operating under the authority of a premises licence, a club certificate licence or a temporary event notice, who wish to allow children on the premises will indicate that intention in the operating schedule and include all the steps they have taken, or intend to take, to comply with the licensing objectives to ensure that children are protected from harm.

10.56. Wakefield District Safeguarding Children Board, as a responsible authority, will be consulted on all applications including those relating to children on licensed premises. Due consideration to any representations or observations made by this body will be given.

10.57. The Licensing Authority supports the principle of family friendly and safe environments for children on licensed premises. Areas that will give rise to particular concern in respect of children include the following premises, the list is not exhaustive:

- Where entertainment of an adult or sexual nature are provided.
- Where members of staff have been convicted of serving alcohol to minors or the premise has a reputation for underage drinking.
- Where there is a known association with drug taking or drug dealing.
- Where there is a strong element of gambling on the premises.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

10.58. In these circumstances the conditions, which are likely to be attached to any licence includes: -

- Limitations on the hours when children will be permitted.
- Stating a minimum age for access by children.
- Limiting or prohibiting access when certain activities are taking place.
- Permitting access only when the child is accompanied by an individual aged 18 years or over.
- A combination of the above.
- A full exclusion of all individuals aged under 18 years.

10.59. The Licensing Authority will not seek to require that access to any premises is given to children at all times. Under normal circumstances this will be left to the discretion of the licensee. However the Licensing Authority strongly recommends that applicants address the access of children in the operating schedule.

10.60. In the case of ‘children only’ events, for example, an under 18 disco, production of a play, a pantomime or similar event the Licensing Authority will seek to have a specific ratio of adult supervisors to children that can be reasonably expected on the premises for the activity.

10.61. The minimum ratio will be 1 supervisor per 50 children plus 1 supervisor for each floor and 1 supervisor for each exit. This would mean at an event where 300 children are expected, which takes place on premises which have 2 floors and 4 exits there would need to be 6 supervisors for the capacity of the premises, plus 2 for the 2 floors, plus
4 for the number of exits giving a total of 12 supervisors on duty throughout the duration of the event. Licence holders will not be prevented from having higher levels of supervision if they wish.

10.62. The Licensing Authority expects that licence holders assume responsibility making careful checks where premises or entertainment is specifically targeted towards children to ensure all persons employed or involved with the supervision or management are deemed appropriate persons to be engaged in the activity. All persons employed or involved with the supervision or management should be suitably qualified and aware of what actions to take if they have concerns about the welfare of a child.

**Children and Alcohol**

10.63. The Act requires that the premises licence holder or club premises licence holder ensures that an age verification policy applies to the premises in relation to the sale of alcohol. The policy will require individuals who appear to be under 18 (or an older age as specified by the policy) to produce identification bearing their photograph, date of birth and a holographic mark such as:

- A passport.
- A photo card driving licence.
- A proof of age scheme card, (e.g. Validate, PASS card, Citizen Card) that is backed by the Home Office.
- An official identity card, issued by H.M. Armed Forces or a European Country, bearing the holders photograph and date of birth.

10.64. Events such as ‘student nights’ which invariably embrace 16 to 18 year olds, place a greater responsibility on licence holders to ensure the protection of children from harm. Operating schedules should include clear management plans demonstrating how the licence holder intends to control and mitigate the potential harm to individuals under 18 years of age attending these events.

10.65. Staff working in licensed premises should have an understanding of the protection of people, particularly vulnerable people by virtue of age or as a result of the use of alcohol or drugs. The Licensing Authority expects that staff are trained in the understanding of sexual harm, child sexual exploitation and recognising the dangers of drug use and excessive alcohol and how to respond.

**Children and Cinemas**

10.66. The Licensing Authority will expect the operating schedule for a cinema to include measures to ensure that under age children will be prevented from viewing films that have an age restriction as determined by the British Board of Film Classification (BBFC) or by the Licensing Authority.

10.67. A mandatory condition will be made as required by Section 20 of the Act in relation to the admission of children (that is a person less than 18 years of age) to age restricted films as determined by the BBFC or by Wakefield Council.
10.68. The document, Film Classifications Guidelines from the BBFC, which the Licensing Authority will rely on in relation to film classification, sets out the procedure for films that do not have a BBFC classification. http://www.bbfc.co.uk/what-classification/guidelines

Children and Theatres

10.69. The Licensing Authority will expect the theatre’s operating schedule to include measures to ensure children are not allowed admission on those occasions when the entertainment is not suitable for certain ages.

10.70. Children may be present at an event as the entertainers in part or in full and it would be good practice to have nominated adults responsible for the child performers to ensure their safety and wellbeing.

10.71. The Children (Performances) Regulations 1968 sets out the requirements for children performing in a show.

10.72. The Licensing Authority will look at such matters as the venue, fire safety, special effects and the control of children in terms of equipment and accounting for them in an emergency.

10.73. Conditions may be imposed to deal with these matters to meet the licensing objectives, in particular, the protection of children from harm.

10.74. The Validate UK Scheme referred to previously can assist with age restricted entertainment in ascertaining the age of children.

Children and Other Licensable Activities

10.75. The Licensing Authority is aware that certain licensable activities in relation to entertainment and environment may not be suitable for children. This could involve a comic show with adult material or a satirical review with adult material. Some entertainers use different material for their act at different times of the day when the audiences are of different age groups.

10.76. The operating schedule must set out the basis for this, so that the Licensing Authority can see that measures are in place to ensure that children are not admitted to unsuitable events. There will need to be liaison between the premises and the entertainer to ascertain the age ranges the material is intended for and how this will be verified and implemented.
Children and the Provision of Late Night Refreshment (between 11pm-5am)

10.77. The Licensing Authority acknowledges that the number of children on the premises during this time will have declined however it will expect the premises operating schedule to include measures to ensure children are protected from harm.

10.78. These may be to refuse admission to all children, require all persons under 18 years to be accompanied by a person over 18 years or a combination of the measures listed at paragraph 10.62.

10.79. The operating schedule should also include proposals to deal with children on the premises if adult disorder is likely or if unsuitable foul or abusive language is being used by others.

Children, General Criteria

10.80. The Licensing Authority will require all applicants, where necessary, to provide information in the operating schedule to demonstrate how they propose to ensure children are protected from hearing the performance of recorded or live music which has language content not suitable for certain age groups.

10.81. The Licensing Authority may request to see certificates, qualifications, evidence of suitability of persons and other documents in support of applications for licences where children are allowed on the premises. This could include briefings or training in child protection, children at risk and child safety and other documents e.g. child protection policies and procedures.

10.82. This may include the requirement for all persons who are working with children who are not accompanied by a person over 18 years of age to have a Disclosure and Barring Service check completed and produced with the application at their own expense.

General

Regulated Entertainment

10.83. The Licensing Authority will not seek to impose conditions that are designed to censor or modify the content of regulated entertainment. Existing legislation in relation to indecency and obscenity govern these areas. If the entertainment is not suitable for children they should and will be excluded both by condition and in the operating schedule.

10.84. In relation to film exhibitions, if a premises wishes to show a film not given an age rating by the British Board of Film Classification, then the licensee will be required to submit a copy of the film exhibition or arrange a viewing of the film exhibition for the Licensing Authority at least 28 days before it proposes to show the film exhibition to enable the Licensing Authority to impose a classification.
10.85. The Licensing Authority will only authorise film exhibitions where a classification has been given.

10.86. The Licensing Authority will seek, as part of its local authority function in terms of cultural strategies, to promote and encourage live music, dancing, circus, street arts and theatre for the wider cultural benefit of the community in general. The needs of the local community will be balanced against this type of event as with all other applications. However the Licensing Authority will not use disproportionate conditions which may have prohibitive costs to deter live music, dancing, circus, street arts or theatre. Such events provide opportunities for community involvement, civic pride and attract visitors to the district, which in turn benefits the local economy.

10.87. In relation to major art or pop festivals, fairs, carnivals and circuses the Licensing Authority requires that all event organisers approach them at the earliest opportunity to discuss arrangements for the licensing of activities falling under the Act and to submit details to the Safety Advisory Group through the Council’s website.

Safety Advisory Group

10.88. The Licensing Authority will require the applicant liaises with the Council’s Safety Advisory Group to ensure steps have or will be taken to:

- Complete a comprehensive risk assessment and operating schedule including the precautions to be implemented.
- Emergency and Contingency plans.
- Provision of Public Liability insurance.
- Stewarding and ticket arrangements.
- Sanitation, first aid, parking, temporary structures, signs etc.
- Liaison with local residents and businesses.
- Positive proposals for access, safety and comfort of disabled persons.
- Lost children etc.
- Comply with Fire Safety Regulations.

Drinks Promotions

10.89. The Licensing Authority has some serious concerns about promotions in respect of alcohol because of the real possibility of customers being encouraged to consume excessive amounts, and in addition to the mandatory condition relating to irresponsible drinks promotions all point of sale promotions should be conducted in accordance with the Codes of Practice and Section 182 Guidance.

10.90. Staff selling or supplying alcohol must encourage sensible drinking and ensure persons who are drunk are not sold or supplied alcohol either directly or indirectly by other persons obtaining it on their behalf.

10.91. Further information can be obtained from the British Beer and Pub Association, the Portman Group and the Association of Convenience Stores (see Appendix 2).
11. **Representations**

11.1. The Act gives a legal right for anyone to make representations to the Licensing Authority in respect of applications for licensed premises.

11.2. The representations have to be about matters that are specific to the licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

11.3. The representations must relate to premises authorised to sell or supply alcohol, provide licensable entertainment or licensable late night refreshment.

11.4. The representation cannot relate to other legislative decisions made by other authority, for example, the planning authority, where a planning decision has been made. This procedure is not the correct manner to deal with that complaint.

11.5. The representations which would be considered relevant could be related to noise from the premises, disorder outside or inside the premises, children being allowed into the premises and drinking alcohol, being allowed into adult entertainment, litter and spoilment in the vicinity of the premises, banging of car doors or sounding of horns etc.

11.6. Nothing in this policy will prevent all relevant representations being given full consideration. The exception to this principle is that any representation deemed by the Licensing Authority to be frivolous, vexatious or repetitious may not be considered. In such circumstances the maker of the representation will be so informed in writing by the Licensing Authority.

11.7. In the case of persons who wish to challenge the determination in relation to repetitious, frivolous or vexatious representations they may pursue a complaint with the Licensing Authority or challenge by way of judicial review against the decision.

11.8. This policy upholds the right of any responsible authority or other persons to make representations on an application or seek a review of a licence where provision has been made for them to do so under the Act.
11.9. The Licensing Authority will seek to co-ordinate all representations and offer advice and guidance in relation to the Act to all applicants whether for privately or publicly owned. This will allow the applicant, the Licensing Authority and the responsible authorities to assist the applicant in advance of a formal application.

11.10. Representations allow residents and local businesses the opportunity to participate in discussion and determination as provided by the Act in the area where they live or work.

12. **Licensing Committee/Delegation**

12.1. The Licensing Authority will establish a Licensing and Regulatory Committee consisting of at least 10, but not more than 15 elected members.

12.2. The Licensing and Regulatory Committee will establish Sub Committees of not less than three members of the Licensing Committee.

12.3. The Licensing and Regulatory Committee will arrange for the discharge of its functions by a Sub Committee or by an officer of the Licensing Authority in line with the following table:

**Delegation of Functions**

<table>
<thead>
<tr>
<th>Matter to be Dealt With</th>
<th>Full Committee</th>
<th>Sub Committee</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formulating the Statement of Licensing Policy</td>
<td>To be determined by the Licensing Authority after recommendations from the Licensing Committee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for personal licence</td>
<td>If an objection made</td>
<td>If no objection made</td>
<td></td>
</tr>
<tr>
<td>Application for personal licence with relevant unspent convictions</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspension/revocation of personal licence</td>
<td>If a Police objection</td>
<td>In all other cases</td>
<td></td>
</tr>
<tr>
<td>Application for premises licence/club premises certificate</td>
<td>If a representation made</td>
<td>If no representation made</td>
<td></td>
</tr>
<tr>
<td>Application for</td>
<td>If a</td>
<td>If no</td>
<td></td>
</tr>
<tr>
<td>provisional statement</td>
<td>representat ion made</td>
<td>represent ation made</td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------------</td>
<td>----------------------</td>
<td></td>
</tr>
<tr>
<td>Application to vary premises licence/club premises certificate</td>
<td>If a representat ion made</td>
<td>If no represent ation made</td>
<td></td>
</tr>
<tr>
<td>Application to vary designated premises supervisor</td>
<td>If a Police objection</td>
<td>In all other cases</td>
<td></td>
</tr>
<tr>
<td>Request to be removed as designated premises supervisor</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application for transfer of premises licence</td>
<td>If a Police objection</td>
<td>In all other cases</td>
<td></td>
</tr>
<tr>
<td>Application for interim authorities</td>
<td>If a Police objection</td>
<td>All other cases</td>
<td></td>
</tr>
<tr>
<td>Application to review premises licence/club premises certificate</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Decision on whether a complaint is irrelevant, frivolous, vexatious etc.</td>
<td>If an appeal is made</td>
<td>All cases</td>
<td></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>All cases</td>
<td></td>
</tr>
<tr>
<td>Determination of a Police objection to a temporary event notice.</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Determination of application for a minor variation</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
</tbody>
</table>
12.4. The Licensing Authority will deal with all matters in relation to the determination of its policy with respect to the exercise of its licensing functions and the publication of that statement. This will include any review of that statement and the subsequent five-year period determination.

12.5. The full Licensing Committee will deal with any matters referred to it by a Sub Committee or an officer of the Licensing Authority.

12.6. A Sub Committee can decide to refer a matter to the Licensing Committee for a decision where it considers that it is appropriate to do so. Similarly, officers are not precluded from referring matters to the Sub Committee or Licensing Committee.

12.7. The Licensing Authority will adopt the procedures in the table of delegations as set out in paragraph 12.3 in relation to officers as these licensing applications will be non-contentious applications and administrative in nature. This will allow a timelier, efficient and cost effective service.

12.8. All licensing applications dealt with by officers will be reported, for information only, to the next convenient scheduled Licensing Committee meeting if requested.

12.9. Any consent to an appeal from a decision of the Licensing Authority shall only be taken by the City Solicitor, in consultation with the chair of the relevant Sub Committee, or if they are unavailable, the chair of the Licensing and Regulatory Committee.

12.10. Upon the Licensing Authority being in receipt of a summary licence review application pursuant to Section 53A of the Act, the Licensing Manager (in consultation with City Solicitor) shall determine whether to invite the licence holder to make representations prior to the licensing Sub Committee considering the making of interim steps.

12.11. Where the Licensing Authority receives notice from all relevant parties that a hearing is unnecessary in accordance with Regulation 9(1) of the Hearing Regulations 2005, the Licensing Manager (in consultation with the City Solicitor) shall determine if he/she agrees that a hearing is unnecessary.

**Conduct of Committees**

12.12. The hearing process will meet the requirements of the regulations made by the Secretary of State in all instances.

12.13. The hearing process will be held in accordance with the Constitution of the Licensing Authority so long as this is not contrary to any prescribed regulations made by the Secretary of State.

12.14. Any hearing will focus on the steps needed to promote those licensing objectives which are the subject of representations being made by a responsible authority or other persons.
12.15. The Committee will act in a fair and impartial manner and will not allow personal prejudice to affect the judicial determination of the hearing nor act outside the legislative requirements of the Act.

12.16. Any such hearing will not stray into undisputed areas of the application.

12.17. The hearing in relation to any application will give appropriate weight to the evidence and argument presented by all parties, the Secretary of State’s guidance, the statement of licensing policy and the steps that are required to promote the licensing objectives.

12.18. If a determination in relation to the attachment of conditions to the licence is made, the Committee will have to give reasons why they are appropriate to promote the licensing objectives and be consistent with the operating schedule.

12.19. Every determination of the full Licensing Committee or a Sub Committee will be accompanied by clear, cogent reasoning for the decision. The decision will be stated forthwith to the applicant and any person who has made relevant representations.

12.20. Every determination will be confirmed in written form to the above persons and if a licence is granted, the licence, with a summary, will be issued.

12.21. The Committee, when sitting either as a full or Sub Committee, will be able to request evidence or input from any relevant person or body who has information or knowledge that will aid the committee in determining any matter before it.

12.22. All such proceedings are a matter of public record.

12.23. In cases where the Licensing Committee or Sub Committee feel it is relevant and necessary, the hearing, or part of it, may take place with members of the public excluded. The Licensing and Regulatory Committee or Sub Committee will only invoke this rule for specified circumstances and will provide reasons for their decision.

12.24. The statement of licensing policy can be challenged by way of a judicial review and any decision made by the full Licensing Committee or any Sub Committees in the determination of an application or hearing can be challenged by way of appeal to the Magistrates Court. All parties involved in a hearing by a committee or Sub Committee, including those making an application, those making representations and the responsible authority may appeal to the Magistrates Court against a decision made by the Licensing Authority.

12.25. The Licensing Authority will seek to be satisfied that any representations made under the terms of the Act by another person are relevant in that the representation must relate to the likely effect of the grant or variation of a licence on the promotion of one or more of the licensing objectives.

12.26. Representations which are not relevant or are vexatious or frivolous cannot be allowed.
12.27. Representations which are repetitious will not be allowed where the matter they refer to has recently been determined by the Licensing Committee or Sub Committee and there has been no material change.

12.28. In cases where they relate to the planning authority or other local authority statutory provisions, a licensing hearing will not and cannot be used to re-run those applications when they have been lawfully decided.

12.29. The Licensing Authority accepts that other persons may consider a representation to be trivial but it can still be relevant.

12.30. Where a councillor is a member of the Licensing Committee or Sub Committee and has had direct or indirect involvement in the affairs of an application before them, in the interests of good governance, they will disqualify themselves from any involvement in the decision making process affecting the determination in question, and withdraw from the meeting.

12.31 Where an application is by the Licensing Authority itself for a licence or permission under the Act, it is unlikely that members on the Licensing Committee would have a Disclosable Pecuniary Interest as defined in the Council’s Constitution.

Role of Legal Advisor in Licensing Hearings

12.32 A Legal Advisor will be present at Licensing Sub-Committee hearings. The role is to provide the Sub-Committee with any advice it requires to properly perform its functions, whether or not the Members have requested that advice, on:

- Questions of law (including human rights and equalities);
- Questions of mixed law and fact;
- Matters of practice and procedure;
- The range of options available to the Sub-Committee;
- Any relevant decisions of the Courts that the Sub-Committee should have regard to (Case Law);
- Applicable National and Statutory Guidance, Council Policy and hearing regulations;
- Any other issues considered relevant to the matter that is before the Sub-Committee;
- The appropriate decision-making structure to be applied in any given case.

12.33 The Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the Legal Advisor at any time during the course of the hearing. This may include matters raised by the parties and their representatives during the hearing. If such advice is sought and given during the time when the sub-committee has retired to consider its’ decision, it shall be the duty of the legal Advisor to subsequently advise the representatives/parties to the hearing of the nature of the request and the advice given.
12.34 It is the Legal Advisor’s responsibility to assist the Sub-Committee, where appropriate, as to the formulation of reasons and the recording of those reasons. By agreement with the Chair, the Legal Advisor shall announce the Sub Committee’s decision in the presence of all parties.

12.35 The Legal Advisor does not play any part in making findings of fact, but may assist the Sub-Committee by reminding them of the evidence, taken from his or her own notes or the Committee Clerk’s notes.

12.36 The Legal Advisor may ask questions of parties and witnesses in order to clarify the evidence and any issues in the case. The Legal Advisor has a duty to ensure that every case is conducted fairly and shall remain impartial throughout the meeting. The Legal Advisor may assist unrepresented parties to present their case, but will not become an advocate for the party concerned.

13. Enforcement and Reviews

Enforcement

13.1. The Licensing Authority has adopted a multi-agency approach to the enforcement of the Act.

13.2. With the co-operation of West Yorkshire Police, West Yorkshire Trading Standards service, West Yorkshire Fire and Rescue service, other responsible authorities and relevant enforcement agencies, a working group has been established which targets problem and high-risk premises, in line with agreed protocols.

13.3. Information and intelligence is received and gathered from many sources. Individual enforcement agencies will give advice and use direct powers of prosecution or other enforcement where appropriate, but when necessary, the Licensing Authority will review the licence if an application to do so is received from a responsible authority or other person. This can result in the licence being suspended, varied or revoked.

13.4. To deal with urgent problems, responsible authorities have powers to close premises immediately.

Reviews

13.5. The Licensing Authority recognises the importance of a partnership approach between licence holders, responsible authorities and other persons in the promotion of the licensing objectives. It will give licence holders early warning of concerns and the need for improvement. Failure to respond to such early warnings could lead to a decision by a responsible authority or other person to request a review of the licence.

13.6. The proceedings set out in the Act for reviewing premises licences and club premises certificates represent a key protection for the community, where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
13.7. At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

13.8. Where the Licensing Authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times.
- To exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption).
- To remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
- To suspend the licence for a period not exceeding three months.
- To revoke the licence.

13.9. In cases where the crime prevention objective is being undermined through the premises being used for criminal activities, it is expected that revocation of the licence, even in the first instance, will be seriously considered.

**Summary Review**

13.10. In addition to Reviews referred above, there are powers within the Licensing Act which enable West Yorkshire Police to trigger a fast track process to a review. The powers only relate to premises which are licensed for the sale of alcohol and in circumstances where the Chief Officer of Police (with the rank of Superintendent or above) considers that a premises are associated with serious crime or serious disorder or both. Where the Licensing Authority receive such an application from the Police for a summary review, the Licensing Authority shall within 48 hours of the time of its receipt (excluding non-working days), consider whether it is necessary to take interim steps pending a determination of the review of the premises licence, which must be undertaken within 28 days in any event.

13.11. Interim Steps available to the Authority include modifying the conditions on the premises licence, the exclusion of the sale of alcohol by retail from the scope of the licence, removal of the designated premises supervisor from the licence and suspension of the licence. A Premises Licence Holder may make representations against any interim steps taken by a Licensing Authority. Where such representations are received, the Licensing Authority is required to hold a hearing within 48 hours (excluding non-working days).
Appendix 1 – Police Crime Figures

West Yorkshire Police have supplied crime figures for the Wakefield cumulative impact area for the period January to December 2016.

The blue dots below indicate the location and concentration of violent crime across the city for the specified period.

The tables below show a breakdown of violent crime in the city by street, time and type of offence.
Westgate:
Westgate is at the centre of violent crime occurrences as reflected below.

<table>
<thead>
<tr>
<th>Offence Type</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASSAULT</td>
<td>229</td>
</tr>
<tr>
<td>PUBLIC ORDER</td>
<td>26</td>
</tr>
<tr>
<td>DOMESTIC - CRIME</td>
<td>16</td>
</tr>
<tr>
<td>HATE - CRIME</td>
<td>7</td>
</tr>
<tr>
<td>THREATS TO KILL</td>
<td>4</td>
</tr>
<tr>
<td>HATE INCIDENT - RACE</td>
<td>3</td>
</tr>
<tr>
<td>POSSESS OFFENSIVE WEAPON</td>
<td>3</td>
</tr>
<tr>
<td>HARASSMENT</td>
<td>1</td>
</tr>
<tr>
<td>NUISANCE TELEPHONE CALLS / TEXTS / EMAILS</td>
<td>1</td>
</tr>
<tr>
<td>WEAPON - USED OR INVOLVED</td>
<td>1</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>291</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>WESTGATE</td>
<td>213</td>
</tr>
<tr>
<td>CHEAPSIDE</td>
<td>17</td>
</tr>
<tr>
<td>BANK STREET</td>
<td>10</td>
</tr>
<tr>
<td>QUEEN STREET</td>
<td>10</td>
</tr>
<tr>
<td>ALBION COURT</td>
<td>9</td>
</tr>
<tr>
<td>MARKET STREET</td>
<td>8</td>
</tr>
<tr>
<td>SILVER STREET</td>
<td>6</td>
</tr>
<tr>
<td>KING STREET</td>
<td>3</td>
</tr>
<tr>
<td>MARYGATE</td>
<td>3</td>
</tr>
<tr>
<td>BISHOPGATE WALK THE RIDINGS CENTRE</td>
<td>2</td>
</tr>
<tr>
<td>CARTER STREET</td>
<td>2</td>
</tr>
<tr>
<td>DRURY LANE</td>
<td>2</td>
</tr>
<tr>
<td>SMYTH STREET</td>
<td>2</td>
</tr>
<tr>
<td>BULL RING</td>
<td>1</td>
</tr>
<tr>
<td>LITTLE WESTGATE</td>
<td>1</td>
</tr>
<tr>
<td>MULBERRY WAY</td>
<td>1</td>
</tr>
<tr>
<td>WHITE HORSE YARD</td>
<td>1</td>
</tr>
<tr>
<td>WOOD STREET</td>
<td>1</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>292</strong></td>
</tr>
</tbody>
</table>

**Time Analysis - Jan-Dec 2016 Violent Crime**

**WD Centre**

Westgate is at the centre of violent crime occurrences as reflected below.
The following tables show a breakdown of the offences within the identical area by type, day of the week and by time.
<table>
<thead>
<tr>
<th>Street Name</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>WESTGATE</td>
<td>226</td>
</tr>
<tr>
<td>KIRKGATE</td>
<td>66</td>
</tr>
<tr>
<td>UNION STREET</td>
<td>58</td>
</tr>
<tr>
<td>CHEAPSIDE</td>
<td>25</td>
</tr>
<tr>
<td>NORTHGATE</td>
<td>21</td>
</tr>
<tr>
<td>LOWER WARRENGATE</td>
<td>20</td>
</tr>
<tr>
<td>ARUNDEL CLOSE</td>
<td>19</td>
</tr>
<tr>
<td>BULL RING</td>
<td>18</td>
</tr>
<tr>
<td>MARKET STREET</td>
<td>18</td>
</tr>
<tr>
<td>LOWER YORK STREET</td>
<td>12</td>
</tr>
<tr>
<td>SUN LANE</td>
<td>11</td>
</tr>
<tr>
<td>BANK STREET</td>
<td>10</td>
</tr>
<tr>
<td>PROVIDENCE STREET</td>
<td>10</td>
</tr>
<tr>
<td>QUEEN STREET</td>
<td>10</td>
</tr>
<tr>
<td>ALBION COURT</td>
<td>9</td>
</tr>
<tr>
<td>INGS ROAD</td>
<td>9</td>
</tr>
<tr>
<td>INGSBECK MEWS</td>
<td>9</td>
</tr>
<tr>
<td>TRINITY WALK</td>
<td>9</td>
</tr>
<tr>
<td>KING STREET</td>
<td>8</td>
</tr>
<tr>
<td>OTHER</td>
<td>157</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>725</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Offence Type</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASSAULT</td>
<td>419</td>
</tr>
<tr>
<td>PUBLIC ORDER</td>
<td>143</td>
</tr>
<tr>
<td>DOMESTIC - CRIME</td>
<td>68</td>
</tr>
<tr>
<td>HATE - CRIME</td>
<td>22</td>
</tr>
<tr>
<td>HARASSMENT</td>
<td>19</td>
</tr>
<tr>
<td>POSSESS OFFENSIVE WEAPON</td>
<td>15</td>
</tr>
<tr>
<td>THREATS TO KILL</td>
<td>11</td>
</tr>
<tr>
<td>NUISANCE TELEPHONE CALLS / TEXTS / EMAILS</td>
<td>9</td>
</tr>
<tr>
<td>HATE INCIDENT - RACE</td>
<td>4</td>
</tr>
<tr>
<td>DOMESTIC - VERBAL DISPUTE</td>
<td>2</td>
</tr>
<tr>
<td>HARASSMENT WARNING</td>
<td>2</td>
</tr>
<tr>
<td>DANGEROUS DOG</td>
<td>1</td>
</tr>
<tr>
<td>PUBLIC NUISANCE</td>
<td>1</td>
</tr>
<tr>
<td>WEAPON - USED OR INVOLVED</td>
<td>1</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>717</strong></td>
</tr>
</tbody>
</table>
Appendix 2

Further Reading and Useful Information

- The Licensing Act 2003 [www.gov.uk](http://www.gov.uk)
- Supporting Guidance pools of conditions [www.gov.uk](http://www.gov.uk)
- The Event Safety Guide [www.qub.ac.uk](http://www.qub.ac.uk)
- The Portman group website at [www.portmangroup.org.uk](http://www.portmangroup.org.uk)
- The British Beer and pub Association at [www.beerandpub.com](http://www.beerandpub.com)
- The Alcohol Strategy, Home Office [www.gov.uk](http://www.gov.uk)
- Good practice guide on the control of noise from pubs and clubs [www.ioa.org.uk](http://www.ioa.org.uk)
- Surveillance Camera Code of Practice [www.gov.uk](http://www.gov.uk)
APPENDIX 3

Responsible Authorities
The names and addresses for the responsible authorities referred to in Section 5(3) of the Act and who will require a copy of the full application are:

West Yorkshire Police
Wakefield Division Headquarters, Havertop Lane, Normanton, WF6 1FD

West Yorkshire Fire & Rescue Service
Fire Protection Department, Oakroyd Hall, Birkenshaw, BD11 2DY

WMDC Building Control Services
Wakefield One, PO Box 700, Burton Street, Wakefield, WF1 2EB

WMDC Environmental Health Services
Environmental Protection Team
Wakefield One, PO BOX 700, Burton Street, Wakefield, WF1 2EB

WMDC Environmental Health Services or Health & Safety Executive
Health & Safety Team for WMDC
Wakefield One, PO BOX 700 Marshall Street
Burton Street run Leeds
Wakefield properties LS11 9YJ
WF1 2EB

Wakefield District Safeguarding Children Board
Castleford Civic Centre, Ferrybridge Road, Castleford, WF10 4JH

West Yorkshire Trading Standards Service
Nepshaw Lane South, Morley, Leeds, LS27 0QP

Public Health Authority
Wakefield One, PO BOX 700, Burton Street, Wakefield, WF1 2EB

Licensing Authority as Responsible Authority
Wakefield Division Headquarters, Havertop Lane, Normanton, WF6 1FD