

# **North Tyneside Council Statement of Licensing Policy**

## **Licensing Act 2003**



**North Tyneside Council**

# North Tyneside Council Statement of Licensing Policy

<b>Section</b>	<b>Page</b>
<b>Executive Summary</b>	<b>3</b>
<b>1. Purpose and Scope of the Licensing Policy</b>	<b>5</b>
<b>2. North Tyneside</b>	<b>7</b>
<b>3. Consultation</b>	<b>8</b>
<b>4. Administration, Exercise and Delegation of Functions</b>	<b>9</b>
<b>5. General Principles</b>	<b>10</b>
<b>6. Licences</b>	<b>15</b>
<b>7. Representations</b>	<b>20</b>
<b>8. Conditions</b>	<b>21</b>
<b>9. Reviews</b>	<b>22</b>
<b>10. Licensing Objectives</b>	<b>25</b>
<b>11. Early Morning Alcohol Restriction Orders</b>	<b>32</b>
<b>12. Late Night Levy</b>	<b>35</b>
<b>13. Cumulative Impact Assessment</b>	<b>36</b>
<b>14. Contact Information</b>	<b>37</b>
<b><u>Appendix 1</u> Scheme of delegation of decision-making and functions</b>	<b>38</b>
<b><u>Appendix 2</u> Consultees</b>	<b>40</b>
<b><u>Appendix 3</u> Model Conditions</b>	<b>41</b>

## Executive Summary

This Statement of Licensing Policy has been prepared in accordance with Section 5 of the Licensing Act 2003 and with regard to the Cumulative Impact Assessment published by the Authority in [xxxx] 2018. The Policy provides guidance to Responsible Authorities and other persons on the approach that the Authority will take on licensing matters. Its purpose is to guide officers and members in reaching decisions, and it sets out the matters that will normally be taken into account in determining applications.

Any decision taken by the Authority in regard to the determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

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

The Policy covers the licensable activities as specified in the Act which are:

- Sale by retail or supply of alcohol
- Regulated entertainment
- Late night refreshment

The Policy also has regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003.

The Authority has the ability to grant licences for premises and certificates for club premises. It also grants personal licences and accepts temporary event notices.

The Licensing Act 2003 aims to provide greater choice and flexibility for the licensed trade and the public. It seeks to improve prosperity through employment, tourism and culture and balance the rights of leisure seekers against those of neighbouring residents. It provides for blending in the Policy to meet other government and local needs such as reducing crime and disorder.

Applicants for premises licences should be aware of the expectations of the Authority as the licensing authority and those of the Responsible Authorities as to the steps that are considered appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives

Local people and Members of the Authority are able to have their say and their opinion heard through public consultation on this Policy and by making representations about applications for premises licences, club premises certificates and variations of existing licences and certificates or requesting reviews of licences or certificates for problem premises.

The Policy includes a link to the Cumulative Impact Assessment published by the Authority which seeks to limit the number of alcohol lead licensed premises in areas of the Borough because of evidence produced that shows that the number and density of this type of licensed premises are having a cumulative impact and are leading to problems that that undermine the licensing objectives.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Authority and Police. This Policy describes the Authority's enforcement principles and the principles underpinning the right of review of a licence or certificate.

DRAFT

## Section 1 The purpose and scope of the Licensing Policy

### Introduction

1.1 North Tyneside Council (the Authority) is the licensing authority under the Licensing Act 2003 for the Borough of North Tyneside. As such the Authority is responsible for the licensing of 'licensable activities' under the Act. This document sets out the policies that the Authority will apply when making decisions about applications for the licensable activities which are:

- the retail sale of alcohol
- the supply of alcohol to members of registered clubs
- the provision of regulated entertainment
- the provision of hot food or hot drink between 11 pm and 5 am. (known as "late night refreshment")

### The Licensing Policy

1.2 The Act requires that the Authority carry out its various licensing functions so as to promote the following four licensing objectives which are:

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

The 2003 Act further requires that the Authority publish this 'Statement of Licensing Policy' which sets out what the Authority will do to promote the licensing objectives when discharging its licensing functions under the Act.

Each of the four licensing objectives are of equal importance. This document sets out the policies the Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Authority will, where it believes appropriate, consider attaching conditions to licences to promote those objectives as appropriate.

1.3 This Policy shall apply in respect of applications, renewals, transfers, variations and reviews of the following licences created under the Act as set out in more detail at section 6:

- premises licences
- club premises certificates
- personal licences

1.4 This Policy shall also apply in relation to temporary event notices.

1.5 This Policy took effect on [xxxxxxx] when it replaced the earlier policy document dated 23 January 2014. This Policy will be in force for a maximum of 5 years but

the Authority will keep this Policy under review and will consult on any proposed revisions within this period.

- 1.6 In order to achieve the licensing objectives the Authority will actively promote partnership working. This will include working with other local authorities, the Police, fire service, local businesses, local people and those involved with child protection. The Authority recognises that co-operation and partnership remain the best means of promoting the licensing objectives.
- 1.7 The Authority understands the need to protect children from sexual exploitation when undertaking its licensing functions.
- 1.8 When exercising this Policy the Authority will had regard to the statutory principles of good regulation and the need for regulatory activities to be carried out in a way that are transparent, accountable, proportionate, consistent and targeted only at cases that require action in accordance with the principles set out in the Regulator's Code published in accordance with the Legislative and Regulatory Reform Act 2006.

DRAFT

## Section 2 North Tyneside

### Area and Impact

- 2.1 North Tyneside is one of five metropolitan districts that comprise the County of Tyne and Wear. It covers an area of 8,367 hectares and has a growing population of around 203,000. North Tyneside has met the challenge of regional decline and deprivation by rebuilding and stabilising communities. New high-tech industries have been attracted to the area and shipbuilding and the marine industry have made a partial revival. There are around 97,000 households in the Borough.
- 2.2 The late night economy of the Borough is principally centred around the Whitley Bay and Tynemouth areas where a number of late night establishments are situated. Activity is also centred on restaurants, pubs and takeaway establishments in areas such as North Shields and Wallsend. These activities support the cultural diversity of the Borough and contribute to its economy. However they may also have a negative impact in some areas where late night noise and crime and disorder can affect residents.
- 2.3 Each area of the Borough has its own character and challenges. Applicants are expected to demonstrate knowledge of their local area when describing the steps they intend to take to promote the licensing objectives.

## Section 3 Consultation

### Consultation

3.1 In reviewing its Statement of Licensing Policy the Authority has taken into account the views of:

- Northumbria Police
- Tyne and Wear Fire and Rescue Service
- Public Health Authority
- Local Health Board
- Holders of premises and personal licences and club premises certificates, and any representative bodies of these
- Local businesses, residents and any representative bodies of these.

3.2 The Authority also consulted with tourism organisations, performers, unions, Drug Action Team, Planning Services, Community Safety, Tyne and Wear Passenger Transport Executive, the Local Safeguarding Children Board, Director of Public Health and other organisations.

A full list of those consulted in preparing this Policy is set out at Appendix 2. The views of all of these persons and bodies will be given appropriate weight in determining this Policy.

3.3 A 6 week consultation took place between 6 August and 16 September 2018 and the Authority followed best practice on consultation as set out by the Department for Business, Energy and Industrial Strategy (BEIS).

3.4 Publication of the Policy was advertised on the Authority's website, local newspapers as well as by way of Notices at public libraries.

3.5 The Policy was approved by Council on [xxx] and was published via the Authority's website on [xxx].



## **Section 4 Administration, Exercise and Delegation of Functions**

- 4.1 Under the Act the Authority has responsibility for a wide range of licensing decisions and functions and has established a Licensing Committee to administer some of them.
- 4.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee delegates certain decisions and functions and has established a number of Sub-Committees to deal with determining individual applications.
- 4.3 Further, with many of the decisions and functions being administrative in nature, the grant of non-contentious applications, including for example those licences and certificates where no representations have been made, are delegated to the Authority's licensing officers. All matters dealt with by officers will be reported for information and comment to the annual Licensing Committee meeting.
- 4.4 The table shown at Appendix 1 sets out the current scheme of delegation of decision-making and functions to the Licensing Committee, Sub-Committees and officers.
- 4.5 This form of delegation will be without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee to the Full Committee, if considered appropriate in the circumstances of a particular case.

### **Licensing Committee**

- 4.6 The Authority's Licensing Committee is comprised of a membership of between 10 and 15 Councillors. The Committee will be responsible for the discharge by the licensing authority of its licensing functions under the Act.

### **Hearings**

- 4.7 A Licensing Sub-Committee of three Councillors will sit to hear every application where representations have been received from other persons and responsible authorities unless the parties and the Authority have agreed to dispense with a hearing as appropriate. Ward Councillors will not sit on a Sub-Committee involving an application in their ward. The hearings will generally be open to members of the public.
- 4.8 Where a Councillor who is a member of the Licensing Committee or a Licensing Sub-Committee is making or has made representations on behalf of other persons, in the interests of good governance they will disclose an interest and disqualify themselves from any involvement in the decision making process affecting the licensing application in question.

## Section 5 General Principles

### Integrating Strategies and Avoiding Duplication

- 5.1 In accordance with the Secretary of State's Guidance the Authority will, in exercising its licensing functions, seek as far as possible to avoid duplication with other existing regulatory regimes.
- 5.2 However some regulations do not cover the unique circumstances of particular premises. The Authority will consider attaching conditions to premises licences and club premises certificates if relevant representations are made, where these are appropriate for the promotion of the licensing objectives, and are not already provided for in any other legislation.
- 5.3 Arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist and cultural economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.
- 5.4 The Authority has a duty under Article 8 of the European Convention on Human Rights not to breach the qualified rights of its residents to respect for their private and family life. The Authority also acknowledges the right of businesses in the Borough to operate, and this consideration must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.
- 5.5 The Authority has both tourism and cultural strategies in place, which have been taken into consideration in the drafting of this Statement. The Authority will consider the needs of the local tourist economy and the cultural strategy for the area in considering licensing applications.
- 5.6 The Authority has a recent tradition of holding festivals of live music, dancing and theatre to benefit the wider community and to aid social inclusion. These events are enjoyed by local residents as well as by the wider community, and provide an opportunity in particular for children to learn about and enjoy different cultural activities. When considering licensing applications in connection with these events the Authority will carefully balance the potential for limited disturbance in the nearby neighbourhoods with the wider benefits to the community.
- 5.7 The Authority will consider the opportunities presented by new licensed premises for new investment and employment in the area.

### Partnership Working

- 5.8 The Authority will work in partnership with the following agencies and individuals to promote the licensing objectives:
- Police authority
  - Fire authority
  - Planning authorities

- Environmental health
- Director of Public Health
- Crime and Disorder Reduction Partnerships
- Town centre managers
- Local businesses
- Agencies involved in child protection
- Local residents
- Local transport authorities and committees
- The Local Safeguarding Children Board

5.9 The Authority will consider any relevant protocols made with the Police under the Crime and Disorder Act 1998. The Police have the right to make representations on licence applications and reviews of licences and make reference to relevant strategies.

5.10 The Authority encourages licensee membership in local Pub Watch schemes.

### **Related Legislation and Strategies**

5.11 There are a number of other local and national policies, strategies, responsibilities, and guidance documents which have been taken into account in drafting this Policy.

5.12 This Policy will also be integrated with local crime prevention, planning, transport, tourism, equality and cultural strategies, and any other plans introduced for the management of the borough and night-time economy. The Authority will work in partnership with the agencies referred to in paragraph 5.8 above and through joint working and cross reporting the Authority will ensure that this Policy integrates with the policies of its partner agencies.

5.13 The Authority has given due regard to the content of the Government's National Alcohol Strategy when preparing this Statement. The Authority will have regard to the North Tyneside Alcohol Strategy which refers to alcohol-related crime and disorder, drug-related crime and disorder and any other relevant issues.

5.14 The Authority will fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 when carrying out licensing functions under the Licensing Act 2003 and will do all it can to reasonably prevent crime and disorder and the misuse of alcohol and drugs in the Borough of North Tyneside.

5.15 The Policy reflects the aims of Our North Tyneside Plan and in particular Our People, Our places, Our Economy and Our Partners

5.16 The Authority in exercising its licensing functions recognises the need to protect children and other vulnerable persons from being harmed or exploited by licensing activities which includes the need to protect children from sexual exploitation.

5.17 Protecting children from harm is one of the most important things Local Authorities do. However Local Authorities cannot stamp out child sexual exploitation without the help of the wider community. Raising awareness of this type of abuse is essential to preventing it and stopping it as early as possible when it does happen.

- 5.18 If someone suspects a child or young person is in immediate danger then they should contact the police and tell them of their concerns by telephoning 999. If a child or young person is not in immediate danger call 101.

Signs to look out for include:

- Adults who appear secretive or are trying to hide the fact that they are with a young person
- Adults befriending young people, including buying them food and drinks
- Young people being picked up and taken to hotels, particularly at odd times of the day and night
- Adults who frequently come into premises with different young people
- Young people who, although with peers, look uncomfortable or under duress

- 5.19 The Authority on receipt of applications for premises licences and personal licences will ensure that the applicant is entitled to work in the United Kingdom by the production of documentation set out in legislation.

### **Complaints against Licensed Premises**

- 5.20 The Authority will investigate all valid complaints about licensed premises and will endeavour to seek a resolution through mediation.

- 5.21 The Authority will only investigate complaints under this Policy if they relate to one or more of the licensing objectives.

- 5.22 Where considered appropriate, the Authority may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

### **Fees**

- 5.23 The level of fees to be charged by the Authority for exercising its licensing functions will be set in accordance with regulations or other legislation relating to fee setting. Licensing officers can provide details of the level of fees on request.

### **Enforcement**

- 5.24 Prior to the grant of a premises licence or a club premises certificate the Police and any authorised person as defined by the Act may at any reasonable time enter the premises to which the application relates to assess the effect of the grant of the licence or certificate on the licensing objectives.

- 5.25 Once premises are licensed it is essential that they are maintained and operated so as to ensure the continued promotion of the licensing objectives, compliance with the Act and any conditions attached to the licence. The Authority will make

arrangements to risk assess licensed premises and take appropriate enforcement action.

5.26 A Police Enforcement Protocol has been established between Northumbria Police, Tyne and Wear Fire and Rescue Service and the Councils of Tyne & Wear and Northumberland.

5.27 The Authority will risk-rate all premises and any inspection will be on the following basis:

Type of premises	Frequency of inspections*
High risk (e.g. night-clubs, pubs,	Once a year
Medium risk (e.g. restaurants, clubs, cinemas, theatres, indoor sports events,)	Every 18 months
Low risk (e.g. premises providing late night refreshment, off-licences supermarkets	Every 2 years
Temporary event notices	Dependent on the circumstances

\*This column only gives an indication of the likely frequency of inspections. The frequency may be altered depending on factors such as the Authority's confidence in the management of the premises, the number of complaints received and any other relevant factor.

5.28 Inspections will be carried out through co-ordination between the Authority and other authorised persons as defined by the Act.

5.29 The Authority has established a protocol with Northumbria Police, Tyne and Wear Fire and Rescue Service and with the other responsible authorities as defined under the Licensing Act 2003 to co-ordinate and maximise the effect of inspection and enforcement under the Act. This protocol will provide for the targeting of resources towards problem and high-risk premises and activities requiring greater attention, while providing a lighter touch in respect of low risk premises that are well operated.

### **Licensing Hours**

5.30 The Authority recognises that flexible licensing hours for licensable activities may reduce the number of people leaving premises at the same time, which in turn could reduce friction that can lead to disorder and disturbance at late night fast food outlets, taxi ranks, private hire offices and other means of transport.

5.31 The Authority will determine the terminal hour for the supply of alcohol in areas where an early Morning Restriction Order is in place.

5.32 The Authority will deal with the issue of licensing hours having due regard to the individual merits of each application and will give paramount consideration to the licensing objectives when considering hours of opening. The Authority is aware that there is no general presumption in favour of lengthening licensing hours under the

Licensing Act 2003. If relevant representations are received consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas or are close to noise-sensitive premises.

- 5.33 Following a relevant representation, the Authority may limit the hours when children (persons under 18 years) may be present on licensed premises.
- 5.34 The four licensing objectives will be the paramount considerations at all times and the Authority will always consider the individual merits of a case.

### **Staff Training**

- 5.35 The Authority recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol undertake regular training programmes to raise and ensure continued awareness of their responsibilities under the Act and in particular the offences contained within the Act, such as the sale of alcohol to children.

### **Excessive Consumption of Alcohol**

- 5.36 The Authority is aware of the link between the supply of alcohol and irresponsible drinks promotions and the possibility of resultant incidents of alcohol related crime and disorder and the implications for public safety, public nuisance and the risk of harm to children.
- 5.37 The Authority also recognises the impact that excessive or binge drinking can have on public health and of the positive action that can result from the promotion of the licensing objectives. The Authority as Local Authority will use the powers contained within the Act to ensure that operators' promotional activities do not undermine the licensing objectives.
- 5.38 Any licensed premises that participate in irresponsible drinks promotions will be breaching the mandatory conditions which came into effect in April 2010 and will be dealt with in accordance with the North Tyneside Council Enforcement Policy.

### **Equal Treatment**

- 5.39 As an employer and service provider the Authority is working towards ensuring equality of opportunity and treatment in employment and service delivery and the Authority is aware of its duties under Section 149 of the Equality Act 2010 when discharging its licensing functions.

To achieve this duty the Licensing Authority will consult on and monitor the impact of this Policy to ensure that those making applications receive equal treatment and that when decisions are made by the Authority consideration will be given to any equality or diversity issues.



## Section 6 Licences

6.1 When considering any application under the Act the Authority will have regard to:

- The Licensing Act 2003 and the four licensing objectives
- Government guidance issued under Section 182 of the Licensing Act 2003
- The supporting Regulations
- This Statement of Licensing Policy.

6.2 Nothing in this Policy will:

- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits, and/or
- Override the right of any person to make relevant representations on any application, or to seek a review of a licence or certificate where they are permitted to do so under the Act.

6.3 The Authority will not accept any application that is incomplete or fails to satisfy the requirements of the Act or any regulations made under it. Any such incomplete application will be returned with an explanation of why it is incomplete.

### Planning

6.4 The use of premises for the sale or supply of alcohol, regulated entertainment and late night refreshment is subject to planning control. Any such use will require planning permission or must otherwise be lawful under planning legislation.

6.5 The planning and licensing regimes involve the consideration of different (albeit related) matters. Licensing committees/sub committees are not bound by decisions made by planning committee and vice versa.

6.6 When as a condition of planning permission a terminal hour has been set for the use of the premises that is different to the permitted licensing hours, the applicant must observe whichever is the earliest closing time. Premises operating in breach of their planning permission will be liable for prosecution under planning law.

### Licences

6.7 The Act creates four types of authorisations as follows:

- **Personal Licences**

A personal licence is granted to an individual and authorises the supply of alcohol in accordance with a premises licence.

The Authority must grant an application for a personal licence if the criteria set down by the Act are satisfied.

If the Applicant has relevant previous convictions, and the Police are satisfied that granting the licence would undermine the crime prevention objective, the Police may make representations to the Authority.

The Authority will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.

- **Premises Licences**

A premises licence is required for any premises where it is intended that a licensable activity (as set out at Section 1.1 above) should take place (unless the activity has been authorised by the Club Premises Certificate or Temporary Event Notice procedure: see below).

Applications for a new licence need to be accompanied by an operating schedule which should set out the steps that the Applicant will take to promote the licensing objectives.

When completing the operating schedule, Applicants are expected to have regard to this Statement of Licensing Policy. They must also be aware of the expectations of the Authority and the Responsible Authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing,

An operating schedule should include enough information to enable any Responsible Authority or other person to assess whether the steps the Applicant proposes to take to promote the licensing objectives are satisfactory and so as to enable a licensing officer to convert the proposed steps into meaningful licence/certificate conditions that are consistent with the operating schedule should no relevant representations be made by Responsible Authorities or other persons.

Whilst Applicants are not required to seek the views of the Responsible Authorities before formally submitting an application they may find that contacting the Responsible Authorities is a useful source of advice on local issues that should be taking into consideration when making an application. The Authority would encourage cooperation between Applicants, Responsible Authorities and where appropriate local residents and businesses before Applications are submitted to minimise an areas of dispute.

Applicants are expected to obtain sufficient information to enable them to demonstrate when setting out the steps they propose to take to promote the licensing objectives that they understand:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate
- Any risk posed to the local area by the applicant's proposed licensable activities; and



- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

The Authority expects that operating schedules will be specific to the premises subject to the application rather than in general or standard terms.

Information that applicants may want to consider is publicly available at-

- The Crime Mapping website
- Neighbourhood Statistics website
- Websites or publications of the local responsible authorities
- Websites or publications by local voluntary schemes and initiatives and
- On-line mapping tools

If an Applicant does not demonstrate that they have had a regard to the local characteristics of the area in which a premises is situated and have a sufficient understanding of the local area in their operating schedule it is more likely that representations will be made by Responsible Authorities or local residents/businesses in relation to their Application.

It is therefore expected that each Applicant will undertake an assessment of the area in which the premises are situated and in particular if the premises are situated in a Cumulative Impact Assessment area that the Applicant addresses in their application why they consider their application is an exception to the Cumulative Impact Assessment.

See Section 13 of this Policy for a summary of the Cumulative Impact Assessment and the areas in the Borough to which the Assessment applies.

- **Club Premises Certificates**

A Club Premises Certificate is required for the supply of alcohol or the provision of regulated entertainment by certain members' clubs as defined in the Act. These certificates are operated in the same manner as premises licences, except that under a club premises certificate there is no requirement for a designated premises supervisor or a personal licence holder for the supply of alcohol.

Applications for a Club Premises Certificate must be accompanied by an operating schedule and the same considerations that apply in relation to the information that should be included in an operating schedule for a Premises Licence will apply to an application for a Club Premises Certificate.

- **Temporary Event Notices**

The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities are not authorised

by the Authority by way of licence or certificate. Instead a person wishing to hold an event at which such activities are proposed to be carried on, known as a “premises user”, simply gives notice to the Authority of the event (a “temporary event notice” or TEN).

Temporary event notices are subject to various limitations. These are concerned with:

- the number of times a premises user may give a TEN – 50 times in a calendar year for a personal licence holder and 5 times in a calendar year or 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 the event at any one time (fewer than 500); and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

The most important aspect of the system of temporary event notices is that no permission is required for these events from the Authority. Only the Police or Environmental Health Team may intervene to seek to prevent such an event from taking place or modify the arrangements for such an event.

The Authority will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

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 ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event.

A Personal Licence Holder can give a late TEN up to 10 times in a calendar year whilst other persons can give a late TEN twice per calendar year.

The Authority encourages notice providers to give the earliest possible notice of events likely to take place.

The Act provides that the Police or the Environmental Health Department may issue an objection notice because they believe the event would undermine the one or more of the licensing objectives set out in the Act. The Police or Environmental Health Department 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 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.

Applications for Premise Licences, Club Premise Certificates or Temporary Event Notices can be made online via the North Tyneside Council Website.

DRAFT

## Section 7 Representations

- 7.1 A Responsible Authority or other person (such as local residents or businesses) may make a relevant representation in relation to Applications under the Act.
- 7.2 A relevant representation is one that relates to the promotion of one or more of the licensing objectives. A relevant representation can be in favour of an Application or against an Application.
- 7.3 In relation to other persons' representations if such a representation is considered to be frivolous or vexatious by the Authority then it may be rejected.
- 7.4 Members of the public who submit a representation in relation to an Application need to be aware that their personal details will be made available to the Applicant. If this is an issue they may contact a local representative such as a Councillor or body who can speak on their behalf such as a residents association. They may also consider approaching a Responsible Authority with details of how they consider that the licensing objectives are being undermined so that the Responsible Authority can make representations if appropriate and justified. Representations, duly redacted, so as to remove all personal information, will also generally be made available on the Authority's website.
- 7.5 Anonymous representations will not be accepted as relevant representations.

### **The Authority as a Responsible Authority**

- 7.6 The Authority as a Responsible Authority will not act as a Responsible Authority on behalf of other parties (for example local residents, local councillors or community groups) although there may be occasions when the Licensing Authority does so. This is because such parties can make representations or Applications in their own right and it is reasonable for the Licensing Authority to expect them to make such Applications or representations should they wish to do so. If such parties however fail to take action and the Licensing Authority is aware of relevant grounds to make a representation it may choose to do so in its capacity as a Responsible Authority.
- 7.7 In cases where the Authority is also acting as a Responsible Authority, the Authority will allocate different licensing officers within the Authority to ensure a proper separation of responsibilities. The officer advising the Licensing Committee/Sub-Committee will be a different individual to the officer who is acting for the Authority in its capacity as Responsible Authority. The officer acting for the Authority in its capacity as Responsible Authority will not be involved in the licensing decision process and will not discuss the merits of the case with those officers or Councillors involved in the decision making process. Any communication that there has to be between such officers will remain professional and will be consistent with communication with other Responsible Authorities.

## Section 8 Conditions

### Conditions

- 8.1 After relevant representations have been received, the Authority will only attach conditions to premises licences and club premises certificates which it considers appropriate for the promotion of the licensing objectives. This Policy refers to pools of standard conditions that can be used when considering Applications. The Authority will take note of these conditions but will only attach conditions to licences and certificates that are appropriate, proportionate and tailored to the individual circumstances of the premises and events concerned. The pool of model conditions that the Authority may use (whether in the form set out, or as adapted to particular premises) are attached at Appendix 3. The conditions are included in the Policy so that Applicants may have regard to them with completing their operating schedule.
- 8.2 An Applicant may volunteer a prohibition or restriction in the operating schedule which accompanies their Application to grant a premises licence or club premises certificate, because their own risk assessment has determined such prohibition or restriction to be appropriate. Such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such.
- 8.3 In addition, the Authority will attach the appropriate mandatory condition(s) under the Act to the premises licence or club premises certificate.
- 8.4 The Authority will ensure that conditions, so far as possible, reflect local crime prevention strategies.

## **Section 9      Reviews**

### **Reviews**

- 9.1 Where possible and appropriate the Authority will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 9.2 If one or more of the licensing objectives are not being met and a Responsible Authority or other person can provide evidence to that effect, the Authority will consider a request for a review of a premises licence or club premises certificate.
- 9.3 Under the Act any Responsible Authority or other person including Councillors can apply to the Authority for a review of the premises licence or Club Premises Certificate for particular premises in the Authority's area. Once a licence/certificate has been issued, it lasts for the life of the business or qualifying club. A review of the licence/certificate may be requested if concerns with the premises arise at any time after it has been granted or varied. The review is a process whereby the Licensing Committee or Sub Committee will look at the existing licence/certificate and decide whether it is appropriate to modify the conditions on the licence, exclude a licensable activity from the licence/certificate, remove the designated premise supervisor (in the case of a licence), suspend the licence/certificate for up to 3 months or revoke the licence/certificate.
- 9.4 In respect of other persons no more than one review will be normally permitted by any one person within a 12 month period on similar grounds except in exceptional circumstances. Applications for reviews from other persons may be rejected if the grounds for seeking a review are considered to be frivolous, vexatious or repetitious. This does not apply to Responsible Authorities who may bring a review at any stage.

### **Appeals**

- 9.5 Where a party to a hearing is aggrieved by a decision of the Committee or Sub-Committee there is a right of appeal. This appeal must be lodged with the Magistrates Court within a period of 21 days from the date that the Authority notified the applicant of its decision in writing.
- 9.6 In respect of personal licences, appeals must be made to the Magistrates Court in the area where the licence was issued. Appeals in relation to other licences or certificates must be made to the Magistrates Court where the premises is situated or event takes place.

### **Live Music, Dancing and Theatre**

- 9.7 The Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, for the wider cultural benefit of the community. It will monitor the impact of licensing on regulated entertainment, particularly music and dancing.

- 9.8 It will seek to balance the needs of the wider community, local community and commercial premises and activities, against the needs of those who may be adversely affected by those activities.
- 9.9 The Authority will impose conditions in relation to licensed premises as it considers appropriate to prevent unnecessary noise and disturbance to local residents. This may include restrictions on times when music or other licensable activities may take place and imposition of technical restrictions on sound levels at such premises. However, the Authority will consider the proportionality of such conditions against the type, scale and community value of the event concerned.
- 9.10 The Authority recognises the amendments made to regulated entertainment as a result of the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment)(Amendment) Order 2013 whereby certain aspects of live music, the performance of plays, indoor sporting events and performance of dance are no longer licensable activities.

Live music remains licensable:

- where a performance of live music – whether amplified or unamplified – takes place other than between 08:00 and 23:00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at relevant licensed premises, at a time when those premises are not open for the purposes of being used for the supply of alcohol for consumption on the premises;
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 200 people; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended by the 2012 Act) when imposing a condition on a premises licence or certificate as a result of a licence review.

The performance of a play remains licensable:

- where the performance of a play takes place other than between 8am and 11pm
- where the play is performed to more than 500 persons

An indoor sporting event remains licensable:

- where the sporting event takes place other than between 8am and 11pm
- the event takes place in front of more than 1000 persons



A performance of dance remains licensable:

- where the performance of dance takes place other than between 8am and 11pm
- the dance is performed to more than 500 persons
- the performance of dance is 'relevant entertainment' within the meaning of paragraph 2A of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

9.11 Applicants are encouraged to contact the licensing team if further clarification is required.

### **Adult Entertainment**

9.12 Not all premises where there are displays of nudity will fall within the definition of a "sexual entertainment venue".

9.13 Where a premises is a sexual entertainment venue within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 it will be required to obtain an appropriate sex establishment licence as the Authority has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

9.14 If it is intended that adult entertainment will take place at a premises that is not classed as a sexual entertainment venue but the premises are the subject of an application for a premises licence or club premises certificate the Applicant will be required to state in the application form that such entertainment will take place at the premises. If such entertainment is to take place then the Authority will expect the Applicant to have given particular regard to the licensing objectives concerned with the protection of children from harm and the prevention of crime and disorder in their operating schedule.



## Section 10 Licensing Objectives

### 10. Prevention of Crime and Disorder

10.1 In considering any licensing applications before it, the Authority shall have regard to Section 17 of the Crime and Disorder Act 1998 which requires a local authority to do all that it reasonably can to prevent crime and disorder and the misuse of drugs in its locality.

10.2 The Authority is committed to further improving the quality of life for the people of North Tyneside by continuing to reduce crime and the fear of crime. When addressing the issue of crime in their operating schedule, the Applicant should demonstrate that those factors which impact on crime and disorder have been considered. Crime and disorder can take the form of:

- Drunkenness/disorderly conduct on the premises or, in the case of outdoor events, in public places
- Fights at appropriately licensed late-night refreshment premises
- Use of drugs
- Anti-social or violent behaviour
- Underage drinking
- Lewd behaviour.

Licensees should recognise that visitors to licensed premises may be the perpetrators or the victims of crime. Therefore any risk assessment provided with an operating schedule should aim to protect visitors from criminal acts.

10.3 Where the licensable activity includes the sale of alcohol the licensed premises must have a 'designated premises supervisor' who holds a personal licence.

10.4 The following are examples of control measures that Applicants may need to take account of in their operating schedule, having regard to the location of the premises and the particular type of premises and/or activities:

- The installation of evidential quality CCTV both inside and outside the premises to deter disorder, underage drinking and drug taking
- The provision of an appropriate number of Security Industry Authority licensed door supervisors
- The provision of search facilities/measures and metal detection to exclude items that could be used as weapons and the use and supply of illegal drugs
- Participation in local pub watch schemes
- Requirement for proof of age cards
- Avoidance of irresponsible alcohol promotions
- Design and layout of premises
- Admissions policies
- Use of plastic or toughened glass
- Responsible server training
- Prevention of glass leaving the premises

- Requirement for photographic identification if a customer appears to be under 21 or 25 years consisting of passport, photographic driving licence or identification card carrying a 'Pass' logo and hologram.

This list is not exhaustive. It gives some examples and there may be other measures that a licensee can take to prevent crime and disorder, which will be appropriate as a condition for a particular licence. Applicants are referred to the Model Pool of Conditions at Appendix 3 for further examples.

10.5 In addition to the above, in discharging its responsibilities under the Licensing Act 2003, the Authority shall have regard to other relevant legislation and initiatives and including:

- Its powers under the Anti-Social Behaviour Act 2003 to control disorderly conduct and anti-social behaviour
- Planning controls
- Its powers to make Public Spaces Protection Order restricting the public consumption of alcohol
- The use of environmental protection legislation to take enforcement action on noise nuisance such as the Environmental Protection Act 1990 and Noise Act 1996
- The use of town centre CCTV to prevent crime and disorder
- Review of licences/certificate conditions on application by the Police, responsible authorities, interested parties
- Prosecution of licence holders and others in connection with any relevant licensing offence
- Police powers under the Licensing Act 2003, including the power to confiscate alcohol and to close premises on the grounds of disorder or excessive noise
- Police and Weights and Measure Authority powers under the Violent Crime Reduction Act 2006 to close premises or bring a prosecution against those who persistently sell alcohol to children
- Health Act 2006 in relation to smoking in public places
- Policing and Crime Act 2009
- Criminal Justice and Police Act 2001
- Violent Crime Reduction Act 2006
- The Police Reform and Social Responsibility Act 2011
- Ant-Social Behaviour, Crime and Policing Act 2014

**Other government and local strategies such as**

- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- North Tyneside Council's Enforcement Policy
- Compliance Code
- Community Safety Strategy
- Crime & Disorder Reduction Strategy
- Cultural and Tourism Strategies including promotion of live music and community events
- Drug and Alcohol Strategy

- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Transport Plan
- National and local Pubwatch schemes
- Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
- Purple Flag (ATCM)
- Safer Socialising

## Public Safety

- 10.6 The Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with regard to public safety. Licensees, as providers of premises for the sale of alcohol, regulated entertainment or late night refreshment, must be able to demonstrate that they have considered and put into effect measures to protect members of the public and staff.
- 10.7 Where an Applicant identifies a public safety issue which is not covered by existing legislation, the Applicant should identify in their operating schedule the steps that will be taken to ensure public safety. Depending on the individual style and characteristics of the premises and/or events the following may be of relevance:
- The occupancy capacity of the premises
  - The condition, design and layout of the premises, including means of escape in the event of fire
  - The nature of the licensable activities to be provided
  - Customer profile
  - The use of special effects such as lasers, smoke machines, pyrotechnics etc
  - The number of people that can safely be accommodated at the premises having regard, in particular, to floor area and means of escape and crowd management
  - The means by which public and staff are to be protected from excessive noise in accordance with the Act
  - The number of people employed or engaged to secure the safety of everyone attending the premises or event
  - Arrangements to ensure that litter or refuse generated by the activity does not create a fire hazard.

The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.

- 10.8 The Authority expects full compliance with Health and Safety and Fire Safety legislation. A commitment to higher standards than that provided for in such legislation would be welcomed.
- 10.9 The Authority will take advice from its own technical officers, Tyne and Wear Fire and Rescue Service and the Police to determine if the proposals are sufficient to ensure the safety of the public. It will not normally grant an application for a licence

or variation of a licence where representations are made by one of the above mentioned bodies expressing serious concern regarding public safety, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

10.10 Prior to the determination of a licensing application, it is recommended that the Authority has sight of such certificates as is appropriate to ensure the safety of the premises. These include:

- Electrical inspection report certificate
- Fire alarm test inspection report
- Emergency lighting inspection and test report
- Fire-fighting equipment

Where such certificates are not provided, this may cause representations to be made by the health and safety authority or fire and rescue service, leading to unnecessary hearings and delay. The Authority recognises that it should not seek to impose fire safety conditions where the Regulatory Reform (Fire Safety) Order 2005 would apply. Under this Order premises must carry out a Fire Risk Assessment. The assessment must include a record of the significant findings and be reviewed on a regular basis. The assessment must be available for inspection by Enforcement Officers on request.

10.11 The following are examples of control measures that applicants may need to take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments. If a risk assessment has been carried out applicants are encouraged to provide copies of the risk assessment to the licensing authority prior to the determination of the application
- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- Implementation of appropriate crowd management measures.

This list is not exhaustive and other measures may be available to address compliance with this objective.

### **Prevention of Public Nuisance**

10.12 The Authority recognises that licensed premises have a significant potential to adversely impact on communities through public nuisance that may arise from their operation. The Authority wishes to maintain residential amenity whilst recognising the valuable cultural, social and business role that such premises can provide.

10.13 When addressing public nuisance the Applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Any steps required to deal with these identified issues should be included in the applicant's operating schedule.

10.14 It is suggested that the measures described in the operating schedule could relate to one or more of the following:

- Noise transmission and escape
- Noise associated with patrons awaiting entry to or leaving the premises
- Noise from car parking and taxi facilities
- Light pollution
- Use of outside areas for the consumption of alcohol
- The promotion of responsible behaviour
- Litter
- Notices being displayed at exits and other circulatory areas requesting patrons to behave in a certain manner
- Doors and Windows kept closed except for access/egress or in emergency during the performance of musical entertainment.

10.15 The following are examples of control measures that applicants may need to take account of to prevent nuisance:

- Ensuring that live music and recorded music is not played after a certain time
- Soundproofing or other control measures to prevent noise escaping from premises
- Signs asking people to queue, leave premises quietly and not slam car doors, as appropriate
- Supervision of queues, in particular directing them to form away from residential premises and discouraging rowdy behaviour.

This list is not exhaustive and there may be other measures that a licensee can take to prevent nuisance arising.

10.16 The Authority would encourage licensees to consider winding down periods, during which alcohol service ceases (to be replaced with, for example, food and soft drinks or coffee), music and lighting are changed and announcements are made encouraging customers to leave quietly.

10.17 The Authority may deal with public nuisance and similar issues as follows:

- It may serve an abatement notice in respect of any statutory nuisance (including noise, the emission of smells etc). Failure to comply with such a notice is a criminal offence
- It may prosecute where queues cause obstruction of the footpath
- It may seek to control the deposit of litter through litter abatement notices, street litter control notices or fixed penalty notices.

This list is not exhaustive and other measures may be available to address compliance with this objective.

10.18 Public Nuisance is not defined in the Licensing Act 2003. What amounts to 'public nuisance' will be considered on a case by case basis. Generally speaking however the nuisance in question would need to be sufficiently widespread and sufficiently indiscriminate for it to amount to public nuisance and will usually affect more than one person.

## Protection of Children from Harm

- 10.19 The protection of children from moral, psychological and physical harm is a paramount consideration when determining licensing applications.
- 10.20 The Licensing Act allows for accompanied children to have greater access to licensed premises, subject to the licensee's discretion and any conditions attached to the licence.
- 10.21 The Authority will consider the relevant issues in each application to ensure children are protected from harm including sexual exploitation.
- 10.22 The Licensing Act forbids the sale of alcohol to persons under 18 years.
- 10.23 The Licensing Act makes it an offence to permit children under the age of 16 years who are not accompanied by an adult into licensed premises which are used exclusively or primarily for the supply of alcohol for consumption on the premises.
- 10.24 It is an offence under the Act to permit children under 16 years who are not accompanied by an adult in any premises supplying alcohol for consumption between the hours of midnight and 5am. (Outside of these hours children under 16 may be admitted to licensed premises where alcohol consumption is not the exclusive or primary activity, for example hotels, cinemas).
- 10.25 When addressing the protection of children objective, the Applicant should initially identify any particular issues (having regard to the particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included in the applicant's operating schedule. Operating schedules may also include details of when it is proposed children will have access to the premises.
- 10.26 In the case of particular premises, factors which may give rise to particular concern in respect of the promotion of this objective include the following circumstances:
- Where there have been convictions for serving alcohol to children or where the premises 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
  - Where entertainment of an adult or sexual nature is commonly provided.
  - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided
  - Unsuitable premises.
- 10.27 The Authority believes that a complete prohibition on children in licensed premises will be rare. However if, after receiving relevant representations, it is considered appropriate in order to prevent harm to children, the following restrictions may be considered:
- Limitations on the hours when children may be present
  - Age limitations (under 18 years)



- Limitations or exclusions of children when certain activities are taking place, for example drinks promotions, happy hours
- A requirement for an accompanying adult/parental supervision
- Measures to ensure children do not purchase, acquire or consume alcohol
- Measures to ensure children are not exposed to incidences of violence or disorder
- Proof of age schemes
- Stipulation of the number of adult staff required to control children and assure their safety while in a licensed premises.

This list is not exhaustive and other measures may be available to address compliance with this objective.

- 10.28 In the case of cinemas or other premises where films are exhibited, the Authority will expect licensees to impose conditions so that children who have not reached the prescribed age will be prevented from viewing age restricted films, classified by the British Board of Film Classification or the Authority itself.
- 10.29 The name and address of the body competent to advise the Authority on the child protection objective is North Tyneside Local Safe-Guarding Children Board.

DRAFT

**Early Morning Alcohol Restriction Orders (EMRO)**

- 11.1 The power conferred on licensing authorities to make, vary or revoke an EMRO is set out in section 172A to 172E of the Licensing Act 2003.
- 11.2 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 11.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 11.4 An EMRO:
- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
  - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
  - Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
  - Applies to the whole or any part of the licensing authority's area
  - Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
  - Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
  - Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

**EMRO Request**

- 11.5 It is expected that the need for an EMRO may be identified by a number of different organisations. For example the request for an EMRO may originate at a residents association. It may come via the Responsible Authorities Group. It is likely that more than one organisation may be involved in the process.
- 11.6 It is anticipated that the request would be referred to the Licensing Committee where an initial decision will be taken if it is appropriate to consult on the introduction of an EMRO. Members would be supplied with evidence of the issues being experienced in the area in support of the request for consideration of the introduction of an EMRO. The Licensing Committee will decide if, on the strength of the evidence provided at that time, that it is appropriate to consult on the introduction of an EMRO. It may however decide that further work needs to be undertaken before the consultation process commences or decide that other measures would be more effective in dealing with the problems identified or that



licence holders should engage with the authorities in an attempt to rectify matters before the request is considered further.

11.7 Once the Licensing Committee is satisfied that an EMRO may be appropriate to address the issues in an area, and all other measures have been tried and failed to address these issues, the formal process of considering an EMRO will begin. The design of the EMRO will include:

- The days (and periods on those days) on which the EMRO would apply
- The area to which the EMRO would apply
- The period for which the EMRO would apply
- The date from which the proposed EMRO would apply

## **Consultation**

11.8 The proposed EMRO will be advertised for at least 42 days. The proposal will be published on the Authority's website and in a local newspaper. A notice will be sent to all affected people in the area who hold a premises licence or club premises certificate, or people who use TENs or who hold a provisional statement. A notice will be displayed in the area, and sent to responsible authorities and adjacent licensing authorities.

11.9 Anyone affected by the EMRO has 42 days in which to make a representation on any aspect of the EMRO design. If relevant representations are received then a hearing will be held to consider them. If there are a number of representations, the licensing authority may consider whether to hold the hearing over several days. The hearing will be commenced within 30 working days of the end of the notice period.

11.10 As a result of the hearing the licensing authority has three options:

- To decide that the proposed EMRO is appropriate for promotion of the licensing objectives
- To decide that the proposed EMRO is not appropriate and therefore the process should be ended
- To decide that the proposed EMRO should be modified. In this case it may be necessary to advertise again.

11.11 A decision to make, vary or revoke an EMRO is a decision for full Council. The Licensing Committee/Sub-Committee or officer may undertake the preliminary steps and the Licensing Committee may make a recommendation to full Council to make, vary or revoke an EMRO.

## **Evidence**

11.12 The level of evidence the licensing committee will consider to support an EMRO could include:

- Police evidence of reported alcohol related crime
- Local crime and disorder statistics, crime hotspots and statistics on anti-social behaviour offences

- Nuisance statistics compiled from complaints made to Environmental Health, particularly in relation to noise, odour and litter
- Residents' questionnaires
- Data gathered from complaints made the Licensing Authority on matters which affect the licensing objectives.
- Evidence from residents organisations, ward members and other representatives of people living in a specific area
- Evidence obtained during the public consultation and associated public meetings

11.13 In addition, the Section182 guidance suggests other sources of evidence such as health related statistics, for example alcohol-related emergency attendances and hospital admissions can also be considered.

11.14 This evidence should, in part be provided by the organisation or groups who are proposing an EMRO should be made.

### **Formal Decision**

11.15 Once the Licensing Committee is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination will be put to full Council for its final decision. Once the EMRO is made, the Authority will send a notice to all affected persons and make it available for 28 days on the website.

11.16 A variation or a revocation of an order will follow the same process. However an order could be applied for a specified time and in this case the order ceases to apply on the final day.

11.17 Once an EMRO is in place, the licensing authority will update this policy as soon as possible to include reference to the EMRO in this section.

11.18 There are currently no EMROs in place in the Borough.

- 12.1 The Authority can introduce a Late Night Levy across the Borough by virtue of section 125 of the Police and Social Responsibility Act 2011. The levy will empower the Authority to charge licence/certificate holders that supply alcohol late into the night for the extra enforcement costs that can be created for the police and the Licensing Authority by late night trading. Any such levy would apply to all licensed premises supplying alcohol between midnight and 6.00am save for any category of premises exempted by the Licensing Authority.
- 12.2 The police will receive at least 70% of the revenue generated by a Late Night Levy with the Licensing Authority receiving the remaining 30%.
- 12.3 Before a Late Night Levy can be introduced, the Licensing Authority will need to have consulted with the police and licence/certificate holders in the Borough supplying alcohol after midnight in accordance with the appropriate Regulations.
- 12.4 There is currently no Late Night Levy in this Borough.

DRAFT

**Cumulative Impact Assessment**

- 13.1 On [xxx] the Authority published a Cumulative Impact Assessment. This Policy should be read in conjunction with the Cumulative Impact Assessment.
- 13.2 When revising this Policy the Authority, as it must do, has had regard to the Cumulative Impact Assessment.
- 13.3 In summary, the Cumulative Impact Assessment has created a rebuttable presumption against granting premises licence applications, or variations of existing licences, in relation to alcohol led licensed premises (where alcohol is consumed on the premises) within areas of Whitley Bay and Tynemouth referred to in the Assessment and shown on the maps forming part of the Assessment.
- 13.3 The Cumulative Impact Assessment is not absolute and any application received for a premises licence, or the variation of an existing licence, within the areas of [areas to be included] referred to in the Assessment will be properly considered, and if it is believed that the premises are unlikely to add to the cumulative impact an application may be granted and the presumption against granting a Licence or a variation thereof duly rebutted.
- 13.4 The Cumulative Impact Assessment can be found here [hyperlink]
- 13.5 The fact that the Cumulative Impact Assessment is referred to in this Policy and that all persons are advised to read both the Policy and the Cumulative Impact Assessment demonstrates that the Authority has had regard to the Assessment when revising this Policy.

**Contact and Applications**

For further information on this Statement of Licensing Policy as well as information about the application process please contact:

Licensing Team  
Killingworth Site  
Harvey Combe  
Killingworth  
Newcastle upon Tyne  
NE12 6UB

The Licensing Section can be contacted on the following telephone numbers:  
(0191) 643 2175

E-mail address: [liquor.licensing@northtyneside.gov.uk](mailto:liquor.licensing@northtyneside.gov.uk)

Web: <http://www.northtyneside.gov.uk>

DRAFT

## Appendix 1

### Scheme of Delegation of decision-making and functions

The Licensing Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how it is proposed licensing decisions will be made.

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub Committee	Officers
Application for/renewal of personal licence		If a police objection	If no objection made
Application for premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate (including summary review brought by the police)		All cases	
Consideration as to whether to take interim steps following a summary review by police		All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	
Acknowledgement of a temporary event notice			All cases
Issue of Counter Notice in relation to a temporary event notice where permitted limits are			All cases

exceeded			
Issue of Counter Notice in relation to a temporary event notice following a police objection		All cases	
Determine application for a Minor Variation			All cases
Determination of whether to revoke or suspend a personal licence		All cases	
All licensing functions under the Licensing Act 2003 except those not capable of such delegation			All cases
Determining if it is appropriate for a proposed EMRO to be consulted on and considering any relevant representations received during the consultation period and thereafter making a recommendation to Council to make an EMRO	All cases		

DRAFT

## **Appendix 2**

Those parties consulted during the formulation of this Policy included:

Northumbria Police

Tyne and Wear Fire Service

Members

MP's

MEP's

Local residents and businesses

Licence and Certificate holders

Director of Public Health

Children's Services

Responsible Authorities

Tourism organisations

Planning Authority

Tyne and Wear Passenger Transport Executive.

DRAFT



## Appendix 3

### LICENSING ACT 2003

#### POOL OF MODEL CONDITIONS

Notes: -

- (i) These conditions shall be read in conjunction with the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003.”
  - (ii) The conditions shall not be regarded as “standard conditions” which are to be automatically imposed in all cases. They are designed to provide a range of possible conditions which may need to be attached to Premises Licences and club premises certificates following a relevant representation depending upon differing situations. The wording of the conditions may need to be modified to suit a particular premises and situations.
  - (iii) This is not an exhaustive or exclusive list of conditions. Additional conditions may be drafted and attached to premises licences/club premises certificates to meet individual circumstances.
  - (iv) Individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives.
  - (v) When incorporated into a Premises Licence or Club Premises Certificate, any condition becomes enforceable under the law and a breach of such a condition could give rise to prosecution and/or a review of the licence or certificate.
-

**CONDITIONS**  
**RELATING TO THE PREVENTION OF CRIME AND DISORDER**

1. The licensee, that is the person in whose name the premises licence is issued, shall ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the Licence and for preventing crime and disorder.

*(Note. Staffing requirements may vary dependent upon the size and nature of the premises and the licensable activities taking place, and as specified in the "operating schedule".)*

2. There shall be provided at the premises text and/or radio pager equipment to be operated in conjunction and in liaison with the Police.
3. The text and/or pager system shall be capable of sending and receiving messages to and from the local Police, and other Licensees, designated premises supervisors, door supervisors, managers and club operators, incorporated into any joint and mutually beneficial scheme operating in the area.
4. The text and/or pager system shall be maintained in good working order at all times when the premises are being used for a licensable activity.
5. The text and/or pager system shall be activated, made available to, and monitored by the designated premises supervisor or a responsible member of staff at all times when the premises are being used for a licensable activity.
6. The Licensee, designated premises supervisor or other person having responsibility for monitoring the text and/or pager system provided under the provisions of condition 3 shall comply with any instructions or directions received through the system from the Police.
7. The Licensee, designated premises supervisor or other responsible person shall use the text and/or pager system provided under the provisions of condition 3 to notify and report any incident of crime and disorder to the Police as soon as practically possible, in accordance with agreed protocols.
8. The Licensee and designated premises supervisor shall ensure that: -

*(either)*

- At all times the premises are open for any licensable activity

*(or)*

- Between ..... and ..... on ..... (days) when the premises are open for a licensable activity

There are employed at the premises:-

*(either)*

- An appropriate number

(or)

- 'X' number

of door supervisors (as defined in the Private Security Industry Act 2001).

9. Door supervisors should be stationed in such numbers and in such positions as detailed on the attached schedule and approved plan of the premises.
10. Door supervisors may be male or female, but where physical searching of a patron is to be undertaken, such searching must be undertaken by staff of the same sex as the patron.
11. Door supervisors shall be provided with 'two-way' radios or similar systems capable of ensuring continuous communication between each other at all times that the premises is open for a licensable activity.
12. Door supervisors shall wear clothing of the same style, type and colour, which may be appropriate to the nature of the venue, but which will ensure they are clearly distinguishable and identifiable as door supervisors having regard to the events and activities taking place at the licensed premises.
13. The Licensee shall ensure that on each day that door supervisors are engaged for duty at the premises, their details (names and licence numbers) are recorded in an appropriate book kept at the premises. In conjunction with this record book, the licensee shall also keep an incident book. This record book and incident book must be available for inspection by the Police or an Authorised Officer at all times when the premises are open.
14. Glass bottles containing beverages of any kind shall not be left in the possession of any patrons after service and following the discharge of the contents into an appropriate glass or drinking vessel.
15. Glass bottles containing wine may be sold for consumption with a meal taken at a table, by customers who are seated in an area set aside exclusively for patrons taking table meals.
16. No persons carrying open or sealed glass bottles shall be admitted to the premises at any time that the premises are open for any licensable activity.
17. One pint and half pint capacity drinking glasses and highball (tumbler) drinking glasses in which drinks are served shall be of strengthened glass (tempered glassware) or of a material whereby, in the event of breakage, the glass will fragment with no sharp edges being left. Alternatively, drinks may be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

***(Note. Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use.)***

18. No glass drinking vessels or glass bottles shall be permitted *(in the areas described in the attached schedule and delineated on the approved plan.)*

19. No alcoholic drinks may be consumed in the (areas described in the attached schedule) (following areas) and delineated on the approved plan.
20. No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

*(Note. This condition shall not apply to patrons who have purchased beverages for consumption off the premises (within the curtilage of the premises' licensed area or in the area covered by a Pavement Café Licence) with the express consent of the Licensee, designated premises supervisor or responsible person.)*

21. There shall be no off sales of alcoholic drinks except for consumption in an area which is covered by a "Pavement Café Licence"
22. No alcoholic drinks shall be sold or supplied for consumption off the premises.
23. Alcoholic drinks will be only be sold or supplied for consumption on the premises (and there shall be no off sales).
24. There shall be no sales of alcoholic drinks for consumption off the premises on any day when a "first class" football match is being played at St. James Park/Stadium of Light.
25. There shall be no sales of alcoholic drinks for consumption off the premises on any day when an event is taking place, subject to notification in writing from the Licensing Authority (in conjunction with Northumbria Police) at least seven days prior to the event.  
*(Note. Examples of when such a notice may be given might be if a major outdoor event (sporting or otherwise) or a parade is scheduled to take place in an area of the local authority, and where it is considered that alcohol off-sales in that area might give rise to or add to potential crime and disorder problems).*
26. The maximum number of persons permitted on the premises at any one time shall not exceed ..... persons.
27. The number of persons permitted to assemble on the premises on the same occasion shall at no time exceed the permitted number(s) specified on the premises licence.
28. The maximum number of persons permitted in each of the following areas at any one time shall not exceed: -
  - (a)
  - (b)
  - (c)
  - etc.,

but at no time shall the total number of persons on the premises as a whole exceed ..... persons.

29. The Licensee and designated premises supervisor shall ensure that there are effective management arrangements in place to enable them to know how many persons there are in the premises at all times when the premises are open for a licensable activity.
30. The maximum number of persons permitted to assemble on the licensed premises, or relevant part of the licensed premises, shall be indicated by a fixed notice bearing the words "Maximum Occupancy" with letters and numbers not less than 20 mm high, conspicuously sited at each relevant part of the premises and at the reception point.
31. Seating for no less than ..... persons shall be provided in the premises at all times the premises are in operation.
32. Seating shall be provided for all customers and alcohol shall only be served to those customers who are seated at tables by way of waiter or waitress service only.
33. Except in the area identified and delineated (e.g. hatched, coloured green) on the deposited plan, alcoholic drinks shall only be sold or supplied to, and consumed by, persons seated at a table, by way of waiter or waitress service, save that:-
  - (a) No more than (number) persons may stand in the area identified and delineated (e.g. coloured blue) at any one time, and
  - (b) A person may take a drink from the area marked (e.g. coloured green) and sit in the area marked (e.g. coloured blue).
34. All members of staff at the premises including Door Supervisors shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo or Her Majesties Forces Identity Card.
35. A suitably worded sign of sufficient size and clarity shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.
36. The Licensee shall not advertise, promote or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.
37. A conspicuous notice shall be displayed on or immediately outside the premises adjacent to the entrance to the premises which gives details of times when the premises are permitted to be open for any licensable activity.
38. A conspicuous notice shall be displayed on or immediately outside the premises, adjacent to the entrance to the premises which gives details of any restrictions relating to the admission of children to the premises.

39. Suitably phrased, clear and conspicuous notices, shall be displayed near the entrance to the premises and in other appropriate locations such as sanitary conveniences advising patrons:
- i) of any risk of theft or possibility of other criminal activity.  
*and/ or*
  - ii) to exercise care with their personal possessions to prevent theft.  
*and/or*
  - iii) how to report any incidents of theft or other criminal activity.
40. All signs required under these conditions shall comply with those conditions, shall be placed in accordance with those conditions and be illuminated or positioned in well-lighted locations.
41. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that:
- The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally, and points of sale.
  - The CCTV system is able to capture clear images permitting identification of individuals.
  - The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
  - The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 30 days.
  - The CCTV system is capable of constantly generating an accurate date and time.
  - The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
42. There will be members of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority made in accordance with the Data Protection Act 1988 (or any replacement legislation).
43. All members of staff responsible for the sale of alcohol will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor.
44. All members of staff responsible for the sale of alcohol will receive refresher training at least [every 6 months/ 1 year] as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation). Such training will be provided by the Designated Premises Supervisor.



**CONDITIONS**  
**RELATING TO PUBLIC SAFETY**

45. When disabled people are present, adequate arrangements shall exist to enable their safe evacuation in the event of an emergency. Staff shall be aware of disabilities and react according to a pre-determined plan. Guidance has been published by the Government which will assist the responsible person with planning and implementing their evacuation plan.
46. All escape routes and exits shall be kept unobstructed and in good order, with non-slippery and even surfaces, free of trip hazards and clearly identified.
47. All exit doors whenever the premises are occupied shall be easily openable in the case of an emergency, without the use of a key, card, code or similar means. Panic bolts shall not be secured with chains, padlocks or other locking devices when the Licensed Premises are being used for the purposes of the licence. Arrangements must be made to ensure that security-fastening devices are displayed in a prominent position under management control when the premises are open to the public.
48. All exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check kept on the premises.
49. All fire doors shall be maintained effectively, self closing and shall not be held open other than by approved devices. Rising butt hinges do not constitute a self closing device for the purposes of this condition.
50. Fire resistant doors to ducts, service shafts, and cupboards shall be kept locked shut to prevent unauthorised access.
51. The edges of steps and stairs shall be conspicuous. Mats, matting, carpets and other floor coverings shall be secured to the surface they cover and shall be so maintained.
52. Safety checks shall be carried out daily before the admission of the public. These shall correspond with the risk assessment and the conditions of the licence.
53. A written record of all periodic tests, examinations, inspections, staff training and results referred to herein shall be made in a log book. The log book shall be kept on the premises at all times and shall be available for examination by authorised officers of the Council, Northumbria Police and by officers of Tyne and Wear Fire and Rescue Service.
54. All licensed premises shall have a means of giving warning to persons in the event of an outbreak of fire or other emergency. Where determined by the risk assessment that a mains electrical fire alarm is required, this shall be designed to and installed in accordance with British Standard 5839-Part 1 Current Standard. Activation of the fire alarm shall operate an electronically linked automatic cut off switch to silence any amplified music. This device shall not infringe compliance of the system with the appropriate British Standard.

55. Fire fighting equipment shall be provided in the licensed premises in accordance with the risk assessment with staff suitably trained as necessary.
56. Curtains and drapes shall be adequately supported and shall not be hung across stairs, stairways or gangways. Curtains and drapes may be hung over doors, but shall be so hung as to draw easily and slide freely. All curtains and drapes shall be hung so that they do not come into contact with the floor, and do not conceal notices. All curtains and drapes shall either be inherently flame proof or shall be treated to be flame proof.
57. Upholstered seating shall meet on a continual basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and ignition source 5 when tested in accordance with BS 5852:2006 or equivalent standard.
58. Prior advice shall be sought from the Licensing Authority before temporary decorations are used, and the risk assessment amended accordingly.
59. Notices detailing the actions to be taken in the event of fire or other emergency, including how to summon the fire brigade, shall be prominently displayed and protected from damage and deterioration.
60. The Licensee must instruct all members of staff and competent attendants in the protection of the premises from fire, the use of fire fighting equipment, the action to be taken in the event of a fire and the method of summoning the fire brigade.
61. Where there is an outbreak of fire, however slight, the responsible person shall raise the alarm, evacuate the building, and call the fire brigade. Following the incident, the responsible person shall ensure that the details are recorded in a Fire Log Book. Any remedial work necessary to restore fire precautions to their original standard shall be completed with systems fully functional prior to re-admittance of the public.
62. The responsible person shall notify the Licensing Authority as soon as possible if the water supply to any hydrant, hose-reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.
63. Access to the premises for emergency vehicles shall be kept clear and free from obstruction.
64. Adequate and appropriate equipment and materials shall be provided for enabling first aid to be rendered to members of the public if they are injured or become ill whilst at the licensed premises.
65. At least one suitably trained first aider per 500 people shall be on duty at all times when the public are present up to the first 3,000 persons, and then one per 1,000 for the remainder.
66. If, having regard to the nature of the premises, the number of persons visiting it and the location of the premises, it would be adequate and appropriate to do so, then instead of a person for rendering first aid there shall be a person appointed to take charge of the situation relating to an injured or ill member of the public and the first aid equipment and facilities.



67. All areas including circulation areas and exit routes shall be adequately illuminated whenever the premises are being used for the purpose of this licence. Such lighting shall be maintained in working order.
68. Fire safety signs must be illuminated in accordance with BS5266 Part 1 (Current Edition).
69. Emergency lighting shall be provided in accordance with BS5266 (Current Edition) or an equivalent standard approved by the Licensing Authority.
70. Emergency lighting shall not be altered without prior consent of the Licensing Authority.
71. The emergency lighting system shall be checked to ensure it is operating correctly before the admission of the public, members or guests.
72. In the event of the failure of normal lighting arrangements shall be in place to ensure that the public, members or guests leave the premises immediately.
73. An investigation into any failure of the system shall be carried out to ascertain whether it is safe for persons to remain in the premises when only the emergency lighting is operating.
74. Emergency lighting installations shall comply with BS 5266 or equivalent standard.
75. Temporary electrical wiring and distribution systems shall not be provided without notification to the licensing authority at least ten days before commencement of the work and prior inspection by a suitably qualified electrician. Premises shall not be opened to the public until the work is deemed satisfactory by the above parties.
76. Where it is not possible to give ten days' notification to the licensing authority of provision of temporary electrical wiring and distribution systems, the work shall be undertaken by competent, qualified persons.
77. Temporary electrical wiring and distribution systems shall comply with the recommendations of BS7671 or where applicable BS7909.
78. All temporary electrical wiring and distribution systems shall be inspected and certified by a competent person before they are put to use.
79. An appropriately qualified medical practitioner shall be present throughout any sports entertainment involving boxing, wrestling, judo, karate or similar.
80. Where a ring is constructed for the purposes of boxing, wrestling or similar sports, it must be constructed by a competent person, and inspected by a Building Control Officer of the Council (at the cost of the applicant). Any material used to form the skirt around the ring must be flame retardant.
81. At any wrestling or other entertainment of a similar nature, members of the public shall not occupy any seat within 2.5 metres of the ring.

82. Any Licensee wishing to hold a 'Total Fighting' event on the licensed premises shall first apply to the Council for a variation of this licence and in the event that such application is granted, shall comply with any additional conditions that may be imposed. The term 'Total Fighting' shall include any 'full contact' martial arts involving the combined codes of judo, karate and ju-jitsu, judo, sombo and Olympic wrestling or any other mixed martial arts.
83. At water sports entertainment, staff adequately trained in rescue and life safety procedures shall be stationed and remain within the vicinity of the water at all material times.
84. No alterations shall be made to the premises which make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition in question. The applicant will need to propose a new operating schedule reflecting the proposed alteration to the premises and how he or she intends to take alternative steps to promote the public safety objective and amend the risk assessment accordingly.

### **CONDITIONS**

#### **RELATING TO PUBLIC SAFETY IN THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES**

85. The number of attendants on each floor in a closely seated auditorium shall be as set out on the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 - 100	One
101 - 250	Two
251 - 500	Three
501 - 750	Four
751 - 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

86. Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from the floor or auditorium where they are on duty.
87. All attendants shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
88. The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
89. No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.

90. A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.
91. Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
92. Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
93. In no circumstances shall anyone be permitted to –
- sit in any gangway;
  - stand or sit in front of any exit; or
  - stand or sit on any staircase including any landings.
94. Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.
95. Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.
96. Any special effects or mechanical installation shall be arranged and stored to minimise any risk to the safety of the audience, the performers and staff.
97. Except with the prior written approval of the Council, and subject to any conditions which may be attached to such approval, no special effects shall be used on the premises.
- Special effects include:
- dry ice machines and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics, including fireworks
  - real flame
  - firearms
  - motor vehicles
  - strobe lighting
  - lasers (see HSE Guide The Radiation Safety of Display Laser Installations [HS(G)95]; Lasers, Festival and Entertainment Lighting Code: The Institution of Lighting Engineers 1995 and BS EN 60825: Safety of Laser Products)
  - explosives and highly flammable substances.
98. In the case of any other special effects with safety implications prior notification shall be given in writing to the Licensing Authority at least 10 days before the event with details as to their use to enable the authority to consider if further inspection by the Fire Authority is necessary. It may be required that staff trained in fire prevention and extinction be present during any such performance.

99. Any scenery shall be maintained flame-retardant.
100. Where a safety curtain is provided, it shall be arranged to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.
101. Where a risk assessment requires a sprinkler or drencher, all safety curtains incorporating a drencher and all smoke ventilators and sprinklers (where fitted) shall be maintained unobstructed and in good working order.
102. Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium shall be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.
103. All ceilings in those parts of the premises to which the audience are admitted shall be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings shall be forwarded by the licensee to the licensing authority.
104. Where the potential audience exceeds 250 all seats in the auditorium shall, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.
105. Where premises used for film exhibitions are not equipped with a staff alerting system the number of attendants present shall be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	2
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

106. Where premises used for film exhibitions are equipped with a staff alerting system the number of attendants present shall be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 - 500	Two	One
501 - 1000	Three	Two
1001 - 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

	premises	
--	----------	--

- 107. Staff shall not be considered as being available to assist in the event of an emergency if they are: -
  - the holder of the premises licence or the manager on duty at the premises; or
  - a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
  - a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- 108. Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and shall keep under observation all parts of the premises to which the audience have access.
- 109. The staff alerting system shall be maintained in working order and be in operation at all times the premises are in use.
- 110. The level of lighting in the auditorium shall be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).
- 111. No flammable films shall be allowed on the premises without the prior notification to the licensing authority/fire authority.

**CONDITIONS**  
**RELATING TO PUBLIC NUISANCE**

- 112. Noise and vibration shall not be audible outside the premises.
- 113. Windows, doors and fire escapes shall remain closed during proposed entertainment events within the premises
- 114. Noise generated by amplified music shall be controlled by a noise limiting device set at a level determined by the Local Authority Environmental Health Officer, such level being confirmed in writing to the Licensee.
- 115. Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Local Authority Environmental Health Officer.
- 116. The lobby doors at the premises shall be kept closed except for access and egress. Door staff shall supervise to ensure that the doors are maintained closed as far as possible when public entertainment is taking place.
- 117. The use of fireworks and pyrotechnics is restricted to the hours of ..... to .....

118. Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
119. Lighting associated with activities of entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
120. Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity so as not to cause nuisance to neighbouring or adjoining properties.
121. Suitable ventilation and extraction systems shall be provided to eliminate noxious odours. Such systems shall be maintained on a regular basis.
122. Premises shall enter into a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of the agreement.
123. Empty bottles shall be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally bottles shall be removed from the public area on a frequent basis and transferred to the skip. It is recommended that transfer to an external skip shall not be undertaken after 11.00pm to minimise noise disturbance to adjoining properties.
124. Premises shall provide clear and legible notices displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, and discouraging the sounding of car horns.
125. The premises' personal licence holder, designated premises supervisor and door supervisor shall monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

**Note: Any existing licence conditions attached to a licence/certificate before deregulatory changes were made to the Licensing Act 2003 relating to what was previously classed as “regulated entertainment” under the Act will cease to have affect. However, conditions that relate to non-licensable activities can be attached to a licence following a review of the licence/certificate.**

#### **CONDITIONS**

#### **RELATING TO THE PREVENTION OF HARM TO CHILDREN**

126. Children under 18 years will not be allowed access to the premises.
127. Children under 12 unaccompanied by an adult over 18 shall not be admitted to the premises after 11 pm.
128. Where the Licensing Authority classifies films for the admission of children under 18 years:



- a) Any film must be submitted to the Licensing Authority for classification at least 28 days before it is to be shown.
- b) The premises licence holder or club premises certificate holder must adhere to the age restriction imposed.

129. Only films that have been classified by the British Board of Film Classification as U, PG, 12A, 15 or 18 or as classified by any other body designated under section 4 of the Video Recordings Act 1984, or as otherwise classified by the Licensing Authority, may be exhibited on the premises. The premises licence holder or club premises certificate holder must adhere to the age restriction in accordance with the following classification:

- “U” Universal - means films suitable for audiences aged 4 years and over
- “PG” Parental Guidance - means films where some scenes may be unsuitable for young children
- “12A” - means films passed only for viewing by persons aged 12 years or older or persons under 12 years when accompanied by an adult
- “15” - means films passed only for viewing by persons aged 15 years and over
- “18” - means films passed only for viewing by persons aged 18 years and over

130. Immediately before the exhibition of a film there must be exhibited on screen for at least 5 seconds a representation or written statement of the film’s classification in such a manner as can be easily read by all persons attending the entertainment. This requirement also applies to a trailer advertising any film.

Where a film is to be shown that has been classified as 12A, 15 or 18 the licence holder must cause a notice to be displayed, in a conspicuous position, at the entrance to the premises or room in which the film is to be shown reading:

**PERSONS UNDER THE AGE OF [insert as appropriate] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.**

This notice must refer to the oldest age restriction where films of different categories are included in one programme.

Children under the age of 18 years shall not have access to the premises (or specified part thereof) during any time when an activity, entertainment or service of an adult and/or sexual nature is provided. For the purposes of this condition entertainment of an adult or sexual nature includes but is not limited to performances involving feigned violence or horrific incidents, entertainment involving strong, foul, offensive or abusive language, nudity, striptease (sometimes referred to as exotic dancing), lap dancing, table dancing, pole dancing, feigned or actual sexual acts or fetishism, or which is likely to offend against good taste or decency, or any other entertainment of a similar nature.

131. Entertainment provided wholly or mainly for unaccompanied children shall have:

- At least one attendant per 10 children or part thereof, who must be on duty in the area(s) occupied by the children and stationed in the vicinity of each exit and at the head of each stairway
  - Attendants must wear distinctive clothing or suitable armbands
  - Attendants must be present throughout the entertainment and while the audience is entering and leaving the building.
132. The licensee shall ensure that all staff employed to supervise children have been properly vetted by WHAT IS THIS NOW? – IS IT ENHANCED DISCLOSURE? and have no convictions that would make them unsuitable to supervise children.
133. The Children (Performances and Activities) (England) Regulations 2014 SI 2014 No. 3309 regulates the performance of children in shows. An adult must supervise a child or children at all times. There must be one supervisory adult for every 12 children. The show venue must be large enough to safely accommodate the child or children backstage. All chaperones and production crew must receive the fire instruction procedures applicable to the venue prior to the arrival of the child or children. The adverse effects of special effects upon the health and safety of any child or children must also be considered.
134. Compliance with the Portman Group's Retailer Alert Bulletins is required.
135. All members of staff responsible for the sale of alcohol at the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, photographic driving licence, proof of age card carrying a 'Pass' logo and hologram or a military identification card showing a date of birth. If no such evidence is produced the sale will be refused.
136. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date detailing all challenges made to customers as to their age and the reason for any refusal recorded in the register. The register will be made available for inspection immediately on the request of representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).