Licensing Act 2003
Statement of Licensing Policy
2018 to 2023

Safe, Sensible and Social:
A City with Cultural Vibrancy

Approved by Newcastle upon Tyne City Council on 7th March 2018
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1. VISION STATEMENT:

We want Newcastle to offer a diverse choice of high quality, well managed entertainment and cultural venues within a safe environment. We want to promote positive partnership so that regulators, businesses and residents work together to create a vibrant city in which business can prosper and residents can live peacefully. We want to provide opportunities for residents, workers and visitors, regardless of age, disability, gender, gender identity, race, religion, sexual orientation or means.
2. INTRODUCTION

2.1 Purpose and Scope of the Licensing Policy

2.1.1 For the purposes of this statement of Licensing Policy, Newcastle City Council is the Licensing Authority.

2.1.2 The Licensing Act 2003 requires licensing authorities to publish a "statement of licensing policy" (the Policy) every five years, which sets out how they intend to exercise their functions. The Policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the Licensing Authority in relation to applications is only engaged if relevant representations are made.

2.1.3 The Policy covers regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Nothing in this Policy will prevent a person applying for a variety of permissions under the Act. The Policy covers the following licensable activities:

1. retail sales of alcohol
2. supply of alcohol by or on behalf of a club
3. provision of regulated entertainment
4. provision of late night refreshment (hot food and drink at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises)

2.1.4 The Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State. The Licensing Authority must carry out its licensing role with a view to promoting the four licensing objectives:

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance
4. the protection of children from harm.
2.1.5 It is important to note that all objectives have equal importance in the implementation of this Policy.

2.1.6 The Licensing Act 2003 also supports a number of other key aims and purposes which are vitally important and should be principal aims for everyone involved in licensing work and will therefore be integral to the Policy. They include:

1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
2. Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
3. Recognising the important role which pubs and other licensed premises play in our local communities by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises;
4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

2.2 Consultation

2.2.1 In accordance with section 5 of the Act and prior to the publication of this Policy the Licensing Authority consulted with:

- Chief Officer of Police for the area (Northumbria Police)
- Tyne and Wear Fire and Rescue Authority;
- Persons/bodies representative of local holders of premises licences;
- Persons/bodies representative of local holders of club premises certificates;
• Persons/bodies representative of local holders of personal licences;
• Persons/bodies representative of businesses and residents in its area.
• Parish Councils in Newcastle upon Tyne
• Elected Members of Newcastle City Council
• Licensing Committee and Ward Committees of Newcastle City Council
• Safe Newcastle (Crime and Disorder Reduction Partnership)
• NE1: Business Improvement District Company
• Balance: The North East Alcohol Office
• Trade associations and federations
• Licensing law firms
• Newcastle Street Pastors

2.3 **Duration and Review of Policy**

2.3.1 This Policy takes effect on 1 May 2018 and will remain in force for a period of not more than five years. During this time the Policy will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation.

2.4 **Licensing Protocols**

2.4.1 Regard will be had to the Protocols appended to the Licensing Policy (Appendix 2) but they are not part of the Policy for the purposes of the formal review process and will be subject to review as and when required or deemed necessary to do so by the Licensing Authority. Updated versions will be available on the Council’s website at:

3. CITY PROFILE

3.1 Newcastle and its People

3.1.1 Newcastle upon Tyne is a largely urban conurbation within the county of Tyne and Wear, covering an area of 112km$^2$ and with a population of approximately 297,000.

3.1.2 Newcastle also serves as the regional capital for a population of over two million people. It is one of England’s core cities (eighth largest economy outside London). Newcastle is also a centre for further and higher education, with two universities and a further/higher education college which together bring in up to 50,000 students to the city.

3.1.3 Set on the banks of the Tyne, Newcastle’s City is one of the most dramatic and memorable of any major place in England with its historic streets which wind down the steep slopes through Grainger Town, linked by paths and steps to Newcastle Quayside. The Swing Bridge and Millennium Bridge connect to Gateshead’s cultural buildings such as the Sage Gateshead and the Baltic Centre for Contemporary Art.

3.1.4 Newcastle has many historical buildings including fragments of development from the Romans, through the medieval period such as Hadrian’s Wall, the Castle Keep, the town walls and parish churches, to the high-quality urbanisation of Georgian and Victorian times, as found in Grey Street and Grainger Town.

3.1.5 There are over 199,000 jobs in the city and 80,000 people enter the city every day to work. It is estimated that in excess of 100,000 people use the pubs, clubs and restaurants at weekends. There are also approximately 38,000 students who live and study in the City during term time.
3.1.6 Newcastle upon Tyne has developed into the dominant centre of the region for late night entertainment and as a popular short-stay city break destination. Newcastle’s night time economy plays an important part in creating a vibrant, sustainable economy for the City. Every year around 20.17m people visit Newcastle and Gateshead, spending approximately £487m on food and drink. This activity supports over 7,000 jobs. The entertainment provided within the City also brings people together to socialise and is valued by many people. However the excessive consumption of alcohol also has a significant economic impact across the services and population of Newcastle.

3.1.7 Over the last 5-10 years drinking behaviour has changed in that more people consume alcohol in the home and purchase alcohol from supermarkets and shops. People are consuming alcohol either at home or with their friends, with a reduction in people drinking in bars, clubs and pubs. People are often drinking at home (with alcohol purchased through supermarkets and shops) before a night out in licensed premises, known as ‘pre-loading’. Thus, more alcohol is now purchased from the off-trade through supermarkets and shops than in the on-trade such as pubs, bars, clubs and restaurants. This change in drinking patterns is largely driven by low cost alcohol available from the off-trade. In 2014 there were around 2,146,256 litres of alcohol sold through the off trade in Newcastle, which equates to 9.2 litres per adult (18+) in Newcastle, which is significantly higher than the England average of 5.5 and the North East at 6.7 litres per adult. The Licensing Authority has ensured that the policy recognises this shift in drinking patterns.

3.2 The Impact of Alcohol on Newcastle

3.2.1 There are an estimated 4066 dependent drinkers in Newcastle. Around 1.7% of the adult population are estimated to be dependent drinkers in Newcastle, this means Newcastle is ranked in the top 30% of Local Authorities with the highest percentage of dependent drinkers. The prevalence of drinking in children has been declining nationally, local survey data shows that the percentage of secondary school pupils in Newcastle who report they have never had an alcoholic drink has increased from 26% in 2011 to 41% in 2015.
3.2.2 There is also a public health burden of alcohol, Balance the North East Alcohol Office have estimated that the cost impact of alcohol to healthcare, crime and disorder, social care the wider economy was £120.3 million in Newcastle in 2015/16 which equates to £411 per head of the population.

3.2.3 Overall recorded crime has been increasing over the past few years, mainly due to changes in recording practices. The proportion of crime that is recorded as alcohol related has decreased slightly over the same period. However, residents have identified that ‘young people being drunk, rowdy, or a nuisance’ is the top priority to be addressed, and alcohol related anti-social behaviour carried out by adults and young people is a real issue of concern for certain parts of our City Centre and some of our neighbourhoods.

3.2.4 Alcohol is a causal factor in crime and disorder in Newcastle. Alcohol was involved in 13% of overall crime in Newcastle, which has reduced since 2014/15. The consumption of alcohol in the home increases, and the impact of alcohol can be more hidden. We know for example, that in Newcastle just over 30% of domestic violence crimes involved alcohol, but this has declined since 2014/15.

3.2.5 Alcohol can have a significant impact on families and early identification and intervention is key when looking at parental substance misuse as well as joint working between substance misuse treatment services and children and family services, to ensure families and children get the right support. Children’s Services are increasingly working with children and families affected by substance misuse, i.e. drugs and/or alcohol misuse, in 2015/16 69% of children subject to a child protection plan had substance misuse as an issue.

3.2.6 Alcohol has a significant impact on a number of health conditions and alcohol is seen as a factor in more than 60 medical conditions. Some of the key alcohol related health conditions are: cardiovascular disease (CVD), liver disease, mental and behavioural disorders, unintentional injuries and intentional self-poisoning and some cancers. Newcastle residents experience significant health problems as a result of alcohol.
3.2.7 Newcastle has higher rates of alcohol related cardiovascular disease (CVD) and alcoholic liver disease hospital admissions than the North East and England, but the rate of alcohol related CVD admissions has declined since 2013/14. The rate of alcohol related cancer in Newcastle is significantly worse than the England average.

3.2.8 The rate of Alcohol related deaths in Newcastle is 55 per 100,000 which is similar to the England average, but alcohol specific mortality is significantly worse than the England average, although it has shown a decline from 2006-08. However, Newcastle has seen an increase in mortality from chronic liver disease to 17.7 per 100,000 in 2013-15.

3.2.9 Under current Licensing law, health is not a separate licensing objective and is only relevant where it relates to one of the existing licensing objectives. The council is therefore only allowed to have regard to health issues when carrying out its licensing functions and in preparing this policy in so far as they relate to the four existing licensing objectives.
4. LICENSING PROCESS

4.1 Making an Application

4.1.1 The procedure and documentation required for the various applications is prescribed by the Licensing Act 2003 and Regulations and further advice on how to make an application can be found on the council’s website or on request from the Licensing Authority.


4.1.2 This Policy sets out the Licensing Authority’s expectations with regard to applications. Whilst applicants are not obliged to meet these expectations it is more likely that responsible authorities and other parties will make representations if they do not.

4.1.3 It is recognised by the Licensing Authority that licensed premises vary considerably in terms of the offer made, size, occupancy, location, clientele etc. Venues may offer alcohol, regulated entertainment or late night refreshment or any combination of these activities. There is therefore no definitive list of control measures that should be introduced by all premises. Licensed premises will be assessed according to the activities they provide and the individual risks of each premises’ activity.

4.2 Guidance Documents

4.2.1 The Licensing Authority has prepared a guidance document and protocols to assist with the application process; these are appended to this Policy and available at:


4.2.2 Applicants should also have regard to government guidance issued under Section 182 of the Licensing Act 2003

4.2.3 Regard should also be had to Protocol B (Publicity for Licensing Applications) at Appendix 2.
4.3 Representations

4.3.1 There is a prescribed period during which the Licensing Authority can receive a written representation to an application. This is usually 28 days from the date the Licensing Authority receives the application but varies depending on the type of application under consideration. To be considered a Relevant Representative it must relate to one or more of the Licensing Objectives.

4.3.2 “Relevant Representations” can include positive, supportive representations as well as objections.

4.3.3 Regard should be had to Protocols C (Disclosure of Representations) and G (How to Make Representations) at Appendix 2.

4.4 Decision Making Process and Licensing Sub-Committee

4.4.1 It will be the Licensing Authority’s policy to provide an efficient and cost effective service to all parties involved in the licensing process.

4.4.2 With certain statutory exceptions (including the approval of this Policy), the powers of the City Council under the Licensing Act 2003 must be carried out by the Licensing Committee which comprises at least 10 but not more than 15 councillors, by the Licensing Sub-Committee (3 councillors) or by one or more officers acting under delegated authority. The City Council appoints the members of the Licensing Committee each year at the Annual Council Meeting. Table 1 (below) sets out how the Licensing Authority has delegated its various licensing functions.

4.4.3 Regard should be had to Protocol H (Delegations and Responsible Authorities) at Appendix 2.
4.5 Granting of Authorisations

4.5.1 If no Relevant Representations are received then the authorisation will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The Licensing Authority will have no discretion to refuse the application or to alter or add to the conditions offered through the operating schedule.

4.5.2 Where Relevant Representations are made, the Licensing Authority must hold a hearing before the Licensing Committee or, more usually, a sub-committee of the Licensing Committee who will take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

1. to grant the licence subject to the operating schedule modified to such extent as the (Sub-)Committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
2. to exclude from the scope of the licence any of the licensable activities to which the application relates;
3. to refuse to specify a person in the licence as the premises supervisor;
4. to reject the application.

4.5.3 The Licensing Authority aims to conduct hearings in a manner that is:-

- Fair
- Open, Transparent and Accountable
- Designed to treat everyone equally, whatever their status.

In particular hearings will be conducted to ensure that no one is disadvantaged by being unrepresented.
4.5.4 Please refer to the guidance document "Procedure at Licensing Sub-Committee" available at:


4.5.5 Regard should also be had to Protocol I (Hearings at Licensing Committee) at Appendix 2.
### Table 1: Delegation of Licensing Functions

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Sub-Committee</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for personal licence</td>
<td>If a police objection</td>
<td>If no objection made</td>
</tr>
<tr>
<td>Application for personal licence with unspent Convictions</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application for premises licence/club premises certificate</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application for provisional statement</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application to vary premises licence/club premises certificate</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application to vary designated premises supervisor</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Request to be removed as designated premises supervisor</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application for transfer of premises licence</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Applications for interim authorities</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Application to review premises licence/club premises certificate</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Decision on whether a representation is irrelevant frivolous vexatious etc.</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Decision to object when local authority is a consultee and not the relevant authority considering the application</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Determination of an objection to a temporary event notice</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Determination of application to vary</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
</tbody>
</table>
4.6 **Events in the City**

4.6.1 The City Council wishes to encourage cultural and community events in the city and is aware of the Secretary of State’s Guidance around the licensing of public open spaces. In accordance with the provisions of the licensing Act 2003, the City Council has made applications and been granted premises licences for areas of public land.

4.6.2 Persons or organisations wishing to carry on a licensable activity on licensed land are not required to obtain a premises licence or give a temporary event notice themselves, but do need the consent of the City Council to put on the event. This can help to facilitate events that do require a premises licence, but which would be impractical to arrange, while giving the City Council a degree of control over the running of the event. Such persons or organisations may also need to obtain the relevant permission to use the land or premises.

4.6.3 The City Council has established an Events Group, whose role is to overview events taking place within Newcastle to achieve their safe delivery and good
management. This applies to events in Newcastle, whether on Council land or elsewhere. It covers both licensable and non-licensable (for the purposes of the Licensing Act 2003) events.

4.6.4 The City Council has an Events Website which contains comprehensive information to assist those organising events. Reference should be made to the website at:

https://www.newcastle.gov.uk/leisure-libraries-and-tourism/events/organising-events

4.7 Public Spaces Protection Orders (PSPOs)

4.7.1 The Licensing Authority supports the use of Public Spaces Protection Orders and has made the appropriate Order under Part 4, Section 59 Anti-Social Behaviour Crime & Policing Act 2014.
4.7.2 The Licensing Authority expects licensed premises which operate in areas where the PSPO has been implemented to have measures in place to ensure their customers do not contribute to activities which have or may have a detrimental effect on the quality of life of those in the locality.

4.8 Planning & Licensing

4.8.1 The Policy aims to accord with the vision for the city and to this end, the Licensing Authority accepts that the planning system can assist and believes that to be a justification for the inclusion of the Planning Authority as a Responsible Authority. The Licensing Authority notes that the Licensing system and the Planning system are separate regimes but accepts that Local Plans and other strategies can also positively shape and attract development to the benefit of local businesses and residents.

4.8.2 Regard should be had to Protocol A (Planning and Licensing) at Appendix 2.
5. **NEWCASTLE SPECIFIC POLICIES**

5.1 **Good Practice for Licensed Premises**

5.1.1 The Licensing authority encourages all persons to have regard to the Document entitled “Good Practice for Licensed Premises” at Appendix 2

5.2 **Encouraging Diversity in the Nightime Economy**

5.2.1 The Licensing Authority recognises that Newcastle’s night time economy plays an important part in creating a vibrant, sustainable economy for the City. This needs to be balanced with the ambition to expand our leisure, tourism and business visitor offer, providing an attractive offer for all age groups and continuing to diversify both the day and night time economy. The Licensing Authority will explore and support opportunities which are presented to increase events and other activities which are not necessarily alcohol led which are more socially-inclusive and drive the economy.

5.2.2 It is estimated from local research that 22% of Newcastle residents do not drink alcohol and 19% drink monthly or less. When this figure is added to the number of under 18s (24%) and over 50s (30%) and the growing number of international students (19% of all students) of whom over 40% don’t drink, then the current night time economy offer is probably not meeting the needs of the majority of the Newcastle’s residents.

5.2.3 The Licensing Authority will encourage and influence a more diverse mix of venues, events and visitor attractions so that a wider group of people, such as families and older adults can also enjoy their time in Newcastle and this will be balanced against the potential for disturbance to local neighbourhoods. During the consultation on this policy residents and visitors asked for a greater choice of venues, such as music led venues, cultural venues and premises which appeal to mature customers with quieter music.
5.2.4 Planning for the Future – Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 is a key planning document which sets out the shared vision and proposes where future development is to be permitted, what land should be protected and how places should develop by 2030. This identifies the Quayside as an iconic location with its historic waterfront, the bridges, high quality restaurants and art and cultural venues as having great potential as a popular place to live, work and to further develop as a tourist destination and visitor attraction. To do this we need to diversify the offer by promoting the use of the river, business tourism, and family orientated attractions and events. The Licensing Authority wishes to use its licensing function to promote and enhance this vision.

5.2.5 Grainger Town, and in particular Grey Street and Grainger Street, has a wealth of historic Victorian and Georgian buildings, and we need to ensure that developments in this area enhance the quality of the historic environment so that it stays attractive and safe. Planning policy as set out in the Core Strategy and Urban Core Plan for Gateshead and Newcastle will continue to encourage the conversion of buildings for residential uses, particularly in the upper floors of Grainger Town and for new residential developments which will require effective management.

5.2.6 There have been a number of licensed bars and restaurants developed in this area that enhance the street, compliment the other uses, and do not detract from residential use. They provide high class facilities which to date have not prejudiced the promotion of the licensing objectives. The Licensing Authority wishes to use its licensing functions to enhance and protect this quality offer but will also have regard to the needs of existing and future residents in the area which may include limiting terminal hours.

**Key Message:**
The Licensing Authority wishes to encourage applications for restaurants and other predominantly seated venues which do not adversely impact upon the licensing objectives in contrast to those that predominantly offer vertical drinking. If applications are made they must demonstrate how the licensing objectives are to be promoted.
5.3 Framework of Hours

5.3.1 The current staggered closing times of licensed premises that has developed since 2005 in the City Centre Cumulative Impact Area has helped to reduce the problems associated with large numbers of people leaving premises at the same time, particularly at taxi ranks and fast food outlets. However, for some residents, the later opening hours have brought increased levels of crime, disorder and nuisance. Residents have reported many issues including noise, anti-social behaviour and litter which is having an adverse impact on their quality of life.

5.3.2 Having considered the evidence of alcohol related crime, disorder and anti-social behaviour, the number of late night premises and the difficulties in preparing the city for the next working day, the Licensing Authority previously adopted a framework of closing times within the City Centre Cumulative Impact Area. It also included a commencement hour for the sale of alcohol. This framework will apply to applications for new and variations for longer hours or additional licensing activities in order to control the further expansion of licensed premises operating late at night. Following extensive consultation it has been decided that due to the success of the implementation of the framework of hours within the City Centre Cumulative Impact Area the same framework of hours will be adopted throughout the entirety of the City.

<table>
<thead>
<tr>
<th>Premises Type</th>
<th>Commencement Hour No earlier than</th>
<th>Terminal hour (City Centre CIA) No later than</th>
<th>Terminal Hour (Outer Wards) CIA No later than</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off licence</td>
<td>9:00am</td>
<td>11:00pm</td>
<td>11:00pm</td>
</tr>
<tr>
<td>Restaurant</td>
<td>10.00am</td>
<td>1:00am</td>
<td>12:00am</td>
</tr>
<tr>
<td>On Licence</td>
<td>10.00am</td>
<td>2:00am</td>
<td>11:00pm</td>
</tr>
<tr>
<td>Takeaways</td>
<td>n/a</td>
<td>1:00am</td>
<td>11:30pm</td>
</tr>
</tbody>
</table>
5.3.3 The hours of existing licensed premises will remain unchanged unless there are good reasons based on the licensing objectives for restricting these hours and then they can be changed by licensing sub-committee following a review of the premises licence.

5.3.4 There will be no presumption that applications within the proposed framework of hours will be granted. Each application will be considered on its own merit and if no representations are received the application will be granted by the Licensing Authority under delegated powers. Any applications for later hours outside the framework will also be considered on their individual merits.

5.4 Shops Selling Alcohol (Off Licences)

5.4.1 There has been a continuing trend towards more alcohol being purchased from shops and consumed at home and less being purchased and consumed in traditional pubs, restaurants and night clubs than used to be the case in the past. There is also a growing practice of “pre-loading” before going out to licensed establishments. This change has the potential to create specific problems and detriment to the licensing objectives. These include ease of access to alcohol by children, ease of thefts, encouragement of street drinking, and increase of crime and disorder and public nuisance. There are a number of ways in which Licensees and ultimately the Licensing Authority can address these concerns.

Cumulative Impact Policies

5.4.2 Cumulative Impact Policies are explained further in Section 7. In respect of Off-Licences, the Licensing Authority has adopted Special Policies that apply in the City Centre, Jesmond, Gosforth, Ouseburn Valley, Chillingham Road, Shields Road, Elswick and Benwell.
5.4.3 There are other areas of the City where the evidence does not suggest that they should be designated as Cumulative Impact Areas but which will require regular review to ascertain whether the concentration of Off-Licences is considered to have begun to cause cumulative impact on one or more of the licensing objectives.

**Hours of Operation**

5.4.4 Concerns have been raised by residents and Responsible Authorities about the impact of shops selling alcohol before 9.00am and after 10.00pm. While statutory guidance under section 182 of the Licensing Act 2003 advises that licensed hours should normally match opening hours, the Licensing Authority will consider restricting the licensed hours, if relevant representations are made, and if appropriate for the promotion of the licensing objectives. (Section 5.3 specifies a framework for hours.)

**Layout and Operation of Premises**

5.4.5 In most cases, the Applicant will be able to address the potential problems and detriment to the licensing objectives, through the layout and the operation of the premises. The Applicant should set out the steps which it is proposed to take to promote the licensing objectives in the Operating Schedule.

5.4.6 It is for the Applicant to determine what steps should be taken. It is also the case that the appropriate steps will differ according to the size and nature of the premises; what might be appropriate for a large supermarket may not be appropriate for a small local shop. Subject to those qualifications, steps may include:-

5.4.7 Security / CCTV. The Applicant should identify in the Operating Schedule what systems of security, supervision by staff, and/or CCTV will be in place to promote the licensing objectives.
5.4.8 Display Area. The Applicant may identify in the Operating Schedule a fixed specified area in which alcohol will be displayed. If so, a plan should be attached to the Operating Schedule identifying that area. If the Applicant wants to be able to move the fixed specified area, the operating schedule should specify the parameters for any changes. If the Applicant wishes to provide additional displays for special occasions (e.g. Christmas/New Year (1 November to 31 January), Easter (3 weeks before Easter Monday to 1 week after), the Operating Schedule should identify the special occasions and the nature of the likely changes.

In the Licensing Authority’s opinion:

- Displays should not be located at the entrance/exit points of the premises;
- Displays should not be located in aisles which interfere with customer flow;
- Displays should not be located at or near check-outs.

5.4.9.1 Segregated Areas for the Display and Sale of Alcohol. The Applicant may identify in the Operating Schedule a fixed segregated area of the premises in which alcohol will be displayed and/or sold. If so, a plan should be attached to the Operating Schedule identifying that area. The Operating Schedule should identify how the segregated area will be constructed, whether and if so how access will be controlled, and how the segregated area will operate.

5.4.10 Sales over the Counter/No Self-Service. If the Applicant intends that all displays of alcohol will be behind a counter, that there will be no self-service and all sales will be conducted by staff and alcohol handed to customers by staff, the Applicant should identify how the system will operate in the Operating Schedule. A plan should be attached to the Operating Schedule identifying the particular parts of the premises that will be used.
Conditions & Review

5.4.11 It is for the Applicant to explain how the licensing objectives will be promoted. Set out above are suggestions that the Applicant may wish to consider. Any proposals should be included in the Operating Schedule together with an appropriate plan. The Licensing Authority will consider what conditions should be imposed as are consistent with the Operating Schedule.

5.4.12 If there are relevant representations, there will usually be a hearing. Having regard to those representations, the Licensing Authority may impose conditions as are consistent with the Operating Schedule modified to such extent as the Licensing Authority considers appropriate for the promotion of the licensing objectives. Set out above are examples of matters which the Licensing Authority may consider.

5.4.13 If it becomes apparent that the licensed hours and/or the layout or operation of the premises are having a negative impact on the licensing objectives, it is possible that a responsible authority or any other person may apply for a review of the licence. Thefts of alcohol or issues identified through the alcohol watch scheme (or similar) may also prompt a review. After a hearing, it is possible that the Licensing Authority may modify the conditions of the licence to restrict the hours or impose conditions to ensure matters such as those set out above are addressed, if it considers it appropriate for the promotion of the licensing objectives.

5.5 Petrol and Service Stations

5.5.1 Under section 176 of the Licensing Act 2003, no premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises. “Excluded premises” means a motorway or trunk road service area or premises used primarily as a garage or which form part of premises which are primarily so used.

5.5.2 The Licensing Authority may require information from the applicant regarding the primary use of the premises prior to the hearing. Trading figures can be used to determine the issue of primary use.
5.5.3 If a premises licence is granted, the premises licence holder must ensure that alcohol is not sold or supplied at any time when the premises are used primarily as a garage.

5.6 **Temporary Event Notices**

5.6.1 The Licensing Act 2003 enables certain organised events for less than 500 people to take place following notification to the Licensing Authority, the Police and Environmental Health.

5.6.2 Guidance on giving Notice can be found in the Home Office Fact Sheet which is available at www.newcastle.gov.uk/licensing

5.6.3 Although the statutory legal minimum time required for the notification of a temporary event to the Licensing Authority, Police and Environmental Health is 10 working days, or 5 working days for a late temporary event, it is essential that proper consideration of the proposed event is given. Statutory guidance allows the Licensing Authority to publicise its preferred timescale for notification.

5.6.4 The Licensing Authority will encourage bona fide community events. Applications for TENS at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation and applications made in cumulative impact areas will be subject to increased scrutiny.

5.6.5 The Licensing Authority expects those who have given notice of a temporary event to have identified the particular issues having regard to their type of premises and/or activities, and to have in place written policies for addressing issues such as drunkenness, crime/disorder and drugs on their premises and for ensuring staff are trained on these policies. “Good practice Guidance for Licensed Premises” contains guidance on promoting the licensing objectives including potential risks and possible solutions for the different types of licensable activities.
Key Message:
Where events qualify for a temporary Event Notice, applicants are encouraged to submit notifications at least 4 weeks but not more than 12 weeks before an event where an existing premises licence is in operation. For applications where there is not a current premises licence, for example community events, 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.

5.7 The Operating Schedule

5.7.1 All new and variation applications should incorporate an ‘operating schedule’ which outlines how the premises will be operated. This is particularly important in respect of applications made within Cumulative Impact Areas. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. In appropriate cases, this may include minimum pricing conditions. The proposals contained in the operating schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a licensing sub-committee where representations have been made.

5.7.2 The Licensing Authority seeks to encourage the highest standards of management in licensed premises and expects the licence holder to continue to manage their premises in accordance with their operating schedule.
Key message:
The Licensing Authority expects all applicants for the grant or variation of a premises licence or club premises certificate to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained, to promote the four licensing objectives on and in the immediate area of their premises.

5.8 Newcastle Best Practice Scheme

5.8.1 The Licensing Authority recognises that many licensees work hard to promote safe and attractive venues. To acknowledge these efforts and encourage others to achieve a high standard the Licensing Authority is developing a bespoke best practice scheme for both premises with “on” and “off” sales of alcohol. The aim of the scheme is to promote the highest standards of management inside and outside the premises, encourage customers and staff to respect the local neighbourhood and ensure that premises are safe to use. This will demonstrate a commitment to successfully manage premises to reduce the impact of the night time economy and sales from off licences on the local community. Visits to assess standards will be carried out throughout the year and a recognisable award will be issued which should be displayed on the premises. Operating at the level required to achieve this “Best Practice” recognition may attract a discount on the Late Night Levy.
5.9 Irresponsible Drinks Promotions and Drunkenness on Premises

5.9.1 We know that low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.

5.9.2 There is strong evidence that setting a minimum unit price will have an impact on reducing alcohol consumption. The Licensing Authority would therefore like to encourage all licensed premises to apply a minimum unit price of 50p to all alcohol products sold under their premises licence. Where the premises are found to be selling alcohol below this price and there are problems associated with the premises that are negatively impacting on the licensing objectives, a responsible authority may bring review proceedings. Following the review, the Licensing Committee may decide to impose a condition in relation to the pricing of alcohol in order to uphold the licensing objectives.

5.9.3 Rather than having to resort to controls of this kind, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions including pricing, and to encourage licence holders and others working at the premises to familiarise themselves with the mandatory conditions relating to drinks promotions. These conditions prevent drinking games, provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted price. Examples of irresponsible drinks promotions are provided in the Good Practice Guide for Licensed Premises.
6.0. MANAGEMENT OF PREMISES

6.1 Designated Premises Supervisor

6.1.1 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).

6.1.2 The Licensing Act 2003 does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times.

6.1.3 The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Authority expects that this will be in excess of 50% of a 7-day week.

6.1.4 The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

6.1.5 Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises' licence.
6.2 **Door Supervisors**

6.2.1 Premises licence holders and DPSs should ensure that their premises do not increase the fear of crime in their locality. To this end they should ensure, so far as is possible, that customers do not cause nuisance or disorder outside the premises and that measures to ensure the safety of customers and prevention of nuisance are in place. Door supervisors have an important role in managing customers, not only on the doors but also in the immediate area of their premises.

6.3 **Dispersal Policy**

6.3.1 The Licensing Authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later opening premises elsewhere and people who use off-licences may locate to a remote spot to drink. These problems are not within the control of any particular licensed premises and are not within the scope of the Licensing Act 2003. However, premises licence holders are expected to take measures to encourage people to leave their premises quietly and considerately. The Licensing Authority would encourage premises to adopt a dispersal policy where appropriate.

6.4 **Risk Assessments**

6.4.1 The Licensing Authority will expect that appropriate and satisfactory general and technical risk assessments, management procedures and documentation have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

6.4.2 As a minimum the following matters must be taken into consideration:

- Whether the premises already have a licence which specifies the maximum number of people that can be present and, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.
• Whether there are procedures in place to record and limit the number of people on the premises with opportunities for “pass outs” and readmission.
• Whether patrons can arrive at and depart from the premises safely.
• Whether there may be overcrowding in particular parts of the premises;
• Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).
• Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.

6.5 Promoters

6.5.1 There has been evidenced a significant increase in the number of events held on Licensed Premises being organised and promoted by persons other than the Premises Licence Holder. Licence holders, DPSs and Personal Licence Holders remain responsible for activities taking place on premises when promotions take place. Action will be taken against Licence Holders and all other persons responsible for the management and operation of the premises in the event that it is required whether or not the event in question has been “promoted” and run by another person. In addition the Licensing Authority will expect Premises Licence Holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear. The promoter and its employees or agents, shall comply in all respects with all conditions, requirements and regulations of the local authority, Licensing Authority, police authority and fire authority and have regard to the “Good practice for Licensed Premises”.

6.5.2 Regard should be had to Protocol F (Promotions) at Appendix 2.
6.6 Takeaway food premises

6.6.1 The Licensing Authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).

6.6.2 It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there. Applicants are recommended to have written policies for dealing with disorder and nuisance and should give consideration to the issues regarding takeaways in the Good Practice Guide.

6.6.3 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises. Applicants are also asked to consider the type of packaging container, whether it is always necessary and whether it can be sourced from sustainable materials.

6.6.4 Where the Licensing Authority considers it appropriate and necessary, it may impose conditions on a premises licence to require the operators of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. It may require the proprietor to service those litter bins as part of their own waste management arrangements.
6.7 Pavement Cafes and External Areas

6.7.1 The introduction of the “smokefree public places” law led to an increase in the number of people outside licensed premises. The provision of tables and chairs outside premises can enhance the attractiveness of a venue, but regard should be had to the need to ensure that the use of such areas will not cause nuisance to the occupiers of other premises in the vicinity. In particular, those with authorisations are expected to manage persons smoking in the vicinity of premises so they do not impede access to the premises and do not cause disturbance. In addition they are expected to provide ash trays or wall mounted cigarette bins for patrons so as to minimise litter.

6.7.2 Licensees should also be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas. Consideration should therefore be given to the use of toughened or ‘plastic’ drinking vessels and other management controls to avoid or lessen the likelihood of broken glass in these areas.

6.7.3 The Licensing Authority has a number of concerns with respect to the development of external areas to licensed premises, and will consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.

6.7.4 Specific guidance for the operation of pavement cafes is available from the council website or on request from the Licensing Authority.

6.7.5 As there is a Public Spaces Protection Order in force in the City, which controls the consumption of alcohol in public places, the Licensing Authority will adopt the approach that where a pavement café licence is in force under section 115E of the Highways Act 1980, this area will need to be included on the premises licence as a licensed area if alcohol is provided in the area of the pavement café.
6.8 Provision of Sanitary Accommodation

6.8.1 When food and/or drink are intended to be consumed in catering premises, it is the policy of this Council, under the provisions of Section 20 of The Local Government (Miscellaneous Provisions) Act 1976, to require the provision of sanitary accommodation for the public. The following extract of the Council’s policy for the provision of sanitary accommodation in “relevant places” is provided for the guidance of applicants.

6.8.2 The standard of provision is broadly based on British Standard 6465; Part1; 2006. In accordance with the British Standard, it is considered appropriate in all cases to use a ratio of 50:50 male and female unless reliable robust alternative data is available.

6.8.3 The requirement may be waived, when the main use of the premises is takeaway sales and no more than 10 seats are provided for brief use.

6.8.4 The installation of new sanitary accommodation will require Building Regulation approval. Applicant’s attention is also drawn to the requirements of the Disability Discrimination Act 1995. In new build / major refurbishment projects this will normally require applicants to make separate provision for the needs of disabled people visiting the premises. In all other cases the City Council will require facilities for such persons to be provided where it is reasonable to do so. In small catering premises (50 covers or less) consideration will be given to acceptance of the installation of 1 unisex ‘accessible’ and 1 other designated compartment to meet the level of provision required.

6.8.5 Capacities of premises are calculated from criteria extracted from the Building Regulations: In public houses, nightclubs or licensed bars capacities are set at 2 persons / m². In restaurants, coffee shops etc. capacities are 1 person / m² or confirmed number of covers. (If, for the purposes of a Premises Licence the ‘capacity’ of the premises is a condition on the licence then that capacity number shall be used for the purposes of this Policy.)
6.8.6 Separate provision is required for the exclusive use of staff. Staff provision must meet the requirements of the Workplace (Health Safety and Welfare) Regulations 1992. Where the customer occupancy of the premises is less than 50 persons, this requirement may be waived.

6.8.7 All sanitary accommodation is to be provided within a reasonable distance of the public areas; facilities must be accessible from within the premises and be under the control of the management of the business. Public access through food preparation, storage or service areas will not be allowed.

6.8.8 Rooms containing toilets must not open into a room used to store, prepare or serve food. This provision may be waived in the case of accessible toilets (when provided exclusively for disabled patrons) entered from public areas but only where, depending on the layout of the premises, the location is such that food safety and sight lines are not compromised.

6.8.9 Separate facilities must be provided for male and female patrons. Communal lobbies leading to male and female facilities will only be acceptable providing sight lines are appropriate. However hand washing facilities may not be situated in a communal lobby.
RESTAURANTS, CAFES, CANTEENS AND FAST FOOD OUTLETS
(Based on an equal number of male/female customers)

<table>
<thead>
<tr>
<th>Total Customer Capacity of Premises</th>
<th>Facilities for Male Customers</th>
<th>Facilities for Female Customers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 50</td>
<td>1 WC</td>
<td>1 WC</td>
</tr>
<tr>
<td></td>
<td>1 Wash Basin</td>
<td>1 Wash Basin</td>
</tr>
<tr>
<td><strong>Note:</strong> In premises with less than 25 covers, consideration may be given to alternative proposals where these are deemed appropriate for the circumstances of the premises</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51-100</td>
<td>1 WC</td>
<td>2 WC's</td>
</tr>
<tr>
<td></td>
<td>1 Urinal</td>
<td>2 Wash Basin</td>
</tr>
<tr>
<td>101-150</td>
<td>1 WC</td>
<td>3 WC's</td>
</tr>
<tr>
<td></td>
<td>2 Urinals</td>
<td>3 Wash Basins</td>
</tr>
<tr>
<td>151-200</td>
<td>1 WC</td>
<td>4 WC's</td>
</tr>
<tr>
<td></td>
<td>2 Urinals</td>
<td>4 Wash Basins</td>
</tr>
<tr>
<td>201-250</td>
<td>2 WC's</td>
<td>5 WC's</td>
</tr>
<tr>
<td></td>
<td>3 Urinals</td>
<td>5 Wash Basins</td>
</tr>
<tr>
<td>251-300</td>
<td>2 WC's</td>
<td>6 WC's</td>
</tr>
<tr>
<td></td>
<td>3 Urinals</td>
<td>6 Wash Basins</td>
</tr>
<tr>
<td>301-350</td>
<td>2 WC's</td>
<td>7 WC's</td>
</tr>
<tr>
<td></td>
<td>4 Urinals</td>
<td>7 Wash Basins</td>
</tr>
<tr>
<td>351-400</td>
<td>2 WC's</td>
<td>8 WC's</td>
</tr>
<tr>
<td></td>
<td>4 Urinals</td>
<td>8 Wash Basins</td>
</tr>
<tr>
<td>401-450</td>
<td>3 WC's</td>
<td>9 WC's</td>
</tr>
<tr>
<td></td>
<td>5 Urinals</td>
<td>9 Wash Basins</td>
</tr>
<tr>
<td>451-500</td>
<td>3 WC's</td>
<td>9 WC's</td>
</tr>
<tr>
<td></td>
<td>5 Urinals</td>
<td>9 Wash Basins</td>
</tr>
<tr>
<td>551-600</td>
<td>3 WC's</td>
<td>9 WC's</td>
</tr>
<tr>
<td></td>
<td>6 Urinals</td>
<td>9 Wash Basins</td>
</tr>
<tr>
<td>601-650</td>
<td>4 WC's</td>
<td>10 WC's</td>
</tr>
<tr>
<td></td>
<td>7 Urinals</td>
<td>10 Wash Basins</td>
</tr>
<tr>
<td>651-700</td>
<td>4 WC's</td>
<td>10 WC's</td>
</tr>
<tr>
<td></td>
<td>7 Urinals</td>
<td>10 Wash Basins</td>
</tr>
<tr>
<td>701-750</td>
<td>4 WC's</td>
<td>10 WC's</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th></th>
<th>Urinals</th>
<th>Wash Basins</th>
<th>WC's</th>
<th>Wash Basins</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>751-800</strong></td>
<td>8</td>
<td>6</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6</td>
<td></td>
</tr>
<tr>
<td><strong>801+</strong></td>
<td>For over 400 males, add at the rate of 1 per 250 males and part thereof</td>
<td>For over 400 males, add at the rate of 1 per 250 males and part thereof</td>
<td>1 per 25 up to 200 females. For over 200, add at the rate of 1 per 100 females or part thereof</td>
<td>1 per 25 up to 200 females. For over 200, add at the rate of 1 per 100 females or part thereof</td>
</tr>
</tbody>
</table>
### Public House and Licensed Bars

*(Based on an equal number of male/female customers)*

<table>
<thead>
<tr>
<th>Total Customer Capacity of Premises</th>
<th>Facilities for Male Customers</th>
<th>Facilities for Female Customers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-150</td>
<td>1 WC</td>
<td>2 for up to 25 females plus 1 for every additional 25 females or part thereof up to 75</td>
</tr>
<tr>
<td></td>
<td>1 urinal for every 50 males or part of up to 75</td>
<td>1 Wash Basin plus 1 per 2 WC’s or part thereof</td>
</tr>
<tr>
<td></td>
<td>2 Wash Basins</td>
<td></td>
</tr>
<tr>
<td>151-200</td>
<td>1 WC</td>
<td>5 WC’s</td>
</tr>
<tr>
<td></td>
<td>3 Urinals</td>
<td>2 Wash Basins</td>
</tr>
<tr>
<td></td>
<td>2 Wash Basins</td>
<td></td>
</tr>
<tr>
<td>201-250</td>
<td>2 WC’s</td>
<td>6 WC’s</td>
</tr>
<tr>
<td></td>
<td>3 Urinals</td>
<td>2 Wash Basins</td>
</tr>
<tr>
<td></td>
<td>2 Wash Basins</td>
<td></td>
</tr>
<tr>
<td>251-300</td>
<td>2 WC’s</td>
<td>7 WC’s</td>
</tr>
<tr>
<td></td>
<td>4 Urinals</td>
<td>3 Wash Basins</td>
</tr>
<tr>
<td></td>
<td>2 Wash Basins</td>
<td></td>
</tr>
<tr>
<td>301+</td>
<td>1 WC for every additional 150 males or part thereof, 1 Urinal for every additional 75 males or part thereof, 1 Wash Basin per WC and in addition 1 per 5 urinals or part thereof.</td>
<td>1 WC for every additional 25 females or part thereof, 1 Wash Basin for every 2 WC’s</td>
</tr>
</tbody>
</table>
6.9 Promotion and Advertising

6.9.1 The Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods & Environment Act 2005) allows the City Council to designate City Council-owned land and highways as an area where the distribution of free printed matter is permitted only with the prior consent of the City Council. The purpose of this legislation is to help control the litter problem created by the distribution of free printed matter, which is often quickly discarded by persons to whom it is given. The offence of leaving litter is also addressed in the Environmental Protection Act 1990.

6.9.2 In addition to the controls imposed on persons distributing free printed matter in a designated area through the Environmental Protection Act 1990 and any consent there under, licence holders who organise free printed matter to be distributed on their behalf shall be expected to have adequate controls in place to ensure that no offensive free printed matter is distributed.

6.9.3 The Indecent Displays Act 1981 prohibits the public display of indecent matter, subject to certain exceptions. It should not therefore be necessary for any conditions to be attached to licences or certificates concerning the nature of displays in or outside the premises involved. However the City Council has adopted the amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (amended by the Policing and Crime Act 2009) and will regulate the size, position and appearance of external signage to premises used principally for adult entertainment and falling within the scope of the Schedule.
6.9.4 Premises associated with promotional material which is deemed offensive or inappropriate will be liable to review proceedings in addition to any action considered under the Indecent Displays Act 1981 or the Public Order Act 1986. Licence holders must therefore ensure that any material used by them or by external promoters is not offensive or inappropriate. Inappropriate material will include:

- any image of a sexual act;
- any imagery suggestive of or implying a sexual act; or
- any sexual innuendo in image or text form.

6.9.5 Adverts which breach the advertising regulations under the Town and Country Planning Act 1990 or the Highways Act 1980 will be dealt with under the applicable legislation (i.e. removal of the advert and/or prosecution of the person who displayed the advert and/or the beneficiary). Licence holders must ensure that they do not engage in or commission fly-posting.

6.10 Nudity and Striptease

6.10.1 Not all establishments where there are displays of nudity will fall under the definition of “Sexual Entertainment Venue” for the purposes of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 and in respect of which a separate Licence may be required.

6.10.2 Applicants for premises licences or club premises certificates under the Licensing Act 2003 must state in the application form whether any adult entertainment may be provided which may give rise to concern in respect of children. If such entertainment is to be provided, the Licensing Authority will expect the applicant to have given particular consideration to the promotion of the licensing objectives in relation to the protection of children from harm and the prevention of crime and disorder.
6.11 Films

6.11.1 The Licensing Authority expects licence and certificate holders and those who have given notice of a temporary event and who wish to show any film classified by the BBFC as R18 (or which would otherwise fall within that category) and in doing so satisfy the definition of a Sex Cinema as set out in the Local Government (Miscellaneous Provisions) Act 1982, to also have a Sex Cinema Licence issued under the provisions of the 1982 Act.

6.12 Children and Licensed Premises

6.12.1 Whilst the Licensing Authority wishes to see family-friendly premises thriving in the City, it is of the opinion that the protection of children from harm in licensed premises is an important issue. Consequently the risk of harm to children will be a consideration when determining applications and the Licensing Authority will have particular regard to the views of Newcastle Local Safeguarding Children Board.

6.12.2 Applicants will be expected to include in their operating schedule a statement of the measures that they will take to protect children from harm which includes moral, psychological and physical harm as well as the protection of children from exposure to strong language, sexual expletives and gambling. Once the Applicant has carried out assessments of any risk to children they can volunteer appropriate conditions. Examples of control measures are given in the document “Good Practice for Licensed Premises.”
Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration, and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on children have been considered. These include:

- Where entertainment or services of an adult or sexual nature are provided
- Where there have been convictions of members of the current staff at the premises for serving alcohol to persons under 18 years of age
- Where the premises have a reputation for underage drinking
- Where there has been a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

The Licensing Authority will rarely impose complete bans on access to children, however in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary. Such a condition may become necessary following representations or after a review of a licence has taken place.

Operators of premises where children are to be permitted access should employ or engage a sufficient number of people to secure the protection of children from harm. They should have in place safe recruitment policies and practices and should obtain enhanced checks with the Disclosure and Banning Service (DBS) (formerly the Criminal Records Bureau) for all staff working with children.

The Licensing Authority may, in appropriate circumstances, attach conditions to a licence in order to control entertainment specifically aimed at children or otherwise to ensure adequate supervision.
6.13 Proxy Sales

6.13.1 Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol, and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

6.13.2 Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons underage.

6.14 Events or Activities for Under 18s

6.14.1 The Licensing Authority recognises the work of the Newcastle Local Safeguarding Children Board and specifically the development of the document “Policy and Procedures for the Protection of Young People who Attend under- 18 Club Nights”. The Licensing Authority recommends that premises licence holders who may wish to host club night events at their premises for those who are under 18 years of age refer to this document.

6.14.2 Where entertainment is to be provided specifically for children, and it is likely that a child will be left in the care of a person employed by or contracted to the management of the premises for that purpose, or left in the care of a person using that premises for the provision of children’s entertainment, the Licensing Authority expects that enhanced checks with the Disclosure and Banning Service (DBS) (formerly the Criminal Records Bureau) are carried out for the persons providing the entertainment to, or supervising the children. It may impose this requirement by way of condition, either through the review process, or in the event of the application being subject to representations.
6.15 Safeguarding

6.15.1 Newcastle is a safe city and we are committed to working together with partners to continue to deliver safety, security and confidence in the late night economy. We will work together to:

- Invest the proceeds of our Late Night Levy (LNL) to ensure Newcastle continues as a safe and welcoming place to enjoy a night out
- Protect vulnerable victims
- Keep our neighbourhoods safe by supporting neighbourhood policing and tackling anti-social behaviour
- Keep our city safe during major events
- Identify key locations in the City Centre to target deterrence and reassurance action through additional police patrols alongside Taxi Marshals and deployment of Street Pastors
- Further develop the Best Practice Scheme to encourage licensees to train staff and raise awareness of safeguarding
- Invest in personal safety campaigns – we will continue to support vulnerability training to stakeholders involved within the Night Time Economy.

6.15.2 Various night time safeguarding initiatives have been established and the Licensing Authority has adopted a multi-agency collaborative approach toward these initiatives which include by way of example the Northumbria Police and Crime Commissioner’s “safe haven” project sited on St Nicholas Street which is intended to provide a safe place for users of the night time economy who are rendered more vulnerable due to alcohol and/or drug abuse. First Aid is provided by North East Ambulance Service with emotional and practical support from the Newcastle Street Pastors who also provide outreach work throughout the City Centre.
6.15.3 Licensees are expected to work alongside the Licensing Authority and partners to assist in these safeguarding initiatives and to participate in various training regimes implemented to improve awareness of the signs of vulnerability which can include a variety of factors including intoxication, age, losing contact with friends or lack of familiarity with the area including, again by way of example, the training of SIA door personnel and staff of licensed premises in victim vulnerability and sexual exploitation in the night time economy.

6.15.4 The Licensing Authority are liaising with Northumbria Police in connection with a Drugs Protocol which it is hoped will be used by Licensees in conjunction with Northumbria Police.

6.16 Protecting Young Vulnerable Victims

6.16.1 Licensed Premises are often used as a place to exploit and abuse victims, they provide an ideal environment for the grooming and sexual exploitation of children and young people. As part of the grooming process adults may meet young people or take them to licensed premises, to develop a relationship of trust and make them feel special by giving them ‘treats’ such as meals or alcohol, or by involving them in adult parties. A premise could be misused for this kind of activity by the people who are socialising or working there.

6.16.2 Child Sexual Exploitation is often hidden from view and goes unnoticed. Those who work in the late night economy have a unique position to act as our eyes and ears, to spot activity or predatory behaviour that may be linked to child sexual exploitation and let us know so we can act quickly to safeguard victims and bring their abusers to justice.

6.16.3 Premise licence holders and their managers must make sure that suitable control measures are in place at licensed venues for the protection of children from harm.
6.16.4 It is expected that premises, especially those trading during later hours, and takeaways implement appropriate measures, which could include the employment of designated welfare staff, trained first aiders and trained staff, to identify vulnerable person(s) and respond to accidents, injuries and other immediate harms such as unconsciousness, alcohol poisoning, exploitation and drug intoxication.

6.17 Club Night Quality Mark

6.17.1 The Licensing Authority expects licence and certificate holders and those who have given notice of a temporary event and who wish to hold events specifically for unaccompanied under-18s, to demonstrate a commitment to adhere to the Club Night Quality mark. This has been developed by Safe Newcastle, Northumbria Police, Streetwise Young Peoples Project, Newcastle City Council Youth Service and promoters. This guidance is available as an Appendix to the Good Practice Guidance for Licensed Premises.

6.17.2 Applicants for premises’ licences who wish to use their premises for events specifically for unaccompanied under-18s must address the issues in the quality mark in their operating schedule under the protection of children from harm objective. Premises operating events for under-18s and not complying with the quality mark or an equivalent standard may be regarded as failing to promote the licensing objective of protecting children from harm and thus be liable to a review of their licence.
7. **CUMULATIVE IMPACT**

7.1 What is a Cumulative Impact Policy?

7.1.1 There is evidence of a clear positive relationship between increased outlet density and a detrimental effect on the licensing objectives. This shows an association with an increase in alcohol consumption, together with increased alcohol-related crime and violence and under-18 alcohol-specific hospital admissions. This is also linked to increase noise and disturbance, anti-social behaviour and litter, particularly where there is also an increased density of takeaways. Also where licensed premises are clustered together within an area they are more likely to compete on price and promotions which can lead to increased consumption and alcohol related injury and violence.

7.1.2 Until the provisions of 141 of the Policing and Crime Act 2017 are brought into force, “Cumulative impact” is not specifically referred to in the Licensing Act 2003, but the Secretary of State’s Statutory Guidance advises that the Licensing Authority can state in its statement of licensing policy whether it thinks that a concentration of a significant number of licensed premises in a particular area is considered to be likely to cause an impact on one or more of the licensing objectives.

7.1.3 The Licensing Authority has considered the evidence available to it in relation to various parts of the city (including those areas not previously subject to Cumulative Impact policies). Following consultation, the Licensing Authority has determined that there are areas within the City where the concentration of particular types of licensed premises is having or is likely to have an adverse impact in those areas contrary to the licensing objectives. The Licensing Authority has therefore adopted “Cumulative Impact Special Policies” in relation to cumulative impact in a number of areas of the City where the number, type and density of licensed premises are unusual and serious problems of crime, nuisance and anti-social disorder may be arising or have been shown to arise or are likely to arise at licensed premises, outside licensed premises or otherwise connected with such premises.
7.1.4 The Licensing Authority has also considered whether other options are available to it to address the cumulative impact on the licensing objectives and has concluded nevertheless that it is necessary to adopt a cumulative impact approach and adopt Special Policies in particular areas of the City.

7.1.5 In coming to the conclusion that it is necessary to adopt Cumulative Impact Special Policies the Licensing Authority has taken account of the Secretary of State’s Guidance and in each of the areas where a Special Policy will apply, the Authority is satisfied that several of the following factors are occurring or are likely to occur in the areas:

- Concerns about crime and disorder or public nuisance have been expressed in the responses to the consultation process.
- It can be demonstrated from evidence that crime and disorder including anti-social behaviour, and nuisance are occurring and are caused by the customers of the licensed premises from within the area; or that there is a risk that the area is reaching a point when the cumulative impact is imminent.
- Takeaway outlets become the focus for disorder and occasional violence.
- Concerns over public safety, supported by statistics for alcohol-related ambulance attendances.
- Concerns over alcohol related violence, supported by the number of alcohol-related assaults resulting in attendance at accident and emergency departments, occurring either within the premises or in the immediate vicinity.
- Concerns over public nuisance as a result of noise and disturbance on the streets several nights during the week and particularly at weekends.
- High levels of anti-social behaviour in public places, particularly at night, with much of it being associated with excessive alcohol consumption.
- Concerns over public safety as a result of high numbers of pedestrians on the footways which spill on to the roadways.
• Concerns over public nuisance as a result of litter associated with takeaway outlets.
• Fouling of highways, doorways, alleys, and private gardens by urination, defecation and vomiting.
• Difficulty in providing and maintaining adequate street cleaning services.
• Long queues and long waiting times at taxi ranks at peak times which contribute to nuisance, disorder and occasionally violence.
• The views of a significant proportion of the public who avoid areas because of the fear of crime and disorder.
• Concerns about harm to children and young people, supported by under-18 alcohol-related hospital admissions and child protection notifications as a result of concerns over parental alcohol misuse.
• If the Licensing Authority considers that the risk of cumulative impact is imminent in view of recent trends in licensing applications.
• Concerns about antisocial behaviour such as aggressive begging and drunk and rowdy behaviour related to alcohol misuse.
• Similar concerns have been evidenced in the past in areas where cumulative impact special policies are considered to have helped mitigate such concerns and there is a risk that such concerns will be exacerbated in the absence of such special policies.

7.1.6 The Cumulative Impact Special Policies will be reviewed regularly to ensure that they are still required and are having an impact.
7.2 Cumulative Impact Areas (CIAs) and Special Stress Area (SSA)

7.2.1 The Licensing Authority previously established seven Cumulative Impact Areas and two special stress areas (SSAs). The Licensing Authority has reviewed the extent of CIAs and SSAs within the city and has concluded that the existing CIAs should be maintained, with some alterations of boundaries and that a further CIA should be created on the Westgate Road corridor from City Centre CIA to Condercum Road. It has also concluded that the two SSAs should be amalgamated together with an extension of the area covered.

7.2.2 A summary of the nine CIA’s and one SSA is detailed below:

<table>
<thead>
<tr>
<th>Area</th>
<th>Licences, Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Centre</td>
<td>On-Licences, Off-licences, Takeaways</td>
</tr>
<tr>
<td>City Special SSA</td>
<td>On-Licences, Off-licences, Takeaways</td>
</tr>
<tr>
<td>Jesmond</td>
<td>On-Licences, Off-licences, Takeaways</td>
</tr>
<tr>
<td>Gosforth</td>
<td>On-Licences, Off-licences</td>
</tr>
<tr>
<td>Ouseburn</td>
<td>On-Licences, Off-licences</td>
</tr>
<tr>
<td>Shields Road</td>
<td>On-Licences, Off-licences, Takeaways</td>
</tr>
<tr>
<td>Chillingham Road</td>
<td>Off-licences, Takeaways</td>
</tr>
<tr>
<td>Elswick</td>
<td>Off-licences, Takeaways</td>
</tr>
<tr>
<td>Benwell</td>
<td>Off-licences, Takeaways</td>
</tr>
<tr>
<td>Westgate Road</td>
<td>Takeaways</td>
</tr>
</tbody>
</table>
7.2.3 The boundaries of the areas are identified and indicated on plans attached at Appendix 1. While premises outside of the boundaries are not subject to a special policy, that does not prevent any responsible authority or other person making representations on the grounds that an application in respect of such premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This may arise where there is evidence that there has been or is likely to be a numbers of applications outwith but adjacent to a boundary. The Licensing Authority will consider such applications and representations on their individual merits.

7.3 City Centre

7.3.1 The city centre remains a key location for Newcastle in terms of impact on community safety with higher levels of crime, violence, antisocial behaviour and public concerns for safety as a result of drunk and rowdy behaviour. These issues are linked to the high density of licensed premises as part of the night time economy which causes hotspots of violent crime, thefts and alcohol related disorder. In addition to the issues caused by the night time economy there are also concerns about a smaller group of individuals who have a disproportionate impact on antisocial behaviour and disorder as a result of their chaotic lifestyle and related alcohol use. This manifests itself in a range of issues including street drinking, aggressive begging, rough sleeping and drunk and rowdy behaviour. The Licensing Authority has made no changes to the City Centre CIA.

7.3.2 Within the City Centre there were formally two Special Stress Areas. These two areas are dominated by high-volume vertical drinking establishments and have the greatest impact on police resources at night.
7.3.3 While it is not proposed to reduce the existing SSAs, in the light of the extensive development to the Grainger Town area and the concentration of premises in the Westgate Road, Neville Street, Collingwood Street corridor (together with evidence of incidents of disorder), it is clear that the current two areas could be amended to better address concerns. The effect will be that the two existing areas will join and it is therefore proposed that there should be one City Centre Special Stress Area. It will include Nelson Street and the north of Clayton Street (including the Grainger Market), the Gate, follow Stowell Street, West Walls and Waterloo Street to Times Square, then Neville Street, St Nicolas Street, the Side and up Dean Street and Grey Street.

7.4 Jesmond

7.4.1 The Licensing Authority is of the opinion that the controls introduced by the adoption of this CIA has continued to ensure that this mixed residential and commercial area has remained low in crime and public nuisance and have helped to ensure that licensed premises uphold the licensing objectives. Two extensions are proposed: (1) to include the Brentwood/Forsyth Road triangle; and (2) to extend the south of the area eastwards towards Jesmond Dene Road and Jesmond Road (including Deuchar Street).

7.5 Gosforth

7.5.1 The Licensing Authority is of the opinion that the controls introduced by the adoption of this CIA has continued to ensure that this mixed residential and commercial area has remained low in crime and public nuisance and have helped to ensure that licensed premises uphold the licensing objectives.
7.6 **Ouseburn**

7.6.1 The position is similar in the case of the Ouseburn. In recognition of the extensive development of student accommodation adjacent to existing residential development and in close proximity to the Ouseburn Valley area and the change of drinking patterns it has been determined to extend the Ouseburn CIA beyond Byker Bridge towards Warwick Street and westwards along New Bridge Street and the Beamish Street area to reflect the commercial and residential development at Portland Green now bordering the City Centre.

7.7 **Chillingham Road and Shields Road**

7.7.1 In 2013, the Licensing Authority extended the then Chillingham Road CIA to include Shields Road. While the CIA has addressed issues arising from the cumulative impact of takeaways and off-licences, it has also become apparent that there is also cumulative impact arising from on-licences in the Shields Road area.

7.7.2 The Licensing Authority has therefore split the existing CIA so that the new Shields Road CIA is extended to include “on-licences” while the residual Chillingham Road CIA is maintained as existed.

7.8 **Elswick**

7.8.1 The Licensing Authority has decided to continue to maintain this CIA to avoid further increases in the number of shops selling alcohol and late night takeaways in order to prevent further negative impact on the licensing objectives.

7.9 **Benwell**

7.9.1 Similarly, the Licensing Authority has decided to continue to maintain this CIA to avoid further increases in the number of shops selling alcohol and late night takeaways in order to prevent further negative impact on the licensing objectives, with one amendment by removing the Denton Dene area to the west of Denton Road.
7.10 **Westgate Road Corridor.**

7.10.1 Within the Westgate Road corridor from the City Centre CIA to Condercum Road, there is a higher density of late night takeaways as the Newcastle average. It is recognised that takeaway premises open late at night can be associated with disorder, noise and litter. The Licensing Authority has therefore created a Westgate Road CIA to address the cumulative impact from takeaways.

7.11 **Determination of applications**

7.11.1 Cumulative Impact Special Policies will apply to certain applications within the CIAs and SSA[s]. They will be dealt with according to the following decision-making matrix:
### Cumulative Impact Special Policy Decision Matrix

<table>
<thead>
<tr>
<th>Cumulative Impact Area</th>
<th>Category of Premises</th>
<th>On-Licence (see definitions below)</th>
<th>Restaurants (see definitions below)</th>
<th>Takeaway Premises (see definitions below)</th>
<th>Off-Licences (see definitions below)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Centre</td>
<td>Special Policy 1</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>Special Policy 1</td>
<td></td>
</tr>
<tr>
<td>City Centre Special Stress Area</td>
<td>Special Policy 2</td>
<td>No Special Policy</td>
<td>Special Policy 2</td>
<td>Special Policy 2</td>
<td></td>
</tr>
<tr>
<td>Jesmond</td>
<td>Special Policy 1</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>Special Policy 1</td>
<td></td>
</tr>
<tr>
<td>Gosforth</td>
<td>Special Policy 1</td>
<td>No Special Policy</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td></td>
</tr>
<tr>
<td>Ouseburn</td>
<td>Special Policy 1</td>
<td>No Special Policy</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td></td>
</tr>
<tr>
<td>Chillingham Road</td>
<td>No Special Policy</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>Special Policy 1</td>
<td></td>
</tr>
<tr>
<td>Shields Road</td>
<td>Special Policy 1</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>Special Policy 1</td>
<td></td>
</tr>
<tr>
<td>Elswick</td>
<td>No Special Policy</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>Special Policy 1</td>
<td></td>
</tr>
<tr>
<td>Benwell</td>
<td>No Special Policy</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>Special Policy 1</td>
<td></td>
</tr>
<tr>
<td>Westgate Road Corridor</td>
<td>No Special Policy</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>No Special Policy</td>
<td></td>
</tr>
</tbody>
</table>
### Special Policies

<table>
<thead>
<tr>
<th></th>
<th>Special Policy 1</th>
<th>Special Policy 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What is the Special Policy?</strong></td>
<td>Applications will normally be refused subject to below.</td>
<td>Applications will be refused subject to below.</td>
</tr>
<tr>
<td><strong>What are the General Exceptions to the Special Policy?</strong></td>
<td>The Special Policy will not apply if the Applicant can demonstrate that the application/notice (if granted) will not add to the negative cumulative impact on one or more of the licensing objectives.</td>
<td>The Special Policy will not apply if the Applicant can demonstrate (1) that there are exceptional circumstances; and that (2) the application/notice (if granted) will not add to the negative cumulative impact on one or more of the licensing objectives.</td>
</tr>
</tbody>
</table>

### Notes

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Are the special policies absolute?</strong></td>
<td>No – the circumstances of each application will continue to be considered individually and properly and applications that are unlikely to add to the cumulative impact on the licensing objectives are likely to be granted, provided always that they otherwise promote the licensing objectives.</td>
<td>No – the circumstances of each application will continue to be considered individually and properly and, where there are exceptional circumstances, applications that are unlikely to add to the cumulative impact on the licensing objectives are likely to be granted, provided always that they otherwise promote the licensing objectives.</td>
</tr>
<tr>
<td><strong>Must there be relevant representations?</strong></td>
<td>Yes – in the absence of relevant representations, the Licensing Authority must grant the application, subject to conditions consistent with the operating schedule and relevant mandatory conditions.</td>
<td>Yes – in the absence of relevant representations, the Licensing Authority must grant the application, subject to conditions consistent with the operating schedule and relevant mandatory conditions.</td>
</tr>
<tr>
<td>What type of applications/notices do the policies apply to?</td>
<td>Special Policy 1</td>
<td>Special Policy 2</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>----------------</td>
<td>----------------</td>
</tr>
<tr>
<td>The policy applies to:</td>
<td>• Applications for a Premises Licence;</td>
<td>• Applications for a Premises Licence;</td>
</tr>
<tr>
<td></td>
<td>• Application for the Variation of a Premises Licence;</td>
<td>• Application for the Variation of a Premises Licence;</td>
</tr>
<tr>
<td></td>
<td>• Applications for a Club Premises Certificate;</td>
<td>• Applications for a Club Premises Certificate;</td>
</tr>
<tr>
<td></td>
<td>• Applications for a Variation of a Club Premises Certificate;</td>
<td>• Applications for a Variation of a Club Premises Certificate;</td>
</tr>
<tr>
<td></td>
<td>• Temporary Event Notices.</td>
<td>• Temporary Event Notices.</td>
</tr>
<tr>
<td>The policy does not apply to:</td>
<td>• Application for the Minor Variation of a Premises Licence;</td>
<td>• Application for the Minor Variation of a Premises Licence;</td>
</tr>
<tr>
<td></td>
<td>• Applications for the Review of a Premises Licence;</td>
<td>• Applications for the Review of a Premises Licence;</td>
</tr>
<tr>
<td></td>
<td>• Applications for the Transfer of a premises Licence;</td>
<td>• Applications for the Transfer of a premises Licence;</td>
</tr>
<tr>
<td></td>
<td>• Application for the Minor Variation of a Club Premises Certificate;</td>
<td>• Application for the Minor Variation of a Club Premises Certificate;</td>
</tr>
<tr>
<td></td>
<td>• Application for the Review of a Club Premises Certificate;</td>
<td>• Application for the Review of a Club Premises Certificate;</td>
</tr>
<tr>
<td></td>
<td>• Applications for Personal Licences.</td>
<td>• Applications for Personal Licences.</td>
</tr>
</tbody>
</table>
## Definitions of categories of premises

<table>
<thead>
<tr>
<th>On-Licences</th>
<th>Restaurants</th>
<th>Takeaway Premises</th>
<th>Off-Licences</th>
</tr>
</thead>
</table>
| Premises which supply alcohol  
The supply of alcohol is primarily for consumption on the premises  
With or without the provision of regulated entertainment  
Whether or not alcohol is also supplied for consumption off the premises  
Whether or not hot food or hot drink is also provided for consumption on or off the premises  
Unless the premises fall within the definition of a “restaurant” in the following column | Premises which primarily supply hot food for consumption on the premises  
Where the supply of alcohol (if provided) is ancillary to the supply of hot food | Premises which supply hot food or hot drink at any time between the hours of 11 pm and 5 am  
Whether or not the hot food or hot drink is provided for consumption on or off the premises  
Unless the premises fall within the definition of a “restaurant” in the preceding column | Premises which supply alcohol  
The supply of alcohol is primarily for consumption off the premises  
Whether or not non-alcoholic goods are also supplied from the premises  
Whether or not alcohol is also supplied for consumption on the premises |
7.12 What is the effect of the Cumulative Impact Special Policies?

7.12.1 The adoption of the Cumulative Impact Special Policies do not prevent any person making an application for a licence or giving a temporary events notice for premises within the CIAs and SSA.

7.12.2 In order for the Cumulative Impact Special Policies to be engaged, the person making the representation should state that the application is likely to add to the existing cumulative impact in addition to the requirement to address one or more of the licensing objectives, referring to information which had been before the Licensing Authority when it developed this policy.

7.12.3 Responsible authorities and interested parties must note that the Licensing Authority can only give effect to the Cumulative Impact Special Policies in respect of any application for premises within the cumulative impact areas if a relevant representation is received. If no relevant representations are received in respect of an application, the Licensing Authority is obliged to grant that application in terms that are consistent with the applicant’s operating schedule.

7.12.4 Where the matrix indicates that Special Policy 1 applies so that an application would normally be refused following relevant representations, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact, the onus will be on the applicant to show that there will be no negative cumulative impact. In particular, the applicant will need to:

- Address the special policy issues in the operating schedule to rebut the presumption of refusal;
- Demonstrate why the operation of the premises would not add to the cumulative impact; and
- Convince the Licensing Authority that it would be justified in departing from its Special Policy in the light of the individual circumstances of the case.
7.12.5 Where the matrix indicates that Special Policy 2 applies so that an application will be refused following relevant representations, unless the applicant can demonstrate that there are exceptional circumstances, the onus will be on the applicant to show that there are exceptional circumstances as well as showing that there will be no negative cumulative impact (as explained in the previous paragraph).

7.12.6 Applicants will be expected to discharge the onus on them where the Cumulative Impact Special Policies apply through the contents of their application and in particular their operating schedule, proposed conditions, operating style and supporting information. They are encouraged to have pre-application discussions with the Licensing Authority and relevant Responsible Authorities and proper consultation with persons likely to be affected by the application so as to address any likely concerns in the application. They should address how the application will contribute to the vision and policies for the City of the Licensing Authority (including the planning and development of the City and its economic, social and environmental well-being). They should also address the deliverability of the perceived benefits and the avoidance of negative impacts on the licensing objectives in such a way that provides confidence to the Licensing Authority, Responsible Authorities and other Interested Persons.

7.12.7 The absence of a Special Policy does not prevent any responsibly authority or other person making representations on an application for the grant or variation of a licence or in respect of a temporary events notice on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
8. PROBLEM PREMISES

8.1 Enforcement

8.1.1 The Licensing Authority will employ officers and authorise them to carry out functions under the Licensing Act 2003 and will use the full range of enforcement actions, including the use of statutory powers if necessary. Where there is evidence to suggest that the licensing objectives are being undermined, enforcement action will be taken in accordance with the principles of better regulation and the Regulators Compliance Code. A more informal approach will be used in less serious cases and partnership working is promoted in order to prevent problems arising.

8.1.2 The Licensing Authority monitors compliance with the licensing objectives through a programme of inspection visits. Proactive visits are made to those premises where concerns have been raised relating to the licensing objectives.

8.1.3 In cases where the Licensing Authority and another enforcement agency both have the power to prosecute, officers of the Licensing Authority will liaise with that other body to avoid inconsistencies with the policies and actions of the other agency and to ensure that any proceedings instituted are for the most appropriate offence.

8.1.4 The Licensing Authority expects that where enforcement action relates to a breach of one or more of the licensing objectives, one of the responsible authorities will consider making an application to the Licensing Authority to review the premises licence.

8.2 Reviews of Licences

8.2.1 The procedure for reviewing premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.
8.2.2 The Licensing Authority expects responsible authorities and other parties to give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement. It is expected that requests for a review of any licence will be sought only if such notice has failed to resolve the matter or problem.

8.2.3 Representations must be made in writing and must be relevant, and not vexatious, repetitious or frivolous. The Licensing Authority will arrange a hearing in accordance with the regulations.

8.2.4 The possible outcomes of a review hearing are:

- To take no action;
- To modify the conditions of the licence (including altering or omitting a condition or adding a new condition);
- To exclude a licensable activity from the scope of the licence;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding three months; or
- To revoke the licence
Licensing Act 2003
Statement of Licensing Policy
2018 to 2023

Safe, Sensible and Social:
A City with Cultural Vibrancy

APPENDIX 1
Cumulative Impact Maps
Licensing Act 2003
Statement of Licensing Policy
2018 to 2023

Safe, Sensible and Social:
A City with Cultural Vibrancy

APPENDIX 2
Good Practice Guidance for Licensed Premises & Protocols
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**Introduction**

We need to support an economy that provides leisure and retail opportunities which promote wellbeing and good health and is attractive to people from different backgrounds with different interests. For this to happen, our City Centre and neighbourhoods need to be attractive places where people can be active, have fun, feel safe and where people want to spend time. Licensed premises have a key part to play. In the City Centre our restaurants, bars and clubs are a major part of our economy providing jobs and attracting visitors to the City. Our shops and supermarkets are active in our neighbourhoods and provide a valuable service to people who live, work and visit Newcastle. We hope this guidance will help prospective and existing licence holders to understand the important part they can play in helping to make Newcastle a great place to live, work and visit and how to promote the four licensing objectives.

**The Licensing 2003**

The Licensing Act 2003 (the Act) focuses on the promotion of four statutory licensing objectives which must be addressed when licensing functions are undertaken. The four licensing objectives are:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

**The aim of this guidance**

The aim of this guidance is to provide applicants and licensees with advice and guidance on good practice to promote the four licensing objectives which should be of paramount consideration at all times. This guidance is consistent with the Home Office Guidance issued under section 182 of the Act and with Newcastle upon Tyne’s Statement of Licensing Policy 2018-2023 [insert link].
In order to further improve the safety and the attractiveness of the city and to minimise the nuisance caused by licensed premises the Licensing Authority will encourage licence holders to identify measures to effectively manage their premises and also the area in the immediate vicinity of the premises. This guidance outlines what Newcastle upon Tyne’s Licensing Authority and its responsible authority partners expect in practical terms from applicants when completing their operating schedules and from licensees when operating their premises under the terms of a premises licence.

**Risks associated with licensed premises**

The behaviour of customers in and around premises is not solely affected by the individual and the type and quantity of alcohol consumed, but also by the drinking environment and the way that the premises is managed and operates. Risks associated with licensed premises can vary depending on the type of premises, such as the design, layout and general environment, the location, the policies in place and the events held there. Factors such as venue size, availability of seating and density of customers can help to predict the likelihood of disorder. A range of protective factors can also reduce the likelihood of disorder. It is vital that premises licence holders and their staff understand how good, efficient and effective management of premises reduces disorder.

The International Centre for Alcohol Policies (ICAP) and the European Forum for Responsible Drinking have indicated the factors that can increase risk and the factors that can protect against a premise having issues.

<table>
<thead>
<tr>
<th>Protective Factors</th>
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<tbody>
<tr>
<td>Lack of congestion, not overly crowded</td>
</tr>
<tr>
<td>Managing the exit of patrons</td>
</tr>
<tr>
<td>Monitoring patrons, including at entry, the bar and the exit</td>
</tr>
<tr>
<td>Higher percentage of customers sitting</td>
</tr>
<tr>
<td>Promotion of food (full meals and snacks)</td>
</tr>
<tr>
<td><strong>Good range of reasonably priced soft drinks</strong></td>
</tr>
<tr>
<td><strong>Good standards of cleanliness and housekeeping</strong></td>
</tr>
<tr>
<td><strong>Inappropriate persons (eg intoxicated or underage) being refused entry or refused service</strong></td>
</tr>
<tr>
<td><strong>Friendly staff</strong></td>
</tr>
<tr>
<td><strong>Calling last orders in plenty of time</strong></td>
</tr>
<tr>
<td><strong>Quick and efficient service</strong></td>
</tr>
<tr>
<td><strong>Staff trained in responsible service</strong></td>
</tr>
<tr>
<td><strong>Good communication between staff</strong></td>
</tr>
</tbody>
</table>

| **Risk Factors** |
| **High levels of noise and movement** |
| **Congestion anywhere in the premises (at the door, bar, stairs, toilets, dance floor etc)** |
| **Higher percentage of customers standing** |
| **Unsupervised pool tables** |
| **Music with a lot of offensive and sexually explicit words** |
| **Lack of bar wiping, table cleaning, toilet cleanliness** |
| **Acceptance of openly sexual behaviour** |
| **In house promotion or entertainment focusing on alcohol** |
| **TV showing aggressive, offensive, sexual or intoxication-related images.** |
| **Vomiting** |
| **Drug dealing or drug use** |
| **Lack of ventilation** |
| **Drunk or underage persons allowed in and served** |
| **Drunk customers on the premises** |
| **Staff being hostile or aggressive towards patrons** |
| **Staff allowing aggression and watching conflict** |
| **Staff sending people outside to fight** |
| **Late intervention in situations by staff.** |
**How the guidance should be used**

The Licensing Authority expects applicants to have regard to this guidance when completing their operating schedule. The guidance should help guide licensees on the general promotion of the four licensing objectives and also assist in identifying potential risks in the operation of their premises and suggest possible measures to help manage these risks.

This guidance is not intended to replace other statutory risk assessment processes such as fire risk, health and safety and food safety.

After making an assessment of the risks and the measures considered necessary to promote the four licensing objectives, applicants should consider offering conditions voluntarily as part of their application. To assist applicants and for consistency, the Authority has prepared a “pool of model conditions” which are available at www.newcastle.gov.uk/licensing. The wording of the conditions may be modified to suit particular premises and situations.

**General issues applying to all licensing objectives**

This section provides guidance on good practice for the general promotion of all four licensing objectives at licensed premises.

**Training**

Licensees, their staff, door staff and third parties operating from the premises should all be trained in the effective and safe management of the premises and the promotion of the four licensing objectives. Training is key to ensuring that all concerned have the knowledge and skills to prevent and manage risks at premises and are aware of their responsibilities under the Licensing Act 2003, and this Good Practice Guidance. Training should be regularly updated and good records maintained showing the date and the name of the person trained and should be available for inspection by the police or licensing authority. There are a number of formal qualifications for staff such
as Personal Licence training or other standards as recognised by bodies such as the British Institute of Innkeepers.

**Irresponsible Drinks Promotions**

Binge drinking is defined by the NHS and National Office of Statistics as drinking more than double the daily unit guidelines for alcohol in one session. Binge drinking for men therefore, is drinking more than 8 units of alcohol – or about three pints of strong beer, and for women, it’s drinking more than 6 units of alcohol, equivalent to two large glasses of wine.

Binge drinking can lead to drunkenness on the premises or in the vicinity and can be encouraged through irresponsible drinks promotions such as encouraging people to consume more alcohol than planned or to consume more alcohol in a short space of time. A responsible approach to drinks promotions and compliance with the spirit of the mandatory conditions on irresponsible drinks promotions can prevent customers from getting drunk.

In addition to the mandatory conditions which prevent drinking games and large quantities of alcohol for free or at a fixed or discounted price, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions.

The Licensing Authority would like to encourage all licensed premises to apply a minimum unit price of 50p to all alcoholic products sold under their premises licence.

Examples of irresponsible drinks promotions may include:

**In the “on trade”**

- women drink for free;
- half price drinks for under 25s;
- discount nights for students
- cheap drinks for fans of a specific sporting team;
• half price drinks when England scores a goal;
• free drink if your team wins;
• all you can drink for £10;
• pay £5 entry and then drink up to 12 shots;
• 10 pints for £10;
• pay your entry fee then drink free until 10pm.
• drink 4 pints get the 5th for free
• promotions that make a customer drink a certain amount of alcohol in order to get a prize or reward
• materials or signs on or near to premises to advertise promotions which condone, encourage or glamorise anti-social behaviour or refer to the effects of drunkenness in any positive way.
• drinks promotions that encourage customers to purchase enough alcohol in one sitting to constitute “binge drinking”.
• drinks offers that are not promoted and organised in a responsible way.
• Selling alcohol and a mixer cheaper than soft drink on its own eg selling diet coke for £1.80 but diet coke and vodka for £1.50
• Not encouraging people to drink soft drinks by setting inflated prices
• Communal drinking vessels eg Gold Fish bowls
• 3 trebles for £3.99
• Pricing structures that make alcohol cheaper the more you buy.
• Happy Hours, half price or 2 for 1 offers.
• Pub crawls and student nights.
• Mobile sales eg shots girls selling alcohol or dispensing at the table.
• Drinks promotions which encourage a person to ‘binge drink’ in one serving/sitting.

In the “off trade”
• National research shows that the introduction of a minimum unit price of 50 pence would reduce harmful and hazardous drinking which would lead to a reduction in occurrences of alcohol related crimes, hospital admissions and sickness absences and reduce the financial burden on the NHS, the criminal justice system and social care. The
Licensing Authority would like to encourage retailers to voluntarily adopt this approach to a minimum unit price.

- Multi buy alcohol promotions that offer a discount for buying multiple items. Eg 3 bottles of wine for £12.00.

**Key Message:**
If you are in any doubt please speak with the Licensing Authority before you organise a specific promotion.

**Licensing Objective 1: The prevention of Crime and disorder**

The main causes of crime and disorder in licensed premises arise from inadequate security, poor design and layout, the type of event being promoted, overcrowding and customers being drunk or under the influence of drugs. This can result in conflict, violence and anti social behaviour. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing crime and disorder from their premises.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the design and layout of the premise to minimise the potential for crime and disorder. Useful information can be found in documents such as ‘Secured by Design Licensed Premises’.

A responsible business would liaise and regularly share intelligence relating to crime and disorder issues with other licensed premises, the police, the licensing authority, trading standards through pub watch and shop watch meetings or via local radio networks and would also actively take part in community safety initiatives.
**Preventing underage sales and proxy purchases of alcohol**

It is an offence to sell alcohol to a person who is under the age of 18 and it is also an offence to obtain alcohol on behalf of an underage person which is known as a ‘proxy sale’. Underage sales can be prevented through:

- A strict “No ID – No Sale” policy such as Challenge 21 or Challenge 25 age verification checks which includes a credible photographic proof, which will be either a passport, photographic driving licence or proof of age card carrying a PASS logo. This is the subject of a mandatory condition under the Licensing Act 2003.
- All on trade premises should be part of the Home Office recommended Newcastle False ID scheme and other community safety initiatives coordinated by Northumbria Police.
- The use of till prompts will remind staff to ask for proof of age.
- Display posters at the premises stating that it is an offence to purchase alcohol on behalf of an underage person.
- Keep and use a refusals register or refusals button on the electronic point of sale and ensure this is completed each time a sale is refused to a person who cannot prove they are over 18. The book should show the date, time, description of customer, name of staff member who refused the sale and the reason it was refused. This should be made available to the Police or authorised Council officers on request and should be regularly reviewed to identify trends and patterns.
- Ensure licence holders and staff are regularly trained and reminded of their responsibilities under the Licensing Act 2003 in relation to underage and proxy sales of alcohol.
- Shops and supermarkets will find it easier to identify potential underage and proxy sales taking place if the view outside of their premises is not obscured by posters on windows.
- Proactively sharing intelligence with the local police and trading standards can also prevent young people having access to alcohol.
**Preventing drunkenness on premises**

- A licence holder should ensure that all staff are aware of their responsibilities under the Licensing Act not to serve alcohol to a person who is already drunk. Drunkenness on premises can be prevented by:
  - Not having irresponsible drinks promotions which encourage people to consume more alcohol than planned or to consume more alcohol in a short space of time. See the section above on Irresponsible Drinks promotions for more information.
  - Refusal to admit a person who is already intoxicated on to the premises.
  - Encouraging staff to be observant and identifying the early signs of customers becoming drunk. Glass collectors can also be a good source of information and installing mirrors can assist in general visibility.
  - Training staff in the effects of alcohol and conflict management will provide them with the knowledge, skills and confidence to refuse sales to drunken people.
  - A Duty of Care Policy should be in place, which outlines what steps staff should take to prevent intoxication and what to do if a person becomes intoxicated whilst at the premises. There is also the danger that a drunken person may be refused entry and therefore become separated from friends who would look after them. A drunken person can be vulnerable and at risk of exploitation and the policy should help staff to identify these vulnerabilities and take the appropriate course of action depending on the situation. A drunk person should never be left on their own, or placed in a taxi without being in the care of a suitable person. All staff at the premise should be aware of the policy.

**Consumption of alcohol on the street and street drinkers**

Street drinkers or people who are drunk can cause anti social behaviour, disorder and a nuisance to visitors, businesses and residents. Licence
holders can play an important part in minimising this by restricting street drinkers’ access to alcohol such as:

- Avoiding stocking low cost high strength alcohol such as white ciders and high strength lagers
- Restricting the sale of strong beer and cider above 5.5% ABV.
- Preventing the sale of single cans or bottles of beer and cider.
- Ensuring all staff are aware of their responsibilities under the Licensing Act 2003 not to serve alcohol to a person who is drunk.
- Not offering irresponsible drinks promotions as outlined in the section above.
- Keeping and using a refusals registers or refusals button on the electronic point of sale and ensuring this is completed each time a sale is refused to a person who is drunk. The book should show the date, time, description of customer, name of staff member who refused the sale and the reason it was refused. This should be made available to the Police or authorised Council officers on request and should be regularly reviewed to identify trends and patterns.
- Taking part in community safety initiatives with Northumbria Police and Safe Newcastle and sharing intelligence.

**Preventing conflict, aggression and violence in and around the premises**

Long queuing, overcrowding and congestion can cause jostling, conflict and aggression which can lead to violence. There are ways this can be prevented:

- Having a customer dispersal policy will help prevent a mass exit at the end of the evening such as change in music style, wind down time and increased lighting, the provision of food and non alcoholic drinks.
- Determining the number of door supervisors via a risk assessment based on the type of event, the type of crowd, the size of the establishment. At the very least this should be a ratio of 1 door
supervisor per 50 customers. Consideration should also be given to providing a sufficient male/female split, but at least one female door supervisor should be on duty.

- Having a door admissions policy in place which includes age restrictions, dress code, the searching of bags etc and which is well publicised on the premises website, can help reduce conflict and aggression if entry is refused.
- A policy to manage capacity should be adopted to prevent overcrowding and over congestion in areas will help to prevent customers from become aggressive through accidental jostling. Measures such as clickers, ticket sales and head counts will help monitor capacity.
- There are many injuries caused by glass being used as a weapon. The risk of injury can be reduced through the use of toughened glasses. Controlling glass through regular collections and disposal can also reduce the risk of disorder.

**Preventing theft from the premises**

High value alcohol and alcohol which is close to entrances can be a target for theft. This can be prevented by:

- Ensuring that storage areas and cellars are locked and secured when the premises are open to the public.
- Shops selling alcohol ensuring that alcohol is not displayed within the first few meters of the door to prevent ‘grab and run’ thefts.
- More expensive alcohol or other items attractive to thieves being security tagged.
- Installing lockable shutters which can be closed at the end of the licensed hours will also prevent illegal sales of alcohol.

Possessions can also be a target for thieves particularly if customers are relaxed and enjoying a night out. Measures such as:
• Regular property patrols and highlighting potential risks to customers
• Having well managed cloakrooms and toilets
• Having well lit premises
• Installing bag hooks at tables and bars
• Installing mirrors to aid supervision

Preventing the possession of illegal drugs and weapons and the use of drugs

Licence holders should have a zero tolerance approach to the use of drugs and the carrying of weapons in to the premises. Premises licence holders should also take steps to prevent the misuse of drugs within their premises through:

• A “no search no entry” policy and having effective search policies and specialist equipment if necessary.
• Searches should occur in public and in view of CCTV and the police should be informed if anyone is suspected of carrying an illegal substance.
• An effective drugs policy would include arrangements for seizing, retaining and documenting seized drugs, supervising toilet areas and training staff in drug awareness.

Licensing Objective 2: Public Safety

The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised and it is the licence holders responsibility under Health and Safety Legislation to have clear documented policies and procedures in place which will identify all public safety risks associated with their premises. The risk assessment should also identify the measures that will be implemented to prevent, manage and respond to these risks.

A full risk assessment should be carried out and be reviewed every 12 months which identifies potential hazards to staff or customers and sets out
precautions to manage the hazards. Templates can be found on the Health and Safety Executive Website or the Communities and Local government website. All staff should be aware of the risk assessment and it should be made available for inspection when required.

Other measures to ensure the general safety of customers include:

- Having a well maintained First Aid box available
- Having at least one member of staff on duty at all times with a recognised qualification in first aid.
- Providing an accident book to record all accidents or incidents and which should be available for inspection by an authorised Council employee.
- Avoiding irresponsible drinks promotions, spotting the early signs of people who are drunk, refusing to serve people who are intoxicated and procedures for dealing with glass will also help prevent aggressive and rowdy behaviour. Further information can be found in the section on Licensing Objective 1: The prevention of Crime and disorder.
- Having a written policy in place to deal with all types of accidents and emergency incidents such as evacuation procedures in the event of fires (see more in section below), bomb threats, suspect packages and when to contact emergency services.

**Maximum occupancy**

It is important to ensure that the maximum occupancy of the premises is not exceeded including ensuring there is no overcrowding or congestion in particular parts of the premises. This can be achieved by having measures in place to record numbers of people entering, leaving and re-entering and by ensuring there is an up to date health and safety risk assessment.

The Licensing Authority therefore expects that the maximum number of people that can be safely accommodated within the applicant’s premises at any one time will be determined as part of a fire risk assessment. This information should be forwarded to the Tyne and Wear Fire and Rescue
Service with the copy of the licence application and copied to the Licensing Authority.

The following guidance on occupancy capacity of a premises is provided to assist applicants and is based on Building Regulations 2000 Approved Document B (Fire Safety), 2006 Edition: Volume 2: Buildings other than dwellinghouses.

Calculate the maximum number of people that the available floor area can accommodate by dividing the floor area in square metres by one of the following floor space factor figures depending on the type of event:

<table>
<thead>
<tr>
<th>Use of room or floor</th>
<th>Floor space factor (m² per person)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area for standing</td>
<td>0.3</td>
</tr>
<tr>
<td>Amusement arcade, assembly hall, bingo hall, club concourse, crush Hall, dance hall, venue for pop concert and like occasion, queuing Area, bar area without seating</td>
<td>0.5</td>
</tr>
<tr>
<td>Bar</td>
<td>*0.3 to 0.5</td>
</tr>
<tr>
<td>Bowling alley, billiard room</td>
<td>10</td>
</tr>
<tr>
<td>Restaurant</td>
<td>*1.0</td>
</tr>
</tbody>
</table>

* Depending upon the amount of seating and tables to be provided.

**Note:** Toilets, stairway enclosures, bar serving areas, DJ booths, stores, fixed furniture and similar areas are to be excluded.

**Safe arrival and departure**

Consideration should also be given to how patrons arrive at and depart from the premises safely bearing in mind the customer profile. This can be achieved by:

- ensuring there is adequate lighting,
- having a well managed and efficient door policy to prevent long queuing times which can cause people to become agitated or aggressive,
- having a customer dispersal policy will help prevent a mass exit at the end of the evening such as change in music style, wind down time, increased lighting, the provision of food and non alcoholic drinks,
• Customers should be actively discouraged from drink driving and this can be achieved by promoting and publicising a Designated Driver Scheme.

• Promoting safe transport options to customers such as the location of taxi ranks, contacts for licensed private hire vehicles, safe waiting areas inside the premises and night bus options.

**Fire Safety**

Bearing in mind the age, design and layout of the premises, measures need to be put in place to ensure there are sufficient and safe means of escape in the event of fire or evacuation. Fire risks can be increased by the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, overcrowding and congestion.

Fire risks can be identified and mitigated through a robust fire risk assessment and measures are likely to include:

• having electrical installations and equipment regularly maintained and tested and having compliant and well maintained fire safety and fire detection equipment,

• training staff in fire safety so that they can deal with emergency situations including the location of equipment, utilities, services and the layout of premises,

• ensuring that means of escape are clearly visible, unobstructed and well maintained, including areas outside exits leading to a place of ultimate safety such as the street. This means of escape should be regularly checked to ensure it remains unlocked and unobstructed.

**Preventing drug related harm and spiking**

There should be a zero-tolerance policy to the use of drugs at the premises and consideration needs to be given to the measures that need to be in place should a person be found to be under the influence of drugs.
This includes:

- refusing entry to anyone who is showing signs of drug use and contacting the emergency services when appropriate,
- ensuring that staff are trained in drug awareness so they know how to recognise the effects of drug use and know when medical attention is required,
- considering offering anti drink spiking products to customers,
- reporting suspected or actual spiking incidents to the police immediately.

**Licensing Objective 3: Prevention of Public Nuisance**

The Licensing Authority recognises that well-managed licensed premises can benefit the local community and the local economy, but there is clearly a risk that licensed premises, particularly those operating at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping nearby.

**Noise**

The impact on a neighbourhood of licensed premises is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place, particularly between the times of 11pm and 7am.

The location of the premises is also a significant factor and extra consideration to noise is needed in denser residential areas and where it is near other noise sensitive premises such as hospitals, care homes and places of worship. Operators should also recognise the impact of noise as a result of their customers eating, drinking, smoking, queuing and leaving the premises. The impact on local residents can be managed by:
All premises

- engaging with local residents on a regular basis to ensure that licence holders are being good neighbours and dealing with problems as they arise,
- providing a contact telephone number to local residents to report noise disturbances to a responsible person at the venue,
- ensuring that the times when glass is disposed of and removed from the premises is not at a time of day likely to disturb residents, these should normally be carried out between the normal working hours of 8am and 6pm.

“On trade” premises

- considering the option to have a noise report or a noise assessment carried out by a acoustic consultant in order to identify noise issues and the actions needed to address these,
- keeping windows and doors closed whilst the premises is in use to prevent noise breakout,
- locating DJs, stage and speakers away from doors and windows,
- designing the premises with noise limiting features such as sound proofing, acoustic double lobbies and sound limitation devices,
- minimising the extent that patrons are outside the premises,
- ensuring that the occupancy capacity of the premises is not exceeded,
- considering what impact the proposed hours of operation of the premises will have on public transport including the availability of buses, taxis and private hire vehicles,
- planning a ‘wind down period’ between the end of the licensable activities and closure of the premises,
- establishing a last admission time,
- regularly collecting glass and preventing unauthorised removal of glass from the premises will help reduce the impact of noise from glass on residents and neighbours,
- carrying out regular sound checks and noise monitoring and logging these checks with an indication if the check was as a result of a
complaint or routine checking. This log should be available to environmental health if required.

- displaying prominent notices close to exits requesting patrons to leave the premises quickly and quietly, and notices in car parks reminding patrons in residential areas to leave quickly and quietly and not to rev engines, slam doors, play loud music or sound horns.
- making announcements at the end of the evening asking people to disperse quickly and quietly.
- having a customer dispersal policy and effective management of queues see section on Licensing Objective 2: Public Safety.
- ensuring that staff and performers also pack up and leave the premises quietly and quickly,
- If queuing occurs, ensure that the queue is diverted away from residential areas and provide door supervisors to manage patrons.

“Off trade” premises

- encouraging customers not to hang about outside shops if it is causing a nuisance to other customers or local residents,
- planning the times of deliveries so they do not occur at a time of day likely to disturb residents. These should normally be carried out between the normal working hours of 8am and 6pm

Other nuisance issues

Residents can be disturbed by other factors such as litter, smells, fumes, dust, tobacco or other smoke, or other emissions, street fouling and light pollution. Unauthorised advertising and the distribution of flyers by operators or third parties cause littering.

Also there could be nuisance caused by congesting the pavement or the roadway, and so impeding reasonable access of emergency services and essential services such as refuse collection and street cleaning.

Measures to address these issues include:

- Increasing refuse storage or waste collection
• Preventing littering by providing litter bins and wall mounted cigarette bins and clearing up street litter generated by the premises such as flyers, cigarette butts or food wrappers.
• Providing effective ventilation systems to prevent nuisance from odour and ensuring these are screened, enclosed, silenced or on timers in order to prevent noise nuisance.
• Providing ash trays and cigarette bins to minimise litter
• Ensuring that external lighting is turned off after the premises are closed to the public.

Licensing Objective 4: The protection of children from harm

The protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling. Whist there has been a general relaxation in allowing accompanied children greater access to licensed premises, this places additional responsibilities upon licence holders to safeguard children and provide a safe environment.

This can be achieved by:

• ensuring that staff have an awareness of safeguarding issues and that appropriate recruitment processes are in place for anyone working with children and young people including enhanced checks with the Disclosure and Banning Service (DBS) (formerly the Criminal Records Bureau).
• If the supply of alcohol is the exclusive or primary purpose of the services provided at the premises, the licence holder should consider restricting the admission of children after a specified time in the evening or only admitting children if they are accompanied by an adult. The Licensing Authority would not normally impose complete bans on access to children, however in exceptional circumstances restricting
access or excluding children completely may be considered necessary.

- considering the impact the operation of their premise may have on the immediate vicinity, particularly if there are schools, cinemas, family restaurants, bowling alleys or other facilities nearby likely to be frequented by children and young people.

**Under 18 events**

16.1 If a licence holder is considering using their premises for an event for under 18s there is specific guidance available which has been developed by the Newcastle Local Safeguarding Board called “Policy and Procedures for the Protection of Young People who Attend Under 18 Club Nights” which is available at [http://www.nscb.org.uk/staff-and-volunteers/procedures/protection-young-people-who-attend-under-18-club-nights](http://www.nscb.org.uk/staff-and-volunteers/procedures/protection-young-people-who-attend-under-18-club-nights). The Licensing Policy also requires licence holders who are holding an event specifically for unaccompanied under-18s, to demonstrate a commitment to adhere to the Club Night Quality Mark (see Appendix 1). This has been developed by Safe Newcastle, Northumbria Police, Streetwise Young People’s Project, Newcastle City Council Youth Service and promoters.

**Preventing underage sales and adults buying alcohol on behalf of the underage**

It is an offence to sell alcohol to a person who is under the age of 18, and it is also an offence to obtain alcohol on behalf of an underage person which is known as a ‘proxy sale’. These sales can be prevented through:

- A strict “No ID – No Sale” policy such as Challenge 21 or Challenge 25 age verification checks which include credible photographic proof, which will be either a passport, photographic driving licence or proof of age card carrying a PASS logo. This is the subject of a mandatory condition under the Licensing Act 2003.
• All premises should be part of the Home Office recommended “Newcastle False ID Scheme” and other community safety initiatives coordinated by Northumbria Police.
• The use of till prompts to remind staff to ask for proof of age.
• Displaying posters at your premises stating that it is an offence to purchase alcohol on behalf of an underage person.
• Keeping a refusals register or refusals button on the electronic point of sale and ensuring this is completed each time a sale is refused to a person who cannot prove they are over 18. The book should show the date, time, description of customer, name of staff member who refused the sale and the reason it was refused. This should be made available to the Police or authorised Council officers on request and should be regularly reviewed to identify trends and patterns.
• Ensuring licence holders and staff are regularly trained and reminded of their responsibilities under the Licensing Act 2003 in relation to underage and proxy sales of alcohol. Good records of training should be maintained.
• Shops and supermarkets will find it easier to identify potential underage and proxy sales taking place if the view outside of their premises is not obscured by posters displayed in the windows. Proactively sharing intelligence with the local police and trading standards can also prevent young people having access to alcohol.

**Preventing exposure to inappropriate activity**

The following are some examples of control measures to prevent children from accessing inappropriate activities:

• There should be provisions in place to restrict children from viewing age restricted films such as age checks at point of sale and prior to entry to a screening room to ensure that admission of children to films is in accordance with the recommendations of the British Board of Film Classifications.
• Age restricted gaming or vending machines should have suitable signage setting out the age restrictions and should be in full view of staff for monitoring.
• Children under the age of 18 should be excluded from the premises or part of the premises where adult entertainment is taking place.
• Adverts or flyers for entertainment of an adult nature should not be distributed or displayed externally on the premises or in any part of the premises internally where they can be seen by children and young people.
Appendix 1: Club Night Quality Mark

1. Safety of young people outside the venue:
   • Queues, disturbance to other businesses.
   • Road safety.
   • Flyering.
   • Policing levels.
   • No events to be held on Fridays/Saturdays.
   • No events to be on later than 21:30hrs.

2. Door staff:
   • Subject to enhanced Disclosure & Barring Service Checks.
   • Training, awareness, behaviour, language, suitability.
   • Security Industry Authority registered.
   • Both male and female staff to be in attendance.

3. Entrance to events:
   • Appropriateness of attire.
   • Ensure demand for tickets is managed.
   • Searching or persons and possessions.
   • Returning to event.
   • Cigarettes confiscated.
   • Use of metal detectors.
   • Young women to have bags searched.

4. Drug and alcohol management
   • Procedure for dealing with those who are intoxicated.
   • Door staff/youth workers.
   • Cameras.
   • Inform police of events at least 28 days in advance. Liaise with police licensing coordinator.
   • No bottles allowed – confiscated, picked up at end of the night
   • Chewing gum confiscated.
   • Identifying trouble makers with police.
   • Checking toilets.
   • Training for staff around drugs and alcohol.
• Policy on drugs and alcohol – include staff requirements, reporting to police.
• Clubs where music is linked to drug taking (hard dance, new monkey).

5. Safeguarding: welfare of young people attending
  • Youth workers present.
  • Contact with parents if any concerns.
  • Provision of a ‘safe room’.
  • Staff supervising all areas proactively (including toilets).
  • Staff in pairs.
  • Female staff available.
  • Policy on safeguarding children.

6. Attitudes to young people:
  • Young people focused.
  • Respectful.
  • Basic quality service of the club, as for adults.
  • Treating young people fairly.

7. Marketing club nights
  • No aggressive flyering.
  • No under-16s to distribute flyers.
  • Responsible flyering.
  • Responsible communication of social networking sites.
  • Professional contact only with social networking sites.
  • Monitoring of social networking sites.
  • Accessible information for parents.

8. Age range
  • Upper age limit for event to be 17 years of age.
  • Four year age range.
PROTOCOL (A) – PLANNING AND LICENSING

Purpose

1. Operation of licensed premises will require a number of additional approvals as well as under the Licensing Act 2003. One of the most important additional approvals is planning permission under the Town and Country Planning Act 1990. This protocol looks at the relationship between Planning and Licensing.

Planning

2. Planning permission is required for certain building operations (such as new buildings and alterations which materially affect the external appearance of the building) and material changes of use. Advice can be obtained from the Council’s Planning Department on whether planning permission is required and about the planning process. Also see the Council’s website at www.newcastle.gov.uk/planning-and-buildings/planning.

3. Many licensed premises will fall within a Use Class. The most relevant use classes are :-

<table>
<thead>
<tr>
<th>Class</th>
<th>Category</th>
<th>Definition</th>
<th>Permitted Changes include:</th>
</tr>
</thead>
</table>
| A1    | Shops                     | Includes: 
(1) the retail sale of goods other than hot food
(2) the sale of sandwiches or other cold food for consumption off the premises
where the sale is to visiting members of the public. | None                        |
<p>| A3    | Restaurants and cafés     | Use for the sale of food and drink for consumption on the premises.         | A1                          |
| A4    | Drinking establishments    | Use as a public house, wine-bar or other drinking establishment             | A1 and A3                   |
| A5    | Hot food takeaway          | Use for the sale of hot food for consumption off the premises               | A1 and A3                   |</p>
<table>
<thead>
<tr>
<th>Class</th>
<th>Category</th>
<th>Definition</th>
<th>Permitted Changes include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Hotels</td>
<td>Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.</td>
<td>None</td>
</tr>
<tr>
<td>D2</td>
<td>Assembly and leisure</td>
<td>Use as (a) a cinema, (b) a concert hall, (c) a bingo hall, (d) a dance hall, (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.</td>
<td>None</td>
</tr>
</tbody>
</table>

4. Some premises do not fall within any Use Class. Planning permission will be required for a change to such a use. These include:

<table>
<thead>
<tr>
<th>Use</th>
<th>Permitted Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>as a Theatre</td>
<td>None</td>
</tr>
<tr>
<td>as an Amusement arcade or centre, or a funfair</td>
<td>None</td>
</tr>
<tr>
<td>as a Hostel</td>
<td>None</td>
</tr>
<tr>
<td>as a Night-club</td>
<td>None</td>
</tr>
<tr>
<td>as a Casino</td>
<td>D2</td>
</tr>
</tbody>
</table>

5. Planning permission is not required for a change of use where the new use remains in the same Use Class as the old use (e.g. from a café to a restaurant). Nor is it required for a change of use where the new use falls within the Use Class referred to in the Permitted Change column next to the old use (e.g. from a public house to a café). **Note:** Although planning permission may not be needed for a change of use, planning permission may still be needed for physical changes to the premises.

6. Details of the Council’s Planning Policies can be seen on the Council’s website [www.newcastle.gov.uk/planning-and-buildings/planning/planning-a-future-newcastle](http://www.newcastle.gov.uk/planning-and-buildings/planning/planning-a-future-newcastle) or contact the Council’s Planning Department.
7. Even where proposed premises have planning permission, there may still be conditions or planning obligations that will affect the way the premises are used (e.g. operating hours). It will be necessary to apply to vary or remove the condition or obligation.

8. If you are unsure whether or not the existing use of a building is lawful for planning purposes or whether or not your proposal requires planning permission you can apply for a "Lawful Development Certificate" (LDC).

9. You may need further planning consents if you are carrying out works within a conservation area, if you are making alternations to, or which affect the setting of a listed building, or if you are carrying out work to trees covered by a tree preservation order or within a conservation area.

**Which application should be made first?**

10. The Licensing Authority considers that in most cases all planning permissions, consents and certificates should be obtained **before** any Licensing Applications is made. It will smooth the licensing process, if the planning position is clear and certain before a Licensing Application is made and there is no doubt that the premises can be lawfully used for the purposes covered by the Licensing Application. It will mean that it is less likely that the local planning authority as a responsible authority will make representations in relation to the Licensing Application. Members of the public will also be less likely to be confused about the two separate issues and so less likely to make representations on planning matters to a Licensing Application.

11. There may be exceptional reasons why an Applicant considers that it is necessary to make a Licensing Application before or at the same time as a Planning Application. If that is the case, Applicants are requested to explain their reasons for doing so, when the Licensing Application is submitted (e.g. the only outstanding planning matter relates to a minor uncontroversial matter not relevant to licensing objectives such as extraction facilities, landscaping, or refuse storage). This may help to avoid representations being made.

12. Where an applicant has indicated that a licensing and planning application has been made at the same time, licensing officers will consider whether there should be discussion with planning counterparts with the aim of agreeing mutually acceptable operating hours and scheme designs.¹

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¹ Para 9.45 - s182 Guidance – April 2017
Won’t the outcome come of the Licensing and Planning Applications be the same?

13. Not necessarily. The two regimes need to be properly separated to avoid duplication and inefficiency\textsuperscript{2}. They are two separate statutory systems with their own statutory rules, criteria, policies and guidance, looking at different aspects of similar proposals, and where the Council is the decision-maker in both cases. Planning considers the principle of the use in the light of the approved planning policies and the effect of the development on matters such as amenity, visual appearance, character of the locality, need, outlook and privacy, road safety, noise, disturbance, smells, fumes or other harmful effects. Licensing must carry out its functions with a view to promoting the four licensing objectives – the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. They involve consideration of different (albeit related) matters\textsuperscript{3}. Because of this, it will not be the case that the same decisions will always be made.

14. Within the Council, the licensing function is discharged separately from the planning function. Licensing Committee and the Assistant Director of Public Safety, Regulation and Development is responsible for the former; Planning Committee and the Assistant Director of Planning for the latter. Licensing applications will not be a re-run of planning applications and vice versa; planning decisions will not bind those making licensing decisions and vice versa\textsuperscript{4}. Licensing and planning decisions have to be made according to the respective statutory criteria etc. that applies to them. Just because planning has granted planning permission does not mean that licensing will grant a licence; just because planning has imposed no conditions restricting hours does not mean that licensing will not consider such a restriction appropriate; just because planning has imposed a particular closing hour does not mean that licensing will not impose an earlier or later hour. Where these hours are different, the applicant must observe the earlier closing time or face enforcement action\textsuperscript{5}. While both systems may be made aware of the decisions made by the other, they do not bind each other or create any presumption that a particular decision will be made.

Advice to Applicants, Responsible Authorities and Persons making Representations

15. Concentrate on the considerations material to the licensing or planning decision (as the case may be) rather than try to influence one decision by reference to the other. On a licensing matter, concentrate on the promotion of the four licensing objectives, and not on planning policies, objectives, and harm. There may be common facts but do not forget to relate them to the criteria relevant to the actual decision.

\textsuperscript{2} Para 14.57 – s182 Guidance – April 2017
\textsuperscript{3} Para 14.57 – s182 Guidance – April 2017
\textsuperscript{4} Para 14.57 – s182 Guidance – April 2017
\textsuperscript{5} Para 14.58 – s182 Guidance – April 2017
PROTOCOL (B) – PUBLICITY FOR LICENSING APPLICATIONS

Purpose

1. The purpose of this Protocol is to set out what publicity will be given to Licensing Applications. This is key to ensuring that all interested persons can be made aware of applications so that they can consider whether to make representations.

Statutory requirements

2. The Applicant has to give notice of any application to the Licensing Authority and pay the required fee. There are detailed requirements as to what should be included with an application.

3. There are also many statutory requirements to give publicity to licensing applications. These vary depending on how the application is made (electronically or in paper form). There are obligations placed on the Applicant and the Licensing Authority. The requirements differ according to the type of licensing application that is being made.

4. The requirements may involve site notices, press notices and notices on the Council’s website. The aim is to ensure that those who may be affected by an application have an easy means of finding out about applications and so are able to make representations in the prescribed time limits.

5. The requirements are contained in the Licensing Act 2003 and Regulations; mainly the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2006 (as amended) (SI 2005 No 42).

6. Appendices A, B and C summarise the requirements. Appendix A summarises the provisions about site notices, press notices and notices on the World Wide Web. Appendix B summarises the provisions about notifications to responsible authorities, the police and other persons. Appendix C summarises the provisions about Temporary Event Notices.

7. You are advised to refer to the Act and Regulations for the definitive provisions.
The Council's Website

8. Details of applications and granted licences are included on the Council's website. You can go direct to the site by using the web address

https://publicaccessapplications.newcastle.gov.uk/online-applications/search.do?action=simple&searchType=LicencingApplication or

by accessing the main website www.newcastle.gov.uk and clicking on “Business”, then “Licences and permits”, then “Alcohol and Entertainment licences”, then “Premises licences (Licensing Act 2003)” and “View and comment on Applications” at the bottom of the page and then “View Licensing Applications”. You will then be given an option of pending “Applications” or completed “Licences”. There are different search options.

9. If you register with the site you can make comments on-line and track applications.

Additional Publicity

10. We think it is important to ensure that everyone likely to be interested in an application is aware of it. We therefore notify councillors and neighbours. This is additional discretionary publicity that we choose to give to applications. It is important to stress that neither the Act nor the Regulations impose any duty on a licensing authority to advertise an application or to take any steps to notify anyone affected by it that it has been made (other than what is set out in the Appendices).

Councillors

11. We will send details by email to councillors representing the ward in which premises are situated. We notify them of all applications/new applications, variations, minor variations, reviews, transfers, interim authority notices, and temporary event notices.

Neighbours

12. We will notify neighbouring residents and businesses about:

- Applications for a new premises licence;
- Applications to vary that will result in an increase in the hours during which the premises may operate or will result in the premises operating later;
- Applications to vary a licence by including the sale or supply of alcohol;
- Applications to vary a licence by adding music;
13. We will give notice by letter.

14. Licensing Officers will have to make a judgment as to the area in which neighbours will be notified. There cannot be a hard and fast rule, whether by reference to distance or numbers. In making a decision Licensing Officers will adopt the following approach:-

   a. The starting point will be to write to occupiers of premises that fall within a circle with a radius of 30 metres drawn from a point at the centre of the premises.

   b. Where premises are split by the circle (e.g. a block of flats, groups of office units), the occupiers of all the premises in the block etc. will be written you.

   c. The Licensing Officer will consider whether the extent of the circle should be properly extended or reduced. This will depend on the character of the area, the type of licensable activity, the extent of existing crime, disorder and nuisance, pedestrian and vehicle flows, and the likely impact of the application on the licensing objectives. For instance, if the entrance to premises and likely pedestrian and vehicle flow is away from a block of flats, whose residents are therefore unlikely to experience any impact from the licensable activity, a decision may be made not to extend the circle to include the block or to exclude the block entirely.

15. If you consider that there should have been wider consultation, get in touch with the Licensing Officers quickly, and they will consider your views. You need to act quickly because the Licensing Authority has no power to extend the statutory time during which representations can be made.
## Appendix A – Public Notices

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Site Notice</th>
<th>Press Notice</th>
<th>LA Website</th>
<th>Additional Contents of Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for Premises Licence (section 17)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Statement of the relevant licensable activities which it is proposed will be carried on on or from the premises.</td>
</tr>
<tr>
<td>How – ①</td>
<td>Contents – ①</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How – ②</td>
<td>Contents – ②</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How - ③</td>
<td>Contents – ③</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for a provisional statement (section 29)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>State that representations are restricted after the issue of a provisional statement. Where known, may state the relevant licensable activities which it is proposed will be carried on on or from the premises.</td>
</tr>
<tr>
<td>How – ①</td>
<td>Contents – ①</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How – ②</td>
<td>Contents – ②</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How - ③</td>
<td>Contents – ③</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application to vary a premises licence (section 34) (except where the only variation is the inclusion of the alternative licence condition)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Briefly describe the proposed variation.</td>
</tr>
<tr>
<td>How – ①</td>
<td>Contents – ①</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How – ②</td>
<td>Contents – ②</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How - ③</td>
<td>Contents – ③</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for a club premises certificate (section 71)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Statement of the relevant qualifying club activities which it is proposed will be carried on on or from the premises.</td>
</tr>
<tr>
<td>How – ①</td>
<td>Contents – ①</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How – ②</td>
<td>Contents – ②</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How - ③</td>
<td>Contents – ③</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of Application</td>
<td>Site Notice</td>
<td>Press Notice</td>
<td>LA Website</td>
<td>Additional Contents of Notice</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>-------------</td>
<td>--------------</td>
<td>------------</td>
<td>-------------------------------------------------------------------</td>
</tr>
<tr>
<td>Application to vary a club premises certificate (section 84)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Briefly describe the proposed variation.</td>
</tr>
<tr>
<td>How – ①&lt;br&gt;Contents – ①</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How – ②&lt;br&gt;Contents – ②</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How - ③&lt;br&gt;Contents – ③</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor variation of a premises licence (section 41A)</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>Prescribed Heading “Licensing Act 2003: Minor Variation of Premises Licence”.</td>
</tr>
<tr>
<td>How – ④&lt;br&gt;Contents – ④</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor variation of a club premises certificate (section 86A)</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>Prescribed Heading “Licensing Act 2003: Minor Variation of Club Premises Certificate”.</td>
</tr>
<tr>
<td>How – ④&lt;br&gt;Contents – ④</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for a review of a premises licence (section 51)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>How – ⑤&lt;br&gt;Contents – ⑤</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How long - ★&lt;br&gt;Contents – ⑤</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for a review of a club premises certificate (section 87)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>How – ⑤&lt;br&gt;Contents – ⑤</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How long - ★&lt;br&gt;Contents – ⑤</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- ① How – How to apply<br>Contents – What to include
- ② How – How to apply<br>Contents – What to include
- ③ How – How to apply<br>Contents – What to include
- ④ How – How to apply<br>Contents – What to include
- ⑤ How – How long the application will be valid<br>Contents – How long the application will be valid
- ⑥ How – How long the application will be valid<br>Contents – How long the application will be valid
<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Site Notice</th>
<th>Press Notice</th>
<th>LA Website</th>
<th>Additional Contents of Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary review of premises licence: serious crime and disorder (section 53A)</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>The dates for making representations shall be between the date of the first working day after the day on which the notice was published and the date of the ninth subsequent working day AND The grounds of the review shall be that in the opinion of a senior police officer the premises are associated with serious crime or serious disorder or both.</td>
</tr>
<tr>
<td>Review of premises following closure order (section 167)</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

**By Applicant**

- For a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the licensing authority by displaying a notice
- Equal or larger than A4
- Of a pale blue colour
- Printed legibly in black ink or typed in black in a font of a size equal to or larger than 16
- Prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises AND
- In the case of premises of more than 50 metres square, a further notice every 50 metres along the external perimeter of the premises abutting any highway.
<table>
<thead>
<tr>
<th>How – ☐</th>
<th><strong>By Applicant</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises (i.e. <em>The Journal</em> or <em>Evening Chronicle</em>)</td>
</tr>
<tr>
<td></td>
<td>• On at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the licensing authority.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>How - ☑</th>
<th><strong>By the Licensing Authority</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Publication of notice on the Licensing Authority’s website</td>
</tr>
<tr>
<td></td>
<td>• For a period of no less than 28 consecutive days starting on the day after the days on which the application was given to the relevant licensing authority.</td>
</tr>
</tbody>
</table>

<p>| Contents – ☀ | 1. Name of the applicant or club. |
|              | 2. Postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified. |
|              | 3. The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of application may be inspected. |
|              | 4. The date by which a responsible authority or any other person may make representations to the relevant licensing authority. |
|              | 5. That representations shall be made in writing. |
|              | 6. That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence. |
|              | 7. PLUS additional contents (if any) listed in column 5. |</p>
<table>
<thead>
<tr>
<th>How – ④</th>
<th>By Applicant</th>
</tr>
</thead>
</table>
| • For the continuous period beginning on the first working day after the application was given to the licensing authority and ending at the expiry of the ninth consecutive working day after that day  
• Equal or larger than A4  
• White  
• Printed legibly in black ink or typed in black  
• In the case of the Title in a font of a size equal to or larger than 32  
• In the case of the remainder in a font of a size equal to or larger than 16  
• Prominently at or on the premises to which the application relates so that it can be conveniently read from the exterior of the premises AND  
• If any part of the external perimeter of the premises that is 100 or more metres in length abuts a public highway or other place accessible to the public, by displaying such a notice at least every 50 metres along that part of the perimeter. |

<table>
<thead>
<tr>
<th>Contents – ②</th>
<th>1. Brief description of the proposed variation or variations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The name of the applicant or club.</td>
<td></td>
</tr>
<tr>
<td>3. Postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified.</td>
<td></td>
</tr>
<tr>
<td>4. The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of application may be inspected.</td>
<td></td>
</tr>
<tr>
<td>5. The date by which an interested party may make representations to the relevant licensing authority.</td>
<td></td>
</tr>
<tr>
<td>6. That representations shall be made in writing.</td>
<td></td>
</tr>
<tr>
<td>7. That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence;</td>
<td></td>
</tr>
<tr>
<td>8. PLUS additional contents (if any) listed in column 5.</td>
<td></td>
</tr>
<tr>
<td>How – ⚖️</td>
<td><strong>By the Licensing Authority</strong></td>
</tr>
<tr>
<td>----------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td></td>
<td>• Display prominently a notice</td>
</tr>
<tr>
<td></td>
<td>• Of size equal or larger than A4</td>
</tr>
<tr>
<td></td>
<td>• Of pale blue colour</td>
</tr>
<tr>
<td></td>
<td>• Printed legibly in black ink or typed in black in a font of a size equal to or larger than 16</td>
</tr>
<tr>
<td></td>
<td>• At on or near the site of the premises to which the application relates where it can be conveniently read from the exterior of the premises by the public AND</td>
</tr>
<tr>
<td></td>
<td>• In the case of premises covering an area of more than 50 metres square, one further notice every 50 metres along the external perimeter of the premises abutting any highway AND</td>
</tr>
<tr>
<td></td>
<td>• At the offices, or main offices, of the licensing authority in a central and conspicuous place.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>How – ⚖️</th>
<th><strong>By the Licensing Authority</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• On the authority’s website.</td>
</tr>
</tbody>
</table>

| How long - ⭐ | • For a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the authority. |

| How long - ⚫ | • For a period of no less than seven consecutive days starting on the day after the day on which the authority received the application under section 53A/the notice under section 164(4). |
1. Address of the premises.
2. The dates between which responsible authorities and any other persons may make representations.
3. The grounds of the application for review.
4. The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the grounds of the review may be inspected.
5. That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.
6. PLUS additional contents (if any) listed in column 5.

Appendix B – Notification to Responsible Authorities and others

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Electronic Applications</th>
<th>Non-electronic applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for premises licence (section 17)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>To Responsible Authorities</td>
<td></td>
<td>To Responsible Authorities</td>
</tr>
<tr>
<td>How - ☐</td>
<td></td>
<td>How - ☒</td>
</tr>
<tr>
<td>What - ☑</td>
<td></td>
<td>What - ☐</td>
</tr>
<tr>
<td>Application for a provisional statement (section 29)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>To Responsible Authorities</td>
<td></td>
<td>To Responsible Authorities</td>
</tr>
<tr>
<td>How - ☐</td>
<td></td>
<td>How - ☒</td>
</tr>
<tr>
<td>What - ☑</td>
<td></td>
<td>What - ☐</td>
</tr>
<tr>
<td>Type of Application</td>
<td>Electronic Applications</td>
<td>Non-electronic applications</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>Application for variation of a premises licence (section 34)</td>
<td>✅ To Responsible Authorities</td>
<td>✅ To Responsible Authorities</td>
</tr>
<tr>
<td></td>
<td>How - 🔒</td>
<td>How - 📄</td>
</tr>
<tr>
<td></td>
<td>What - 🗄</td>
<td>What - 📄</td>
</tr>
<tr>
<td>Application for a minor variation of a premises licence</td>
<td>✅ To Responsible Authorities (if considered necessary)</td>
<td>✅ To Responsible Authorities (if considered necessary)</td>
</tr>
<tr>
<td>(section 41A)</td>
<td>How - 🔒</td>
<td>How - 📄</td>
</tr>
<tr>
<td></td>
<td>What - 🗄</td>
<td>What - 📄</td>
</tr>
<tr>
<td>Application for a club premises certificate (section 71)</td>
<td>✅ To Responsible Authorities</td>
<td>✅ To Responsible Authorities</td>
</tr>
<tr>
<td></td>
<td>How - 🔒</td>
<td>How - 📄</td>
</tr>
<tr>
<td></td>
<td>What - 🗄</td>
<td>What - 📄</td>
</tr>
<tr>
<td>Application for variation of a club premises certificate</td>
<td>✅ To Responsible Authorities</td>
<td>✅ To Responsible Authorities</td>
</tr>
<tr>
<td>(section 84)</td>
<td>How - 🔒</td>
<td>How - 📄</td>
</tr>
<tr>
<td></td>
<td>What - 🗄</td>
<td>What - 📄</td>
</tr>
<tr>
<td>Type of Application</td>
<td>Electronic Applications</td>
<td>Non-electronic applications</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------</td>
<td>-----------------------------</td>
</tr>
</tbody>
</table>
| Application for a minor variation of a club premises certificate (section 86A) | ✓
  To Responsible Authorities
  How - ☐
  What - ☑ | ✓
  To Responsible Authorities
  How - ☐
  What - ☑ |
| Application for a review of a premises licence (section 51) | The Licensing Authority is responsible for giving notice of applications (see column 3) | ✓
  To Responsible Authorities
  To Holder of Premises Licence
  How - ☐
  What - ☑ |
| Application for a review of a club premises certificate (section 87) | The Licensing Authority is responsible for giving notice of applications (see column 3) | ✓
  To Responsible Authorities
  To the Club
  How - ☐
  What - ☑ |
<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Electronic Applications</th>
<th>Non-electronic applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary review of premises licence: serious crime and disorder (section 53A)</td>
<td>N/A</td>
<td>✅</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To Responsible Authorities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To Holder of Premises Licence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>How - ①②</td>
</tr>
<tr>
<td></td>
<td></td>
<td>What - ②</td>
</tr>
<tr>
<td>Review of premises following closure order (section 167)</td>
<td>N/A</td>
<td>✅</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To Responsible Authorities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To Holder of Premises Licence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>How - ①①</td>
</tr>
<tr>
<td></td>
<td></td>
<td>What - ①</td>
</tr>
<tr>
<td>Application for the inclusion of the alternative licence condition with an application for a premises licence (reg 10(2))</td>
<td>✅</td>
<td>✅</td>
</tr>
<tr>
<td></td>
<td>To the Police</td>
<td>To Police</td>
</tr>
<tr>
<td></td>
<td>How - ①②</td>
<td>How - ①③</td>
</tr>
<tr>
<td></td>
<td>What - ②</td>
<td>What - ③</td>
</tr>
<tr>
<td>Application for the inclusion of the alternative licence condition with an application to vary a premises licence (reg 12(2))</td>
<td>✅</td>
<td>✅</td>
</tr>
<tr>
<td></td>
<td>To the Police</td>
<td>To Police</td>
</tr>
<tr>
<td></td>
<td>How - ①②</td>
<td>How - ①③</td>
</tr>
<tr>
<td></td>
<td>What - ②</td>
<td>What - ③</td>
</tr>
<tr>
<td>Type of Application</td>
<td>Electronic Applications</td>
<td>Non-electronic applications</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Application to vary a premises licence solely to include the alternative licence</td>
<td>✓ To the Police</td>
<td>✓ To Police</td>
</tr>
<tr>
<td>condition (reg 13A)</td>
<td>How - ① ②</td>
<td>How - ① ③</td>
</tr>
<tr>
<td></td>
<td>What - ⑨</td>
<td>What - ⑨</td>
</tr>
<tr>
<td>Application to vary a premises licence to specify an individual as premises</td>
<td>✓ To the Police</td>
<td>✓ To Police</td>
</tr>
<tr>
<td>supervisor (section 37)</td>
<td>To the Designated Premises Supervisor (if any)</td>
<td>To the Designated Premises Supervisor (if any)</td>
</tr>
<tr>
<td></td>
<td>How - ① ②</td>
<td>How - ① ③</td>
</tr>
<tr>
<td></td>
<td>What - ⑨</td>
<td>What - ⑨</td>
</tr>
<tr>
<td>Application for the transfer of a premises licence (section 42)</td>
<td>✓ To the Police</td>
<td>✓ To Police</td>
</tr>
<tr>
<td></td>
<td>How - ① ②</td>
<td>How - ① ③</td>
</tr>
<tr>
<td></td>
<td>What - ⑨</td>
<td>What - ⑨</td>
</tr>
<tr>
<td>The giving of an interim authority notice (section 47)</td>
<td>✓ To the Police</td>
<td>✓ To Police</td>
</tr>
<tr>
<td></td>
<td>How - ① ②</td>
<td>How - ① ③</td>
</tr>
<tr>
<td></td>
<td>What - ⑨</td>
<td>What - ⑨</td>
</tr>
<tr>
<td>How - ⑦</td>
<td>By Licensing Authority</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>1. Copy of the application together with any accompanying plan or document.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>How - ⑧</strong></td>
<td>By the Applicant</td>
<td></td>
</tr>
<tr>
<td>1. Copy of the application together with its accompanying plan, document or other information.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>How - ⑨</strong></td>
<td>By the Applicant</td>
<td></td>
</tr>
<tr>
<td>1. Copy of the application for review with its accompanying plan, document and other information/accompanying documents, if any.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>How - ⑩⑩</strong></td>
<td>By Licensing Authority</td>
<td></td>
</tr>
<tr>
<td>1. A copy of the application and of the certificate given under section 53A(1)(b).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>How - ⑩⑪</strong></td>
<td>By Licensing Authority</td>
<td></td>
</tr>
<tr>
<td>1. Notice of the review, dates between which responsible authorities and any other persons may make representations, the closure order and any extension of it, any order made under section 165(2).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### How

<table>
<thead>
<tr>
<th>How - ①②</th>
<th><strong>By Licensing Authority</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• On the first working day after the application was given to the authority.</td>
</tr>
<tr>
<td>How - ①③</td>
<td><strong>By the Applicant</strong></td>
</tr>
<tr>
<td></td>
<td>• On the same day as the day on which the application was given to the authority.</td>
</tr>
</tbody>
</table>

| What - ⑩ | 1. Copy of the application or notice together with its accompanying documents (if any). |

### Appendix C – Temporary Event Notices

<table>
<thead>
<tr>
<th>Type of Temporary Event Notice</th>
<th>Electronic Notices</th>
<th>Non-Electronic Notices</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard TEN</strong></td>
<td>(1) No later than 10 working days before the date on which the event period begins <strong>By the Applicant</strong> to the:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Licensing Authority</td>
<td>No later than 10 working days before the date on which the event period begins <strong>By the Applicant</strong> to the:</td>
</tr>
<tr>
<td></td>
<td>(2) No later than the end of the first working day after the day on which the notice was given to the authority <strong>By the Licensing Authority</strong> to</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Police</td>
<td>• Licensing Authority</td>
</tr>
<tr>
<td></td>
<td>• Environmental Health</td>
<td>• Police</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Environmental Health</td>
</tr>
<tr>
<td><strong>Late TEN</strong></td>
<td>(1) No later than 5 working days, but no earlier than 9 working days before the date the event</td>
<td>No later than 5 working days before the day on which the event period begins:</td>
</tr>
<tr>
<td>Type of Temporary Event Notice</td>
<td>Electronic Notices</td>
<td>Non-Electronic Notices</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>period begins</td>
<td>By the Applicant to the:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Licensing Authority</td>
<td></td>
</tr>
<tr>
<td>(2) No later than the end of the first working day after the day on which the notice was given to the authority</td>
<td>By the Applicant to the:</td>
<td></td>
</tr>
<tr>
<td>By the Licensing Authority to</td>
<td>• Police</td>
<td>• Licensing Authority</td>
</tr>
<tr>
<td></td>
<td>• Environmental Health</td>
<td>• Police</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Environmental Health</td>
</tr>
<tr>
<td>AND it is given to at least one of those persons no earlier than 9 working days before the day on which the event period begins.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PROTOCOL (C) – DISCLOSURE OF REPRESENTATIONS

Purpose

1. The purpose of this Protocol is to set out the Licensing Authority’s Statement of Licensing Policy on Representations.

Right to Make Representations

2. Any person can make representations in respect of a Licensing Application but there are important rules that need to be followed or else the Licensing Authority may not be allowed to take them into account.

3. If the Council receives “relevant representations” to an application for a premises licence, provisional statement, variation of a premises licence, minor variation of a premises licence, review of a premises licence, club premises certificate, variation of a club premises certificate, minor variation of a club premises certificate, review of a club premises certificate, the Council must hold a hearing to consider them. If no “relevant representations” are received, the Council must grant the application. It has no choice.

4. “Relevant representations” must:-

   a. Be about the likely effect of the grant or issue on the promotion of the licensing objectives;

   b. They must be made by a responsible authority or any other person (e.g. a resident, neighbour, business, councillor);

   c. They must be made within the prescribed period;

   d. They must not have been withdrawn;

   e. In the cases of representation made by any person who is not a responsible authority, they must not be frivolous or vexatious (in the opinion of the Licensing Authority);

   f. If they relate to the identity of the proposed premises supervisor, they can only be made by the police and must comply with section 18(9)(b) of the 2003 Act;

   g. If the application is for a premises licence following the issue of a provisional statement for a similar activity, the representation must not be excluded under section 32 of the 2003 Act, because they could have been made at the time of the application for a provisional statement.
Time Limits

5. The time limits for making representations are strict. Most representations must be made at any time during a period of 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority by the Applicant (there is a shorter period in the case of Reviews following a Closure Order). This means:

<table>
<thead>
<tr>
<th>Day</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Day application given to the Licensing Authority</td>
</tr>
<tr>
<td>1</td>
<td>Next day</td>
</tr>
<tr>
<td>…</td>
<td>Count 28 days</td>
</tr>
<tr>
<td>28</td>
<td>Last day to make representations</td>
</tr>
</tbody>
</table>

6. In the case of an application for review following a closure order, the time limit is shorter. Representations must be made at any time up to and including seven days starting on the day after the day on which the Licensing Authority received notice in relation to the closure order and any extension to it.

What if my representations are late?

7. You should assume that late representations will not be considered and ensure that your representations are received in time.

- No one has made any relevant representations in time

8. If no relevant representations are made in time by anybody, there will not be a hearing and the Licensing Authority MUST grant the application. Late representations will not be considered in these circumstances.

- Somebody has made relevant representations in time and others have made late representations

9. If relevant representations are made by somebody in time, there will usually be a hearing, unless they are withdrawn or unless the Licensing Authority, the Applicant and each person who has made relevant representations in time agree that a hearing is unnecessary. Someone who made late representations will not be a party to the hearing, will not have a right to appear at the hearing (except as a member of the public observing the hearing), and the Licensing Authority is not obliged to have regard to their late representations.
10. If there is a hearing, the Licensing Authority considers that it has a discretion to consider late representations provided that they are otherwise relevant. They must be about the effect on the promotion of the licensing objectives and not be frivolous or vexatious. The Licensing Authority feels that if its discretion is engaged, good decision making requires that it considers all material circumstances before a decision is made. The licensing Authority will approach the exercise of its discretion in the following manner:-

a. Your written late but otherwise relevant representations will be included in the papers for consideration at the hearing;

b. You will not have the right to appear and participate in the hearing;

c. You may request the right to appear and participate in the hearing. If you want to appear and participate in the hearing, you should tell the Licensing Authority five working days before the date of the hearing. The Licensing Authority will notify the Applicant and the other parties about your request. The Hearing will consider your request and make its decision as part of the preliminary business. It will listen to your reasons for the request and the views of the Applicant and other parties, before making a decision.

d. In exceptional cases, the Licensing Authority may of its own accord consider that you should have a right to appear and participate in the hearing without the need for you to make a request. This is only likely to be the case where you raise significant issues not raised by anyone else and where it would be an affront to good decision making to consider them without a discussion at a hearing in which you are allowed to participate. In such exceptional circumstances, both you, the Applicant and other parties will be notified of the Licensing Authority’s initial view five days before the hearing. The Hearing will consider the issue and make its final decision as part of the preliminary business. It will listen to your views and the views of the Applicant and other parties, before making a decision.

Representations must be in writing or email

11. Representations must be in writing or by email (unless made by a responsible authority in relation to a minor variation).

When are Representations made?

12. Representations must be MADE within the prescribed period (i.e. received by the Licensing Authority).

a. If representations are made by e-mail, this will be the time when a clear and legible email is delivered to the Licensing Authority which is capable of being accessed, read and printed.
b. In the case of a hard document, it must be addressed to the Licensing Authority and left at or sent by post to the Civic Centre.

c. If the document is left at the Civic Centre, it must be left at the Civic Centre within the prescribed period.

d. If the document is sent by post, it must be delivered to the Civic Centre within the prescribed period. It must be properly
   - addressed
   - with postage (first or second class) pre-paid
   - posted

Unless the contrary is proved, it will be deemed to have been made at the time at which the letter would be delivered in the ordinary course of post.

This means that you need to post it so that the usual expectation was that it would have been delivered to the Licensing Authority within the prescribed period, depending on whether you sent it first or second class.

You must of course take into account days when there is no usual postal delivery such as Sundays and Bank Holidays. If you expect something to be delivered within two days, it would not be appropriate to post it on a Saturday when the following Monday is a Bank Holiday. Delivery in the ordinary course of post would be deemed to be on the following Tuesday.

e. To avoid problems, you should make your representations promptly and not wait until the last moment.

**What will happen to representations once they are received?**

13. The Licensing authority will consider your representations and decide whether or not they are “relevant representations”.

14. We will consider whether the representation is about the likely effect of the grant or issue on the promotion of the licensing objectives. Representations by a local businessperson about commercial damage caused by competition would not be relevant. Representations by a local businessperson that nuisance caused by new premises would deter customers, and the steps proposed to prevent the nuisance were inadequate, would be relevant.

15. If we consider that they are not relevant to the licensing objectives, we will tell you in writing what are our reasons for that decision as soon as possible before making a decision on the application.
16. We will also consider whether or not the representations are frivolous or vexatious. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, without reasonable cause or justification. Frivolous representations would be essentially categorised by a lack of seriousness. They would also cover minor issues in relation to which no remedial steps would be warranted or proportionate.

17. If we consider that they are frivolous or vexatious we will tell you in writing what are our reasons for that decision as soon as possible before making a decision on the application.

18. In borderline cases, we will give you the benefit of the doubt.

19. The fact that we have not rejected a representation at this stage does not mean that we have decided that the representations are justified. It simply means that there will be a hearing at which you, the Applicant, responsible authorities and other persons who have made representations will be able to amplify and clarify their views, before a final decision is made.

20. If you disagree with our decision, you may complain through our corporate complaints procedure. You may also challenge our decision by judicial review.

**Will my representations be made public and will the Applicant be told about them?**

21. There are three provisions that mean that your representation may be made public:—

   a. The Licensing Act 2003 (Hearings) Regulations 2005;


**- The Licensing Act 2003 (Hearings) Regulations 2005**

22. Under these regulations, we must send copies of all relevant representations to the Applicant.

23. The regulations also say that all hearings shall take place in public (which means that your representations will usually become public) but that we can exclude the public from all or part of a hearing where we consider that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
24. These Acts and regulations contain further rights to access information held by the Licensing Authority. There are a number of exemptions that may apply. While it is unlikely that anyone would need to rely on this legislation to require access to your representations (since the provisions already referred to are extensive), you should be aware that this legislation could also apply to your representations and require the Licensing Authority to disclose them.

Licensing Authority’s Approach to Disclosure of Your Representations

25. The legislation referred to creates a presumption in fairness to the Applicant and in the public interest of transparency and openness that your representations will be disclosed to the Applicant and the public.

26. We will NOT usually EXCLUDE or REDACT any information that is given to the Applicant. As a matter of fairness, there is a presumption that an Applicant should be fully aware of the details of the persons who has made representations in relation to the application.

27. We will attempt however to EXCLUDE or REDACT certain sensitive information from information that is available for the public but not information that is given to the Applicant. This applies to:

   a. Your signature;
   b. Your telephone number;
   c. Your email address;
   d. Your postcode;

28. We will NOT usually EXCLUDE or REDACT your name and address. We consider that it will generally be in the public interest to be transparent and open as to who made representations.

29. We do however think that it will assist and avoid misunderstandings if persons making representations were to use the form attached to the Schedule to submit personal details with their representations.

Can I request that my details are not disclosed?

30. We can decide to withhold more of your personal details (such as your name and address) and instead give only minimal details (such as your street name or general location within a street). However we can only do so where the circumstances justify such action. We cannot do this in all cases. We cannot set out all the circumstances that may be relevant. Once example may be that you consider that you or your family might suffer some detriment were the details disclosed.
• You must tell us why you feel that we should do this. The form in the Schedule has a place for you to do this.

• If we decide that we cannot comply with your request, we will tell you and give you an opportunity to consider your position and/or withdraw your representation before we disclose it.

31. If you are reluctant to make representations because of fears of intimidation or violence if your personal details, such as name and address, are divulged, please tell us. Where we consider that you have a genuine fear of intimidation and may be deterred from making representation on this basis, we will consider if there is an alternative approach. One solution may be for you to give details to a responsible authority as to how you consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified. These will be exceptional circumstances. It may not be the case that your fears arise from divulging your details to the applicant; rather they may arise from divulging your details to the public arise. It may not be the case that you fear intimidation or violence from the applicant but rather from others; but that disclosure to the Applicant raises the risk of your details becoming more widely known. Again:-

• What is important is that you tell us exactly what your fears are
• The form in the Schedule has a place for you to do this.
• If we decide that we cannot comply with your request, we will tell you and give you an opportunity to consider your position and/or withdraw your representation before we disclose it.

32. If either of these circumstances applies to you, you should contact us promptly and not wait until the time for making representations has almost expired.

33. It may be that the applicant disagrees with our decision. If so we will listen to their views. It may be that we change our mind. If we do change our mind having heard what the applicant has said, we will tell you and give you an opportunity to consider your position and/or withdraw your representation before we disclose it. It maybe that we feel that the final decision should be made at the hearing rather than by Licensing Officers.
Am I likely to be contacted if I make representations?

34. After relevant representations are made and before a hearing, applicants may wish to try and understand and/or address issues raised by the representations with a view to agreeing a way forward. This may result in the Applicant amending the application or proposing conditions. The Applicant will often wish to have discussions with persons who have made relevant representations. The Licensing Authority wishes to encourage such mediation with both responsible authorities and other persons. It will be beneficial and enable the hearing to focus on the more important issues where agreement has not been possible.

35. Residents who have made relevant representations may feel uncomfortable about engaging in discussions with applicants or their representatives. Such discussions should be non-confrontational and capable of being mediated. If residents begin to feel uncomfortable with the way the process is going, they are entitled to politely and non-confrontationally terminate the discussions. They can also tell the Licensing Authority about their concerns. We will consider whether we can do anything about the concerns.

36. While we do encourage such discussions:–

- Persons are under no obligation to participate. They may decline to participate at all. They can state that on the form in the Schedule. They can also discontinue discussions at any time.

- Persons are entitled to state how they want such discussions to take place – by letter, email, telephone conversation and face-to-face discussion and what is the most convenient time. Again that can be stated on the form.
**Form to be completed by persons making representations**  
*(Other than by Responsible Authorities)*

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<th>My Name:</th>
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<th>My Address for correspondence (if different):</th>
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<tr>
<th>The Premises Concerned are:</th>
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</table>

I wish to make representations in respect of the application in respect of these premises. The representations are attached.

I understand that my representations will generally be copied to the Applicant or their representatives and are likely to be made public by the Licensing Authority.

I also understand that the Applicant or their representative may contact me to discuss the representations.

The information marked with an asterisk (*) will be redacted before this information is disclosed to the Applicant or made public, and will only be used by the Licensing Authority to contact me or as set out below.
How I wish to be Contacted (# - delete as appropriate † - tick all that apply)

I am happy to be contacted by the Applicant or their representative to discuss and try to resolve my concerns #

-or-

I do not wish to be contacted by the Applicant or their representative to discuss and try to resolve my concerns #

I prefer to be contacted: by personal visit ☐ † by post ☐ † by e-mail ☐ † by telephone in the day ☐ † by telephone in the evening ☐ † by mobile phone ☐ †

I prefer to be contacted: __________________________ (please state preferred time)

Disclosure of Name and Address (# - delete as appropriate † - tick as appropriate)

I have no objection to my Name and Address being disclosed. #/

-or-

I object to my Name and Address being disclosed to #:-

The Applicant ☐ †

Another Responsible Authority ☐ †

The Public ☐ †

BECAUSE:

(Give a full explanation)

Fear of Intimidation or Violence (‡ - delete this section if not applicable)

I am reluctant to make representations because I fear intimidation or violence if my personal details are divulged BECAUSE ‡:

(Give a full explanation as to why you fear intimidation and violence and from who, you fear it. If you have any suggestions as to how these concerns can be addressed, please state them.) ‡

Signed: ___________________________ Dated: ___________________________
### Representations

<table>
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<tr>
<th>Premises:</th>
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(Please write your representations here – continue on further sheets if needed)
Form to be attached to representations by the Licensing Authority before disclosure

Premises:

The Person making representations does not want their personal details to be disclosed. The Licensing Authority is satisfied that they have put forward good reasons. The Licensing Authority therefore discloses the following minimal details:

(include details such as street name or general location within a street)

-or-

Name:

Address:

Address for correspondence (if different):

The Person making representations does not wish to be contacted by the Applicant or their Representative

-or-

The Person making representations is willing to be contacted by the Applicant or their Representative. They prefer to be contacted by personal visit ☐ † by post ☐ † by e-mail ☐ † by telephone in the day ☐ † by telephone in the evening ☐ † by mobile phone ☐ †

(† - tick as appropriate)

The relevant contact details are:

(include details for preferred method(s) of contact)

They prefer to be contacted ____________________________________________
(preferred time)
PROTOCOL (D) – TIMESCALES FOR NEGOTIATION

Background

1. The Licensing Authority encourages discussions between Applicants, responsible authorities and other persons who have made representations in respect of an application. This will often result in agreement between some of the parties as to the best way forward. That is very welcome.

2. Often, however, such discussions are only concluded very late in the day and do not always involve all persons who have made representations, especially residents. Hearings are arranged, residents make arrangements to attend, members assemble to find that the issues have been resolved and the hearing is a formality and quickly over.

3. Any inconvenience is partly a consequence of the strict timetable that exists but all parties can play their part to minimise the inconvenience. That is the purpose of this protocol.

Timetable

4. Regulations set out the timetable that must be followed by the Licensing Authority.

5. The starting point from which time runs begins with the day after the end of the period during which representations may be made or notice given (“the start date”) – the day after the date that appears in the published notices.

6. Hearings must start within a prescribed period of time and, if to be held on more than one day, they must be consecutive working days. In most cases, hearings must start within a period of 20 working days beginning with “the start date”. In some cases it is a shorted period – e.g. 5 working days in respect of the cancellation of an interim authority, 7 working days in respect of a Temporary Event Notice, 10 working days in respect of reviews following a closure order.

7. Notice of a hearing must be given no later than 10 working days before the date on which the hearing starts. In some cases it is a shorter period – e.g. 5 working days in respect of reviews following a closure order, 2 working days in respect of the cancellation of an interim authority or in respect of a Temporary Event Notice.
8. Parties must give notice to the Licensing Authority whether they intend to attend and/or be represented at the hearing and whether they consider a hearing is unnecessary no later than 5 working days before the date on which the hearing starts. In some cases it is a shorter period – e.g. 2 working days in respect of reviews following a closure order, 1 working day in respect of the cancellation of an interim authority or in respect of a Temporary Event Notice. Parties also have to give notice within these time limits where they wish permission for any other person to appear at the hearing (other than a representative). This means people such as witnesses, other residents and witnesses.

9. Representations can be withdrawn by giving notice no later than 24 hours before the (first) day on which the hearing is to be held. Otherwise, they can only be withdrawn orally at the hearing.

10. The Licensing Authority may dispense with a hearing only if all parties have given notice to the Licensing Authority that they consider a hearing to be unnecessary (see para. 8).

11. The Licensing Authority can extend these time limits where it considers it to be necessary in the public interest. The Licensing Authority may also adjourn a hearing to a specified date or arrange for the hearing to be arranged on specific additional dates where it considers this to be necessary for its consideration of representations or notices. (Its powers to extend the time limits or adjourn are restricted in the case of reviews following a closure order and summary reviews).

The following Table shows a timetable for a hearing in respect of a new application that includes Easter

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<thead>
<tr>
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<th>Last date for Representations etc.</th>
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<td>Mon, 25 Mar</td>
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<td>Wed, 27 Mar</td>
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<td>Thurs, 28 Mar</td>
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<td>Fri, 29 Mar</td>
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<td>Sat, 30 Mar</td>
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<td>Tues, 2 April</td>
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<td>10</td>
<td>Last day for notice of hearing</td>
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<td>11</td>
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<td>9 Thurs, 11 April</td>
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<td>7 Mon, 15 April</td>
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<td>6 Tues, 16 April</td>
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<td>15</td>
<td>Last day for party to give notice to LA</td>
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<td>16</td>
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<td>4 Thurs, 18 April</td>
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<td>17</td>
<td>[Aim to complete negotiations]</td>
<td>3 Fri, 19 April</td>
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<td></td>
<td>Sat, 20 April</td>
<td>Sun, 21 April</td>
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<tr>
<td>18</td>
<td>Last time for withdrawing representations by notice</td>
<td>2 Mon, 22 April</td>
<td></td>
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<td>19</td>
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<td>1 Tues, 23 April</td>
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<td>20</td>
<td>Last date on which hearing must start</td>
<td>0 Wed, 24 April</td>
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</table>

(“Working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales)

**Target to Complete Negotiations**

12. All parties should use their BEST ENDEAVOURS to complete all negotiations no later than **3 working days** before the start of the hearing.

13. They should advise the Licensing Authority on that day of what their final position is. That will allow time for persons to withdraw their representations by notice who wish to do so. It will also allow parties to indicate whether they now consider that a hearing is unnecessary.
14. If an Applicant considers that an agreement has been reached, that all persons who made relevant representations will withdraw their representations, and/or that all parties feel that a hearing is unnecessary, they should ensure that the Licensing Authority receives all notices to enable the hearing to be cancelled and the licence granted without a hearing.

15. Unless the Licensing Authority feels it is not necessary, they will advise persons who have made relevant representations of the position 2 working days before the start of the hearing.

N.B. A hearing will still take place if there are any relevant representations that have not been withdrawn and all parties have not indicated that a hearing is unnecessary.

**Inclusiveness**

16. All parties have equal status in the determination of applications whether they are applicants, responsible authorities, residents, neighbouring businesses or ward councillors; and whether they regularly appear in licensing matters or are appearing for the first time. Nobody will be treated more or less favourably than any other. Their views and representations will be accorded equal respect.

17. All parties should adopt this approach in their dealings with other parties.

18. Applicants should attempt to negotiate and mediate with all parties with a view to resolving an issue to everyone’s satisfaction.
PROTOCOL (E) – MINOR VARIATIONS

Purpose

1. The purpose of this Protocol is to explain how the Council will deal with minor variations to premises licences and club premises certificates.

Why is this Important?

2. There is a streamlined procedures for dealing with minor variations:
   a. The Applicant has to display details of the application at the Premises on a WHITE notice (to distinguish from blue notices for full variations and new applications.
   b. The Notice has to be displayed only for 9 working days (as opposed to 28 consecutive days).
   c. There is no requirement for a press notice.
   d. The Council only notifies Responsible Authorities direct if they consider it necessary to do so.
   e. The Council is not required to include details on its website.
   f. The Council is required to consult those Responsible Authorities as it considers appropriate. This will be done if there is any doubt about the impact of the proposed variation on the licensing objectives and specialist advice is needed. The views expressed will be taken into account.
   g. Other Persons have 10 working days to make representations (as opposed to 28 consecutive days) beginning on the first working day after the day on which the Council receives the application.
   h. The Council must grant the minor variation if the variation could not have an adverse effect on the promotion of the licensing objectives.
   i. Otherwise the Council must reject the applications.
   j. There is no provision for a hearing.
   k. The decision must be made within 15 working days. If it is not determined within 15 working days, the application is deemed to be rejected.
   l. A fee of £89 is payable (as opposed to the one of the higher scale fees).
m. There is no right of appeal to the magistrates’ court against the grant or rejection of an application for a minor variation.

3. Notwithstanding these streamlined procedures, it is the Council’s practice to include details on its website. The Council will notify ward councillors, if applications raise any particular issues that may interest them.

What is a Minor Variation?

4. A Minor Variation is a variation of a Premises Licence or a Club Premises Certificate which could not have an adverse effect on the promotion of any of the licensing objectives. The legislation uses the words “could not” rather than “will not” or “does not”. The Licensing Authority does not have to be satisfied that there will not be an impact on the licensing objectives before rejecting a minor variation but rather that there could not be an adverse effect on the promotion of the licensing objectives.

5. The following changes cannot be dealt with as a minor variation (instead they must be dealt with as a full variation except in the case of (a) and (b)):

   a. An application to extend the period for which the licence has effect (must be a new application);

   b. An application to vary substantially the premises to which the licence/certificate relates (must be a new application);

   c. An application to specify an individual as the premises supervisor;

   d. An application to add the supply of alcohol as an authorised activity;

   e. An application to authorise the supply of alcohol at any time between 11pm and 7am;

   f. An application to authorise an increase in the amount of time on any day during which alcohol may be supplied;

   g. An application to include the alternative licence condition.

Delegations

6. The determination of Minor Variations has been delegated to Officers, whether or not “relevant representations” are made.

7. “Relevant Representations” are representations which are about the likely effect of the grant of the application on the promotion of the licensing objectives.

8. If relevant representations are made, Applicants should be aware that it is more likely that the application will be rejected or not-determined within 15 working days. Instead the Applicant will have to make an application for a full
variation that may result in a hearing. Applicants are encouraged to have discussions with the Licensing Authority and appropriate Relevant Authorities prior to making applications for Minor Variations, if the application might raise any issues.

9. If there is any doubt, Applicants should make an application for a full Variation.

Examples of Minor Variations

10. Statutory Guidance suggests that minor variations will generally fall into one of four categories:

a. Minor changes to the structure or layout of premises:

   i. Must have no adverse impact on the licensing objectives.

   ii. Changes that could potentially have an adverse impact include:

      1. Increasing the capacity for drinking on the premises;

      2. Affecting access between the public part of the premises and the rest of the premises or the street or public way, block emergency exits or routes to emergency exits;

      3. Impeding the effective operation of a noise reduction measure such as an acoustic lobby.

   iii. The impact may come from the cumulative effect of a successive number of small layout changes.

b. Small adjustments to licensing hours:

   i. Extension of hours for the supply of alcohol to between 11pm and 7am will never be a minor variation;

   ii. An increase in the amount of time during which alcohol may be supplied will never be a minor variation;

   iii. Applications to reduce licensing hours for the supply of alcohol will normally be a minor variation;

   iv. Applications to move (without increasing) licensing hours between 7am and 11pm for the supply of alcohol will normally be a minor variation

   v. Other applications to vary the licensing hours will be considered on a case by case basis.
c. The removal of out of date, irrelevant or unenforceable conditions or additional of volunteered conditions;

i. The Licensing Authority cannot impose conditions in the case of a minor variation. If the Council feels that the minor variation would impact on the licensing objections unless conditions are imposed, the application will be refused.

ii. Applicants may volunteer conditions as part of the minor variation process. They arise from their own risk assessment or informal discussions with Responsible Authorities or the Licensing Authority.

iii. Amendments of conditions because of a change in the circumstances that led to the conditions being attached or a change in legislation that invalidates conditions or clarification of unclear or unenforceable wording.

d. The addition of certain licensable activities:

i. Removable of a licensable activity will normally be a minor variation;

ii. The addition of the supply of alcohol as a licensable activity will never be a minor variation;

iii. Other licensable activities will be considered on a case by case basis and in the light of licence conditions put forward by the Applicant.
PROTOCOL (F) – PROMOTIONS

Background

1. Holders of Premises Licences often allow other organisations or persons to use or operate on Licensed Premises. The type of arrangement varies from long term leasing to a tenant to an on-day event by promoters. Most events cause no concerns but on a few occasions, when alcohol is supplied, irresponsible promotions may occur or drunkenness and disorderly conduct may take place, which will not promote the licensing objectives.

Obligations that Apply

2. The supply of alcohol can only take place where it is authorised by a premises licence, a club premises certificate or temporary events notice. Where there is an authorisation, the supply must comply with the terms of the authorisations, including conditions.

3. There are a number of people who have obligations to ensure that a licenses premises are properly managed:-

   a. The premises licence holder (in the case of a Premises Licence);
   b. The Club (in the case of a Club Premises Certificate);
   c. The premises user (in the cast of a Temporary Event Notice);
   d. The Designated Premises Supervisor (in the case of a Premises Licence). Unless the alternative licence condition applies, there must be a Designated Premises Supervisor holding a personal licence (that has not been suspended) in relation to all Premises Licences at any time when alcohol is supplied;
   e. Personal Licence Holders (in the case of a Premises Licence). Every supply of alcohol under a Premises Licence must be made or authorised by a Personal Licence Holder;
   f. The Management Committee of community premises where the alternative licence condition applies. This provides that every supply of alcohol must be made or authorised by the management committee.
   g. Staff employed to supply alcohol.

4. These people have primary responsibility to ensure that licensed premises are operated properly.

Mandatory Conditions

5. As well as the general requirement to comply with the terms of the authorisation, there are a number of mandatory conditions that apply to
Premises Licences and Club Premises Certificates that establish a set of minimum standards in the way that alcohol is sold. Responsibility for ensuring that these mandatory conditions are adhered to are placed on the “responsible person” – the premises licence holder, the Designated Premises Supervisor or someone over 18 authorised by them. The mandatory conditions cover:-

a. Banning irresponsible promotions;

b. Alcohol not to be dispensed directly into the mouth;

c. Provision of free tap water suitable for drinking;

d. Requirement of an age verification policy*;

e. Opportunity to choose smaller measures.

* Only condition d. applies to off-licences.

Enforcement - Offences

6. To encourage compliance with these obligations, there are a number of offences for which these persons can be prosecuted:

a. Carrying on or attempting to carry on an unauthorised licensable activity – 6 months' imprisonment or a fine of £20,000 or both.

b. Knowingly allowing a licensable activity to be carried on without authorisation – 6 months' imprisonment or a fine of £20,000 or both.

c. Allowing disorderly conduct on licenses premises – level 3 fine.

d. Selling or attempting to see alcohol to a person who is drunk – level 3 fine.

e. Sale of alcohol to children – level 5 fine.

f. Allowing the sale of alcohol to children – level 5 fine.

g. Persistently selling alcohol to children - £20,000 fine.

h. Allowing consumption of alcohol by children – level 5 fine.

i. Delivering of alcohol to children – level 5 fine.

j. Unsupervised sales by children – level 1 fine.
Enforcement - Closure

7. There are various powers to make closure orders:-

   a. Magistrates’ Closures Orders – Closure of Premises in a Geographical Area where there is expected to be disorder.

   b. Police Closure Orders – Closure of Identified Premises for Disorder and Public Safety or Prevention of Noise Nuisance & Subsequent Review.


Enforcement - Review

8. There is also power for a Responsible Authority or any other person to apply for a review of a Premises Licence or a Club Premises Certificate. Where an application is made there will be a hearing. On a review, there is power to modify the conditions (permanently or temporarily for up to three months), exclude a licensable activity/qualifying club activity from the scope of a licence (permanently or temporarily for up to three months), remove a designated premises supervisor, suspend a licence for up to three months, revoke the licence or withdraw a certificate.

Ensuring the Proper Operation of the Premises

9. The Council will take robust action to ensure that premises are operated properly and do not harm the licensing objectives.

10. In particular, where the licence holder allows a third party to operate from the premises, the Council will expect Licence Holders and Designated Premises Supervisors to ensure that the premises are operated properly and do not harm the licensing objectives.

11. The Council considers that Licence Holders and Designated Premises Supervisors cannot simply wash their hands of their responsibilities by allowing other persons or organisations to operate from the premises. Licence Holders and Designated Premises Supervisors will remain responsible for ensuring the proper operation of the Premises.

12. Licence Holders and Designated Premises Supervisors should consider whether such premises are appropriately supervised by a Personal Licence Holder employed by them at all times.
13. They should ensure that the arrangements with the Promoters are properly documented in a contract that identified the respective responsibilities and the provision of named Personal Licence Holders present throughout the promotion.

14. Licence Holders and Designated Premises Supervisors should monitor and ensure that the premises are operated properly throughout the promotion.

15. Licence Holders and Designated Premises Supervisors should ensure that should difficulties arise there can be no dispute as to who was responsible for the management of the premises at the time in question. If there is any uncertainty, the Council will consider that responsibility will lie with the Licence Holder and the Designated Premises Supervisor.
Representations are Important in the Licensing System

1. In most cases, if no relevant representations are made, the Licensing Authority is obliged to grant an application for a new licence or an application to vary an existing licence. If there are no relevant representations, the Licensing Authority has no discretion to decide whether or not an application or variation should be granted. The only exception is for application for minor variations\(^1\) where the licensing authority’s discretion not to grant it is not dependent on receiving representations.

2. Its power to impose conditions is also limited. It can impose the statutory mandatory conditions (relating to a designated premises supervisor and authorisation of the supply of alcohol by a personal licence holder (in respect of the supply of alcohol)); prescribed conditions about irresponsible promotions, prohibition of dispensing alcohol directly into the mouth, free tap water, age verification policy (including for off-sales), availability of smaller measures of certain drinks (in respect of the supply of alcohol); restriction of the admission of children (in respect of films); and authorisation of door supervisors (where required). It can only impose additional conditions that are consistent with the operating schedule that the applicant submitted with the application.

Who can make representations?

3. Representations can be made by a responsible authority\(^2\) or any other person. There is no requirement that you live or work within a fixed distance from the premises.

Can representations object or support an application?

4. Yes – the term is “representations” and not “objections” or “support”.

5. The Licensing Authority wants your views whether you support or oppose an application. Both points of view will be taken into account and will allow a decision to be taken in the light of all relevant considerations.

6. A sole relevant representation will trigger a hearing. If the only relevant representations are in support, it is possible that the Applicant will ask you to withdraw your representation or agree that a hearing is unnecessary, so that the Licensing Authority can proceed quickly to grant the application.

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\(^1\) See Protocol E

\(^2\) See Protocol H
How will I know about applications that I may be interested in?

7. Protocol B sets out details of the various steps that will be taken to give publicity to licensing applications. Depending on the type of application, these steps may include:-

- Site Notice
- Press Notice
- Details on the Council’s website
- Notification to responsible authorities
- Notification to ward councillors
- Neighbour notification.

Is there a time limit for making representations?

8. Yes – this is very important. If you do not submit your representations within the prescribed time limit, it is unlikely that your representations can be considered. Even if in the particular circumstances it can be considered, you will not be a party to the application and will not have a right to appear at a hearing or appeal to the magistrates’ court.

9. Protocol B sets out in detail the time limits for making representations. The deadline will be stated in the notices and on the Council’s website. Broadly, you will have 28 consecutive days or 10 working days in the case of a minor variation or 7 days in the case of a review following a closure order. The timetable starts on the day after the day on which the application was given to the Licensing Authority.

Can I make anonymous representations?

10. No – you must tell us your name and address. In most cases, these details will be given to the Applicant. In exceptional circumstances, we can withhold these details if you have given us good reason to do so. Protocol C explains this in more detail and what you need to do if you have concerns. It also explains how you can indicate that you do not want to be contacted or how you prefer to be contacted.

11. There is a form attached to Protocol C which you should use to make your representation.

How can I make a representation?

12. Your representation must reach us within the time limit.

13. Your representation must be in sent in writing, by email or through the Council’s website. You do not have to send us a hard copy of representations made by email or through the Council’s website.
Can you disregard my representation?

14. We can disregard a representation if it does not fall with the definition of a “relevant representation”.

- It must be “about the likely effect of the grant on the promotion of the licensing objectives”.
- It must be made within the prescribed time limit.
- It must not have been withdrawn by you.
- If you are not a responsible authority, it must not be, in our opinion, frivolous or vexatious.
- Only the chief officer of police can make a representation about the identity of the proposed designated premises supervisor.
- There are restrictions on making representations following the issue of a provisional statement if they could have been made in respect of the application for the provisional statement and where there have been no material changes.

15. We will tell you what are our reasons for considering that your representations are frivolous or vexatious.

What should my representation cover?

16. It must be “about the likely effect of the grant on the promotion of the licensing objectives”. The licensing objectives are:-

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

17. You should look at the full details of the application on our website. You can find out the proposed activities and the opening hours. All applications will have an operating schedule which sets out how the Applicant proposes to operate the business and the steps that are proposed to promote the four licensing objectives.

18. You should also look at our statement of licensing policy which sets out our approach.
19. Some parts of the city have been designated cumulative impact areas where special policies may apply to the application. It sets out certain presumptions as to how we will approach applications in those areas. But you must note that they only create presumptions. Each application needs to be considered on its merits. Tell us if the premises are in a cumulative impact area and whether you feel that granting the application is likely to add to the cumulative impact. Try to refer to the evidence upon which we relied on in designating the area.

20. You should also look at the Secretary of State’s statutory guidance on the Licensing Act, which we have to have regard to when making licensing decisions.

21. Remember, explicitly link your representations to one or more of the licensing objectives and/or the Secretary of State’s statutory guidance and/or our statement of licensing policy.

22. Tell us as much as you can to explain all the circumstances that led to your representation.

23. Try to be specific to the premises, if this is possible.

24. If you are making representation about cumulative impact in a cumulative impact area, try to state what the effect of the cumulative impact on you is and what is likely to be the effect of the grant of the application.

25. Talk to other people about problems that you fear and see if they have any evidence about it (e.g. the police).

26. Keep a diary or photographic evidence of any incidents that you have experienced.

27. We need to be satisfied about the effect on the licensing objectives and one of the ways that you can help us is to show that there is an evidential and causal link between your representations and the effect on the licensing objectives.

28. Try to get other people living in the area, or businesses operating near by, or other “responsible authorities” (e.g. the police, environmental health) to back you and provide you with evidence or make representations themselves.

29. Look on our website about what else is going on the area or what applications have been granted or refused in the past. You can look at the specific property history as well as details about other applications in the neighbourhood.
30. Contact your MP or local councillor to see if they will make representations. However, you should not contact direct councillors who are members of Licensing Committee and who may be responsible for holding a hearing. If they engage in discussions with you outside a formal hearing, they may not be able to sit on a hearing.

31. If you are unhappy with the proposal, consider whether any amendment or conditions might address your concerns.

32. If you support the proposal, explain how you feel that the proposed application might help to promote the licensing objectives.

33. We hope that you will be willing to discuss your representations with the Applicant, responsible authorities and others who have made representations. That is a way of trying to resolve issues and finding a way forward that might address any concerns. This is addressed further in Protocol C which allows you to inform us as to whether and how you are willing to do that.

Ask us

34. Finally, remember, if you are unsure about the procedure, ask us for advice. We cannot write a representation on your behalf. But we will do what we can to assist you in finding your way through this often confusing system.
Delegations – Who decides?

1. The Licensing Act 2003 refers to the Licensing Authority and in the context of the City of Newcastle upon Tyne this means Newcastle upon Tyne City Council, whose legal name is “The Council of the City of Newcastle upon Tyne”.

2. Generally there are a number of bodies that can make decisions in the name of the City Council. These are:-
   - the full Council (when all the elected councillors meet);
   - the Leader of the Council, Cabinet and individual Cabinet Members (in respect of executive matters);
   - Committees and Sub-Committees of the Council (in respect of non-executive matters); and
   - Officers of the Council (in respect of both executive and non-executive matters).

3. The appropriate body in respect of any particular matter depends, firstly, on legislation (the Local Government Act 1972, the Local Government 2000 and (in this case) the Licensing Act 2003, and regulations made by the Secretary of State) and, secondly, on decisions made by the Council and the Leader of the Council, which are recorded in the Council’s Constitution (called The Newcastle Charter).

   a. The full Council is responsible for approving the Statement of Licensing Policy. It is prepared by the Cabinet under the oversight of a Cabinet Member for submission to Council.
   b. The Licensing Committee, Licensing Sub-Committees or the Assistant Director of Public Safety, Regulation and Development are responsible for exercising all other Licensing functions. The Council will usually only exercise these functions where Licensing Committee is unable to do so because of the number of its members who are unable to participate.
Most applications and licensing decisions will be made by a Licensing Sub-Committees or the Assistant Director of Public Safety, Regulation and Development. Generally, a Licensing Sub-Committee will decide matters if there are representations or objections. A Table included in the Statement of Licensing Policy sets out in more detail who will generally decide a particular matter. However, the Assistant Director of Public Safety, Regulation and Development has the right to refer the matter to a Licensing Sub-Committee or the Licensing Committee, if he/she considers it appropriate, even though he/she could have made a decision himself. The Table is attached at Appendix 1.

d. Although power has been delegated to the Assistant Director of Public Safety, Regulation and Development, it is not necessary that he/she makes the decisions him/herself. The Newcastle Charter provides that officers in his/her department can make decisions in the name of the Assistant Director of Public Safety, Regulation and Development in accordance with arrangements made from time to time by him/her.

Proper Officer

5. The Assistant Director of Public Safety, Regulation and Development is also a “Proper Officer” of the Council for the purpose of the Council’s licensing functions in addition to any other proper officer designated under The Newcastle Charter.

6. The Newcastle Charter provides that officers in his/her department can exercise his/her “Proper Officer” function in the name of the Assistant Director of Public Safety, Regulation and Development in accordance with arrangements made from time to time by him/her.

7. The Proper Officer responsibility is mainly relevant in respect of the authentication of documents.

Substitute Officer

8. The Service Manager Environment and Public Protection has been appointed to act instead of the Assistant Director of Public Safety, Regulation and Development, in the event of his/her being for any reason unable to act or of his/her post being vacant, whether as “proper” or other “statutory officer” or a Delegated Officer (unless Licensing Committee makes other provision).

Responsible Authorities

9. The Licensing Act 2003 refers to persons or bodies called “responsible authorities”. A responsible authority has certain rights and powers under the Licensing Act (e.g. to receive notice of certain applications).

10. Under the Licensing Act there are 10 categories of responsible authorities, shown in the following Table:-
<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Description</th>
<th>Name [...]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. (za)</td>
<td>The Licensing Authority [Any other Licensing Authority in whose area part of the premises is situated]</td>
<td>Newcastle upon Tyne City Council [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]</td>
</tr>
<tr>
<td>2. (a)</td>
<td>Chief Officer of Police</td>
<td>Chief Constable of Northumbria Police</td>
</tr>
<tr>
<td>3. (b)</td>
<td>Fire and Rescue Authority</td>
<td>Tyne and Wear Fire and Rescue Authority [and Northumberland County Council]</td>
</tr>
<tr>
<td>4. (bb)</td>
<td>Local Authority with public health functions</td>
<td>Newcastle upon Tyne City Council [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council] or The Health and Safety Executive</td>
</tr>
<tr>
<td>5. (c)</td>
<td>Health and Safety Enforcing Authority</td>
<td>Newcastle upon Tyne City Council [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]</td>
</tr>
</tbody>
</table>

1 Of sections 13(4) and 69(4) of the Licensing Act 2003

2 Names in brackets refer to possible additional responsible authorities where the premises are partly in Newcastle upon Tyne and partly in the area of an adjacent local authority. You should make enquiries of those authorities to find out addresses etc.
<table>
<thead>
<tr>
<th>Paragraph¹</th>
<th>Description</th>
<th>Name […]²</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. (d)</td>
<td>Local Planning Authority</td>
<td>Newcastle upon Tyne City Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]</td>
</tr>
<tr>
<td>7. (e)</td>
<td>Local Authority with environmental health functions</td>
<td>Newcastle upon Tyne City Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]</td>
</tr>
<tr>
<td>8. (f)</td>
<td>Recognised bodies relating to protection of children from harm</td>
<td>Newcastle upon Tyne Local Safeguarding Children Board and [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council or body recognised by them]</td>
</tr>
<tr>
<td>9. (h)</td>
<td>Persons with responsibilities with regard to vessels</td>
<td>Maritime and Coastguard Agency (for sea going vessels) and/or Port of Tyne Authority (if based on the River Tyne or Ouseburn) N.B. The Canal &amp; River Trust is not responsible for any waters in Newcastle upon Tyne and The Environment Agency is not the navigation authority for the navigable parts of the River Tyne or Ouseburn.</td>
</tr>
</tbody>
</table>
10. (i) Other prescribed persons: (1) Local Weights and Measures Authority

Newcastle upon Tyne City Council

[and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]

11. The contact details for these bodies are set out in Appendix 2. Up to date details will be published on the Council’s website at http://www.newcastle.gov.uk/sites/drupalncc.newcastle.gov.uk/files/wwwfilero ot/business/licences/new_responsible_bodies_list.pdf

Newcastle City Council as a responsible authority

12. Newcastle City Council is a responsible body in a number of separate capacities as well as being the Licensing Authority: - public health, health and safety, planning, environmental health, and trading standards. Three of the functions as well as the licensing authority function are the ultimate responsibility of the Assistant Director Public Safety, Regulation and Development. In order to avoid conflicts of interest, internal arrangements seek to avoid a dual-hatted approach. The following table sets out who is responsible for the various functions on a day-to-day basis:

<table>
<thead>
<tr>
<th>Paragraph¹</th>
<th>Description</th>
<th>Name [...]²</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. (i)</td>
<td>Other prescribed persons: (1) Local Weights and Measures Authority³</td>
<td>Newcastle upon Tyne City Council [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]</td>
</tr>
</tbody>
</table>

³ Regulation 7 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005 No 42)
13.

<table>
<thead>
<tr>
<th>Function</th>
<th>Officer Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensing Authority (as determining authority)</td>
<td>Assistant Director of Public Safety, Regulation and Development</td>
</tr>
<tr>
<td>Licensing Authority (as responsible authority)</td>
<td>Licensing Manager, Public Safety, Regulation &amp; Development</td>
</tr>
<tr>
<td>Public Health</td>
<td>Director of Public Health</td>
</tr>
<tr>
<td>Health and Safety</td>
<td>Service Manager Environment and Public Protection</td>
</tr>
<tr>
<td>Local Planning Authority</td>
<td>Assistant Director of Planning</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>Service Manager Environment and Public Protection</td>
</tr>
<tr>
<td>Weights and Measures</td>
<td>Service Manager Environment and Public Protection</td>
</tr>
</tbody>
</table>
### Appendix 1 – Table of Delegations

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Sub-Committee</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for personal licence</td>
<td>If a police objection</td>
<td>If no objection made</td>
</tr>
<tr>
<td>Application for personal licence with unspent Convictions</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application for premises licence/club premises certificate</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application for provisional statement</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application to vary premises licence/club premises certificate</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
</tr>
<tr>
<td>Application for a minor variation of premises licence/club premises certificate</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application to vary designated premises supervisor</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Request to be removed as designated premises supervisor</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application for transfer of premises licence</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Applications for interim authorities</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Application to review premises licence/club premises certificate</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Decision on whether a complaint is irrelevant frivolous vexatious etc</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Decision to object when local authority is a consultee and not the relevant authority considering the application</td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Determination of application to vary premises licence at community premises to include alternative licence condition.</td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Determination of a police objection to a temporary event notice</td>
<td>All cases</td>
<td></td>
</tr>
</tbody>
</table>
Appendix 2 – Responsible Authorities

All applications must be sent to the City Council at the following address
The Licensing Authority
Newcastle City Council,
Public Safety and Regulation
Civic Centre
Newcastle upon Tyne
NE1 8QH

Applications for a Premises Licence, a Provisional Statement, a variation of a Premises Licence under Section 34, a Review under Section 51, a Club Premises Certificate, a Review under Section 87 or a variation of a Club Premises Certificate must also be sent to each of the following Responsible Bodies, together with accompanying documents.

1. The Chief Officer of Police
   The Chief Constable
   Northumbria Police Force Headquarters
   Middle Engine Lane, Wallsend
   Tyne & Wear
   NE28 9NT

   Applications should be addressed to
   The Licensing Co-ordinator
   Northumbria Police
   Eldon Square, Floor 1, Eldon Court, Percy Street
   Newcastle upon Tyne
   NE1 7JB

2. Fire Authority
   The Chief Fire Officer
   Tyne and Wear Fire and Rescue Service
   Service Headquarters
   Nissan Way
   Barmston Mere
   Sunderland
   SR5 3QY

   Applications should be addressed to
   The Station Officer
   Tyne and Wear Fire and Rescue Service
   Fire Station
   West Denton Way
   Newcastle upon Tyne
   NE5 2RB

3. Protection of Children from Harm
   Local Safeguarding Children Board Co-ordinator
   People Directorate Newcastle City Council
   Civic Centre
   Newcastle upon Tyne
   NE1 8QH

4. Local Planning Authority
   Assistant Director Planning
   Place Directorate
   Newcastle City Council
   Civic Centre
   Newcastle upon Tyne
   NE1 8QH

5. Enforcing Authority for Health and Safety at Work etc Act 1974
   Applications should usually be addressed to
   Assistant Director Public Safety, Regulation and Development (Commercial Services Team)
   Newcastle City Council
   Civic Centre
   Newcastle upon Tyne NE1 8QH
For applications in respect of premises inspected by the Health and Safety Executive
Health and Safety Executive
Alnwick House
Benton Park View
Newcastle upon Tyne
NE98 1YX

6. Authority responsible for preventing risk of pollution of environment or harm to human health
Assistant Director Public Safety, Regulation and Development (Commercial Services Team)
Newcastle City Council
Civic Centre
Newcastle upon Tyne
NE1 8QH

7. Local Weights and Measures Authority
Assistant Director Public Safety, Regulation and Development (Trading Standards Team)
Newcastle City Council
Civic Centre
Newcastle upon Tyne
NE1 8QH

8. Public Health
Director of Public Health
Wellbeing Care and Learning Directorate
Newcastle City Council
Civic Centre
Newcastle upon Tyne, NE1 8QH

9. Home Office Secretary of State (Home Office Immigration Enforcement)
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon, CR9 2BY

10. In relation to Vessels
The Navigation Authority (within the meaning of Section 22(1) of the Water Resources Act 1991 having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities), the Maritime and Coastguard Agency, British Waterways Board, or the Environment Agency*.

Sea Going Vessels
Maritime and Coastguard Agency
Newcastle Marine Office
Compass House
Unit 1 Tyne Dock
South Shields
NE34 9PY

River Tyne or Ouseburn Based Vessels
Port of Tyne Authority
Maritime House
Tyne Dock
South Shields
Tyne and Wear
NE34 9PT

*Please note there are no British Waterways Board owned canals or navigable rivers where British Waterways is the navigation authority in Newcastle upon Tyne. The Environment Agency is not the navigation authority for navigable parts of the River Tyne or Ouseburn.
PROTOCOL (I) – HEARINGS AT LICENSING COMMITTEE

Purpose of this Protocol

1. The purpose of this Protocol is to give guidance to Applicants, Responsible Authorities and other people who have made representations about what to expect at Hearings. It supplements the document “Procedure at Licensing Sub-Committee” which is sent to all parties before a Hearing.

2. There are certain rules that have to be followed. These are set out in the Licensing Act 2003 (Hearings) Regulations 2005 [SI 2005 No 44] (as amended). However, within those rules, the licensing authority has a lot of discretion as to how hearings will be conducted.

Overall Approach

3. Our overall approach is to conduct a hearing that is:–

   - Fair
   - Open, transparent and accountable
   - Treats everyone equally, whatever their status.

When will there be a hearing?

4. There are many different situations where a hearing will be held. There is a full list in Schedule 1 to the Hearing Regulations. In most case this will be where somebody has made relevant representations to an application for the grant or variation (other than a minor variation) of a premises licence or club premises certificate.

Who is a “party” to a hearing?

5. The Hearing Regulations refer to a “party” or “parties” to a hearing. These people have a special role in relation to a hearing. These are the people to whom we have to give notice of the hearing. They are listed in Schedule 2 to the Hearing Regulations. In the case of an application for a new licence or an application to vary a licence it will be:–

   - The Applicant
   - Persons who have made “relevant representations”.

6. We explain in Protocols C and G more details about who can make, what are, and how to make “relevant representations”.

7. We also explain in Protocol C about who we will tell about your representations and what you should do if you have concerns about disclosure of your personal details.
When will a hearing take place?

8. The Hearing Regulations set time limits within which hearings should start. They are set out in Schedule 1 to the Hearing Regulations. In the cases of an application for a new licence or an application to vary a licence, the hearing must be start within 20 working days beginning with the day after the end of the period for making representations. In some cases, the period is shorter.

9. If the hearing is to be held on more than one day, the days must usually be consecutive working days.

10. These are strict time limits and so it will not be possible to accommodate everyone’s preferences. However, if there are dates or times that are inconvenient to you or dates or times that are particularly suitable for you please let us know why as soon as possible (and preferably when you submit your representations). We cannot promise you that we will be able to accommodate your wishes, but we will take them into account.

11. Hearings will usually take place on working days in the day time at the Civic Centre or other council premises. If you feel that different arrangements should be made, again please let us know why as soon as possible (and preferably when you submit your representations). We will consider what you say.

Who will be told about the hearing?

12. Once a hearing has been arranged, we have to give a notice of hearing stating the date, time and place of the hearing to certain people. The people are listed in Schedule 2 to the Hearing Regulations.

13. In the case of an application for a new licence or an application to vary a licence it will be:-

- The Applicant; and
- Persons who have made “relevant representations”.

When will people be told about the hearing?

14. In the case of an application for a new licence or an application to vary a licence, we must give the notice of the hearing no later than ten working days before the day of the first day on which the hearing is to be held.

15. In some cases, we are allowed a shorter period to give the notice of hearing.

What further information is given with the notice of hearing?

16. In addition to the date, time and place of the hearing, we must also give:-
• Details of a party’s right of attendance, assistance and representation;
• Details of the party’s rights at the hearing;
• Details of the consequences if a party does not attend or is not represented at the hearing;
• Details of the procedure to be followed at the hearing;
• Details of any particular points on which the Licensing Authority considers that it will want clarification at the hearing from a party;
• Copies of documents listed in Schedule 3 to the Hearings Regulations. In the case of an application for a new licence or an application to vary a licence, we have to give copies of the “relevant representations”. These will include the details of your name, address and contact details, as explained in Protocol C. That protocol also explains what you should do if you have concerns about disclosure of your personal details.

What do you have to do if you have received a notice of hearing?

17. You should reply to us. In the case of an application for a new licence or an application to vary a licence, you should reply to us no later than 5 working days before the first day on which the hearing is to be held. The Hearing Regulations set a shorter period for certain hearings.

18. You should tell us:-

• Whether you intend to attend or be represented at the hearing;
• Whether you consider a hearing to be unnecessary;
• If, in addition to yourself and your representative, you wish someone else to appear at the hearing, you must ask for our permission. You must tell us that person’s name and give us a brief description of the points or points on which that person may be able to assist us in relation your application or representations. This covers a witness, expert, or any other person that you wish to be heard at the hearing. We cannot unreasonably withhold permission.

Must there be a hearing?

19. We can only dispense with a hearing, in the case of an application for a new licence or an application to vary a licence, if:

• The Applicant AND each person who has made “relevant representations” agree that a hearing is unnecessary and have given us notice that they consider that a hearing is unnecessary; and
• We agree that a hearing is unnecessary.

20. We will then give notice to all parties that the hearing has been dispensed with.

Can representations be withdrawn?

21. Any party can withdraw their representations.

22. If you want to withdraw your representations, there are two ways to do this. You must:-

• Either, give us notice no later than 24 hours before the first day on which the hearing is to be held;

• Or, withdraw your representation orally at the hearing.

23. If there are no remaining representations, the hearing will be cancelled and the application will be granted by officers. If there are still representations remaining, and the remaining parties have not agreed that a hearing is unnecessary, then the hearing will proceed.

Negotiations

24. The time between making relevant representations and the hearing is the main period during which negotiations between the parties may take place to ascertain whether it might to possible to reach agreement as to the best way forward.

25. These are explained further in Protocol D and suggests target dates to complete negotiations.

Our discretions about time limits

26. The Hearing Regulations give us the power to extend time limits for a specified period where we consider it to be necessary in the public interest.

27. They also give us power to adjourn a hearing to a specified date or arrange for a hearing to be held on specified additional dates, where we consider this to be necessary for our consideration of any representations.

28. If you want us to exercise these discretions, ask us as soon as possible and give us your reasons.

29. If we exercise these discretions, we will give notice to the parties.

30. We cannot adjourn without fixing a further date (otherwise called adjournments sine die). There are some further restrictions on the exercise of these discretions but they do not apply in the case of an application for a new licence or an application to vary a licence.
Who will the hearing be before?

31. The hearing will usually be before a Licensing Sub-Committee. This consists of three councillors who are members of the Council’s Licensing Committee. If possible it will be cross-party and include the chair or vice-chair of the Licensing Committee. The members are selected by the Council’s Service Head Democratic Services by rotation.

32. It is possible for an application to be considered by the full Licensing Committee or full Council. These situations are likely to be very rare. The full Council will only deal with the matter if Licensing Committee is unable to deal with a matter because of the number of members who have a conflict of interest.

33. At meetings of the Licensing Sub-Committee, there will also be a licensing officer, a legal officer and a democratic services officer. Their role is to assist the Sub-Committee but they are not members of the Sub-Committee and do not make the final decision. The final decision is the responsibility of the three councillors.

Is the hearing in public?

34. All hearings will be in public unless the sub-committee decides to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

35. This means that generally anyone may attend and observe a hearing. Please let us know as soon as possible if you think that a large number of people are likely to attend. This is so that we can ensure that there is sufficient space available.

36. We are likely to exclude the public once everyone has had their say and make our decision in private. We will also exclude parties and their representatives at that time. The only people present will be the three councillors and the three officer-advisors.

37. We can also exclude the public during the hearing itself. This will be where a party wants to present confidential or sensitive information. We will only do this if we think it is in the public interest. If any party wants us to consider doing this, you should tell us as soon as possible.
38. We can also specifically require any person attending the hearing who in our opinion is behaving in a disruptive manner:-

- To leave the hearing;

and we can:

- Refuse to permit that person to return; or

- Permit that person to return only on such conditions as we may specify.

Such an excluded person may, before the end of the hearing, submit in writing any information which they would have been entitled to give orally had they not been required to leave.

Under this power we can exclude parties and representatives in addition to members of the public.

**What can parties do?**

39. Parties may attend the hearing.

40. Parties may be assisted or represented at the hearing by any person whether or not that person is legally qualified.

41. Parties may address the hearing.

42. Parties may question any other party, with our permission.

43. Parties may give further information in support of their application or representations, in response to a point of clarification that we have already identified in our notice of the hearing (see paragraph 16).

44. We may ask questions of any party or other person appearing at the hearing.

45. If you want us to take into account documentary or other information produced by you in support of the application or representation, you should send it to us before the hearing. If you only produce it at the hearing, we can only consider it if the other parties consent. You should make sure that the other parties are fully aware of your case well before the date of the hearing; otherwise, if they feel that they have not had sufficient notice, they are likely to apply for an adjournment.

46. However, we are required to disregard any information given by a party or by any other person to whom permission to appear has been given (e.g. a witness) which is not relevant to:-

- Their application or representation or the application or representation of the party requesting their appearance, and
• The promotion of the licensing objectives.

Parties should therefore ensure that information is relevant to these two matters.

**What happens if parties do not attend?**

47. If you have told us that you do not intend to attend or be represented, the hearing may proceed in your absence.

48. If you have not told us that you do not intend to attend or be represented and you do not attend, we may:-

• Either, adjourn the hearing to a specified date, where we consider it to be necessary in the public interest;

• Or, hold the hearing in your absence.

49. If we do hold the hearing in your absence, we will still consider at the hearing the application or representations made by you. If we adjourn the hearing, we will notify parties of the new hearing.

50. It would be very helpful if you tell us whether you intend to attend. If you face difficulties on the fixed date, tell us about your reasons so that we can take them into account.

**How will a hearing proceed?**

51. Except where the Hearing Regulations set out the procedure to be followed, we are allowed to determine the procedure to be followed.

52. At the beginning of the hearing, we have to explain the procedure that we will follow.

53. We will also consider requests by parties for other persons to be allowed to appear. (See paragraph 18). We cannot unreasonably withhold permission.

54. A hearing will take the form of a discussion led by us.

55. Although a party may ask questions of another party, with our permission, that questioning should not amount to cross-examination.

• If a party wants to cross-examine a party, you should first ask our permission. We can only permit cross-examination if we consider that it is required to enable us to consider the representations or application.

• If you feel that you are being cross-examined where permission has not been given, raise the matter with the chair at the hearing.
• The chair of the hearing will intervene to stop cross-examination that has not been authorised.

56. We are required to allow all parties an equal maximum period of time to respond to points of clarification, question parties and address the hearing.

• We will not usually set these maximum periods at the beginning of the hearing;

• We also do not intend to specifically time how long parties spend exercising their rights.

• We will act when parties seem to be bringing in irrelevant matters or are becoming repetitious.

• We reserve the right to impose time limits, if we consider it necessary.

• If any parties feel that they have not been given sufficient time, raise the issue with the chair.

57. The following Table contains an outline of the procedure that will usually be followed:-

<table>
<thead>
<tr>
<th>OUTLINE OF PROCEDURE TO BE FOLLOWED</th>
</tr>
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<tbody>
<tr>
<td>• The Chair will open the meeting and introduce members of the Committee and Officers to all present. The Chair will explain the nature of the decision to be taken and the procedure (as detailed below) to be followed, emphasising that the role of the sub committee is to determine the application in an impartial and even-handed manner, and in accordance with the relevant provisions of the Licensing Act 2003, National Guidance and the Licensing Authority’s own policy.</td>
</tr>
<tr>
<td>• The Licensing Officer will outline the application together with any relevant representations and their relevance to the Local Authority Licensing Policy Statement and Statutory Guidance.</td>
</tr>
<tr>
<td>• Members may ask questions of the Officer.</td>
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<tr>
<td>• The Applicant or the person representing him/her will be invited to address Committee. The Chair will at all times be mindful of the requirement to permit the parties equal time so far as is possible.</td>
</tr>
<tr>
<td>• Members and then parties may ask questions of the Applicant</td>
</tr>
<tr>
<td>• Responsible Authorities will be invited to address the committee.</td>
</tr>
<tr>
<td>• Members and then parties may ask questions of the Responsible Authorities.</td>
</tr>
</tbody>
</table>
• Interested Parties will be invited to address the committee. Where there are a number of parties making similar representations the Chair will expect the parties to nominate a spokesperson to make the representations.

• Members and then parties may ask questions of the Interested Parties

• The Chair will invite the Applicant and parties to summarise their points if they wish.

• The Chair will confirm that all parties are satisfied they have had adequate opportunity to present their case.

• Members of the Committee will retire to discuss and make their decision, and will be accompanied by the legal advisor and the licensing officer (whose roles are to assist the Committee with advice; they are not part of the decision making process).

• The Chair will relay the decision and the reasons for the decision and details of any conditions placed upon the Licence (if granted) under the licensing objective that they relate to.

• Written notification of the decision together with information regarding the right of a party to appeal against the decision will be sent out.

Where additional persons have been permitted to appear at the hearing under Regulation 8(2) of the Hearings Regulations such persons shall be invited to address the committee after the party who requested their attendance has addressed the committee, and answered any questions.
Licensing Act 2003
Statement of Licensing Policy
2018 to 2023

Safe, Sensible and Social:
A City with Cultural Vibrancy

APPENDIX 3
Licensed Premises Drugs Protocol
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Introduction

Everyone in the community has a part to play in tackling the supply of controlled drugs and psychoactive substances and the harm these substances cause to individuals, their families and the wider community.

Licensees and operators trading/working in the night time economy have a particular role to play in this respect and they are under a duty to promote the four Licensing Objectives:

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

Unfortunately, licensed premises (premises which have the benefit of a premises licence, club premises certificate or other permission under the Licensing Act 2003 (the 2003 Act) authorising the supply of alcohol and/or late night refreshment) may at times encounter an issue involving the supply and/or use of controlled drugs and psychoactive substances on their licensed premises. Such issues may arise, despite the best efforts of licensees, operators and their staff/contractors, as a result of the supply and/or use of controlled drugs and psychoactive substances on or near to the premises by patrons and/or staff/contactors

Licensees and the Designated Premises Supervisor (where the premises licence/club premises certificate authorises the supply of alcohol) should not hesitate to take robust and positive action to prevent drug use/supply on their licensed premises. Licensees should implement a zero tolerance approach to drug use/supply on their premises and ensure that there are clear policies in place at all times to enable staff and contractors to identify and to tackle drug use/supply by any person on the premises.

All Staff and contractors should be familiar with the drugs policy of the licensed premises and receive regular training to enable staff/contractors to take a robust and zero tolerance approach to drug use/supply. Staff and
contractors working at licensed premises should know how to deal with any incidents involving drugs and what action they should and are expected to take.

The purpose and application of the Licensed Premises Drugs Protocol
The Licensed Premises Drugs Protocol (the protocol) has been devised by Northumbria Police to assist licensees, operators, and their staff and contractors, to take a zero tolerance approach to drug use/supply on or near to licensed premises, and to provide guidance to those working in the night time economy as to the action they should take if they seize/find drugs on the premises, or they suspect or discover that drugs are being used/supplied on or near to the licensed premises.

Northumbria Police and the other Responsible Authorities expect licensees and operators trading/working in the night time economy of Newcastle upon Tyne to adopt and implement the protocol (or their own drugs policy which conforms to the Licensed Premises Drugs Protocol and has been approved by Northumbria Police and the Licensing Authority of Newcastle upon Tyne) and to ensure that their staff and contractors are familiar with the drugs protocol.

The protocol confirms the expectation of Northumbria Police and the other Responsible Authorities to the approach those working on licensed premises should take in relation to the supply/use of drugs on or near to the licensed premises. The protocol also confirms when and how licensees, operators, and their staff/contractors should contact the police to report an incident concerning the use/supply of drugs, and what action the police will take when a report is made.

The protocol covers all licensed premises, their grounds and outbuildings.
Drugs covered by the Protocol
The Policy seeks to assist licensees, operators, and their staff/contractors to identify and tackle the use and supply of ‘controlled drugs’ and ‘psychoactive substances’ on or near to licensed premises.

Controlled Drug
“controlled drug” is defined in section 2 of the Misuse of Drugs Act 1971 (the 1971 Act) and means any substance or product for the time being specified in:

- Part I (Class A Drugs), II (Class B Drugs) or III (Class C Drugs) of Schedule 2 of the 1971 Act.

- a temporary class drug order invoked by the Home Secretary for a drug (not already controlled under the Act) subject to temporary control due to its likely misuse and capability of causing harmful effects.

This protocol does not contain a list of every controlled drug specified in Schedule 2 of the 1971 Act. Some of the most commonly known and used controlled drugs are however listed below in order to assist licensees, operators, and their staff/contractors:

Class A Drugs
Cocaine, Crack Cocaine, Heroin, Ecstasy (MDMA) and LSD

Class B Drugs
Includes Cannabis, Cannabis Resin, Amphetamine, Mephedrone, (MKat, Bubble), Ketamine and Synthetic Cannabinoids (formerly part of the Psychoactive Substances Act 2016)

Class C Drugs
Includes prescribed drugs which may be abused, for example Benzodiazepines (Valium, Temazepam, Diazepam), prescribed Steroids or performance and imaging enhancing steroids or Growth Hormone. GHB/GBL (liquid ecstasy – used as a date rape drug) are also Class C.
The Protocol also deals with prescribed controlled drugs held without prescription thus without lawful authority (e.g. methadone or other opiate based medication, benzodiazepines) and medicines (both prescription and over the counter drugs).

Psychoactive Substances
Under the Psychoactive Substances Act 2016 (the 2016 Act) it is unlawful to produce, supply or offer to supply a psychoactive substance.

“psychoactive substance” is defined in section 2 of the 2016 Act and means any substance which—

(a) is capable of producing a psychoactive effect in a person who consumes it, and;

(b) is not an exempted substance (exempted substances are listed in Schedule 1 to the 2016 Act and includes, amongst other things, controlled drugs under the Misuse of Drugs Act 1971, alcohol, caffeine and nicotine and tobacco products).

A substance produces a psychoactive effect in a person if, by stimulating or depressing the person's central nervous system, it affects the person's mental functioning or emotional state; and references to a substance's psychoactive effects are to be read accordingly.

A person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person's body in any way.
The Role of the Police
Northumbria Police works with and supports agencies which come across drug users as part of their work. The police are committed to working with licensed premises and other relevant agencies to develop and implement drug policies, protocols and procedures that help them handle drug related incidents in a manner that is consistent with the law and promotes harm minimisation and access to support.

Contacting the Police to report a drug seizure:

A. Non-emergency – Contact the Neighbourhood Beat Teams via the Licensing Coordinator by emailing central.npt.drugs@northumbria.pnn.police.uk where the amount of drugs seized or recovered is believed to be for the persons own use.

An officer of the Neighbourhood Beat team will attend licensed premises to collect suspected controlled drugs or psychoactive substances seized or found on licensed premises (the seizure and the process for the storage and collection of controlled drugs and psychoactive substances is discussed in more detail below).

Neighbourhood Beat Managers and teams primarily work day and evening shifts. Messages can be left at other times, for individual officers. If you wish to set up a meeting with one of the members of the local team, you can find up-to-date information on who is in your local Neighbourhood Beat Team by visiting the Your Neighbourhood section of the Northumbria Police web site or by emailing newcastlecentral.npt@northumbria.pnn.police.uk

B. Emergency - Contact the Emergency Response Teams - call 999 if there is any danger, risk to life, possession of drugs where the quantity of drugs seized suggests more than personal use, or a crime is in progress such as the supply of drugs on licensed premises.
Emergency response teams will make an incident report and make sure that the incident is dealt with within the appropriate timescale.

Where the police receive a report that drugs have been seized from a patron/staff member or have been found on the licensed premises, or that drugs are being used/supplied on or near to the licensed premises, the police will:

- Attend the premises to respond to licensed premises request for assistance, for both:
  
  o Emergency – 999 calls
  o Collection of suspected controlled drug and psychoactive substances, non-emergency incident.

- Inspect the Drug Incident and Substance Management Form and collect any bagged drugs/substances. The police will retain (where necessary for forensic examination and/or evidential purposes) and safely dispose of any substance suspected or found to be or to contain a controlled drug or a psychoactive substance.

- Undertake any criminal investigative action the police consider to be necessary (i.e. arrest/invite for voluntary interview a person suspected of committing an offence, take witness statements from staff and patrons, review the CCTV footage held by the licensed premises and incident books, etc.).

- Provide the licensed premises with feedback on Police action (if necessary).

- Update police records.
Searches

Door Supervisors have no legal power to search a person. A search of a person attempting to enter licensed premise may only be conducted with the consent of the individual. However, licensees and operators trading and working in the night time economy can refuse access to a patron who does not consent to being searched by a door supervisor by making this a condition of entry to the premises.

Northumbria Police and the other Responsible Authorities expect licensees and operators to refuse access to any patron who does not consent to being searched when requested by a door supervisor. Licensees and operators should make their zero tolerance approach to drugs obvious and clear to patrons who attempt to enter and whilst they are on the licensed premises.

It is for the licensee and operator to determine how they can make their zero tolerance approach to drugs clear and obvious to patrons, and to implement the necessary measures to achieve this objective. Set out below are some of the measures/actions licensees and operators are encouraged to adopt and implement by Northumbria Police and the other Responsible Authorities:

- Display a sign confirming that the premises operates a ‘zero tolerance approach to drugs’ and that searches of patrons may be carried out by door supervisors.

- The sign should clearly state that any search may only be conducted with the consent of the individual and that any patron who refuses to be searched will be refused entry to the premises.

- When an individual is requested to consent to a search, the door supervisor should explain to the patron why they are being searched and how that search will be conducted.
• If a random search policy is operated then it should be carried out at a frequency which is likely to act as a deterrent and the selection criteria should comply with equality legislation.

• Male door supervisors may ask female patrons to empty the contents of their bag or pockets but a ‘pat down’ search may only be conducted by a door supervisor of the same sex.

• Seizures of illegal drugs should be recorded and the Police notified [see the procedure below].

The above is not intended as nor should it be treated as legal advice to licensees, operators, and their staff/contractors. If licensees, operators, and their staff/contractors have any queries regarding the search of patrons it is their responsibility to raise these queries with management, to review their own policies and procedures and to seek their own independent advice.

Seizure and Storage of Drugs & Notification to Police

If drugs are found on a person and it is a small amount which the door supervisor conducting the search believes is for the person’s own personal use (i.e. a couple of tablets or a wrap of cocaine) the drugs should be seized by the door supervisor, recorded on the Drug Incident and Substance Management Form, the patron should be asked for their details and be refused entry to the premises.

If a person is found using drugs on the premises, the drugs should be seized, recorded on the Drug Incident and Substance Management Form, the patron should be asked for their details and directed to leave the premises.

The door supervisor does not however have any power to compel the patron to provide their details and nor does the door supervisor have a power to detain the patron.
Any drugs seized or found on licensed premises should be placed (using gloves wherever possible) in a self-seal bag and placed in a safe stored in a part of the licensed premises to which only the licensee, duty manager and their staff/contractors have access.

[Licensed premises must maintain a supply of self-seal bags. Bags will not be provided by Northumbria Police]

A Drug Incident and Substance Management Form is a document which records the date and time of the drugs seizure/find, the name (and where appropriate the Security Industry Authority badge number) of the person who seized/found the drugs, the name of the duty manager to whom the drugs were handed to for placement in the safe, the name and contact details of the person from whom the drugs were seized (if the patron provides his/her details), and a brief description of the drugs and the incident.

[A copy of the Drug Incident and Substance Management Form will be supplied to licensed premises by Northumbria Police and the licensee/operator is expected to ensure that there are sufficient copies of the form made available to staff/contractors working on the licensed premises]

The Drug Incident and Substance Management Form should be signed by the duty manager and counter signed by the person who seized/found the drugs.

An email should be sent to the local neighbourhood policing team within 24 hours of the drugs seizure/find confirming that drugs have been seized/found on the licensed premises. An officer will then attend the licensed premises to collect the drugs and inspect the Drug Incident and Substance Management Form. An officer will attend licensed premises every Monday and Friday to collect any seized/found drugs notified to police.

Drugs paraphernalia and needles should be dealt with according to health and safety guidelines and the licensed premises safe disposal policy.
Staff members should always ensure they are not putting their own health and safety at risk when handling drugs or associated paraphernalia. Licensees and operators should ensure that their staff and contractors are familiar with the health and safety policies and procedures of the licensed premises.

If money or any written materials are found and they appear to indicate involvement in the supply of drugs, the advice of the Police should be sought before doing anything with these items (in case it ought to be collected as evidence of supply). Please refer to guidance on emergency and non-emergency contact.

Where drug related litter (such as needles or sharps) is found outside the premises and no one trained on safe disposal is available then this should be reported to Envirocall as a matter of urgency.

Email - envirocall@newcastle.gov.uk
Phone; 0191 278 7878 and ask for ‘Envirocall’

If a door supervisor recovers an amount of suspected drugs during a search and he/she believes that the amount held is for the purpose of supply, the police should be immediately contacted so an officer can attend the premises to deal with the situation. The drugs should be seized and stored in accordance with section 6 above.

The patron should be asked to provide their details. The door supervisor does not however have any power to compel the patron to provide their details and nor does the door supervisor have a power to detain the patron. The licensee should ensure that the police are provided with any relevant evidence such as CCTV etc.
If a member of staff or a contractor finds a person on or near to the licensed premises who appears to have overdosed, they should immediately phone 999.

**Supply of controlled drugs/psychoactive substances on or near to the premises**
Where a member of staff/contractor knows or suspects that a person is supplying drugs on or near to the premises they should inform the manager of the premises, an SIA door supervisor and the police immediately. Upon being notified that drugs are being supplied on or near to the licensed premises, the police will consider the information and decide the appropriate action to take.

Members of staff/contractors may also contact the police directly if they observe the supply of drugs on or near to the licensed premises, or they have concerns that such criminal activity is taking place on or near to the licensed premises. The police will consider any such information provided and decide the appropriate action to take.
Drugs Seizure/Find on Licensed Premises Flowchart

**Enforcement Action**
If a licensed premise has an issue with drugs and the police (and/or any of the other Responsible Authorities) consider that the licensing objectives are being undermined, an application may be made to review the premises licence or the club premises certificate under the 2003 Act.

Where there is serious criminal activity on the premises (supply of drugs) or the use of drugs on or near to the licensed premises is causing nuisance and disorder, a Closure Notice may be issued by the police or the Local Authority under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014. Such notice would close the premises and an application will be made (unless the Notice is cancelled) to a magistrates’ court for a closure order (A Closure Order can close the premises for a period of up to 3 months).
Failure to comply with the protocol (or the licensee’s own drug policy which has been approved by Northumbria Police and the Licensing Authority of Newcastle City Council) will be a relevant factor when determining whether to take enforcement action and the nature of such action. Reference will be made to any serious and persistent failures to comply with the protocol (or the licensee’s own drugs policy which has been approved by Northumbria Police and the Licensing Authority of Newcastle City Council) in any proceedings arising in connection with or as a result of enforcement action taken by any of the Responsible Authorities.

Identifying Vulnerability
Individuals who use drugs are vulnerable to serious side effects/ill health, exploitation (physical, psychological, financial and sexual), and to being the victim or perpetrator of a crime.

All persons working/trading in the night time economy will be aware of the vulnerability of patrons in the night time economy. Patrons are particularly vulnerable when intoxicated through alcohol and that vulnerability is significantly increased where a patron has also consumed drugs.

In addition to identifying and tackling the criminal behaviour, licensees and operators have an obligation to also consider the vulnerability of patrons who may have consumed alcohol or drugs and are refused entry/ejected from the premises.

Vulnerability definition:
A person is vulnerable if, as a result of their situation or circumstances, they are unable to take care of, or protect themselves or others, from harm, exploitation or other adverse impact on their quality of life.

Personal Factors + Situational Factors = Harm / Risk of Harm.
There are many factors that can make someone vulnerable, examples can be:

- Victim of Crime or ASB
- Intoxication through Alcohol or Drugs
- Alone or isolated
- Race / Age / Gender / Sexuality / Disability / Religion / Nationality
- Mental / Physical Health or
- Drug or Alcohol dependency / Homelessness / Personal circumstances

Considerations for Staff/Contractors:

- Age?
- State of intoxication?
- Do they appear to suffer from poor mental health or other disability?
- Do they have friends nearby?
- Do they have their belongings?
- Do they need medical attention/ambulance?
- Do the premises have a ‘safe’ room where the person can be put until assistance is arranged?
- Do the premises have ‘welfare officers’ who can assist?
- Is there a Street Pastor who is able to assist?
- Who are they with?
- Is there a family member/relative you can call?
- Can you call for a taxi?
- Is the Safe Haven operating?
- Do the police need to be notified?
Resources
Newcastle PROP’s Support family members affected by a loved one’s substance misuse. 0191 2263440

Over 18s: CGL (Change, Grow, Live) Integrated Support Service 0191 2615610

Under 18s: D’n’A Young Peoples Drug and Alcohol Service 0800 9533210

National resources:
Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

Newcastle City Council’s Statement of Licensing Policy

British Beer & Pub Association, Drugs & Pubs: A guide to keeping a drug free pub

For information about drugs: - www.talktofrank.com

Safer nightlife advice and guidance
http://newip.safernightlife.org/pdfs/digital_library/uk_safer_nightlife_guideline.pdf

Newcastle Public Health team coordinate training for drugs and alcohol. Contact - Rachael.hope@newcastle.gov.uk for information.
# DRUG INCIDENT AND SUBSTANCE MANAGEMENT FORM

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Time / Date</th>
<th>Found by: Full name, full SIA licence number</th>
<th>Location found</th>
<th>Particulars of drugs found / Individuals searched</th>
<th>Handed to (Full name of duty manager)</th>
<th>Duty manager Signature</th>
<th>Collection by Officer Date / Time Collar No. / Signature</th>
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<td>NAME OF PREMISES</td>
<td>NAME OF DPS</td>
<td>NAME DUTY MANAGER</td>
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<table>
<thead>
<tr>
<th>EVENT NAME/PROMOTER</th>
<th>EVENT START DATE</th>
<th>SIA COMPANY USED</th>
</tr>
</thead>
</table>

Please note these forms are numbered, each serial number corresponding to the premises to which it is issued. It is the duty of the DPS or an appointed duty manager to immediately report loss of this document to Northumbria Police.

Authorising officer: David Picket
Chief Inspector 7106