Licensing Act 2003

Statement of Licensing Policy

2013 to 2018

Safe, Sensible and Social:

Effective Control of Alcohol in our Communities

Version 1.1

Approved by Newcastle upon Tyne City Council on 1 May 2013
Contents

1 VISION STATEMENT: ........................................................................................................5

2 INTRODUCTION...............................................................................................................6

2.1 Purpose and Scope of the Licensing Policy ................................................................. 6

2.2 Consultation ................................................................................................................ 7

2.3 Duration and Review of Policy ................................................................................... 8

3 CITY PROFILE.................................................................................................................9

3.1 Newcastle and its People ......................................................................................... 9

3.2 The Impact of Alcohol on Newcastle ....................................................................... 10

4 LICENSING PROCESS ..................................................................................................11

4.1 Making an Application ............................................................................................... 11

4.2 Guidance Documents ................................................................................................. 12

4.3 Representations .......................................................................................................... 12

4.4 Decision Making Process .......................................................................................... 12

4.5 Licensing Sub-Committee ......................................................................................... 12

4.6 Granting of Authorisations ....................................................................................... 13

4.7 Table 1: Delegation of Licensing Functions ............................................................ 14

4.8 Events on Council Land ............................................................................................. 15

4.9 Designated Public Places Orders (DPPOs) ............................................................... 16

5 NEWCASTLE SPECIFIC POLICIES ...........................................................................16

5.1 Encouraging Diversity in the Nightime Economy ...................................................... 16

5.2 Framework of Hours for City Centre Premises ......................................................... 18

5.3 Shops Selling Alcohol (Off Licenses) ...................................................................... 19

5.4 Petrol and Service Stations ....................................................................................... 25
5.5 Temporary Event Notices ................................................................. 25
5.6 The Operating Schedule ................................................................. 26
5.7 Newcastle Best Practice Scheme .................................................... 27
5.8 Irresponsible Drinks Promotions and Drunkenness on Premises ....... 27

6 MANAGEMENT OF PREMISES ....................................................... 28
  6.1 Designated Premises Supervisor ................................................... 28
  6.2 Door Supervisors ........................................................................ 29
  6.3 Dispersal Policy .......................................................................... 30
  6.4 Risk Assessments ...................................................................... 30
  6.5 Promoters .................................................................................. 31
  6.6 Takeaway food premises .............................................................. 31
  6.7 Pavement Cafes and External Areas ............................................. 32
  6.8 Provision of Sanitary Accommodation ........................................ 33
  6.9 Promotion and Advertising .......................................................... 37
  6.10 Nudity and Striptease ................................................................. 38
  6.11 Films ....................................................................................... 38
  6.12 Children and Licensed Premises ................................................. 38
  6.13 Proxy Sales ............................................................................. 40
  6.14 Events or Activities for Under 18s .............................................. 40
  6.15 Club Night Quality Mark ........................................................... 41

7 CUMULATIVE IMPACT ................................................................. 41
  7.1 Justification for Cumulative Impact Policy ..................................... 41
  7.2 Cumulative Impact Areas (CIAs) ................................................ 44
  7.3 City Centre .............................................................................. 45
  7.4 Jesmond, Gosforth and Ouseburn ............................................... 45
  7.5 Chillingham Road and Shields Road ......................................... 46
7.6 Elswick ........................................................................................................ 47
7.7 Benwell ........................................................................................................ 47
7.8 Determination of applications .................................................................... 48
7.9 Cumulative Impact Special Policy Decision Matrix .................................. 49
7.10 Special Policies ........................................................................................................ 50
7.11 Definitions of categories of premises ......................................................... 52

8  PROBLEM PREMISES ........................................................................... 53
8.1 Enforcement .................................................................................................. 53
8.2 Reviews of licences ..................................................................................... 54

9  APPENDIX 1 Cumulative Impact Special policy Areas (SSAs) ............ 55
9.1 City Centre CIA showing both SSAs ......................................................... 55
9.2 City Centre Stress Area 1 – Core City ......................................................... 56
9.3 City Centre Stress Area 2 – Times Square .................................................. 57
9.4 Jesmond CIA ............................................................................................... 58
9.5 Gosforth CIA .............................................................................................. 59
9.6 Ouseburn CIA ............................................................................................. 60
9.7 Chillingham Road / Shields Road CIA ....................................................... 61
9.8 Elswick CIA ................................................................................................. 62
9.9 Benwell CIA ............................................................................................... 63
1 VISION STATEMENT:

We want the City to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We also want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.
INTRODUCTION

2.1 Purpose and Scope of the Licensing Policy

2.1.1 The Licensing Act 2003 requires licensing authorities to publish a "statement of licensing 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 used if relevant representations are made.

2.1.2 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)

2.1.3 The policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State. We must carry out our 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.

2.1.4 We must also have regard to this Statement of Licensing Policy and any statutory guidance issued by the Secretary of State. That does not mean that we have to follow the policy and guidance slavishly. We can depart from it if, having properly taken it into account, we have good reason to do
so such as where it is appropriate to do so to promote one or more of the licensing objectives.

2.1.5 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;
The Authority has also sought the views of:

- Newcastle upon Tyne Hospitals NHS Foundation Trust
- North East Ambulance Service NHS Foundation Trust
- North East Strategic Health Authority
- Newcastle Primary Care Trust
- British Transport Police
- 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)
- Crown Prosecution Service
- Nexus: Tyne and Wear Passenger Transport Executive
- Health and Safety Executive
- Environment Agency
- One North East Regional Development Agency
- NE1: Business Improvement District Company
- Balance: The North East Alcohol Office
- Trade associations and federations
- Unions representing performers, musicians, etc.
- Licensing law firms
- Newcastle Street Pastors

2.3 Duration and Review of Policy

2.3.1 This Policy takes effect on 3rd May 2013 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.

2.3.2 Revisions

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Reason for change</th>
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<tbody>
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<td>1.1</td>
<td>01.05.2013</td>
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</table>
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 112km² and with a population of approximately 279,000.

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 40,000 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 143,000 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 19.2m people visit Newcastle and Gateshead, spending approximately £346m 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. Over 60% of people in Newcastle consume alcohol either at home or with their friends, with less people drinking in bars, clubs and pubs. More alcohol is purchased from the off-trade such as supermarkets and shops than in the on-trade such as pubs, bars, clubs and restaurants. Just over half of Newcastle drinkers admit to drinking at home, known as ‘pre-loading’, before a night out. This change in drinking patterns is largely driven by low cost alcohol available from the off trade. 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 Whilst crime in general continues to decrease, we are continuing to see a rise in the proportion of total crime that is related to alcohol. 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.

3.2.2 Alcohol is a causal factor in crime and disorder in Newcastle. We know for example that for over 50% of offenders in Newcastle alcohol has been identified as being the reason for their criminal behaviour. 87% of these offenders admitted to engaging in “binge drinking” and 80% had engaged in violent behaviour linked to their alcohol consumption.

3.2.3 As the consumption of alcohol in the home increases then the impact of alcohol is more hidden. We know for example, that in Newcastle, over half of domestic violence assaults and up to 38% of initial child protection cases are related to alcohol.
3.2.4 Newcastle residents also experience significant health problems as a result of alcohol. For example Newcastle is in the bottom 10% of local authority areas for male alcohol specific mortality, male mortality from chronic liver disease and alcohol specific hospital admissions. 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 not allowed to have regard to health issues when carrying out its licensing functions and in preparing this policy.

4 LICENSING PROCESS

4.1 Making an Application

The procedure and documentation required for the various applications is prescribed by the Act 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. http://www.newcastle.gov.uk/business/licences/

4.1.2 This policy sets out the Licensing Authority’s expectations with regard to applications in a number of licensing policy statements. 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.
Key Message:
Applicants are encouraged to seek advice from the licensing authority and other responsible authorities prior to submitting an application.

Failure to comply with the statutory requirements may result in an application or notice being invalid.

4.2 Guidance Documents

4.2.1 The Licensing Authority has prepared a number of guidance documents and protocols to assist with the application process; these are available at http://www.newcastle.gov.uk/business/licences.

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

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.

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

4.4 Decision Making Process

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. With the exception of the approval and review of this Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation.

4.5 Licensing Sub-Committee

4.5.1 The powers of the City Council under the Licensing Act 2003 must be carried out by the Licensing Committee which comprises 12 councillors, by the Licensing Sub-Committee (3 councillors) or by one or more officers.
acting under delegated authority. Table 1 on page 15 sets out how the Licensing Authority intends to delegate its various licensing functions.

4.5.2 Please refer to the guidance document “Procedure at Licensing Sub-committee available at www.newcastle.gov.uk/licensing

4.6 Granting of Authorisations

4.6.1 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.

4.6.2 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 necessary 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.
### 4.7 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 for a minor variation of premises licence/club premises certificate</td>
<td></td>
<td>All cases</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></td>
<td>All cases</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></td>
<td>All cases</td>
</tr>
<tr>
<td>Decision on whether a complaint is irrelevant frivolous vexatious etc</td>
<td></td>
<td>All cases</td>
</tr>
<tr>
<td>Decision to object when local authority is a consultee and not the relevant authority considering the application</td>
<td></td>
<td>All cases</td>
</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 an objection to a temporary event notice</td>
<td></td>
<td>All cases</td>
</tr>
</tbody>
</table>
4.8 **Events on Council Land**

4.8.1 The City Council wishes to encourage cultural and community events in the city and is aware of the Secretary of States’ 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.

4.8.2 Persons or organisations wishing to carry on a licensable activity on licensed public land are not required to obtain a premises licence or give a temporary event notice themselves, but do need the permission 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.

4.8.3 The City Council may require a Safety Advisory Group (SAG) to be established in order to consider any safety issues. A safety event manual must always be produced by the event organiser and must incorporate an operating schedule, risk assessments and address any safety issues before the Council allows the use of its licence.

4.8.4 The event application form requesting permission to use the land for the event should be submitted at least three months in advance of the event, as in most cases the applicant will be required to participate in a SAG before the Council approves the event. The applicant must agree to comply with the advice and conditions set out by the City Council.

4.8.5 Applicants will be expected to demonstrate, through the event manual, the positive steps taken to support the licensing objectives. The person, body or organisation responsible for the provision of the licensable activity on the land will be issued permission to use the licence subject to consultation, payment of the fee, and meeting the requirements imposed by the Licensing Authority.
4.9 Designated Public Places Orders (DPPOs)

4.9.1 The Licensing Authority supports the use of DPPOs as a tool to prevent crime and disorder by tackling anti-social behaviour associated with consumption of alcohol in the street. The Licensing Authority expects premises that operate in areas where DPPOs have been implemented to have measures in place to ensure their customers do not contribute to problems of anti-social drinking.

4.9.2 The following areas have DPPOs in force.

- The City Centre
- Osborne Road, Jesmond
- Elswick, Arthurs Hill and Town Moor
- Fenham, Elswick, Benwell and Scotswood
- West Denton, Westerhope and Chapel Park
- Blakelaw, Kenton and Fawdon
- Throckley, Newburn and Walbottle
- Walker
- Kingston Park, Kenton Bank Foot and Woolston
- Walker, Heaton, Byker and Jesmond
- Lemington, Scotswood, East Denton and Denton Burn
- Newbiggin Hall
- Newburn
- Ouseburn
- South Gosforth

Maps showing the locations are available at http://www.newcastle.gov.uk/business/licences/criminal-justice-and-police-act-2001

5 NEWCASTLE SPECIFIC POLICIES

5.1 Encouraging Diversity in the Nightime Economy

5.1.1 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.

5.1.2 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.

5.1.3 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.

5.1.4 Newcastle and Gateshead One Core Strategy. which is a key planning document, 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.
5.1.5 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. The One Core Strategy and the planning process 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. 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.

5.2 Framework of Hours for City Centre Premises

5.2.1 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.
5.2.2 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 has adopted a framework of closing times. Following consultation the Licensing Authority has 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 the City Centre Cumulative Impact Area in order to control the further expansion of licensed premises operating late at night.

<table>
<thead>
<tr>
<th>Premises Type</th>
<th>Commencement Hour No earlier than</th>
<th>Terminal hour No later than</th>
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<tbody>
<tr>
<td>Off licence</td>
<td>9:00am</td>
<td>11:00pm</td>
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<tr>
<td>Restaurant</td>
<td>10.00am</td>
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<tr>
<td>Pubs / Bars</td>
<td>10.00am</td>
<td>2:00am</td>
</tr>
<tr>
<td>Night Club</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Takeaways</td>
<td>n/a</td>
<td>1:00am</td>
</tr>
</tbody>
</table>

5.2.3 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.

5.2.4 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.

5.3 Shops Selling Alcohol (Off Licenses)

5.3.1 There has been a 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. Representations also have referred to the 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.

5.3.2 Cumulative Impact

5.3.3 In some parts of the City, the Licensing Authority has concluded that a concentration of licensed premises is considered to be causing negative cumulative impact on one or more of the licensing objectives and has therefore adopted Special Policies that apply to Off-Licences (and other premises). These are the City Centre, Jesmond, Gosforth, Ouseburn, Chillingham Road and Shields Road, Elswick and Benwell. This is explained further in section 7 below.

5.3.4 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. This may be as a result of an increase in the number of premises or just a change in the impact of existing premises. These areas include Walker and Kenton wards, which experience high levels of alcohol related crime and alcohol hospital admissions, and Shieldfield, which has been developed significantly to create a high student population and which has shown an increase in alcohol related violent crime.

5.3.5 Where appropriate, the Licensing Authority will consider creating further Cumulative Impact Areas to address the number of Off-Licences.

5.3.6 However, the fact that premises are not located in a Cumulative Impact Area and so not subject to a Special Policy does not prevent any responsible authority or other person making representations on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing Authority will consider such applications and representations on their individual merits.
5.3.7 **Hours of Operation**

5.3.8 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 5.2 specifies a framework for hours in the City Centre.)

5.3.9 **Layout and Operation of Premises**

5.3.10 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.

5.3.11 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:-

5.3.12 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.

5.3.13 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.
5.3.14 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.

5.3.15 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.

5.3.16 Conditions & Review

5.3.17 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.

5.3.18 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 matters which the Licensing Authority may consider.

5.3.19 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 alcoholwatch 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.
5.4 Petrol and Service Stations

5.4.1 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.

5.4.2 The Licensing Authority will 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.

5.4.3 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.

5.5 Temporary Event Notices

5.5.1 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.

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

5.5.3 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.

5.5.4 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.
5.5.5 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.

### 5.6 The Operating Schedule

5.6.1 All new and variation applications should incorporate an ‘operating schedule’ which outlines how the premises will be operated. 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. 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.

5.6.2 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.

5.7 Newcastle Best Practice Scheme

5.7.1 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 subject to it subsequently being introduced.

5.8 Irresponsible Drinks Promotions and Drunkenness on Premises

5.8.1 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.

5.8.2 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.

5.8.3 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.

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

6 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 Licence holders, DPSs and Personal Licence holders remain responsible for activities taking place on premises when promotions take place. 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”.

6.6 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 has lead 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 are Designated Public Places Orders (under section 12 and 13 of the Criminal Justice and Police Act 2001) in force in the City, which control the consumption of alcohol in public places outside of licensed premises, 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>Note: 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>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>51-100</td>
<td>1 WC 1 Urinal 1 Wash Basin</td>
<td>2 WC's 2 Wash Basin</td>
</tr>
<tr>
<td>101-150</td>
<td>1 WC 2 Urinals 2 Wash Basins</td>
<td>3 WC's 3 Wash Basins</td>
</tr>
<tr>
<td>151-200</td>
<td>1 WC 2 Urinals 2 Wash Basins</td>
<td>4 WC's 4 Wash Basins</td>
</tr>
<tr>
<td>201-250</td>
<td>2 WC's 3 Urinals 3 Wash Basins</td>
<td>5 WC's 5 Wash Basins</td>
</tr>
<tr>
<td>251-300</td>
<td>2 WC's 3 Urinals 3 Wash Basins</td>
<td>6 WC's 6 Wash Basins</td>
</tr>
<tr>
<td>301-350</td>
<td>2 WC's 4 Urinals 3 Wash Basins</td>
<td>7 WC's 7 Wash Basins</td>
</tr>
<tr>
<td>351-400</td>
<td>2 WC's 4 Urinals 3 Wash Basins</td>
<td>8 WC's 8 Wash Basins</td>
</tr>
<tr>
<td>401-450</td>
<td>3 WC's 5 Urinals 4 Wash Basins</td>
<td>9 WC's 9 Wash Basins</td>
</tr>
<tr>
<td>451-500</td>
<td>3 WC's 5 Urinals 4 Wash Basins</td>
<td>9 WC's 9 Wash Basins</td>
</tr>
<tr>
<td>551-600</td>
<td>3 WC's 6 Urinals 4 Wash Basins</td>
<td>9 WC's 9 Wash Basins</td>
</tr>
<tr>
<td>601-650</td>
<td>4 WC's 7 Urinals 6 Wash Basins</td>
<td>10 WC's 10 Wash Basins</td>
</tr>
<tr>
<td>651-700</td>
<td>4 WC's 7 Urinals 6 Wash Basins</td>
<td>10 WC's 10 Wash Basins</td>
</tr>
<tr>
<td>701-750</td>
<td>4 WC's 8 Urinals 6 Wash Basins</td>
<td>10 WC's 10 Wash Basins</td>
</tr>
<tr>
<td>751-800</td>
<td>4 WC's 8 Urinals 6 Wash Basins</td>
<td>10 WC's 10 Wash Basins</td>
</tr>
<tr>
<td>801+</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>
</tr>
</tbody>
</table>

35
<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>
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<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”

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 paramount 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.”

6.12.3 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

6.12.4 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.

6.12.5 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.

6.12.6 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 Club Night Quality Mark

6.15.1 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.

6.15.2 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 Justification for Cumulative Impact Policy

7.1.1 There is evidence of a clear positive relationship between increased outlet density and alcohol consumption in adults and young people. The evidence shows that increases in alcohol outlet density tend to be associated not only with an increase in alcohol consumption, but also increased alcohol-related crime and violence and under-18 alcohol-specific hospital admissions. 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 “Cumulative impact” is not specifically referred to in the Licensing Act 2003, but the Secretary of State’s Guidance advises that the Licensing Authority can state in its statement of licensing policy whether it thinks that a
concentration of licensed premises in a particular area is considered to be already causing cumulative impact on one or more of the licensing objectives.

7.1.3 The Licensing Authority, in consultation with statutory consultees, has determined that there are areas within the City where the concentration of particular types of licensed premises is having an adverse impact in those areas contrary to the licensing objectives. The Licensing Authority has therefore adopted a “Cumulative Impact Special Policy” in relation to cumulative impact in seven areas of the City where the number, type and density of licensed premises are unusual and serious problems of nuisance and disorder may be arising or have been shown to arise at licensed premises, outside licensed premises or otherwise connected with such premises.

7.1.4 Responsible authorities and interested parties must note that the Licensing Authority can only give effect to this Cumulative Impact Special Policy 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.

7.1.5 In order for the 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.

7.1.6 In coming to the conclusion that it is necessary to adopt a “Cumulative Impact Special Policy” the Licensing Authority has taken cognizance of the Secretary of State’s Guidance and in each of the areas where this “special policy” will apply, the Authority is satisfied that several of the following factors are occurring in the Cumulative Impact Special Policy 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.

7.1.7 The adoption of this Cumulative Impact Special Policy does not prevent any person making an application for a licence for premises within the relevant areas.

7.1.8 The Cumulative Impact Special Policy is reviewed regularly to ensure it is still required and is having an impact.

7.2 Cumulative Impact Areas (CIAs)

The Licensing Authority reviewed the existing five CIAs and two special stress areas (SSAs) and created two further CIAs in 2013. The new areas are in Elswick and Benwell.

The Core City Centre SSA and the Chillingham Road CIA were both extended geographically. The Chillingham Road and Ouseburn areas were extended in scope to include off licence applications.

A summary of the seven CIA’s and two SSAs is detailed below:

<table>
<thead>
<tr>
<th>City Centre</th>
<th>Pubs, Night clubs, Off-licences, Takeaways</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core City Special SSA (1)</td>
<td>Pubs, Night clubs, Off-licences, Takeaways</td>
</tr>
<tr>
<td>Times Square SSA (2)</td>
<td>Pubs, Night clubs, Off-licences, Takeaways</td>
</tr>
<tr>
<td>Jesmond</td>
<td>Pubs, Night clubs, Off-licences, Takeaways</td>
</tr>
<tr>
<td>Gosforth</td>
<td>Pubs, Night clubs, Off-licences</td>
</tr>
<tr>
<td>Ouseburn</td>
<td>Pubs, Night clubs, Off-licences</td>
</tr>
<tr>
<td>Chillingham Road / Shields 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>
</tbody>
</table>
7.2.1 The boundaries of the areas are identified and indicated on plans attached at Appendix 1. Where a boundary line follows a street or road, addresses on both sides of the street or road are within the cumulative impact area.

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.

7.3.2 Within the City Centre there are 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 Given the historical characteristics and future vision for the Grainger Town area and the trend in licensing applications, the Licensing Authority considered that the risk of cumulative impact was imminent and has extended the Core City Special Stress Area 1 to include Grey Street and part of Grainger Street.

7.4 Jesmond, Gosforth and Ouseburn

7.4.1 The Licensing Authority is of the opinion that the controls introduced by the adoption of these three separate CIA’s has continued to ensure that these mixed residential and commercial areas have remained low in crime and public nuisance and have helped to ensure that licensed premises uphold the licensing objectives.
7.4.2 However, in recognition of crime and disorder and the change of drinking patterns the existing Ouseburn area has been extended to include applications for “off” licences.

7.5 Chillingham Road and Shields Road

7.5.1 The area around Shields Road has higher than average levels of alcohol related anti social behaviour, alcohol related violence and alcohol related anti social behaviour. South Heaton and nearby Byker Ward also have high levels of anti social behaviour linked to young people, alcohol and drunk and rowdy behaviour. Approximately 25% of people who completed the Safe Communities Survey in Byker believe that people behaving in a drunk and rowdy manner is a problem in their area. Whilst some of this is related to underage drinking, it is also caused by street drinking by adults who live in or visit the hostels in the area.

7.5.2 Alongside the above statistical evidence there is a strong community feeling that alcohol related anti social behaviour is a significant problem in this area. Resident and Tenant organisations in Byker have expressed concerns about binge drinking by young people in the nearby Byker Estate.

7.5.3 The Byker area also has the highest number of alcohol-related accident and emergency department attendances for alcohol-related assaults and also experiences high levels of domestic violence, child protection notifications and alcohol related hospital admissions.

7.5.4 Chillingham Road and Shields Road form the main retail area for the South Heaton and Byker Wards. These wards have higher than the city average density for off licenced premises. Outside of the City Centre, South Heaton has the highest density of late night takeaway premises with. It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol congregate there.

7.5.5 In response to this evidence the Licensing Authority has extended the existing Chillingham Road Policy Area to include Shields Road, to avoid further increases in the number of shops selling alcohol and premises with
licences for late night refreshment, in order to prevent further negative impact on the licensing objectives.

7.6 Elswick

7.6.1 Outside of the City Centre, Elswick area has the highest off licence outlet density in Newcastle and residents have told us that there are too many shops selling alcohol in the area. Local data and concerns raised by residents show that there are issues related to alcohol related crime, underage drinking, youth related anti social behaviour and street drinking by adult drinkers who visit or live in the hostels in the area. The area also has a high prevalence of other alcohol related issues such as alcohol related attendances at the emergency department and domestic violence.

7.6.2 Local residents have told us that there are too many shops selling alcohol and late night takeaway premises in the area. The West Road and Adelaide Terrace is a hot spot for alcohol related crime, in particular violence against the person and criminal damage which is increasing despite decreases in overall crime. There are also particular concerns about underage drinking and youth related anti-social and rowdy behaviour. It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol congregate there, and there are also problems with associated litter.

7.6.3 In response to this evidence, the Licensing Authority has decided to establish a new Cumulative Impact Area 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.

7.7 Benwell

7.7.1 Benwell is an area that also has a higher density of off-licences and late night takeaways than the Newcastle average. Local data and concerns raised by residents indicate that the area also experiences high levels of alcohol related crime, anti social behaviour, noise complaints and rowdy behaviour related to alcohol. The area also has a high prevalence for other alcohol related issues such as hospital admissions for under 18s as a result
7.8 Determination of applications

7.8.1 In the areas where this special policy applies, applications for new premises licences or club premises certificates or material variations to existing premises will be dealt with according to the decision matrix.

7.8.2 Where the matrix indicates 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 already being experienced, 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 being experienced; 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.
### 7.9 Cumulative Impact Special Policy Decision Matrix

<table>
<thead>
<tr>
<th>Cumulative Impact Area</th>
<th>Category of Premises</th>
<th>Pubs and Night-Clubs (see definitions at 7.11)</th>
<th>Restaurants (see definitions at 7.11)</th>
<th>Takeaway Premises (see definitions at 7.11)</th>
<th>Off-Licences (see definitions at 7.11)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Centre</td>
<td></td>
<td>Special Policy 1</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>Special Policy 1</td>
</tr>
<tr>
<td>City Centre Special Stress Areas: (1) Core City and (2) Times Sq</td>
<td></td>
<td>Special Policy 2</td>
<td>No Special Policy</td>
<td>Special Policy 2</td>
<td>Special Policy 2</td>
</tr>
<tr>
<td>Jesmond</td>
<td></td>
<td>Special Policy 1</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>Special Policy 1</td>
</tr>
<tr>
<td>Gosforth</td>
<td></td>
<td>Special Policy 1</td>
<td>No Special Policy</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
</tr>
<tr>
<td>Ouseburn Valley</td>
<td></td>
<td>Special Policy 1</td>
<td>No Special Policy</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
</tr>
<tr>
<td>Chillingham and Shields Road</td>
<td></td>
<td>No Special Policy</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>Special Policy 1</td>
</tr>
<tr>
<td>Elswick</td>
<td></td>
<td>No Special Policy</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>Special Policy 1</td>
</tr>
<tr>
<td>Benwell</td>
<td></td>
<td>No Special Policy</td>
<td>No Special Policy</td>
<td>Special Policy 1</td>
<td>Special Policy 1</td>
</tr>
</tbody>
</table>
### 7.10 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 already being experienced.</td>
<td>The Special Policy will not apply if the Applicant can demonstrate that there are exceptional circumstances.</td>
</tr>
</tbody>
</table>

**Notes**

<p>| Are the special policies absolute? | 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. | 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. |
| Must there be relevant representations? | 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. | 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. |</p>
<table>
<thead>
<tr>
<th>What type of applications/notices do the policies apply to?</th>
<th><strong>Special Policy 1</strong></th>
<th><strong>Special Policy 2</strong></th>
</tr>
</thead>
<tbody>
<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>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>- Applications for Personal Licences.</td>
<td>- Applications for Personal Licences.</td>
</tr>
</tbody>
</table>
### 7.11 Definitions of categories of premises

<table>
<thead>
<tr>
<th><strong>Pubs and Night-Clubs</strong></th>
<th><strong>Restaurants</strong></th>
<th><strong>Takeaway Premises</strong></th>
<th><strong>Off-Licences</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Premises which supply alcohol primarily for consumption on the premises</td>
<td>Premises which primarily supply hot food for consumption on the premises</td>
<td>Premises which supply hot food or hot drink at any time between the hours of 11 pm and 5 am</td>
<td>Premises which supply alcohol primarily for consumption off the premises</td>
</tr>
<tr>
<td>With or without the provision of regulated entertainment</td>
<td>Where the supply of alcohol (if provided) is ancillary to the supply of hot food</td>
<td>Whether or not the hot food or hot drink is provided for consumption on or off the premises</td>
<td>Whether or not non-alcoholic goods are also supplied from the premises</td>
</tr>
<tr>
<td>Whether or not alcohol is also supplied for consumption off the premises</td>
<td>Unless the premises fall within the definition of a “restaurant” in the preceding column</td>
<td>Whether or not alcohol is also supplied for consumption on the premises</td>
<td>Whether or not alcohol is also supplied for consumption on the premises</td>
</tr>
</tbody>
</table>
8 PROBLEM PREMISES

8.1 Enforcement

8.1.1 The Licensing Authority will employ officers who are authorised 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.

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
APPENDIX 1 Cumulative Impact Special policy Areas (SSAs)

9.1 City Centre CIA showing both SSAs
9.2 City Centre Stress Area 1 – Core City
9.3 City Centre Stress Area 2 – Times Square
9.4 Jesmond CIA
9.5 Gosforth CIA
9.6 Ouseburn CIA
9.7 Chillingham Road / Shields Road CIA

Chillingham Road and Shields Road Cumulative Impact Special Policy Area
9.8 Elswick CIA
9.9 Benwell CIA