

# **Draft Statement of Licensing Policy 2016 to 2021**

## Licensing Act 2003 - Statement of Licensing Policy 2016-2021

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## 1.0 MAIN PRINCIPLES OF THE LICENSING POLICY

1.1 The Licensing Act 2003 (the Act) gives Middlesbrough Council responsibility for the grant and rejection of applications in relation to the sale of alcohol, the provision of entertainment and the provision of late night refreshment. The Council is referred to as the Licensing Authority throughout this policy.

1.2 The purpose of this policy is to promote the four Licensing Objectives:

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

These are known as the “Licensing Objectives”. The Licensing Authority must have regard to these licensing objectives in carrying out its licensing functions under the Act.

1.3 The Licensing Authority must have regard to the Revised Guidance issued under section 182 of the Licensing Act 2003 (herein referred to as the Guidance) in the development of this Policy. If the Licensing Authority considers it appropriate to depart from the revised Guidance, it will give justified reasons for doing so. It may also make exceptions to its own policy, where appropriate to do so in order to promote the licensing objectives and will give reasons for doing so. It will always consider the circumstances of each application. The Guidance can be found at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

1.4 This policy relates to the regulation of licensable activities defined in the Act and temporary events permitted within the terms of the Act. The licensable activities are:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of late night refreshment (hot food and drink at any time between 11.00pm and 5.00am for consumption on or off the premises), and
- The provision of entertainment listed below (known as “regulated entertainment”) to the public, to club members or with a view to profit:
  - Film exhibitions
  - Performances of a play
  - Certain indoor sporting events
  - A boxing or wrestling entertainment
  - Certain performances of live music
  - Playing of recorded music
  - Certain performances of dance

Legislation has been introduced in recent years to deregulate certain types of entertainment licensing and applicants are advised to refer to the Licensing Team, or to the Guidance.

1.5 The authorisations considered by this Policy which are required to carry out the above licensable activities are as follows:

- The issuing of personal licences for individuals to authorise the retail sale of alcohol (a “Personal Licence”).
- The issuing of premises licenses for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (a “Premises Licence”).
- The issuing of a club premises certificates for the supply of alcohol or the provision of regulated entertainment at certain clubs (a “Club Premises Certificate”).
- The authorisation of certain licensable activities on a temporary basis (a “Temporary Event Notice”).

The policy seeks to provide clarity and guidance on the approach adopted by the Licensing Authority and on those matters that will normally be taken into account, when making decisions on licensing applications. (Note: each application will be examined on an individual basis and according to the circumstances and merits of each individual case.)

1.6 **The purpose of this Policy is:**

- To inform residents and businesses of the parameters within which the Authority will make decisions, and how their needs will be considered.
- To reinforce and remind elected Members of the Licensing Committee and any Sub-Committee the boundaries and power of the Licensing Authority and to provide them with parameters within which they should make their decisions. The Committee should be able to test the application against criteria set out in the policy and if it is appropriate to do so, add conditions to those set out in the Operating Schedule.
- To support decisions made by the Licensing Authority when these decisions are challenged in a Court of Law.

The Licensing Act requires every Licensing Authority to prepare and publish a licensing policy and to review it every five years. More frequent reviews may be undertaken, subject to full consultation and subsequent publication.

1.7 **Consultation**

In accordance with this Act, prior to the publication of this Policy, the Council has consulted with:

- Chief Officer of Police
- the Fire and Rescue Authority
- representatives of licence holders (including premises, personal licences and club premises certificates)
- person and bodies representative of local businesses persons and bodies representative of local residents

The Licensing Authority has consulted widely and given due consideration to the views of all those who responded to the consultation process. There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, statutory bodies, all of whom may have views and concerns which require consideration as part of the licensing function and promotion of the licensing objectives. The Licensing Authority also consulted with those responsible for its local strategies on crime prevention, planning, transport, culture, tourism and economic development. Appendix 1 provides details of the organisation and persons consulted in the process of determining this statement of policy.

- 1.8 The Licensing Authority, when publishing or revising this policy statement, will seek to achieve proper integration with policies affecting local crime prevention, community safety, planning, transport, tourism and consult widely.

This policy replaces the statement of Licensing Policy adopted by Middlesbrough Council in January 2010.

In adopting this Licensing Policy, the Licensing Authority recognises that residents need to live and work in a safe and healthy environment. Also, that it is important licensed premises are safe and well run and that they add to both the local economy and vibrancy of the Town. The Licensing Authority's aim is to facilitate well managed premises and to support licence holders displaying sensitivity to the impact of their premises on local residents.

- 1.9 The Licensing Authority wishes to encourage the provision of a wide range of diverse entertainment activities within Middlesbrough and to promote live music, dance, theatre, circus and street arts etc. for the wider cultural benefit of the town centre and communities. The Licensing Authority in its decision making will maintain a balance between the promotion and the provision of entertainment whilst addressing any concerns relevant to the Licensing Act.

The Licensing Authority will not take into consideration, in its decision making, whether there is a need or demand for a particular type of licensed premises. The commercial demand for another pub, restaurant or hotel is a matter for the planning authority and the market, and it is not considered to be a matter for the Licensing Authority.

This Licensing Policy takes into account other, shared Council priorities and plans, and key ambitions in terms of national, regional and local priorities.

All applications are considered on their individual merits and this Policy does not seek to undermine the right of any applicant, or any person making representations where they are permitted to do so under the Act.

The Licensing Authority will only depart from the Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives.

In the development of this Policy the Licensing Authority has had regard to the

provisions of relevant legislation including the Human Rights Act and Equality Act 2010.

The policy recognises the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, this places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Licensing Authority, in determining applications, will have regard to this legislation to avoid any possible indirect discriminatory impact on particular ethnic groups.

The policy recognises the Disability Discrimination Act 1995. The licensing authority will have regard to this legislation when determining applications.

### **1.10 Integrating Strategies and Avoiding Duplication**

There are many stakeholders involved, directly or indirectly, in the promotion of the Licensing Objectives, particularly those relating to the prevention of tackling alcohol related harm, crime and disorder and public nuisance. Many of their strategies may include a link to the licensing function and the Licensing Authority will, wherever appropriate, work with partners to ensure proper integration of local issues and strategies into this Policy.

The Licensing Authority recognises the need to avoid as far as possible duplication with other regulatory regimes and it will avoid, where possible, attaching conditions that are duplicitous.

Whilst having regard to the Planning regime, the Licensing Authority recognises that there should be a clear separation of the Planning and Licensing regimes. Licensing applications should not be a re-run of the Planning application process. The granting of a licence under the Licensing Act does not relieve the applicant of the need to apply for Planning Permission or Building Regulation approval, where appropriate.

There are a number of related Council and multi-agency strategies policies such as the alcohol strategy, town centre strategy, events management, town centre objectives, economic regeneration plans, community safety, NHS, Police, Police and Crime Commissioner and other wider preventative strategies that are currently being developed. It is planned for a review of the statement of licensing policy to be carried out in the next 18 months to take into account development in these policies. The review will be carried out in line with the requirements of the Licensing Act 2003 and a revised policy will be published by June 2017.

### **1.11 Working together**

There are many examples of best practice and opportunities where the licensed trade can work together with the Licensing Authority and other regulatory agencies such as the Police to improve the standard and management of licensed premises, tackle issues and improve the night time economy. The Licensing Authority encourages partnership working and participation in schemes such as:

- Pubwatch
- “Best Bar None” initiative
- Mentoring schemes
- Trade forums, e.g. on and off licence forum, area forums
- Training
- Publicity and Communication.



## **2.0 LICENSING AND ALCOHOL RELATED ISSUES IN MIDDLESBROUGH**

### **2.1 Profile of Middlesbrough**

Middlesbrough sits at the heart of the Teesside/Tees Valley conurbation with an economy that is largely service based. The Town Centre is the sub regional shopping centre for the Tees Valley. The town has a culturally diverse population with the highest concentration of ethnic minorities in the North East.

Middlesbrough has a population of approximately 138,000, of which in excess of 55,000 are in the age groupings of 16-44. However, it serves a much larger, regional population in terms of the provision of leisure facilities. It is a cultural centre with a Championship Football Club, annual Mela and Christmas festivities programme, and attracts various other high profile cultural events throughout the year. Considerable investment has and is being made in Middlesbrough Town Centre:

- major investments in the retail and leisure offer - Baker/Bedford Street, Holiday Inn Express and Middlesbrough Town Hall,
- the expansion of the education sector - Teesside University and Middlesbrough College,
- the further development of the Boho zone and Middlehaven, and
- the investment in arts and culture (Mima and the Tees Transporter Bridge Experience) have helped to create a growing confidence in Middlesbrough.

2.2 Middlesbrough Town Centre Strategy outlined the ambition for the future of the Town Centre over the following ten years within the context of the wider Tees Valley City Region. The strategy recognised the improvements that have been made to the town and the challenges that it faces. The aspiration is now for Middlesbrough to ensure that it continues to develop and expand to ensure there is a critical mass of economic, social, educational and cultural activity befitting of a successful 21st century urban centre.

The Council's aim is to position Middlesbrough town centre as a place where:

- It can strengthen its claim to being the primary retail, leisure and commercial centre of the Tees Valley
- It has the ability to consolidate and grow a diverse mix of commercial and leisure activity
- Its commercial and visitor appeal is developed both locally and farther afield
- It has a 24 hour economy where people want to live, work and enjoy leisure
- It has a market which demonstrates a progressive, commercial mind set which actively meets the requirements of business and can respond swiftly and with flexibility to emerging opportunities.

It is recognised that there is a need to develop and diversify Middlesbrough as a cultural and leisure hub. To achieve this, a series of reviews and area-specific action and delivery plans are currently being programmed.

2.3 In developing this Licensing Policy, the Licensing Authority proposes to deliver policies in relation to the Licensing Act, particularly around the promotion of the licensing objectives, widening the choice and appeal of licensed premises, the development of culture and the protection of local residents. It aims to give priority to the development of the range of entertainment and cultural activity on offer, and the age group attached to them, whilst also considering the health impact of alcohol. The Licensing Authority wishes to discourage drunkenness, and to encourage the provision of premises which serve alcohol for people to enjoy responsibly in diverse environments, to be able to order food by table service, and to have the choice of a range of entertainment, in place of the open bar space which caters for high volume vertical drinking establishments.

This Policy recognises the huge contribution of licensed premises e.g. pubs/bars, restaurants, cinemas and theatres in our evening economy. For these businesses to prosper, we aim to create an environment which is attractive to all customers.

2.4 Whilst it is estimated that the production, distribution and sale of alcohol may contribute as much as £65 million to the local economy, the costs of policing, accident and emergency services and street cleaning will be well over £50 million. Customer's negative perception of the town centre may deter them from visiting it, particularly if crimes, disorder and nuisance are not effectively dealt with. This policy aims to promote and encourage the development and growth of well-managed premises, and to give very clear messages to poorly managed premises which do not support the licensing objectives.

## 2.5 Profile of Licensed Premises in Middlesbrough

**Table 1**

The structure and types of licensed premises in Middlesbrough in June 2006, June 2010 and June 2015 are shown in the table below:

Type of Licensed Premises	Number of Premises - 2006	Number of Premises - 2010	Number of Premises - 2015
Church Hall	6	8	8
Club	33	36	28
Community Centre	13	13	14
Educational Establishment	8	7	7
Hotel / Guest House	7	8	7
Off Licences	124 (94 in 2005)	125	141
Open Spaces	2	2	2
Other	16	17	17
Public House / Nightclub	125	108	109
Restaurant	39	41	46
Late Night Refreshment	92	98	99
Total	465	463	478

**Table 2**

The following table shows the terminal hour for licensed premises in Middlesbrough.

<b>Terminal Hour</b>	<b>Number of Licensed Premises</b>
Up to 11pm	211
Up to midnight	127
Up to 1am	50
Up to 2am	31
Up to 3am	26
Up to 4am	16
Up to 5am	6
Beyond 5am	1
24 hours	6

**Table 3**

The following table shows the distribution of licensed premises across the wards of Middlesbrough.

<b>Ward</b>	<b>Number of Licensed Premises</b>
Acklam	16
Ayresome	6
Berwick Hills & Pallister Park	14
Brambles Farm & Thorntree	17
Central	180
Coulby Newham	15
Hemlington	8
Kader	5
Ladgate	8
Linthorpe	12
Longlands & Beechwood	19
Marion East	10
Marion West	4
Newport	54
North Ormesby	26
Nunthorpe	4
Park	52
Park End & Beckfields	19
Stainton & Thornton	4
Trimdon	3

2.6 There are 41 (57 including restaurants) on-licensed premises located in the town centre area. Of these premises, 27 could be described as vertical drinking establishments, where there is minimal seating and where the focus for the customer is the consumption of alcohol.

Between July 2010 to June 2015, the Licensing Authority has carried out 663 inspections of licensed premises to check compliance with the Licensing Act. In general, officers have found high levels of compliance with premises licence conditions, with only minor issues of non-compliance.

In some, cases it has been necessary for review proceedings to be instigated, application to be refused or prosecutions taken where premises have not complied with the law or supported the licensing objectives. The Licensing Authority have used the legislation to good effect to ensure premises are operating within the law. The following action has been undertaken in respect of licensed premises since July 2010:

- 17 review applications were referred to the Licensing Committee resulting in 4 licence revocations, 1 suspension and 8 licences where additional conditions were added.
- 43 applications for premises licences/variations have been referred to the Licensing Committee of which 16 were refused.
- 18 convictions/cautions have been issued for offences including breach of licence conditions, underage sales, selling alcohol after hours and trading without a licence.

## **3.0 THE LICENSING PROCESS**

### **3.1 Making an Application and the Decision Making Process**

It is the Licensing Authority's policy to provide an efficient and cost effective service to all parties involved in the licensing process.

Applicants for premises licences should be aware of the Licensing Authority's and the responsible authorities' expectations in relation to the promotion of the licensing objectives. They will expect applicants to demonstrate their knowledge of the local area when setting down the steps they propose to take to promote the licensing objectives.

This policy seeks to provide advice to applicants about the approach they should take in making their applications and the view the Licensing Authority is likely to take on certain key issues where representations have been made.

Applicants should assess what issues, if any, need to be included within their operating schedule to address the licensing objectives.

- 3.2 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. Therefore, there is no definitive list of control measures that should be considered or introduced by all premises. The Licensing Authority will expect applicants to assess their application according to the activities they provide and the individual risks of each of the premises' activities.

Applicants should note that, whilst there is no obligation to meet the control measures contained within this Policy, it is more likely that responsible authorities and other parties will make representations if they do not.

If any application is lawfully made and no relevant representations are received then the Licensing Authority must grant the application. Only if relevant representations are made, will the Licensing Authority's discretion be engaged.

### **3.3 Making an Application**

The procedures and documentation required for the various applications is set down in the Act. Further advice on how to make an application can be found on the Council's website or on request from the Licensing Authority. A Glossary of Terms can be found at Appendix 3 to assist with applications.

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

Applicants are strongly advised to consult with officers from the Licensing Team before preparing and submitting their applications for licences and other authorisations. Any application not properly made will be returned to the applicant and the timescales contained in the Act will not begin until a properly made

application is received.

- 3.4 The Licensing Authority is involved in a wide range of licensing decisions and functions and these are carried out by the Licensing Committee, Licensing Sub-Committees or officers of the Local Authority in accordance with an approved scheme of delegation. Appendix 4 sets out how the Licensing Authority intends to delegate its various licensing functions.

With the exception of the approval and review of this Policy, decisions on licensing matters will be taken by a duly authorised Licensing Sub-Committee (3 councillors) or by one or more officers acting under delegated authority. The scheme of delegations is without prejudice to officers who may refer an application to a Sub-Committee, or a Sub-Committee to Full Committee, if it is considered appropriate to the circumstances of any particular case.

The Committee and Sub-Committees will determine each case on its merits. Blanket or standard conditions (other than mandatory conditions) will not be imposed under the Act. Conditions will not be attached to licences unless they have been either volunteered by the applicant or are determined by the Licensing Authority as appropriate following a licensing hearing. Although the Licensing Authority is required to have regard to the Guidance it may, if it considers it appropriate, deviate from the guidance where there are justifiable reasons.

### 3.5 **The Decision Making Process**

Where no relevant representations are received, providing the application has been correctly made and advertised (as required by the Act), the Licensing Authority must grant the application in line with the proposed operating schedule. The only conditions that can be imposed are the mandatory conditions and those conditions that are consistent with the operating schedule.

Apart from the mandatory conditions, there is no discretion under The Act to impose any other condition in cases where no relevant representations are received.

- 3.6 Where relevant representations are made the application will be determined by a Sub-Committee and this determination will take place at a hearing.

The Sub-Committee in such cases has full discretion to take such steps as it considers appropriate to promote the licensing objectives. These steps may include:

- 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
- Exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as the premises supervisor
- Reject the application.

In exercising its discretion, the Licensing Sub-Committee will have regard (amongst other things) to this Licensing Policy and to the Guidance.

3.7 If all parties state in writing that they consider a hearing can be dispensed with then the Sub-Committee has a discretion (which cannot lawfully be delegated to officers) to dispense with a hearing. In deciding whether or not to dispense with a hearing the Sub-Committee is exercising a licensing function. As such it is required to have regard to any relevant guidance as well as to this policy and it must act with a view to promoting the licensing objectives.

3.8 It does not follow from the above that an application that complies with the policy will necessarily be granted or that an application that does not comply with it will necessarily be refused. Where there have been relevant representations, the Licensing Authority will always consider the merits of the case and act within the statutory constraints.

### 3.9 **Making representations**

As well as Responsible Authorities, any individual, body or business are also entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. (See Section 11, Licensing Enforcement and Reviews)

Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the Licensing Authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious.

Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the Licensing Authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, or a local ward or parish councillor who can all act in such a capacity.

3.10 Representations must be submitted to the Licensing Authority within the prescribed period of time, as advertised in the application. The Licensing Authority will send copies of all representations to the applicant as part of the notification of hearing process. The Licensing Authority recommends that Responsible Authorities also send a copy of any representation to the applicant at the same time it is made to the Licensing Authority.

Anonymous representations will not be accepted by the Licensing Authority. The Licensing Authority cannot withhold details of the person making the representation, unless there are exceptional circumstances. Any papers produced for a Licensing Committee hearing will include copies of representations and these are published on the Council's website. This means that names, addresses and contact details will be made public.

Those making a representation should be aware that they will be invited to attend in person to a hearing should the licence application have to be determined by the Council's Licensing Sub-Committee. The representations will also be included in the papers presented to the committee and therefore will pass into the public domain. It is therefore possible that details of representations may be picked up by the press.

Further information on making a representation can be obtained at the following link.  
<https://www.gov.uk/alcohol-licensing>

### 3.11 **Conditions**

All applications for new licences or for variations of existing ones should be supported by an operating schedule. The schedule should specify (among other things) the steps the applicant proposes to promote each licensing objective.

Where no relevant representations are received, providing the application has been correctly made and advertised (as required by the Act), the Licensing Authority must grant the application in line with the proposed operating schedule. The only conditions that can be imposed are the mandatory conditions and those conditions that are consistent with the operating schedule.

Apart from the mandatory conditions there is no discretion under The Act to impose any other condition in cases where no relevant representations are received.

- 3.12 Any conditions attached to licences following relevant representations will focus on matters within the control of the premises licence holder or club management committees. They will be used to ensure the premises operate in such a manner to uphold the licensing objectives. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity.

Conditions will not be used as a means of attempting to attach responsibility to premises licence holders or club management committees for matters outside their reasonable control, such as anti- social behaviour once away from the premises or licensable activity, unless information to the contrary is available to the licensing authority.

Conditions on premises licences and club certificates are determined by:

- The measures put forward on the operating schedule
- Mandatory conditions within the Act
- Measures decided at a hearing by the Licensing Sub-Committee

### 3.13 **Appeals**

Any aggrieved party e.g. Applicant, Responsible Authority, Other Person may appeal any decision of the Licensing Committee to the Magistrates' Court.



### 3.14 **Members of the Council**

The Licensing Authority recognises that Councillors play an important role in the local community. The Licensing Authority will notify the Ward Councillor and Community Councils of any applications within their ward giving them the opportunity to make representations.

If specifically asked to do so, Councillors may make representations in writing and speak at the hearing on behalf of any other person such as a local resident or business. They can also make representations in their own right if they have concerns about premises. They may also apply for a review of a licence/certificate.

- 3.15 Residents or businesses may wish to contact their local Councillor in respect of a licence/certificate application. Details of Councillors are published on the Council's website.

When a resident or business seeks the assistance of a Councillor, it is useful if they can provide evidence that a particular premise is causing a problem or is likely to do so. It is also helpful for any resident or business making a representation to send a copy to the relevant Councillor.

- 3.16 Councillors may attend hearings of Licensing Sub-Committees considering applications and speak on behalf of local residents and businesses, in the following circumstances:

- They have made a personal representation
- They have made a representation on behalf of local residents or business
- They have been nominated by a person making a relevant representation who cannot attend the hearing or prefers to be represented at the hearing

### 3.17 **Applications for Community Premises**

Persons in control of premises such as church or chapel halls, village or parish halls, community halls and buildings of a similar nature may find the permitted annual number of Temporary Event Notices too restrictive. They should consider whether applying for a Premises Licence would be more beneficial, in the event that premises such as this do make an application for a Premises Licence they may, at the same time, make an application for the disapplication of the mandatory condition relating to Designated Premises Supervisors.

The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls .) Order 2009 created an exemption for the requirement for a Designated Premises Supervisor for community premises, who may make application to the Licensing Authority to apply the alternative mandatory condition to their licence.

The alternative Mandatory Condition is that every supply of alcohol under the Premises Licence must be made, or authorised by, the Management Committee.

- 3.18 Where there is doubt as to whether a premise is a community premise, the Licensing Authority will consider each case on its merits, with primary consideration being given as to how the premise is predominantly used.

The fact that a school or private hall is made available for hire by the community would not in itself be sufficient to qualify the premises as “community premises”. Though this may be provision of a service to the community, the Licensing Authority will consider whether halls used largely for private hire by individuals or private entities are genuinely by their nature “community premises”. The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use and not only at the usefulness of the premises for members of the community for private purposes.

- 3.19 The Licensing Authority expects the management committee to be a formally constituted, transparent and accountable body. The committee should provide sufficient oversight of the premises to minimise any risk to the licensing objectives. This could include management committees, executive committees and boards of trustees. The application form requires the applicants to provide the names of the management committee’s key officers e.g. the Chair, Secretary, Treasurer.

## **4.0 THE LICENSING OBJECTIVES AND MANAGEMENT STANDARDS**

4.1 The Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four Licensing Objectives:

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

Each Objective is of equal importance. Throughout the decision making processes, the promotion of the four objectives will be of paramount consideration at all times.

4.2 Licensing law is the key means of control and it is an important part of a partnership approach to the management of the evening and night time economy. The Licensing Authority will work in partnership with, amongst others, the Police and other Responsible Authorities, local businesses, local people and neighbouring local authorities in pursuit of the promotion of the Licensing Objectives.

The Policy does not seek to regulate matters which are provided for in other legislation e.g. Planning, Environmental Health, Health and Safety issues etc.

Throughout this Policy the wording will refer to applicants for licences. However, it should be noted that the principles set out within this Policy apply equally to new applications, applications for variations and consideration of any request to review a licence.

4.3 The following section is subdivided according to the four licensing objectives. It includes management standards, policies and procedures which may be included within operating schedules to demonstrate upholding the licensing objectives. Any such measure should be considered according to the:

- type
- size
- location
- hours
- characteristics, and
- activities taken place

Applicants are encouraged to read all four sections as there is clearly overlap between some of the information included.

## **5.0 THE PREVENTION OF CRIME AND DISORDER**

- 5.1 Licensed premises, especially those offering late night /early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, be able to become a source of crime and disorder and public nuisance problems.

The Licensing Authority will expect an applicant to be responsible for minimising the impact of crime, disorder and antisocial behaviour by their patrons both on and within the immediate vicinity of their premises. This includes locations such as pavement, beer garden or in an area used by smokers.

- 5.2 The Licensing Authority expects all applicants to demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises, through to the daily operation of the business, have been identified and will be implemented and maintained with the intention of preventing crime and disorder.

There are many steps that an applicant can take to prevent crime and disorder. The Licensing Authority will look to Police as the main source of advice on these matters, and in accordance with the Guidance, police views on matters of crime and disorder will be given considerable weight.

Prior to addressing this objective in the operating schedule, the applicant may wish to seek the views of the Police on appropriate measures to be implemented. Any proposals should take into account the size, type, location, and proposed hours and activities taking place at the premises. The Licensing Authority expects applicants to consider, amongst other things, the following:

### **5.3 On-Licence Premises**

- The provision of good quality, colour, digital CCTV. This can act both as a deterrent and as a useful tool in detecting crime and disorder. Access to CCTV should be readily available for viewing by Police and other Responsible Authorities and staff should be trained in its use. Footage should normally be retained for 31 days (or lesser period as agreed with the Police) and be capable of producing evidential quality footage in disc format for use in court. Consideration should also be given as to the location of CCTV cameras to ensure full coverage both inside the premises and external areas, particularly those covering entrances and exits to the premises.
- Effective Queue Management. This can be achieved by the use of barriers with supervision by door supervisors. This can help maintain order from those patrons seeking to gain entry to the premises and assist door supervisors in identifying underage customers and those who may be unfit through drink or drugs.
- Employment of licensed door supervisors and other appropriately trained staff. This ensures the promotion of the licensing objectives and to ensure all staff and trained in venue specific policies.
- Metal detection and search facilities. The use of metal detectors and a policy of random searching of customers can act as a deterrent to patrons seeking to enter

premises with weapons and drugs. Where possible, procedures should be in place to allow for female door supervisors to carry out searches of female customers.

- Proof of Age Schemes. Whilst there is a mandatory requirement for a proof of age scheme to be operated, national schemes such as Challenge 21/25 have proved a success in preventing access to alcohol for under 18's.
- Use of PubWatch Radio System/Ring Round Phone Systems. This can prove to be a useful tool, particularly for premises within the Town Centre and allows for instant communication between managers of licensed premises and the police and other licensed venues.
- Regular glass collection and the use of shatter resistant/plastic glasses and bottles which can reduce the risk of crime and disorder and contribute to the public safety licensing objective. The use of plastic glasses and bottles may be appropriate as a permanent measure depending on style and nature of the venue or may be appropriate occasionally for specific high risk events or after a certain time.
- Security Patrols which can act as a deterrent and help identify hotspot areas within the premises.
- Regular documented checks of toilet areas or the provision of a toilet attendant which can help deter and identify drug use within the premises.
- A clear and effective Dispersal Policy. This should include a winding down period, information on access to taxi services and for larger venues, the gradual dispersal of customers by door supervisors. Such measures can reduce the risk of crime and disorder and contribute to the promotion of other licensing objectives.
- Installation of non-retrievable bottles bins at exits and door supervisors which can ensure that customers do not leave the premises with glasses and bottles and can significantly reduce the risk of crime and disorder and promote public safety within and in the vicinity of licensed premises

5.4 There are a number of areas where effective Policies and Procedures are essential to a well-managed licensed premises and demonstrate that management are committed to the promotion of the licensing objectives. These include:-

- Regular, documented and on-going staff training addressing alcohol sales, drunkenness, underage sales, proxy sales, crime prevention, thefts, disorder and conflict management.
- Maintenance of Incident Logs for recording incidents of crime and disorder and a Refusal Register
- Drugs Policy to prevent the use or supply of illegal drugs and the installation of a drugs deposit box
- Procedures for assessing risk associated with special events
- Participation in the Middlesbrough Pub Watch Scheme, Middlesbrough Council Licensing Forums, Best Bar None and any other relevant schemes
- Policy to deal with the disposal of weapons
- Policy to promote the duty of care for dealing with patrons suffering adversely from the effects of alcohol/drugs and victims of disorder
- Anti-theft strategy

- Regular Security reviews and Policy to address issues of public security e.g. anti-terrorism measures
- Lost Property Procedure

## 5.5 Off-Licence Premises

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. This change has the potential to create specific problems and undermine the licensing objectives, which have been evidenced in some areas of the town. These include easier access to alcohol by children, thefts from off licence premises, increased incidence of street drinking, and increases in anti-social behaviour, crime and disorder and public nuisance. The availability of alcohol at cheaper prices through sales from off licence premises has supported the growing practice of “pre-loading” - people consuming alcohol before going out to an on licensed premises.

- 5.6 There are a number of ways in which Licensees can operate their premises to uphold the licensing objective of preventing crime and disorder and thereby addressing these concerns. Any proposals should take into account the size, type, location, and proposed hours at the premises. The Licensing Authority expects applicants to consider, amongst other things, the following:
- The location of alcohol stock. This should be detailed on a plan and located away from entry/exit points where it can be easily stolen, interfere with customer flow and, in larger premises, away from checkouts.
  - The location of products which are considered high risk for dependent or underage drinkers. These should be displayed in a secure location or behind the counter.
  - The provision of good quality, colour, digital CCTV can act both as a deterrent and as a useful tool in detecting crime and disorder. Access to CCTV should be readily available for viewing by Police and other Responsible Authorities and staff should be trained in its use. Footage should normally be retained for 31 days (or lesser period as agreed with the Police) and be capable of producing evidential quality footage in disc format for use in court. Consideration should also be given as to the location of CCTV cameras to ensure full coverage both inside the premises and external areas, particularly those covering entrances and exits to the premises.
  - Considering the sale of certain alcohol products such as super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above.
  - Banning the sale of single cans or bottles of beer or cider.
  - No more than (x)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol. This is dependent on the size and nature of the business, e.g. alcohol sales in premises such as post offices, newsagents.
- 5.7 There are a number of areas where effective Policies and Procedures are essential to a well-managed licensed premises and demonstrate that management are committed

to the promotion of the licensing objectives. These include:-

- Regular, documented and on-going staff training addressing alcohol sales, drunkenness, underage sales, proxy sales, crime prevention, thefts, disorder and conflict management.
- Maintenance of Incident Logs for recording incidents of crime and disorder and a Refusal Register
- Participation in Middlesbrough Council Licensing Forums and any other relevant schemes
- Anti-theft strategy and Regular Security reviews

## 5.8 Designated Premises Supervisor

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).

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.

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, and at the following times:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.
- At times where there is a substantial increase in customers i.e. for televised major sporting events, Christmas/New Year and other Public/Bank Holidays, any other special events.

5.9 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.

5.10 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.

### 5.11 **Authorisation by Personal Licence Holders.**

The Licensing Authority will encourage personal licence holders to authorise members of staff to make sales of alcohol. The Licensing Authority strongly recommends this authorisation should be in writing in accordance with the Guidance issued under the Licensing Act 2003.

Whilst the DPS or personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Therefore, clear instructions and procedures must be in place. This would assist personal licence holders in demonstrating due diligence should enforcement issues arise, and would protect employees if they themselves were challenged in respect of their authority to sell alcohol.

### 5.12 **Door Supervisors**

Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

The numbers of licensed door supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.



## 6.0 PUBLIC SAFETY

- 6.1 The Act covers a wide range of premises that require licensing. Each premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants understand these risks, that they are managed, that the premises are constructed or adapted and operated in such a way to safeguard the occupants. The Licensing Authority considers that when carrying out a risk assessment of the premises the applicant should also include the immediate vicinity.
- 6.2 It is expected that applicants will have addressed the requirements of the Health and Safety at Work Act, Fire Safety legislation and any appropriate technical standards. Applicants are advised to seek advice on such matters from the Council's Health and Safety Service, Health and safety Executive, Cleveland Police and Cleveland Fire and Rescue Service.
- 6.3 The Licensing Authority will expect the operating schedule to detail how the premises will be maintained and managed to ensure public safety is maintained at all times. Risk assessments should be carried out and recorded to ensure that all reasonably foreseeable hazards are reduced or managed.
- 6.4 Consideration should be given to the following to ensure the safety of the public:
- First Aid Provision
  - Public security
  - Event control
  - Polycarbonate Glass
  - Fire Safety
  - Electrical safety
  - Building safety
  - Transport
  - Drink driving issues
  - Provision of cooler, "Quiet" areas for customers
  - Use of special effects such as pyrotechnics, smoke machines, lasers
  - Special events such as foam parties, "silent" nights.

The use of special effects may require approval by the Fire Authority or Police and their advice should be sought prior to an event taking place.

- 6.5 The risk assessment should also determine the safe capacity of the premises. Consideration should be given to the following factors when establishing the safe capacity:
- the design and layout of the premises
  - the location, availability and size of exits including emergency exits
  - the nature of the premises or event
  - the nature of the licensable activity being provided

- the provision or removal of such items as temporary structures, such as stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation
- the nature, layout, position and construction of dance floors and the segregation of dance floors from other areas
- The provision of an adequate and appropriate supply of first aid equipment and materials and personnel.

The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Cleveland Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

#### **6.6 Toughened/Safety Glass Policy**

Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

#### **6.7 Drugs/Knives/Weapons**

The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the premises in order to prevent tragedies as a result of drug misuse.

- 6.8 The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. The Licensing Authority expects procedures to be in place for the detection of knives/weapons and drugs such as search procedures, toilet checks, metal detectors (see Crime and Disorder Section) Licence holders should also consider arranging training for their staff in relation to these matters.

## **7.0 PREVENTION OF PUBLIC NUISANCE**

- 7.1 Many parts of this section are directly relevant to the Licensing Objective on the Prevention of Crime and Disorder and should be cross-referenced accordingly.
- 7.2 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

Public Nuisance is not narrowly defined in the Licensing Act 2003 and can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting a whole community.

The concerns relate, amongst other things, to noise nuisance resulting from music, human voices, ventilation equipment and vehicles, as well as light pollution, noxious smells and litter.

- 7.3 It should be noted that licensing law is not the primary mechanism for the general control of nuisance and anti-social behavior by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the licensee. The Licensing Authority considers that any conditions attached to the licence will seek to control the behavior of customers within the direct management of the licence holder. This includes reducing the impact of the behavior of customers entering or leaving the premises on people living or working near the premises. The Licensing Authority considers that patrons who are using external smoking shelters or areas that are there as a direct result of the licensed premises and is within the control of the licensee.

### **7.4 Location and Impact of Activity**

In predominately residential areas the Licensing Authority will normally expect licensable activities to cease at 11pm, with premises to close no later than 11.30pm.

Hours of 12am and beyond will be more favourably considered for premises located:

- In predominantly commercial areas, such as the Town Centre (subject to the application of the cumulative impact policy); and
  - Where there is a high level of accessibility to public transport services; and
  - Where there is an appropriate amount of car parking, readily accessible to the premises; and
  - Where the operating schedule demonstrates that the applicant has taken appropriate steps to comply with the licensing objective of preventing public nuisance, and which minimizes the impact of licensable activities on those living and working in the area.
- 7.5 The Licensing Authority will expect applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained,

with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.

- 7.6 Where applicants are completing operating schedules the Licensing Authority encourages them to have regard to whether any proposals may have a disproportionate impact in residential areas or near other sensitive premises such as nursing homes, old people's accommodation, hospitals, schools or places of worship.
- 7.7 It is recommended that applicants consult with Environmental Health Officers prior to submitting applications for advice on measures that may need to be incorporated into an operating schedule. This may include, but is not limited to:-
- Whether noise control measures such as noise limiting devices, acoustic curtains, speaker mounts, double glazing are required.
  - Whether doors and windows can be kept closed whilst entertainment is taking place or after a particular time
  - A Dispersal Policy for patrons at the end of the evening, including signs being placed at exits to buildings encouraging patrons to be quiet until they leave the area, and to respect the rights of residents
  - The size, location and hours permitted for the use of outdoor drinking areas
  - The size and location of smoking areas which may encourage patrons to use external areas more extensively than for just smoking and returning to the inside of the premises
  - The display of contact details or a direct telephone link to a private hire/taxi firm
  - Provision of bins for cigarette litter
  - End of trading cleaning/clearing up procedures, in particular cigarette litter, empty glasses/bottles and other waste around the vicinity of the premises.
  - Effective waste collection arrangements to ensure that waste collections are not made at times which are likely to cause disturbance to nearby residents and businesses.
- 7.8 If relevant representations are made by Environmental Health or by local residents, the Council will consider whether issues relating to public nuisance can be effectively dealt with by the imposition of conditions to regulate activity and the behaviour of patrons on or in the vicinity of the premises. Any conditions attached will not seek to manage behavior of patrons once they are beyond the direct management of the licence holder but, they may seek to reduce the impact of their behaviour on people living or working near the premises.
- 7.9 The Council recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities and of those who wish to use such facilities.

However, ultimately, if it is necessary for the promotion of this licensing objective, where conditions do not adequately address the issues an application may be refused or the hours sought by the applicant reduced.

## 7.10 **Takeaways and fast-food outlets**

The Licensing Authority expects takeaways and late night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also provide notices advising patrons of the location of bins and that they should use the bins provided.

## **8.0 PROTECTION OF CHILDREN FROM HARM**

- 8.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting.
- 8.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:
- At any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
  - Between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- 8.3 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.
- 8.4 The Licensing Authority may consider the following when dealing with a licence application where children may have limited access:
- Limitations on the hours when children may be present.
  - Limitations on under 18s
  - Limitations or exclusion when certain activities are taking place.
  - Requirements for an accompanying adult to be present.
  - Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
  - Limitations on the parts of premises to which children might be given access.
  - Any other limitations appropriate to the application and according with the four licensing objectives.
- 8.5 The Licensing Authority may consider additional controls to be necessary in the following premises:
- Where there have been convictions for serving alcohol to minors
  - Where there is evidence of under-age drinking in the vicinity of the premises
  - Where there is a strong element of gambling on the premises
  - Where entertainment of an adult or sexual nature is provided.
- 8.6 The Licensing Authority will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over.

8.7 It is mandatory for premises which supply or sell alcohol to have an age verification scheme in place. However, the Licensing Authority expects applicants to operate a Challenge 21/25 scheme and when this is included in an operating schedule, appropriate weight will be given when the Licensing Authority determines the licence application.

The currently accepted verification for proof of age are a passport, a photo card driving licence or an accredited proof of age scheme bearing either a holographic mark or ultraviolet feature.

8.8 The Licensing Authority is aware of young persons' vulnerability to alcohol. Events which are aimed at children under the age of 18 years on licensed premises often provide an incentive for children to consume alcohol off the premises ("pre-loading) or to "smuggle" alcohol into the premises during the event. Mixed age events also carry similar risks, with the additional consideration of proxy sales and the relevant management required. Such events are not be supported by the Licensing Authority unless the applicant can demonstrate that appropriate policies and procedures are in place to ensure that the licensing objective will be upheld.

8.9 The Licensing Authority, Middlesbrough Police and the Local Safeguarding Children Board support the application of a "Good Practice Guide" for events catering for under-18's and for mixed events of under and over 18's. This Guide is highly recommended by the Licensing Authority and should be adhered to by licence holders and event organisers. This document is attached as Appendix 5.

8.10 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises and that they are targeted at persons only over 18 years of age.

8.11 **Access to Cinemas:** In the case of premises requiring an licence to show films, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

8.12 **Children and Public Entertainment:** Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises. Applicants who wish to offer such activities will be required to submit an appropriate Child Protection Policy which details how safeguarding matters will be managed within the premises, including the CRB/DBS checks for relevant staff.

8.13 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The

Licensing Authority will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Disclosure and Barring Service.

- 8.14 With regard to this Licensing Objective, the Licensing Authority considers Middlesbrough's Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm.

Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications.

**8.15 Adult Entertainment (including nudity and stage hypnotism)**

Applicants for premises licences or club premises certificates under the Licensing Act 2003, must state in the application 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.

- 8.16 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual/adult content after 8.00pm. The Licensing Authority expects applicants to be clear in their operating schedules about the activities and times at which the events will take place and to determine when it is appropriate for children to enter the premises. In relation to sexual entertainment, the applicant should also consider the proximity of their premises to schools and youth clubs and that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

- 8.17 Licensing Authorities and Responsible Authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. Conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.



## **9.0 GENERAL POLICIES**

The policies detailed below have a generic impact on upholding several of the licensing objectives;

### **9.1 Irresponsible Drinks Promotions, Sales and Pricing**

There is a relationship between the pricing of alcoholic beverages, the consumption of alcoholic drinks and resultant issues associated with crime and disorder. When alcoholic drinks are offered and sold at low prices e.g. at or below cost prices from both 'on' and 'off'-trade premises, alcohol consumption can increase leading to adverse effects on all of the four licensing objectives. Cheap and readily available alcohol can contribute significantly to antisocial behaviour, drunkenness, disorder and other criminal behaviours that can blight areas, damage communities and place people at risk of harm.

Central Government has a major role to play in dealing with alcohol pricing and its availability nationwide and Middlesbrough Council support action at a national level. At a local level, the Licensing Authority through this policy sets out its own role and responsibilities in relation to influencing and where appropriate, controlling the sale, promotion and availability of alcohol.

### **9.2 Promoting Responsible Retailing**

The Licensing Authority's aim is to support and encourage responsibility in the sale, supply and consumption of alcohol within the borough. The Licensing Authority does not intend to impose general or blanket conditions across all licences. However, where evidence exists that the licensing objectives are being compromised or are likely to be adversely effected in an area, consideration may be given to the imposition of appropriate licensing controls on specific premises e.g. alcoholic drinks promotions and other sales techniques to deal with localised problems. For example, controls could include evidenced based and tailored restrictions for specific premises on the sale of particular alcoholic drinks, as part of a number of control measures designed to deal effectively with any specific and identifiable problems.

### **9.3 Pricing of Alcohol**

The Licensing Authority will encourage all licensed premises to apply a minimum unit price of 50p to all alcoholic products sold under their premises licence. (The unit pricing will be reviewed in line with national Guidance.)

9.4 Where the premises are found to be selling alcohol below this price, and problems associated with that premises are in breach of the licensing objectives, a responsible authority or interested party may bring a review. Following the review, the Licensing Committee may impose a condition in relation to the pricing of alcohol, in order to uphold the licensing objectives.

9.5 There are local and national concerns about the potential for drunkenness and

disorder by discounting the cost of alcoholic drinks and or other sales promotions which may encourage people to consume larger quantities of alcohol. The mandatory conditions brought in to force in April 2010, may address the issue of irresponsible drinks promotions in on licence premises where it is likely to adversely affect the licensing objectives. However, the Council is also aware of the impact of the availability of cheap alcohol sold through off licence premises, particularly products consumed by binge drinkers, problem and underage drinkers. The Licensing Authority will expect applicants to demonstrate in their operating schedule how the pricing of alcohol products on sale in their premises will not negatively impact on the licensing objectives.

## 9.6 **Petrol Stations**

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.

9.7 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. 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.

## 9.8 **Events organised by external Promoters**

Premises Licence holders, DPSs and Personal Licence holders remain responsible for activities taking place on premises when events organised by external promoters 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.

## 9.9 **Takeaway food premises**

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).

9.10 It is recognised that takeaway premises open late at night can be associated with disorder. They may be frequented by persons under the influence of alcohol having left, or in some cases being ejected from, late night venues. There are many steps that an applicant can take to prevent crime and disorder.

9.11 The applicant may wish to seek the views of the Police on appropriate measures to be included in their operating schedule. Any proposals should take into account the

size, type, location, and proposed hours and activities taking place at the premises. The Licensing Authority expects applicants to consider, amongst other things, the following:

- Written policies for dealing with disorder and nuisance including the provision of Incident Logs for recording incidents of crime and disorder.
- The provision of good quality, colour, digital CCTV. Access to CCTV should be readily available for viewing by Police and other Responsible Authorities and staff should be trained in its use. Footage should normally be retained for 31 days (or lesser period as agreed with the Police) and be capable of producing evidential quality footage in disc format for use in court. Consideration should also be given as to the location of CCTV cameras to ensure full coverage both inside the premises and external areas, particularly those covering entrances and exits to the premises.
- Regular, documented and on-going staff training addressing the prevention of crime and disorder, antisocial behaviour, drunkenness and conflict management.
- Signs at exits to encourage customer to be quiet until they leave the area, and to respect the rights of residents

9.12 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.

Operators of takeaways should have in place end of trading cleaning/clearing up procedures, in particular for litter, empty food containers and other waste around the vicinity of the premises.

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.

### 9.13 **Pavement Cafes and External Areas**

The provision of tables and chairs outside premises can enhance the attractiveness of a venue and the implementation of the smokefree legislation has resulted in an increase in the number of outdoor seating/smoking areas for customers of licensed premises. However, regard should be had to ensure that the use of such areas will not cause nuisance to the occupiers of other premises in the vicinity.

#### 9.14 **External areas used for smoking**

Where there is no provision for a designated smoking area, customers may start to use the external areas of the premises, entrances and doorways for smoking. Some of these locations may be considered to be enclosed spaces, and if they do not comply with smokefree legislation premises licence holders are expected to take appropriate action to address this with their customers. Some of these “unofficial” locations may also have an impact on local residents in relation to noise disturbance.

Ideally, a designated, compliant location for smoking should be identified. Consideration should be given to the following:

- Prohibiting alcohol from being consumed in these areas
- Locating smokers area away from noise sensitive premises
- Effective management of these locations to discourage prolonged periods of time spent by customers
- Effective cleaning and refuse storage arrangements should be in place to prevent the build of smoking refuse. End of trading clean up arrangements should also be in place.

#### 9.15 **External Seating areas**

Specific guidance for the operation of pavement cafes is available from the Council’s website, or on request from the Licensing Authority.

Very often external seating areas are provided as the designated location for smokers. If the area is provided for smoking, the licensee is expected to provide ash trays or wall mounted cigarette bins for patrons so as to minimise litter.

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.

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 access.

#### 9.16 **Legal Highs – New Psychoactive Substances (NPS)**

New psychoactive substances (NPS) commonly known as legal highs, mimic the effects of illegal drugs (like cocaine, cannabis and ecstasy) while being designed to evade controls. There is evidence that such NPS products can cause harms, particularly if taken in combination with alcohol.

The Licensing Authority will at the time of any licensing application or during any review proceedings consider whether conditions are appropriate to prevent the sale of such products alongside the sale of alcohol at both on and off licensed premises in

order to promote the licensing objectives of the prevention of crime and disorder, public safety and the protection of children from harm.

#### **9.17 Drinking up time**

The traditional 'drinking up time' for on licensed premises was not carried over into the Licensing Act 2003. However, in order to reduce the impact on the surrounding area and to assist with the gradual dispersal of customers, applicants will normally be expected to include a 30 minute drinking up time into their operating schedule.

## **10.0 CUMULATIVE IMPACT POLICIES (CIP)**

### **10.1 Introduction**

“Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement. Cumulative impact policies (CIP) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.

10.2 A Licensing Authority may consider a Cumulative Impact Policy where the number, type or density of premises selling alcohol or providing late night refreshment in a location is high or exceptional and serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. Problems can occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. Licensing authorities can also consider whether the late night refreshment premises or off licences in an area contribute to these problems, and may choose to include them in their cumulative impact policy.

10.3 In forming its Cumulative Impact Policy the Licensing Authority has considered:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- evidence obtained through local consultation

It has also considered trends in licensing applications since the review of the last Policy and the implementation of the new licensing regime in 2005.

10.4 Adopting a Cumulative Impact Policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

10.5 A Cumulative Impact Policy does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, which should refer to the reasons, information and evidence presented to the Licensing Authority when it

developed its Statement of Licensing Policy, before a Licensing Authority may lawfully consider giving effect to its special policy. If there are no representations, the Licensing Authority will grant the application in terms which are consistent with their operating schedule.

10.6 Middlesbrough's Cumulative Impact Policies will be reviewed regularly to assess whether they are needed or if those which are contained in the statement of licensing policy should be amended.

#### 10.7 **The Evidence for Middlesbrough Cumulative Impact Policy**

#### 10.8 The existing CIP in Middlesbrough

Since the introduction of the Licensing Act in 2005, a Cumulative Impact Policy has been included in Middlesbrough's Statement of Licensing Policy. The existing policy applies to a designated area of the town centre which is shown in Appendix 6. (The town centre area for the purposes of this policy is the area of land bound by Southfield Road, Diamond Road, Hartington Road, Wilson Street, Bridge Street West and Abingdon Road). In these area applications for the following licences, if they are likely to add to the existing cumulative impact, would normally be refused, if relevant representations are made:

- new premises licences for the sale of alcohol on the premises or club premises certificates
- material variations to existing on licence premises or club premises certificates
- applications for new premises, seeking to provide a licence for hot food between 11pm and 5am where the food is purchased to takeaway from the premises and variation to extend the hours of such sales.

10.9 There have been a number of premises applications, applications to vary and for late night refreshment that have been subject to representations on the basis that the premises was located within the Cumulative Impact Area and were considered to negatively impact on the licensing objectives. However, applications which were considered not to have a negative impact were successful and it is considered that the Cumulative Impact Policy has encouraged a higher standard of premises management and a diversification in the type of premises with a different "offer". There has also been a significant change in the structure of town centre licensed premises as shown in Table 10 below:

When the Licensing Act was introduced in 2005, there had been a predominance of applications for large, vertical drinking, late night premises which were contributing to the Crime and Disorder issues in this location. There has been some considerable changes in the location of the night time economy hubs.

## 10.10 Changes to the Town Centre Night Time Economy since 2005

### 10.11 **Types of Premises**

There has been a reduction in the number of large “night club” style premises, but an increase in the number of “pub” type premises with extended hours.

There has been an increase in a smaller, “niche” type licensed premises – “micro” pubs or more specialist premises offering a range of entertainment and specialist alcoholic products.

### 10.12 **Development of the Night Time Economy**

Since 2005, there has been positive developments in the structure and location of licensed premises in the town centre. In 2005, the Albert Road/Wilson Street locations were the night time hubs. Since this time, several additional night-time hubs have developed:

- **Southfield Road.**  
The development of the University campus, pedestrianisation of Southfield Road, and development of restaurants has led to this location becoming increasingly popular. Anecdotally, it appears this area has attracted an older clientele and is popular with the student population.
- **Baker Street/Bedford Street**  
There has been a drive to develop a combination of micro pubs, cafes, and retail units as well as commercial and retail premises in this location. The applications for licensed premises in this location were not subject to representations as applicants demonstrated in their application that there would be no negative impact on the licensing objectives.

There are also additional plans to encourage a leisure offer in the Albert Road location to link in with the Town Square and Holiday Inn Express development.

### 10.13 **Evidence to maintain the existing Cumulative Impact Policy Area**

The types of premises within the CI area may have changed over time, however there is still a high density of licensed premises in a very compact town centre area. Table 10 shows the breakdown of the number of licensed premises located inside the CI area.

It is evident that 27 % of all takeaways and 29% of all pubs/clubs are concentrated in this small area of the town.



**Table 10**

<b>Premises Type</b>	<b>Cumulative Impact Area 2005</b>	<b>Cumulative Impact Area 2015</b>	<b>Total Premises in Middlesbrough</b>
Restaurants	16	20	44
Late Night Refreshment	24	27	99
Hotels	2	3	7
Pubs/Nightclubs	50	33	113
Off licences	18	18	135

10.14 Cleveland Police have provided a detailed report on crime and disorder reported in the CI for the period 1<sup>st</sup> January 2014 – 31<sup>st</sup> December, 2014.

- During 2014 there were 715 crimes recorded in the CI area accounting for 13.2% of the Local Policing Area. This total is consistent with the previous year.
- Public Order offences within this zone accounted for 26% of the LPA total.
- 329 (46% of offences in the CI area) are associated with licensed premises and takeaways in this area.
- Violence offences accounted for the largest percentage of crimes in this area (444 – 62.2%) followed by Damage (145 – 20.3%).
- Combined AOABH (247) and Common Assault and Battery offences (133) account for more than a half (53.1%) of the total offences within the CI area.
- A hotspot is occurring around Wilson Street/Brunswick Street accounting for 22.4% of the total offences within the CI area
- A further hotspot is occurring around Albert Road/Corporation Road accounting for 12.2% of offences within this area.

Anti-Social Behaviour (ASB)

- In addition there have been 1585 ASB incidents within the CI area accounting for 11.8% of the LPA total. This is a slight increase of 45 incidents (2.9%) from 2013.
- A hotspot is occurring around Wilson Street/Brunswick Street accounting for 15.6% of the total ASB.
- A further hotspot is occurring around Albert Road/Corporation Road accounting for 16.2% of offences within this area.

10.15 In addition, hospital admission data provided by the NHS demonstrates that within the Middlehaven and Gresham wards of Middlesbrough, which form part of the Cumulative Impact area has the highest level of alcohol attributable admissions.

10.16 The Licensing Authority consider that the Cumulative Impact Policy for the town centre area should be maintained as the density, number and type of licensed premises within this area are negatively impacting on crime and disorder, resulting in the high proportion of crime and anti-social behavior arising inside, outside and in close proximity to licensed premises. The Council is satisfied that there is good evidence that crime and disorder or nuisance are occurring in this location and are caused by

the customers of the licensed premises, and that the cumulative impact of licensed premises in this location is evident.

10.17 The Licensing Authority has agreed that the Cumulative Impact Policy should continue to be applied to:

- new premises licences for the sale of alcohol on the premises or club premises certificates
- material variations to existing on licence premises or club premises certificates
- applications for new premises, seeking to provide a licence for hot food between 11pm and 5am where the food is purchased to takeaway from the premises and variation to extend the hours of such sales.

#### 10.18 **Cumulative Impact Policy 2 – Off licence premises**

(Please note that Cleveland Police data is available in accordance with the new ward boundaries and therefore this CI policy is presented according to the new wards.)

10.19 Since 2005, it has become apparent that the number of off licence premises in Middlesbrough has significantly increased. In 2005 there were 94 off licence premises and in November 2015 there were 141. It has become clear that some small retail premises, some with a very different primary retail offer, e.g. Post Offices, newsagents have extended into a wider remit to selling alcohol. Alcohol sold from off licences can be considerably cheaper than on licence sales. Survey work recently carried out in Middlesbrough found that alcohol is being sold as cheaply as 13p/unit. With the increase in off licence premises and cheap prices, alcohol in Middlesbrough has never been more accessible and affordable.

10.20 Work has been carried out to identify the location of off licence premises and links to crime, disorder, anti-social behavior and alcohol attributable admissions to James Cook University Hospital. The evidence shows that there is a relationship between the density of off licence premises, crime and disorder/antisocial behavior and alcohol attributable hospital admissions. Appendix 2 shows mapping of these factors and Appendix 7 shows the breakdown of crime and antisocial behavior on a ward basis.

The evidence shows that the wards of Central, Newport, Park, Longlands and Beechwood and North Ormesby have the highest level of crime and antisocial behaviour, the highest number of off licence premises and alcohol attributable hospital admissions. These wards account for:

- 43% of alcohol attributable admissions to James Cook University Hospital
- 61% of all crime and disorder
- 53% of antisocial behaviour
- 61% of off licence premises.

10.21 The Licensing Authority considers that the density of off licence premises in these wards is having a negative impact on crime and disorder. Whilst maintaining public health is not a licensing objective, many of the hospital admissions arise from alcohol

related crime and disorder. The Licensing Authority consider that a Cumulative Impact Policy in relation to off licence premises should be applied to the wards of Central, Newport, Park, Longlands and Beechwood and North Ormesby. See Appendix 9.

- 10.22 The Cumulative Impact Policy has been applied to this designated area due to the number, type and density of the premises selling alcohol for consumption off the premises. The Licensing Authority is satisfied that there is good evidence that crime and disorder or nuisance occurring in this location is being caused by the customers of off licence premises, and that the cumulative impact of off licensed premises in this location is evident.
- 10.23 The Licensing Authority has agreed that the Cumulative Impact Policy should be applied to:
- new premises licences for the sale of alcohol off the premises
  - material variations to existing off licence premises.
- 10.24 The Licensing Authority considers that all applications will be considered on an individual basis and applications for off licences, or material variations to existing off licence applications, which will not add to the cumulative impact will be granted.
- 10.25 It is noted that there is overlap between the area covered by Cumulative Impact Policy 1 in relation to on licence premises and late night refreshment and Cumulative Impact Policy 2 in relation to off licence premises.

## **11.0 LICENSING ENFORCEMENT AND REVIEWS**

11.1 It is essential that licensed premises are managed, maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the Act. To ensure that premises are being operated in accordance with their licence conditions and promoting the licensing objectives, appropriate monitoring visits will be made at licensed premises. Visits to licensed premises will be determined by:

- Risk. Priority will be given to higher risk premises
- Any history of poor compliance
- Intelligence
- Complaints

11.2 Where the Licensing Authority receives complaints regarding licensed premises, complainants will be advised, where appropriate, to raise their complaint directly with the licensee in order to resolve the matter. However, the Licensing Authority, recognises that it is not always possible or practical for the public to raise complaints directly with the licensed premises. Officers will assess the complaint and determine the best approach to address any concerns.

Officers will also investigate complaints and allegations of unlicensed activities and ensure that relevant conditions are complied with. They will work closely with Cleveland Police and other responsible authorities to ensure compliance with licensing legislation.

The Licensing Authority will act in accordance with the departmental enforcement policy and in accordance with the Regulators' Compliance Code.

### **11.3 Reviews**

The Licensing Act provides a process for reviewing premises licences and club premises certificates where problems associated with premises undermine the licensing objectives. Any person or organisation considering a review of a premises licence should seek advice from the Licensing Authority. Guidance in relation to the review procedure is available on the Council's website, using the following link -

<http://www.middlesbrough.gov.uk/CHttpHandler.ashx?id=3002&p=0>

11.4 At any stage during the life of a premises licence or a club premises certificate, an application for a review can be made to the Licensing Authority by any responsible authority, elected Member or any other person. If an application for a review is considered to be frivolous, vexatious or repetitious or where an application for a review is considered not relevant to the licensing objectives, the Licensing Authority will reject it.

11.5 Frivolous representations would concern minor issues which the Licensing Authority could not reasonably be required to take any action to remedy. Representations may

be considered vexatious if they appear to be intended to cause aggravation or annoyance without reasonable cause.

11.6 The proceedings for reviewing premises licences and club premises certificates represent a key protection for the community from the negative impact of licensed premises. Local residents can request that their licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.

11.7 Prior to requesting a review of a licence, the following action should be considered, as appropriate:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues,
- Asking the licensing department at your council to talk to those who manage the premises on your behalf, or
- Talking to the relevant “responsible authority” (e.g. local authority exercising environmental health functions in relation to noise nuisance, or the police in relation to crime and disorder) about the problem.

11.8 On receipt of a relevant and correctly made application to review a licence, The licensing authority will advertise the fact that a request for review of the licence has been received, and allow a period of 28 days for other persons to make representations to it (such representations can be for or against the activities at the premises in question).

The Licensing Authority will arrange a hearing within the prescribed timescales. The Licensing Authority can consider one, or several of the following steps to promote the licensing objectives:

- modification of conditions, and/or,
- exclusion of licensable activities, and/or
- removal of the designated premises supervisor,
- suspension of the licence/certificate for up to 3 months, or
- the revocation of the licence/certificate.

11.9 After the period for making representations has expired, the Licensing Authority will hold a hearing to consider the request unless the request for review has been withdrawn. The request will in most cases be considered by the Licensing Sub-Committee who will hear representations from all parties involved.

11.10 The Licensing Authority will invite you to attend the hearing and give the applicant for the review the opportunity to address the Licensing Sub-Committee in support of the request for review. They must then give the authority at least 5 working days’ notice (prior to the start of the hearing), advising:

- If they will attend the hearing in person,
- Whether they will be represented by someone else (e.g. councillor / MP /

- lawyer / residents' association representative / friend),
- If they think that a hearing is unnecessary (if, for example, the parties have come to an agreement before the formal hearing), or
- They may also request permission for another person to attend the hearing, and must advise the licensing authority how that person may be able to assist the authority in relation to the request for review

11.11 Once the Sub-Committee has listened to and considered all views and evidence, it must decide what (if any) action is appropriate to promote the licensing objectives. Actions can include:

- No action,
- Modifying the conditions of the licence (change, add or remove conditions – including operating hours),
- Excluding a licensable activity from the licence,
- Removing the designated premises supervisor,
- Suspend the licence for a period (not exceeding 3 months), and
- Revoke the licence.

11.12 The Licensing Authority will not expect a premises licence to be reviewed more than once within any 12 month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.

### 11.13 Appeals against the decisions of the Licensing Authority

11.14 There is a right of appeal for all parties concerned with the request for review (i.e. the applicant for the review, the premises licence holder or any other person who made relevant representations in relation to the application). This means that they can appeal to the magistrates' court if they are not happy with the decision of the licensing authority.

11.15 If there is an appeal against a Licensing Authority's decision, and you are unsuccessful, the magistrates' court can award costs against the appellant if it sees fit. This would mean that they would have to pay other parties' legal costs as well as your own. However, the Magistrates' Association and the Justices' Clerks Society has advised that awarding costs for a licensing appeal should be an **exception** and not a rule, and any resident with reasonable grounds for appeal should not be penalised.

11.16 If the licence holder appeals against the Licensing Authority's decision, the appeal will be heard by the magistrates' court. The Licensing Authority will be the respondent to the appeal and may call the person who brought the review (and any other person or responsible authority) as a witness in support of its case. The decision of the Licensing Authority in relation to the review will be suspended until the appeal is determined.

11.17 An application to appeal the decision must be made within 21 days of the notice of decision.

11.18 In hearing an appeal against the Licensing Authority's decision, the court will have regard to this policy and the guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both of these documents if it considers it justified so to do.

11.19 In respect of personal licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other authorisations must be made to the Magistrates' Court where the premises or event is situated.

#### 11.20 Fees

The Act requires the Licensing Authority to suspend a premises licence or club premises certificate if the holder fails to pay the annual licence fee in accordance with the invoice. Where the licence/certificate holder fails to pay the annual fee when due the Licensing Authority will notify the licence/certificate holder in writing specifying the date on which the suspension takes effect. This date will be 7 days after the day the Licensing Authority has given the licence/certificate holder such notice.

The Licensing Authority will work with Cleveland Police and appropriate action will be taken where premises continue trading whilst suspended.

Where the licence/certificate holder has paid the annual fee the Licensing Authority will lift the suspension and inform Cleveland Police accordingly.

**List of Consultees**

(NB. This list is not exhaustive and currently relates to statutory and additional consultees and may be added to during the consultation period)

Chief Constable, Cleveland Police	Chief Constable, British Transport Police
Chief Fire Officer, Cleveland	Responsible Authorities
Ward Councillors	James Cook University Hospital
Middlesbrough Community Councils	Middlesbrough Pub Watch
Hackney Carriage Association, Private Hire Operators	Federation of Licensed Victuallers
Equity	Citizens Advice Bureau
CAMRA	Institute of Licensing
Relevant Solicitors	British Beer & Pub Association
Arriva	British Board of Film Classification
Circus Arts Forum	British Institute of Innkeeping
Independent Street Art Network	British Regional Consortium
The Evening Gazette	The Northern Echo
The Northern Arts Council	Portman Group
Association of Convenience Stores	Association of Licensed Multiple Retailers
Holder of current licences	Business Sport & Leisure
UK Cinema Association Ltd	Local Government Office
Local MP	Community Safety Partnership
Workingsmens Clubs & Institute Union Ltd	Head of Economic Growth, Middlesbrough Council

A copy of this Licensing policy has been placed on Middlesbrough Council's web- site at: [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk)



## Appendix 2 - Alcohol Related Issues in Middlesbrough

In determining this policy it is the view of the Licensing Authority that it is necessary to consider wider issues and how the policy may impact on them. Such issues are always considered within the context of the licensing objectives. In 2013, Health became a responsible authority under the Licensing Act, and although there is no public health licensing objective within the Act, local health data can be considered in relation to upholding the four existing licensing objectives.

Alcohol is more available and accessible than ever before and it is for this reason that the Licensing Authority consider the importance of their role to ensure it is retailed and sold responsibly, from well managed premises and within the remit of the licensing objectives.

Most alcohol is consumed sensibly and without risk to health, however, the misuse of alcohol is a significant national and local public health challenge. It affects thousands of individuals, families and communities across the country. The following statistics demonstrate the national picture in relation to the impact of alcohol:

### National Statistics on alcohol

- Alcohol is 45% more affordable than it was in 1980
- Alcohol misuse costs England approximately £21bn per year in healthcare, crime and lost productivity costs
- More than 9 million people in England drink more than the recommended daily limits
- It is estimated that 2.6 million children in the UK are living with parents who are drinking hazardously

### Alcohol and health

- Alcohol is a causal factor in more than 60 medical conditions
- In 2013 there were 8,400 deaths directly related to alcohol in UK
- The alcohol-related mortality rate of men in the most disadvantaged socio-economic class is 3.5 times higher than for men in the least disadvantaged class, while for women the figure is 5.7 times
- 325,900 alcohol related admissions in England in 2012/13, a 37% increase over 10 years.
- Between 2011/12 and 2013/14, there were 13,725 alcohol-specific under 18 hospital stays in England
- Hospital admissions for people under 30 with alcohol-related liver disease have increased in England by 117%. In the North East of England the increase is 400%

### Treatment

- There are an estimated 1.6 million people dependent on alcohol in England
- 114,920 clients in structured alcohol treatment in 2013/14.
- In 2013/14, 3,825 children and young people in England accessed specialist alcohol services
- Only 6.4% of dependent drinkers access treatment
- For every £1 invested in specialist alcohol treatment, £5 is saved on health, welfare and crime

### Crime

- An estimated 8,290 people were casualties of drink-driving accidents in the UK in 2013

- Victims believed the offender(s) to be under the influence of alcohol in around half (47%) of all violent incidents, or 917,000 offences
- Alcohol-related crime costs £11 billion per year

### Drinking behaviour

- 34% of men and 28% of women drank more than recommended on at least one day in the last week.
  - 18% of men and 12% of women drank heavily on at least one day in the last week.
  - 9% of men and 6% of women drank very heavily on at least one day in the last week.
- Alcohol needs to be promoted, sold and enjoyed responsibly in order to minimise the toll it takes on health services, criminal justice systems and the workplace.

### **Local Alcohol Profile for Middlesbrough**

The LAPE (Local Alcohol Profiles for England) figures illustrate the extent to which alcohol related harm differs across the country and enable Middlesbrough to compare itself with other local authority areas. There are 22 Indicators split into mortality, admissions and crime and the tables are produced which shows the Middlesbrough, North East and England rates. It ranks how Middlesbrough performs against other LAs in England. On every indicator Middlesbrough performs worse when compared to England average & the North East for the majority.

Middlesbrough is among the top 10 worst LA's for alcohol related hospital admissions. The percentage change shows trends over previous 6 year period. The LAPE figures highlight that Middlesbrough is seeing positive trends in mortality and crime indicators and a negative trend in admissions.

**Table 4**

	Indicators	Local	North East	England	Rank*	% Change*
1	Months of life lost - males*	15.1	14.9	12	45	-18%
2	Months of life lost - females*	7.2	7.1	5.6	37	-1%
3	Alcohol-specific mortality - males	21.1	21.5	16.6	39	-28%
4	Alcohol-specific mortality - females	8.1	10.2	7.5	62	-28%
5	Mortality from chronic liver disease - males	20	19.6	15.5	43	-15%
6	Mortality from chronic liver disease - females	10.1	10.7	8.2	41	-16%
7	Alcohol-related mortality - males	68.7	75.4	65.4	65	-19%
8	Alcohol-related mortality - females	36.4	32.9	28.4	17	10%
9	Alcohol-specific hospital admission - under 18s	79.9	65.8	40.1	9	-30%
10	Alcohol-specific hospital admission - males	949	668	515	7	16%
11	Alcohol-specific hospital admission - females	480	334	241	6	13%
12	Alcohol-related hospital admissions (broad) - males	2654	2086	1715	3	26%
13	Alcohol-related hospital admissions (broad) - females	1371	1058	859	2	29%
14	Alcohol-related hospital admissions (narrow) - males	919	711	594	2	9%
15	Alcohol-related hospital admissions (narrow) - females	480	379	310	4	3%
16	Admission episodes for alcohol-related conditions (broad) - males	4758	3618	2917	2	33%
17	Admission episodes for alcohol-related conditions (broad) - females	2392	1830	1426	1	31%
18	Admission episodes for alcohol-related conditions (narrow) - males	1251	1071	835	4	4%
19	Admission episodes for alcohol-related conditions (narrow) - females	699	641	475	6	-8%
20	Alcohol-related recorded crimes	8.97	4	5.74	27	-28%
21	Alcohol-related violent crimes	6.33	2.84	3.93	23	-29%
22	Alcohol-related sexual offences	0.16	0.09	0.12	44	-6%

Source: Local Alcohol Profiles for England

\*Indicators 1 & 2 – statistical significance not calculated

\*Rank against 326 local authorities in England and percentage change over 6 years

In Middlesbrough, a wide range of data has been gathered and mapped from responsible authorities and other relevant sources. The maps produced can be used to demonstrate links to the licensing objectives and potential hotspot areas in terms of crime, disorder, antisocial behaviour, safeguarding and public safety issues. They also can be used to demonstrate cumulative impact.

### Prevalence of population at risk nationally and in Middlesbrough

The proportion and numbers of the local population estimated to be at risk are shown in the table. Comparisons are made with the prevalence for the North East and England. The most notable difference is that of binge drinking which is significantly higher than the England average.

**Table 5**

Level of risk	Middlesbrough		North East	England	Middlesbrough is
	Number at risk (aged 16+)	Prevalence (%) (aged 16+)	Prevalence (%) (aged 16+)	Prevalence (%) (aged 16+)	
Abstainers	18717	16.33	14.58	16.53	Higher than North East Lower than England
Low	85249	74.36	73.72	73.25	Higher than North East Higher than England
Increasing	21756	18.98	19.60	20.00	Lower than North East Lower than England
High	7636	6.66	6.75	6.68	Lower than North East Lower than England
Binge	32673	28.50	30.10	20.10	Lower than North East Higher than England

Source: Local Alcohol Profiles for England

Middlesbrough has a high number of adults in specialist alcohol treatment services. There are 5.2 per 1,000 population, the 5th highest in the country.

### Alcohol Related Crime Concerns for Middlesbrough

In relation to crime and disorder, there are three groups of crimes which are particularly associated with alcohol:

- Criminal damage
- Violence
- Sexual offences

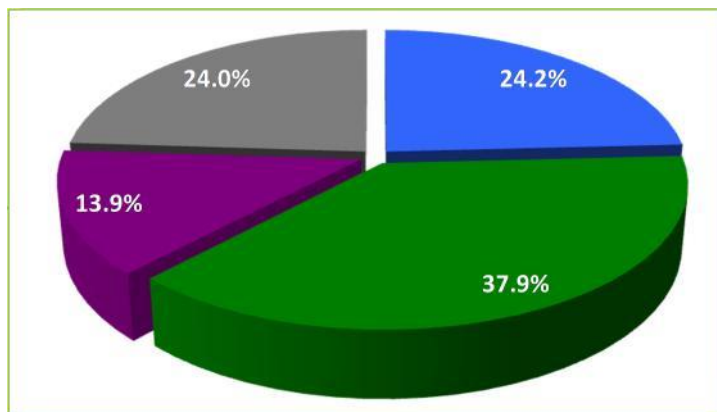
In Middlesbrough, all of these are well above the national average (2014 figures). For violence offences the borough has a rate of 12.69 offences per 1,000 population: 18th out of 44 Police forces. Sexual offences are 1.36 per 1,000 population, 19th out of 44 Police forces. Criminal damage is 14.30 offences per 1,000 population and is the highest in the country.

Local Probation Service data will be updated in the final policy.

## Costs of Alcohol Related Matters in Middlesbrough

Table 6 shows a breakdown of the alcohol related costs in Middlesbrough

### MIDDLESBROUGH COST BREAKDOWN



<b>NHS:</b>	<b>£13.68m</b>
<b>CRIME &amp; LICENSING:</b>	<b>£21.79m</b>
<b>SOCIAL SERVICES:</b>	<b>£7.87m</b>
<b>WORKPLACE:</b>	<b>£13.56m</b>
<b>OVERALL COST*:</b>	<b>£56.53m</b>

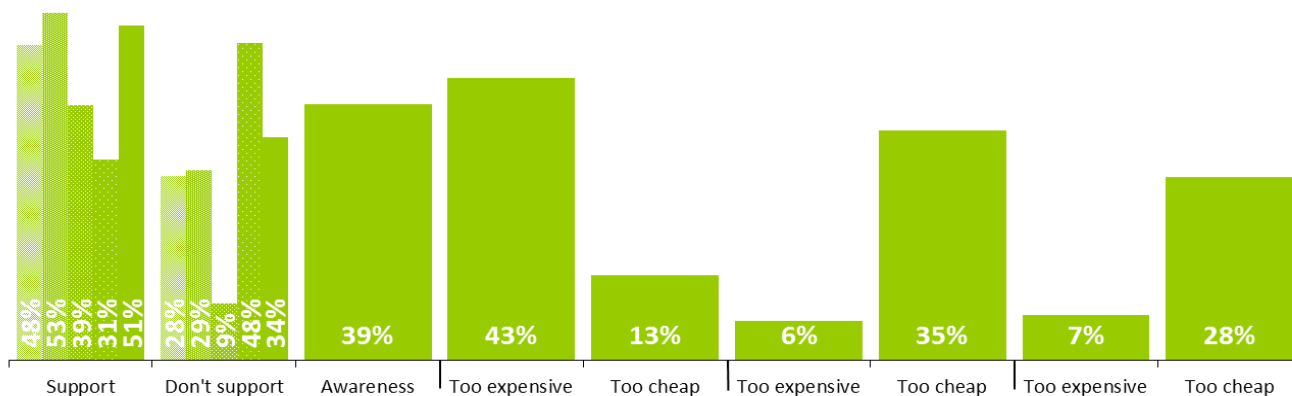
Total cost excludes crime related healthcare costs.

Middlesbrough features in the top 10% nationally for alcohol related costs to the NHS. It features in the top 10-20% nationally for alcohol related costs in terms of crime, licensing and social care. The overall cost per head of population in relation to all areas is £407, compared to a North East figure of £349 and England figure of £338.

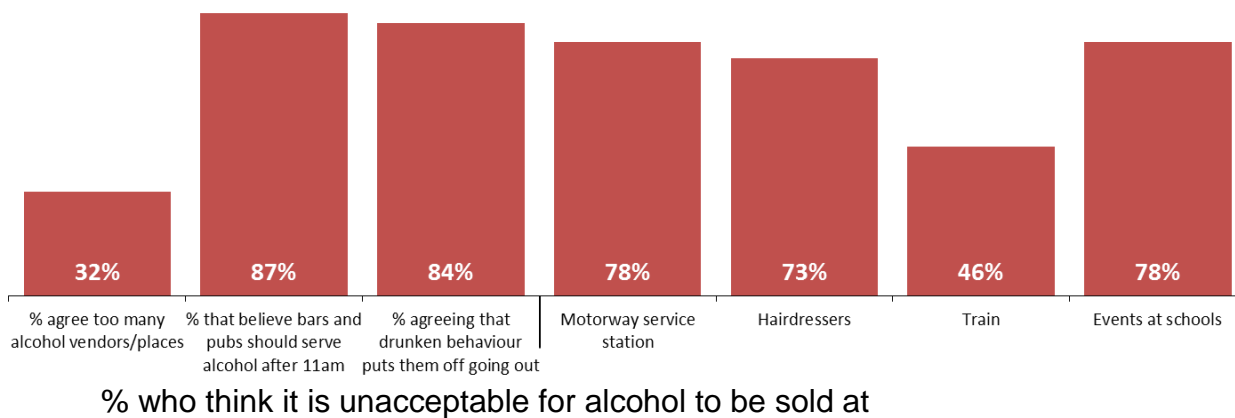
## Middlesbrough's Public Perception around Alcohol and Licensing Issues

A regional Alcohol Perception survey was carried out in 2014 by Balance, the Regional Alcohol Office. Middlesbrough specific data is available and some of the public's views in relation to alcohol and licensing matters are given below.

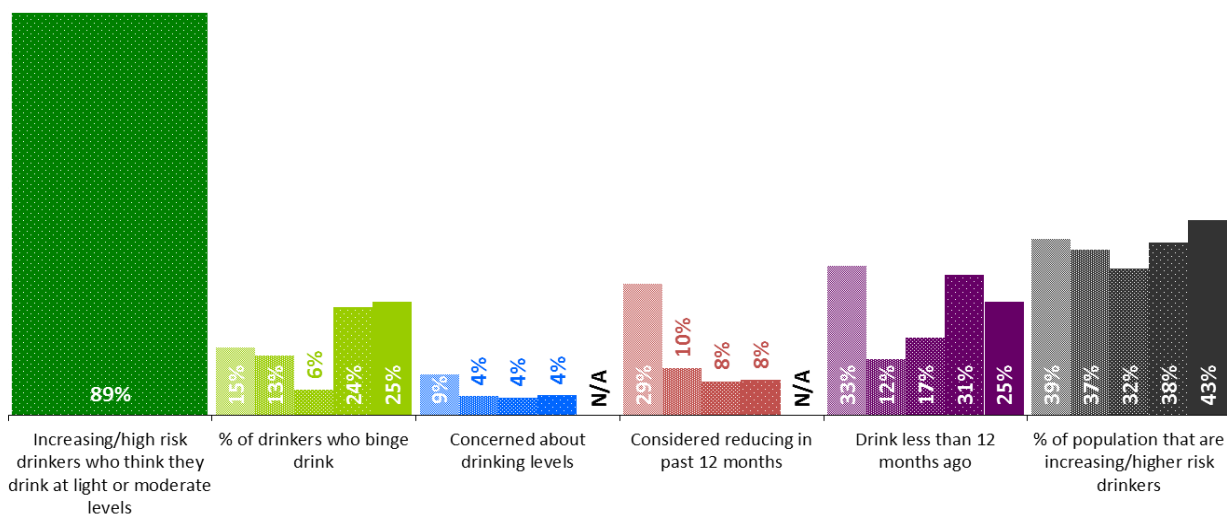
Table 7 - Minimum unit and outlet pricing



**Table 8 - Availability of Alcohol**



**Table 9 - Concerns about drinking levels**



**Middlesbrough’s Alcohol Strategy**

At the time of writing this Policy, Middlesbrough’s Alcohol Strategy is in the process of being refreshed, using the work carried out in Middlesbrough in 2014/15 under the banner of the Local Alcohol Action Area.

The 2009 strategy had the primary aim of;

“Reducing the actual and potential harm caused by alcohol misuse to individuals and communities, whilst ensuring the alcohol can be enjoyed safely and responsibly.”

It identified the need to diversify the evening economy to offer more than just drinking in licensed premises and the concern about the pricing of alcohol and the availability of drinks promotions in Middlesbrough, such as low priced, high strength drinks, such as white ciders. The strategy prioritised the need for a minimum unit price per unit of alcohol, to deter the sale of products which are particularly attractive to young people or street drinkers.

There has been considerable developments in relation to these priority areas since 2009; however these issues remain pertinent to Middlesbrough's ongoing strategy.

(Please note that this section on the Alcohol Strategy may be further updated in the final version of this Policy)

## **Middlesbrough Local Alcohol Action Area**

### Background

As part of the Government's response to the Alcohol Strategy Consultation in July 2013. The Home Office set out a commitment to launch a number of 'Local Alcohol Action Areas' (LAAA) with 3 key aims:

- To reduce alcohol related crime and disorder
- To reduce alcohol related health harms: and
- Underpinning both of these aims was to work to promote growth by establishing diverse and vibrant night time economies

Middlesbrough was selected as one of the 20 successful areas. Each LAAA was provided with a dedicated support manager with responsibility for providing advice and support, liaison with other LAAA projects and linking back to the Home Office and other Government departments. There are key elements of the LAAA work which has provided clear support for the Licensing Act objectives, the Licensing Authority and the effective delivery of the Licensing regime in Middlesbrough. There was also a key focus on maximising the roles of Responsible Authorities, their coordination and how they contribute effectively to the administration of the Licensing Act. Some examples of the LAAA work linked to licensing processes and the licensing objectives are detailed in Appendix 2.

### **Summary of Local Alcohol Action Area Work**

In relation to the night time economy, the LAAA work established that:

- Footfall has decreased significantly over the last decade resulting in many licensees reducing staff numbers and seeing profit margins reduce.
- Drinking habits have changed, with many young people arriving in Middlesbrough Town Centre as late as midnight already intoxicated through cheaply purchased alcohol from off licensed premises.
- There is clear evidence of diversification of offer, which has had the effect of splitting the town centre, with the Southfield Road area attracting the 'older' clientele and Exchange Place remaining the domain of the 'younger' clientele.
- There is a distinct separation between the day and night time economies, very few people remain in the town after work or shopping, resulting in near empty streets between 6.30pm and 9.00pm.
- There is a lot of good work already taking place within the NTE. Boro Angels provide an exceptional service to the town and are highly regarded by professionals and those using the centre socially. Taxi Marshalls likewise play a vital role in reducing crime and disorder and promoting safe egress from the town.

- Perception is a key issue, with some people choosing not to socialise in Middlesbrough citing a fear of crime issues and a perception that there is a prevalence of youth dominated vertical drinking establishments. Interestingly those who work and socialise within Middlesbrough see the town differently. Boro Angels, who have walked the NTE for four years and whose volunteers cover the age range 21-60yrs, describe the town as being “a great place to be.” Members of the University Student Union described the town as being a vibrant and friendly place.

Three Task Groups were established around three theme areas; Crime and Disorder, Health and Diversification and Perception, and key progress has been made in tackling crime and disorder, reducing the harm caused by alcohol and the public perception of the town.

There are some clear links between the LAAA work and some licensing matters, primarily in relation to upholding the licensing objectives. Licensing Authority and Responsible Authorities have been key partners in establishing the work programmes of the task groups.

Work Programme of the Crime and Disorder Task Group:

- Review of crime within the NTE, focusing on 8 key areas, namely sexual offences, violence against the person, possession of offensive weapons, drug offences, criminal damage, theft, public order offences and ASB and to target resources, identify problem premises, hot spots and emerging crime issues.
- Review of the way in which the Police manage the NTE by developing a closer working relationship with Door Supervisors, Licensees, the CCTV Control Room and Boro Angels to create a cohesive and better informed partnership and to influence a review of the resourcing of officers from the NTE to other areas of business without degrading existing service.
- Provision of Vulnerability Training to the NTE via a national training package which raises awareness of the duty of care to those at risk within the NTE.
- Provision of Police support to the CCTV Control Room to identify vulnerability and those who may become involved in crime or disorder and to direct the appropriate resources.
- The creation of a Community Messaging System to allow Police to send text messages to all those agencies operating within the NTE including the CCTV Control Room, Door Supervisors, Licensees and Boro Angels.
- Monthly meetings between Police and Door Supervisors, to share intelligence and increase awareness of issues that are occurring within Middlesbrough.
- Working closely with Teesside University in support of their Student Safety Group and helping to create the Safe Student Spaces and Safe Transport Schemes.
- Refreshment of the Best Bar None scheme which has received a very positive response from the trade, with a number of licensed premises demonstrating exceptional policies and procedures in relation to vulnerability, drugs, crime reduction, underage sales, counter terrorism awareness and responsible sale of alcohol.

The work of the Health Task Group underpins the Responsible Authority coordinated work. It also contributes to maintaining a night time economy environment which is safe in terms of alcohol related harm, injuries and vulnerability.

Work Programme of the Health Task Group: 55

- Creation of an Alcohol Data Map, drawing upon the partners of the LAAA to data share which has enabled the Hospital Information Liaison Team (HILT) to create a number of “Health Maps” showing layers of data.
- Maximising the powers under the Licensing Act including utilizing Cumulative Impact Policies. A Responsible Authorities Group shares intelligence and data to coordination of multi-agency reviews/representations.
- Provision of a Safe Haven facility operating within the NTE, staffed by Paramedics, Substance Misuse Nurses, Door Supervisor and supported by the Boro Angels, aiming to relieve peak time pressure on A&E, NEAS and Police.

#### Diversification and Perception Task Group:

The Licensing Policy makes a significant contribution to the development of a safe and successful night time economy which improves the public’s perception about the Middlesbrough as a night time venue. In particular, by ensuring that licences are only granted to responsibly managed premises which uphold the licensing objectives, utilizing the Cumulative Impact Policies to prevent the negative impact of high number of licensed premises and support diversification, all contribute positively to the public perception of Middlesbrough.

The development of the Safe Haven which is what provides reassurance on the support available for “vulnerable” adults, together with the support from the Boro Angels, Door Supervisors and other NTE workers.



### Glossary of Terms

**Appeals** – Appeals where the magistrates' court notified parties of its decision in the time period specified. This includes the number of appeals against application decision and separately appeals against the licence review decision.

**Closure notice (premises licence)** – Where a premises was prohibited from selling alcohol for not more than 48 hours following a notice under s.169A.

**Club premises certificate** – Authorising a qualifying club to carry out 'qualifying club activities' under the Licensing Act 2003. This includes time limited certificates.

**Completed reviews** – Reviews where the licensing authority notified parties of its decision in the time period specified. Excludes applications for a review that were withdrawn or did not go to a hearing. Includes completed reviews of premises licences, following an application for the review under s.51 of the Licensing Act 2003 or following an application for an expedited/summary review under s.53A (which is instigated by the police) and reviews following closure under s.161 (which would also be instigated by the police).

**Cumulative impact area** – Area that the licensing authority has identified in their licensing policy statement where there is a saturation of licensed premises and the 'cumulative impact' of any additional licensed premises could affect the licensing objectives. Further information on cumulative impact areas is available in the Amended Guidance issued under Section 182 of the Licensing Act 2003 on the Home Office website <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

**Designated Premises Supervisor (DPS)** – an individual, who must hold a valid personal licence and must ordinarily be nominated in the application for a premises licence that includes a request for permission to sell alcohol.

**Expedited/summary review** – A chief officer of police can apply for an expedited/summary review of a premises licence because of serious crime and/or serious disorder under s.53A of the Licensing Act 2003.

**Fee bands** – In determining the amount of the licence fee for applications for new premises licences and club premises certificates, and full variations to licences or certificates, each premises falls into a band based on its non-domestic rateable value. All premises licences and club premises certificates have a fee band, regardless of whether they pay a fee or not. For 2011/12, the application fees associated with each band for a new licence or certificate are as follows: Band A (£100); Band B (£190); Band C (£315); Band D [no multiplier] (£450); Band D with multiplier (£900); Band E [no multiplier] (£635); Band E with multiplier (£1,905). The subsequent annual fees associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D with multiplier (£640); Band E [no multiplier] (£350); Band E with multiplier (£1,050).

**Forfeited (personal licence)** – Suspension following a court order under s.129 of the Licensing Act 2003 specified (and where that order has not been suspended, pending an appeal under s.129 (4) or 130 of the Act).

**Hearing** – Used in the context of applications for a premises licence or club premises certificate that go to a hearing for determining applications for a premises licence, for provisional statements, to vary a premises licence, for club premises certificates, and to vary club premises certificates. The hearings figures in this release exclude applications for a change to DPS, transfer of premises licence, review, or cancellation of interim authority notices following police objections that went to a hearing.

**Judicial review** – includes only those where the High Court notified parties of its decision in the time period specified.

**Lapsed (club certificate)** – Where a club premises certificate has lapsed because it had effect for a limited period, but that period has since expired.

**Lapsed (premises licence)** – Where a premises licence has lapsed due to the death, incapacity, insolvency etc. of the licence holder, as set out under s.27 of the Licensing Act 2003. Excludes instances where a premises licence was in effect for a limited period, but the period has since expired (e.g. one-off events).

**Late night refreshment** – The provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

**Licensing Act 2003** – see Section 1.

**Licensing authority** – The licensing authority is responsible for the licensing of alcohol, regulated entertainment and late night refreshment.

**Licensing authority area** – The geographical area where a licensing authority exercises its functions under the Licensing Act 2003.

**Local authority (LA) type** – There are six main LA types which share similar characteristics such as size and therefore they hold similar licensing statistics: Unitary Authorities; Metropolitan Districts; District Authorities; Welsh Unitary Authorities; London Boroughs and Unspecified (Inner Temple and Middle Temple within Greater London).

**LPA** – Local Policing Area

**Minor variation (to licence or certificate)** – Applications made under s.41A or s.86A of the Licensing Act 2003 to make low risk changes to the terms of a licence or club premises certificate. The fee for a minor variation is £89.

**Multiplier** – Multipliers are applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises under the authorisation of a premises licence (fee bands D and E only).

**Off-sales** – The sale by retail of alcohol for consumption off the premises.

**On-sales** – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.

**Personal licence** – Authorising an individual to supply or authorise the supply of alcohol in accordance with a premises licence under the Licensing Act 2003. The application fee for a personal licence is £37.

**Premises licence** – Authorising a premises to be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment, under the Licensing Act 2003. This includes time-limited premises licences. A premises licence fee is based on its non-domestic rateable value. Application fees vary from £100 (Band A) to £1,905 (Band E with multiplier); annual fees vary from £70 to £1,050.

**Qualifying club** – A number of criteria must be met to be considered a qualifying club for a club premises certificate. They are:

- that under the rules of the club, persons may not be admitted to membership or be admitted as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission;
- that the club is established & conducted in good faith as a club;
- that the club has at least 25 members; and
- that alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

**Region** – Licensing authority data, presented as a supplementary table to this release, are also grouped into regions. Formerly covered by the Government Office Regions until they closed on 31 March 2011, there are nine regions in England: North East; North West; Yorkshire and the Humber; East Midlands; West Midlands; East of England; London; South East; South West. The Welsh licensing authorities are not regionalised in the tables.

**Revoked (personal licence)** – If the holder of a personal licence is convicted of an offence during the application period for the licence, the licence may be revoked under s.124 of the Licensing Act 2003.

**Surrender (of licence)** – If the holder of a licence wishes to surrender it, it is done according to the provisions under section 28 (for a premises licence), section 81 (for a club certificate) and section 116 (for a personal licence).

**Suspended by the court (premises licence)** – A power under s.147 of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) to suspend a license for the sale or supply of alcohol, following an offence of persistently selling to underage children.

**Suspended by the court (personal licence)** – Suspension following a court order under s.129 of the Licensing Act 2003 specified (and where that order has not been suspended, pending an appeal under s.129 (4) or 130 of the Act).

**Temporary event notice (TEN)** – A notice under s.100 of the Licensing Act 2003, used to authorise relatively small-scale licensable activities, subject to certain criteria and limits. Includes only notices that have been correctly and properly given in the time period specified, i.e. exclude notices that were sent back because of mistakes on the form. This also includes notices that were subsequently withdrawn. The fee for a TEN is £21.

**Variation (to premises licence)** – Applications made under s.34 of the Licensing Act 2003 to change the terms of a premises licence, for example the opening hours, the licensable activities or the conditions.

**Variation (to club premises certificate)** – Applications made under s.84 of the Licensing Act 2003 to change the terms of a club premises certificate, for example the qualifying club activities or the conditions. The fee for a variation of DPS is £23.

## **Types of Licence**

**Premises licences** - A premises licence can be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment or any combination of these activities. Its use for retail sale of alcohol is for consumption on the premises, off the premises, or both on and off the premises.

**Club premises certificates** - A club premises certificate authorises a 'qualifying club' to carry out 'qualifying club activities'. This includes time-limited certificates. A qualifying club is established and conducted in good faith as a club; has at least 25 members; and does not supply alcohol to members on the premises otherwise than by or on behalf of the club. These qualifying clubs (such as the Royal British Legion, working men's clubs, cricket clubs) are generally organisations where members join together for a particular social, sporting or political purpose and then the club purchases alcohol in bulk for its members.

**Personal licences** - The personal licence is separate from the licence which authorises the premises to be used for the supply of alcohol. Sales of alcohol may not be made under a premises licence (other than a community premises that has successfully applied to remove this requirement) unless there is a Designated Premises Supervisor in respect of the premises (who must hold a personal licence); and every sale must be made or authorised by a personal licence holder.

**Regulated entertainment and late night refreshment licences** - Regulated entertainment licensing is not covered in these statistics and is the responsibility of the Department for Culture, Media and Sport.

Late night refreshment is the provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

**24-hour alcohol licences** - The possession of a 24-hour licence does not necessarily mean that the premises will choose to open for 24 hours. Prior to the 2003 Act, hotels were often authorised to sell alcohol to residents and their private guests only outside of permitted licensing hours.

## Table of Delegations

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Licensing Sub Committee</b>	<b>Officers</b>
Application for Personal Licence		If Police objection	If no objection
Application for Personal licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate		If relevant representation	If no relevant representation
Application for Provisional Statement		If relevant representation	If no relevant representation
Application to vary Premises Licence/Certificate		If relevant representation	If no relevant representation
Application to vary Designated Premises Supervisor		If Police objection	If no Police objection
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If Police Objection	All other cases
Applications for Interim Authorities		If Police objection	All other cases
Application to review Premises Licence/Certificate		All cases	
Decision on frivolous/vexatious/ Repetitive/irrelevant representation		If referred by Officer	All other cases
Police objection to Temporary Event Notice		All cases	
Decision to object when Council is consultee, not relevant authority considering application		All cases	

### **Guidance for the protection of young people under 18 years of age who attend events at licensed premises**

The Protection of Children from Harm is one of the four licensing objectives that underpin the Licensing Act 2003. As such any events aimed at attracting attendance by young people under 18, even though alcohol may not be available at the event, could involve some risk.

Mixed age events (where alcohol is available for sale to persons over 18 and those under 18 may also be in attendance at the event) significantly increase this potential risk.

Clear management plans should be in place demonstrating how the licence holder intends to control and mitigate the potential harm to individuals under 18 years of age attending these events, irrespective of whether alcohol is available or not.

Whilst every event should be assessed on its own merits the Licensing Authority, Police and Local Safeguarding Children's Board strongly recommend that a code of conduct/policy for these events is adopted to ensure that the four Licensing Objectives are complied with, in particular the Protection of Children from Harm. Measures expected to be considered include;

#### **Under 18 Only Events**

1. The Police Licensing Officer, Licensing Authority and Local Safeguarding Children's Board to be notified of any under 18 event at least 28 days in advance of the event. Such notification should be from the Premise Licence Holders or Designated Premise Supervisor, as they would be held accountable should the event undermine any of the licensing objectives.
2. The premises to be covered by good quality, colour, digital CCTV which meets the requirements and expectations of the Licensing Authority and Police. The equipment to record whilst the event is being held on the premise, all recordings to be retained for a minimum period of 31 days and to be made available upon request to the Police or Licensing Authority within a period of 7 days.
3. The operator to ensure that the premises have sufficient numbers of SIA registered security staff and ensuring that they are employed in the following minimum ratio: 2 for the first 100 customers, one of which being female, 2 for the second 100 customers and 1 for every 100 customers thereafter. At least one member of security staff being employed as a floorwalker and constantly monitoring patrons for evidence of alcohol or drugs and also protecting patrons from unwanted attention or harassment.
4. Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.

5. Where there is normally a bar, ensuring that alcohol is not on display and is locked away.
6. Ensuring that there is at least 1 hour between the conclusion of the youth event and the venue opening for the commencement of any adult entertainment.
7. Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.
8. Where alcohol is seized from persons aged under 18, the details to be recorded in a register.
9. Any prior marketing of the event (internet, flyers, posters etc.) to make it clear that no alcohol will be sold to under 18's, nobody who appears to be drunk will be allowed admission to the event and searches will take place to ensure that no alcohol is brought into the venue. Permissible ages for attendance at the event to be printed in prominent writing on any tickets issued for the event.
10. Ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates the level of duty of care expected to be provided.
11. Toilet checks being carried out at regular intervals and records of such checks retained.
12. First aid provision to be available at the premises.
13. Ensure a policy is in place to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside.
14. For events held on a Thursday, Friday or Saturday evening a terminal hour of no later than 11.00pm.
15. An area should be designated as a safe space, whereby ill or intoxicated persons, including minors, can be taken to a place of safety for medical treatment or in the case of minors until reunited with a parent, guardian or responsible adult.

#### Additional Measures expected to be considered for Mixed Age Events

1. All patrons to be given a secure wristband of different colours, differentiating over 18's from under 18's.
2. Only one alcoholic drink to be purchased at any one time by an individual aged over 18 years of age.
3. At least 2 SIA registered security staff acting as floorwalkers to constantly monitor patrons aged under 18 years of age for evidence of alcohol or drugs and also to protect patrons from unwanted attention or harassment.
4. Children under 16 years of age should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than 4 such children.
5. All drinks to be served in plastic or polycarbonate glasses.

It must be stressed that the above measures are not considered to be an exhaustive list and licensees are encouraged to discuss the management of any such events in detail with the responsible authorities as part of their risk management process.



Cumulative Impact Policy Area 1



## Crime and Anti-Social Behaviour Breakdown by Ward 1/1/14 – 1/1/15

Ward	All ASB	All Crime
ACKLAM	276	200
AYRESOME	535	299
BERWICK HILLS AND PALLISTER	1136	1027
BRAMBLES AND THORNTREE	772	708
CENTRAL	2727	3823
COULBY NEWHAM	501	346
HEMLINGTON	552	451
KADER	242	240
LADGATE	419	362
LINTHORPE	309	330
LONGLANDS AND BEECHWOOD	1049	1188
MARTON EAST	187	192
MARTON WEST	127	144
NEWPORT	1778	1665
NORTH ORMESBY	724	726
NUNTHORPE	101	81
PARK	878	988
PARK END AND BECKFIELD	935	861
STAINTON AND THORNTON	92	94
TRIMDON	140	88
Total	13480	<b>13813</b>



**Appendix 8**

**Proposed Cumulative Impact area in relation to Off Licensed Premises  
(Central, Newport, Park, Longlands and Beechwood and North Ormesby  
wards)**

