

**Appendix 2**  
**Draft**  
**Statement of Licensing**  
**Policy 2025 - 2030**  
(February 2025)

## Licensing Act 2003 - Statement of Licensing Policy 2024-2029

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## Introduction

This Policy supports the Council's aim to position Middlesbrough's town centre as the primary retail, leisure and commercial centre of the Tees Valley, attracting visitors locally and farther afield, with a 24-hour economy and where people want to live, work and enjoy leisure.

The Council proposes to deliver policies in relation to the Licensing Act, promoting the licensing objectives, together with widening the choice and appeal of licensed premises, the development of culture and the protection of local residents.

This Policy recognises the huge contribution of licensed premises e.g. pubs/bars, restaurants, cinemas and theatres towards our evening economy. For these businesses to prosper, we aim to create an environment which is attractive to all customers, that licensed premises are safe and well run and that they add to both the local economy and vibrancy of the Town.

### 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
- Fire and Rescue Authority
- Local Health Board
- Public Health

representatives of licence holders (including premises, personal licences and club premises certificates), persons 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 organisations 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 2017.

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 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 considers 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 Equalities Act 2010, 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.

#### **1.10 Integrating strategies and avoiding duplication**

There are many stakeholders involved, directly or indirectly, in the promotion of all the Licensing Objectives. 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.

As well as requiring consideration and approval of the Licensing Authority, changes to how a premises is used or changes to the opening hours of a premises may also require planning approval, which is dealt with via separate legislation and by the Council's Development Control function. Licence holders and others should not assume that the granting of a licence is also a grant of planning permission, which may also be required for them to operate as intended. Early contact should, therefore, be made with the Local Planning Authority via the Council's website to discuss their proposals.

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.

### **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 specific 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
- Child Protection 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 141,000, 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.
- redevelopment of Captain Cook Shopping Centre to introduce leisure and evening entertainment, with the introduction of new food and beverage offers, proposals to offer an enhanced family-friendly offer, along with ancillary licensed premises. This will also include investment in the public realm, facades of the units, and the bus station.
- the Council has been successful in significant government contribution via the Future High Street Fund (£14.1m) and the Towns Fund, all of which has the town centre as the priority area.



- the expansion of the education sector - Teesside University and Middlesbrough College.
- further development of the Boho Zone and Middlehaven which has seen the rapid expansion of the digital sector which will see an additional 60,000 sq ft of premium office space targeted at the digital sector. The wider Boho/Middlehaven area will develop from a former industrial brownfield site to a thriving mixed-use community consisting of over 500 high quality urban houses, further premium office developments that will bring new employment opportunities to the town, a new 1000+ space secondary school, an urban farm and leisure developments that are complimentary to the Town Centre. There will also be investment in the key heritage assets: Old Town Hall and Captain Cook Pub to bring them back into a commercial use safeguarding their future for generations to come and allowing people to engage with the town's heritage, 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 can address the major imbalance between demand and oversupply of retail via Council
- intervention to reduce retail space and repurpose to provide a viable future
- 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.

2.3 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.

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, 2010, 2015 and 2023 are shown in the table below:

<b>Type of Licensed Premises</b>	<b>No of Premises - 2006</b>	<b>No of Premises – 2010</b>	<b>No of Premises – 2015</b>	<b>No of Premises – 2023</b>
Church Hall	6	8	8	8
Club	33	36	28	26
Community Centre	13	13	14	13
Educational Establishment	8	7	7	6
Hotel / Guest House	7	8	7	10
Off Licences	124 (94 in 2005)	125	141	144
Open Spaces	2	2	2	3
Other	16	17	17	22
Public House / Nightclub	125	108	109	126
Restaurant	39	41	46	58
Late Night Refreshment	92	98	99	100
<b>Total</b>	<b>465</b>	<b>463</b>	<b>478</b>	<b>516</b>

**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	242
Up to midnight	127

Up to 1am	58
Up to 2am	31
Up to 3am	26
Up to 4am	15
Up to 5am	8
Beyond 5am	1
24 hours	8

**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	13
Berwick Hills & Pallister Park	18
Brambles Farm & Thorntree	16
Central	212
Coulby Newham	16
Hemlington	7
Kader	7
Ladgate	11
Linthorpe	20
Longlands & Beechwood	18
Marton East	9
Marton West	3
Newport	44
North Ormesby	24
Nunthorpe	6
Park	44
Park End & Beckfields	22
Stainton & Thornton	5
Trimdon	5

2.6 There are 76 (including restaurants) on-licensed premises located in the town centre area.

Between January 2017 to July 2023, the Licensing Authority has carried out 480 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, applications 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. In the period Jan 2017 – July 2023:

- 13 review applications were referred to the Licensing Committee resulting in 8 licence revocations, 4 suspension and 1 licence where additional conditions were added.
- 12 applications for premises licences/variations have been referred to the Licensing Committee of which 5 were refused.
- 3 cautions have been issued for the offence of breach of licence conditions.

### **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.

As mentioned at paragraph 1.10, separate permissions may be required in instances where either the hours of use, or the use of the premises are intended to be changed, and confirmation as to whether planning permission is required for such changes should be sought from the Local Planning Authority at the earliest possible point. Contact details are available on the Council's website.

- 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 Public Health**

**The Licensing Authority recognises there is no Public Health licensing objective and therefore is limited in its ability to conduct its licensing function to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003. Nevertheless, the Licensing Authority recognises the potential impact of alcohol on the public health of the residents of Middlesbrough. This can have a big impact on the National Health Service and medical providers locally. Public Health are a Responsible Authority under the Licensing Act 2003 and can make representations on licence applications as well as calling for reviews on premises that undermine the licensing objectives.**

**The Secretary of State's Guidance states that health bodies can make representations based on any of the four licensing objectives. The Licensing Authority considers data:**

- Around hospital admissions due to alcohol consumption,**
- That shows a correlation between anti-social behaviour and excessive alcohol consumption in different localities,**
- That references violence related to alcohol or the night-time economy in general,**
- That links high alcohol consumption to a particular area, and**
- That undermines the physical, moral and psychological safety and welfare of children and vulnerable persons, to all be relevant to the promotion of the licensing objectives.**

**Any or all this evidence could provide grounds for Public Health in their role as a Responsible Authority to make a representation on the basis of any of the licensing objectives. Although public health is not a licensing objective, the Licensing Authority believe that this Statement of Licensing Policy needs to be**

**placed in context with the alcohol-related harms that are apparent in Middlesbrough. The Licensing Authority takes the issue of public health extremely seriously and would expect applicants and licence holders to familiarise themselves with any local issues that may be detrimental to the public health of people living in, working in and visiting Middlesbrough.**

### **3.12 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.

3.13 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

### **3.14 Appeals**

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

### **3.15 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.

- 3.16 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.
- 3.17 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

### **3.18 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 authorized by the Management Committee.

- 3.19 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.

- 3.20 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 **licensed premises operating in the day 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 Public space protection orders**

**The Council supports the use of Public Space Protection Orders as a tool to prevent alcohol related crime and disorder in the streets. The Council expects premises that operate in areas where Public Space Protection Orders have been implemented to have measures in place to ensure that their customers do not contribute to alcohol related anti-social behaviour.**

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

- **Avoiding *stocking low-cost high strength alcohol such as white ciders and high strength lagers***
- **Restricting the sale of strong beer and cider above 6.5% ABV**
- **Preventing the sale of single cans or bottles of beer and cider**
- **Ensuring all staff are aware of their responsibilities under the Licensing Act 2003 not to serve alcohol to a person who is drunk**
- **Not offering irresponsible drinks promotions as outlined in the section above**
- **Keeping and using a refusals registers or refusals button on the electronic point of sale and ensuring this is completed each time a sale is refused to a person who is drunk. The log should show the date, time, description of customer, name of staff member who refused the sale and the reason it was refused. This should be made available to the Police or authorised Council officers on request and should be regularly reviewed to identify trends and patterns**
- **Taking part in community safety initiatives with Cleveland Police and sharing intelligence**
- **Ensuring that the premises operates in conjunction with any Public Space Protection Order**

5.2 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.

5.3 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:

## 5.4 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 are 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.

## **5.5 Drink and needle spiking**

**Drink spiking is when someone puts drugs or alcohol into a person's drink without their knowledge or consent. It can include putting alcohol into a non- alcoholic drink, adding extra alcohol to an alcoholic drink or slipping prescription or illegal drugs (such as tranquillisers, amphetamines or GHB—also called liquid ecstasy) into an alcoholic or non-alcoholic drink. It can be difficult to tell whether a drink has been spiked, as substances used for spiking usually have no taste, odour, or colour.**

**Needle spiking (sometimes referred to as injection spiking) is where someone surreptitiously injects, with a hypodermic needle, (or other form of administration e.g. combi-pen) a victim with a substance.**

**Spiking is a crime - Spiking of any kind, whether it be by adding to a person's drink or an injection is an offence under section 24 of the offences against the person act 1861 (administer poison or other noxious substance with the intent to injure, aggrieve or annoy a person).**

**Charity Stamp Out Spiking estimates 97% of people do not report spiking incidents to the police. Spiking can lead to secondary offences being committed - most commonly sexual offences when the victim is female, and theft when the victim is male.**

**Recommended actions for licensed premises – The Council understands that many licensed premises work incredibly hard to ensure that their customers can enjoy a night out safely and deter perpetrators. Nevertheless, we also consider that more could and should be done to prevent and report spiking incidents. We recommend that licence holders consider the production of a drugs (including Spiking) protocol or policy for their premises, which may include for example:**

- Education provided to staff to spot the signs of both potential vulnerable victims and those who are potentially suffering the effects of spiking**
- Refusing entry to anyone who is showing signs of drug use and contacting the emergency services when appropriate**
- Ensuring that staff are trained in drug awareness, so they know how to recognise the effects of drug use and know when medical attention is required**
- Provide staff with awareness of forensic handling of evidence (securing any glasses and drinks used by potential victims and/or suspects) and securing other evidence, such as CCTV**
- Consideration of offering anti drink spiking products to customers**
- Reporting suspected or actual spiking incidents to the police immediately**
- Regularly check CCTV to ensure it is in good working order and reliable.**

- Promote campaigns - particularly #Spikeaware through visual, well-placed posters and other literature within their premises with a clear zero tolerance approach
- Consider purchasing preventative tools, to highlight commitment to prevent incidents of drink spiking. For example – bottle top protectors, purchase and application of screening kits can be used to test drinks for key substances
- Review policies to ensure a safeguarding approach is taken in respect of all incidents related to spiking and embed a culture of “believe, reassure and request assistance” for those making reports
- Ensure people in the premises know how and where to report suspected spiking and unwanted sexual harassment
- Consider having a “safe zone” where potential vulnerable victims can be looked after by staff until alternative help or transport home can be provided
- Reporting of incidents to the police and working with local licensing teams to further help support reducing spiking risks. Supporting and protecting the victim It is important to remember the victim is a potential crime scene. Whilst the victim’s safety and security must be the primary consideration, thought should always be given to potential available evidence.

**Key points to consider include:**

- Injuries or puncture wounds as these areas may hold evidential forensic *opportunities*. Where possible avoid contact with these areas of the victim’s body and consider if the area can be protected by the victim’s clothing, prevent the victim washing or cleaning these areas if possible.
- Consensual contact areas – as above, if the likely perpetrator has been in contact with victim prior to the spiking, prevent washing or cleaning of these areas. (These are likely to be areas of exposed skin such as the face neck or hands.)
- Drink – if the victim is still in possession of their drink, keep it secure. Consider placing it in an unused, clean container (e.g. a sealable sandwich bag). Place the bag containing the glass in a secure location and prevent it from spilling. Where possible, wear latex gloves and handle the glass by the least obvious areas (e.g. the very bottom of the glass), this will assist in preventing contamination or loss of evidence.
- Where possible ask the victim to provide a urine specimen in a suitable sample pot.
- Do not ask the victim questions about the perpetrator. If a member of staff believes they can identify the perpetrator, make sure they tell the police at the time. Wherever possible, one member of staff should deal with the victim to ensure continuity of evidence and reassurance for the victim.  
Perpetrator The perpetrator / Suspect Remember, every contact leaves a trace, therefore the perpetrator may have forensic evidence from the victim on their person and may still be in possession of articles used to spike the victim. If you believe you know who the perpetrator is and they are still in

the premises/area, do not confront them, but make sure the police are aware when you call.

- If you can identify the perpetrator; Consider securing any glass/bottle they may have used. (Only do this if the glass/bottle is no longer in the possession of the potential perpetrator.) As with the victim's glass, secure this in an unused, clean bag (a sealable sandwich bag is ideal). Do not mix the victim's and suspect's glasses, place them in separate bags. A different person should deal with each glass, and they should not come into contact with each other during the process.
  - Secure CCTV of the perpetrator entering/leaving the premises and any footage of the perpetrator and victim together within the premises.
  - Consider how the perpetrator has paid for entry or drinks. Is this via a credit/debit card? If so, can you identify times of payments made.
- National resources: Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. Middlesbrough Council's Statement of Licensing Policy, British Beer & Pub Association, Drugs & Pubs: A guide to keeping a drug free pub.

Even in the absence of a specific protocol or policy on spiking, all licensed premises should ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. It is important and helpful for the prevention and detection of spiking incidents if personnel at licensed premises can:

- Obtain full details of the affected person reporting the incident, including a description of what they are wearing as officers will want to track them on CCTV
- Provide as detailed a description of the suspected perpetrator as possible, if known, including clothing
- Provide an approximate time of the incident and the location within the premises where they believe it occurred
- Secure the drinking vessel(s) that is suspected as containing the 'drug' so this can be tested later
- Seize any drinking vessel that the suspect may have been using
- Ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends who will look after them, offering assistance if needed, and providing a safe space for the customer
- Ensure appropriate training is provided to relevant members of staff
- Review searching procedures and amend as necessary, as well as reviewing how often toilets are inspected, where victims of spiking may be found
- Premises should also review the functionality of any CCTV and ensure it is not obscured
- Consider providing information (such as posters) regarding drink spiking in the premises

- Consider if it would be useful to provide anti-spiking bottle stoppers and protective drink covers. It may also be helpful to see if drug testing kits have been made available in your area by the police or council.

The Council also recommends that licence holders and authorised clubs take into consideration the Home Office report understanding and tackling spiking – published 19th December 2023 link below.

The Council will consider placing additional conditions on licences to safeguard patrons against spiking, noting that conditions placed on licences need to be both proportionate and enforceable. We will also use our powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents.

[Report: Understanding and tackling spiking \(accessible\) - GOV.UK](#)

## 5.6 Violence against women and girls

The Licensing Authority are committed to ensuring Middlesbrough is a safe and welcoming place for everyone, regardless of their gender, ethnicity, sexuality, beliefs or background.

This Policy aims to ensure that vulnerability and women's safety is an important consideration in decision-making in licensing matters. The Licensing Authority will ensure that guidance is sought from relevant authorities on the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence.

Operators are strongly encouraged to develop a Safeguarding and Vulnerability policy for their business and ensure that sufficient measures are in place to protect and provide support to customers.

'Resident and visitor safety, especially the safety of those using the night-time economy, is an important factor that the Council, applicants, and licence holders must take into consideration. Violence against women and girls is an unacceptable, preventable issue which blights the lives of millions. Crimes of violence against women and girls are many and varied. They include rape and other sexual offences, stalking, domestic abuse, 'honour-based' abuse (including female genital mutilation and forced marriage and 'honour' killings), 'revenge porn' and 'upskirting', as well as many others. While different types of violence against women and girls have their own distinct causes and impacts on victims and survivors, what these crimes share is that they disproportionately affect women and girls.

These crimes are deeply harmful, not only because of the profound effect they can have on victims, survivors and their loved ones, but also because of the impact they can have on wider society, impacting on the freedom and equality we all should value and enjoy. These impacts can include day-to-day decision making, but also extend to the social and economic costs to the economy, society, and taxpayer. We know that the devastating impact of these crimes can include the loss of life, the destruction of homes, futures, and lives. Everyone in modern Britain should have the freedom to succeed and everyone deserves the right to public



safety and protection under the law. This is as true for women and girls as it is for anyone else.

Policy paper Tackling violence against women and girls' strategy Updated 18 November 2021 Home Office guidance.

**Definition of Sexual Harassment** - The definition of sexual harassment was created with a range of experts on the subject. The defining characteristics are that it is unwanted, persistent, and of a sexual nature. List of unacceptable behaviours are:

- Unwelcome sexual gestures or innuendos
- Groping, pinching, or smacking someone's body.
- Exposing yourself to someone
- Entering the toilet that does not best accommodate your gender.
- Derogatory comments based on someone's age, gender, race, orientation, or ability.

**Examples of unacceptable behaviour include (but are not limited to):**

- Unwelcome comments with a sexual overtone
- Unwelcome and/or irrelevant questions about your personal life (including sex, romance, and sexual orientation)
- Someone exposing their sexual organs to you without consent • Someone groping, pinching, or touching your body without consent

Procedures and policies for how to handle perpetrators of sexual harassment should be included in the operating schedule/conditions. These will of course differ from premises to premises but ensure that they reflect a zero-tolerance attitude towards harassment and discrimination.

Licence holders should ensure that there are clear guidelines on how to handle complaints made by targets of sexual harassment, a positive response involves believing them, responding sympathetically, and taking the incident seriously. Negative responses are characterised by not believing them or suggesting that the incident was their fault.

Guidelines and procedures should establish consequences for perpetrators of sexual harassment that reflect zero tolerance of those behaviours. These can range from removal from the premises to a ban from the premises for an extended period.

**Example of a model policy for licensed premises to adopt.**

- Premises shall enforce a strict Zero Tolerance policy to sexual harassment and discrimination
- The policy shall enforce zero tolerance to the following behaviours e.g. Unwelcome sexual gestures or innuendos
  - Groping, pinching, or smacking someone's body Exposing yourself to someone

- Entering the toilet that does not best accommodate your gender
- Derogatory comments based on someone's age, gender, race, orientation, or ability
- The policy is for all patrons and staff at the premises.

## Training

- Management will ensure that all staff are trained and briefed adequately on the policy
- All casual staff shall receive a briefing on the policy and its operations during staff training
- Security shall be briefed and trained on the policy.

## Reporting an incident

- When a customer needs to report an incident, they may do so by speaking to any member of security or staff.
- The staff or security who received the report shall pass it on to a manager or supervisor
- When a staff member needs to report an incident, they will pass it on to a manager or supervisor
- Reports of victims will be taken seriously, as well as the reports of others observing the incident (staff or other visitors) depending on the context of the situation.
- Reports will be dealt with in a manner that reflects zero tolerance of sexual harassment.

## Dealing with a report / enforcement

- All perpetrators will be removed from the main space of the premises for discussion
- The manager or supervisor will, in consultation with others, decide if the perpetrator has violated the zero-tolerance policy
- If the policy has been violated, the perpetrator will be dealt with in a manner that correlates with zero tolerance of harassment.
- This should at minimum involve the perpetrator's presence no longer being allowed in the premises on the day of the offence.
- Visitors who break the policy on more than one occasion shall be dealt with in a more severe manner, including longer-term bans from the premises.

In addition, The Ask for Angela initiative aims to ensure that anyone who is feeling vulnerable or unsafe is able to get discreet support. This could be on a night out, on a date or meeting friends. The initiative works by training staff in vulnerability management and what to do when someone 'Asks for Angela'. The Council expects that when a trained member of staff hears the code-phrase they should understand that the person is in need of support and will be able to respond in an appropriate, discreet way. This could be offering them an alternative way out of the

venue, calling them a taxi or in a more serious situation, altering venue security and/or the Police. More information can be found here:

[Ask for Angela - Violence Reduction Alliance](#)

## 5.7 Counter Terrorism

The Terrorism (Protection of Premises) Bill, or Martyn's Law, is pending UK wide legislation that will place a requirement on those responsible for certain publicly accessible locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

Martyn's Law, if enacted will apply to anyone responsible for publicly accessible locations used for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings (e.g., town halls), visitor attractions, temporary events, Places of Worship, health, and education. Many of these locations will have the benefit of a premises licence.

The government have indicated that publicly accessible locations with a capacity of more than one hundred people will need to undertake simple yet effective activities to improve protective security and preparedness. Those activities will include completing free training, raising awareness and cascading information to staff. As well as completing a preparedness plan. Publicly accessible locations with a capacity greater than eight hundred people will also be required to produce a risk assessment and security plan, considered to a 'reasonably practicable' standard.

If this Bill is enacted, it will become primary legislation that must be complied with whether a premises has a licence or not.

Although no date has yet been set for the introduction of the legislation advance information, guidance and news about training resources can be found at: • [counter terrorism pages on GOV.UK](#) • [Protect UK website](#)

### Local Counter Terrorism measures

The local approach to Counter Terrorism is as follows:

Deliver and promote the Protect strategy focusing on the priorities within, to reduce the threat from Terrorism in licensed premises, ensuring licensed premises are adequately prepared for and equipped to respond in the event of a terrorist incident.

The licensing authority continues to provide free ACT (Action Counters Terrorism) Awareness training courses both E-Learning and in person (upon request\*) delivered for licensed premises for venue operators, Designated Premises Supervisors, and those in managerial positions.

We encourage licensed premises to incorporate the freely accessible ACT E-learning and the SCan for All eLearning resources as part of wider staff training packages. We also encourage licensed premises owners to make use of the

information and guidance available on the Protect UK platform including use of the Protect UK App.

The licensing authority also expects that steps are taken to ensure all people employed at the premises whose job includes being alert to the terrorist threat are aware of:

- The current terrorist threat level
- What that level means in relation to the possibility of an attack.
- Risk assessments for public entertainment venues include consideration of the risk of a terrorist attack and the different types of attack.
- All persons responsible for security are briefed at every event about the current threat level and risk of terrorist attack.
- All public-facing staff must be clear about what to do if the public report suspicious activity or unusual behaviour to them. All suspicious behaviour by customers or members of the public close to the venue must be noted and be reported promptly so that investigations can be made, and action taken, if appropriate.
- All public facing staff know the appropriate actions to take in the event of an incident which may include, but is not limited to, a marauding terrorist attack, unattended/suspicious items, vehicle borne attack. Advice and guidance available on Protect UK.

Requests for in-person training can be submitted via email to [communitysafety@middlesbrough.gov.uk](mailto:communitysafety@middlesbrough.gov.uk) .

Act Awareness and SCan for All eLearning resources can also be requested from [communitysafety@middlesbrough.gov.uk](mailto:communitysafety@middlesbrough.gov.uk)

5.8 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, where applicable, should be implemented by the premises licence holder in consultation with Cleveland Police.**
- 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

## 5.9 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.

5.10 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 **non-sale** of certain alcohol products such as super-strength beer, lagers, ciders or **perry products** of 6.5% ABV (alcohol by volume) or above.
- Banning the sale of single cans or bottles of beer or cider.
- **Consideration of restricting the sales area at any one time for the sale, exposure or display of alcohol.** (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.

5.11 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

## **5.12 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.

5.13 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.

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.

5.14 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.

## **5.15 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.

## 5.16 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 premises licence holders will also **take a zero-tolerance** approach to prevent the presence of knives and other weapons on their premises and that a log be kept of all drugs, 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 favorably 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 The Licensing Act 2003 encourages a family friendly culture around alcohol and other licensable activities, and this must be achieved in such a way that child protection and safeguarding issues are not compromised. The Licensing Authority in carrying out its functions under the Licensing Act has a legal obligation to promote the protection of children from harm. The Licensing Authority also considers that Licence Holders have responsibility to ensure so far as possible that children and young people are protected from harm at their premises. 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 harm and the effects of alcohol on parenting.**

**This licensing objective should be considered in relation to the safeguarding of children and young people in its widest sense. The protection of children from harm requires children and young people to be protected from physical, psychological and moral harm. This includes the issues of the risk of child sex exploitation, vulnerability and anti-social behaviour around a licensed premises. In many licensed premises such as hot food takeaways, restaurants, sports venues and off licences young people can enter without an adult, in some licensed premises young people can be employed and these factors and risks should be a considered in any application in order to ensure they are protected from any harm.**

### **Child Sexual Exploitation.**

**Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.**

**There are a number of criminal offences associated with Child Sexual Exploitation (CSE) which could have damaging consequences for a hospitality business, including a possibility of prosecution, action being taken against a premises licence and reputational and/or financial damage.**

**It is the responsibility of premises licence holders and their managers to make sure that suitable control measures are in place at licensed premises for the protection of children from harm. This is a legal requirement under the Licensing Act 2003 and there are legal implications if licensed premises do not have safeguards in place or fail to act if sexual exploitation of children occurs, or is believed to have occurred, on the premises.**

**Hotels and hostels play an important role in protecting children from harm. These premises may sell alcohol either in a bar, restaurant, at an event on the premises or in rooms, either via room service or mini bar. Therefore, sufficient procedures and suitable training must be provided to staff on age restricted sales. These venues often have children staying at their premises who are accompanied by an adult. The licence holder and staff have an important part to play in safeguarding children**

**and young people. Hotels are often used as a place to exploit and abuse victims of child sexual exploitation. The Police have powers to demand guest information in connection with child exploitation.**

- **All children must be safeguarded from harm and exploitation whatever their:  
Race, religion, first language or ethnicity.**
- **Gender or sexuality.**
- **Age, Health, ill-health or disability.**
- **Location or placement (e.g. living alone in a hostel or residential unit, with family or a foster family; as a tourist in a hotel, etc.).**
- **Criminal or offensive behaviour, wealth or lack of it.**
- **Political or immigration status**

**To play a positive role in preventing child sex exploitation and to ensure businesses are not vulnerable to being associated with child sexual exploitation applicants are expected to work with the authority and applicants should therefore refer to this section of the Licensing Policy.**

## **8.2 Awareness raising, training and competency on safeguarding and child protection matters.**

The Licensing Authority consider that a licence holder is responsible for ensuring that their staff are fully aware of their responsibilities regarding protecting and safeguarding children who use their licensed premises. The level of awareness and knowledge required will depend on the type of licensed premises, the level of engagement with young people and the risk associated with the premises.

A licence holder may ensure his awareness of safeguarding issues by:

Identifying and managing any risks at their premises by considering if young people have access to the premises and what is the purpose of that access,

Ensuring that staff are aware who and where to report concerns or suspicions

Provide awareness training to all members of staff on a six monthly or quarterly basis on safeguarding issues which may include:

- Being alert to the possibility of child abuse and neglect.
- Recognising suspicious, abusive or potentially abusive event or set of circumstances.
- Knowing who to raise concerns with – which staff member in the premises
- Being competent in taking the appropriate immediate or emergency action and
- Knowing how to make a referral to the appropriate organisation and/or the Police. (Contact details are: The First Contact Team tel no: 01642 726004 (office hours) or 08702402994 (out of hours) or by [email: firstcontact@middlesbrough.gcsx.gov.uk](mailto:firstcontact@middlesbrough.gcsx.gov.uk))

## **8.3 Applicants/licence holders should be familiar with guidance and information on**

safeguarding matters. Procedures and information are available at the Local Safeguarding Children Boards' website: [www.teescpp.org.uk](http://www.teescpp.org.uk). A checklist is available which can be used to guide licensed premises on the operation of their business to

reduce the risk of child vulnerability and safeguarding concerns arising in their premises. The Licensing Authority encourages applicants and premises licence holder to regularly review their procedures and processes in relation to protecting children from harm. (see also paragraph 8.6) In some cases the Licensing Authority may consider that a written children and young people's risk assessment is carried out and this will be dependent on the risk associated with a premises. The risk will be considered on a case-by-case basis and will be determined by such factors as the type of premises, types of events held, local intelligence and any operational issue which may have arisen.

- 8.4 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
- 8.5 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. The Licensing Authority will expect applicants/licence holders to consider the potential risks of safeguarding or child protection issues associated with their premises and to indicate in their operating schedule how they intend to operate their business to uphold this objective.
- 8.6 Licensing Authorities and Responsible Authorities 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.

### **Additional controls**

- 8.7 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.
  - Where the type of premises may present increased risk to the health and wellbeing of young people

## Age verification schemes

- 8.8 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.
- 8.9 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 is a passport, a photo card driving licence or an accredited proof of age scheme bearing either a holographic mark or ultraviolet feature.

### 8.10 Guidance for door staff when checking ID.

(Please refer to Home Office "False ID Guidance", 2012 for more information) The fraudulent use of ID and fake ID allow young people to access licensed premises and make themselves vulnerable to the effects of the consumption of alcohol. The Licensing Authority recognise the importance of door staff at the front line of tackling the issue of false ID. Therefore, it is essential that they understand how to identify false ID and deal with it appropriately.

**Consideration should be given to the use of SCANNET or similar devices which is used to detect false identification by those that seek unlawful entry to a licensed premises.**

Whilst only certain categories of person (for example, a police officer) have legal powers to seize false ID, any member of staff presented with false ID may ask for it to be handed over. It is proposed that the following procedure should be followed in a licensed premises in relation to checking ID:

- Check the photograph. The area in which door staff operate should be well lit, or they should otherwise be provided with light sources to ensure that they can check ID sufficiently.
- Ask questions to carry out further checks on:
  - their date of birth
  - their post code
  - their age
  - their star sign, or
  - ask for another form of ID, e.g. student card,

When ID is found to be false:

- if an individual fails to hand over the false ID when requested, the Police may be called to investigate the possible commission of an offence relating to the use of the false ID.
- doorstaff should fill out the incident book to record when the ID came into their possession and that the details of the incident are not lost between shifts.
- A description of the person using the ID, and the time of the incident may also be useful to the police.
- The ID should be stored and locked away in a secure place until the Police are ready to collect it or a manager takes it to the police station with 72 hours of confiscation.

Signs placed at the entrances to premises can deter young people who intend to use false. An example of wording for these signs is below:

“These premises operate a Challenge 25 policy. You may be asked to show ID if you appear to be under 25. If the ID that you present is suspected to be false or belonging to someone else, you may be refused entry to these premises and you may be asked to hand over the ID so that it can be given to the police. If you fail to do so, the police may be called. Gaining entry to these premises using fake ID or ID that doesn’t belong to you may be a criminal offence.”

### **Underage and mixed age events**

8.11 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 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.

8.12 The Licensing Authority, Middlesbrough Police and the Local Authority Children’s Service 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 5.8.13

### **8.13 Advertising**

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.

**Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel’s decisions are published online. If a product’s packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with.**

**We would encourage retailers to sign up to and abide by Retailer Alert Bulletins. The Secretary of State's Statutory Guidance under the Licensing Act 2003 states that licensing authorities should, in the exercise of their licensing functions consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins.**

**Premises Licence Holders** should also give consideration to **their pricing of soft drinks** pricing so as not to discourage consumption of soft drinks.

**In licensed premises where the primary use is for children's activities i.e. soft play/bowling, the advertising of alcohol should be restricted to the licensed areas where alcohol sales are made.**

#### **8.14 Licensed premises and their local environment supervision of children on licensed premises**

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.

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

Applicants are advised to seek advice from the Responsible Authority for the Protection of Children and incorporate any recommendations in their Operating Schedule before submitting their applications.

#### **8.16 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.

- 8.17 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.



## **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 affected 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 **65p** 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 Alcohol deliveries

### **The Licensing Authority considers there are particular risks associated with delivery services for alcohol.**

An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures, they intend to implement to ensure that:

- The person they are selling alcohol to is at least 18 years of age. The alcohol is delivered to a person who is at least 18 years of age.
- A clear document trail of the order process from order, dispatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.
- The time the alcohol is sold and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.
- **Age verification procedures are implemented at both point of sale and delivery stages, with a Challenge 25 policy implemented at the point of delivery.**
- **Retailers should ensure that delivery staff, including third party delivery services, have been given appropriate training in procedures relating to requesting and identifying proof of age and implement these procedures as standard.**

## 9.7 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.

9.8 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.

## 9.9 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.

## 9.10 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).

9.11 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.

It is also recognised that takeaway premises can be a focal point for young people to meet, and sometimes for predatory activity by adults.

9.12 The applicant may wish to seek the views of the Police and Children’s Services 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 premise. 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, conflict management, and safeguarding and child sexual exploitation.
- Imposing a terminal hour when unaccompanied children (U18’s) are permitted on the premises (e.g. 11pm)
- Signs at exits to encourage customer to be quiet until they leave the area, and to respect the rights of residents.

9.13 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.

#### **9.14 Pavement cafes and external areas**

The provision of tables and chairs outside premises can enhance the attractiveness of a venue. The implementation of the smokefree legislation and impact of Covid 19, where legislative changes by Government made it easier for licensees to provide outside spaces for licensable activities, has resulted in an increase in the number of outdoor seating/smoking areas for customers. 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.

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.

#### **9.15 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.

## 9.16 Novel psychoactive substances (Nps)

Novel psychoactive substances (NPS) (previously 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.

## 9.18 Boxing (including MMA and other Combat Sports) Need to retype this content below and get rid of grey background

To ensure the safety of fighters and crowds attending the event and to reduce the risk of crime and disorder the Premises Licence Holder must ensure an Event Management Plan is submitted by the Event Organiser.

The Plan must set out (but is not limited to):

- Security Arrangements, including the use of SIA Registered Door Supervisors
- the measures that will be in place to ensure the safety and welfare of competitors; including medical facilities and qualified staff provision
- fighter details
- how fighters will be matched
- layout of the venue
- competition rules
- referee details including qualifications.

Premises Licence holders should notify Cleveland Police of boxing events to be held on their premises. We would expect premises licence holders to notify the Police at least 28 days in advance of such events.

### **Bare Knuckle Boxing**

Bare knuckle boxing can be considered as 'boxing or wrestling entertainment' under the Licensing Act 2003. Professional boxing in the UK is licensed by the British Boxing Board of Control (BBBC). The BBBC does not condone or support bare knuckle boxing. In addition, the degree of violence and the likelihood of serious injury to the boxers are factors for a licensing authority to consider in assessing an application to carry out bare knuckle boxing. Also relevant are the licensing objectives in relation to preventing disorder and public nuisance. The crowds at boxing events have generally been considered more of a threat to these objectives than performances of other martial arts

(such as judo). For these reasons a policy decision has been made in order to promote the four licensing objectives under the licensable activity of boxing:

- No bare-knuckle boxing event will be permitted.
- No bare-knuckle combined fighting sport will be permitted.
- No event advertised or promoted as bare-knuckle boxing or bare-knuckle fighting will be permitted.

Bare knuckle boxing will be defined as:

- boxing without the use of gloves, and
- boxing with hand wraps only.

## 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 they are satisfied that there is evidence that the high density of licensed premises in one area is having a detrimental effect on one or more of the licensing objectives. This can include serious problems with disorder and nuisance. 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 order to adopt a Cumulative Impact Policy a Licensing Authority must first carry out a Cumulative Impact Assessment (CIA) to determine whether there is sufficient evidence. The assessment must be reviewed every three years from the date it came into force. In Middlesbrough the assessment relates to the areas shown within the policy as a Cumulative Impact Policy Areas 1 & 2. This assessment applies to all grants and material variations of premises licences and club premises certificates. The Cumulative Impact Assessment is available on the Council website [\(to insert weblink\)](#).

10.4 In forming its Cumulative Impact Policy the Licensing Authority has considered the evidence contained in the Cumulative Impact Assessment which includes:

- 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.

- evidence obtained through local consultation

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

- 10.5 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. Applications for premises located in the Area 1 CIP which do not impact negatively on the licensing objectives will be considered and applicants are encouraged to discuss their proposals at their formative stage with the Licensing Authority and Responsible Authorities.
- 10.6 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.
- 10.7 Middlesbrough's Cumulative Impact Policies will be reviewed every 3 years, in line with statutory requirements, by carrying out a Cumulative Impact Assessment to assess whether they are needed or if those which are contained in the Statement of Licensing Policy should be amended.
- 10.8 **The Council makes it clear in this policy that cumulative impact, in the absence of a specific 'special' policy, can still be raised in relevant representations and could form the basis for legitimate questions by members of the Licensing Sub-Committee. i.e. the absence of a special policy does not prevent the issue of cumulative impact being properly raised, considered and acted upon in the interests of promoting the licensing objectives.**

#### **10.9 Middlesbrough cumulative impact policies**

#### **10.10 Area 1 Cumulative impact policy**

Having considered the evidence in the Cumulative Impact Assessment at Appendix 6 the Licensing Authority consider that the Area 1 Cumulative Impact Policy, for the town centre area should be in place 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 or 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.

- 10.11 The Area 1 CIP applies to a designated area of the town centre. The town centre area for the purposes of this policy is the area of land bound by Southfield Road, Woodlands Road, Victoria Road, Linthorpe Road, Princes Road, Diamond Road, Hartington Road, Wilson Street, Bridge Street West and Marton Road. This is shown in the map below:



In this 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 take away from the premises and variation to extend the hours of such sales

10.12 When the Licensing Act was first introduced in 2005, there was a predominance of large, vertical drinking, late night premises which were contributing to the crime and disorder issues in location of the Area 1 CIP. Since this time there has been some considerable changes in the location of the night- time economy hubs and the types of licensed premises in the town. Since the last review of the Statement of Licensing Policy licensing applications which have been considered not to have a negative impact on the licensing objectives have been granted in the Area 1 CIP. This can be evidenced by the development of the Baker/Bedford Street area where licences for a number of smaller licensed bars, restaurants and cafes with an earlier closing time have been granted.

#### 10.13 **Area 2 Cumulative impact policy 2 –Off licence premises**

The Cumulative Impact Assessment shows that the wards of Central, Newport, Park, Longlands and Beechwood, North Ormesby, Park End and Beckfield, Berwick Hills and Pallister and Brambles and Thorntree have the highest level of crime and antisocial behaviour, the highest number of off licence premises and alcohol attributable hospital admissions.

10.14 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.

10.15 The Area 2 Cumulative Impact Policy applies to the wards of Central, Newport, Park, Longlands and Beechwood, North Ormesby, Park End and Beckfield, Berwick Hills and Pallister and Brambles and Thorntree. These wards are shown in the map below:



Applications in these wards 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 off the premises
- material variations to existing off licence premises.

10.16 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 licensed applications, which will not add to the cumulative impact will be granted.

10.17 It is noted that there is overlap between the areas covered by Area 1 Cumulative Impact Policy 1 in relation to on licence premises and late- night refreshment and Area 2 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 Public Protection 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>

**Link does not work – need to contact digital team**

- 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 continues 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.

Chief Constable, Cleveland Police  
Chief Constable, British Transport Police  
Chief Fire Officer  
CAMRA  
Licensing Solicitors & Consultants  
Arriva Ltd  
The Gazette  
Arts Council England  
Association of Convenience Stores  
Cinema Exhibitors Association  
Workingmen's Clubs and Institute Union Limited  
James Cook University Hospital  
Federation of Licensed Victuallers Association  
Citizens Advice Bureau  
Institute of Licensing (Executive Officer)  
British Beer and Pub Association  
British Board of Film Classification  
British Institute of Innkeeping  
British Retail Consortium  
The Northern Echo  
Portman Group  
Association of Licensed Multiple Retailers  
Local Government Association  
Local Safeguarding Children's Board  
Community Safety Partnership  
Town Centre Strategic Partnership  
Police and Crime Commissioner  
North East Ambulance Service  
Integrated Care Board  
Middlesbrough PubWatch  
Community Councils  
Local MPs  
SIA Security Companies

Premise Licence Holders

Mayor and Ward Councillors

Hackney Carriage Association

Private Hire Operators

Responsible Authorities

Middlesbrough Council Services

Chief Executive

A copy of this 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**

- More than 80 people die every day in the UK because of alcohol-related causes
- In the UK since 1987 alcohol has become 74% more affordable.
- UK household expenditure on alcohol has almost doubled to £20.0 billion in 2018, from £10.4 billion in 1987
- 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
- Men and women aged 55 to 64 usually drink over 14 units in a week with 38% being men and 19% of women.

### **Alcohol and health**

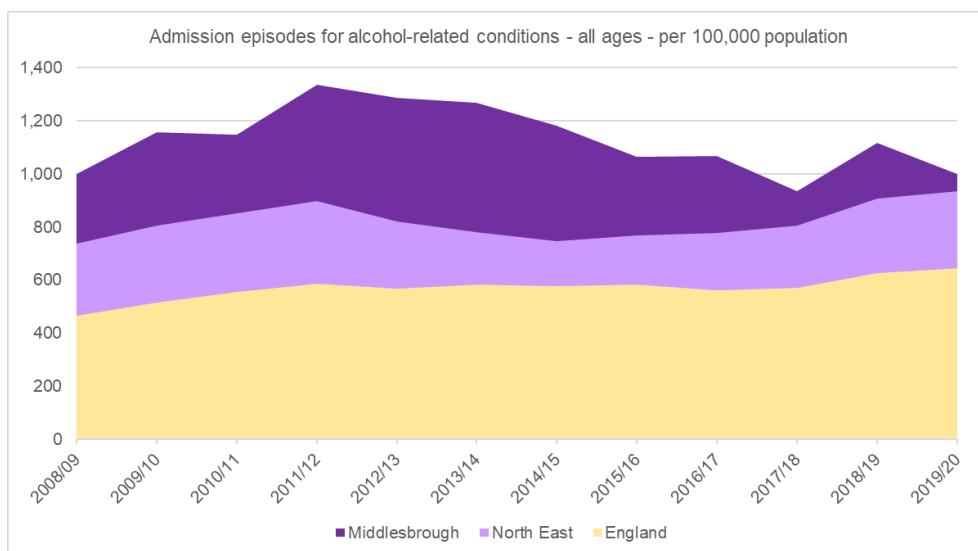
Alcohol is a causal factor in more than 60 medical conditions.

- Alcohol is a causal factor in more than 60 medical conditions, including: mouth, throat, stomach, liver and breast cancers; high blood pressure, cirrhosis of the liver; and depression
- In England in 2018/19, there were 1.26 million hospital admissions related to alcohol consumption (7.4% of all hospital admissions), 8% higher than the previous year. In the same period there were 358,000 admissions where the main reason was due to alcohol, 19% higher than ten years previously
- In the UK in 2018, alcohol-specific death rates were highest among 60–64-year-old females and 55–59-year-old males
- In 2018, the alcohol-specific death rate in the UK for males was 16.4 per 100,000 and 7.6 per 100,000 for females
- Alcohol-specific deaths made up 9.6% of all deaths in the 40-44 age group in the UK in 2018
- In the UK in 2018, the alcohol-specific mortality rate of men in the most disadvantaged socio-economic class was 3.9 times higher than for men in the least disadvantaged class, while for women the figure was 3.3 times higher

- In England and Wales, 63% of all deaths relating to the misuse of alcohol in 2016 were caused by alcohol liver disease
- The alcohol-related mortality rate in England in 2018 was 46.5/100,000, equivalent to 24,720 deaths
- In England in 2018, there were over 314,000 potential years of life lost related to alcohol consumption, the highest level since 2011
- Hospital admissions due to alcoholic liver disease in England have increased by 61% in the last 10 years
- The rate of older people over the age of 65 admitted to hospitals in England for alcohol-related conditions has risen by 14% since 2008/09, while the rate of alcohol-specific admissions for under-18s fell by 54% between 2008/09 and 2015/16

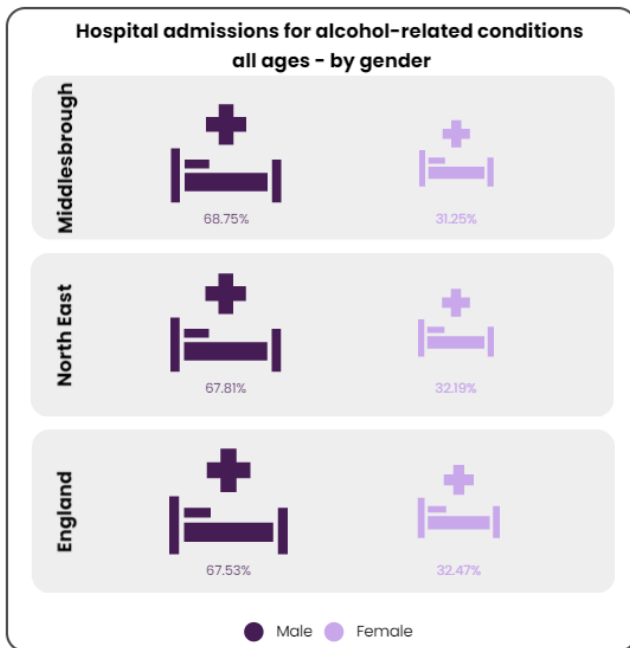
### Alcohol related conditions

In 2019/20 Middlesbrough had a rate of 1,001 per 100,000 population in admissions for alcohol-related conditions, this was higher than the north east with 936 per 100,000 and England with 644 per 100,000. Middlesbrough has seen a changeable rate year on year in this measure, since 2008/09 however the most recent period matched the beginning rate of 1,000 per 100,000. This trend has not been seen in comparators, who have both overall seen an increase.

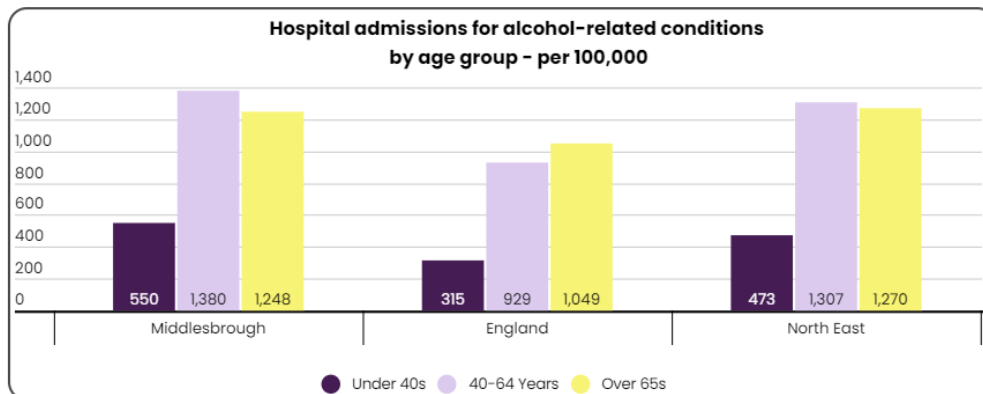


In 2019/20 the proportion of admissions for alcohol-related conditions was significantly higher for males than females, accounting for 68.75% in Middlesbrough, 67.81% in the north east and 67.53% in England.



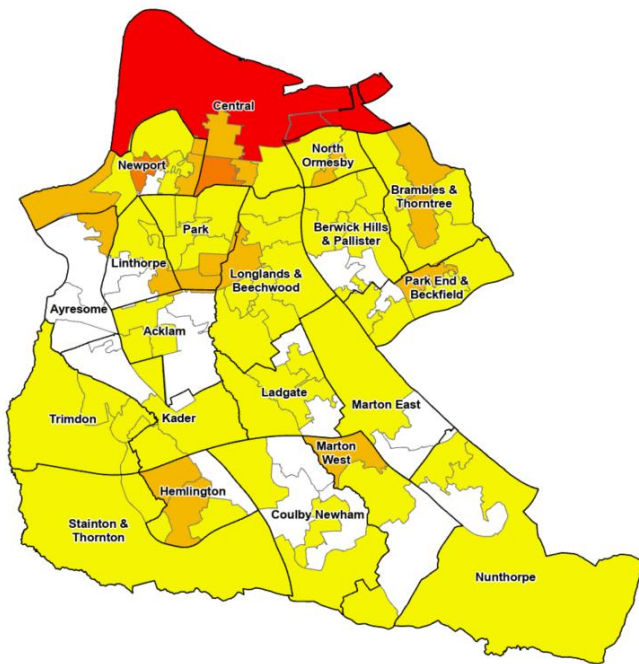


In 2018/19 the highest proportion of hospital admissions for alcohol-related conditions were in those aged 40-64 years in Middlesbrough with a rate of 1,380 per 100,000 population, this was higher than both the north east (1,307) and England with 929 per 100,000. The second highest proportion were in those aged 65 and over, this trend was also seen in England and the north east. Lastly those aged Under 40 years had a rate of 550 per 100,000 in Middlesbrough, 315 in England and 473 in the north east.



In conclusion, people in Middlesbrough are more likely to be admitted to hospital as a result of an alcohol-related condition than their regional and national counterparts, with men in the town more like than females and this is in line with their regional and national counterparts.

The map below illustrates the numbers of admissions to hospital from each ward area in Middlesbrough. Central ward had the highest number of admissions both in 2018/19.



The reasons for such attendances from each area are listed below.

	2018/19	2019/20	2020/21
Punch with fist	49.14%	52.75%	43.02%
Blow from blunt object [specify]	13.79%	12.40%	10.85%
Kick with foot	9.05%	6.32%	6.01%
Stabbed / cut with knife	6.03%	5.50%	8.14%
Stabbed / cut with other sharp object [specify]	6.03%	4.21%	2.71%
Blunt force / pushed	5.60%	11.35%	19.96%
Stabbed / cut with glass / bottle	3.45%	1.87%	1.94%
Injury from mammal - other [specify]	2.59%	0.58%	1.74%
Crushing injury	1.72%	2.11%	1.36%

Punch with fist accounts for the highest proportion of mechanism of injuries, with over 40% in all years. This is followed by Blow from blunt object, at much lower rates of between 10 and 14 percent, however the trend has been going downwards.

Stabbed/cut with knife and stabbed/cut with other sharp object jointly account for around another 12 percent per year.

Blunt force/pushed has seen an increase over these periods, making it the second highest in 2020/21

The Road/Pavement consistently accounts for the highest proportion of locations, with Living room being the second highest. It is suspected that the increase in the living room location in 2020/21 may be as a result of stay at home orders during the COVID-19 pandemic

	2018/19	2019/20	2020/21
Road / pavement	33.62%	37.78%	40.70%
Living room	29.31%	25.73%	35.27%
Workplace	7.33%	9.71%	6.59%
Recreational area	6.47%	4.91%	1.55%
Educational establishment	6.03%	4.44%	4.07%
Licensed premises e.g. bar cafe club	5.60%	1.52%	0.00%
Hallway	2.16%	0.58%	1.16%
Public building	2.16%	2.92%	0.78%
Kitchen	1.72%	1.75%	1.36%
Medical / clinical area	1.72%	0.70%	0.78%
Bedroom	1.29%	2.81%	2.13%
Garden	1.29%	1.64%	3.29%

### **Middlesbrough's Safe Haven**

Middlesbrough has one of the highest binge drinking rates in the UK - the Balance 'Are we kidding ourselves' report, published in March 2019 advised that around 550,000 North East adults are drinking above the recommended guidelines of no more than 14 units a week. Over one in four NE adults (26%) are drinking above the Chief Medical Officer's low risk guidelines of 14 units a week compared to one in five (20%) across the UK.

Middlesbrough Safe haven alleviates problems such as potentially vulnerable/ intoxicated people in the town centre, substance-related crime, high rates of alcohol related hospital attendances and admissions and demand for emergency services.

The Safe Haven project has been part of the EDARA (Evaluating the Diversion of Alcohol-Related Attendances) study carried out by Sheffield University looking at Alcohol Intoxication Management Services (AIMS) effectiveness, cost-effectiveness, efficiency and acceptability to patients and staff in their goal of diverting and managing alcohol-related attendances.

Early findings showed that:

- 63.7% of patients who were screened would have either called emergency services or attended A+E had Safe Haven not been there.
- 85% preferred to be treated at the centre rather than A+E.
- 31.8% of people would have felt unsafe if Safe Haven was not there.

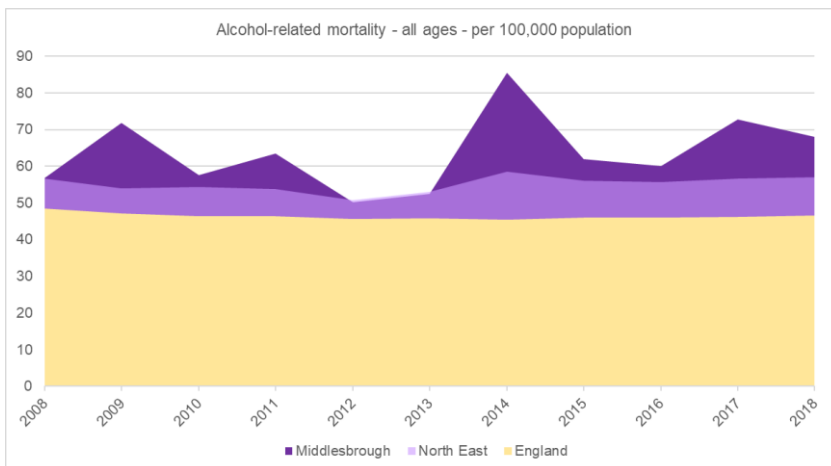
From April 2018 – March 2020 Middlesbrough Safe Haven supported 1532 people. Presenting issues ranged from falls related injury, head injury, laceration, intoxication and substance misuse. Intoxication only was the largest presenting issue recorded at 1010 people. Interventions undertaken by Middlesbrough Safe haven were as follows:

- Monitoring Patient Need 1197
- Minor Clinical Attention 263
- Urgent Clinical Attention 35
- Refused Treatment 32

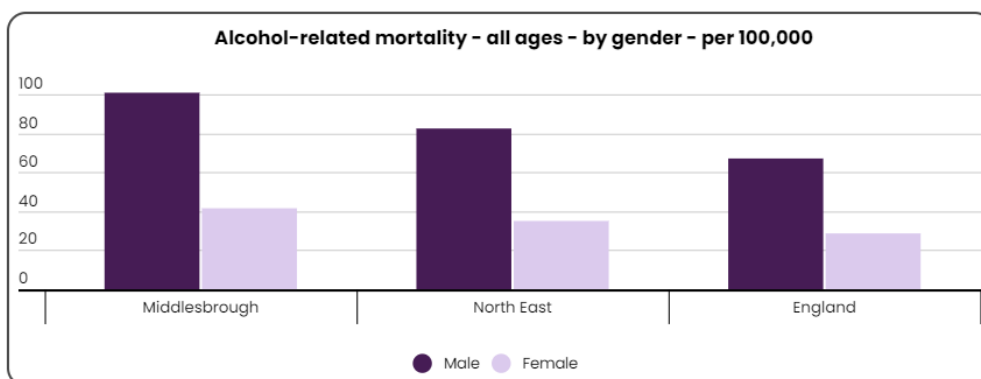
39 people were discharged to A&E for further treatment and 1155 people were given Information and Brief Advice (IBA) around safe drinking and minimising risks. 17 ambulances were cancelled due to the treatment provided at the Safe Haven.

### Alcohol related mortality

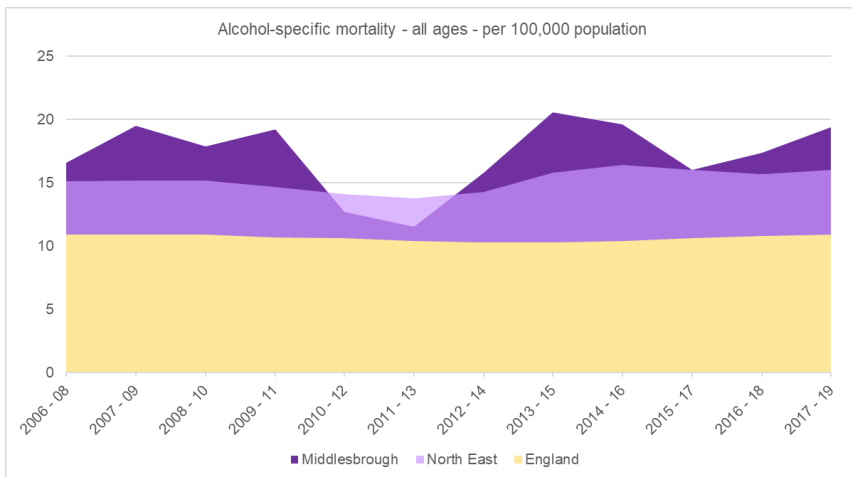
In 2018 Middlesbrough had a rate of 68.1 per 100,000 population in alcohol-related mortality, this was higher than the regional rate of 57.1 and the national rate of 46.5. This measure has seen large fluctuations in Middlesbrough, the highest peak being 85.5 per 100,000 in 2014, significantly higher than the north east 58.8 and England's 45.5 per 100,000. Comparators have seen some fluctuations of this rate also, though theirs far lower and marginal changes year on year.



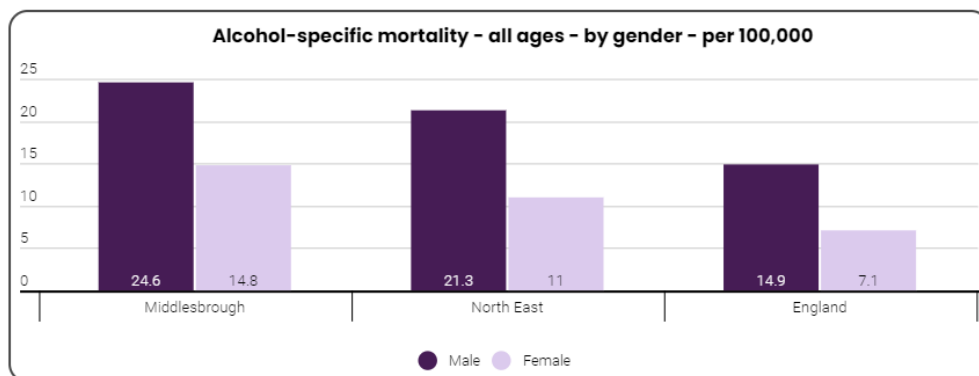
In 2018 the rate of alcohol-related mortality was over double in males at 101 per 100,000 population in Middlesbrough, this trend was also seen in the north east (82.6) and England (67.2).



Middlesbrough had a rate of 19.4 per 100,000 population in alcohol-specific mortality, this was higher than both the regional rate of 16 and the national rate of 10.9 per 100,000 in 2017-19. Middlesbrough has seen an increase in this rate since 2006-08, from 16.6 per 100,000 and this trend was not seen nationally, whilst the rate in the north east grew slightly over the period from 15.1 per 100,000.



In 2017-19 the rate of alcohol-specific mortality was significantly higher in males than in females, with a rate of 24.6 versus 14.8 per 100,000 in Middlesbrough. This trend was also seen in the north east 21.3 versus 11, and England 14.9 versus 7.1 per 100,000 population.



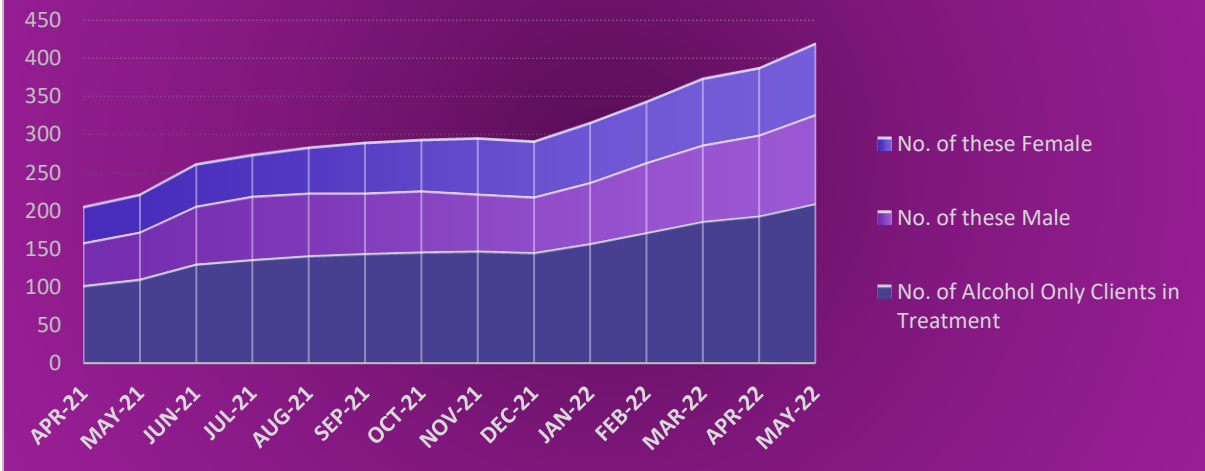
In conclusion, people in Middlesbrough are more likely to die of alcohol-related or specific reasons than their national and regional counterparts, with men in the town more likely to die as a result of alcohol than females.

### 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.

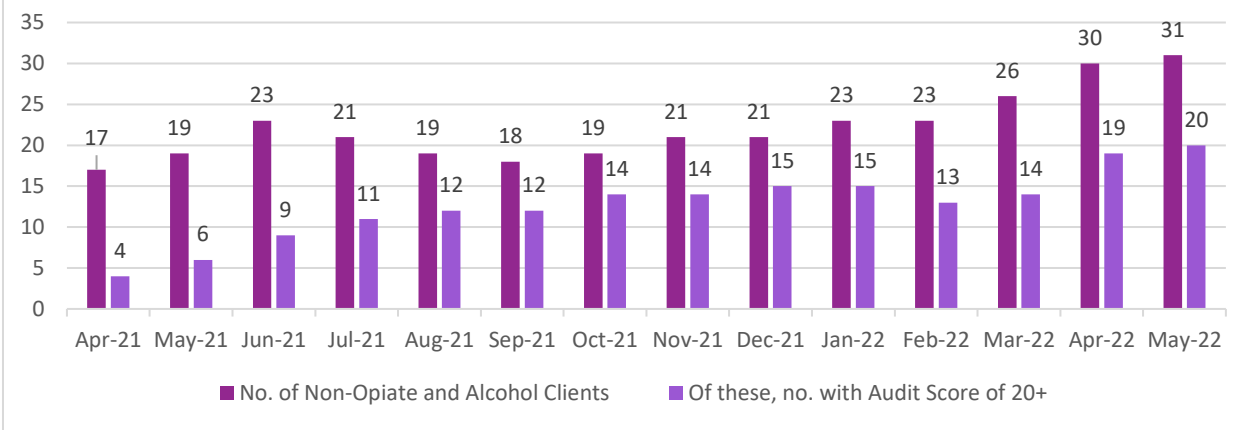
### Middlesbrough – Data on those in alcohol treatment

## No. of Alcohol Only clients in treatment between March 2021 - May 22



The number of Alcohol Only clients in Middlesbrough in April 21 was 103 with 54% of these being male and 46% female. In Dec 21 this was equal quantities. This caseload has now increased to 210 clients which is a 35% increase, with the ratio of male and female clients being similar to that in 2021.

## No. of Non-Opiate and Alcohol Clients in relation to No. of those with Alcohol Audit of 20+



In April 21 there was 17 Alcohol and Non-Opiate clients in Middlesbrough, with only 4 of these having an Alcohol Audit score of 20+, which equates to 24%. In May 22, this has now increased, both in terms of the number of Non-Opiate and Alcohol clients and of those, with an Alcohol Audit score of 20+. This is now 65% of the caseload. More and more clients are coming into treatment with Alcohol related need

## Appendix 3.

### 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.

**Regulated entertainment - The provision of regulated entertainment means the commercial or public provision of entertainment facilities or the commercial or public provision of any of the following sorts of entertainment:**

- **The performance of a play**
- **An exhibition of a film**
- **An indoor sporting event**
- **Boxing or wrestling entertainment**
- **A performance of live music**
- **Any playing of recorded music**
- **A performance of dance**

**Entertainment of a similar description to live music, recorded music, or dance. Schedule 1 of the Licensing Act 2003 contains further specific rules about where the definition of 'regulated entertainment' applies. These rules concern the intended audience and whether the regulated entertainment is for profit. Section 18 of the**

**Section 182 Guidance provides an overview of the circumstances in which entertainment is licensable and when it is exempt.**

**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.

**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

## Appendix 4

### 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		All cases	

## **Appendix 5.**

### **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 Authority Children's Service 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 Authority Children's Service is to be notified of any under 18 events 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 and to be vigilant of adults accompanying young people to guard against exploitation,
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