

# **Newcastle City Council Licensing Authority**

## **Statement of Licensing Policy 2023 – 2028**

Safe, Sensible and Social:

A City with Cultural Vibrancy



## VISION STATEMENT/FOREWORD

The aim of Newcastle City Council Statement of Licensing Policy sets out how the Council will continue to positively promote the four licensing objectives whilst protecting residential amenity and supporting businesses.

Newcastle is already a great place to grow up, a great place to work and a great place to live. It is a distinctive city – driven by the warmth of its welcome and the people who live, work and visit here.

We promote wellbeing, safety and health, including building an inclusive city where all feel welcome. We want to promote Newcastle as a great place to live and work which is safe for all communities.

Newcastle is rich in culture and heritage and the Licensing Authority want to help to develop further what Newcastle has to offer by encouraging a diverse choice of high quality, well managed entertainment, and cultural venues.

This is our opportunity to rebuild and pioneer for the future, rejuvenating our city to bring life back into the heart of Newcastle.



## Version Control

Version 1

Approved by Licensing Sub-Committee on:

Approved by Cabinet on:

Approved by Council on:



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## Chapter 1. Introduction

- 1.1 For the purposes of this statement of Licensing Policy, Newcastle City Council (the Council) is the Licensing Authority.
- 1.2 This Statement of Licensing Policy (hereafter referred to as “the Policy”) is determined and published under Section 5 of the Licensing Act 2003 (the Act) and sets out how the Licensing Authority will regulate licensing processes and continue to promote the licensing objectives whilst protecting residential amenity and supporting businesses.
- 1.3 The Licensing Act 2003 requires licensing authorities to publish a "statement of licensing policy" every five years, setting out how they intend to exercise their functions.
- 1.4 The Policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits.
- 1.5 The discretion of the Licensing Authority in relation to applications is only engaged if relevant representations are made.
- 1.6 The Policy covers regulating licensable activities in respect of :
- Premises licence – to use premises for licensable activities.
  - Club premises certificate – to allow a qualifying club to engage in qualifying club activities.
    - Temporary event notice – to carry out licensable activities at a temporary event.
    - Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.
- 1.7 Nothing in this Policy will prevent a person applying for a variety of permissions under the Act. The policy covers the following licensable activities:
- retail sales of alcohol
  - supply of alcohol by or on behalf of a club
  - provision of regulated entertainment
  - provision of late-night refreshment (hot food and drink at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises)

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

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

1.9 It is important to note that all objectives have equal importance in the implementation of this Policy.

### **1.10 Aims and objectives (Licensing shaping the city)**

1.10.1 The Policy has been prepared as the City of Newcastle upon Tyne (the City) and the rest of the country continues its recovery from the devastating impact of COVID-19 on the entertainment and hospitality sector.

1.10.2 In response to the pandemic the Licensing Authority changed the approach it took to revising the policy to avoid placing additional restrictions on businesses.

1.10.2 The pandemic saw Newcastle licensed industry innovate and develop new operating models. This revision introduces policies that enable those operators to develop their business models in a sustainable way, promoting economic growth whilst protecting residential amenity.

1.11 The principal aims of this Policy are to support and promote the licensing objectives while encouraging a night-time economy that is vibrant, diverse, safe and successful.

- A safe city in which people are confident they will not experience threat or harm
- A diverse city with a wide range of mixed venues and offerings available
- An inclusive city that welcomes and supports all that visit, live and work
- A vibrant city renowned for its diverse offering within the night-time economy

The Licensing Authority recognise that our licensed premises have an important role in the economic prosperity and growth of our city.

## 1.12 Policy intention

1.12.1 Through the implementation of this Policy the Licensing Authority aspires to :

- Protect the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Ensure good management and regulation to ensure that the licensed premises operate in a responsible and sustainable way, promoting safety and safeguarding against negative impacts;
- Recognise the important role which pubs and other licensed premises play in our local communities by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Ensure equality and diversity are at the forefront of all licensing process, promoting the values of a fair, equal and diverse city;
- Provide a framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area;
- Encourage greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them;
- Encourage awareness of the current and future impact of licensed premises on our environment and the ways in which the environmental impact can be minimised;
- Raise awareness and protect vulnerable people impacted by the night-time economy;
- Encourage people to make healthy and informed choices regarding healthy eating and alcohol intake;
- Promote venues and places that people feel safe and secure, are clean and welcoming through best practice.

1.12.2 The Licensing Authority recognises that Newcastle's night-time economy plays an important part in creating a vibrant, sustainable economy for the City. This needs to be balanced with the ambition to expand our leisure, tourism and business visitor offer, providing an attractive offer for all age groups and continuing to diversify both the day and night-time economy.

The Council will explore and support opportunities which are presented to increase a diversity of events and other activities, which are not necessarily alcohol led, and which are more socially inclusive whilst helping to drive the economy and support and promote the City and region.

1.12.3 The impact of the COVID-19 pandemic on the hospitality sector has been significant and the impacts continue to be felt, compounded by an increasing cost of living. Cultural and mixed-use venues are an essential element in bringing people back to our city.

The Licensing Authority will encourage and influence a more diverse mix of venues, events and visitor attractions so that a wider group of people, such as families and older adults can also enjoy their time in the City. This will be balanced against the potential for disturbance to local neighbourhoods

1.12.4 The growth of operators utilising outside spaces, instigated in response to the pandemic, and through new legislation introducing a streamlined process for pavement licences, has led to the creativity of many businesses expanding their internal offering.

The Licensing Authority is keen, where appropriate, to support the development of such uses, particularly where uses positively contribute to the ambitions of this Policy and promotion of the licensing objectives.

1.12.5 Planning for the Future – Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 is a key document which sets out the shared vision of the two authorities. It proposes, where future development is to be permitted, what land should be protected and how places should develop by 2030.

This identifies the Quayside as an iconic location with its historic waterfront, the bridges, high quality restaurants and art and cultural venues. It is identified as having great potential as a popular place to live, work and to further develop as a tourist destination and visitor attraction.

To do this we need to diversify the offer by promoting the use of the river, business tourism, and family orientated attractions and events. The Licensing Authority wishes to use its licensing function to promote and enhance this vision.

1.12.6 Grey Street and Grainger Street, have a wealth of historic Victorian and Georgian buildings, and the Council need to ensure that developments in this area enhance the quality of the historic environment so that it stays attractive and safe.

Planning policy, as set out in the Core Strategy and Urban Core Plan for Gateshead and Newcastle, encourages the conversion of buildings for residential uses, as well as new residential developments.

The Licensing Authority wishes to use its licensing functions to enhance and protect this quality offer but will also have regard to the needs of existing and future residents in the area which may include limiting terminal hours.



1.12.7 Equality is at the heart of our vision and values and is a part of everything that the Council do. Newcastle has an increasingly diverse population, but inequality continues to affect different people and communities in different ways. The Council are committed to tackling discrimination and the inequalities which prevent people from benefiting from the vibrant and diverse day and night-time economy that Newcastle has to offer.

The Council focus on improving our services for all users and tackling unequal outcomes and potentially unfair impacts of decisions and policies. The Council believe that if Newcastle is a fairer place, everyone will benefit.

### **1.13 Policy Consultation**

1.13.1 In accordance with section 5 of the Act and prior to the publication of this Policy the Licensing Authority will undertake consultation with:

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

### **1.14 Duration and Review of Policy**

1.14.1 This Policy takes effect on 1<sup>st</sup> October 2023 and will remain in force for a period of not more than five years.

1.14.2 During this time the Policy will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation.

In addition, within three years of the publication of the cumulative impact assessments, the Licensing Authority must consider anew whether they are still of the opinion that each of the cumulative impact areas are required.

## **1.15 Licensing Protocols & Appendices**

1.15.1 Regard will be had to the Protocols and Appendices attached to the Policy, but they are not part of the Policy for the purposes of the formal review process. They will be subject to review as and when required, or deemed necessary, by the Licensing Authority.

1.15.2 Updated versions will be available on the Council's website at:

<https://www.newcastle.gov.uk/business/licences-and-permits/beer-and-entertainment-licences/premises-licences>



## Chapter 2 Newcastle upon Tyne City Profile

- 2.1 Newcastle upon Tyne is a largely urban conurbation within the county of Tyne and Wear, covering an area of 112km<sup>2</sup> and with a population of approximately 300,820.
- 2.2 Newcastle is one of England's core cities and it also serves as the regional capital for a population of over two million people. Newcastle is also a centre for further and higher education, with two universities and a further/higher education college which together bring in up to 50,000 students to the city.
- 2.3 Inevitably, the impact of COVID-19 on the city has shaped and influenced many of the priorities we have set out. In many cases, it has exacerbated existing issues. In some areas, new issues have emerged which we now need to tackle to make our city the place we all want it to be.
- 2.3.1 **"We are a growing city"**: Approximately 300,820 people live in Newcastle, compared to 289,800 in 2014.
- 2.3.2 **"We are a diverse city"**: The population is split almost 50/50 between men and women, around a fifth have a disability that limits their day-to-day life and about a tenth are Black, Asian or from an ethnic minority – this rises to almost a quarter in school-age children.
- 2.3.3 **"We are committed to climate change"**: The Council have set out our aims to impact on the global climate emergency.
- 2.3.4 **"We are a responsive and supportive city"**: There were over 200 voluntary organisations registered to respond to requests for support at the start of the COVID-19 pandemic, and the council alone received over 1,500 offers of support from volunteers. Newcastle City Council worked closely with NE1 business improvement district and Newcastle Gateshead Initiative to support local businesses and distributed nearly £100 million of grant funding.
- 2.4 From its ship building and coal mining heritage, Newcastle has transformed itself into a leading cultural destination, renowned for being the business and social hub of the North East.
- Culture has played a key role in helping our city grow, in value and reputation, alongside contributing towards the ongoing achievements of our economic development, public health, quality of life and inclusion ambitions.

2.5 In the last number of years has been a story of investment and improvement in one of Britain's leading cities, bringing with it the spectacular transformation of the Quayside, the regeneration of Grainger Town, continuing investment in the City's hospitals and universities, and the continued growth of the commercial centre.

Throughout the streets of the City and the surrounding landscapes there is evidence of centuries of the layering of Newcastle's culture, history and heritage. Still today, Grey Street holds onto much of its Victorian elegance and beauty.

2.6 Today, the City's economy is diverse with major economic output in science, finance, retail, education, tourism, and nightlife.

Undeniably, Newcastle is the go-to destination for its enjoyable nightlife. The City continues to attract visitors with its excellent culture and events all year round from showstopping theatre, comedy and live music which is complimented by its restaurants, cafes, cocktail bars and independent breweries.

2.7 There are over 137,800 jobs in the City and 80,000 people enter the City every day to work. It is estimated that more than 100,000 people use the pubs, clubs and restaurants at weekends.

2.8 There are also approximately 38,000 students who live and study in the City during term time.

2.9 Newcastle upon Tyne has developed into the dominant centre of the region for late night entertainment and as a popular short-stay city break destination. Newcastle's night-time economy plays an important part in creating a vibrant, sustainable economy for the city.

Every year around 20.17 million people visit Newcastle and Gateshead, spending approximately £475 million on food and drink. This activity supports over 7,000 jobs. The entertainment provided within the City also brings people together to socialise and is valued by many people.

However, the excessive consumption of alcohol also has a significant economic impact across the services and population of Newcastle.

### **Chapter 3    How to use this policy**

- 3.1            The Policy is for the use of applicants, residents, businesses and responsible authorities.
- 3.2            The Policy sets out the Licensing Authority's expectations with regard to applications. Whilst applicants are not obliged to meet these expectations, it is more likely that responsible authorities and other parties will make representations if they do not.
- 3.3            Applicants should have regard to this Policy when considering and preparing their application. All applications for new premises licences or variations should to be supported by an operating schedule. The schedule must specify (among other things) the steps that the applicant proposes to promote each of the licensing objectives. The steps proposed by the applicant could potentially become licence conditions.
- 3.4            Where an operating schedule complies with this Policy, it is generally less likely that a responsible body or interested party will object to it, or that any objection will succeed. Demonstrating due regard to this Policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing.
- 3.5            Each application will be considered on its own merits having regard to this Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.
- 3.6            Responsible Authorities should refer to the Policy, along with their expertise and any evidence they have, to consider whether an application is likely to impact the Licensing Objectives, and whether it meets the requirements of the policies within this statement.
- 3.7            Residents and businesses should review the Licensing Authority's policies, protocols and appendices when considering an application and the likely impact in determining whether to object.

## Chapter 4 The Licensing Process

### 4.1 Making an application

- 4.1.1 The procedure and documentation required for the various applications are prescribed by the Licensing Act 2003 and Regulations made under 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.

<https://www.newcastle.gov.uk/business/licences-and-permits/alcohol-and-entertainment-licences/premises-licences>

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

It is recognised by the Licensing Authority that licensed premises vary considerably in terms of the offer made, size, occupancy, location, clientele etc.

Venues may offer alcohol, regulated entertainment or late-night refreshment or any combination of these activities. There is therefore no definitive list of control measures that should be introduced by all premises.

Licensed premises will be assessed according to the activities they provide and the individual risks of each premises' activity.

### 4.2 Guidance Documents

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

<https://www.newcastle.gov.uk/business/licences-and-permits/alcohol-and-entertainment-licences/premises-licences>

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

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

- 4.2.3 **Protocol A** – “Publicity for Licensing Applications” provides further detail.<sup>1</sup> as to what publicity must be given to licensing applications.

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<sup>1</sup> [Protocol A – Publicity for Licensing Applications](#)

### 4.3 **Representations**

4.3.1 There is a prescribed period during which the Licensing Authority can receive a written representation to an application.

This is usually 28 days from the date the Licensing Authority receives the application but varies depending on the type of application under consideration.

To be considered a relevant representation it must relate to one or more of the Licensing Objectives.

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

4.3.3 **Protocol B**<sup>2</sup>– Provides guidance on “how to make representations” and **Protocol C**<sup>3</sup> – provides guidance on the “disclosure of representations” further to receipt and validation.

4.3.4 **Protocol D**<sup>4</sup>– Details the “timescales for negotiation” further to receipt, validation and disclosure of representations.

### 4.4 **Decision Making Process and Licensing Sub-Committee**

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

With certain statutory exceptions (including the approval of this Policy), the powers of the Council under the Licensing Act 2003 must be carried out by the Licensing Committee which comprises at least 10 but not more than 15 councillors, by the Licensing Sub-Committee (3 councillors) or by one or more officers acting under delegated authority.

The City Council appoints the members of the Licensing Committee each year at the Annual Council Meeting. **Table 1**<sup>5</sup> sets out how the Licensing Authority has delegated its various licensing functions.

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<sup>2</sup> [Protocol B How to make representations](#)

<sup>3</sup> [Protocol C Disclosure of representations](#)

<sup>4</sup> [Protocol D Timescales for negotiations](#)

<sup>5</sup> [Table of Delegation of Licensing Functions](#)

**Table 1: Delegation of Licensing Functions**

Matter to be dealt with	Sub-Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent Convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition.	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases
Any other decisions in connection with an application or temporary events notice		All cases
The conduct of any appeal or other legal process arising out of an application or temporary events notice (including the settlement, compromise or further appeal of any such appeal or process)		All cases
<p><b>Note:</b> Notwithstanding these delegations, an officer may refer a matter to a Licensing Sub-committee or to the Licensing Committee for determination, and a Licensing Sub-committee may refer a matter to the Licensing Committee for determination.</p>		



## 4.5 Granting of Authorisations

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

4.5.2 Where relevant representations are made, the Licensing Authority must hold a hearing before the Licensing Sub-Committee who will take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

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

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

- Fair
- Open, transparent and accountable
- Designed to treat everyone equally, whatever their status.

4.5.4 Regard should also be had to **Protocol E**<sup>6</sup> – “Hearings”. The aim of this protocol is to give guidance to applicants, responsible authorities and other people who have made representations about what to expect at hearings. The hearings will be public and for the municipal year 2023 to 2024 the Chair of the Licensing Committee has determined that the hearings will be held remotely. That decision will be reviewed as appropriate and at least annually.

## 4.6 Applicants

4.6.1 The operating schedule within the application should be used to set out how the proposed premises will operate or what the variation to the licence will do to the current operation of the premises. Applicants should include as much detail as possible in their operating schedule to enable responsible authorities and other parties to understand the operation of the venue. The information provided within the operating schedule should consider the policy requirements contained within this statement. The Applicant should demonstrate how the Applicant and the operation of the premises will promote the licensing objectives. Similar information should be provided by Applicants for reviews and other types of permissions.

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<sup>6</sup> [Protocol E Hearings](#)

4.6.2 Residents, businesses and Responsible Authorities will have regard to the information contained within the operating schedule and therefore it is important to provide as much information as possible upon application.

Applicants that do not provide adequate information are more likely to receive representations from residents, businesses or Responsible Authorities.

4.6.3 In addition to the aforementioned policy content, Applicants should have reference to the **Newcastle Licensing Charter (Best Practice Protocol)** at **Appendix 2**<sup>7</sup>. This sets out the Licensing Authority's expectations and requirements regarding Best Practice. The Licensing Authority expects Applicants to give consideration to the Charter when deciding upon their operating model and expects to see such consideration reflected in conditions put forward as part of the operating schedule.

4.6.4 Applicants should also consider reasons for specific policies, and the unique characteristics of the surrounding area in which their venue is located, to draft an operating schedule that would address the concerns of responsible authorities and other parties.

4.6.5 Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 and relevant guidance for businesses, which can be found on the [Equality & Human Rights Commission website](#).

- The Act makes discrimination against any person (including employees and customers) unlawful.
- Section 149 (7) of the Act defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- Any activity in breach of the Act may be considered an offence and will lead to enforcement by the Equality and Human Rights Commission.

4.6.6 Applicants may also wish to provide supporting documents to the operating schedule. If additional documentation is to be provided, then it should be submitted when the application is made.

4.6.7 Applicants should engage with the local community as much as possible on the proposed application before submitting it to the Licensing Authority. In some cases, pre-engagement with local residents, businesses and responsible authorities can significantly reduce representations to the application and therefore could prevent the need for the application to be determined at a public hearing of the Licensing Authority.

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<sup>7</sup> [Appendix 2 Newcastle Licensing Charter \(Best Practice\)](#)

- 4.6.8 If an application does receive representations the applicant is encouraged to engage with those opposing the application to understand in more detail their concerns and to offer mitigation where possible.

Engaging with responsible authorities or other parties as soon as possible after being notified of the representation can enable meaningful discussions that can lead to agreement between both parties.

- 4.6.9 A list of the relevant responsible authorities for the City of Newcastle upon Tyne and their contact information is provided at **Protocol F**<sup>8</sup> (which will be updated separately if details change).

## 4.7 Applications and the Licensing Objectives

### 4.7.1 The Operating Schedule

- 4.7.1.A All new and variation applications should incorporate an 'Operating Schedule' which outlines how the premises will be operated. This is particularly important in respect of applications made within Cumulative Impact Areas.

- 4.7.1.B This should include details of how the Applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. In appropriate cases, this may include minimum pricing conditions in so far as current legislation permits.

- 4.7.1.C The proposals contained in the Operating Schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process, and any conditions imposed by a licensing sub-committee where representations have been made.

- 4.7.2 The Licensing Authority seeks to encourage the highest standards of management in licensed premises and expects the licence holder to continue to manage their premises in accordance with their Operating Schedule.

- 4.7.3 Where an application's operating schedule references specific plans and policies, e.g. a noise management plan or a dispersal plan, it may be appropriate to propose conditions linked to them, prohibiting amendment to them without prior consultation and approval from the relevant body.

In such cases, the respective documents should be provided with the application.

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<sup>8</sup> [Protocol F Delegations](#)

- 4.8 **Promotion of the Licensing objectives**
- 4.8.1 **Crime and Disorder**
- 4.8.1.A The Licensing Authority will not grant applications that do not promote the prevention of crime and disorder licensing objective.
- 4.8.1.B The Licensing Authority may impose a range of conditions on premises licences or club premises certificates, The seeking and any imposition of conditions and their extent will depend upon the risks of crime and disorder at the particular premises.
- 4.8.1.C The Licensing Authority will expect applicants to explain in their Operating Schedule how the operation of the premises will promote the prevention of crime and disorder.
- 4.8.1.D The Council works in close partnership with Northumbria Police to tackle crime and disorder. This is a broad term and includes terrorism, which is clearly a violent crime. Publicly accessible places provide attractive targets for terrorist attacks, and all steps must be taken to reduce the risk to the large numbers of people who use licensed premises and spaces that are part of our day, evening and night-time economy and to provide a safe environment for those who live, work and visit our City. The policy has due regard to 'Martyn's Law at section 6.20.
- 4.8.1.D The Council recognises the value of the coordination of premises through schemes, such as the Pubwatch and other similar schemes, to combat problems associated with football and other sporting events, and in alerting premises to trouble. The council encourages membership of an appropriate scheme where this would promote the licensing objectives.
- 4.8.1.E The main causes of crime and disorder in licensed premises arise from inadequate security, poor design and layout, the type of event being promoted, overcrowding and customers being drunk or under the influence of drugs. This can result in conflict, violence and anti-social behaviour. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing crime and disorder from their premises.
- 4.8.1.F For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the design and layout of the premise to minimise the potential for crime and disorder. Useful information can be found in documents such as ['Secured by Design Licensed Premises'](#).
- 4.8.1.G A responsible business would liaise and regularly share intelligence relating to crime and disorder issues with other licensed premises, the police, the Licensing Authority and Trading Standards through Pub Watch and Shop Watch meetings, or via local radio networks, and would also actively take part in community safety initiatives.

#### 4.8.1.H

### **Preventing underage sales and proxy purchases of alcohol**

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

- A strict "No ID – No Sale" policy such as Challenge 21 or Challenge 25 age verification checks which includes a credible photographic proof, which will be either a passport, photographic driving licence or proof of age card carrying a PASS logo. This is the subject of a mandatory condition under the Licensing Act 2003.
- All 'on trade' premises should be familiar with the Home Office [guidance on False ID](#).
- The use of till prompts will remind staff to ask for proof of age.
- Display posters at the premises stating that it is an offence to purchase alcohol on behalf of an underage person.
- Keep and use a refusals register or refusals button on the electronic point of sale and ensure this is completed each time a sale is refused to a person who cannot prove they are over 18. The 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.
- Ensure licence holders and staff are regularly trained and reminded of their responsibilities under the Licensing Act 2003 in relation to underage and proxy sales of alcohol.
- Shops and supermarkets will find it easier to identify potential underage and proxy sales taking place if the view outside of their premises is not obscured by posters on windows.
- Proactively sharing intelligence with the local police and Trading Standards can also prevent young people having access to alcohol.

#### 4.8.1.I

### **Preventing drunkenness on premises**

A licence holder should ensure that all staff are aware of their responsibilities under the Licensing Act not to serve alcohol to a person who is already drunk, this is an offence. Drunkenness on premises can be prevented by:

- Not having irresponsible drinks promotions which encourage people to consume more alcohol than planned or to consume more alcohol in a short space of time.
- Refusal to admit a person who is already intoxicated on to the premises.
- Encouraging staff to be observant and identifying the early signs of customers becoming drunk. Glass collectors can also be a good source of information and installing mirrors can assist in general visibility.
- Training staff in the effects of alcohol and conflict management will provide them with the knowledge, skills and confidence to refuse sales to drunken people.

- A Duty of Care Policy should be in place, which outlines what steps staff should take to prevent intoxication and what to do if a person becomes intoxicated whilst at the premises. There is also the danger that a drunken person may be refused entry and therefore become separated from friends who would look after them.
- A drunken person can be vulnerable and at risk of exploitation and the policy should help staff to identify these vulnerabilities and take the appropriate course of action depending on the situation.
- A drunk person should never be left on their own or placed in a taxi without being in the care of a suitable person. All staff at the premise should be aware of the policy.

#### 4.8.1.J

#### **Consumption of alcohol on the street**

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 5.5% ABV.
- Preventing the sale of single cans or bottles of beer and cider.
- Ensuring all staff are aware of their responsibilities under the Licensing Act 2003 not to serve alcohol to a person who is drunk.
- Not offering irresponsible drinks promotions as outlined in the section above.
- Keeping and using a refusals registers or refusals button on the electronic point of sale and ensuring this is completed each time a sale is refused to a person who is drunk. The 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 Northumbria Police and Safe Newcastle and sharing intelligence.
- Ensuring that the premises operates in conjunction with the Public Space Protection Order referred to at section 6.9



#### 4.8.1.K **Preventing conflict, aggression and violence in and around the premises**

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

- Having a customer dispersal policy will help prevent a mass exit at the end of the evening such as change in music style, wind down time and increased lighting, the provision of food and non-alcoholic drinks.
- Determining the number of door supervisors via a risk assessment based on the type of event, the type of crowd, the size of the establishment. At the very least this should be a ratio of 1 door supervisor per 50 customers. Consideration should also be given to providing a sufficient male/female split, but at least one female door supervisor should be on duty.
- Having a door admissions policy in place which includes age restrictions, dress code, the searching of bags etc and which is well publicised on the premises website, can help reduce conflict and aggression if entry is refused.
- A policy to manage capacity should be adopted to prevent overcrowding and over congestion in areas will help to prevent customers from become aggressive through accidental jostling. Measures such as clickers, ticket sales and head counts will help monitor capacity.
- There are many injuries caused by glass being used as a weapon. The risk of injury can be reduced through the use of toughened glassware. Controlling glass through regular collections and disposal can also reduce the risk of disorder.

#### 4.8.1.L **Preventing the possession of illegal drugs and weapons and the use of drugs**

Licence holders should have a zero-tolerance approach to the use of drugs and the carrying of weapons into the premises as detailed within the **Licensed Premises Drugs (including Spiking) Protocol**<sup>9</sup> at **Appendix 1**. Premises licence holders should also take steps to prevent the misuse of drugs within their premises through:

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

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<sup>9</sup> [Licensed Premises Drugs \(including Spiking\) Protocol](#)

#### 4.8.1.M **Preventing theft from the premises**

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

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

Possessions can also be a target for thieves particularly if customers are relaxed and enjoying a night out. Measures such as:

- Regular property patrols and highlighting potential risks to customers
- Having well managed cloakrooms and toilets
- Having well-lit premises
- Installing bag hooks at tables and bars
- Installing mirrors to aid supervision

#### 4.8.2 **Public Safety**

4.8.2.A The Licensing Authority will not grant applications that do not promote the public safety licensing objective.

4.8.2.B The Licensing Authority will expect applicants to set out in their Operating Schedules the steps taken, or proposed to be taken, to deal with the potential for the safety concerns arising from the operation of the premises.

4.8.2.C The Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The Licensing Authority will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities, adequate means of escape, and where appropriate, CCTV are put in place and maintained, if not adequately provided for by other regulatory regimes.

4.8.2.D The Licensing Authority may impose a range of conditions on premises licences or club premises certificates. The seeking and any imposition of conditions and their extent will depend upon the risks of public safety at the particular premises.

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



#### 4.8.2.F

A full risk assessment should be carried out which identifies potential hazards to staff or customers and sets out precautions to manage the hazards. This assessment should be reviewed at least every 12 months.

Templates can be found on the [Health and Safety Executive Website](#) or the [Communities and Local government website](#).

All staff should be aware of the risk assessment and it should be made available for inspection when required.

Other measures to ensure the general safety of customers include:

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

#### 4.8.2.G **Maximum occupancy**

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

The Licensing Authority therefore expects that the maximum number of people that can be safely accommodated within the applicant's premises at any one time will be determined as part of a fire risk assessment.

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

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

<b>Use of room or floor</b>	<b>Floor space factor (m<sup>2</sup> per person)</b>
Area for standing	0.3
Amusement arcade, assembly hall, bingo hall, club concourse, crush Hall, dance hall, venue for pop concert and like occasion, queuing Area, bar area without seating	0.5
Bar	*0.3 to 0.5
Bowling alley, billiard room	10
Restaurant	*1.0

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

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

#### 4.8.2.H **Safe arrival and departure**

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

- Ensuring there is adequate lighting.
- Having a well-managed and efficient door policy to prevent long queuing times which can cause people to become agitated or aggressive.
- Having a customer dispersal policy will help prevent a mass exit at the end of the evening such as change in music style, wind down time, increased lighting, the provision of food and non-alcoholic drinks.
- Customers should be actively discouraged from drink driving and this can be achieved by promoting and publicising a Designated Driver Scheme.
- Promoting safe transport options to customers such as the location of taxi ranks, contacts for licensed private hire vehicles, safe waiting areas inside the premises and night bus options.
- The provision of safe transport home for your staff should be considered as best practice

#### 4.8.2.I **Fire Safety**

Bearing in mind the age, design and layout of the premises, measures need to be put in place to ensure there are sufficient and safe means of escape in the event of fire or evacuation.

Fire risks can be increased by the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, overcrowding and congestion.

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

- Having electrical installations and equipment regularly maintained and tested and having compliant and well-maintained fire safety and fire detection equipment.
- Training staff in fire safety so that they can deal with emergency situations including the location of equipment, utilities, services and the layout of premises.
- Ensuring that means of escape are clearly visible, unobstructed and well maintained, including areas outside exits leading to a place of ultimate safety such as the street. This means of escape should be regularly checked to ensure it remains unlocked and unobstructed.

#### 4.8.2.J **Preventing drug related harm and spiking**

There should be a zero-tolerance policy on the use of drugs at the premises and consideration needs to be given to the measures that need to be in place should a person be found to be under the influence of drugs. You should have regard to the **Drugs (including Spiking) Protocol at Appendix 1** <sup>10</sup>

This includes:

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

#### 4.8.3 **Public Nuisance**

4.8.3.A The Licensing Authority will not grant applications that do not promote the prevention of public nuisance licensing objective.

4.8.3.B The Licensing Authority may impose a range of conditions on premises licences or club premises certificates. The seeking and any imposition of conditions and their extent will depend upon the risks of public nuisance at the particular premises.

4.8.3.C The Licensing Authority will expect applicants to set out in their Operating Schedules the steps taken, or proposed to be taken, to deal with the potential for the safety concerns arising from the operation of the premises.

Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, a reduction of the living and working amenity and environment of persons in the vicinity of licensed premises.

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<sup>10</sup> [Appendix 1 Drugs \(including Spiking\) Protocol](#)

4.8.3.D Newcastle has a substantial residential population and the Council as the Licensing Authority has a duty to protect it from nuisance.

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

Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their businesses. One of the roles of the Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the hospitality industry and the needs of residents and other users of the City including, businesses, workers, shoppers and visitors. It will need to satisfy itself that adequate measures to prevent public nuisance are in place and will be maintained.

#### 4.8.3.E **Noise**

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

The location of the premises is also a significant factor and extra consideration of noise is needed in denser residential areas and where it is near other noise sensitive premises such as hospitals, care homes and places of worship.

Operators should also recognise the impact of noise as a result of their customers eating, drinking, smoking, queuing and leaving the premises.

The impact on local residents can be managed by:

#### 4.8.3.F **All licensed premises**

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

#### 4.8.3.G “On licence” premises

- Considering the option to have a noise report or a noise assessment carried out by an acoustic consultant in order to identify noise issues and the actions needed to address these.
- Keeping windows and doors closed whilst the premises is in use to prevent noise breakout.
- Locating DJs, stage and speakers away from doors and windows.
- Designing the premises with noise limiting features such as sound proofing, acoustic double lobbies and sound limitation devices.
- Minimising the extent that patrons are outside the premises.
- Ensuring that the occupancy capacity of the premises is not exceeded,
- considering what impact the proposed hours of operation of the premises will have on public transport including the availability of buses, taxis and private hire vehicles.
- Planning a ‘wind down period’ between the end of the licensable activities and closure of the premises.
- Establishing a last admission time.
- Regularly collecting glass and preventing unauthorised removal of glass from the premises will help reduce the impact of noise from glass on residents and neighbours.
- Carrying out regular sound checks and noise monitoring and logging these checks with an indication if the check was as a result of a complaint or routine checking. This log should be available to Environmental Health if required.
- Displaying prominent notices close to exits requesting patrons to leave the premises quickly and quietly, and notices in car parks reminding patrons in residential areas to leave quickly and quietly and not to rev engines, slam doors, play loud music or sound horns.
- Making announcements at the end of the evening asking people to disperse quickly and quietly.
- Having a customer dispersal policy and effective management of queues see section on Public Safety.
- Ensuring that staff and performers also pack up and leave the premises quietly and quickly.
- If queuing occurs, ensure that the queue is diverted away from residential areas and provide door supervisors to manage patrons.

#### 4.8.3.H “Off licence” premises

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

#### 4.8.3.1 **Other nuisance issues**

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

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

Measures to address these issues include:

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

#### 4.8.4 **Protection of Children from Harm**

4.8.4.A The Licensing Authority will not grant applications that do not promote the protection of children from harm licensing objective.

4.8.4.B Newcastle offers two universities which attract young people from near and far. young people who are some distance from their homes are particularly vulnerable. License holders and the staff that work within their premises have a duty to safeguard inexperienced drinkers and children under the age of 18 years as part of their responsibilities under this objective.

#### 4.8.4.C

The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises and in the vicinity where it is in the power of the applicant to influence this.

The protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling.

Whilst there has been a general relaxation in allowing accompanied children greater access to licensed premises, this places additional responsibilities upon licence holders to safeguard children and provide a safe environment.

This can be achieved by:

- Ensuring that staff have an awareness of safeguarding issues and that appropriate recruitment processes are in place for anyone working with children and young people including enhanced checks with the Disclosure and Banning Service (DBS).
- If the supply of alcohol is the exclusive or primary purpose of the services provided at the premises, the licence holder should consider restricting the admission of children after a specified time in the evening or only admitting children if they are accompanied by an adult. The Licensing Authority would not normally impose complete bans on access to children, however in exceptional circumstances restricting access or excluding children completely may be considered necessary.
- Considering the impact the operation of their premises may have on the immediate vicinity, particularly if there are schools, cinemas, family restaurants, bowling alleys or other facilities nearby likely to be frequented by children and young people.



#### 4.8.4.D

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

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

- A strict "No ID – No Sale" policy such as Challenge 21 or Challenge 25 age verification checks which include credible photographic proof, which will be either a passport, photographic driving licence or proof of age card carrying a PASS logo. This is the subject of a mandatory condition under the Licensing Act 2003.
- All premises should be familiar with the Home Office [guidance](#) on False ID.
- The use of till prompts to remind staff to ask for proof of age.
- Displaying posters at your premises stating that it is an offence to purchase alcohol on behalf of an underage person.
- Keeping a refusals register or refusals button on the electronic point of sale and ensuring this is completed each time a sale is refused to a person who cannot prove they are over 18. The 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.
- Ensuring licence holders and staff are regularly trained and reminded of their responsibilities under the Licensing Act 2003 in relation to underage and proxy sales of alcohol. Good records of training should be maintained.
- Shops and supermarkets will find it easier to identify potential underage and proxy sales taking place if the view outside of their premises is not obscured by posters displayed in the windows. Proactively sharing intelligence with the local police and trading standards can also prevent young people having access to alcohol.

#### 4.8.4.E **Preventing exposure to inappropriate activity**

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

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

#### 4.8.4.F **Child Sexual Exploitation**

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 licenced 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.

#### 4.9 **Conditions**

4.9.1 The Licensing Authority will not impose any conditions, other than those consistent with the Operating Schedule accompanying the application and any mandatory conditions required under the Act (**Appendix 4**)<sup>11</sup> unless its discretion has been engaged following the making of relevant representations and it is satisfied as a result of a hearing that it is appropriate to impose conditions to promote one or more of the licensing objectives.

4.9.2 It will also consider the issues of proportionality highlighted in Revised Guidance.

4.9.3 Conditions will be focused on matters that are within the control of individual licensees and will centre on the premises and the vicinity of those premises. The primary focus will be on the direct impact of the licensed premises' activities on members of the public living, working or engaged in normal activity in the area concerned.

4.9.4 Where existing legislation already places certain statutory responsibilities on an employer or operator of premises the Licensing Authority will avoid attaching conditions which duplicate other statutory regimes as far as possible.

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<sup>11</sup> [Appendix 4 Mandatory Conditions & Other Relevant Legislation](#)

## **Chapter 5 Premises operations & management**

### **5.1 Layout of Premises**

5.1.1 In most cases, the applicant will be able to address the potential problems and detriment to the licensing objectives, through the layout and the operation of the premises.

5.1.2 The layout and design of the premises should facilitate smooth and safe movement of patrons, staff, and emergency personnel. It should also provide adequate space for licensable activities without causing overcrowding or obstruction of exits. It should also consider areas proposed to be used for smoking, queuing, and other external activities

5.1.3 The premises should comply with fire safety regulations, including the provision of adequate emergency exits, fire alarms, extinguishers and escape routes.

The physical layout of the premises should ensure that these safety features are clearly visible, accessible and unobstructed.

5.1.4 The size, layout and the maximum number of persons that the premises can accommodate, including the density of customers, seating vs standing provision and how accessible it is, can influence the impact a licence will have.

It will be important to establish how the premises will be occupied and the possible maximum capacity of a licensed premise at any given time, as this can have a significant impact on the atmosphere and safety of the venue, including when patrons arrive and depart from the premises.

5.1.5 The nature of any entertainment which is provided may also be relevant in considering the scale of the proposal.

All premises are expected to provide accessible venue layouts that make venues welcoming and open to all as far as is reasonably practicable. The layout of the premises should ensure the safe evacuation of all persons in all cases of an emergency event.

### **5.2 Off Licence Layout**

5.2.1 The Applicant may identify in the plan a fixed specified area in which alcohol will be displayed. If so, the plan should be referenced in a condition of the Operating Schedule identifying and specifying that area for alcohol display.

If the Applicant wants to be able to move the fixed specified area, the Operating Schedule should specify the parameters for any changes.

5.2.2 In the Licensing Authority's opinion:

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

5.2.3 The Applicant may identify a fixed segregated area of the premises in which alcohol will be displayed and/or sold. If so, the plan should identify that area and be referenced in a condition of the Operating Schedule.

The Operating Schedule should identify how the segregated area will be constructed, whether and how access will be controlled, and how the segregated area will operate.

### 5.3 Provision of Sanitary Accommodation

5.3.1 When food and/or drink are intended to be consumed in catering premises, it is the policy of the Council, under the provisions of Section 20 of The Local Government (Miscellaneous Provisions) Act 1976, to require the provision of sanitary accommodation for the public.

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

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

5.3.4 The installation of new sanitary accommodation will require Building Regulation approval. Applicant's attention is also drawn to the requirements of the Disability Discrimination Act 1995.

In new build and major refurbishment projects this will normally require applicants to make separate provision for the needs of disabled people visiting the premises. The Council will require facilities for such persons to be provided where it is reasonable to do so. In small catering premises (50 covers or less) consideration will be given to acceptance of the installation of 1 unisex 'accessible' and 1 other designated compartment to meet the level of provision required.

5.3.5 Capacities of premises are calculated from criteria extracted from the Building Regulations: In public houses, nightclubs or licensed bars capacities are set at 2 persons / m<sup>2</sup>. In restaurants, coffee shops etc. capacities are 1 person / m<sup>2</sup> or confirmed number of covers.

**Note:** *If, for the purposes of a Premises Licence the 'capacity' of the premises is a condition on the licence then that capacity number shall be used for the purposes of this Policy.*

5.3.6 Separate provision is required for the exclusive use of staff.

Staff provision must meet the requirements of the Workplace (Health Safety and Welfare) Regulations 1992.

Where the customer occupancy of the premises is less than 50 persons, this requirement may be waived.

5.3.7 All sanitary accommodation is to be provided within a reasonable distance of the public areas; facilities must be accessible from within the premises and be under the control of the management of the business.

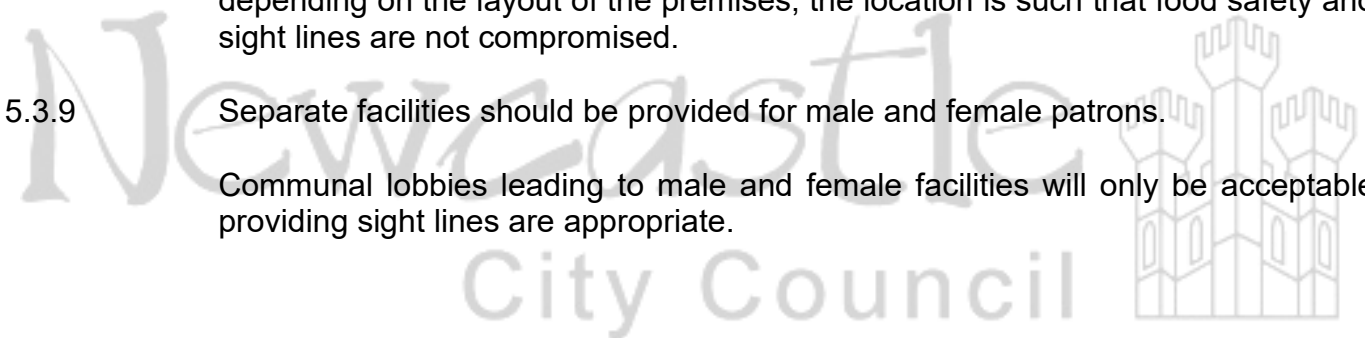
Public access through food preparation, storage or service areas will not be allowed.

5.3.8 Rooms containing toilets must not open into a room used to store, prepare or serve food.

This provision may be waived in the case of accessible toilets (when provided exclusively for disabled patrons) entered from public areas but only where, depending on the layout of the premises, the location is such that food safety and sight lines are not compromised.

5.3.9 Separate facilities should be provided for male and female patrons.

Communal lobbies leading to male and female facilities will only be acceptable providing sight lines are appropriate.



Total Customer Capacity of Premises	Facilities for Male Customers	Facilities for Female Customers
Up to 50	1 WC 1 Wash Basin	1 WC 1 Wash Basin
	<b>Note:</b> In premises with less than 25 covers, consideration may be given to alternative proposals where these are deemed appropriate for the circumstances of the premises	
51-100	1 WC 1 Urinal 1 Wash Basin	2 WC's 2 Wash Basins
101-150	1 WC 2 Urinals 2 Wash Basins	3 WC's 3 Wash Basins
151-200	1 WC 2 Urinals 2 Wash Basins	4 WC's 4 Wash Basins
201-250	2 WC's 3 Urinals 3 Wash Basins	5 WC's 5 Wash Basins
251-300	2 WC's 3 Urinals 3 Wash Basins	6 WC's 6 Wash Basins
301-350	2 WC's 4 Urinals 3 Wash Basins	7 WC's 7 Wash Basins
351-400	2 WC's 4 Urinals 3 Wash Basins	8 WC's 8 Wash Basins
401-450	3 WC's 5 Urinals 4 Wash Basins	9 WC's 9 Wash Basins
451-500	3 WC's 5 Urinals 4 Wash Basins	9 WC's 9 Wash Basins
551-600	3 WC's 6 Urinals 4 Wash Basins	9 WC's 9 Wash Basins
601-650	4 WC's 7 Urinals 6 Wash Basins	10 WC's 10 Wash Basins
651-700	4 WC's 7 Urinals 6 Wash Basins	10 WC's 10 Wash Basins
701-750	4 WC's 8 Urinals 6 Wash Basins	10 WC's 10 Wash Basins
751-800	4 WC's 8 Urinals 6 Wash Basins	10 WC's 10 Wash Basins
801+	For over 400 males, add at the rate of 1 per 250 males and part thereof	1 per 25 up to 200 females. For over 200, add at the rate of 1 per 100 females or part thereof

Total Customer Capacity of Premises	Facilities for Male Customers	Facilities for Female Customers
1-150	1 WC 1 urinal for every 50 males or part of up to 75  2 Wash Basins	2 for up to 25 females plus 1 for every additional 25 females or part thereof up to 75  1 Wash Basin plus 1 per 2 WC's or part thereof
151-200	1 WC 3 Urinals  2 Wash Basins	5 WC's  2 Wash Basins
201-250	2 WC's 3 Urinals  2 Wash Basins	6 WC's  2 Wash Basins
251-300	2 WC's 4 Urinals  2 Wash Basins	7 WC's  3 Wash Basins
301+	1 WC for every additional 150 males or part thereof, 1 Urinal for every additional 75 males or part thereof, 1 Wash Basin per WC and in addition 1 per 5 urinals or part thereof.	1 WC for every additional 25 females or part thereof, 1 Wash Basin for every 2 WC's



## 5.4 Management of Premises

5.4.1 Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority expects effective management for the safe, compliant and successful operation thereof. It helps to ensure that the establishment is providing good-quality customer service, maintaining financial viability, and building a positive reputation within the community.

A primary responsibility of any licensed premises is to ensure the safety of its patrons and staff. Effective management is essential in ensuring that safety protocols and procedures are in place and being followed, and that potential safety risks are identified and addressed promptly. Licensed premises are subject to numerous regulations and laws related to Health and Safety, alcohol service, noise levels, and more. It is essential to ensure that these regulations are understood and complied with.

The reputation of a venue is critical to its success. Ensuring that staff are well trained and knowledgeable, that service is prompt and courteous, and that the venue is clean and well maintained contributes to the likelihood that an establishment is viewed positively by customers, staff and the broader community. It also helps to attract new customers and retain existing ones.

As the Licensing Authority, we want to ensure that venues will operate to high standards generally. When considering the level of management standard, relevant matters may include:

- Whether there is effective engagement with residents, businesses, the local authority and other statutory bodies to address concerns and ensure compliance with any relevant regulatory requirements.
- Any history of incidents and the track record of compliance with legal requirements.
- Understanding of relevant challenges related to the operation of the business, including best practice, research or knowledge of the local area, and ability to show understanding of local community concerns.
- Knowledge of the licensing objectives, relevant parts of this licensing policy, and responsibilities under the Licensing Act 2003.
- Staff compliance with legislation and venue policies, including emergency procedures,
- How staff are trained in relevant legislation for their employment (including the licence conditions) to promote the growth of skills within hospitality.
- Use of comprehensive risk assessments for activities at the premises and implementing them in practice effectively.
- Any voluntary approach to partnership initiatives and adoption of best practices which may demonstrate the qualities of a responsible operator.

- 5.4.2 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 and 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.
- 5.4.3 The premises licence holder will be expected to ensure that the Designated Premises Supervisor (DPS) has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.
- 5.4.4 The DPS may supervise one or more premises only if the DPS is able to ensure that the licensing objectives are properly promoted in each of those premises, and that each premises complies with the 2003 Act and conditions on the premises licence.

Licence holders, DPSs and Personal Licence Holders remain responsible for activities on premises when promotions take place. Action will be taken against Licence Holders and all other persons responsible for the management and operation of the premises where necessary, whether the activity in question has been "promoted" and run by another person or third party.

## 5.5 Promoters

- 5.5.1 There is evidence of a significant increase in the number of events held on Licensed Premises being organised and promoted by persons other than the Premises Licence Holder.

In addition, the Licensing Authority will expect Premises Licence Holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear.

The promoter and its employees or agents shall comply in all respects with all conditions, requirements and regulations of the local authority, Licensing Authority, police authority and fire authority and have regard to **Appendix 5 Promoter Protocol**<sup>12</sup>.

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<sup>12</sup> [Appendix 5 Promoter Protocol](#)

5.5.2 The Licensing Authority in conjunction with external partners have developed a Promoter Accreditation Scheme by introducing the Highfield Accredited **Small Scale Promoters for Management course**<sup>13</sup>.

The intention of this course is to provide promoters with appropriate training with the outcome of an accreditation. The programme is aimed at individuals who are wishing to provide promotional services in the hospitality trade.

The course delivers relevant information and resources to equip promoters with a variety of knowledge and skills such as:

- Licensing legislation
- Event Planning
- Traffic management
- Noise management
- Health and safety
- Crowd management
- Risk assessments
- Deployment of Stewards

In turn this is aimed at providing Licence Holders with some assurances of promoter reputability to avoid any negative impact at the end premises/promoted venue.

## 5.6 **Newcastle Licensing Charter (Best Practice Protocol)**

5.6.1 The Licensing Authority recognises that many Licence Holders work hard to promote safe and attractive venues. To acknowledge these efforts, and encourage others to achieve a high standard, the Licensing Authority has implemented a bespoke best practice scheme<sup>14</sup> for both premises with “on” and “off” sales of alcohol.

5.6.2 The aim of the scheme is to promote the highest standards of management inside and outside the premises, encourage customers and staff to respect the local neighbourhood and ensure that premises are safe to use.

Participation in and compliance with the best practice scheme will demonstrate a commitment to successfully manage premises to reduce the impact of the night-time economy and sales from off licences on the local community.

5.6.3 Inspections to assess standards will be carried out throughout the year. Premises that achieve Licensed Charter status will be identified via the Council website.

Operating at the level required to achieve this “Newcastle Licensing Charter” recognition may attract a discount on the Late-Night Levy.

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<sup>13</sup> [Appendix 5 Promotor Protocol](#)

<sup>14</sup> [Appendix 2 Licensed Charter \(Best Practice Protocol\)](#)

5.6.4 The Charter best practice inspections will be undertaken routinely. Enforcement of the relevant legislation will be objective and transparent.

An intelligence led approach will be adopted using recorded data and information regarding incidents of violent crime, disorder and nuisance in and around licensed premises. This data will be collated to provide a risk assessment basis for inspection and, where appropriate, future monitoring.

The Licensing Authority will need to be satisfied that premises are being run in accordance with the Licensing Act and any licensing conditions which may be attached to the associated premises licence. The frequency of inspections will need to be determined on risk-based criteria, with high-risk operations receiving more attention than premises carrying low crime, public safety and nuisance risks.

Premises found to be fully compliant will attract a lower risk rating and those where breaches are detected will attract a higher risk rating.

## 5.7 **Environmental Best Practice**

5.7.1 The Council is committed to creating a greener and cleaner environment by improving air quality and creating a better, healthier living environment.

The City will maintain the highest standards in street cleanliness and excellent open spaces that our communities can remain proud of.

The Licensing Authority's duty is to promote the four licensing objectives. Of those four objectives, the prevention of public nuisance is the most relevant to creating a healthier living environment.

5.7.2 The high density of licensed premises in the City means that it is important for us to consider the current and future impact on our environment and the ways in which the environmental impact can be minimised.

The Licensing Authority has developed an **Environmental Best Practice protocol**<sup>15</sup> which sets out measures that should be considered by operators.

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<sup>15</sup> [Appendix 3 Environmental Best Practice](#)

## 5.8 Violence Against Women and Girls

5.8.1 The Licensing Authority are committed to ensuring Newcastle is a safe and welcoming city for everyone, regardless of their gender, ethnicity, sexuality, beliefs or background. The increase in reports of drink spiking and the demand for welfare and police services indicate that there is work that can be done in developing Newcastle's night-time economy to improve actual and perceived safety for visitors, residents and those who work in the City at night.

This Policy aims to ensure that vulnerability and women's safety is an important consideration in decision-making in the night-time economy throughout the City. The Licensing Authority will keep the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence under review.

Operators are strongly encouraged to develop a **Safeguarding and Vulnerability** policy for their business and ensure sufficient measures to protect and provide support to customers in spiking<sup>16</sup> and vulnerability incidents.

The Licensing Authority promote best practices<sup>17</sup>, including the [Night Time Industry Association](#) (NTIA) standards of good practice for dealing with spiking and having a duty of care for customers as well as integrate with other safety-related initiatives in the city:

- The provision of a dedicated Safe Haven providing medical and other support during weekends and other significant events (Freshers Week).
- Proactive operational overview of licensed premises.
- Marshalled taxi ranks in prominent night-time economy areas.
- Street Pastors.

5.8.2 The Licensing Authority expect licensed premises to have appropriately trained staff, who are proactive and vigilant around women's safety at night. This includes a duty to capture information and report to the police where appropriate.

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<sup>16</sup> [Appendix 1 Drugs Protocol \(including Spiking\)](#)

<sup>17</sup> [Appendix 2 Newcastle Licensed Charter \(Best Practice Protocol\)](#)

## Chapter 6 Newcastle Specific Policies

### 6.1 Premises Licence Applications (How the authority will consider applications)

6.1.1 It should be noted that licensed premises and the activities that take place at those premises exist in a dynamic environment, and so cannot be looked at entirely in isolation. There are multiple and overlapping factors; some of these can be controlled by licensed premises, while others are clearly external, e.g., 'pre-loading' by patrons that affect the premises and impact on the promotion of the licensing objectives.

6.1.2 Many factors are known to be compounding, e.g., overcrowding can combine with patron intoxication, lighting, loud noise and poor ventilation to elevate the risk of problems. Other factors have been shown to reduce alcohol-related harm, such as visibility of police, adequate lighting, and well-trained, knowledgeable staff exercising due diligence.

6.1.3 When relevant representations are received, the authority will consider (without limitation) the following aspects of a relevant application when assessing the overall impact of a licence, authorisation or approval being granted

- **What** (Premises Use)
- **Where** (Cumulative Impact/Special Stress)
- **When** (Framework of Core Hours)
- **How** (Promotion of the Licensing Objectives)

### 6.2 Premises Use

6.2.1 Whilst many venues may not fit a generic category, understanding the primary use of the premises will be influential in anticipating the likely effect on the promotion of the licensing objectives.

6.2.2 Licensed premises will provide varying ranges of drink, food and entertainment dependent on the operating style. However, the alcohol led nature of the night-time economy means controlling the availability of alcohol will typically be a prime factor in controlling the risk of incidents of violence and antisocial behaviour during this period.

A key aim of this Policy is to ensure that licensed premises density reflects an appropriate mix of venue types, including non-alcohol-related entertainment options.

6.2.3 In recent years, there has been a rapid development of new entertainment and leisure concepts including 'chameleon bars' that change over the course of the day, and multi-use entertainment premises.

As a result, the boundaries between premises such as pubs, restaurants and other entertainment venues are increasingly becoming blurred and difficult to define.

- 6.2.4 Premises that operate as mixed-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e., are not ancillary to them, will be considered under this Policy.
- 6.2.5 The Policy is intended to capture premises that either significantly change their operation/offer throughout the day (e.g. a restaurant, offering substantial table meals that transitions to a night club with DJ and dance floor late at night), have multiple uses and units under one licence (e.g. large food halls that have numerous units providing licensable activities to a shared seating/ congregating area) or large space that have multiple activities over a wide footprint (e.g. Container Style, Tipi).
- 6.2.6 These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week. This Policy has been developed to meet these changing circumstances.



## 6.3

## Definitions of categories of premises

Premises Type	Definition
<b>Off licence</b>	Premises where the supply alcohol is primarily for consumption off the premises, whether non-alcoholic goods are also supplied from the premises, and whether alcohol is also supplied for consumption on the premises.
<b>Public House or Bar</b>	Premises where the supply of alcohol is exclusively or primarily for consumption on the premises, with or without the provision of regulated entertainment, whether alcohol is also supplied for consumption off the premises, and whether hot food or hot drink is also provided for consumption on or off the premises.
<b>Mixed Use Premises</b>	<p>Premises that operate as combined use premises where there is more than one use and the uses are not dependent on, or part of, the other uses i.e. are not ancillary to them.</p> <p>Some examples of mixed-use premises are, café bar hotels, casinos, cinemas, theatres, cultural venues, live sports venues, chameleon bars that change over the course of the day, food halls, which are contained within one building and are proposed to be operated under one licence, and multi-attraction entertainment complexes.</p> <p>The boundaries between premises such as pubs, restaurants and other entertainment venues are increasingly becoming blurred and difficult to define. This definition has been developed to meet these changing circumstances.</p> <p>Applicants will be expected to demonstrate what the primary use of the premises will be. Alcohol and late-night refreshment must be ancillary to the main use of the premises. The sale of alcohol will be permitted in these premises as long as the sale of alcohol is ancillary to the primary use.</p>
<b>Restaurant</b>	Premises which primarily supply hot food for consumption on the premises, where the supply of alcohol (if provided) is ancillary to the supply of hot food.
<b>Takeaway</b>	Premises which supply hot food or hot drink for consumption off the premises at any time between the hours of 11 pm and 5 am, whether the hot food or hot drink is also provided for consumption on the premises.
<b>Qualifying Club Premises</b>	Qualifying Club for the sale of alcohol for members and guests will meet the requirements of the general conditions in section 62, and the additional conditions in Section 64 of the Licensing Act 2003. Alcohol is only supplied on the premises, to members, by, or on behalf of, the club.



## **6.4 Framework of core hours**

6.4.1 Having considered the evidence of alcohol related crime, disorder and anti-social behaviour, and the number of late-night premises the Licensing Authority will maintain its framework of closing times for the entirety of the City. The framework also includes a commencement hour for the sale of alcohol.

6.4.2 To control the further expansion of licensed premises operating late at night, the framework will apply to applications for new licence applications and to variations of licence for longer hours or additional licensing activities.

6.4.3 A framework of core hours is an essential element to ensure businesses can operate for a reasonable period whilst preventing a detrimental impact upon the licensing objectives.

6.4.4 In its Revised Guidance, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas, and that Licensing Authorities are best placed to make decisions regarding licensing opening hours as part of the implementation of its licensing policy statement.

6.4.5 It is the Licensing Authority's intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'Framework of Core Hours' as set out within this Policy. However, this is subject to the application meeting the other criteria within this Policy.

6.4.7 Where a proposal is made to operate outside these hours each application will be considered on its merits against the criteria as set out under this Policy.

6.4.8 The Council wishes to see less alcohol-led and a more diverse range and variety of uses available later at night.

The Licensing Authority will allow greater flexibility within its hours approach for venues that add a more varied offer of entertainment and cultural activity.

6.4.9 Cinemas, cultural venues (such as galleries and museums) and live sporting premises are generally considered as low risk where alcohol is provided as ancillary to the main premises use.

Alcohol is also either limited in the type or quantity, e.g., wine and beer only sold during specified timings, e.g., during an interval on such premises. These venues attract a diverse mix of visitors and customers. They are often from a large array of different age groups and include families.

6.4.10 The Council wishes to encourage a more diverse day and night time economy offering and with it a mixed demographic and believes that in addition to providing an improved offering, this will positively promote the licensing objectives.

Premises Use*	Commencement Hour	Terminal hour (City Centre CIA) No later than	Terminal Hour (Outer areas and Outer wards CIA) No later than
Off licence	09:00	23:00	23:00
Public House or Bar	10:00	02:00	23:00
Mixed Use Premises	10:00	02:00	23:00
Restaurant	10:00	01:00	23:00
Takeaways	n/a	01:00	23:30
Qualifying Club Premises	10:00	00:00	23:00

**Note:** The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

\*[Definitions of categories of premises can be found at section 6.3](#)

## 6.5 Agent of Change Principle

- 6.5.1 City centre residential density is increasing as city living rises in popularity. With this comes the challenge of balancing the needs of those residing in the city centre and those who visit solely for entertainment.
- 6.5.2 There is an expectation that life in a city centre is going to involve denser social and business interactions, typically with later trading venues and increased noise levels, and that these will extend beyond the comparative time periods of suburban neighbourhoods.
- 6.5.3 Noise can arise in different ways from licensed premises, such as music or other sources breaking out from the venue, noise from customers using external areas, and when departing and dispersing from the venue.
- 6.5.4 While it is important to manage the expectations of residents in such areas regarding levels of background noise, the right of residents to not be unduly impacted by noise from licensed premises late at night should be taken seriously.

- 6.5.5 Although such environments will not be expected to be completely noise-free and peaceful environments, the Licensing Authority considers that noise affecting residential properties should remain within tolerable levels such that home life remains viable and restful sleep is a possibility. However, city centre residents need to accept that city life involves a degree of noise and activity.
- 6.5.6 One policy approach to managing this tension between the valuable social, cultural and creative benefits of live music and performance, and the legitimate demands of city residents not to be unduly disturbed, is called the 'agent of change' principle, i.e.. the person or business responsible for the change will be responsible for managing the impact of the change. Consistent with the statutory licensing Guidance, this Policy will respect the agent of change principle and the Licensing Authority will expect responsibility for noise management measures to be taken by the incoming agent of change.

## **6.6 Planning**

- 6.6.1 In September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force changing the planning use classes for commercial, business and service uses. Prior to this change these uses had their own distinct use class and therefore any changes from one use class to another required planning permission.
- 6.6.2 Cafés and Restaurants are now categorised as Use Class E under these regulations along with shops, financial and professional, office, research and development, light industrial, clinics, health centres, crèches, nurseries and indoor recreation including gyms. This now means that any of these uses can change to another within that same use class without the need to apply for a planning permission.
- 6.6.3 As there will no longer be a need for a planning application for change of use within Use Class E, it is now possible that the Licensing Authority will receive representations based on matters that might previously have been considered and addressed by the Planning Authority in the context of a planning application.

However, Planning and Licensing are distinct and separate regulatory regimes, each with its own specific statutory considerations and policy considerations.

Accordingly, the Licensing Authority will only consider matters that relate to the licensing objectives and not those that relate to planning considerations. It is the case however that planning representations may be relevant if they relate to the licensing objectives.

6.6.4 The 2020 Regulations also changed the use class for pubs and drinking establishments and takeaway. They remain separate uses but are classified as Sui Generis. A premises that has planning permission for a public house will still need to obtain planning permission for a change of use if it were to change to a restaurant. The same would apply for a change of use from a takeaway to another use class.

6.6.5 Planning remains the regime that is directed at the development of premises and their overall use. Licensing applications are the route that consider individual licensable activities, their management, and their impact on the licensing objectives. The granting of planning permission for premises (or a finding that a premises enjoys a lawful use), does not constrain the Licensing Authority from considering in detail the licensable activities, their management, and conditions appropriate to them.

6.6.6 The Council regards licensing as the most appropriate mechanism for ensuring that the licensing objectives are promoted through premises being properly managed and operated. It is also of “place shaping” purpose when considering the premises type, their number, location, and hours of operation.

Licensing is also a means to control nuisance and anti-social behaviour, and part of a holistic approach to the management of the evening and night-time economy.

## 6.7 Equality & Inclusivity

6.7.1 There is no one size fits all approach to making a venue inclusive, and each operator will need to assess its own practices and policies. However, the following are common and best practice examples that could be adopted:

- Inclusive and transparent policies (for example admittance policies may clearly stipulate adherence to a dress code and refusal if someone presents as intoxicated; however, they must not prevent admittance based on perceived attractiveness, size, or against any of the protected characteristics).
- Robust complaints procedures that make it easy for customers who feel they have been discriminated against to raise their concerns and understand how this will be investigated or managed.
- Accessible venue layouts that make venues welcoming.
- Comprehensive training on equality and inclusion for all staff. It is important that any training is regularly refreshed.

6.7.2 The Council has shaped its policies very much in line with these aims. It gives high priority to the development of greater diversity in the types of entertainment and cultural activity on offer and in the age groups attracted to them.

6.7.3 The Council wishes to discourage drunkenness and to encourage the provision of more seating in premises which serve alcohol for people to sit and enjoy a drink and order food by table service, in place of open bar space which caters for high volume vertical drinking.

## **6.8 Consumption**

6.8.1 The consumption of alcohol on licensed premises is not directly regulated as a licensable activity under the Act but is clearly relevant in assessing whether the premises promote the licensing objectives.

Similarly, the time to which customers are permitted to remain on licensed premises, and subsequently leave those premises, is also relevant

6.8.2 Some licence holders, as a matter of good management, may restrict the sale and consumption of alcohol for a period of time before the end of opening hours as part of a “winding down” strategy. Notwithstanding that, the Licensing Authority will, subject to other conditions and restrictions, impose conditions on a licence to restrict the time at which alcohol may be consumed on the premises and/or require that all customers leave the premises by a certain time where it considers it appropriate to do so to promote the licensing objectives.

## **6.9 Public Spaces Protection Order (PSPO)**

6.9.1 The Licensing Authority supports the use of the Public Spaces Protection Order (PSPO) and has made the appropriate Order under Part 4, Section 59 Anti-Social Behaviour Crime & Policing Act 2014.

6.9.2 The effect of the PSPO is to impose prohibitions and requirements to public place within the local authority area. The PSPO prohibits the consumption of alcohol in a public space and can require the surrender of the alcohol if required.

6.9.3 The Licensing Authority expects licensed premises which operate in areas where the PSPO has been implemented to have measures in place to ensure their customers do not contribute to activities which have or may have a detrimental effect on the quality of life of those in the locality.

## 6.10 Outdoor Event Space

6.10.1 This section applies to licensable activities that occur on outdoor spaces where the events have a capacity over the limits prescribed by Temporary Event Notice provisions.

The licensing authority expects that such events will be subject to an appropriate event-planning process, with Event Management Plans comprising a range of operational documentation underpinned by comprehensive risk assessment and subject to realistic timescales.

Given the nature of event-management plans, which evolve through the event-planning process, the licensing authority expects operators to demonstrate how they will provide access to relevant documents for responsible authorities and other relevant agencies involved in the process, as well as any proposed safety and security advisory group process.

Due regard may wish to be had to the following documents

- Event Planning and Management: [Supplementary Guidance 03: Event Safety Management](#), SGSA (Sports Grounds Safety Authority)
- Event and venue infrastructure: [Green Guide](#), SGSA
- [Alternative Uses of Sports Grounds \(Sports Grounds and Stadia Guide No. 5\)](#), SGSA
- [Purple Guide](#), Event Industry Forum
- [A-Guide](#), National Arenas Association

6.10.2 The Council holds several Premises Licences, covering some of the city's busiest and highest profile areas (including but not limited to Monument, Strawberry Place, Quayside).

These Premises Licences, held by the Council, enable the safe, controlled facilitation of licensable activities. Specifically, by making use of a consent process event organisers are able to apply to use premises licences and to submit their plans via the **Multi-Agency Safety Advisory Group** planning process. The Council has an Events Team, which is responsible for event space licences for several spaces across the city

In this way proper consideration can be given to the whole range of factors that are relevant in deciding whether a given event proposal ought to be permitted, such as traffic and pedestrian congestion, local consultation, the appropriateness of an event to its proposed locale, and the management of litter and waste.

## **6.11 White Ribbon**

- 6.11.1 Newcastle City Council is proud to be a White Ribbon accredited organisation and the Licensing Authority would encourage all licensed premises to promote the 'White Ribbon Promise' to never commit, excuse or remain silent about violence against women and girls. Accredited training and support is available to support premises to take action, including Shout Up!

## **6.12 Shout-Up!**

'Shout-Up!' works with night-time economy venues with the aim of creating sexual harassment-free zones. 'Shout-Up!' asks everyone working in venues to adopt a zero-tolerance approach to sexual harassment, making bars, pubs and clubs safer places for everyone, including venue staff.

- 6.12.1 The Licensing Authority encourage 'Shout-Up!' training as best practice <sup>18</sup>for all staff and premises managers. The Licensing Authority expects new and existing licensed venues to detail in their operating schedule how they will engage in training to keep the public free from sexual harassment and violence.

The Licensing Authority believes specialist training is needed to equip staff at venues with the knowledge and confidence they need to make bars and clubs sexual harassment free.

Further information regarding the 'Shout-Up!' scheme and how to get support developing in-house sexual harassment policies for staff and customers can be found here: <https://www.shoutup.org/newcastle>

## **6.13 An alcohol-free childhood**

- 6.13.1 The North-East of England has adopted a vision of working towards an alcohol-free childhood for every child growing up in the region to help de-normalise alcohol in families and communities so they can have the best start in life. The vision is that every child can grow up:

- Free from the impact of other peoples' drinking
- Free from commercial, social and environmental pressure to drink
- Free from health and social harms caused by drinking alcohol themselves
- Supported and encouraged to make healthy positive lifestyle choices as they enter adulthood

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<sup>18</sup> [Appendix 2 Licensed Charter \(Best Practice Protocol\)](#)

## **6.14 Public Health**

6.14.1 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 Newcastle. 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 Newcastle.

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 the City.

## **6.15 Alcohol delivery services (with or without Food)**

6.15.1 There has been a growing interest from businesses seeking to find a location within Newcastle where they can store and distribute alcohol and/or late-night refreshment to customers at home. This includes so called 'dark kitchens' where food is prepared for delivery only.



- 6.15.2 The operation of the delivery service to customers will be the primary use of the premises. In some cases, applicants may offer an ancillary retail element to their operation for click and collect customers.
- 6.15.3 Where a business intends to provide a delivery service as ancillary to their main operation, for example a traditional off licence or restaurant then they will be considered under the relevant premises use/definition.
- 6.15.4 The Licensing Authority considers there are particular risks associated with delivery services for alcohol.
- 6.15.5 The majority of businesses that operate a delivery service as their primary function will take orders, including those for alcohol and/ or late-night refreshment via their own websites or via a third-party site, dedicated mobile applications and/or telephone centres. Where the fulfilment of the contract for the sale of alcohol and/or late-night refreshment take place is the premises which will require a licence. For example, the location of the call centre, if located in a different location from the place where the alcohol and/or late-night refreshment is appropriated will not require a licence from the Licensing Authority.
- 6.15.6 The location where the alcohol is stored, or the food for late night refreshment is prepared and packaged for delivery to customers at their homes or workplaces would require a licence. For example, a warehouse where alcohol is picked and then sent directly for delivery to a customer at home would require a premises licence under the Act for the sale of alcohol for consumption off the premises.
- 6.15.7 The Licensing Authority has seen growing levels of complaints and issues associated with the impact of delivery services within the City. Most complaints relate to the noise generated by delivery personnel and their vehicles. The Council has also had complaints about littering and street urination by delivery personnel. Applicants must consider the potential impact of noise nuisance from delivery personnel and their vehicles at the licensed premises or at the end destination.
- 6.15.8 Appropriate waiting areas inside the licensed premises must be provided to prevent delivery personnel congregating outside the venue.
- 6.15.9 The Licensing Authority expects licence holders to implement age-verification procedures at both the point of sale and delivery stages, with a Challenge 25 policy implemented at the point of delivery.
- 6.15.10 Particular attention should be paid to making it clear to customers that receipt of orders that contain alcohol must be by a person over the age of 18 years. Retailers should ensure that delivery staff have been given appropriate training in procedures relating to requesting and identifying proof of age and implement these procedures as standard.

6.15.11 Where the Licensing Authority's discretion is engaged following relevant representations, conditions restricting the operation of alcohol delivery services may be imposed by the Licensing Authority where appropriate for the promotion of the licensing objectives.

6.15.12 Applicants and operators should have due regard to the **Environmental Best Practice** at **Appendix 3**<sup>19</sup>.

## **6.16 Hot Food Takeaways**

6.16.1 Newcastle has a higher rate of obesity and overweight residents than the national average in England.

6.16.2 The main cause of obesity and being overweight is eating too many calories and/or not getting enough physical exercise. Takeaway food has been shown to have low levels of micronutrients and high levels of sugar, salt and fat, often exceeding the recommended daily requirements. Easy access to food that is high in fat, salt and sugar is likely to lead to poorer food choices and increase the risks associated with unhealthy eating.

6.16.3 To address the risks associated with being overweight, the Council adopts an approach which emphasises the role all organisations and partners have in enabling residents or customers to make healthy, informed choices.

6.16.4 Licence holders are encouraged to give consideration to the following:

- Menu to display calories per portion and meal deals.
- Menu to offer at least one option that is clearly stated as a healthier option, priced competitively.
- Display recommended limit calories for a day woman (2000) and men (2500).
- Offer options for smaller/ half portions.
- Salt and pepper available on request rather than on tables through dispensers with reduced number of holes in the top.

## **6.17 Health Act**

6.17.1 It is expected that all licence holders will be compliant with the [Health Act 2006](#) and all associated smoke free regulations that govern smoking in licensed premises currently and as these are updated.

## **6.18 Shisha Premises**

6.18.1 It is illegal to smoke shisha in an enclosed public space, or a space that's mostly enclosed. To smoke in any public premises with a roof, amongst other legal requirements, at least half the wall space must be open. If people smoke shisha inside your premises it is a criminal offence

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<sup>19</sup> [Appendix 3 Environmental Best Practice](#)

## **6.19 The use of tables and chairs on the public highway**

6.19.1 As there is a Public Spaces Protection Order in force in the City, which controls the consumption of alcohol in public places, the Licensing Authority will adopt the approach that where a pavement café permission is in force under section 115E of the Highways Act 1980 or a pavement licence permission under the Business and Planning Act 2020, this area will need to be included on the premises licence as a licensed area if alcohol is provided in the area of the pavement café.

Pavement café and pavement licence permissions are subject to their own specific restrictions, including limitations on the hours during which glassware may be used and the number of tables and chairs that may be provided.

Where these areas include the provision of any licensable activities, including the sale of alcohol where a temporary bar is provided in the area, they must be included in the plan attached to the Premises Licence or Club Premises Certificate.

Licence and certificate holders are expected to have specific regard to the impact upon the licensing objectives that the operation of any areas on the public highway that are licensed

## **6.20 Martyn's Law**

6.20.1 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.

### **6.20.2 Who will Martyn's Law apply to**

It is expected that when enacted the new legislation 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.

### **6.20.3 What Martyn's Law requires**

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.

6.20.3 If and when this Bill is enacted, it will become primary legislation that must be complied with whether a premises has a licence or not. It is not, therefore, proposed that conditions concerning Martyn's Law be applied to premises licences.

6.20.4 Newcastle Licensing Authority do, operate a voluntary Best Practice (Newcastle Licensed Charter) scheme. The Best Practice assessment form includes a section to examine the extent of preparedness at a premises.

#### 6.20.5 **Preparing for Martyn's Law**

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

### 6.21 **Sexual Entertainment Venues**

6.21.1 There is a separate policy which applies to premises licensed as SEVs, whether those premises are also licensed under the Licensing Act 2003 or not.

### 6.22 **Time Limited Licences**

6.22.1 The Licensing Authority considers that as a general principle, trial periods for premises licences are not in accordance with the principles of the Licensing Act.

However, the Licensing Authority recognises that there may be occasions where a time limited licence for short term operation of events and "pop up" premises / events may be appropriate. In such circumstances, the Licensing Authority needs to be satisfied that the grant of an application would promote the licensing objectives as discussed in more detail earlier in this Policy.

### 6.23 **Shadow Licences**

6.23.1 The Licensing Authority may consider granting applications for licences that duplicate the terms and conditions of the current operational licence for that same premises, but which are issued to the landowner, or other person with an interest in the property (as set out in section 16 of the 2003 Act).

## **6.24 Late Night Levy**

6.24.1 Newcastle City Council introduced a Late-Night Levy Scheme (LNL) in 2013. It is a requirement that licensed premises authorised to supply alcohol between midnight and 6am will have to pay an annual levy depending on their rateable value and whether the premises primarily or exclusively are used to sell alcohol for consumption on the premises.

The council grants a reduction for those premises that apply for the [Best Practice Premises Inspection Programme](#) and succeed in achieving a rating which determines compliance.

The scheme complies with the provisions of regulations 5(1)(a), 5(4) and 2 of The Late-Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.

For more information on the scheme please email [latenightlevy@newcastle.gov.uk](mailto:latenightlevy@newcastle.gov.uk).

## **6.25 Suspension for non-payment of fees**

6.25.1 The Licensing Authority must suspend a Premises Licence or Club Premises Certificate when the annual fee has not been paid. Where a Premises Licence or Club Premises Certificate has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee is paid. The suspension shall be lifted immediately upon payment of the fee and licensable activities may be resumed.

If an annual fee has not been paid, the licence holder shall be notified accordingly by the Licensing Authority and given notice of the suspension of the licence.

Where payment has not been made as a result of a genuine administrative error, or because the licence holder disputed liability for the fee, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

## **6.26 Temporary Event Notices**

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

6.26.2 Although the statutory legal minimum time required for the notification of a temporary event to the Licensing Authority, Police and Environmental Health is 10 working days, or 5 working days for a late temporary event, it is essential that proper consideration of the proposed event is given. For that reason, the Licensing Authority would encourage compliance with its preferred timescale as set out at paragraph 6.26.4.

6.26.3 The Licensing Authority will encourage bona fide community events. Applications for TENS at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation.

6.26.4 As Statutory guidance allows the Licensing Authority to publicise its preferred timescale for notification the Licensing Authority encourages applicants to submit notifications at least 4 weeks but not more than 12 weeks before an event where an existing premises licence is in operation.

For applications where there is not a current premises licence, for example community events, 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.

## **6.27 Provisional Statement Application**

6.27.1 In situations where premises are being or about to be constructed, are being or about to be extended or otherwise altered for the purpose of being used for one or more licensable activities, the Licensing Authority would encourage applications to be made for a provisional statement as opposed to a premises licence.

The Licensing Authority recognises that Applicants and/or investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is complete. Whilst Provisional Statements do not in their own right allow licensable activities to be carried out, upon subsequent application for a premises licence, the Licensing Authority is obliged in specified circumstances to disregard any representations we receive against said application. The Licensing Authority therefore regard this as an assurance to the Applicant and any investors.

## **6.28 Designated Premises Supervisor**

6.28.1 The Licensing Act 2003 requires the sale of alcohol be authorised by the DPS who is a personal licence holder, the Licensing Authority expects that when the DPS is absent from the premises that a written schedule of authorisation in respect of alcohol sales is held on the premises and updated on a regular basis.

## **6.29 Personal Licence**

6.29.1 The Licensing Authority would encourage premises licence holders to appoint more than one personal licence holder, to ensure that the premises is operated with a consistent level of knowledge and understanding of the legislation and requirements in respect of the sale of alcohol

## **6.30 Enforcement approach**

6.30.1 The Licensing Authority employ officers and authorise them to carry out functions under the Licensing Act 2003 and will use the full range of enforcement actions, including the use of statutory powers if necessary.

Where there is evidence to suggest that the licensing objectives are being undermined, enforcement action will be taken in accordance with the principles of better regulation and the Regulators Compliance Code.

A more informal approach will be used in less serious cases and partnership working is promoted in order to prevent problems arising in the first instance.

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

6.30.3 It is essential that licensed premises operate in accordance with the Licensing Act and to ensure the promotion of the licensing objectives. Part of the Licensing Authority's role is to monitor premises and take appropriate action to ensure that the licensing objectives are promoted.

6.30.4 In accordance with Revised Guidance, the Licensing Authority will work alongside the Northumbria Police in promoting the licensing objectives. Protocols will be agreed as appropriate between the police and the council on the responsibilities and procedures for joint working and enforcement.

The Licensing Authority will also work in partnership with the Fire Authority to promote the licensing objectives. Protocols as appropriate will be agreed between the Tyne and Wear Fire and Rescue and the Council on responsibilities and procedures for joint working and enforcement.

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

## **6.31 Reviews of Licences**

6.31.1 The ability to review premises licences and club premises certificates represents a key protection for the community. A review affords the opportunity to ensure that the licensing objectives are upheld and whilst not a punitive measure, it is a process by which licence holders are held accountable for the operation of their premises.

6.31.2

At a review hearing there are a number of options to Licensing Sub-Committee. These are:

- To take no action.
- To modify the conditions of the licence (including altering or omitting a condition or adding a new condition).
- To exclude a licensable activity from the scope of the licence.
- To remove the designated premises supervisor.
- To suspend the licence for a period not exceeding three months or
- To revoke the licence.





## 7 Cumulative Impact

### 7.1 Cumulative Impact Assessment

7.1.1 As a result of the COVID-19 pandemic and lockdown measures imposed by the Government and in order to establish a true reflection of the City following the re-opening of the hospitality sector, data was collected for the 12-month period from March 2022 – February 2023.

7.1.2 The following sources of data were used to produce the evidence base:

- Licensed Premise Locations
- Police recorded incident data
- Police recorded crime
- Licensed Premise Noise complaints to Newcastle City Council
- Litter reports to Newcastle City Council
- Presentations to A&E for assault related injuries

7.1.3 Evidential data sets can be accessed via the following link:

<https://newcastle.gov.uk/services/licences-and-permits/licensing-act-2003-pages/licensing-act-2003-statement-licensing>

### 7.2 Cumulative Impact Policy

7.2.1 There is evidence of a clear positive relationship between increased outlet density and a detrimental effect on the licensing objectives. This shows an association with an increase in alcohol consumption, together with increased alcohol-related crime and violence and alcohol-specific hospital admissions. This is also linked to increase noise and disturbance, anti-social behaviour and litter, particularly where there is also an increased density of takeaways.

Where licensed premises are clustered together within an area they are also more likely to compete on price and promotions which can lead to increased consumption and alcohol related injury and violence.

7.2.2 The Licensing Authority is supportive of the hospitality and entertainment sectors' need to recover from the impact of COVID-19. However, it needs to balance the needs of businesses, the residents who live and operate in the local area and its duty under the Licensing Act 2003.

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

7.2.4 The Licensing Authority has also considered whether other options are available to it to address the cumulative impact on the licensing objectives. It has, nevertheless, concluded that it is necessary to adopt a cumulative impact approach and adopt Special Policies in particular areas of the City.

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

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

7.2.6

The Cumulative Impact Special Policies will be reviewed regularly, and at least once every 3 years, to ensure that the Licensing Authority's duties under section 5A of the Licensing Act 2003 are complied with and such policies are still necessary.



### 7.3 Cumulative Impact Areas (CIAs) and Special Stress Area (SSA)

7.3.1 The Licensing Authority previously established nine Cumulative Impact Areas and one special stress area (SSA) in the city centre. As part of the review of the Statement of Licensing Policy, the Licensing Authority has also reviewed the extent of CIAs and SSA within the city and has concluded that the existing CIAs should be maintained, with some alterations of boundaries other than Benwell CIA which will be removed.

7.3.2 Summary of the proposed CIA's and one SSA is detailed below:

Location	Premises Use
City Centre	<ul style="list-style-type: none"> <li>• Public House or Bar</li> <li>• Off Licence</li> <li>• Takeaways</li> <li>• Qualifying Club Premises</li> </ul>
City Centre SSA	<ul style="list-style-type: none"> <li>• Public House or Bar</li> <li>• Off Licence</li> <li>• Takeaways</li> <li>• Qualifying Club Premises</li> </ul>
Jesmond	<ul style="list-style-type: none"> <li>• Public House or Bar</li> <li>• Off Licence</li> <li>• Takeaways</li> <li>• Qualifying Club Premises</li> </ul>
Gosforth	<ul style="list-style-type: none"> <li>• Public House or Bar</li> <li>• Off Licence</li> <li>• Qualifying Club Premises</li> </ul>
Ouseburn	<ul style="list-style-type: none"> <li>• Public House or Bar</li> <li>• Off Licence</li> <li>• Qualifying Club Premises</li> </ul>
Shields Road	<ul style="list-style-type: none"> <li>• Public House or Bar</li> <li>• Off Licence</li> <li>• Takeaways</li> <li>• Qualifying Club Premises</li> </ul>
Chillingham Road	<ul style="list-style-type: none"> <li>• Public house or Bar</li> <li>• Off Licence</li> <li>• Takeaway</li> <li>• Qualifying Club Premises</li> </ul>
Elswick	<ul style="list-style-type: none"> <li>• Public House or Bar</li> <li>• Off Licence</li> <li>• Takeaway</li> <li>• Qualifying Club Premises</li> </ul>
Westgate Road	<ul style="list-style-type: none"> <li>• Takeaway</li> </ul>

7.3.4

The boundaries of the areas are identified and indicated on plans below. Where a boundary line follows a street or road, addresses on both sides of the street or road are within the Cumulative Impact Area.



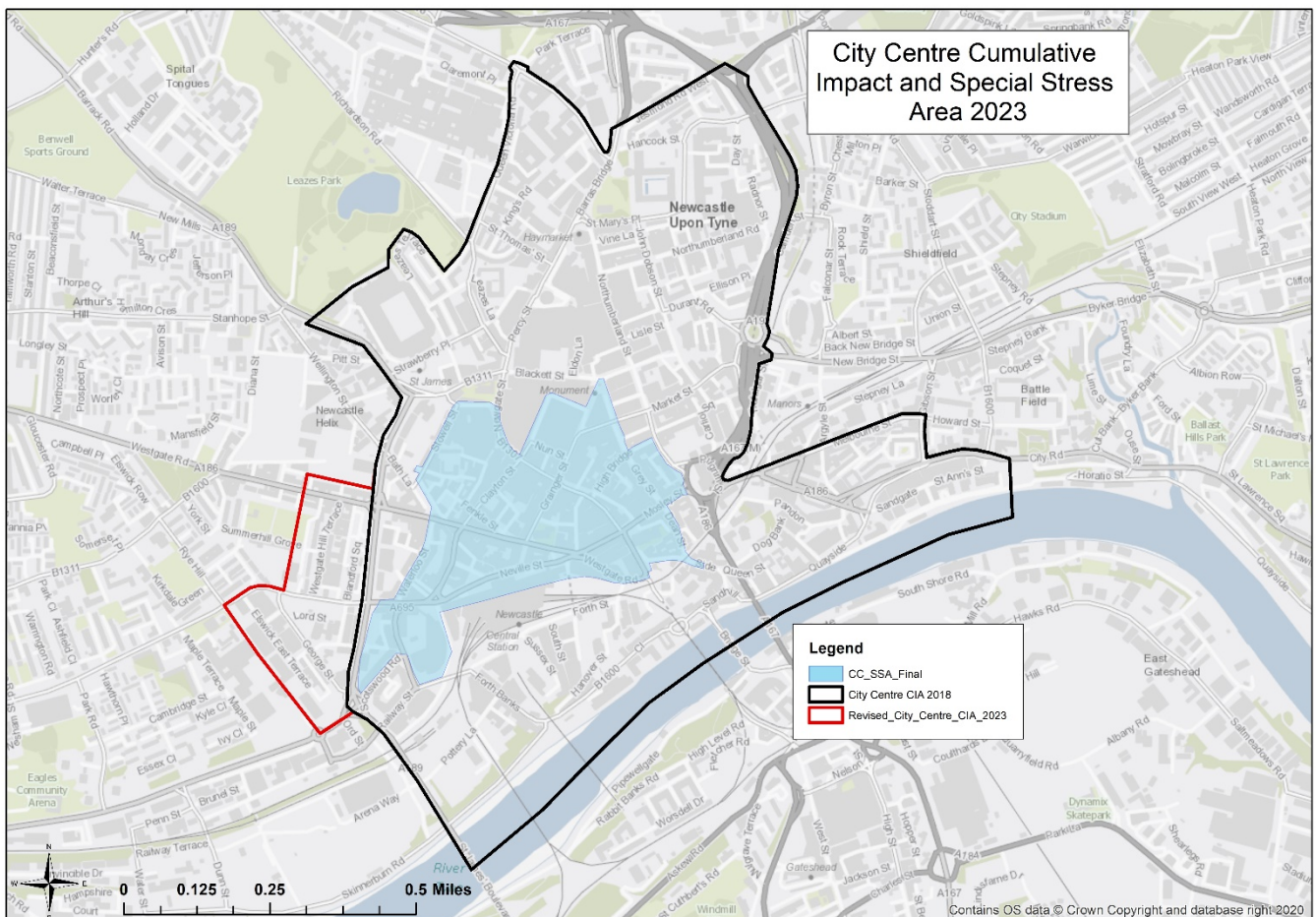
## 7.4 Maps of Cumulative Impact Areas (CIAs) and Special Stress Area (SSA)

### 7.4.1 City Centre

The City Centre remains a key location for Newcastle in terms of impact on community safety with higher levels of crime, violence, antisocial behaviour and public concerns for safety as a result of drunk and rowdy behaviour.

These issues are linked to the high density of licensed premises as part of the nighttime economy which causes hotspots of violent crime, thefts and alcohol related disorder. In addition to the issues caused by the nighttime economy there are also concerns about a smaller group of individuals who have a disproportionate impact on antisocial behaviour and disorder as a result of their chaotic lifestyle and related alcohol use. This manifests itself in a range of issues including street drinking, aggressive begging, rough sleeping and drunk and rowdy behaviour.

Map 1<sup>20</sup>



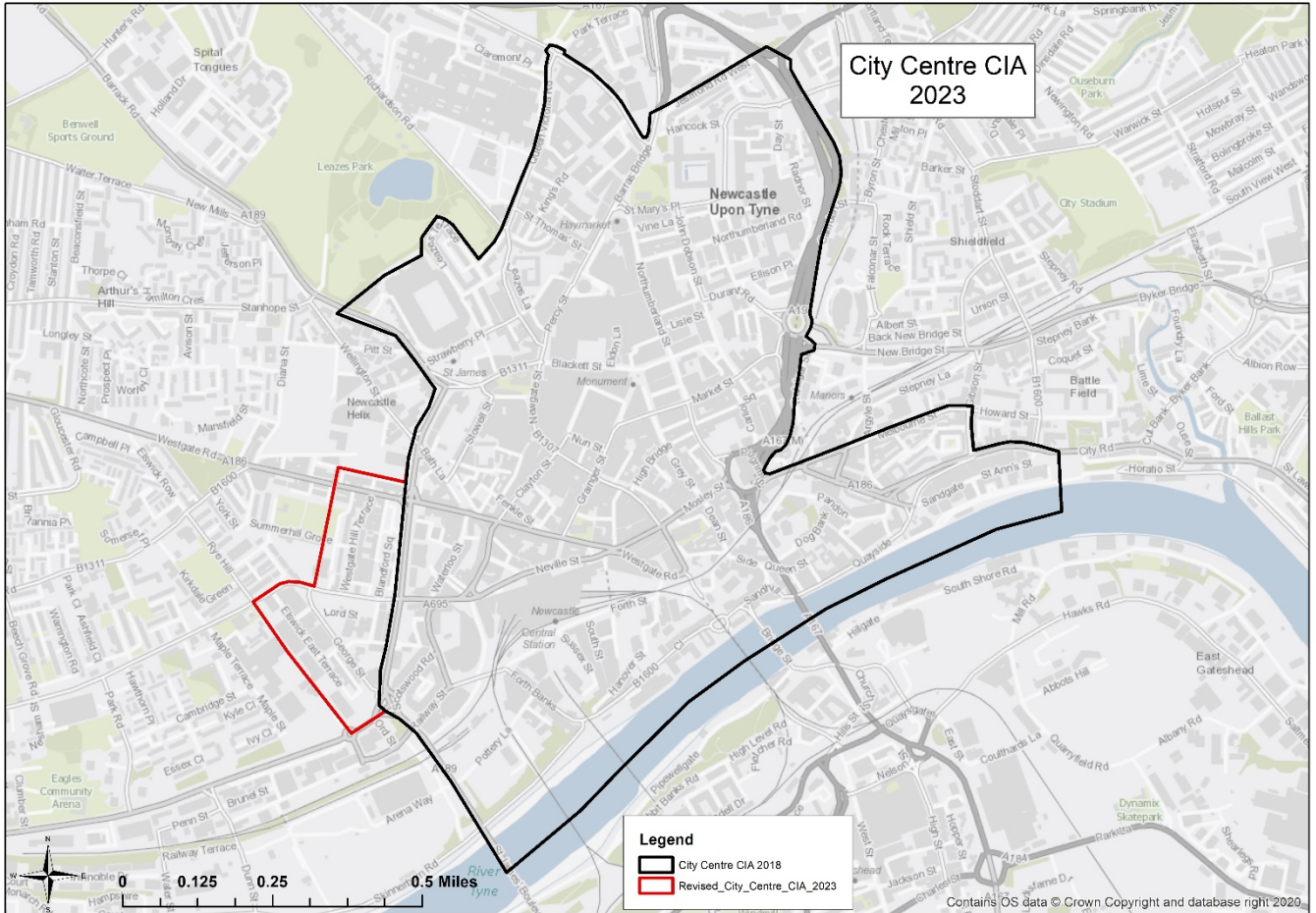
<sup>20</sup> Boundary of City Centre CIA and SSA



7.4.2

The Licensing Authority has made changes to the City Centre CIA with an extension in the Blandford Street area due to an increased density of new premises in this location.

Map 2<sup>21</sup>



<sup>21</sup> Boundary of City Centre CIA



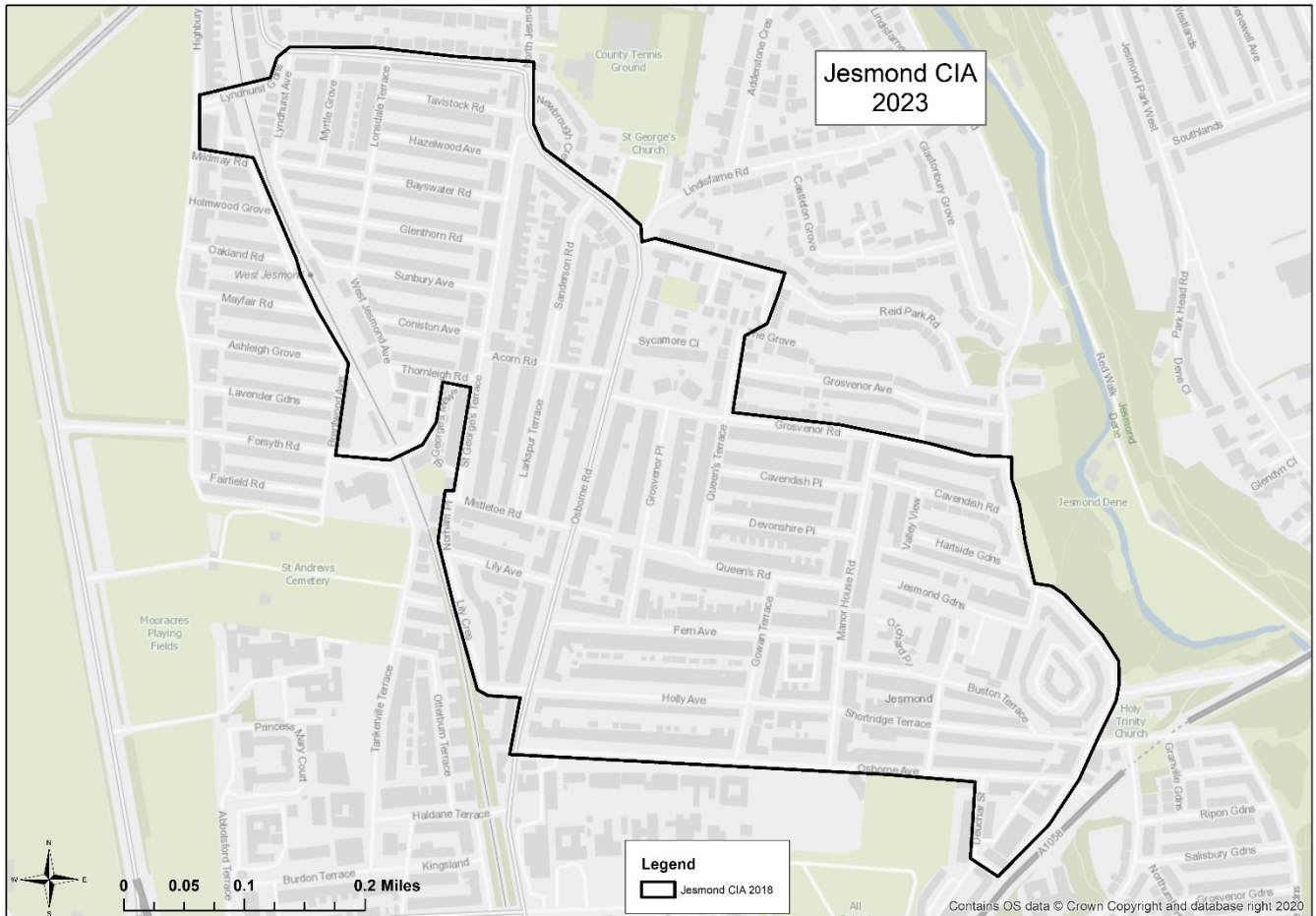


## 7.5 Jesmond

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

The area will remain as existing due to the density of licensed premises in close proximity to residential properties.

Map 4<sup>23</sup>



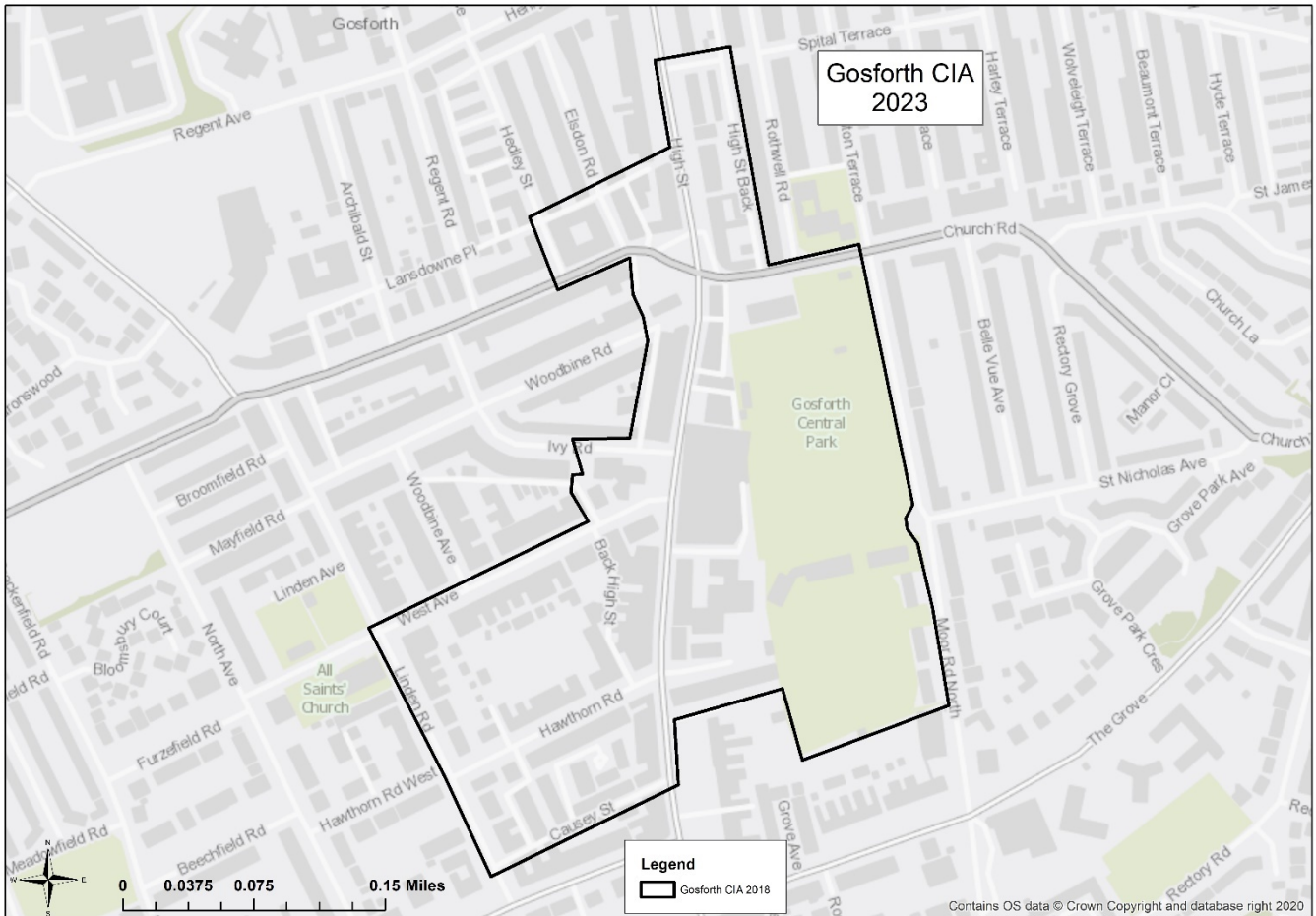
<sup>23</sup> Boundary of Jesmond CIA

## 7.6 Gosforth

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

The high density of licensed premises within this CIA justifies retention with existing boundaries.

Map 5<sup>24</sup>

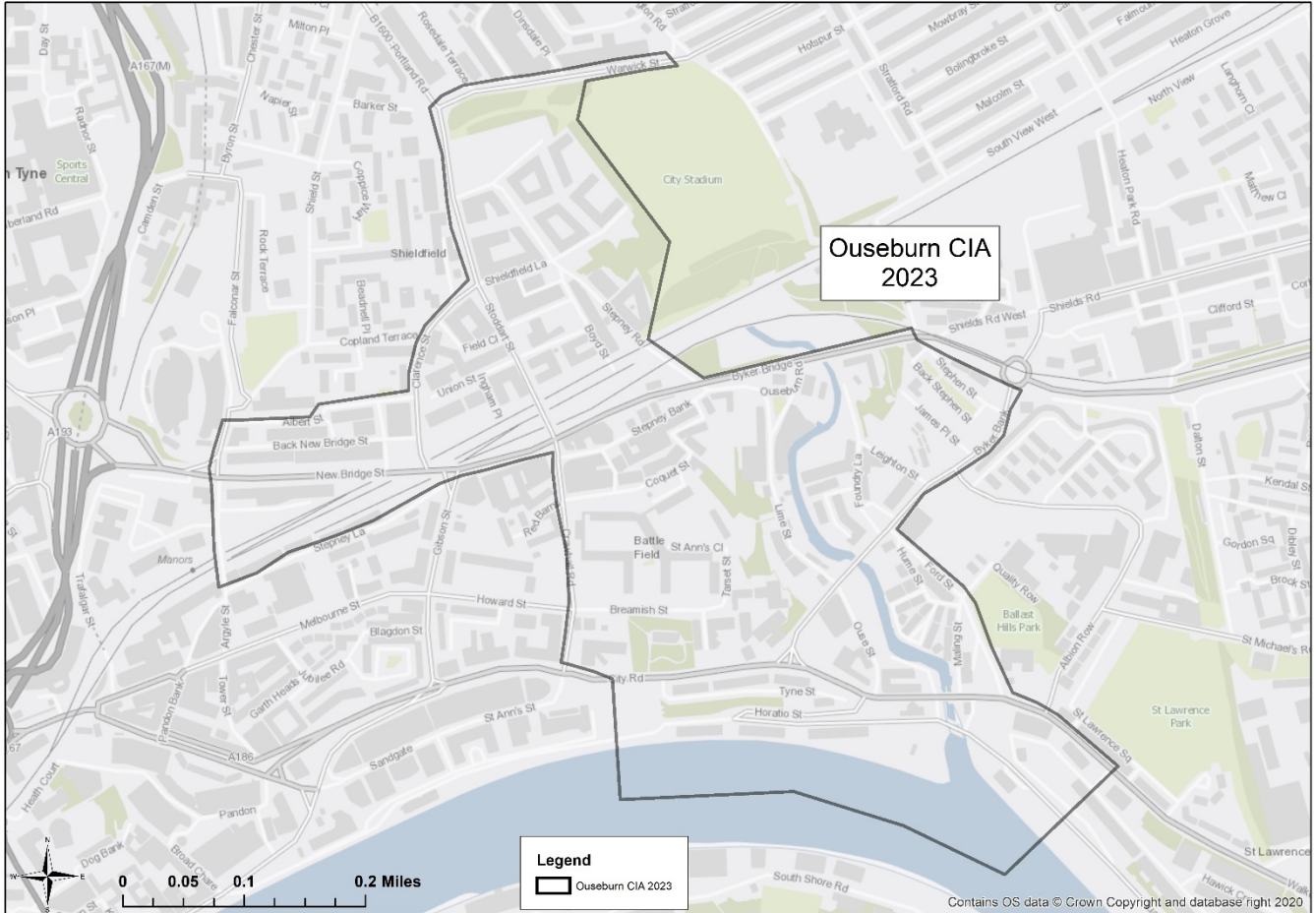


<sup>24</sup> Boundary of Gosforth CIA

## 7.7 Ouseburn

7.7.1 The position is similar in the case of the Ouseburn. The boundaries were extended at the time of the previous Statement of Licensing Policy review and current data supports retention of existing boundaries with the density of licenced premises and the increasing residential development in the area.

Map 6<sup>25</sup>



<sup>25</sup> Boundary of Ouseburn CIA

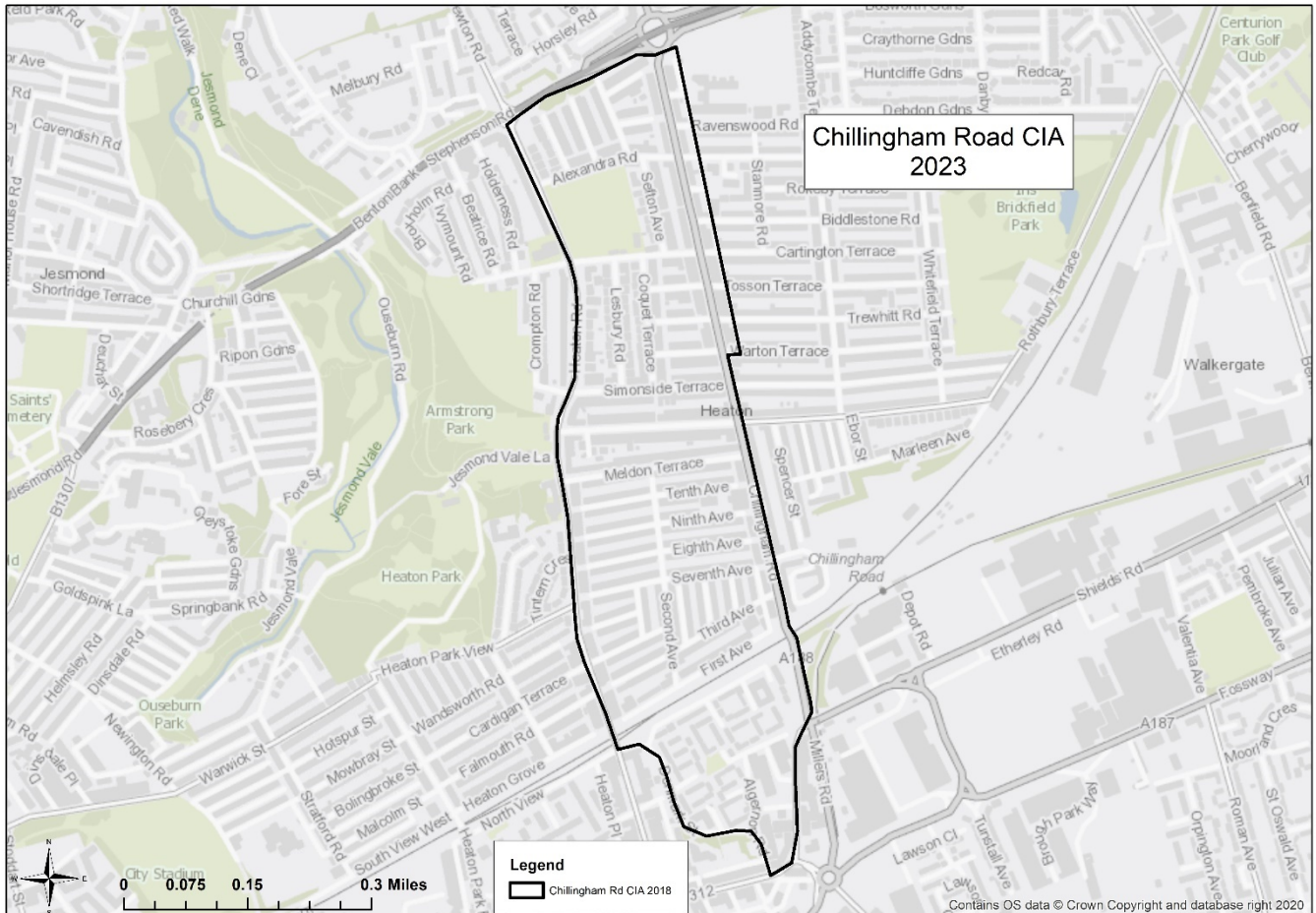


## 7.8 Chillingham Road

7.8.1 In 2018, the Licensing Authority split the Chillingham Road and Shields Road CIAs due to their different demands.

The Chillingham Road CIA has addressed issues arising from the cumulative impact of takeaways and off-licences in a residential area and data supports the retention of existing boundaries.

Map 7<sup>26</sup>



<sup>26</sup> Boundary of Chillingham Road CIA

## 7.9 Shields Road

- 7.9.1 Data supports the view that the existing Shields Road CIA boundaries are retained. The Shields Road CIA has some of the highest index scores outside of the city centre, with higher than average rates of Alcohol related Incidents, Violence Against the person, Public Order, and Litter reports as well as a high density of licensed premises.

Map 8<sup>27</sup>



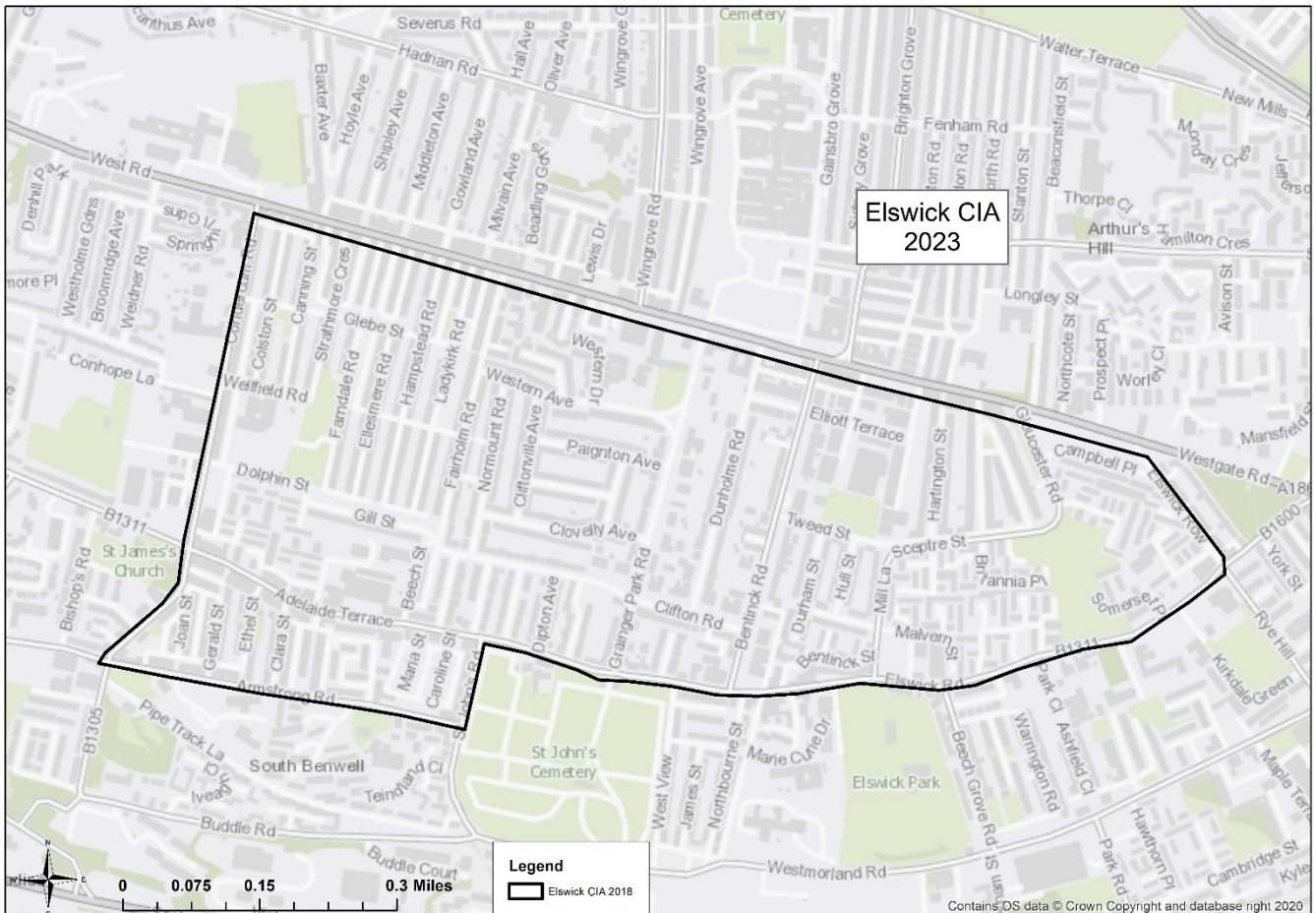
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<sup>27</sup> *Boundary of Shields Road CIA*

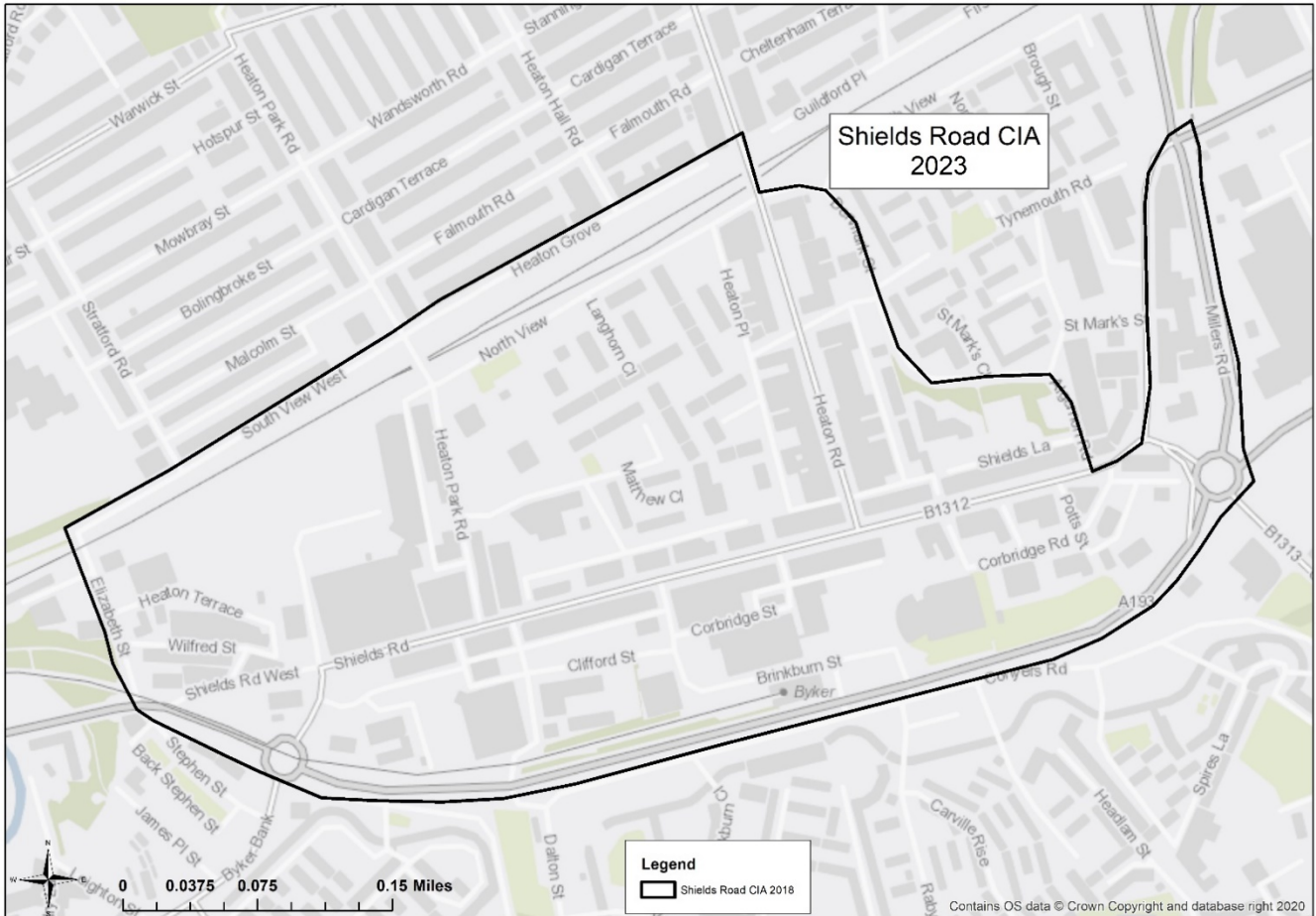
## 7.10 Elswick

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

Map 9<sup>28</sup>



<sup>28</sup> Boundary of Elswick CIA



## 7.11

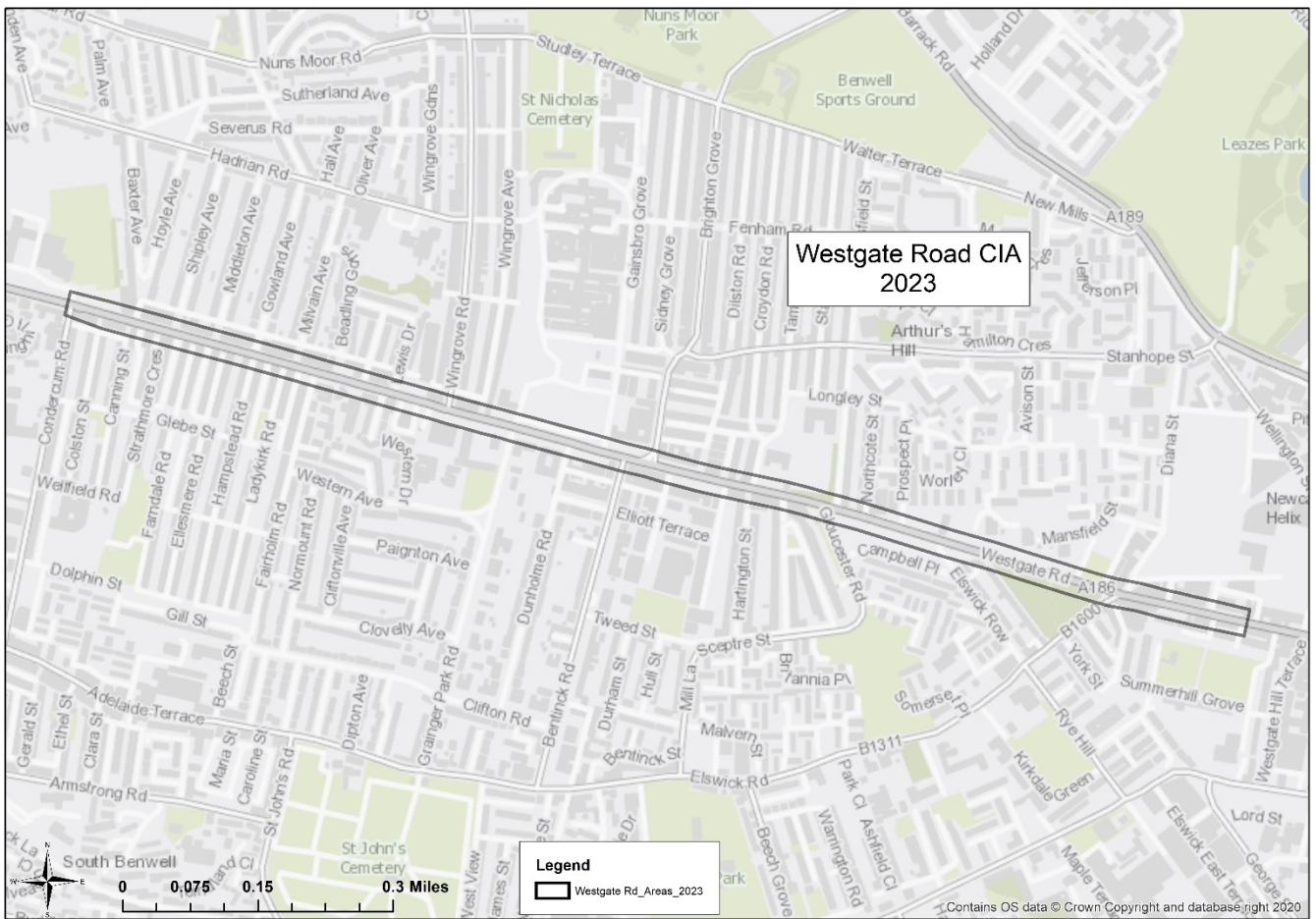
### Westgate Road

Within the Westgate Road corridor, from the City Centre CIA to Condercum Road, there is a higher density of late-night takeaways compared to the Newcastle average. It is recognised that takeaway premises open late at night can be associated with disorder, noise and litter.

The Licensing Authority has determined to retain the Westgate Road CIA as existing to address the cumulative impact from takeaways



Map 10<sup>29</sup>



<sup>29</sup> Boundary Westgate Road CIA



**Cumulative Impact Special Policy Decision Matrix**

<b>Cumulative Impact Area</b>	<b>Premises Use</b>	<b>Public House or Bar</b>	<b>Restaurant</b>	<b>Mixed Use Premises</b>	<b>Takeaway</b> (see definitions below)	<b>Off-Licences</b> (see definitions below)	<b>Qualifying Club Premises</b>
<b>City Centre</b>		<b>Special Policy 1</b>	No Special Policy	No Special Policy	<b>Special Policy 1</b>	<b>Special Policy 1</b>	<b>Special Policy 1</b>
<b>City Centre Special Stress Area</b>		<b>Special Policy 2</b>	No Special Policy	No Special Policy	<b>Special Policy 2</b>	<b>Special Policy 2</b>	<b>Special Policy 2</b>
<b>Jesmond</b>		<b>Special Policy 1</b>	No Special Policy	No Special Policy	<b>Special Policy 1</b>	<b>Special Policy 1</b>	<b>Special Policy 1</b>
<b>Gosforth</b>		<b>Special Policy 1</b>	No Special Policy	No Special Policy	No Special Policy	<b>Special Policy 1</b>	<b>Special Policy 1</b>
<b>Ouseburn</b>		<b>Special Policy 1</b>	No Special Policy	No Special Policy	No Special Policy	<b>Special Policy 1</b>	<b>Special Policy 1</b>
<b>Chillingham Road</b>		<b>Special Policy 1</b>	No Special Policy	No Special Policy	<b>Special Policy 1</b>	<b>Special Policy 1</b>	<b>Special Policy 1</b>
<b>Shields Road</b>		<b>Special Policy 1</b>	No Special Policy	No Special Policy	<b>Special Policy 1</b>	<b>Special Policy 1</b>	<b>Special Policy 1</b>
<b>Elswick</b>		<b>Special Policy 1</b>	No Special Policy	No Special Policy	<b>Special Policy 1</b>	<b>Special Policy 1</b>	<b>Special Policy 1</b>
<b>Westgate Road Corridor</b>		No Special Policy	No Special Policy	No Special Policy	<b>Special Policy 1</b>	No Special Policy	No Special Policy

## Special Policies

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

## Notes

<b>Are the special policies absolute?</b>	No – the circumstances of each application will continue to be considered individually and properly and applications that are unlikely to add to the cumulative impact on the licensing objectives are likely to be granted, provided always that they otherwise promote the licensing objectives.	No – the circumstances of each application will continue to be considered individually and properly and, where there are exceptional circumstances, applications that are unlikely to add to the cumulative impact on the licensing objectives are likely to be granted, provided always that they otherwise promote the licensing objectives.
<b>Must there be relevant representations?</b>	Yes – in the absence of relevant representations, the Licensing Authority must grant the application, subject to conditions consistent with the operating schedule and relevant mandatory conditions.	Yes – in the absence of relevant representations, the Licensing Authority must grant the application, subject to conditions consistent with the operating schedule and relevant mandatory conditions.

<p><b>What type of applications/notices do the policies apply to?</b></p>	<p>The policy applies to:</p> <ul style="list-style-type: none"> <li>• Applications for a Premises Licence;</li> <li>• Application for the Variation of a Premises Licence;</li> <li>• Applications for a Club Premises Certificate;</li> <li>• Applications for a Variation of a Club Premises Certificate;</li> </ul> <p>The policy does not apply to:</p> <ul style="list-style-type: none"> <li>• Application for the Minor Variation of a Premises Licence;</li> <li>• Applications for the Review of a Premises Licence;</li> <li>• Temporary Event Notices.</li> <li>• Applications for the Transfer of a premises Licence;</li> <li>• Application for the Minor Variation of a Club Premises Certificate;</li> <li>• Application for the Review of a Club Premises Certificate;</li> <li>• Applications for Personal Licences.</li> </ul>	<p>The policy applies to:</p> <ul style="list-style-type: none"> <li>• Applications for a Premises Licence;</li> <li>• Application for the Variation of a Premises Licence;</li> <li>• Applications for a Club Premises Certificate;</li> <li>• Applications for a Variation of a Club Premises Certificate;</li> </ul> <p>The policy does not apply to:</p> <ul style="list-style-type: none"> <li>• Application for the Minor Variation of a Premises Licence;</li> <li>• Applications for the Review of a Premises Licence;</li> <li>• Temporary Event Notices.</li> <li>• Applications for the Transfer of a premises Licence;</li> <li>• Application for the Minor Variation of a Club Premises Certificate;</li> <li>• Application for the Review of a Club Premises Certificate;</li> <li>• Applications for Personal Licences.</li> </ul>
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- 7.12 **What is the effect of the Cumulative Impact Special Policies**
- 7.12.1 The adoption of the Cumulative Impact Special Policies do not prevent any person making an application for a licence within the CIAs and SSA.
- 7.12.2 In order for the Cumulative Impact Special Policies to be engaged, the person making the representation should state that the application is likely to add to the existing cumulative impact in addition to the requirement to address one or more of the licensing objectives.
- 7.12.3 Responsible authorities and interested parties must note that the Licensing Authority can only give effect to the Cumulative Impact Special Policies in respect of any application for premises within the cumulative impact areas if a relevant representation is received. If no relevant representations are received in respect of an application, the Licensing Authority is obliged to grant that application in terms that are consistent with the Applicant's operating schedule.
- 7.12.4 Where the matrix indicates that Special Policy 1 applies so that an application would normally be refused following relevant representations, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact, the onus will be on the applicant to show that there will be no negative cumulative impact. In particular, the applicant will need to:
- Address the special policy issues in the operating schedule to rebut the presumption of refusal;
  - Demonstrate why the operation of the premises would not add to the cumulative impact; and
  - Convince the Licensing Authority that it would be justified in departing from its Special Policy in the light of the individual circumstances of the case.
- 7.12.5 Where the matrix indicates that Special Policy 2 applies so that an application will be refused following relevant representations, unless the applicant can demonstrate that there are exceptional circumstances, the onus will be on the applicant to show that there are exceptional circumstances as well as showing that there will be no negative cumulative impact (as explained in the previous paragraph).
- 7.12.6 Applicants will be expected to discharge the onus on them where the Cumulative Impact Special Policies apply through the contents of their application and in particular their operating schedule, proposed conditions, operating style and supporting information. They are encouraged to have pre-application discussions with the Licensing Authority and relevant Responsible Authorities and proper consultation with persons likely to be affected by the application so as to address any likely concerns in the application.

7.12.7 They should address how the application will contribute to the vision and policies for the City of the Licensing Authority (including the planning and development of the City and its economic, social and environmental well-being).

They should also address the deliverability of the perceived benefits and the avoidance of negative impacts on the licensing objectives in such a way that provides confidence to the Licensing Authority, Responsible Authorities and other Interested Persons.

7.12.8 The absence of a Special Policy does not prevent any responsibly authority or other person making representations on an application for the grant or variation of a licence or in respect of a temporary events notice on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The party making such a representation will be expected to provide evidence of such cumulative impact.

### 7.13 **What Newcastle do to mitigate Cumulative Impact**

7.13.1 It should be noted that the council employs a range of mechanisms to prevent or limit cumulative impact relating to the problems arising from premises, and their customers behaving badly or unlawfully once away from the premises. The measures currently available to the council are given as examples such as:

- Planning policies.
- Envirocall (Council Environmental Services)
- Environmental Health “On Call” Services
- Neighbourhood crime reduction service.
- Pubwatch
- Newcastle Licensing Charter Inspection Programme
- Promotor Protocol (Course) & Accreditation Scheme
- Safe Haven
- Collaborative operations and joint working with Northumbria Police Specialists Police Units, British Transport Police, Security Industry Authority, HMRC and HM Immigration.
- PSPO - drinking and seize alcohol and receptacles.
- Use of Dispersal Orders.
- Joint operations on Private Hire and Hackney Carriage Vehicles

Newcastle  
City Council



## **7.14 Exceptional Arguments**

- 7.14.1 The Licensing Authority will not consider a case to be exceptional simply on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions.
- 7.14.2 Each incremental increase in capacity contributes in part to increasing the attraction of the area as a destination for night-life and to the cumulative problems created by such a high concentration of activity in the area.
- 7.14.3 Any list of circumstances where exceptions may be granted is not definitive.
- 7.14.4 The Licensing Authority's Policy, in relation to the Special Stress area, is directed at the cumulative effects of licences on the area as a whole. Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the Policy.
- 7.14.5 The introduction of measures to reduce the extent of or remove opportunities for premises, to be used for the supply of alcohol exclusively or primarily for consumption on the premises can address the underlying reasons for the special policies for cumulative impact.
- 7.14.6 Applications for new licences to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions.

7.14.8 Unless there are representations that indicate there have been problems with the previous licence, licences may be granted with conditions which replicate the effect of those of the previous licence and with conditions which bring the licence in line with best practice on other licences e.g. on door supervision.

This will not apply to licences which have been surrendered or those which can have no practical effect because the premises to which they applied no longer exist or will not continue to exist in their previous form, e.g. because of planned demolition or redevelopment.

7.14.9 The Licensing Authority considers that within the special stress area premises which restrict access to general members of the public, such as proprietary clubs and premises used for private functions, will not be considered to be exceptions to cumulative impact area policies for that reason alone.

7.14.10 The absence of residential accommodation in the vicinity of premises within the special stress area is not a reason for exception. The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but a wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.

7.14.11 Applicants for licences for premises uses that do not have a presumption to refuse must provide evidence that they will not add to cumulative impact within the Special Stress Area.

The applicant must provide significant mitigation within the operation schedule and the rationale on how their operation will not add to cumulative impact.

It is not for the Licensing Authority to identify and put forward proposals for how a premises could prevent adding to cumulative impact in the area. Applicants that fail to add sufficient information within their operating schedule and don't adequately demonstrate how they will not add to cumulative impact may have all or part of their application refused, if representations are received.

# **Newcastle City Council Licensing Authority**

## **Statement of Licensing Policy 2023 - 2028**

Safe, Sensible and Social:

A City with Cultural Vibrancy

### **APPENDIX 1**

#### **Licensed Premises Drugs (including Spiking) Protocol**





## Introduction

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

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

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

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

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

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

## **The purpose and application of the Licensed Premises Drugs Protocol**

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

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

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

The protocol covers all licensed premises, their grounds and outbuildings.

## **Drugs covered by the Protocol**

The Policy seeks to assist licensees, operators, and their staff/contractors to identify and tackle the use and supply of 'controlled drugs' and 'psychoactive substances' on or near to licensed premises.

### Controlled Drug

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

- Part I (Class A Drugs), II (Class B Drugs) or III (Class C Drugs) of Schedule 2 of the 1971 Act.
- a temporary class drug order invoked by the Home Secretary for a drug (not already controlled under the Act) subject to temporary control due to its likely misuse and capability of causing harmful effects.

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

### Class A Drugs

Cocaine, Crack Cocaine, Heroin, Ecstasy (MDMA) and LSD

### Class B Drugs

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

### Class C Drugs

Includes prescribed drugs which may be abused, for example Benzodiazepines (Valium, Temazepam, Diazepam), prescribed Steroids or performance and imaging enhancing steroids or Growth Hormone. GHB/GBL (liquid ecstasy – used as a date rape drug) are also Class C.

The Protocol also deals with prescribed controlled drugs held without prescription thus without lawful authority (e.g. methadone or other opiate based medication, benzodiazepines) and medicines (both prescription and over the counter drugs).

## Psychoactive Substances

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

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

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

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

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

A person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person's body in any way.

## The Role of the Police

Northumbria Police works with and supports agencies which come across drug users as part of their work. The police are committed to working with licensed premises and other relevant agencies to develop and implement drug policies, protocols and procedures that help them handle drug related incidents in a manner that is consistent with the law and promotes harm minimisation and access to support.

### Contacting the Police to report a drug seizure:

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

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

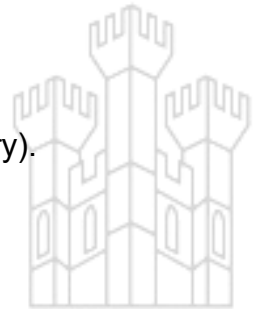
Neighbourhood Beat Managers and teams primarily work day and evening shifts. Messages can be left at other times, for individual officers. If you wish to set up a meeting with one of the members of the local team, you can find up-to-date information on who is in your local Neighbourhood Beat Team by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

- B. Emergency** - Contact the Emergency Response Teams - call 999 if there is any danger, risk to life, possession of drugs where the quantity of drugs seized suggests more than personal use, or a crime is in progress such as the supply of drugs on licensed premises.

Emergency response teams will make an incident report and make sure that the incident is dealt with within the appropriate timescale.

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

- Attend the premises to respond to licensed premises request for assistance, for both:
  - Emergency – 999 calls
  - Collection of suspected controlled drug and psychoactive substances, non-emergency incident.
- Inspect the Drug Incident and Substance Management Form and collect any bagged drugs/substances. The police will retain (where necessary for forensic examination and/or evidential purposes) and safely dispose of any substance suspected or found to be or to contain a controlled drug or a psychoactive substance.
- Undertake any criminal investigative action the police consider to be necessary (i.e. arrest/invite for voluntary interview a person suspected of committing an offence, take witness statements from staff and patrons, review the CCTV footage held by the licensed premises and incident books, etc.).
- Provide the licensed premises with feedback on Police action (if necessary).
- Update police records.



## Searches

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

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

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

- Display a sign confirming that the premises operates a 'zero tolerance approach to drugs' and that searches of patrons may be carried out by door supervisors.
- The sign should clearly state that any search may only be conducted with the consent of the individual and that any patron who refuses to be searched will be refused entry to the premises.
- When an individual is requested to consent to a search, the door supervisor should explain to the patron why they are being searched and how that search will be conducted.
- If a random search policy is operated then it should be carried out at a frequency which is likely to act as a deterrent and the selection criteria should comply with equality legislation.
- Male door supervisors may ask female patrons to empty the contents of their bag or pockets but a 'pat down' search may only be conducted by a door supervisor of the same sex.

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

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

### **Seizure and Storage of Drugs & Notification to Police**

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

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

The door supervisor does not however have any power to compel the patron to provide their details and nor does the door supervisor have a power to detain the patron.

Any drugs seized or found on licensed premises should be placed (using gloves wherever possible) in a self-seal bag and placed in a safe stored in a part of the licensed premises to which only the licensee, duty manager and their staff/contractors have access.

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

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



from whom the drugs were seized (if the patron provides his/her details), and a brief description of the drugs and the incident.

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

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

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

Drugs paraphernalia and needles should be dealt with according to health and safety guidelines and the licensed premises safe disposal policy.

Staff members should always ensure they are not putting their own health and safety at risk when handling drugs or associated paraphernalia. Licensees and operators should ensure that their staff and contractors are familiar with the health and safety policies and procedures of the licensed premises

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

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

Email - [envirocall@newcastle.gov.uk](mailto:envirocall@newcastle.gov.uk)

Phone; 0191 278 7878 and ask for 'Envirocall'

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

The patron should be asked to provide their details. The door supervisor does not however have any power to compel the patron to provide their details and nor does the door supervisor have a power to detain the patron.

The licensee should ensure that the police are provided with any relevant evidence such as CCTV etc.

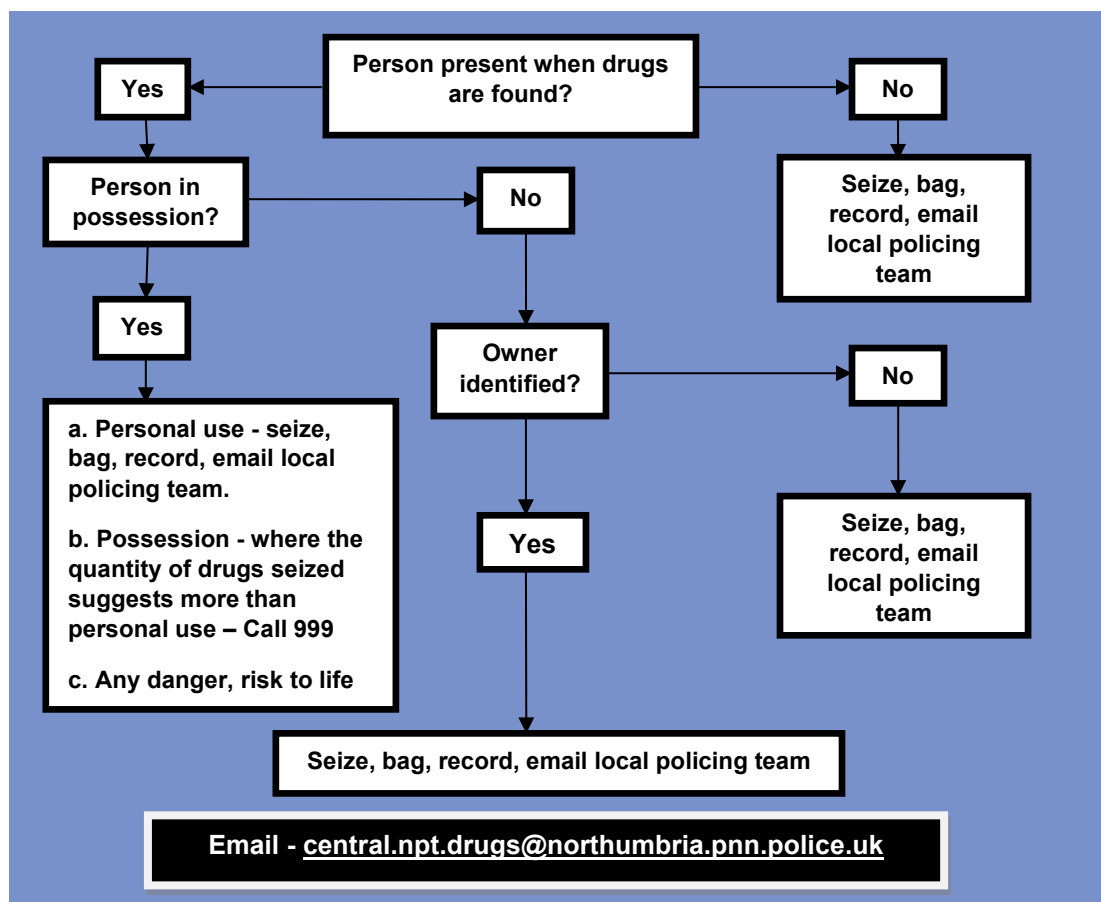
If a member of staff or a contractor finds a person on or near to the licensed premises who appears to have overdosed, they should immediately phone 999.

### **Supply of controlled drugs/psychoactive substances on or near to the premises**

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

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

## Drugs Seizure/Find on Licensed Premises Flowchart



### Enforcement Action

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

Where there is serious criminal activity on the premises (supply of drugs) or the use of drugs on or near to the licensed premises is causing nuisance and disorder, a Closure Notice may be issued by the police or the Local Authority under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014. Such notice would close the premises and an application will be made (unless the Notice is cancelled) to a magistrates' court for a closure order (A Closure Order can close the premises for a period of up to 3 months).

Failure to comply with the protocol (or the licensee's own drug policy which has been approved by Northumbria Police and the Licensing Authority of Newcastle City Council) will be a relevant

factor when determining whether to take enforcement action and the nature of such action. Reference will be made to any serious and persistent failures to comply with the protocol (or the licensee's own drugs policy which has been approved by Northumbria Police and the Licensing Authority of Newcastle City Council) in any proceedings arising in connection with or as a result of enforcement action taken by any of the Responsible Authorities.

## **Identifying Vulnerability**

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

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

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

### Vulnerability definition:

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

*Personal Factors + Situational Factors = Harm / Risk of Harm.*

There are many factors that can make someone vulnerable, examples can be:

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

#### Considerations for Staff/Contractors:

- Age?
- State of intoxication?
- Do they appear to suffer from poor mental health or other disability?
- Do they have friends nearby?
- Do they have their belongings?
- Do they need medical attention/ambulance?
- Do the premises have a 'safe' room where the person can be put until assistance is arranged?
- Do the premises have 'welfare officers' who can assist?
- Is there a Street Pastor who is able to assist?
- Who are they with?
- Is there a family member/relative you can call?
- Can you call for a taxi?
- Is the Safe Haven operating?
- Do the police need to be notified?

#### **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).

This offence is not limited to illicit drugs, the offence occurs if alcohol or other legal substances (e.g., sleeping tablets) is added to a person's drink.

#### **Best practice guidance:**

1. Education provided to staff to spot the signs of both potential vulnerable victims and those who are potentially suffering the effects of spiking.
2. 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.
3. Regularly check CCTV to ensure it is in good working order and reliable.

4. Promote campaigns - particularly #Spikeaware through visual, well placed posters and other literature within their premises with a clear zero tolerance approach.
5. 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.
6. 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.
7. Ensure people in the premises know how and where to report suspected spiking and unwanted sexual harassment
8. Consider having a “safe zones” where potential vulnerable victims can be looked after by staff until alternative help or transport home can be provided.
9. 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 are:

a) **Injuries or puncture wounds** – 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.

b) **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.)

c) **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.

d) Where possible ask the victim to provide a urine specimen in a suitable sample pot.

e) 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 suspects 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.

## Resources

Newcastle PROP's Support family members affected by a loved one's substance misuse.  
0191 2263440

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

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

### National resources:

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

Newcastle City Council's Statement of Licensing Policy

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

For information about drugs: - [www.talktofrank.com](http://www.talktofrank.com)

Safer nightlife advice and guidance

<https://www.safernightlife.info/>

Newcastle Public Health team coordinate training for drugs and alcohol. Contact -

[Rachael.hope@newcastle.gov.uk](mailto:Rachael.hope@newcastle.gov.uk) for information.





# **Newcastle City Council Licensing Authority Statement of Licensing Policy 2023 - 2028**

Safe, Sensible and Social:

A City with Cultural Vibrancy

## **APPENDIX 2**

### **Newcastle Licensing Charter (Best Practice Protocol)**

## Introduction

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

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

## The Aim

The aim of this best practice protocol is to provide applicants and licensees with guidance on best practice for the promotion of the four licensing objectives which are paramount considerations at all times. The protocol is consistent with the Home Office guidance issued under section 182 of the Act and with the Newcastle City Councils statement of licensing policy.

It outlines what Newcastle City Council Licensing Authority and its responsible authority partners expect in practical terms from applicants when completing their operating schedules and from licensees when operating their premises under the terms of a premises licence.

Applicants and licensees are expected to make a proactive commitment to preventing problems from occurring at licensed premises through the adoption of this best practice protocol.

## Risks associated with licensed premises

Risks associated with licensed premises can vary dependent on the premises type and characteristics, the design, layout and general environment, the location, the policies in place and the events being held there.

This best practice protocol identifies many of the possible risks associated with the sale of alcohol and the provision of entertainment or late-night refreshment and sets out best practice measures to mitigate those risks. It provides a key mechanism for the promotion of the licensing objectives, for well run premises and a responsible approach to alcohol, entertainment and late-night refreshment in the Newcastle upon Tyne area.

It is recognised that not every risk will be relevant to every premises and it is unlikely that any one premises will need to address all of the measures. Indeed some premises may only need to introduce one or two measures.

The best practice protocol cannot anticipate every possible risk, problem or circumstance that may arise from licensed premises. Neither does the protocol restrict an applicant or licence holder from promoting the licensing objectives through alternative means.

## **How will the protocol be used?**

### **Applicants and licensees**

A proactive and preventative approach is a key aspect of good management at licensed premises. Newcastle City Council Licensing Authority therefore expects applicants to have regard to this protocol when completing their operating schedule.

If problems occur at licensed premises after a licence has been granted and a reactive approach is needed, licensees should put additional operational measures in place to manage and prevent those problems from recurring. Newcastle City Council Licensing Authority expects licensees to have regard to this best practice protocol when considering additional operational measures.

### **The Licensing Authority and responsible authorities**

The protocol is not a statutory document but it will be taken into consideration and used by the Licensing Authority and responsible authorities as follows:

- when responding to licence applications where the licensing objectives have not been adequately addressed in the operating schedule;
- as a first point of dealing with licensed premises encountering problems, to raise standards to promote the licensing objectives in those premises and avoid further problems; and
- for the review of licences where there is evidence that licensees have not promoted the licensing objectives.

### **Best Practice Inspection Programme**

This inspection programme commenced by the Licensing Authority October 2019 the assessment involves an on-site inspection of all licenced premises to ensure compliances with premises licences and their conditions and will evaluate measures in place to positively promote best practice at your premises.

For those premises with a licence to sell alcohol after midnight the inspection will be used to determine whether a levy discount is possible.

The routine monitoring of licensed premises will be undertaken by the Licensing Authority and responsible authorities and findings under the four licensing objectives will be brought together.

Problems or concerns with licensed premises will be identified and flagged up at an early stage and advice will be offered to licensees with a view to improving standards at their premises and to prevent or minimise subsequent problems.

Where problems have been identified, the licensing authority and responsible authorities will agree appropriate measures from the protocol with the licence holder to be implemented at the premises. The aim of is to avoid the need for enforcement action such as prosecution or review but it will not replace enforcement action where it is necessary.

## **Acknowledging well managed premises**

The best practice protocol will also be used by the Licensing Authority and its partners to acknowledge and support well run premises through schemes such as **Newcastle Licensing Charter**.



## General – all four licensing objectives

This section provides guidance on best practice for the general promotion of all four licensing objectives at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the general promotion of the licensing objectives after a licence has been granted.

Licensees and their staff have responsibility for the effective and safe management of their premises and the promotion of the four licensing objectives. Training is the key to giving licence holders, premises managers and staff the knowledge and skills to deal with and manage risks associated with licensed premises. Training should be provided to all staff and should be about both preventing and managing problems occurring at premises. Training should be regularly updated.

Risk	Best practice measure
<b>Lack of knowledge or understanding of the Licensing Act 2003</b>	<p><b>G1 (a) Well trained staff</b> will contribute to well run premises and a responsible approach to the sale of alcohol, provision of entertainment and late-night refreshment. Formal qualifications for your staff, either to Personal Licence level or to another appropriate standard recognised by bodies such as the British Institute of Innkeepers (BII) would be preferential.</p> <p>(b) All staff should be advised of licensing law in writing before they are allowed to serve alcohol.</p> <p>(c) Training should also be provided on premises" specific policies relevant to the operation of the business.</p> <p>(d) A record should be kept of the date and name of person trained or advised and be made available for inspection by the police or licensing authority.</p>

## Prevention of crime and disorder

This section provides guidance on best practice for the prevention of crime and disorder from licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the prevention and management of crime and disorder from their premises after a licence has been granted.

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

All applications for new licences and variations should address the steps proposed to prevent crime and disorder and this is best achieved through a premises risk assessment. Alcohol can be a significant contributory factor to levels of crime and disorder in an area. Good management and good practice along with adequate physical controls can make an important difference to the level of alcohol related crime at premises. Such measures should be reflected in the operating schedule.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the design and layout of the premises to minimise the potential for crime and disorder.

Licence holders should have clear documented policies and procedures in place which identify all crime and disorder risks associated with their premises and the measures implemented to prevent, manage and respond to those risks.

Risk	Best practice measure
<b>Security in and around the premises</b>	<p><b>CD1</b> (a) An alarm or other security measure should be installed at the premises to protect it when closed or empty.</p> <p>(b) Emergency exits should be alarmed when the premises are open to the public so that staff are immediately notified of unauthorised opening or tampering.</p> <p>(c) Any staff or private areas and cellars should be kept locked and secured whilst the premises are open to the public.</p> <p><b>CD2</b> (a) CCTV should be installed inside and outside the premises. The cameras should cover all internal areas accessible to the public and areas immediately outside the premises. The date and time settings on the system must be correct.</p>

Risk	Best practice measure
<p><b>Security in and around the premises (cont)</b></p>	<p>(b) The recordings should be in real time and on hard drive with the availability to copy disks for other agencies such as the police.</p> <p>(c) For analogue systems, tapes should be changed daily and used no more than 12 times.</p> <p>(d) Recordings should be kept for a minimum period of 31 days.</p> <p>(e) Staff should be trained in the maintenance and operation of such systems with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>(f) A trained member of staff should be on duty to operate the system whenever the premises are open.</p> <p><b>CD3</b> External lighting provides an obvious means of crime deterrence. Care should be taken so that lighting does not impact on neighbours.</p> <p><b>CD4</b> (a) Security systems should be integrated so that the alarm, CCTV and lighting work together in an effective manner.</p> <p>(b) The alarm should be linked to a system that will notify the police if it is activated.</p> <p><b>CD5</b> (a) Door staff and/or stewards should be employed at the venue to supervise admissions and customers inside the venue.</p> <p>(b) Any person performing the role of a door supervisor must be licensed with the Security Industry Authority (SIA) and SIA badges must be clearly displayed whilst working.</p> <p>(c) Door staff should be easily identifiable by wearing a uniform, high visibility jackets or arm bands.</p> <p>(d) Door staff should sign into a register detailing their full SIA licence number, their name, contact details and the time and date their duty commenced and concluded.</p> <p>(e) Stewards and other staff at the premises should also be easily identifiable. Stewards must not be used for supervision of the door.</p>

Risk	Best practice measure
<p><b>Security in and around the premises (cont)</b></p>	<p><b>CD6</b> (a) Effective security policies based on risk assessments can protect your premises, staff and customers from threats, conflict or violence.</p> <p>(b) Security policies should be formulated in consultation with a police crime prevention officer.</p> <p>(c) All staff must be aware of a premises security policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>(d) Premises should be searched inside and out for suspect packages before, during and after opening hours. Staff should be trained to remain vigilant during opening hours and report any suspicious activity to the Police.</p> <p><b>CD7</b> Security reviews should be held regularly and at least every three months with minutes kept.</p> <p><b>CD8</b> (a) Daily staff briefing and debriefing will enable licensees to improve working practices in their premises.</p> <p>(b) Briefings can be informal but any problems identified and remedial action taken should be recorded with records kept in the main office.</p>
<p><b>Crime including conflict, violence or aggression in and around the premises</b></p>	<p><b>CD9</b> (a) Promoted events may attract larger than usual crowds and particular promotions may have violent or aggressive followers, rival gangs or other crime and disorder associated with them.</p> <p>(b) Such events must have a comprehensive risk assessment undertaken by the licence holder and submitted to the <b>Licensing Authority</b> at least 14 days in advance of the proposed event.</p> <p>(c) It is expected that promoters should have obtained the <b>Highfield Accreditation for Small Scale Promoters</b>.</p> <p>(d) In the event that a problem should arise during a promoted event, this should be documented by the licence holder and it is expected that a debrief form will be provided to the <b>Licensing Authority</b>.</p>



Risk	Best practice measure
<p><b>Crime including conflict, violence or aggression in and around the premises (cont)</b></p>	<p><b>CD10</b> (a) Proper management of the door will depend on the size and type of venue. The number of door supervisors should be determined by a risk assessment taking into account the size of venue and the type of crowd the entertainment is likely to attract, but at the very least on a ratio of <b>1 door supervisor per 100 customers</b>.</p> <p>(b) Consideration should be given to a sufficient provision of male and female door supervisors, but at least one female door supervisor should be used.</p> <p><b>CD11</b> A door admissions policy including any age restrictions, expected dress standards or the screening of handbags should be widely publicised on any promotional material or website and clearly displayed at the entrance to the premises.</p> <p><b>CD12</b> (a) Ejecting or refusing entry to persons from the premises if they do not meet your admissions standards or they are known to be violent or aggressive.</p> <p>(b) In such cases, an entry should be made in an incident or logbook</p> <p><b>CD13</b> (a) A policy to manage capacity should be adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.</p> <p>(b) For promoted events and large venues, the use of clickers is essential to record the number of patrons inside the premises.</p> <p>(c) For other events or smaller venues, ticket sales or head counts may be appropriate.</p> <p>(d) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons and avoid conflict, violence or aggression within the premises.</p> <p><b>CD14</b> (a) Alternatives to glass drinking vessels should be considered to prevent glassware being used as an assault weapon, particularly during promoted events.</p> <p>(b) Drinking vessels made from plastic or polycarbonate would be preferential particularly in outside areas.</p>

Risk	Best practice measure
<p><b>Crime including conflict, violence or aggression in and around the premises (cont)</b></p>	<p>(c) Where alternatives are not used, there should be a robust glass collection policy in place. This should include regular collection of glassware by staff and prevention of glassware being removed from the premises.</p> <p><b>CD15</b> (a) Measures to preserve a crime scene until police arrival, following the outbreak of disorder or any other crime, should be clearly documented in a policy.</p> <p>(b) Such a policy should be formulated in consultation with a police crime prevention officer.</p> <p>(c) All staff must receive training on the policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p> <p><b>CD16</b> (a) Staff training in conflict management should be provided to give them the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises.</p> <p>(b) Training should also cover dealing with, logging and reporting incidents if they occur.</p> <p>(c) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p><b>CD17</b> Sharing of information with others in the industry. Regular meetings, the use of local radio networks or membership of a local pub/club watch scheme will enable information to be passed on about trouble makers and common problems in the area.</p>
<p><b>Drugs and weapons being brought into the premises</b></p>	<p><b>CD18</b> (a) A zero tolerance policy to the use of drugs and carrying of weapons in the premises should be adopted with a clear “no search no entry” message.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of zero tolerance policy.</p> <p><b>CD19</b> (a) Effective search policies will minimise the opportunity for drugs and weapons to be brought into licensed premises and lead to drug and weapon seizure if attempts are made.</p>

Risk	Best practice measure
<p><b>Drugs and weapons being brought into the premises (cont)</b></p>	<p>(b) The use of search arches and wands may be appropriate in some cases.</p> <p>(c) Search policies should be formulated in consultation with the City of London Police licensing team.</p> <p>(d) Search policies must be advertised widely on tickets, promotional leaflets and on websites and prominently in the premises entrance and queuing area.</p> <p>(e) Searches should always be carried out in public areas and covered by CCTV.</p> <p>(f) All staff must be trained on search policies with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p><b>CD20</b> Calling the police if customers are suspected of being in possession of drugs or weapons. All staff must be made aware of this requirement.</p> <p><b>CD21</b> (a) Seizing, retaining and documenting any drugs or weapons found with a clear audit trail and a process for surrendering them to the Police.</p> <p>(b) A search policy should clearly set out procedures that must be followed by staff should they find drugs or weapons during a search, including the use of tamper proof bags and safe storage of seized items, details that need to be recorded and circumstances when the police should be called.</p> <p><b>CD22</b> (a) Supervising toilet areas can be effective in discouraging drug selling or use.</p> <p>(b) A toilet attendant may be appropriate for promoted events or on busy nights such as Friday and Saturday.</p> <p>(c) Regular toilet checks such as swabbing should be considered and where conducted, these should be documented with date, time and finding recorded.</p> <p>(d) Removal of flat surfaces in toilet areas can reduce the likelihood of drug misuse</p>

**CD23** Drug awareness training should be provided for all staff. A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.



Risk	Best practice measure
<p><b>Theft from premises or lost property</b></p>	<p><b>CD24</b> Bag hooks (Chelsea clips) should be provided to prevent bag snatching.</p> <p><b>CD25</b> Clear signage should be displayed throughout the premises about crime prevention and to warn customers of the potential for pickpockets and bag/laptop snatchers.</p> <p><b>CD26</b> Property patrols, managed cloakrooms and toilet attendants can be employed to prevent theft from patrons or the premises.</p> <p><b>CD27</b> Premises layout and lighting should be considered. Secluded or dimly lit parts of the premises should be avoided as they can encourage crime.</p> <p><b>CD28</b> Mirrors used throughout the premises can aid supervision and act as deterrents to thieves.</p> <p><b>CD29</b> A lost and found policy should be in place in relation to lost/found property at the premises. The policy should include procedures regarding the logging and disposal of property and in particular any valuable property. Passports and any other ID found should be handed in to any police station.</p> <p><b>CD30</b> (a) Carefully positioning alcohol in retail premises can reduce theft from the premises. Alcohol is a key target for shop thieves, so it is best not to place alcoholic beverages within the first few metres near the door as this allows thieves to „grab and run“.</p> <p>(b) It may be helpful for alcohol display areas to be covered by CCTV if possible.</p> <p><b>CD31</b> Security tagging any items considered a specific target for theft, particularly alcoholic drinks over a certain price level will deter thieves.</p>
<p><b>Disorder from customers queuing to enter the premises or when leaving the premises</b></p>	<p><b>CD32</b> Reduce the potential for excessive queue lines with a well-managed and efficient door policy. Long queuing times can cause people to become agitated or aggressive. Searches should therefore be conducted as quickly and effectively as possible.</p>

Risk	Best practice measure
<p><b>Disorder from customers queuing to enter the premises or when leaving the premises</b></p>	<p><b>CD33</b> (a) A customer dispersal policy can minimise the potential for disorder from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels.</p> <p>(b) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p> <p><b>CD34</b> (a) Staff training in preventing disorder should be provided to give them the knowledge and confidence to deal with difficult situations.</p> <p>(b) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p>
<p><b>Customers getting drunk and dealing with drunken customers</b></p>	<p><b>CD35</b> (a) Drinks promotions should be socially responsible and not encourage excessive drinking.</p> <p>(b) A documented policy on responsible drinks promotions should be in place at the premises and should adhere to industry codes such as those recommended <b>by the British Beer and Pub Association (BBPA) and The Portman Group</b>. This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.</p> <p>(c) Any drinks promotion should market the availability of soft drinks.</p> <p>(d) Impose a Minimum Unit Price above the mandatory requirement?</p> <p><b>CD36</b> (a) Staff training on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.</p> <p>(b) Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate „cut off“ points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.</p> <p>(c) When staff are collecting glasses, they can interact with customers and assess the levels of drunkenness. Any concerns should be reported back to a manager.</p>

Risk	Best practice measure
<p><b>Customers getting drunk and dealing with drunken customers (cont)</b></p>	<p>(d) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p><b>CD37</b> A duty of care policy regarding persons suffering adversely from the effects of drink should be in place at the premises. The policy should clearly express that every effort will be made by staff to prevent patrons from deteriorating to an uncontrolled intoxicated extent. All staff must be briefed on the policy.</p> <p><b>CD38</b> Drink-aware posters can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.</p>
<p><b>Safeguarding &amp; vulnerability</b></p>	<p><b>CD39</b> (a) A documented policy and in place both for staff and patrons to tackle sexual harassment in your premises</p> <p>(b) It is expected that premises attend Shout Up training.</p> <p>(c) Have a designated space where vulnerable people can wait safely until help arrives.</p> <p>(d) Relevant contacts for external partners such as the street pastors.</p> <p>(e) Ensure staff are aware of the days and location of the safe haven.</p>
<p><b>Consumption of alcohol on the street and street drinkers</b></p>	<p><b>CD40</b> Restrict the sale of strong beer and cider above 5.5% ABV and the sale of single cans or bottles of beer and cider. Such sales can contribute to anti social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.</p>
<p><b>Sale of alcohol outside permitted hours</b></p>	<p><b>CD41</b> Lockable shutters can be fitted on display units for alcohol in retail premises, which can be closed and locked at the end of permitted hours.</p>

## Public Safety

This section provides guidance on best practice for the promotion of public safety at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the promotion and management of public safety at their premises after a licence has been granted.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks to the safety of the public (including performers) attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing public safety at their premises.

All applications for new licences and variations should address the steps proposed to promote public safety and this is best achieved through a premises risk assessment.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the design and layout of the premises to achieve the highest possible standard of safety.

Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with their premises and measures implemented to prevent, manage and respond to those risks.

Risk	Best practice measure
<b>General safety of staff and customers</b>	<p><b>PS1</b> (a) A full risk assessment taking into account public safety should be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. Templates can be found on the Health and Safety Executive website. A risk assessment should be regularly reviewed at least every 12 months.</p> <p>(b) All staff should be made aware of the risk assessment and precautionary measures therein.</p> <p>(c) A copy of the risk assessment should be kept at the premises and made available for inspection.</p> <p><b>PS2</b> First aid boxes should be available at the premises and maintained with sufficient in date stock.</p> <p><b>PS3</b> (a) A recognised qualification in first aid should be held by at least one member of staff who should be on duty at all times the premises licence is in use.</p> <p>(b) Other staff should be trained to a basic first aid standard with records kept of the date and name of person trained.</p>



<p><b>General safety of staff and customers (cont)</b></p>	<p><b>PS4</b> A first aid room or quiet room should be made available to anyone requiring medical attention.</p> <p><b>PS5</b> Temperature levels and humidity in venues should be controlled for the comfort and safety of customers. An environment that is too hot or too cold can make customers irritable. Premises should be adequately heated and ventilated to avoid this. This can be achieved through use of air conditioning systems or natural ventilation in non-residential areas.</p>
<p><b>Overcrowding</b></p>	<p><b>PS6</b> A documented capacity should be set for the premises overall and for individual rooms within the premises. Capacity can be determined by a risk assessment in consultation with the fire safety authority.</p> <p>The risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time and available fire exits.</p> <p><b>PS7</b> (a) A policy to manage the capacity should be adopted to prevent overcrowding and localised overcrowding.</p> <p>(b) The use of electronic clocking systems, clickers, ticket sales or head counts may be appropriate.</p> <p>(c) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.</p>
<p><b>Accumulation and disposal of glasses / drinking vessels</b></p>	<p><b>PS8</b> (a) A glass collection policy should include provisions for regular collection of glassware by staff and the prevention of glassware from being taken into external areas. Glassware should not be allowed to accumulate or cause obstruction.</p> <p>(b) Perimeter checks should be made outside the premises for any glasses or bottles.</p> <p>(c) All staff must be made aware of the glass collection policy and their responsibility for the task.</p> <p><b>PS9</b> Spillages and broken glass should be cleaned up immediately to prevent floors from becoming slippery and unsafe.</p> <p><b>PS10</b> Bottle bins should be secure at all times and away from public areas.</p>

**Accident or other emergency incident on the premises**

**PS11** (a) A written policy to deal with all types of accidents & emergency incidents should be in place at the premises.

(b) The policy should be based on risk assessments and include matters such as emergency management, contingency planning and evacuation procedures in the event of fire, bomb threats or suspect packages and when to contact emergency services.

(c) Evacuation responsibilities and roles should be clearly communicated to staff, routes and exits should be well defined and evacuation plans exercised regularly.

(d) A copy of the fire risk assessment should be kept at the premises and made available for inspection by the fire authority and licensing authority.

**PS12** A fire detection system should be in place at the premises and should be fully functional at all times. The system should be tested regularly with records kept and made available for inspection.

**PS13** (a) Means of escape in case of any emergency must be clearly visible, unobstructed and well maintained including areas outside exits leading to a place of ultimate safety such as the street.

(b) Checks should be carried out before opening each day to ensure that exits are unlocked and unobstructed.

**PS14** Equipment should be checked and maintained regularly with a record kept of the date and findings of the checks.

**PS15** (a) Staff training in fire safety and any premises safety policy should be provided for all staff to give them the knowledge and confidence to deal with emergency situations, including location of equipment, utilities, services and layout of premises. Training should include how to use fire extinguishers.

(b) Records should be kept of the date and name of person trained and made available for inspection.

**PS16** An accident book should be kept in order to record all accidents or incidents and made available for inspection.

<p><b>Drug use or drink spiking</b></p>	<p><b>PS17</b> (a) A zero tolerance policy to the use of drugs in the premises should be adopted.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of the zero-tolerance policy.</p> <p><b>PS18</b> Refusing entry to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident logbook.</p> <p><b>PS19</b> (a) A duty of care policy regarding persons suffering adversely from the effects of drugs should be in place at the premises. The policy should include drug awareness training for all staff so that they can recognise the effects of controlled drugs and provide medical attention where necessary.</p> <p>(b) All staff must be briefed on the policy. A record should be kept of the date and name of person trained.</p> <p><b>PS20</b> (a) Prevent the possibility of drink spiking by offering various anti drink spiking products to customers.</p> <p>(b) If a customer suspects that their drink has been spiked, you should report it to the police immediately. A process for this should be clearly set out in your duty of care policy.</p> <p><b>PS21</b> A 'chill out' area should be provided. This should be cooler and quieter than rest of venue.</p>
<p><b>Smoking on the premises</b></p>	<p><b>PS22</b> Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance.</p>
<p><b>Safety of customers(&amp; staff) when leaving the premises</b></p>	<p><b>PS23</b> Discourage drink driving by promoting schemes such as Designated Driver, with notices clearly displayed throughout the premises.</p> <p><b>PS24</b> (a) Display information to customers with regards to safe options for travelling home such as information how to access licensed taxi cabs or licensed private hire vehicles, the location of taxi ranks and public transport facilities including night bus options.</p> <p>(b) Provide a free taxi phone service and a safe waiting</p>

**Safety of customers when leaving the premises (cont)**

area for customers (& staff) inside the premises.

**PS25** (a) A 'chill out' period at the end of an evening can allow a slow dispersal from the premises allowing door staff to gain a handle on problem individuals, preventing arguing over taxis or congregation at takeaways and clashes with groups from other venues.

(b) Provision of food and non alcoholic drinks during a chill out period can be effective in allowing customers to sober up before leaving the premises.

**PS26** (a) Increased lighting inside the premises should be considered towards the end of an evening to affect the alertness of customers before they leave the premises.

(b) Increased external lighting particularly in car parks under the direct control of the licence holder will provide added safety for customers as they leave the premises. Care should be taken so that lighting does not impact on neighbours.

## Prevention of public nuisance

This section provides guidance on good practice for the prevention and management of public nuisance from licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the prevention and management of noise and other public nuisance issues from their premises after a licence has been granted.

Excessive noise and nuisance from licensed premises is a major concern for residents living in the area. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing public nuisance from their premises.

All applications for new licences and variations should address the steps proposed to prevent public nuisance. Where entertainment or other potentially noisy activity is planned, a noise assessment should be carried out. For some premises, the assessment will need to be carried out by a suitably qualified consultant.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the structure and layout of the premises and equipment both internally and externally, to ensure that the premises are fit for purpose. Sound attenuation measures can include wall linings, acoustic curtains and acoustic treatment to mechanical ventilation or air conditioning systems. Consideration should also be given to historical noise problems at the premises with measures put in place to prevent them from recurring.

Licence holders should have clear documented policies and procedures in place which identify all public nuisance risks associated with their premises and measures implemented to prevent, manage and respond to those risks. Licence holders should also engage with local residents on a regular basis to ensure that they are being good neighbours and dealing with problems as they arise.

Risk	Best practice measure
<b>Music, singing and speech noise breakout from the premises</b>	<b>PN1</b> (a) A noise management policy should be in place that sets out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises.  (b) The policy should be based on the findings of an acoustic consultant's assessment.  (c) All staff should be trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the licensing authority or environmental health responsible authority.  (d) DJs, event promoters or other entertainment providers should be made aware of the policy in advance of any performance.

**Music, singing and speech noise breakout from the premises (cont)**

(e) Use an approved list of DJs, event promoters or other entertainment providers who have signed up to the policy.

**PN2** (a) Windows and doors should be kept closed whilst the premises licence is in use to prevent noise breakout. Ventilation should be provided by mechanical means.

(b) Windows should be sound insulated.

(c) Emergency exits should be sealed acoustic doors.

(d) A lobbied area should be provided at the entrance and exit to the premises.

(e) Doors should be fitted with self-closing devices.

**PN3** (a) A sound limiting device should be installed, set and sealed at a level approved by an acoustic consultant.

(b) The sound limiting device should be used at all times that relevant regulated entertainment is taking place, including all externally promoted events.

(d) Only the premises licence holder or a nominated deputy and the designated premises supervisor should have access to the sound limiting device.

**PN4** (a) Locate entertainment facilities such as DJ booth, stage and loudspeakers away from doors and windows.

(b) Rubber speaker mounts can be used to minimise structure borne noise.

**PN5** (a) Methods for monitoring noise should be included in a noise policy. Methods could range from simple perimeter checks and listening tests by the licence holder/staff to a detailed measurement taken by a qualified consultant using sound measuring equipment.

(b) Noise monitoring should actively be carried out on a regular basis and in particular when a new form of entertainment is introduced at the premises, when alterations are made to the premises or when a complaint is made directly to the venue.

**PN6** (a) A logbook should be kept of any noise monitoring carried, the findings and any remedial action taken. The log should indicate whether it was routine noise monitoring or the result of a complaint.

<p><b>Music, singing and speech noise breakout from the premises (cont)</b></p>	<p>(b) The logbook should be made available for inspection by the licensing authority or environmental health responsible authority.</p> <p><b>PN7</b> A contact telephone number should be made available to local residents which they can use to report noise disturbances to a responsible person at the venue as and when they occur. The phone line should be available at all times the licence is in use.</p>
<p><b>Noise and nuisance from customers arriving and leaving the premises</b></p>	<p><b>PN8</b> (a) Reduce the potential for excessive queue lines with a well-managed and efficient door policy.</p> <p>(b) Long queues should be avoided, and any queues should be directed away from residential properties.</p> <p>(c) Queues should be actively managed by door staff, especially later in the evening, to keep noise to a minimum. Rowdy behaviour from people queuing to get in should not be tolerated. Door staff should refuse entry to anyone behaving in an anti-social way.</p> <p>(e) Restrict admittance or re-admittance to the premises after 11pm.</p> <p><b>PN9</b> (a) A customer dispersal policy can minimise noise disturbance to local residents from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening.</p> <p>(b) A gradual change in music style and reduction in volume, for example quiet or mellow music towards the end of an evening and increasing lighting levels can help to reduce the potential for rowdy behaviour.</p> <p>(c) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p> <p><b>PN10</b> (a) Display prominent notices close to the exit doors, requesting patrons to leave the premises and quickly and quietly.</p> <p>(b) Display notices in car parks reminding patrons that they are in a residential area and to leave quickly and quietly and not to slam doors, rev engines, sound horns or play loud music.</p>

<p><b>Noise and nuisance from customers arriving and leaving the premises (cont)</b></p>	<p>(c) Make announcements at the end of an evening, requesting patrons to leave the premises and area quickly and quietly.</p> <p><b>PN11</b> (a) Provide a free taxi phone service and an internal waiting area for customers to prevent noise disturbance to neighbours.</p> <p>(b) Steps should be taken to ensure that any taxi operators used and all their drivers are aware that they should arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.</p>
<p><b>Noise and nuisance from customers using external areas such as beer gardens or forecourts</b></p>	<p><b>PN12</b> Display prominent signs in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum.</p> <p><b>PN13</b> Restrict the use of external areas after 10pm if premises are in a residential area.</p> <p><b>PN14</b> (a) Door supervisors or staff should regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.</p> <p>(b) For private forecourts, a physical barrier such as a rope should be used to mark the boundary of the area outside the premises where customers are allowed.</p> <p>(c) Limit the number of smokers permitted outside at any one time after a certain time.</p> <p>(d) Discourage smokers from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time.</p> <p>(e) Locate smoking areas away from residential premises.</p> <p>(f) Do not permit customers to congregate on and block the public highway to passers-by.</p>
<p><b>Noise from staff and entertainment providers leaving the premises</b></p>	<p><b>PN15</b> Staff and performers who depart late at night or in the early hours on the morning when the business has ceased trading, should conduct themselves in such a manner as to avoid causing disturbance to nearby residents. This includes the loading and unloading of artists' equipment.</p>



<p><b>Noise and disturbance caused by deliveries, collections and waste disposal</b></p>	<p><b>PN16</b> Commercial deliveries, collections and storage/ disposal of waste, including beer deliveries, refuse collections and storage / disposal of waste and recyclables in external areas should be restricted to normal working hours between 8am and 6pm Monday to Friday.</p>
<p><b>Litter and waste around the premises</b></p>	<p><b>PN17</b> (a) Flyers should not be distributed outside the premises by the licence holder or any staff employed by the licence holder.</p> <p>(b) Licence holders should ensure that promoters of events at their premises do not distribute flyers outside the premises.</p> <p><b>PN18</b> (a) Procedures should be in place for the prompt collection of street litter generated by the premises for example flyers, cigarette butts or food wrappers.</p> <p>(b) Regular patrols of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.</p> <p>(c) Use wall or floor mounted cigarette bins in designated smoking areas for customers.</p>
<p><b>Disturbance from external lighting</b></p>	<p><b>PN19</b> External lighting for the premises should be turned off after the premises are closed to the public.</p>
<p><b>Noise or odours from plant and machinery</b></p>	<p><b>PN20</b> Plant and machinery should not cause nuisance to local residents by way of noise, odours or vibration. Acoustic measures such as screening, enclosures, anti-vibration mounts, silencers or timing clocks should be used if necessary.</p>

## Protection of children from harm

This section provides guidance on best practice for the protection of children from harm at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the protection and management of children from harm at their premises after a licence has been granted.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks of harm to children attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing the well being of children at their premises.

All applications for new licences and variations should address the steps proposed to protect children from harm and this is best achieved through a premises risk assessment.

Licence holders should have clear documented policies and procedures in place which identify all age restricted risks at their premises and measures implemented to prevent, manage and respond to those risks.

Risk	Best practice measure
<p><b>Children accessing licensed premises</b></p>	<p><b>CH1</b> (a) A documented Safeguarding policy setting out measures to protect children from harm should be in place at the premises. The policy should consider all activities associated with the premises including the sale of alcohol and the provision of regulated entertainment and when children should be allowed on or restricted from the premises.</p> <p>(b) All staff including door staff and bar staff should be trained on the policy.</p> <p><b>CH2</b> (a) Restrict access to children depending on the nature of the business and / or circumstances.</p> <p>(b) The admission of children can be restricted up until a specified time in the evening.</p> <p>(c) The admittance of children can only be permitted if they are accompanied by an adult.</p>
<p><b>Underage sales of alcohol</b></p>	<p><b>CH3</b> (a) Operate a strict 'No ID – No Sale' policy. 'Challenge 21' scheme serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol.</p>

**Underage sales  
of alcohol (cont)**

(b) A „Challenge 25“ scheme gives staff additional support and encouragement to ask for ID from any person appearing to be under 25 years of age to prove that they are over 18.

(c) Only accept photographic driving licences, passports or PASS (Proof of Age Standards Scheme) cards approved as means of ID. If you accept other forms of ID such as EU National ID cards, these must bear a photograph, date of birth and holographic mark.

(d) Use till prompts to remind staff to ask for proof of age.

(e) Prominently advertise the scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.

**CH4** Display posters at the premises stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales).

**CH5** Adverts or promotions for alcohol should not appeal to young persons.

**CH6** (a) Keep a refusals book (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18.

(b) The book should contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused.

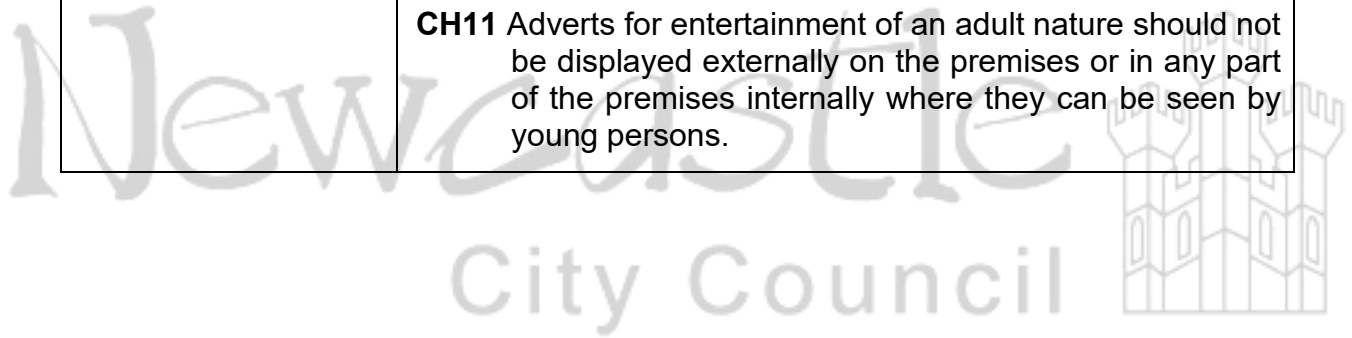
(c) The book should be made available to Police and authorised Council officers on request

(d) The book should be reviewed on a regular basis to see if any patterns emerge.

**CH7** (a) Staff training in the age-related sections of the Licensing Act 2003 should be provided to all door, bar and till staff. This includes the ability to competently check customers' identification where necessary.

(b) A record should be kept of the date and name of person trained.

<p><b>Access to age restricted films</b></p>	<p><b>CH8</b> (a) Adequate provisions for restricting children from viewing age restricted films should be in place at the premises.</p> <p>(b) Staff should be trained to check ages at point of sale and prior to entry to a screening room to ensure that admission of children to films is in accordance with the recommendations of the <b>British Board of Film Classifications</b> (BBFC).</p>
<p><b>Access to age restricted gaming machines</b></p>	<p><b>CH9</b> Age restricted gaming or vending machines should have suitable signage setting out the age restrictions and should be in full view of staff for monitoring.</p>
<p><b>Access to entertainment of an adult nature</b></p>	<p><b>CH10</b> (a) Children under the age of 18 should be excluded from the premises or part of the premises when specified activities such as adult entertainment are taking place.</p> <p><b>CH11</b> Adverts for entertainment of an adult nature should not be displayed externally on the premises or in any part of the premises internally where they can be seen by young persons.</p>



Information sources used in the preparation of this guide:

Association of Licensed Multiple Retailers (ALMR) (incorporating  
BEDA – Bar Entertainment and Dance Association)

<http://www.almr.org.uk>

British Beer and Pub Association (BBPA)

(Licensed Property: Noise Control, Managing Safety in Bars, Clubs and Pubs)

<http://www.beerandpub.com>

British Institute of Innkeeping (BII)

<http://www.bii.org>

Department for Communities and local government (DCLG)

<http://www.communities.gov.uk>

Drinkaware

<http://www.drinkaware.co.uk>

Health and Safety Executive

<http://www.hse.gov.uk>

Home Office (alcohol and drugs)

(Home Office guidance issued under S182 of the Licensing Act 2003, Home Office practical guidance for preventing and dealing with alcohol related problems, Alcohol Strategy 2012)

<http://www.homeoffice.gov.uk/drugs/>

Institute of Acoustics

<http://www.ioa.org.uk>

National Counter Terrorism Security Office (NaCTSO)

(Security advice for bars, pubs and nightclubs)

<http://www.nactso.gov.uk>

The Portman Group

<http://www.portmangroup.org.uk>



# **Newcastle City Council Licensing Authority**

## **Statement of Licensing Policy 2023 - 2028**

Safe, Sensible and Social:

A City with Cultural Vibrancy

### **APPENDIX 3**

#### **Environmental Best Practice**

Newcastle  
City Council



## **Licensed Premises Environmental Best Practice**

### **Aim**

The high density of licensed venues in the city means that it is important for us to consider the current and future impact on our environment and the ways in which the environmental impact can be minimised.

Licensed premises in Newcastle upon Tyne make up a significant part of the local economy, and they can make just as much of a contribution to creating a cleaner and greener city as any other part, by not only meeting their regulatory duties, but by following best practice including:

- Minimising waste and following the waste hierarchy of reduce, reuse, recycle.
- Improving energy efficiency in heating, cooling and use of power.
- Reducing the traffic on our roads as a result of business use e.g. freight and servicing.

### **Minimising waste**

Minimising waste, especially of single use, non-recyclable materials, is an important step to reducing the environmental impact of licensed premises. It can also help a business to become more efficient as well as demonstrating its commitment to its customers that it is a sustainable business. In October 2020 it became illegal, with some exceptions, to sell or supply single use plastics such as straws or drink stirrers. You can still supply and sell single-use straws and drink stirrers made from other materials or reusable alternatives.

There are other ways that licensed premises can minimise waste, such as:

- Using online menus instead of printed versions, or where menus and promotional materials are printed, ensuring they are on recycled materials and are not single use
- Allowing members of the public to refill water bottles to reduce plastic bottle waste.
- Improving recycling rates across all aspects of your business, forward facing and back office.
- Training staff on sustainability best practice.
- Reviewing options for reused and upcycled furnishings and fittings.

### **Improving energy efficiency**

increasing energy efficiency across the city will be key to achieving carbon neutrality by 2040??

Many venues will also benefit financially from improving energy efficiency (e.g. 15–20% of a pub's operating costs lies in heating, and converting to LED lighting can save £2,000 per year)<sup>16</sup>. There are a number of ways that licensed venues can improve energy efficiency and tackle the climate emergency, including:

- Procuring energy efficient equipment
- Ensuring lighting is turned off when not in use and is as efficient as possible where used.

- Minimising the use of outdoor heaters and using energy efficient ones where necessary; this also helps to avoid fume emissions which cause a nuisance and contribute to air pollution.
- Closing doors during the colder months to keep heat in.

### **Reducing the traffic on our roads**

Licensed venues increase traffic on Newcastle's roads through deliveries from suppliers and providing takeaways. Both of these can also cause considerable noise nuisance for residents and are often reasons that new license are objected to. Licensed venues can help address the environmental impact of road traffic by:

- Developing and implementing bespoke delivery and servicing plans that minimise traffic.
- Consolidating suppliers and procuring locally.
- Minimising waste and waste collections.
- Avoiding personal deliveries to venues.
- Shifting to low emission vehicles and using courier services that encourage drivers to use vehicles that are less likely to cause noise or air quality nuisances.





# **Newcastle City Council Licensing Authority**

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### **APPENDIX 4**

## **Mandatory Conditions & Other Relevant Legislation**

## **Mandatory Conditions**

### **Supply of Alcohol**

No supply of alcohol may be made under the premises licence –

- a. at a time when there is no designated premises supervisor in respect of the premises licence, or
- b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by someone with a personal licence.

*This condition is added to Premises Licences authorised for the sale of retail of alcohol 'on and off' the premises. This condition took effect on 24 November 2005.*

### **Irresponsible Drinks Promotions**

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

*"Responsible person" is defined in Section 153(4) of the Licensing Act 2003.*

*This condition is added to all Premises Licence and Club Premises Certificates authorised for the sale and supply of alcohol 'on' the premises. This condition took effect on 1 October 2014.*

### **Potable Water**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

*This condition is added to all Premises Licence and Club Premises Certificates authorised for the sale and supply of alcohol 'on' the premises. This condition took effect on 1 October 2014*

### **Age Verification Policy**

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

*This condition is added to all Premises Licence and Club Premises Certificates authorised for the sale and supply of alcohol 'on and off' the premises. This condition took effect on 1 October 2014.*

### **Small Measures**

The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

"Responsible person" is defined in Section 153(4) of the Licensing Act 2003.

*This condition is added to all Premises Licence and Club Premises Certificates authorised for the sale and supply of alcohol 'on' the premises. This condition took effect on 1 October 2014.*

### **Minimum Price**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula  $P=D +(D \times V)$

Where:

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

*This condition is added to all Premises Licence and Club Premises Certificate authorised for the sale and supply for consumption 'on or off' the premises. This condition took effect on 28 May 2014.*

### **Door supervisors**

2. Each of the individuals employed on the Premises to carry out a security activity must be licensed for that purpose by the Security Industry Authority.

*This condition is added to all premises licence where the premises may hire security staff, such as pubs, night clubs. This condition took effect on 24 November 2005.*

## **Films**

Only films that have been classified by the British Board of Film Classification or by any other body designated under section 4 of the Video Recordings Act 1984 may be exhibited on the premises.

The admission of children (ie. persons under 18 years of age) to the exhibition of any film must be restricted in accordance with:-

1. the recommendations made by the bodies specified point above, or
2. any recommendation made by the licensing authority. (Subject to a notification to that effect in respect of the film in question to the holder of the licence by the licensing authority.)

*This condition is added to Premises Licence and Club Premises Certificate where the premises is authorised to show films. This condition took effect on 24 November 2005.*

## **Clubs**

In relation to the supply of alcohol for consumption off the premises, the supply must be made at the time when the premises are open for the purposes of supplying alcohol, in accordance with this certificate, to members of the club for consumption on the premises;

and

any alcohol supplied for consumption off the premises must be in a sealed container; and

any supply of alcohol for consumption off the premises must be made to a member of the club in person.

*This condition is added to Club Premises Certificate where the premises is authorised for the supply of alcohol. This condition took effect on 24 November 2005.*

## **Supply of alcohol form a Community Premises**

(Note: The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence)

Every supply of alcohol under the premises licence must be made or authorised by the [management committee/management board /board of trustees]

## **Other Relevant Legislation**

### **Gambling Act 2005**

The council is the Licensing Authority for the City of Newcastle upon Tyne under the Gambling Act 2005. As a Licensing Authority the council has powers to regulate the local provision of gambling to granting, refusing and attach conditions to premises licences and review premises licences and attaching conditions or revoking them as a result. There is a requirement to develop, consult on, and publish a statement of licensing policy every three years with regards to the principles we propose to apply in exercising our functions under the

Gambling Act 2005.

### **Planning legislation and building regulations**

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Paragraph 13.57 of Revised Guidance makes it clear that licensing committees are not bound by decisions of the planning committee and vice versa. The grant or variation of a licence by the licensing committee which involves a material alteration to a building would not relieve the applicant of the need to apply for and obtain any relevant planning permission or building regulation approval where appropriate before operating under the terms of the licence or Temporary Event Notice (Revised Guidance, paragraphs 13.57 and 13.58).

### **Health and Safety at Work Act 1974 and associated legislation**

The council is the administrative and enforcement authority for this legislation for almost all premises in the city. Where responsibility for health and safety administration is designated to another body, such as the Health and Safety Executive, the council will work in partnership with that body to promote health and safety improvements.

### **Human Rights Act 1998**

The council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licence holder to operate his business without undue interference (Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

### **Equality Act 2010**

Newcastle recognises that the Equalities Act places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not share it.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion and belief, sex, and sexual orientation.

### **Crime and Disorder Act 1998 Section 17**

This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states, *“Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”*

Therefore, this Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objective of the prevention of crime and disorder fulfils the requirement under this Act.

### **The Anti-social Behaviour, Crime and Policing Act 2014**

The Act introduced a wide range of powers available to the Police and local authorities to tackle anti-social behaviour, including incidents of crime, nuisance and disorder, which make people's lives a misery. This Act covers noisy neighbours, vandalism, litter and public drunkenness. It has introduced public spaces protection orders which allows a local authority to designate areas within their Borough where certain anti-social behaviour will be prohibited, including drinking. It also gives the Police or local councils the ability to close premises where nuisance and disorder is taking place. They also allow the Police and local authorities to issue Community Protection Notices (CPN's) for a wide range of anti-social behaviour.

### **Environmental Protection Act 1990**

This covers a wide range of types of pollution including noise pollution.

### **Fire safety legislation**

Tyne and Wear Fire and Rescue Service enforce fire safety legislation. This currently includes the Fire Precautions (Workplace) Regulations, the Fire Precautions Act, and the Regulatory Reform (Fire Safety) Order 2005.

### **Merchant shipping legislation**

This applies to vessels that undertake voyages but not to those permanently moored.

### **Sex Establishment legislation**

The Local Government (Miscellaneous Provisions) Act 1982 and the Policing and Crime Act 2009.

### **City of Newcastle upon Tyne Act 2000**

The City of Newcastle upon Tyne Act 2000 regulates Street Trading, Second Hand Goods Dealers and Distribution of Free Literature

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## Appendix 5 – Promotor Protocol





## Background

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

## Obligations that Apply

1. The supply of alcohol can only take place where it is authorised by a premises licence, a club premises certificate or temporary events notice. Where there is an authorisation, the supply must comply with the terms of the authorisations, including conditions.
2. There are a number of people who have obligations to ensure that a licenses premises are properly managed: -
  - a. The premises licence holder (in the case of a premises licence);
  - b. The club (in the case of a club premises certificate);
  - c. The premises user (in the case of a temporary event notice);
  - d. The designated premises supervisor (in the case of a premises licence). Unless the alternative licence condition applies, there must be a designated premises supervisor holding a personal licence (that has not been suspended) in relation to all premises licences at any time when alcohol is supplied;
  - e. Personal licence holders (in the case of a premises licence). Every supply of alcohol under a premises licence must be made or authorised by a personal licence holder;
  - f. The Management Committee of community premises where the alternative licence condition applies. This provides that every supply of alcohol must be made or authorised by the management committee.
  - g. Staff employed to supply alcohol.
3. These people have primary responsibility to ensure that licensed premises are operated in terms and conditions issued by the Licensing Authority.

## Mandatory Conditions

4. There are a number of mandatory conditions that apply to premises licences and club premises certificates that establish minimum requirements in the way that alcohol is sold.

Responsibility for ensuring that these mandatory conditions are adhered to are placed on the “responsible person” – the premises licence holder, the designated premises supervisor or someone over 18 authorised by them.

The mandatory conditions cover:-

- a. Banning irresponsible promotions;
- b. Alcohol not to be dispensed directly into the mouth;
- c. Provision of free tap water suitable for drinking;
- d. Requirement of an age verification policy;
- e. Opportunity to choose smaller measures.

See Appendix 4 for a full list of mandatory conditions.

### **Enforcement - Offences**

5. To encourage compliance with these obligations, there are a number of offences for which these persons can be prosecuted:
  - a. Carrying on or attempting to carry on an unauthorised licensable activity – 6 months' imprisonment or a fine of £20,000 or both.
  - b. Knowingly allowing a licensable activity to be carried on without authorisation – 6 months' imprisonment or a fine of £20,000 or both.
  - c. Allowing disorderly conduct on licenses premises – level 3 fine.
  - d. Selling or attempting to sell alcohol to a person who is drunk – level 3 fine.
  - e. Sale of alcohol to children – level 5 fine.
  - f. Allowing the sale of alcohol to children – level 5 fine.
  - g. Persistently selling alcohol to children - £20,000 fine.
  - h. Allowing consumption of alcohol by children – level 5 fine.
  - i. Delivering of alcohol to children – level 5 fine.
  - j. Unsupervised sales by children – level 1 fine.

### **Enforcement – Closure Orders**

6. There are various powers to make closure orders:
  - a. Magistrates' Closures Orders – closure of premises in a geographical area where there is expected to be disorder.

- b. Police Closure Orders – closure of identified premises for disorder and public safety or prevention of noise nuisance & subsequent review.
- c. Police Closure Notices – identified premises for persistently selling alcohol to children.
- d. Closure Notices and Closure Orders – closure of identified premises for unauthorised sale of alcohol.

### **Enforcement - Review**

7. There is also power for a responsible authority or any other person to apply for a review of a premises licence or a club premises certificate. Where an application is made there will be a hearing.

On review the Licensing Sub-Committee have the powers to:

- modify the conditions (permanently or temporarily for up to three months)
- exclude a licensable activity/qualifying club activity from the scope of a licence (permanently or temporarily for up to three months)
- remove a designated premises supervisor
- suspend a licence for up to three months
- revoke the licence or withdraw a certificate

### **Ensuring the Proper Operation of the Premises**

8. The council will take robust action to ensure that premises are operated properly and do not harm the licensing objectives.
9. In particular, where the licence holder allows a third party to operate from the premises, the council will expect licence holders and designated premises supervisors to ensure that the premises are operated properly and do not harm the licensing objectives.
10. The council considers that licence holders and designated premises supervisors cannot simply wash their hands of their responsibilities by allowing other persons or organisations to operate from the premises. Licence holders and designated premises supervisors will remain responsible for ensuring the proper operation of the premises.
11. Licence holders and designated premises supervisors should consider whether such premises are appropriately supervised by a personal licence holder employed by them at all times.
12. They should ensure that the arrangements with the promoters are properly documented in a contract that identified the respective responsibilities and the provision of named personal licence holders present throughout the promotion.
13. Licence holders and designated premises supervisors should monitor and ensure that the premises are operated properly throughout the promotion.
14. Licence holders and designated premises supervisors should ensure that should difficulties arise there can be no dispute as to who was responsible for the management

of the premises at the time in question. If there is any uncertainty, the council will consider that responsibility will lie with the licence holder and the designated premises supervisor.

### **Promoted Events - Ensuring the Proper Operation of the Premises**

15. Premises licence holders that utilise promoters should comply with the following:

- have a comprehensive risk assessment undertaken by the licence holder and submitted to the Licensing Authority at least 14 days in advance of the proposed event.
- Use promoters that have obtained **the BIIAB level 2 for Small Scale Promoters**
- In the event that a problem should arise during a promoted event, it should be documented by the licence holder and it is expected that a debrief form will be provided to the **Licensing Authority**.



# Promotor Protocol – Annex A

## Highfield Accreditation Programme

### Introduction

Premises licence holders often allow other organisations, individuals or promoters to use or operate on their licensed premises. The intention of this protocol is to provide promoters with appropriate training with the outcome of an accreditation from Highfield In turn this is aimed at providing licensees with some assurances of promoter reputability to avoid any negative impact at the end destination/promoted venue.

### The Aim

The programme is aimed at individuals who are wishing to provide promotional services in the hospitality trade.

### Course content

- Module 1 - An introduction to small event planning
- Module 2 - Types of event
- Module 3 - Core knowledge required prior to planning an event
- Module 4 - The event planning process
- Module 5 - The event management plan
- Module 6 - Steps in planning an event
- Module 7 - Marketing and customer services

### Highfield Accreditation Programme Content

#### Module 1 - Introduction to small event planning

- 1.1 Introduction to small event planning
- 1.2 Why there is a need to plan for future events.
- 1.3 The concept of events within the present-day perspective and be aware of the reasons for change.
- 1.4 The role of the promoter within the context of events.
- 1.5 Develop effective working relationships with others.
- 1.6 As a promoter be able to work effectively with others.
- 1.7 Seek, give and respond to feedback.
- 1.8 Understand and accept ownership and responsibility when promoting events
- 1.9 Work effectively with other licence holders and landowners in a creative and cultural context.
- 1.10 Additional areas to include in this Module
  - Culpability, Negligence,
  - Lawful Duties
  - Moral and ethical duties.
  - Duty of care

#### Module 2 - Types of Event

- 2.1 The different types of small-scale events.
- 2.2 Evaluate the implications of small-scale events on the locality and in particular

- understanding both customer and area demographics, and timing.
- 2.3 Have a clear understanding of the need to promote each event on its own individual merits.
- 2.4 Additional areas to include in this Module
- Sporting club teams
  - Universities
  - LGBMT

### **Module 3 – Understand the core knowledge**

- 3.1 The Licensing Act and its permissions in relation to promoting events.
- 3.2 Identify and risk assess and promote the licensing objectives.
- 3.3 Ensure compliance with the licensable activities.
- 3.4 The requirement to ensure compliance during promotions of the responsibilities surrounding the act.
- 3.5 Collate relevant sources of information for a licence application.
- 3.6 Identify the hazards and evaluate the risks during the promotion of any small-scale event.
- 3.7 Reduce the risks of health and safety during the promotion of small-scale events.
- 3.8 Reduce the risks of health and safety in small scale events.
- 3.9 The importance of safeguarding children and young people and associated responsibilities and procedures.
- 3.10 The importance of information sharing.
- 3.11 Develop and implement an effective Traffic management plan.
- 3.12 The need to risk assess and implement a robust crowd management plan.
- 3.13 Additional areas to include in this Module
- The Licensing Objectives
  - The Licensing Activities
  - Tens Limitations
  - Ownership of licence
  - Alcohol sales points
  - On or Off sales
  - Noise Management plan
  - Noise breakout, direction of speakers, citing of stage or sound source.
  - Noise Abatement notice
  - Residents / Resident Groups
  - MP's, Councillors, and Parish Councils.
  - Letter drops
  - Early Engagement
  - Crowd Management Policy based on HSE guidelines
  - HASAW, fresh and foul water disposal
  - First aid provision / Ambulance access of ambulances in an emergency
  - Fire Safety Plan and access of appliances in an emergency
  - Traffic Management plan.
  - Car Parking
  - Road closures
  - Steward Deployment plan and expectations in relation to the event and at times of emergency.
  - Capacity and evacuation plan

- Food Safety
- Electrical/Gas certificates.
- Full Liability insurance cover.
- Risk assessment

#### **Module 4 - The Event Planning Process**

- 4.1 The importance of time managing the promotion of the event and setting specific time parameters on implementing future events.
- 4.2 Suitability of the venue
- 4.3 Prepare for unforeseeable risks and adapt accordingly
- 4.4 The importance of working with the event suppliers and ensuring that effective risk assessments are in place in relation to their operation.
- 4.5 Understand the importance and legal requirement of developing of developing and emergency plan.
- 4.6 Understand the importance of the need to continually monitor risks throughout your event by creating a checklist and having a nominated individual/s responsible for checking at regular intervals.
- 4.7 Prepare and present a clear and competently implemented paper trail to support the decision-making process.
- 4.8 Areas to include in this Module
  - Planning times and preparation
  - Day, Date, Time and impact of event
  - Cross event impact.
  - Location of event
  - Consultation
  - SAGs
  - Toilets / Water provision
  - Restrictions or covenants on land
  - Camping or glamping controls (including theft and fire prevention)
  - Transport Infrastructure, equipment and structural access.
  - Perimeter control
  - Capacity
  - Copyright, PRS & PPL
  - Vulnerability, Drunkenness, Lost / Found Persons
  - Control of drug access and misuse.
  - Pub Crawls / Drinking games
  - CCTV / GDPR

#### **Module 5 - The Event Management Plan**

- 5.1 Understand the content of a basic EMP on the basis of knowledge gained within modules 3 and 4.
- 5.2 Areas to include in this Module
  - The contents of the sample plan attached

## **Module 6 - Steps in Planning in Event – A Desktop Exercise.**

- 6.1 Candidates will demonstrate their understanding of each of the core event planning areas, namely planning & execution, monitoring, controlling and closing both in isolation and as a link in the event planning chain where each element must be given equal priority.  
The candidates will undertake a desktop exercise around a locally based theme to demonstrate their awareness and understanding of the promoter's role and responsibility.
- 6.2 Areas to include in this Module
- Sample EMP
- Identifying areas for development and learning skills.

## **Module 7 - Marketing and Customer Services**

- 7.1 Candidates must understand the need to effectively time plan the marketing strategy of their promotion.
- 7.2 Understand the importance and impact of marketing through Social media or online.
- 7.3 Understand the impact of marketing for customers using physical promoters.
- 7.4 Areas to include in this Module
- Social Media
  - Online
  - Physical / In person
  - Tabloids and posters
  - Flyers
  - Targeted advertising of events
  - Ticket sales and capping event numbers
  - Letter drops
  - Door to door





# **Newcastle City Council Licensing Authority Statement of Licensing Policy 2023 - 2028**

Safe, Sensible and Social:

A City with Cultural Vibrancy

## **PROTOCOL A – Publicity for licensing applications**



## PROTOCOL (A) – PUBLICITY FOR LICENSING APPLICATIONS

### Purpose

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

### Statutory requirements

1. The applicant has to give notice of any application to the Licensing Authority and pay the required fee. There are detailed requirements as to what should be included with an application as set out by the Licensing Act 2003 and regulations made under this act.
2. The statutory requirements to give publicity to licensing applications vary depending on how the application is made (electronically or in paper form). There are obligations placed on the applicant and the Licensing Authority which differ according to the type of licensing application that is being made.
3. The requirements may involve site notices, press notices and notices on the council's website. The aim is to ensure that those who may be affected by an application have an easy means of finding out about applications and so be able to make representations in the prescribed time limits.
4. The requirements are contained in the Licensing Act 2003 and regulations; mainly the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2006 (as amended) (SI 2005 No 42).
5. Annex A, B and C summarise the requirements.
  - Annex A - provisions about site notices, press notices and notices on the internet.
  - Annex B - provisions about notifications to responsible authorities, the police and other persons.
  - Annex C - provisions about Temporary Event Notices.
6. You are advised to refer to the Act and Regulations for the definitive provisions.

### The Council's Website

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

<https://portal.newcastle.gov.uk/> or

by accessing the main website [www.newcastle.gov.uk](http://www.newcastle.gov.uk) and clicking on "Services", then "Licences and Permits", "Public Access Licensing" and finally "View Licensing Applications". You will then be given the option to register or "view the register". There are different search options.

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

### **Additional Publicity**

9. We think it is important to ensure that everyone likely to be interested in an application is aware of it and therefore notify councillors and neighbours. This is additional discretionary publicity that we choose to give to applications.

It is important to stress that neither the Act nor the Regulations impose any statutory duty on a licensing authority to advertise an application, or to take any steps to notify anyone affected by it that an application has been made (other than what is set out in the Annexes).

### **Councillors**

10. We will send details of applications to councillors representing the ward in which the premises are situated. We notify them of all new applications, variations and reviews.

### **Neighbours**

11. We will notify neighbouring residents and businesses about:

- Applications for a new premises licence;
- Applications to vary a premises licence;
- Applications to review a premises licence;

12. Where notice is given it will be by letter.

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

- a. The starting point will be to write to occupiers of premises that fall within a circle with a radius of 30 metres drawn from a point at the centre of the premises.
- b. Where premises are split by the circle (e.g. a block of flats, groups of office units), the occupiers of all the premises in the block etc. will be written you.
- c. The Licensing Officer will consider whether the extent of the circle should be properly extended or reduced. This will depend on the following factors
  - character of the area,
  - the type of licensable activity,
  - the extent of existing crime, disorder and nuisance,
  - pedestrian and vehicle flows, and
  - the likely impact of the application on the licensing objectives.

14. If you consider that there should have been wider consultation, contact the case officer or email [licensing@newcastle.gov.uk](mailto:licensing@newcastle.gov.uk) your views will be considered.

Please note the Licensing Authority has no power to extend the statutory time during which representations can be made.



## Annex A – Public Notices

Type of Application	Site Notice	Press Notice	LA Website	Additional Contents of Notice
Application for Premises Licence (section 17)	✓ How – <input type="radio"/> Contents – <input type="radio"/>	✓ How – <input type="radio"/> Contents – <input type="radio"/>	✓ How - <input type="radio"/> Contents – <input type="radio"/>	Statement of the relevant licensable activities which it is proposed will be carried on on or from the premises.
Application for a provisional statement (section 29)	✓ How – <input type="radio"/> Contents – <input type="radio"/>	✓ How – <input type="radio"/> Contents – <input type="radio"/>	✓ How - <input type="radio"/> Contents – <input type="radio"/>	State that representations are restricted after the issue of a provisional statement.  Where known, may state the relevant licensable activities which it is proposed will be carried on on or from the premises.
Application to vary a premises licence (section 34) (except where the only variation is the inclusion of the alternative licence condition)	✓ How – <input type="radio"/> Contents – <input type="radio"/>	✓ How – <input type="radio"/> Contents – <input type="radio"/>	✓ How - <input type="radio"/> Contents – <input type="radio"/>	Briefly describe the proposed variation.
Application for a club premises certificate (section 71)	✓ How – <input type="radio"/> Contents – <input type="radio"/>	✓ How – <input type="radio"/> Contents – <input type="radio"/>	✓ How - <input type="radio"/> Contents – <input type="radio"/>	Statement of the relevant qualifying club activities which it is proposed will be carried on on or from the premises.
Application to vary a club premises certificate (section 84)	✓ How – <input type="radio"/> Contents – <input type="radio"/>	✓ How – <input type="radio"/> Contents – <input type="radio"/>	✓ How - <input type="radio"/> Contents – <input type="radio"/>	Briefly describe the proposed variation.

Type of Application	Site Notice	Press Notice	LA Website	Additional Contents of Notice
Minor variation of a premises licence (section 41A)	✓ How – ○ Contents – ○			Prescribed Heading “Licensing Act 2003: Minor Variation of Premises Licence”.
Minor variation of a club premises certificate (section 86A)	✓ How – ○ Contents – ○			Prescribed Heading “Licensing Act 2003: Minor Variation of Club Premises Certificate”.
Application for a review of a premises licence (section 51)	✓ How – ○ How long - ★ Contents – ○		✓ How – ○ How long - ★ Contents – ○	
Application for a review of a club premises certificate (section 87)	✓ How – ○ How long - ★ Contents – ○		✓ How – ○ How long - ★ Contents – ○	
Summary review of premises licence: serious crime and disorder (section 53A)	✓ How – ○ How long - ★ Contents – ○		✓ How – ○ How long - ★ Contents – ○	The dates for making representations shall be between the date of the first working day after the day on which the notice was published and the date of the ninth subsequent working day AND The grounds of the review shall be that in the opinion of a senior police officer the premises are associated with serious crime or serious disorder or both.

Type of Application	Site Notice	Press Notice	LA Website	Additional Contents of Notice
Review of premises following closure order (section 167)	<input checked="" type="checkbox"/> How – <input type="checkbox"/> How long - <input checked="" type="checkbox"/> Contents – <input type="checkbox"/>		<input checked="" type="checkbox"/> How – <input type="checkbox"/> How long - <input checked="" type="checkbox"/> Contents – <input type="checkbox"/>	



## Annex B –Notification to Responsible Authorities and others

Type of Application	Electronic Applications	Non-electronic applications
Application for premises licence (section 17)	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>
Application for a provisional statement (section 29)	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>



Type of Application	Electronic Applications	Non-electronic applications
Application for variation of a premises licence (section 34)	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>
Application for a minor variation of a premises licence (section 41A)	✓ To Responsible Authorities (if considered necessary) How - <input type="radio"/> What - <input type="radio"/>	✓ To Responsible Authorities (if considered necessary) How - <input type="radio"/> What - <input type="radio"/>
Application for a club premises certificate (section 71)	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>

<b>Type of Application</b>	<b>Electronic Applications</b>	<b>Non-electronic applications</b>
Application for variation of a club premises certificate (section 84)	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>
Application for a minor variation of a club premises certificate (section 86A)	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>	✓ To Responsible Authorities How - <input type="radio"/> What - <input type="radio"/>
Application for a review of a premises licence (section 51)	The Licensing Authority is responsible for giving notice of applications (see column 3)	✓ To Responsible Authorities To Holder of Premises Licence How - <input type="radio"/> What - <input type="radio"/>

Type of Application	Electronic Applications	Non-electronic applications
Application for a review of a club premises certificate (section 87)	The Licensing Authority is responsible for giving notice of applications (see column 3)	✓ To Responsible Authorities To the Club How - ○ What - ○
Summary review of premises licence: serious crime and disorder (section 53A)	N/A	✓ To Responsible Authorities To Holder of Premises Licence How - ○○ What - ○
Review of premises following closure order (section 167)	N/A	✓ To Responsible Authorities To Holder of Premises Licence How - ○○ What - ○

Type of Application	Electronic Applications	Non-electronic applications
Application for the inclusion of the alternative licence condition with an application for a premises licence (reg 10(2))	✓ To the Police How - ○○ What - ○	✓ To Police How - ○○ What - ○
Application for the inclusion of the alternative licence condition with an application to vary a premises licence (reg 12(2))	✓ To the Police How - ○○ What - ○	✓ To Police How - ○○ What - ○
Application to vary a premises licence solely to include the alternative licence condition (reg 13A)	✓ To the Police How - ○○ What - ○	✓ To Police How - ○○ What - ○
Application to vary a premises licence to specify an individual as premises supervisor (section 37)	✓ To the Police To the Designated Premises Supervisor (if any) How - ○○ What - ○	✓ To Police To the Designated Premises Supervisor (if any) How - ○○ What - ○

Type of Application	Electronic Applications	Non-electronic applications
Application for the transfer of a premises licence (section 42)	✓ To the Police How - ○○ What - ○	✓ To Police How - ○○ What - ○
The giving of an interim authority notice (section 47)	✓ To the Police How - ○○ What - ○	✓ To Police How - ○○ What - ○

How - ○	<b>By Licensing Authority</b> <ul style="list-style-type: none"> <li>No later than the first working day after the application was given to the authority.</li> </ul>
What - ○	1. Copy of the application together with any accompanying plan or document.
How - ○	<b>By the Applicant</b> <ul style="list-style-type: none"> <li>On the same day as the day on which the application was given to the authority.</li> </ul>
What - ○	1. Copy of the application together with its accompanying plan, document or other information.
How - ○	<b>By the Applicant</b> <ul style="list-style-type: none"> <li>On the same day as the day on which the application for review was given to the authority.</li> </ul>
What - ○	1. Copy of the application for review with its accompanying plan, document and other information/accompanying documents, if any.

How - ○○	<p><b>By Licensing Authority</b></p> <ul style="list-style-type: none"> <li>• Within 48 hours of the time of the receipt of the application.</li> </ul>
What - ○	<ol style="list-style-type: none"> <li>1. A copy of the application and of the certificate given under section 53A(1)(b).</li> </ol>
How - ○○	<p><b>By Licensing Authority</b></p> <ul style="list-style-type: none"> <li>• Within the period of one working day starting on the day after the day on which the authority received the notice under section 165(4) from the magistrates' court.</li> </ul>
What - ○	<ol style="list-style-type: none"> <li>1. Notice of the review, dates between which responsible authorities and any other persons may make representations, the closure order and any extension of it, any order made under section 165(2).</li> </ol>
How - ○○	<p><b>By Licensing Authority</b></p> <ul style="list-style-type: none"> <li>• On the first working day after the application was given to the authority.</li> </ul>
How - ○○	<p><b>By the Applicant</b></p> <ul style="list-style-type: none"> <li>• On the same day as the day on which the application was given to the authority.</li> </ul>
What - ○	<ol style="list-style-type: none"> <li>1. Copy of the application or notice together with its accompanying documents (if any).</li> </ol>

## Annex C – Temporary Event Notices

Type of Temporary Event Notice	Electronic Notices	Non-Electronic Notices
Standard TEN	<p>(1) No later than 10 working days before the date on which the event period begins</p> <p><b>By the Applicant</b> to the:</p> <ul style="list-style-type: none"> <li>• Licensing Authority</li> </ul> <p>(2) No later than the end of the first working day after the day on which the notice was given to the authority</p> <p><b>By the Licensing Authority</b> to</p> <ul style="list-style-type: none"> <li>• Police</li> <li>• Environmental Health</li> </ul>	<p>No later than 10 working days before the date on which the event period begins</p> <p><b>By the Applicant</b> to the:</p> <ul style="list-style-type: none"> <li>• Licensing Authority</li> <li>• Police</li> <li>• Environmental Health</li> </ul>
Late TEN	<p>(1) No later than 5 working days, but no earlier than 9 working days before the date the event period begins</p> <p><b>By the Applicant</b> to the:</p> <ul style="list-style-type: none"> <li>• Licensing Authority</li> </ul> <p>(2) No later than the end of the first working day after the day on which the notice was given to the authority</p> <p><b>By the Licensing Authority</b> to</p> <ul style="list-style-type: none"> <li>• Police</li> <li>• Environmental Health</li> </ul>	<p>No later than 5 working days before the day on which the event period begins:</p> <p><b>By the Applicant</b> to the:</p> <ul style="list-style-type: none"> <li>• Licensing Authority</li> <li>• Police</li> <li>• Environmental Health</li> </ul> <p>AND it is given to at least one of those persons no earlier than 9 working days before the day on which the event period begins.</p>

# Newcastle City Council Licensing Authority

## Statement of Licensing Policy 2023 - 2028

Safe, Sensible and Social:

A City with Cultural Vibrancy

### **PROTOCOL B – How to make representations**





## Representations are Important in the Licensing System

1. In most cases, if no relevant representations are made, the Licensing Authority is obliged to grant an application for a new licence or an application to vary an existing licence. If there are no relevant representations, the Licensing Authority has no discretion to decide whether an application for a new licence or variation to an existing licence should be granted.

The only exception is for application for minor variations where the licensing authority's discretion not to grant it is not dependent on receiving representations.

2. The Licensing Authority power to impose conditions is also limited. It can ensure that the appropriate mandatory conditions are correctly applied to any licence granted. In addition it can ensure that any additional conditions, that are consistent with the operating schedule that the applicant submitted with the application, or that the applicant has agreed with responsible authorities and interested parties throughout the prescribed consultation period.

### Who can make representations?

3. Representations can be made by a **responsible authority**<sup>30</sup> or any other person.

### Can representations object or support an application?

4. Yes – the term is “representations” not “objections” or “support”.
5. The Licensing Authority wants your views whether you support or oppose an application. Both points of view will be taken into account and will allow a decision to be taken in light of all relevant considerations.
6. A sole relevant representation will trigger a hearing. If the only relevant representations are in support, it is possible that the applicant will ask you to withdraw your representation or agree that a hearing is unnecessary, so that the Licensing Authority can proceed quickly to grant the application.

### How will I know about applications that I may be interested in?

7. **Protocol A**<sup>31</sup> sets out details of the various steps that will be taken to give publicity to licensing applications. Depending on the type of application, these steps may include:-
  - Site Notice
  - Press Notice
  - Details on the council's website
  - Notification to responsible authorities
  - Notification to ward councillors
  - Neighbour notification.

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<sup>30</sup> [Protocol G](#)

<sup>31</sup> [Protocol A](#)

## Is there a time limit for making representations?

8. Yes – this is **very important**. If you do not submit your representations within the prescribed time limit, it is unlikely that your representations can be considered. Even if in the particular circumstances it can be considered, you will not be a party to the application and will not have a right to appear at a hearing or appeal to the magistrates' court.
9. Protocol B sets out in detail the time limits for making representations. The deadline will be stated in the notices and on the council's website. Broadly, you will have 28 consecutive days or 10 working days in the case of a minor variation or 7 days in the case of a review following a closure order. The timetable starts on the day after the day on which the application was given to the Licensing Authority.

## Can I make anonymous representations?

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

## How can I make a representation?

11. Your representation must reach us within the time limit.
12. Your representation must be sent in writing, by email or through the council's website. You do not have to send us a hard copy of representations made by email or through the Council's website.

## Can you disregard my representation?

13. We can disregard a representation if it does not fall with the definition of a "relevant representation".
  - It must be "about the likely effect of the grant on the promotion of the licensing objectives".
  - It must be made within the prescribed time limit.
  - It must not have been withdrawn by you.
  - If you are not a responsible authority, it must not be, in our opinion, frivolous or vexatious.
  - Only the chief officer of police can make a representation about the identity of the proposed designated premises supervisor.
  - There are restrictions on making representations following the issue of a provisional statement if they could have been made in respect of the application for the

provisional statement and where there have been no material changes.

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

### **What should my representation cover?**

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

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

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

17. You should also look at our statement of licensing policy which sets out our approach.

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

19. You should also look at the Secretary of State’s statutory guidance on the Licensing Act. Licensing Sub-Committee will have regard to this guidance when making licensing decisions.

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

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

22. Try to be specific to the premises if this is possible.

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

24. Talk to other people about problems that you fear and see if they have any evidence about it (e.g. the police).
25. Keep a diary or photographic evidence of any incidents that you have experienced.
26. We need to be satisfied about the effect on the licensing objectives and one of the ways that you can help us is to show that there is an evidential and causal links between your representations and the effect on the licensing objectives.
27. Try to get other people living the area, or businesses operating near by, or other “responsible authorities” (e.g. the police, environmental health) to back you and provide you with evidence or make representations themselves.
28. Look on our website about what else is going on the area or what applications have been granted or refused in the past. You can look at the specific property history as well as details about other applications in the neighbourhood.
29. Contact your MP or local councillor to see if they will make representations. However, you should not directly contact councillors who are members of Licensing Committee who may be responsible for holding a hearing. If they engage in discussions with you outside a formal hearing, they may not be able to sit on a hearing.
30. If you are unhappy with the proposal, consider whether any amendment or conditions might address your concerns.
31. If you support the proposal, explain how you feel that the proposed application might help to promote the licensing objectives.
32. We hope that you will be willing to discuss your representations with the applicant, responsible authorities and others who have made representations. This is addressed further in **Protocol C**<sup>32</sup>.

### **Ask us**

33. Finally, remember, if you are unsure about the procedure, ask us for advice. We cannot write a representation on your behalf, but we will do what we can to assist.

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<sup>32</sup> [Protocol C](#)

# Newcastle City Council Licensing Authority

## Statement of Licensing Policy 2023 - 2028

Safe, Sensible and Social:

A City with Cultural Vibrancy

### **PROTOCOL C – Disclosure of representations**



## Purpose

The purpose of this Protocol is to set out the Licensing Authority's practice on the disclosure of representations.

## Right to Make Representations

1. Any person can make representations in respect of a licensing application but there are important rules that need to be followed otherwise the Licensing Authority may not be able to take them into account.
2. If the council receives valid "relevant representations" to a licensing application the council must hold a hearing to consider them. If no "relevant representations" are received, the council must grant the application.
3. "Relevant representations" must:-
  - a. Be about the likely effect of the grant or issue on the promotion of the licensing objectives;
  - b. They must be made by a responsible authority or any other person (e.g. a resident, neighbour, business, councillor);
  - c. They must be made within the prescribed period;
  - d. They must not have been withdrawn;
  - e. In the cases of representation made by any person who is not a responsible authority, they must not be frivolous or vexatious in the opinion of the Licensing Authority;
  - f. If they relate to the identity of the proposed premises supervisor, they can only be made by the police and must comply with section 18(9)(b) of the Licensing Act 2003;
  - g. If the application is for a premises licence following the issue of a provisional statement for a similar activity, the representation must not be excluded under section 32 of the Licensing Act 2003, because they could have been made at the time of the application for a provisional statement.

## Time Limits

4. The time limits for making representations are strict. Most representations must be made at any time during a period of 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority (there is a shorter period in the case of reviews following a Closure Order). See example table below.

<b>Day</b>		<b>Examples</b>	
0	Day application given to the Licensing Authority	Tuesday, May 7	Friday, August 9
1	Next day	Wednesday, May 8	Saturday, August 10
...	Count 28 days	...	...
28	Last day to make representations	Tuesday, June 4	Friday, September 6

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

### **What if my representations are late?**

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

### **No one has made any relevant representations in time**

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

### **Somebody has made relevant representations in time and others have made late representations**

- If relevant representations are made by somebody in time, there will usually be a hearing, unless they are withdrawn or unless the Licensing Authority, the Applicant and each person who has made relevant representations in time agree that a hearing is unnecessary.

Anyone who made late representations will not have a right to appear at the hearing except as a member of the public observing the hearing, and the Licensing Authority is not obliged to have regard to their late representations.

- If there is a hearing, the Licensing Authority considers that it has a discretion to consider late representations provided that they are otherwise relevant.

They must be about the effect on the promotion of the licensing objectives and not be frivolous or vexatious. The Licensing Authority feels that if its discretion is engaged, good decision making requires that it considers all material circumstances before a decision is made. The licensing Authority will approach the exercise of its discretion in the following manner:-

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

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

### **Representations must be in writing or email**

10. Representations must be in writing including electronic communication.

### **When are Representation made?**

11. Representations must be made and received by the Licensing Authority within the prescribed period.

- a. If representations are made by e-mail, this will be the time when a clear and legible email is delivered to the Licensing Authority which is capable of being accessed, read and printed.
- b. In the case of a hard document, it must be addressed to the Licensing Authority and left at or sent by post to the Civic Centre.
- c. If the document is left at the Civic Centre, it must be left at the Civic Centre within the prescribed period.
- d. If the document is sent by post, it must be delivered to the Civic Centre within the prescribed period. It must be properly
  - i. addressed
  - ii. with postage (first or second class) pre-paid
  - iii. posted

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



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

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

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

12. The Licensing Authority will consider your representations and decide whether or not they are “relevant representations”.
13. We will consider whether the representation is about the likely effect of the grant or issue on the promotion of the licensing objectives. Representations by a local business person about commercial damage caused by competition would not be relevant. Representations by a local business person that nuisance caused by new premises would deter customers, and the steps proposed to prevent the nuisance were inadequate, would be relevant.
14. If we consider that they are not relevant to the licensing objectives, we will tell you in writing what are our reasons for that decision as soon as possible before making a decision on the application.
15. We will also consider whether or not the representations are frivolous or vexatious. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, without reasonable cause or justification. Frivolous representations would be essentially categorised by a lack of seriousness. They would also cover minor issues in relation to which no remedial steps would be warranted or proportionate.
16. If we consider that they are frivolous or vexatious we will tell you in writing what our reasons for that decision are as soon as possible before making a decision on the application.
17. The fact that we have not rejected a representation at this stage does not mean that we have decided that the representations are justified. It simply means that there will be a hearing at which you, the applicant, responsible authorities and other persons who have made representations will be able to amplify and clarify their views, before a final decision is made.
18. If you disagree with our decision, you may complain through our corporate complaints procedure. You may also challenge our decision by judicial review.

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

19. There are three provisions that mean that your representation may be made public:-

- a. The Licensing Act 2003 (Hearings) Regulations 2005;
- b. Freedom of Information Act 2000, Data Protection Act 1998 and Environmental Information Regulations 2004.

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

20. Under these regulations, we must send copies of all relevant representations to the applicant.
21. The regulations also say that all hearings shall take place in public which means that your representations will usually become public. We can exclude the public from all or part of a hearing where we consider that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

### **Freedom of Information Act 2000, Data Protection Act 1998 and Environmental Information Regulations 2004**

22. These acts and regulations contain further rights to access information held by the Licensing Authority. There are a number of exemptions that may apply. While it is unlikely that anyone would need to rely on this legislation to require access to your representations, since the provisions already referred to are extensive. You should be aware that this legislation could also apply to your representations and require the Licensing Authority to disclose them.

### **Licensing Authority's Approach to Disclosure of Your Representations**

23. The legislation referred to creates a presumption in fairness to the applicant, and in the public interest of transparency and openness, that your representations will be disclosed to the applicant and the public.
24. We will NOT usually EXCLUDE or REDACT any information that is given to the applicant. As a matter of fairness, there is a presumption that an applicant should be fully aware of the details of the persons who has made representations in relation to the application.
25. We will attempt however to EXCLUDE or REDACT certain sensitive information from information that is available for the public but not information that is given to the applicant. This applies to:
  - a. Your signature;
  - b. Your personal telephone number;
  - c. Your personal email address;
  - d. Your postcode;

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

### **Can I request that my details are not disclosed?**

27. We can decide to withhold more of your personal details (such as your name and address) and instead give only minimal details such as, your street name or general location within a street. However, we can only do so where the circumstances justify such action. This will only be in cases where you consider that you or your family might suffer some detriment were the details disclosed.

- You must tell us why you feel that we should do this in writing.
- If we decide that we cannot comply with your request, we will tell you and give you an opportunity to consider your position and/or withdraw your representation before we disclose it.

28. If you are reluctant to make representations because of fears of intimidation or violence if your personal details, such as name and address, are divulged, please tell us.

Where we consider that you have a genuine fear of intimidation and may be deterred from making representation on this basis, we will consider if there is an alternative approach. One solution may be for you to give details to a responsible authority as to how you consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified. These will be exceptional circumstances.

It may not be the case that your fears arise from divulging your details to the applicant; rather they may arise from divulging your details to the public. It may not be the case that you fear intimidation or violence from the applicant but rather from others; but that disclosure to the applicant raises the risk of your details becoming more widely known.  
Again:-

- It is important is that you tell us exactly what your fears are in writing
- If we decide that we cannot comply with your request, we will tell you and give you an opportunity to consider your position and/or withdraw your representation before we disclose it.

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

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

## Am I likely to be contacted if I make representations?

31. After relevant representations are made and before a hearing, applicants may wish to try and understand and/or address issues raised by the representations with a view to agreeing a way forward. This may result in the applicant amending the application or proposing conditions.

The Applicant will often wish to have discussions with persons who have made relevant representations. The Licensing Authority wishes to encourage such mediation with both responsible authorities and other persons. It will be beneficial and enable the hearing to focus on the more important issues where agreement has not been possible.

32. Residents who have made relevant representations may feel uncomfortable about engaging in discussions with applicants or their representatives. Such discussions should be non-confrontational and meditative.

If residents begin to feel uncomfortable with the way the process is going, they are entitled to politely and non-confrontationally terminate the discussions. They can also tell the Licensing Authority about their concerns. We will consider whether we can do anything about the concerns.

33. While we do encourage such discussions:-

- Persons are under no obligation to participate. They may decline to participate at all. They can also discontinue discussions at any time.
- Persons are entitled to state how they want such discussions to take place – by letter, email, telephone conversation or face-to-face discussion and what is the most convenient time.

# Newcastle City Council Licensing Authority

## Statement of Licensing Policy 2023 - 2028

Safe, Sensible and Social:

A City with Cultural Vibrancy

### **PROTOCOL D – Timescales for negotiation**



## Background

The Licensing Act 2003 encourages discussions between applicants, responsible authorities and other persons who have made representations in respect of an application. This will often result in agreement between some of the parties as to the best way forward, this is welcomed by the Licensing Authority.

Often, such discussions are only concluded very late in the day and do not always involve all persons who have made representations. Any scheduled hearings are only vacated if all relevant representations are withdrawn.

Any inconvenience to interested parties maintaining representations is partly a consequence of the strict timetable that exists. All parties can play their part to minimise disruption by early engagement with other interested parties.

## Timetable

1. Regulations set out the timetable that must be followed by the Licensing Authority.
2. The starting point is the day after the end of the period during which representations may be made or notice given (start date).
3. Hearings must start within a prescribed period of time and, if to be held on more than one day, they must be consecutive working days unless all parties agree otherwise.

In most cases, hearings must start within a period of **20 working days** beginning with “the start date”. In some cases it is a shorter period:

- **5 working days** in respect of the cancellation of an interim authority,
  - **7 working days** in respect of a Temporary Event Notice,
  - **10 working days** in respect of reviews following a closure order.
4. Notice of a hearing must be given no later than **10 working days** before the date on which the hearing starts. In some cases it is a shorter period:
    - **5 working days** in respect of reviews following a closure order,
    - **2 working days** in respect of the cancellation of an interim authority or in respect of a Temporary Event Notice.
  5. Parties must give notice to the Licensing Authority whether they intend to attend and/or be represented at the hearing and whether they consider a hearing is unnecessary no later than **5 working days** before the date on which the hearing starts. In some cases it is a shorter period:
    - **2 working days** in respect of reviews following a closure order,
    - **1 working day** in respect of the cancellation of an interim authority or in respect of a Temporary Event Notice.

Parties also have to give notice within these time limits where they wish permission for any other person to appear at the hearing (other than a representative). This means

people such as witnesses and other residents.

6. Representations can be withdrawn by giving notice no later than **24 hours** before the (first) day on which the hearing is to be held. Otherwise, they can only be withdrawn orally at the hearing.
7. The Licensing Authority may dispense with a hearing only if all parties have given notice to the Licensing Authority that they consider a hearing to be unnecessary.
8. The Licensing Authority can extend these time limits where it considers it to be necessary in the public interest. The Licensing Authority may also adjourn a hearing to a specified date, or arrange for the hearing to be convened on specific additional dates where it considers this to be necessary for its consideration of representations or notices.

Its powers to extend the time limits or adjourn are restricted in the case of reviews following a closure order and summary reviews.

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



0	Last date for Representations etc.		20	Mon, 25 Mar
1	START DATE		19	Tues, 26 Mar
2			18	Wed, 27 Mar
3			17	Thurs, 28 Mar
		GOOD FRIDAY		Fri, 29 Mar
				Sat, 30 Mar
				Sun, 31 Mar
		EASTER BANK HOLIDAY		Mon, 1 Apr
4			16	Tues, 2 April
5			15	Wed, 3 April
6			14	Thurs, 4 April
7			13	Fri, 5 April
				Sat, 6 April
				Sun, 7 April
8			12	Mon, 8 April
9			11	Tues, 9 April
10		Last day for notice of hearing	10	Wed, 10 April
11			9	Thurs, 11 April
12			8	Fri, 12 April
				Sat, 13 April
				Sun, 14 April
13			7	Mon, 15 April
14			6	Tues, 16 April
15		Last day for party to give notice to LA	5	Wed, 17 April
16			4	Thurs, 18 April
17		[Aim to complete negotiations]	3	Fri, 19 April
				Sat, 20 April
				Sun, 21 April



18		Last time for withdrawing representations by notice	2	Mon, 22 April
19			1	Tues, 23 April
20	Last date on which hearing must start		0	Wed, 24 April

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

### Target to Complete Negotiations

9. All parties should use their BEST ENDEAVOURS to complete all negotiations no later than **3 working days** before the start of the hearing.
10. They should advise the Licensing Authority on that day of what their final position is. That will allow time for persons to withdraw their representations by notice who wish to do so. It will also allow parties to indicate whether they now consider that a hearing is unnecessary.
11. If an applicant considers that an agreement has been reached, that all persons who made relevant representations will withdraw their representations, and/or that all parties feel that a hearing is unnecessary, they should ensure that the Licensing Authority receives all notices to enable the hearing to be cancelled and the licence granted without a hearing.
12. Unless the Licensing Authority feels it is not necessary, they will advise persons who have made relevant representations of the position **2 working days** before the start of the hearing.

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

### Inclusiveness

13. All parties have equal status in the determination of applications whether they are applicants, responsible authorities, residents, neighbouring businesses or ward councillors; and whether they regularly appear in licensing matters or are appearing for the first time. Interested parties will not be treated more or less favourably than any other, their views and representations will be accorded equal respect.
14. All parties should adopt this approach in their dealings with other parties.
15. Applicants should attempt to negotiate and mediate with all parties with a view to resolving an issue to everyone’s satisfaction.

# Newcastle City Council Licensing Authority

## Statement of Licensing Policy 2023 - 2028

Safe, Sensible and Social:

A City with Cultural Vibrancy

### PROTOCOL E – Hearings

Newcastle  
City Council



## **Purpose of this Protocol**

The purpose of this Protocol is to give guidance to applicants, responsible authorities and other people who have made representations about what to expect at hearings. It supplements the document “Procedure at Licensing Sub-Committee” which is sent to all parties before a hearing.

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

## **Overall Approach**

1. Our overall approach is to conduct a hearing that is:-
  - Fair
  - Open, transparent and accountable
  - Treats everyone equally, whatever their status.

## **When will there be a hearing?**

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

## **Who is a “party” to a hearing?**

3. The Hearing Regulations refer to a “party” or “parties” to a hearing. These people have a special role in relation to a hearing. These are the people to whom we have to give notice of the hearing. They are listed in Schedule 2 to the Hearing Regulations. In the case of an application for a new licence or an application to vary a licence it will be:-
  - The applicant
  - Persons who have made “relevant representations”.
4. We explain in Protocols C and G more details about who can make, what are, and how to make “relevant representations”.
5. We also explain in Protocol C about who we will tell about your representations and what you should do if you have concerns about disclosure of your personal details.
6. Residents and businesses who make a representation to an application and do not withdraw it prior to the Licensing Sub-Committee hearing are encouraged to attend these hearings if possible.

This will allow residents or business the opportunity to hear the applicant's explanation about how they will operate the premises and to enable resident or business to provide elaborate on their representation and if appropriate, to provide additional information and; answer specific questions that the Sub-Committee may have relating to their concerns.

### **When will a hearing take place?**

7. The Hearing Regulations set time limits within which hearings should start. They are set out in Schedule 1 to the Hearing Regulations. In the cases of an application for a new licence or an application to vary a licence, the hearing must be start within 20 working days beginning with the day after the end of the period for making representations. In some cases, the period is shorter.
8. If the hearing is to be held on more than one day, the days must usually be consecutive working days.
9. These are strict time limits and so it will not be possible to accommodate everyone's preferences. However, if there are dates or times that are inconvenient to you or dates or times that are particularly suitable for you, please let us know why as soon as possible (and preferably when you submit your representations). We cannot promise you that we will be able to accommodate your wishes, but we will take them into account.
10. Hearings will usually take place on working days in the daytime via virtual means or at the Civic Centre or other council premises. If you feel that different arrangements should be made, again please let us know why as soon as possible (and preferably when you submit your representations). We will consider what you say.

### **Who will be told about the hearing?**

11. Once a hearing has been arranged, Certain people will be given a notice of hearing stating the date, time and place of the hearing. The people are listed in Schedule 2 to the Hearing Regulations.
12. In the case of an application for a new licence or an application to vary a licence it will be:-
  - The applicant; and
  - Persons who have made "relevant representations".

### **When will people be told about the hearing?**

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

## **What further information is given with the notice of hearing?**

15. In addition to the date, time and place of the hearing, we must also give:-

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

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

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

17. You should tell us:-

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

## **Must there be a hearing?**

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

- The applicant AND each person who has made "relevant representations" agree that a hearing is unnecessary and have given us notice that they consider that a hearing

is unnecessary; and

- We agree that a hearing is unnecessary.

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

### **Can representations be withdrawn?**

20. Any party can withdraw their representation.

21. If you want to withdraw your representation, there are two ways to do this. You must:

- Either give us notice no later than 24 hours before the first day on which the hearing is to be held;
- Or withdraw your representation orally at the hearing.

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

### **Negotiations**

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

24. These are explained further in Protocol D which also suggests target dates for completing negotiations.

### **Our discretions about time limits**

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

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

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

28. If we exercise these discretions, we will give notice to all interested parties.

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

## Who will the hearing be before?

30. The hearing will usually be before a Licensing Sub-Committee. This consists of three councillors who are members of the Council's Licensing Committee. If possible it will be cross-party and include the chair or vice-chair of the Licensing Committee. The members are selected by the Council's Head of Democratic Services by rotation.
31. It is possible for an application to be considered by the full Licensing Committee or full Council. These situations are likely to be very rare. The full Council will only deal with the matter if Licensing Committee is unable to deal with a matter because of the number of members who have a conflict of interest.
32. At meetings of the Licensing Sub-Committee, there will also be a licensing officer, a legal officer and a democratic services officer. Their role is to assist the Sub-Committee but they are not members of the Sub-Committee and do not make the final decision. The final decision is the responsibility of the three councillors.

## Is the hearing in public?

33. All hearings will be in public unless the sub-committee decides to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
34. This means that generally anyone may attend and observe a hearing. Please let us know as soon as possible if you think that a large number of people are likely to attend. This is so that we can ensure that there is sufficient space available.
35. We are likely to exclude the public once everyone has had their say and make our decision in private. We will also exclude parties and their representatives at that time. The only people present will be the three councillors and the three officer-advisors.
36. We can also exclude the public during the hearing itself. This will be where a party wants to present confidential or sensitive information. We will only do this if we think it is in the public interest. If any party wants us to consider doing this, you should tell us as soon as possible.
37. We can also specifically require any person attending the hearing who in our opinion is behaving in a disruptive manner:-
  - To leave the hearing;and we can:
  - Refuse to permit that person to return; or
  - Permit that person to return only on such conditions as we may specify.

Such an excluded person may, before the end of the hearing, submit in writing any

information which they would have been entitled to give orally had they not been required to leave.

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

### **What can parties do?**

38. Parties may attend the hearing.
39. Parties may be assisted or represented at the hearing by any person whether or not that person is legally qualified.
40. Parties may address the hearing.
41. Parties may question any other party, with our permission.
42. Parties may give further information in support of their application or representations, in response to a point of clarification that we have already identified in our notice of the hearing (see paragraph 16).
43. We may ask questions of any party or other person appearing at the hearing.
44. If you want us to take into account documentary or other information produced by you in support of the application or representation, you should send it to us before the hearing. If you only produce it at the hearing, we can only consider it if the other parties consent. You should make sure that the other parties are fully aware of your case well before the date of the hearing; otherwise, if they feel that they have not had sufficient notice, they are likely to apply for an adjournment.
45. However, we are required to disregard any information given by a party or by any other person to whom permission to appear has been given (e.g. a witness) which is not relevant to:-
  - Their application or representation or the application or representation of the party requesting their appearance, and
  - The promotion of the licensing objectives.

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

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

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



- Either, adjourn the hearing to a specified date, where we consider it to be necessary in the public interest;
- Or, hold the hearing in your absence.

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

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

### **How will a hearing proceed?**

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

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

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

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

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

- If a party wants to cross-examine a party, you should first ask our permission. We can only permit cross-examination if we consider that it is required to enable us to consider the representations or application.
- If you feel that you are being cross-examined where permission has not been given, raise the matter with the chair at the hearing.
- The chair of the hearing will intervene to stop cross-examination that has not been authorised.

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

- We will not usually set these maximum periods at the beginning of the hearing;
- We also do not intend to specifically time how long parties spend exercising their rights.
- We will act when parties seem to be bringing in irrelevant matters or are becoming repetitious.
- We reserve the right to impose time limits, if we consider it necessary.

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

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

<b>OUTLINE OF PROCEDURE TO BE FOLLOWED</b>
<ul style="list-style-type: none"> <li>• The Chair will open the meeting and introduce members of the Committee and Officers to all present. The Chair will explain the nature of the decision to be taken and the procedure (as detailed below) to be followed, emphasising that the role of the sub committee is to determine the application in an impartial and even-handed manner, and in accordance with the relevant provisions of the Licensing Act 2003, National Guidance and the Licensing Authority's own policy.</li> </ul>
<ul style="list-style-type: none"> <li>• The Licensing Officer will outline the application together with any relevant representations and their relevance to the Local Authority Licensing Policy Statement and Statutory Guidance.</li> </ul>
<ul style="list-style-type: none"> <li>• Members may ask questions of the Officer.</li> </ul>
<ul style="list-style-type: none"> <li>• The Applicant or the person representing him/her will be invited to address Committee. The Chair will at all times be mindful of the requirement to permit the parties equal time so far as is possible.</li> </ul>
<ul style="list-style-type: none"> <li>• Members and then parties may ask questions of the Applicant</li> </ul>
<ul style="list-style-type: none"> <li>• Responsible Authorities will be invited to address the committee.</li> </ul>
<ul style="list-style-type: none"> <li>• Members and then parties may ask questions of the Responsible Authorities.</li> </ul>
<ul style="list-style-type: none"> <li>• Interested Parties will be invited to address the committee. Where there are a number of parties making similar representations the Chair will expect the parties to nominate a spokesperson to make the representations.</li> </ul>
<ul style="list-style-type: none"> <li>• Members and then parties may ask questions of the Interested Parties</li> </ul>
<ul style="list-style-type: none"> <li>• The Chair will invite the Applicant and parties to summarise their points if they wish.</li> </ul>
<ul style="list-style-type: none"> <li>• The Chair will confirm that all parties are satisfied they have had adequate opportunity to present their case.</li> </ul>
<ul style="list-style-type: none"> <li>• Members of the Committee will retire to discuss and make their decision, and will be accompanied by the legal advisor and the licensing officer (whose roles are to assist the Committee with advice; they are not part of the decision making process).</li> </ul>

- The Chair will relay the decision and the reasons for the decision and details of any conditions placed upon the Licence (if granted) under the licensing objective that they relate to.
- Written notification of the decision together with information regarding the right of a party to appeal against the decision will be sent out.

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



# **Newcastle City Council Licensing Authority Statement of Licensing Policy 2023 - 2028**

Safe, Sensible and Social:

A City with Cultural Vibrancy

## **PROTOCOL F – Delegations**

Newcastle  
City Council



## Delegations – Who decides?

1. The Licensing Act 2003 refers to the Licensing Authority and in the context of the City of Newcastle upon Tyne this means Newcastle upon Tyne City Council, whose legal name is “The Council of the City of Newcastle upon Tyne”.
2. Generally, there are a number of bodies that can make decisions in the name of the City Council. These are:-
  - the full council (when all the elected councillors meet);
  - the Leader of the Council, Cabinet and individual Cabinet Members (in respect of executive matters);
  - committees and sub-committees of the council (in respect of non-executive matters); and
  - officers of the council (in respect of both executive and non-executive matters).
3. The appropriate body in respect of any particular matter depends, firstly, on legislation (the Local Government Act 1972, the Local Government 2000 and (in this case) the Licensing Act 2003, and regulations made by the Secretary of State and, secondly, on decisions made by the council and the leader of the council, which are recorded in the council’s constitution (called *The Newcastle Charter*).
4. Part 3.5A of *The Newcastle Charter* sets out how the council will deal with its licensing functions. This a link to Part 3.

[https://www.newcastle.gov.uk/sites/default/files/local-government/newcastle-charter/Part%203%20-%20Responsibility%20for%20Functions%20\(3.13\).pdf](https://www.newcastle.gov.uk/sites/default/files/local-government/newcastle-charter/Part%203%20-%20Responsibility%20for%20Functions%20(3.13).pdf) *The Newcastle Charter* is reviewed annually by the Council. Broadly Part 3.5A provides:-

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

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

### **Proper Officer**

5. The Director of Operations and Regulatory Services is also a “Proper Officer” of the Council for the purpose of the Council’s licensing functions in addition to any other proper officer designated under *The Newcastle Charter*.
6. *The Newcastle Charter* provides that officers in his/her department can exercise his/her “Proper Officer” function in the name of the Director of Operations and Regulatory Services in accordance with arrangements made from time to time by him/her.
7. The Proper Officer responsibility is mainly relevant in respect of the authentication of documents.

### **Substitute Officer**

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

### **Responsible Authorities**

9. The Licensing Act 2003 refers to persons or bodies called “responsible authorities”. A responsible authority has certain rights and powers under the Licensing Act (e.g. to receive notice of certain applications).
10. Under the Licensing Act there are 10 categories of responsible authorities, shown in the following Table:-

	Paragraph <sup>33</sup>	Description	Name [...] <sup>34</sup>
1.	(za)	The Licensing Authority  [Any other Licensing Authority in whose area part of the premises is situated]	Newcastle upon Tyne City Council  [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]
2.	(a)	Chief Officer of Police	Chief Constable of Northumbria Police
3.	(b)	Fire and Rescue Authority	Tyne and Wear Fire and Rescue Authority [and Northumberland County Council]
4.	(bb)	Local Authority with public health functions	Newcastle upon Tyne City Council  [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]
5.	(c)	Health and Safety Enforcing Authority	Newcastle upon Tyne City Council  [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]  <b>or</b>  The Health and Safety Executive

<sup>33</sup> Of sections 13(4) and 69(4) of the Licensing Act 2003

<sup>34</sup> Names in brackets refer to possible additional responsible authorities where the premises are partly in Newcastle upon Tyne and partly in the area of an adjacent local authority. You should make enquires of those authorities to find out addresses etc.

	Paragraph <sup>33</sup>	Description	Name [...] <sup>34</sup>
6.	(d)	Local Planning Authority	Newcastle upon Tyne City Council [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]
7.	(e)	Local Authority with environmental health functions	Newcastle upon Tyne City Council [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]
8.	(f)	Recognised bodies relating to protection of children from harm	Newcastle upon Tyne Local Safeguarding Children Board <b>and</b> [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council or body recognised by them]
9.	(h)	Persons with responsibilities with regard to vessels	Maritime and Coastguard Agency (for sea going vessels) <b>and/or</b> Port of Tyne Authority (if based on the River Tyne or Ouseburn)  N.B. The Canal & River Trust is not responsible for any waters in Newcastle upon Tyne and The Environment Agency is not the navigation authority for the navigable parts of the River Tyne or Ouseburn.



	<b>Paragraph<sup>33</sup></b>	<b>Description</b>	<b>Name [...]<sup>34</sup></b>
10.	(i)	Other prescribed persons: (1) Local Weights and Measures Authority <sup>35</sup>	Newcastle upon Tyne City Council  [and Northumberland County Council, North Tyneside Council, South Tyneside Council, and/or Gateshead Council]

11. The contact details for these bodies are set out in Annex 2. Up to date details will be published on the Council's website at

<https://www.newcastle.gov.uk/sites/default/files/2018-12/Responsible%20Bodies%20July%202018.pdf>



<sup>35</sup> Regulation 7 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005 No 42)

## Newcastle City Council as a responsible authority

12. Newcastle City Council is a responsible body in a number of separate capacities as well as being the Licensing Authority: - public health, health and safety, planning, environmental health, and trading standards.

13. Three of the functions as well as the licensing authority function are the ultimate responsibility of the Director of Operations and Regulatory Services.

In order to avoid conflicts of interest, internal arrangements seek to avoid a dual-hatted approach. The following table sets out who is responsible for the various functions on a day-to-day basis:-

<b>Function</b>	<b>Officer Responsible</b>
Licensing Authority (as determining authority)	Head of Public Safety & Regulation
Licensing Authority (as responsible authority)	Licensing Manager
Public Health	Director of Public Health
Health and Safety	Head of Public Safety & Regulation
Local Planning Authority	Assistant Director Planning Development Management
Environmental Health	Head of Public Safety & Regulation
Weights and Measures	Head of Public Safety & Regulation

## Annex 1 – Table of Delegations

Matter to be dealt with	Sub-Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent Convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for a minor variation of premises licence/club premises certificate		All cases
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	

Determination of application to vary premises licence at community premises to include alternative licence condition.	If a police objection	All other cases
Determination of a police objection to a temporary event notice	All cases	



## **Annex 2 - Responsible Authorities**

**All applications must be sent to the City Council at the following address**

The Licensing Authority  
Newcastle City Council  
Public Safety and Regulation  
Civic Centre  
Newcastle upon Tyne  
NE1 8QH

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

### **1. The Chief Officer of Police**

The Chief Constable  
Northumbria Police Headquarters  
Middle Engine Lane  
Wallsend  
Tyne and Wear  
NE28 9NT

### **Applications should be addressed to**

The Licensing Co-ordinator  
Northumbria Police,  
Eldon Square, Floor 1, Percy Street  
Newcastle upon Tyne  
NE1 7JB

### **2. Fire Authority**

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

### **3. Protection of Children from Harm**

Local Safeguarding Children Board Co-ordinator  
People Directorate  
Newcastle City Council  
Civic Centre  
Newcastle upon Tyne NE1 8QH

### **4. Local Planning Authority**

Assistant Director Planning  
Development Management, Place Directorate  
Newcastle City Council  
Civic Centre,  
Newcastle upon Tyne NE1 8QH



## **5. Enforcing Authority for Health and Safety at Work etc Act 1974**

### **Applications should usually be addressed to**

Public Safety and Regulation (Commercial Services Team)

Newcastle City Council

Civic Centre

Newcastle upon Tyne NE1 8QH

### **For applications in respect of premises inspected by the Health and Safety Executive**

Health and Safety Executive

BP98 1YX

Alnwick House

Benton Park View

Newcastle-upon-Tyne NE98 1YX.

## **6. Authority responsible for preventing risk of pollution of environment or harm to human health**

Public Safety and Regulation (Commercial Services Team)

Newcastle City Council

Civic Centre

Newcastle upon Tyne NE1 8QH

## **7. Local Weights and Measures Authority**

Public Safety and Regulation (Trading Standards Service)

Newcastle City Council

Civic Centre

Newcastle upon Tyne NE1 8QH

## **8. Public Health**

Director of Public Health

Newcastle City Council

Civic Centre

Newcastle upon Tyne NE1 8QH

## **9. Home Office Secretary of State (Home Office Immigration Enforcement)**

Alcohol Licensing Team

Lunar House

40 Wellesley Road

Croydon

CR9 2BY

E mail: [alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk)

**10. In relation to Vessels**

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

**Sea Going Vessels  
Vessels**

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

**River Tyne or Ouseburn Based**

Port of Tyne Authority  
Maritime House  
Tyne Dock  
South Shields  
Tyne and Wear NE34 9PT

*\*Please note there are no British Waterways Board owned canals or navigable rivers where British Waterways is the navigation authority in Newcastle upon Tyne. The Environment Agency is not the navigation authority for navigable parts of the River Tyne or Ouseburn.*

Newcastle  
City Council

