

# **The Licensing Act 2003 Statement Of Licensing Policy Draft For Comment August 2010**



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# Stockton on Tees Borough Council

## Statement of Licensing Policy

### Introduction and Licensing Objectives

1. Stockton on Tees Borough Council (the Council) carries out its functions under the Licensing Act 2003 (the Act) with a view to promoting the following objectives:
  - a) the prevention of public nuisance
  - b) the prevention of crime and disorder
  - c) ensuring public safety
  - d) protection of children from harm
2. Each objective is of equal importance. It is important to note that there are no other licensing objectives therefore these four objectives are paramount considerations at all times.
3. In preparing this statement the Council has consulted with and considered the views of a wide range of people and organisations including:
  - a) Cleveland Police Force;
  - b) Cleveland Fire Brigade;
  - c) Existing Premise Licence holders;
  - d) Existing Club Premise Certificate holders;
  - e) Existing Personal License holders; and
  - f) Representatives of businesses and residents in the Council area.
4. The Council recognises that balancing the interests of owners, employees, customers and neighbours of pubs, clubs and off-licenses will not always be straightforward, but it will always be guided by the four principal objectives of the Act. The Council will use its powers to promote best practice in relation to the operation of licensed premises, and to deter poor practice, with a view to achieving a continual improvement of standards over time, in the belief that this is in the long term interests of owners, employees, customers and neighbours alike.
5. The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. Therefore we will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing, and take care to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events. Should there be any indication that such events are being deterred by licensing requirements, this policy will be re-considered with a view to investigating how the situation might be reversed.
6. The Council will also seek Premises Licences for public spaces in the community in its own name. With regard to those places, performers and entertainers will not need to obtain a licence or give a temporary event notice themselves in order to perform. Instead they would require permission from the Council as the Premises Licence holder. Any charges related to this permission will be reasonable and proportionate.

7. The licensing policy is concerned with regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. The conditions attached to various authorisations will be focused on matters, which are within the control of individual licensees and others in possession of relevant authorisations.
8. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. Stockton Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.
9. Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.
10. The aims of this Statement of Licensing Policy are to:
  - a) Help build a fair and prosperous society that properly balances the rights of people and their communities
  - b) Integrate its aims and objectives with other initiatives that will:
    - reduce crime and disorder
    - encourage tourism
    - reduce alcohol misuse
    - encourage the self sufficiency of local communities
    - reduce the burden of unnecessary regulation on business.
11. This Statement of Policy does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have such an application considered on its individual merits. It does not seek to override the right of any person to make representations on an application or seek a review of a Licence or Certificate where provision has been made for them to do so in the Act. When considering applications, variations and reviews the Licensing Committee will have due regard to this Policy and any Guidelines issued by the Secretary of State under Section 182 of the Licensing Act 2003.
12. All Members of the Licensing Committee are required to follow the Model Code Of Conduct For Members that is contained within the Council's Constitution when considering any application, variation or review under this Statement of Licensing Policy.

## Licensable Activities

13. A premises licence authorises the use of any premises, which includes any place or part of a premises, for licensable activities described in section 1(1) and Schedules 1 and 2 of the 2003 Act.
14. The licensable activities are:
  - a) the sale of alcohol by retail;
  - b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  - c) the provision of regulated entertainment;
  - d) the provision of late night refreshment.

## Regulated Entertainment

15. Regulated entertainment includes both entertainment and entertainment facilities. Subject to the qualifying conditions, definitions and the exemptions, regulated entertainment is:
  - a) a performance of a play
  - b) an exhibition of a film
  - c) an indoor sporting event
  - d) a boxing or wrestling entertainment (indoors and outdoors)
  - e) a performance of live music
  - f) any playing of recorded music
  - g) a performance of dance
  - h) entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

where the entertainment takes place in the presence of an audience and is provided for the purpose (or for purposes which include the purpose) of entertaining that audience.

16. Subject to the qualifying conditions, definitions and the exemptions, entertainment facilities include facilities for enabling persons to take part in entertainment for the purpose of, or for the purposes that include the purpose of, being entertained:
  - a) Making music
  - b) Dancing
  - c) Entertainment of a similar description to making music or for dancing.

## Small Venues Providing Dancing And Amplified Or Unamplified Music

17. In addition, subsections (1) and (2) of section 177 of the 2003 Act provide that where
  - a premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provision of "music entertainment" (live music or dancing or facilities enabling people to take part in those activities),
  - the relevant premises are used primarily for the supply of alcohol for consumption on the premises, and

- the premises have a permitted capacity limit of not more than 200 persons, any conditions relating to the provision of the music entertainment imposed on the premises licence or club premises certificate by the licensing authority, other than those set out by the licence or certificate which are consistent with the operating schedule, will be suspended, except where they were imposed as being necessary for public safety or the prevention of crime and disorder or both.

18. In addition, subsection (4) of section 177 provides that where

- a premises licence or club premises certificate authorises the provision of music entertainment (live music and dancing), and
- the premises have a capacity limit of not more than 200 persons

then, during the hours of 8am and midnight, if the premises are being used for the provision of unamplified live music or the facilities enabling people to take part in such entertainment, but no other description of regulated entertainment, any conditions imposed on the licence by the licensing authority, again other than those which are consistent with the operating schedule, which relate to the provision of that music entertainment, will be suspended.

19. Section 177 can be disapplied in relation to any condition of a premises licence or club premises certificate following a review of the licence or certificate. This means that conditions attached to the existing premises licence relating to the provision of music entertainment can be given effect at the relevant times or that new conditions may also be imposed as an outcome of the review process.

20. Accordingly, those seeking to take advantage of the exemption relating to both amplified and unamplified music entertainment need to be aware that they must hold a premises licence or club premises certificate covering the supply of alcohol for consumption on the premises and the type of regulated music entertainment involved. Examples of premises used “primarily” for the supply of alcohol for consumption on the premises would include public houses and some qualifying club premises, but would not normally include, for example, a restaurant. For the “unamplified” music exemption, any premises appropriately licensed are included, including restaurants. The area to which the 200 “capacity limit” applies concerns the area covered by the premises licence or club premises certificate and not just a part of those premises, unless separately licensed.

### **Late Night Refreshment**

21. Late night refreshment (subject to certain exemptions) is regarded as the supply on or off any premises between the hours of 11pm and 5am of hot food or drink for consumption on or off the premises.



## Personal Licences

22. Any individual may seek personal licences whether or not they have current employment or business interests associated with the use of the licence.

### New Applications for Personal Licences

23. In the case of an application for a personal licence under Part 6 of the 2003 Act, the requirements are that the applicant:
- must be aged 18 or over;
  - possesses a licensing qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent) or is a person of a description prescribed by the Secretary of State by regulations;
  - must not have had forfeited a personal licence within five years of his application; and
    - a) the police have not given an objection notice about the grant of a personal licence following notification of any unspent relevant offence or foreign offence (for further details of relevant offences see Appendix Two); or
    - b) the police have given an objection notice because of a conviction for an unspent relevant offence or a foreign offence, but the licensing authority has not considered it necessary to reject the application on the prevention of crime and disorder grounds; and
  - the applicant has paid the appropriate fee to the licensing authority.
24. The issues, which arise when the holder of a personal licence becomes associated directly with particular premises covered by a premises licence by being made the "designated premises supervisor" for those premises, are dealt with below. The Council will not consider such matters when considering an application for a personal licence.
25. In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a Criminal Record Bureau certificate, which should have been copied to Cleveland Police with the application.
26. The Council will liaise closely with Cleveland Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act. Where an applicant is found to have an unspent conviction for a relevant or foreign offence, and the police object to the application on the prevention of crime and disorder grounds, the applicant is entitled to a hearing before the Licensing Committee or one of its sub-committees.
27. The refusal of the application will be the normal course unless there are, in the opinion of the Licensing Committee, exceptional and compelling circumstances that justify granting the application.
28. If an application is refused for any reason, the applicant will be entitled to appeal against the decision (see page 35 for further details). Similarly, if the application is

granted despite a police representation, the Chief Officer of Police is entitled to appeal against the licensing authority's determination. The Council will therefore record full reasons for any decision that they make.

### **Designated Premises Supervisors**

29. The sale of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of entertainment and late night refreshment. This is why individuals who may be engaged in making such sales require a personal licence. The main purpose of the "designated premises supervisor" as described in the Act is to ensure that there is always one specified individual, among these personal licence holders, who can be readily identified at the premises. The premises licence holder would normally have given that person day-to-day responsibility for running the premises.
30. The designated premises supervisor will therefore occupy a pivotal position. The designated premises supervisor will usually directly provide management supervision. By designating the premises supervisor in the premises licence it will usually, in practice, be clear who is in day-to-day charge of the premises. However the designated premises supervisor does not have to be present at the premises at all times.
31. The police are able to object to the designation of a new premises supervisor where, in exceptional circumstances, they believe the appointment would undermine the prevention of crime and disorder objective set out in the Act. Police intervention is permitted under the Act where a particular designated premises supervisor is first appointed or transfers into particular premises and this combination gives rise to exceptional concerns.
32. For example, this could occur where a personal licence holder has been allowed by the courts to retain his licence despite convictions for selling alcohol to minors and transfers into premises which have a degree of notoriety for underage drinking. Another example might be where an individual with convictions for possession of drugs intends to be specified as the designated premises supervisor at premises with a history of drugs problems.
33. Where the police do object, the Council will arrange for a hearing at which the issue can be considered and both parties may put their arguments. The Council will give such hearings priority. The Act provides that the applicant may apply for the individual to take up his post immediately and in such cases, the issue would be whether the individual should be removed. The Licensing Committee considering the matter will confine their consideration to the issue of crime and disorder. They will give comprehensive reasons for their decision and either party would be entitled to appeal if their argument is rejected (see page 35 for further details).
34. Where a designated premises supervisor is to be newly specified, the normal course will be for the premises licence holder to apply to the Council (including an application for immediate effect) and show that the individual concerned consents to taking on this responsible role; and to notify the police of the application.

## Premise Licences

35. In determining whether any premises needs to be licensed, the following parts of the 2003 Act are relevant:
- section 1 which outlines the licensable activities;
  - Part 3 which outlines provisions relating to premises licences;
  - Part 4 which outlines provisions for qualifying clubs;
  - section 173 which provides that activities in certain locations are not licensable;
  - section 174 which provides that premises may be exempted on grounds of national security;
  - section 175 which provides that minor raffles and tombolas involving prizes of alcohol are not to be treated as licensable if certain conditions are fulfilled;
  - section 176 which prohibits the sale of alcohol at motorway service areas, and restricts the circumstances in which alcohol may be sold at garages;
  - section 189 which makes special provision regarding the licensing of vessels, vehicles and moveable structures;
  - section 190 which provides that, where the place where a contract for the sale of alcohol is made, is different from the place where the alcohol is appropriated to the contract, then for the purposes of the Act, the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract;
  - section 191 which defines "alcohol" for the purposes of the Act;
  - section 192 which defines the meaning of "sale by retail" for the purposes of the Act;
  - section 193 which defines, among other things, "premises", "vehicle", "vessel" and "wine"; and
  - Schedules, 1 and 2 which define provision of, regulated entertainment and late night refreshment.

### New Applications For Premises Licences

36. Any person (if an individual aged 18 or over), who is carrying on or who proposes to carry on, a business which involves the use of premises (which includes any place including one in the open air) for licensable activities, may apply for a premises licence either on a permanent basis or for a time-limited period. "A person" in this context includes, for example, a business or a partnership.
37. An application can be made to the Council for any place used for licensable activities or recognised club activities within its area and the application must be accompanied by:

- a) The required fee;
- b) An Operating Schedule;
- c) A plan of the premises; and
- d) If it is intended to sell alcohol, a form of consent given by the person the applicant wishes to have specified in the Premise Licence as the Premises Supervisor.

38. The applicant will also be required to notify, and enclose a copy of the application to, all responsible authorities for the Stockton on Tees Licensing Authority area. These include:

- a) The Chief Officer Of Police;
- b) The Fire Authority;
- c) The Environmental Health Unit of Stockton on Tees Borough Council;
- d) The Trading Standards Service of Stockton on Tees Borough Council;
- e) The Planning and Environment Unit of Stockton on Tees Borough Council, and;

f) Stockton Local Safeguarding Children Board c/o The First Contact Unit, Children, Education & Social Care of Stockton on Tees Borough Council.

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39. The Operating Schedule must include a statement of:

- a) The relevant licensable activities;
- b) The times during which the applicant proposes that the relevant licensable activities are to take place;
- c) Any other times during which the applicant proposes that the premises are to be open to the public;
- d) Where the applicant wishes the licence to have effect for a limited period, that period;
- e) Where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor and a copy of his or her Personal Licence;
- f) Where the relevant licensable activities include the sale by retail of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both;
- g) The steps which the applicant proposes to take to promote the licensing objectives; and
- h) Any other prescribed matters.

## **Preparing The Operating Schedule**

40. In considering the steps to be taken to promote the licensing objectives the applicant should have regard to the factors for consideration (see Appendix One) and recommended practice would be to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications:
- a) An operating schedule should include information, which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory.
  - b) For example, it should include a description of the style and character of the business to be conducted on the premises (e.g. a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers).
  - c) Where alcohol is being sold for consumption on the premises in public houses, bars and nightclubs, it would also be valuable to know the extent to which seating is to be provided because research has shown that the amount of seating can be relevant to the prevention of crime and disorder.
  - d) It should also indicate the type of activities available on the premises, whether licensable under the 2003 Act or not. While "a performance of dance" with the exception of Morris dancing is a licensable activity, the type of dancing, which is unaffected by the licensing requirement, may give rise to issues concerning the steps needed to protect children from harm and more generally conditions which would be appropriate. An operating schedule should therefore describe the type of dancing in broad terms and disclose if the dancing involves striptease or lap-dancing. Similarly, if dancing is to take place, it should be clear whether this would involve dancing by members of the public or by professional performers or both and in what setting.
  - e) If music is to be provided, it is important that clear indication is given of the type of music to be provided.
  - f) This type of information is essential so that responsible authorities and interested parties can form a proper view as to what measures may be necessary to ensure public safety and prevent public nuisance.

## **Steps To Promote The Licensing Objectives**

41. In preparing an operating schedule, it is recommended that applicants should be aware of the expectations of the Council and the responsible authorities with regard to the steps that are necessary for the promotion of the licensing objectives.
42. This does not mean that applicants must check their operating schedules with responsible authorities before submitting them, but when uncertain, the responsible authorities can provide expert advice on matters relating to the licensing objectives. For example, the best source of advice on the prevention of crime and disorder is the local police.
43. In preparing operating schedules, applicants should have regard to this statement of licensing policy and the guidance issued by the Secretary of State. All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively.
44. To minimise the burden on the Council and applicants, it may be sensible for

applicants to seek the views of the key responsible authorities before formally submitting applications and having completed drafts of their own operating schedules (after considering the effect on the four licensing objectives).

45. For example, on matters relating to crime and disorder, the police and local authority community safety officers, and local community groups, might be consulted and on matters relating to noise, local environmental health officers might be consulted. Such co-operative effort should minimise the number of disputes, which arise in respect of operating schedules.
46. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives that they have set out in the operating schedule will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.
47. Where permission is to be sought for regulated entertainment involving the provision of live music or other cultural activity, applicants may wish to consider consulting the local authority arts officer or local representatives of the Musicians' Union before completing their operating schedule.
48. The steps to be taken should be both realistic and within the control of the applicant and management of the premises. If a licence is granted with conditions attached requiring the implementation of such steps, the conditions will be enforceable in law and it will be a criminal offence to fail to comply with them (under section 136 of the 2003 Act). As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises.
49. In respect of some premises, it is entirely possible that no measures will be needed to promote one or more of the licensing objectives, for example, because they are adequately dealt with by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that it is proposed to take to promote each of the licensing objectives and, in particular, the protection of children from harm.

## Club Premise Certificates

50. The Council may issue a "Club Premises Certificate" to a qualifying Club. The Certificate will specify that the premises may be used for one or more of the 'recognised Club activities' and that the Club is a qualifying Club in relation to each of those activities.
51. Recognised Club activities are:
  - a) The supply of alcohol by or on behalf of the Club to or to the order of a member of the Club;
  - b) The sale by retail of alcohol by or on behalf of a Club to a guest or a member of the Club;
  - c) The provision of regulated entertainment where that provision is by or on behalf of the Club for members of the Club or members of the Club and their guests.
52. The Club is a qualifying Club in respect of the recognised activities provided that, under the rules of the Club, a person may not be admitted to membership, or be admitted as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership or their admission. People becoming members without nomination or prior application may not be admitted to the privileges of membership without an interval of two days between them becoming members and their admission.
53. The Club must be established and conducted in good faith as a Club and have a minimum of 25 members.
54. A Club can apply for a Club Premises Certificate in respect of premises, which are occupied by, and habitually used for the purposes, of the Club. The application must be accompanied by:
  - a) The relevant fee;
  - b) The Club Operating Schedule;
  - c) A plan of the premises;
  - d) A copy of the rules of the Club;
  - e) Evidence that the Club is a qualifying Club in relation to each of the recognised Club activities to which the application relates.
55. The applicant will also be required to notify, and enclose a copy of the application to, all responsible authorities for the Stockton On Tees Licensing Authority area. These include:
  - a) The Chief Officer Of Police;
  - b) The Fire Authority;
  - c) The Environmental Health Unit of Stockton on Tees Borough Council;

- d) The Trading Standards Service of Stockton on Tees Borough Council;
- e) The Planning and Environment Unit of Stockton on Tees Borough Council, and;
- f) Stockton Local Safeguarding Children Board c/o The First Contact Unit, Children, Education & Social Care of Stockton on Tees Borough Council,

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56. The Club Operating Schedule must contain the following:
- a) Details of the recognised Club activities to which the application relates;
  - b) The times during which it is proposed the recognised Club activities take place;
  - c) Any other times during which it is proposed the premises are open to members and their guests;
  - d) The steps which it is proposed to take to promote the licensing objectives; and
  - e) Any other prescribed matters.
57. In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to the factors for consideration (see Appendix One) and will be expected to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications.
58. Club Premises Certificates will be dealt with in a similar manner as applications for Premise Licences.



## Provisional Statements

59. Where premises are being constructed for the purpose of being used for one or more licensable activities or are being extended or otherwise altered for that purpose (whether or not they are already being used for that purpose) a person may apply for a Provisional Statement if they have an interest in the premises and, if an individual, they are aged 18 years or over.
60. An application for a Provisional Statement must be accompanied by a schedule of works that includes details of the licensable activities for which the premises will be used; a plan of the premises; and such other information as may be prescribed.
61. Applications for Provisional Statements will be dealt with in a similar manner as applications for a Premise Licence.
62. If a Provisional Statement has been issued and the person subsequently applies for a Premises Licence in respect of the premises, a part of them or premises which are substantially the same as the relevant premises (or part of them) and the application is in the same form as the Licence described in the Schedule of Works accompanying the application for that statement has been satisfactorily completed then any representations made by a person shall not be taken into account if:
  - a) Given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but had failed to do so without reasonable excuse; and,
  - b) There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

## **Variations of Licences/Certificates**

63. Applications to vary a Premise Licence or a Club Premise Certificate will be dealt with in a similar manner to applications for a new Licence. If relevant representations are not received the application for variation will be granted.
64. If relevant representations are made and not withdrawn the Council will hold a hearing and at that hearing the Council may:
  - a) Modify the conditions of the Licence; or
  - b) Reject the whole or part of the application.
65. The Licence/Certificate will not be varied so as to:
  - a) Extend the period for which the Licence/Certificate has effect; or
  - b) To vary substantially the premises to which it relates.
66. The Council may vary a premise licence or club premise certificate so that it has effect subject to different conditions in respect of:
  - a) Different parts of the premises concerned; and
  - b) Different licensable activities.

## Transfer of Premises Licences

67. The following people may apply for the transfer to them of a Premise Licence:
- a) A person whom carries on, or proposes to carry on, a business, which involves the use of a premise for the licensable activities, authorised by the Premise Licence;
  - b) Any person who makes the application in pursuance of one or more of its statutory functions which relate to those licensable activities;
  - c) A relevant Club within the meaning of the Act;
  - d) A charity;
  - e) An educational institution;
  - f) A hospital; or
  - g) A person of such other description as may be prescribed.
68. Notice of the application must be given to the Police.
69. If the Police consider the granting of the application would undermine the prevention of crime and disorder objective, the Council will consider their reasons for that decision and will reject the application, if the Council consider it necessary for the promotion of the prevention of crime and disorder objective to do so.
70. An application for a transfer of a Licence can contain a request that the transfer has immediate effect. Such a request can only be made with the consent of the holder of the Premise Licence, unless the applicant has taken all reasonable steps to obtain that consent, and would be in a position to use the premises while the application is pending, for the licensable activities authorised by the Premises Licence.
71. A full transfer of the Licence can only be made with the consent of the Premise Licence Holder unless identical circumstances apply.
72. In the event of a death, incapacity or insolvency of a Licence Holder and where no Interim Authority Notice has been given, provided that an application is made within 7 days after the Licence lapsed, a person can make an application for the transfer of the Licence to him and the Licence shall be reinstated from the time the application is received by the Council.

## Interim Authorities

73. Generally a Licence will remain in force for as long as the Licensee continues to operate the business unless it is revoked or it is specified it has effect for a limited period and that period expires. However, if the holder of a Premise Licence dies, becomes mentally incapable or becomes insolvent then the Licence will lapse.
74. If, within a seven day period of such circumstances, a person who had an interest in the premises concerned, or is connected to the person whom held the Premise Licence immediately before it lapsed gives the Council an 'Interim Authority Notice' the Licence will be reinstated for a two-month period.
75. At the end of the two months it will lapse unless an application for a transfer of the Licence is made.
76. A person is connected to the former holder of a Premise Licence if, and only if:
  - a) The person is the personal representative in the event of the holder's death;
  - b) In respect of someone who has become mentally incapable the person is acting under section 6 of the Enduring Powers of Attorney Act 1985; or,
  - c) In the event of insolvency the person is acting as an Insolvency Practitioner.
77. Interim Authority Notices must also be served on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime and disorder objective the Council will arrange a hearing to consider the Notice.

## Temporary Events Notices

78. Temporary Event Notices are subject to various limitations. These are concerned with:
- a) duration - they are limited to events lasting for up to 96 hours;
  - b) scale – they cannot involve the presence of more than 499 people at any one time;
  - c) use of the same premises – the same premises cannot be used more than 12 times or 15 days in a single period of 12 months;
  - d) the number of notices given by one individual within a given period of time – a personal licence holder is limited to 50 notices in the same year, and an ordinary person to five notices in a similar period.
79. In any other circumstances, a temporary event at which licensable activities are to take place would require a premises licence if the premises or place at which the event is to take place is currently unlicensed for the activity or activities involved. The procedures for applying for and granting such a licence are identical to those for a permanent licence.
80. The Council will clearly specify on such a licence when it comes into force and when the permission ends. Where the sale of alcohol is involved, there will need to be a designated premises supervisor specified who is a personal licence holder.
81. The most important aspects of the system of temporary event notices are that no permission is required for these events from the Council. In general, only the police may intervene to prevent such an event or modify the arrangements for such an event. The Council will only ever intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.
82. Such a light touch is possible because of the limitations directly imposed by the Act itself. The limitations apply to:
- a) the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
  - b) the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
  - c) the length of time a temporary event may last for these purposes (96 hours);
  - d) the maximum aggregate duration of periods covered by temporary events notices at any individual premises (15 days); and
  - e) the scale of the event in terms of the maximum number of people attending at any one time (less than 500).
83. In any other circumstances, a full premise licence or club premises certificate would be required for the period of the event involved. A person may also choose to apply for a premises licence if they do not wish to take advantage of the light touch arrangements.

84. Many premises users giving temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, schools, churches and hospitals, all of which may stage public events to raise funding at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for these groups.

**Where there is a personal licence holder involved**

85. A personal licence holder will be able to sell alcohol at normally unlicensed premises on 50 occasions in each year for up to four days on each occasion, subject to informing the Council and Cleveland Police of relevant details. These details are:
- a) the licensable activities to take place during the event;
  - b) the period during which it is proposed to use the premises for licensable activities;
  - c) the times during the event period that the premises user proposes that the licensable activities shall take place;
  - d) the maximum number of persons which it is proposed should, during those times, be allowed on the premises at the same time;
  - e) where the licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises or both; and
  - f) any other prescribed matters.
86. On each occasion at least 10 working days notice must be given, but there is nothing to prevent simultaneous notification of multiple events at a single time so long as the first event is at least ten days away. For example, an individual personal licence holder wishing to exhibit and sell beer at a series of country shows may wish to give several notices simultaneously. However, this would only be possible where all the events are to take place in the Borough of Stockton on Tees.
87. Ten working days is the minimum possible notice that may be given. The Council will publicise locally their preferences in terms of proper notice and would encourage notice givers to provide the earliest possible notice of events likely to take place.
88. The Council will not seek to attach any terms, limitations or restrictions on such events other than those set down in the legislation. However the Council will provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution or the building of temporary structures; of other necessary permissions, for example, with regard to road closures or the use of pyrotechnics in public places; with regard to local bye-laws; and the need to prevent anti-social behaviour by those attending.

89. Local publicity will also remind notice givers of relevant offences under licensing law including the laws governing sales of alcohol to minors or to any person who is drunk, and of the police powers to close down events with no notice on grounds of disorder, the likelihood of disorder or the cause of public nuisance, including noise emanating from the premises.
90. A purpose of the notification requirement is to enable the Council to check that the limitations set down in the Act are being observed and to intervene if they are not. Where the application is not within the parameters described above, the Council will issue a counter notice to the person giving the notice. Where the notice is in order, the fee prescribed by the Secretary of State paid, the event falls within the limitations in the Act, and there has been no Police intervention, the Council will record the notice in its register and send an acknowledgement to the premises user.

### **Police intervention**

91. The second and more important purpose is to afford the police the opportunity to consider whether, exceptionally, they should prevent the event taking place for reasons of preventing crime and disorder or insist on certain conditions. Such exceptional cases might arise because of concerns about the scale, location or timing of the event.
92. The Act provides that in exceptional circumstances, the police may issue an objection notice because they believe the event would undermine the prevention of crime and disorder objective set out in the Act. The Police must issue any objection notice within 48 hours of being notified, but they can subsequently withdraw their counter notice. If the Police do not intervene, they will still be able to rely on their powers of closure should disorder or disturbance subsequently arise. The issuing of such an objection notice requires the consideration of the objection by the Council at a hearing. Consideration by the licensing authority is confined to the crime prevention objective. The Council will not, for example, uphold a Police objection notice on grounds of public nuisance. At the hearing, the Police and the premises user may put argument to the relevant Licensing Committee. A hearing would not be necessary if the Police withdrew the objection notice.
93. The possibility of Police intervention is another reason why event organizers are encouraged by the Council not to rely on giving the minimum amount of notice and to contact local Police Licensing Officers at the earliest possible opportunity about their proposals.

### **Additional limitations**

94. The Council, on receiving temporary event notices, will also check that other requirements of the Act are met. For example, a temporary event notice would be void unless there is a minimum of 24 hours between events notified by the premises user in respect of the same premises. This is to prevent evasion of the 96-hour limit on such events, and emphasise the need to obtain a full premises licence for more major events. In addition, for these purposes, a notice is treated as being from the same premises user if an associate gives it.

95. The Act defines an associate as being:
- a) the spouse of that person;
  - b) a child, parent, grandchild, grandparent, brother or sister of that person or their spouse; or
  - c) an agent or employee of that person or their spouse;
96. A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.



## Large Scale Temporary Events Requiring Premises Licences

97. A premises licence may be sought for a short, discrete period. The 2003 Act also provides for the giving of temporary event notices. Temporary event notices are subject to various conditions and limitations. These concern:
- duration – they are limited to events lasting for up to 96 hours (this relates to the period during which licensable activities may be carried on, and does not relate to preparation and setting up time, packing away or clearing up time);
  - scale – they cannot involve the presence of more than 499 people at any one time;
  - use of the same premises – the same premises cannot be used on more than 12 occasions in any calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used; and
  - the number of notices given by one individual within a given period of time – a personal licence holder is limited to 50 notices in one year, and any other person to five notices in the same period.
98. If these conditions are not fulfilled, a temporary event at which licensable activities are to take place may not be a permitted temporary activity carried on under the authority of a temporary event notice but would require a premises licence, if the premises or place at which the event is to take place is currently unlicensed for the activity or activities involved. The procedures for applying for and granting such a licence are identical to those for an unlimited duration premises licence except that it should be stated on the application that the period of the licence will be limited.
99. The Council will clearly specify on such a licence when it comes into force and when the permission ends. Where the sale of alcohol is involved, there will need to be a designated premises supervisor specified who must be a personal licence holder.
100. Temporary events may range from relatively small local events, like fairs, which may last for four or five days, to major pop festivals lasting only one day. Despite the temporary duration of such major events, they can attract huge crowds of more than 100,000 and the risks to public safety and to crime and disorder as well as public nuisance may be considerable.
101. The Council expects applicants to give them early notice of such major events to allow responsible authorities to discuss operating schedules with the organisers well before a formal application is submitted. Many of these events will give rise to special considerations in respect of public safety. Applicants are advised to submit their applications at least six months in advance of the event.
102. Operating schedules should therefore reflect an awareness of these matters and in particular, advice given in the following documents will be relevant:
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
  - Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

- 5 Steps to Risk Assessment: Case Studies (HSE 1998)  
ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997)  
("The Green Guide") ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through [www.streetartsnetwork.org.uk/pages/publications.htm](http://www.streetartsnetwork.org.uk/pages/publications.htm).

## Relevant Representations

103. If relevant representations are made about an application, the Council will hold a hearing to consider them, unless the Council, the applicant and everyone who has made representations agrees that the hearing is not necessary.

104. 'Relevant representations' are representations:

- a) About the likely effect of the Premise Licence on the promotion of the licensing objectives;
- b) Are made by an interested party or a responsible Authority, have not been withdrawn and, in the case of representations made by an interested party, they are not, in the Council's opinion, frivolous or vexatious

105. 'Interested Party' means any of the following:

- a) A person living in the vicinity of the premises;
- b) A body representing persons who live in that vicinity;
- c) A person involved in a business in that vicinity;
- d) A body representing persons involved in such a business; ~~or~~
- e) A member of the licensing authority.

(See also paragraphs 108 to 117 below)

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## Reviews

106. Reviews of premise licences represent a key protection for the community where problems associated with disorder, public safety or disturbances are occurring. If relevant representations are made about a current licence the Council will hold a hearing to consider them, unless the Council, the applicant and everyone who has made representations, agree that the hearing is not necessary.
107. In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be made at the hearing.

### Relevant Representations

108. 'Relevant representations' are representations:
  - a) About the effect of the Premise Licence on the promotion of the licensing objectives;
  - b) Are made by an interested party or a responsible authority; have not been withdrawn and, in the case of representations made by an interested party, they are not, in The Council's opinion, frivolous or vexatious.
109. Where the request originates with an interested party – i.e. any of the following:
  - a) A person living in the vicinity of the premises;
  - b) A body representing persons who live in that vicinity;
  - c) A person involved in a business in that vicinity; Deleted: or
  - d) A body representing persons involved in such a business; ~~or~~ Deleted: ,
  - e) A member of the licensing authority. Formatted: Bullets and Numbering

the licensing authority must first consider whether the complaint made is not relevant, vexatious, frivolous or repetitious.

110. A representation would only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not "relevant" for the purposes of the 2003 Act. It is not intended, for example, that the consideration of the application should be a re-run of the planning application, which would have considered a wider range of matters. Premises licences authorise the activities within the scope of the 2003 Act that it is proposed should take place on the premises.
111. For example, a representation from a local businessman which argued that his business would be commercially damaged by the new business for which an application is being made under Part 3 of the 2003 Act would not be relevant. On the other hand, a representation to the effect that nuisance caused by the new business would deter customers from entering the local area, and the steps proposed by the applicant to control that nuisance are inadequate, would amount to relevant representations and must be considered, provided the other conditions necessary to be a relevant representation were fulfilled.

112. After a premises licence has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre would generally not be regarded as relevant if it cannot be positively tied or linked by a casual connection to particular premises, which would allow for a proper review of its licence. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
113. In this context, it should be noted that the “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may only give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered: it cannot give rise to a relevant representation after a licence has been granted or varied when a review of a licence may be sought. A review must relate specifically to a particular premises licence relating to an individual premise, and by its nature “cumulative impact” relates to the indirect effect of a concentration of many premises. Identifying one for a review by reason of cumulative impact on the licensing objectives would inevitably be arbitrary.
114. A repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in respect of the same premises licence which has already been determined; or
  - representations considered by the Council when the premises licence was first granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
  - in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.
115. It is for the Council to determine on its merits whether any representation by an interested party is frivolous or vexatious. The interested party making representations may not consider the matter to be frivolous or vexatious, but the test is whether the Council is of the opinion they are frivolous or vexatious. The Council must determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous.
116. Vexation may arise because of disputes between rival businesses, and local knowledge will, therefore, be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent in order to be relevant. An interested party aggrieved by a rejection of his representations on these grounds may challenge the Council’s decision by way of judicial review.
117. Additionally a review of the licence will normally follow any action by the Police to close down the premises for up to 24 hours on grounds of disorder or public nuisance.

## Determination Of Review

118. The 2003 Act provides a range of powers for the Council on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
119. The Council may decide that no action is necessary where it finds that the review does not require the taking of any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent the Council issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time.
120. The Council will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed, as part of their own stepped approach to concerns, the Council will not merely repeat that approach.
121. Where the Council considers that action under its statutory powers are necessary, it may take any of the following steps:
  - to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - to suspend the licence for a period not exceeding three months;
  - to revoke the licence.
122. In deciding which of these powers to invoke, the Council will, so far as possible, seek to establish the cause or causes of the concerns, which the representations identify. The remedial action taken will generally be directed at these causes and will always be no more than a necessary and proportionate response.
123. For example, the Council will be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it will be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

## Criminal Activity

124. Where the Council is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps are necessary to be taken in connection with the premises licence for the promotion of the prevention of crime and disorder objective. It is important to recognise that certain criminal activity or associated problems may be taking place, or have taken place, despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the Council is still empowered to take any necessary steps to remedy the problems. The Council's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community, and not those of the individual holder of the premises licence.
125. It is not the role of the Council to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. At the conclusion of a review, it will be for the Council to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
126. There are certain criminal activities that may arise in connection with licensed premises, which will be treated particularly seriously. These are the use of the licensed premises:
- for the sale, supply or possession for supply and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
  - for the sale, supply or possession for supply and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or for the sale, supply or possession for supply of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - in connection with offences of dishonesty, e.g. handling stolen goods;
  - for the organisation of racist activity or the promotion of racist attacks;
  - for unlawful gaming and gambling; and
  - for the sale, supply or possession for supply of smuggled tobacco and alcohol.

127. It is envisaged that the Council, the Police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the Council determines that the prevention of crime and disorder objective is being undermined through the premises being used to further crimes, revocation of the licence – even in the first instance – will be seriously considered.
128. It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the prevention of crime and disorder objective and justifiably give rise to a review.



## Appeals

129. Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 of the 2003 Act.
130. Other than in the case of personal licences, an appeal has to be made to Teesside Magistrates' Court. In the case of personal licences, the appeal must be made to the Magistrates' Court for the area in which the licensing authority (or any part of it) is situated.
131. An appeal has to be commenced by the giving of a notice of appeal by the Appellant to the Justices' Chief Executive for the Magistrates' Court within a period of 21 days, beginning with the day on which the Appellant was notified by the Council of the decision appealed against.
132. The Council will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant against the representations of a responsible authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a respondent.
133. On determining an appeal, the court may:
  - a) dismiss the appeal;
  - b) substitute for the decision appealed against any other decision which could have been made by the Council; or
  - c) remit the case to the Council to dispose of it in accordance with the direction of the court.
134. The court may make such order as to costs as it thinks fit.

### Giving reasons for decisions

135. In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will also ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 182.

### Implementing the determination of the Magistrates' Courts

136. As soon as the determination of the Magistrates' Courts has been promulgated, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an on-going judicial review). The Act provides for no further appeal against the determination of the Magistrates' Courts.

## Enforcement

137. Where necessary, enforcement action will be taken in accordance with the principles of the Enforcement Concordat and the Council's Regulatory Services Enforcement Policy. The Council will continue to work with other enforcement agencies, such as the Police and Fire Services, on enforcement issues, to provide for a more efficient deployment of local authority staff and agency officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. In particular, providing for the targeting of agreed problem and high-risk premises that require greater attention, while providing a lighter touch in respect of low-risk premises that are well run.
138. Copies of the Enforcement Concordat and the Council's Regulatory Services Enforcement Policy are available from the Trading Standards and Licensing Unit.
139. In undertaking inspection of premises holding licences, the Council has initially designated the following categories of risk weighting:
  - a) Stockton Town Centre and Yarm High Street/Centre (public houses & nightclubs) - high risk
  - b) Other Town Centres (public houses & nightclubs) - medium risk
  - c) Tall Trees (nightclub) - medium risk
  - d) Other existing sites, suburban and rural - medium or low risk, depending on history
  - e) Site where the primary purpose is serving food, and alcohol is purely ancillary - low risk
  - f) New sites not in (a) or (b) - to be assessed, depending on the location and style of operators.

## Appendix One

### Factors For Consideration

#### General

1. In considering the steps to be taken to promote the licensing objectives the applicant should have regard to the factors for consideration and recommended practice would be to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications.
2. When producing their Operating Schedule the applicant should give full details how their proposals will meet and enhance the licensing objectives.
3. Applicants for licences will be expected to have taken local crime prevention strategies, planning and transportation policies and tourism and cultural strategies into account in determining their operating plans.
4. Where there is evidence that a particular area of the Borough is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this will be taken into account in determining any further applications for premises within the area identified.
5. As such, the Council will take into account:
  - a) The character of the surrounding area;
  - b) The impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
  - c) The nature and character of the proposed operation.
6. The Council will consider, for all licence applications, the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder having regard to all the circumstances of the case, and will particularly consider the following:
  - a) The steps the applicant has taken, or proposes, to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of sound proofing, air conditioning, acoustic lobbies and sound limitation devices;
  - b) The steps the applicant has taken, or proposes, to prevent disturbance by patrons arriving at or leaving the premises;
  - c) The steps the applicant has taken, or proposes, to prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction;
  - d) The steps the applicant has taken, or proposes, to ensure staff leave the premises quietly;
  - e) The arrangements made, or proposed, for parking by patrons, and the effect of parking on local residents;
  - f) Whether there is sufficient provision for public transport for patrons;

- g) Whether taxis and private hire vehicles serving the premises are likely to disturb local residents;
- h) Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises;
- i) Whether other measures to prevent nuisance have been taken, such as the use of CCTV or the employment Security industry Authority (SIA) registered security teams to control entry;
- j) The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures;
- k) The likelihood of any violence, public disorder or policing problem arising if a licence were to be granted;
- l) If the applicant has previously held a licence within the Borough, the history of any enforcement action arising from that premises; and
- m) Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- n) The steps the applicant has taken to ensure that no person shall be refused admission to the premises on the grounds of age (unless an age related event), sex (unless a single-sex event), sexual orientation, disability, race, colour, religion, or ethnic or national origins and that the management comply with all race relations, equal opportunities and anti-discrimination legislation.

#### **Premises Selling Alcohol**

- 7. The Council recognises that moderate drinking is enjoyed by many residents and visitors, and makes a significant contribution to the national and local economy, and is therefore supports the ready availability of alcohol to adults who will use it responsibly.
- 8. However, the Council is also aware of the potential for harm from excessive alcohol consumption, in relation to:
  - a) individual health;
  - b) the environment - vandalism, littering (bottles and cans), vomiting and urinating in public places etc.;
  - c) drink driving;
  - d) accidents in public places, homes and workplaces;
  - e) domestic violence;
  - f) assaults which place strains on NHS resources;
  - g) crime, disorder and anti-social behaviour (including drunken shouting and other intimidating behaviour).

9. The supply of alcohol on licensed premises will not be permitted:
  - a) at any time where 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 that licence is suspended.
10. Every supply of alcohol made under the premise licence must be made or authorised by a person whom holds a personal licence.

#### **Premises Selling Alcohol For consumption off the premises**

11. Shops, stores and supermarkets selling alcohol will normally be permitted to match their normal trading hours with the hours during which other sales take place unless there are exceptional reasons relating to disorder or disturbance.
12. Where representations are made by the Police about premises that may be a focal point for disturbance because young people congregate there and engage in anti social behaviour, or may pressurise shop staff to make unlawful sales of alcohol the Council will consider a restriction on trading hours for alcohol as one mechanism of combating such problems.
13. The Council encourages the adoption of the Responsible Retailing of Alcohol: Guidance For The Off-Trade, available at <http://www.brc.org.uk/showDoc.asp?id=2274>

#### **Premises Selling Alcohol For consumption on the premises**

14. The Council will take into account any evidence that customers who are already drunk and incapable of maintaining reasonable standards of behaviour have been served with further alcohol.
15. The Council will scrutinise particularly closely any applications which appear to be for premises operated in such a manner as to encourage excessive and/or binge drinking (e.g. those offering 'as much as you can drink' deals and 'vertical drinking' establishments which provide no seating).
16. The Council encourages adoption locally of voluntary industry codes of practice, which cover irresponsible drinks promotions such as that produced by the British Beer and Pub Association (the BBPA's Guidelines on On-Trade Promotions, available at [http://www.beerandpub.com/download.asp?id\\_Doc=364](http://www.beerandpub.com/download.asp?id_Doc=364)).
17. When considering any relevant representations from responsible authorities, such as the Police, or interested parties, such as local residents, which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or in the vicinity of the premises, the Council will consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises.
18. Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Research shows that the environment within such

establishments can have a significant bearing on the likelihood of crime and disorder arising on the premises. Key points on preventing crime and disorder include:

- controlling the capacity to prevent overcrowding and frustration to customers;
  - ensuring adequate seating for customers; and
  - ensuring the provision of door security teams at the premises to control capacity and ensure already drunk or disorderly individuals are not admitted.
19. Where necessary and appropriate, conditions will be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations made on such grounds), which require adherence to:
- a prescribed capacity;
  - an appropriate ratio of tables and chairs to customers based on the capacity; and
  - the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.
20. The Council will also look closely at any evidence of involvement in sale of alcohol either directly to minors or indirectly, via adult intermediaries, in cases where the vendor could reasonably have been expected to predict the outcome but failed to take appropriate action.
21. The Council will be particularly concerned to prevent the exposure of children to drunkenness, whether on the part of their own parents or carers or of others. This will depend in particular on the times at which children are to be admitted to licensed premises, in combination with the overall style or ethos of the establishment.
22. The Council recognises the problems that fixed and artificially early closing time can promote and would encourage the holders of Premise Licences to stagger their closing times. Applicants will be required to show how they have considered the four licensing objectives when determining their closing times, in particular having regard to the style, characteristics and activities at the premises concerned.
23. The Council recognises the growing concerns over the malicious tampering of drinks. Licencees will be expected to cooperate with any measures or initiatives introduced to increase awareness/reduce the incidence of such practices, e.g. take part in awareness campaigns, assist with prosecutions where incidents occur on their premises, taking deterrent measures such as the banning of known offenders etc.

### **Premises Providing Late Night Refreshment**

24. The Council encourages premises providing late night refreshment for consumption off the premises to adopt the code of practice 'Reducing litter caused by 'food on the go' - a voluntary code of practice for local partnerships' which can be found at <http://www.defra.gov.uk/environment/localenv/litter/pdf/fastfoodcop.pdf>

### **Examples Of Suitable Conditions**

25. The Council will supply, on request, a list of licence conditions used on premise licences/club certificates to promote the four licensing objectives.

## Useful Links

Stockton on Tees Trading Standards and Licensing Website  
<http://www.tradingstandards.gov.uk/stockton>

Department of Culture Media and Sport - Alcohol & Entertainment  
[http://www.culture.gov.uk/what\\_we\\_do/Alcohol\\_entertainment](http://www.culture.gov.uk/what_we_do/Alcohol_entertainment)

Section 182 Guidance  
[http://www.culture.gov.uk/Reference\\_library/Publications/archive\\_2006/revisedguide\\_section182.htm](http://www.culture.gov.uk/Reference_library/Publications/archive_2006/revisedguide_section182.htm)

HMSO – Licensing Act 2003  
<http://www.hmso.gov.uk/acts/acts2003/20030017.htm>

Responsible Retailing of Alcohol: Guidance For The Off-Trade  
<http://www.brc.org.uk/showDoc.asp?id=2274>

Managing safely in Pubs & Clubs etc  
[http://www.beerandpub.com/content.asp?id\\_Content=2997&id\\_ContentType=1](http://www.beerandpub.com/content.asp?id_Content=2997&id_ContentType=1)

Reducing Litter Caused By 'Food On The Go' - A Voluntary Code Of Practice For Local Partnerships  
<http://www.defra.gov.uk/environment/localenv/litter/pdf/fastfoodcop.pdf>

Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)  
<http://www.abtt.org.uk/pages/about/publications.php>

The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6  
[http://www.hsebooks.com/Books/product/product.asp?catalog\\_name=HSEBooks&category\\_name=&product\\_id=3336&cookie%5Ftest=1](http://www.hsebooks.com/Books/product/product.asp?catalog_name=HSEBooks&category_name=&product_id=3336&cookie%5Ftest=1)

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X  
<http://www.hsebooks.com/Books/product/product.asp?catalog%5Fname=HSEBooks&category%5Fname=&product%5Fid=2632>

Point of Sales promotions 2005  
[http://www.beerandpub.com/content.asp?id\\_Content=894](http://www.beerandpub.com/content.asp?id_Content=894)

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances  
<http://www.streetartsnetwork.org.uk/publications/index.php>

The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1  
<http://www.abtt.org.uk/pages/about/publications.php>



<b>Useful Contacts</b>	<b>Name</b>	<b>Contact Details</b>
Application Packs and Guidance Notes	Licensing Administration	Licensing Administration Trading Standards & Licensing Stockton on Tees Borough Council 16 Church Road Stockton on Tees TS18 1TX Telephone: (01642) 526558 e-mail: <a href="mailto:licensing.administration@stockton.gov.uk">licensing.administration@stockton.gov.uk</a>
Policy Related Issues	David Kitching	Trading Standards & Licensing Manager Stockton on Tees Borough Council 16 Church Road Stockton on Tees TS18 1TX Telephone: (01642) 526530 e-mail: <a href="mailto:dave.kitching@stockton.gov.uk">dave.kitching@stockton.gov.uk</a>
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Transport Plan	Robert Farnham	Local Transport Plan Manager Technical Services Stockton on Tees Borough Council PO Box 229 Kingsway House, West Precinct Billingham Telephone: (01642) 526729 e-mail: <a href="mailto:rob.farnham@stockton.gov.uk">rob.farnham@stockton.gov.uk</a>
Environment Matters i.e. Noise, Health & Safety, Food	Colin Snowdon	Environmental Health Manager Stockton on Tees Borough Council 16 Church Road Stockton on Tees TS18 1TX Telephone: (01642) 526555 e-mail: <a href="mailto:colin.snowdon@stockton.gov.uk">colin.snowdon@stockton.gov.uk</a>
Crime & Disorder	Marilyn Davies	Community Safety Manager Stockton on Tees Borough Council Stockton Police Station The Square Stockton on Tees TS18 1TZ Telephone: (01642) 527610 e-mail: <a href="mailto:marilyn.davies@stockton.gov.uk">marilyn.davies@stockton.gov.uk</a>

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Cleveland Fire Service	Fire Safety Division	Cleveland Fire Brigade Fire Safety Division Endeavour House Stockton Road Hartlepool Telephone: (01429) 872311 e-mail: <a href="mailto:hpfs@clevelandfire.gov.uk">hpfs@clevelandfire.gov.uk</a>
Protection of Children From Harm	First Contact Officer	<del>Stockton Local Safeguarding Childrens Board C/O First Contact Unit Children, Health &amp; Social Care</del> Advice Centre Bath Lane Stockton on Tees Telephone: (01642) 415030 e-mail: <a href="mailto:firstcontact@stockton.gov.uk">firstcontact@stockton.gov.uk</a>
Residents Associations		Stockton Residents & Community Groups Association 32 Dovecot Street Stockton on Tees TS18 1LN Telephone: (01642) 391360 e-mail: <a href="mailto:Doc@srcga.fsnet.co.uk">Doc@srcga.fsnet.co.uk</a>
Planning Matters	Barry Jackson	Development Services Manager Stockton on Tees Borough Council Planning Services Gloucester House Church Road Stockton on Tees TS18 1TW Telephone: (01642) 526066 e-mail: <a href="mailto:barry.jackson@stockton.gov.uk">barry.jackson@stockton.gov.uk</a>
Building Control Matters	Raymond Sullivan	Building Control Manager Stockton on Tees Borough Council Planning Services Gloucester House Church Road, Stockton on Tees TS18 1TW Telephone: (01642) 526040 e-mail: <a href="mailto:raymond.sullivan@stockton.gov.uk">raymond.sullivan@stockton.gov.uk</a>

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