

At a meeting of the COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE held in the CIVIC CENTRE on TUESDAY, 8TH JUNE, 2010 at 5.30 p.m.

Present:-

Councillor Heron in the Chair

Councillors Ball, Copeland, Emmerson, Maddison, Scaplehorn, Timmins and J. Walton.

Also in Attendance:-

Councillor Tate.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Ellis, O'Connor and John Scott.

Minutes of the Last Meeting held on 20th April, 2010

1. RESOLVED that the minutes of the last meeting of the Committee held on 20th April, 2010 be confirmed and signed as a correct record.

Declarations of Interest (including Whipping Declarations)

There were no declarations of interest.

Annual Work Programme and Policy Review 2010-11

The Chief Executive submitted a report (copy circulated) for Members to determine the Annual Work Programme for the Scrutiny Committee during 2010-11, including the main theme for a detailed policy review.

(For copy report – see original minutes).

Claire Harrison, Acting Scrutiny Officer, presented the report and advised of the suggested topics for Policy Review/Task and Finish Groups, as detailed in paragraph 3.5.

Stuart Douglass, Safer Communities Manager, gave a brief overview of each of the suggested topics which included Violent Crime Reduction, Alcohol Related Crime in the City Centre and Community Safety: Diversionary activities for young people.

The Chairman commented that many Members had intimated at the Scrutiny Conference of the wish to look at the Licensing Act/Premises License.

Tom Terrett, Trading Standards and Licensing Manager, summarised the work of the Licensing Section and advised that they were currently commencing the consultation process on the next draft of the Council's Licensing Policy which would be sent to Cabinet and full Council and suggested the Policy also be sent to all Members for consideration.

Mr. Terrett also commented that Alcohol and Violence had always been related and a number of issues were around the gaining of intelligence, how it was received/ reported.

Councillor Copeland enquired as to how and when residents find out if a local shop or off licence is applying for their license to be re-issued.

Mr. Terrett advised that legally, the shops do not need to renew their licenses once they have been issued unless they were changing the conditions, such as requesting to extend their hours of operation and so on. If this occurs, there is a 28 day consultation period.

Mr. Terrett also advised of certain safeguards in the issuing of a license. From January 2010, Members can request a review of a Premises License if problems have occurred. If Members have concerns, they should speak to the Licensing Section and the Police as early as possible so that evidence can be gathered.

Councillor Ball raised concerns in relation to the photographs published in the Sunderland Echo of nights on the town, as on a number of occasions the youths were consuming alcohol and were underage. Councillor Ball enquired if anything could be done to tackle the issue.

Mr. Terrett commented that the profile of the City Centre had changed with Mondays being student night. It was found there had been many incidents of underage drinking. There had been an increase of crime on Monday nights and a recent Police initiative had been conducted to tackle the underage drinking, with some reviews of Premises Licenses forthcoming.

Mr. Terrett also advised that there may be plans for similar initiatives this year also.

The Chairman commented that the landlords should be more aware when selling alcohol to youths.

Mr. Terrett informed the Committee of a new condition which requires age checks on anyone who appears under the age of 18 by the licensee and the Licensing Act was continually being toughened up.

Councillor Emmerson enquired on the gathering of evidence and if test purchases were extended to off licences.

Mr. Terrett advised that test purchases had been carried out for many years and that 26 visits to off licenses had been undertaken in the last year.

Mr. Terrett also commented that much of the alcohol young people obtained was not directly from the seller, but from family members or older friends, which was difficult to deal with from a licensing aspect.

Councillor J. Walton commented that topics 1 and 2, Violent Crime Reduction and Alcohol Related Crime in the City Centre, were interlinked and could be coupled together as one item.

Mr. Douglass commented that the scope of the review could include Violent Crime and City Centre sale of alcohol and licensing and that this could be brought to the next meeting of the Committee.

The Chairman proposed that the Task and Finish Groups be held early afternoons.

Ms. Harrison suggested that consideration be given to the Task and Finish Groups at the next meeting of the Committee which would deal with the scope of the review.

The Chairman also advised that consideration could be given to the diversionary activities and facilities available for youths.

Councillor Copeland gave the example of Southwick Community School which had fantastic play facilities but was closed to youths after school hours.

2. RESOLVED that the Committee:-

- i) considered the draft Annual Work Programme for 2010-11;
- ii) considered the list of suggestions for policy review and determined the Violent Crime and alcohol topic for review;
- iii) the Work Programme be submitted to the Management Scrutiny Committee in its co-ordinating role.

Request to Attend Conference – Centre for Public Scrutiny 8th Annual Conference and Exhibition

The Chief Executive submitted a report (copy circulated) for the Committee to consider nominating delegates to the Centre for Public Scrutiny's 8th Annual Conference and Exhibition to be held on 30 June – 1 July 2010.

(For copy report – see original minutes).

3. RESOLVED that the Committee agreed for Councillor Heron to attend the Centre for Public Scrutiny Conference, to be funded from the budget of the Community and Safer City Scrutiny Committee, who would be accompanied by one representative from each of the Scrutiny Committees along with the Head of Overview and Scrutiny.

Forward Plan – Key decisions for the period 1 June 2010 – 30 September 2010

The Chief Executive submitted a report (copy circulated) to provide Members with an opportunity to consider those items on the Executive's Forward Plan for the period 1 June – 30 September 2010 which relate to the Community and Safer City Scrutiny Committee.

(For copy report – see original minutes).

4. RESOLVED that the report be received and noted.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) R. HERON,
Chairman.

COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE 6 JULY 2010

ALCOHOL, VIOLENCE AND THE NIGHT TIME ECONOMY POLICY REVIEW 2010/11: DRAFT SCOPING REPORT

REPORT OF THE CHIEF EXECUTIVE

STRATEGIC PRIORITIES: SP3: SAFE CITY

CORPORATE PRIORITIES: C101: Delivering Customer Focused Services, C102: Being 'One Council', C103: Efficient and Effective Council, C104: Improving partnership working to deliver 'One City'

1. Purpose of Report

- 1.1 The purpose of this report is to put forward proposals and seek agreement from Members in relation to the forthcoming policy review into Alcohol, Violence and the Night Time Economy.

2. Background

- 2.1 The Annual Scrutiny Conference was held at the Marriott Hotel on 20th May 2010. During the Scrutiny Café sessions a number of viable policy reviews were formulated for discussion by members of the Committee. At the meeting on 8th June 2010, following discussions regarding the Work Programme, the Committee agreed to focus on Alcohol and Violent Crime.
- 2.2 Members agreed that the study should focus on a number of key themes including; alcohol and violent crime, licensing policy and enforcement.
- 2.3 On the 8 June 2010, the Committee also agreed to establish a Task and Finish Group to look at the issue of licensing policy and enforcement. The findings of the Task and Finish Group will feed into the main policy review.
- 2.4 The National Crime Strategy highlights that alcohol is a key driver in nearly half of all violent crime and is a key cross-cutting issue. The National Alcohol Strategy states that up to 70% of A&E admissions at peak times are alcohol related, 47% of violence victims described the assailant as being drunk and alcohol is a factor in 30% of city centre arrests. In Sunderland, the majority of violent crime is committed in and around pubs on a weekend evening and is backed up by local A&E data on assaults.
- 2.5 The Safer Sunderland Partnership (SSP) is constituted by a range of responsible authorities including Sunderland City Council, Teaching

Primary Care Trust, Northumbria Police, Northumbria Probation Service, Tyne and Wear Fire and Rescue Service and the Police Authority. It has a responsibility to tackle crime, fear of crime, substance misuse and to reduce Reoffending. The SSP has prioritised reducing alcohol misuse and the harm it causes, including alcohol related crime and tackling violent crime as two of its priorities for 2010/11. In order to deliver against these priorities comprehensive delivery plans have been developed for alcohol and violent crime and within the Safer Sunderland Partnership infrastructure, there is an Alcohol Delivery Group and Violent Crime Delivery Group who ensure the implementation of these delivery plans.

3. The Scrutiny Review Process

3.1 Scrutiny reviews will carry out a number of stages in undertaking and completing a review. The stages broadly are:

Stage 1 Scope	The initial stage of the review identifies the background, issues, potential outcomes and timetable for the review.
Stage 2 Investigate	The Committee gathers evidence using a variety of tools and techniques and arranges visits where appropriate.
Stage 3 Analyse	The key trends and issues are highlighted from the evidence gathered by the Committee.
Stage 4 Clarify	The Committee discusses and identifies the principal messages of the review from the work undertaken.
Stage 5 Recommend	The Committee formulates and agrees realistic recommendations.
Stage 6 Report	Draft and final reports are prepared based on the evidence, findings and recommendations.
Stage 7 Monitor	The Committee monitors recommendations on a regularly agreed basis.

4. Overall Aim of the Scrutiny Policy Review

4.1 To examine issues relating to the prevention of violent crime as part of the City Centre's Night Time Economy.

5. Proposed Terms of Reference for the Scrutiny Policy Review

5.1 The draft Terms of Reference for the policy review are proposed:-

- (a) To gain an understanding of the key issues in relation to violent crime in the City Centre and the relationship between alcohol and violence;
- (b) To examine performance against National and Local Indicators in relation to violent crime;
- (c) To examine the role partner organisations play in prevention activities in relation to violent crime in the City Centre, with particular focus on situational and social crime prevention;
- (d) To explore approaches to early intervention through consideration of educational work and the work undertaken in hotspot areas within the City Centre to prevent problems escalating;
- (e) To investigate the city's approach to enforcement action with particular focus on the enforcement of the city's Licensing Policy which can help reduce alcohol related violence;
- (f) To review support, resettlement and rehabilitation of victims and offenders by considering how victims are supported to live safely and how offender's substance misuse is addressed with the aim to reduce the chance of re-offending;
- (g) To consider best practice from other local authorities in relation to preventing violent crime in the City Centre; and
- (h) To consider the impact of violent crime on the City Centres Night Time Economy.

6. Potential Areas of Enquiry and Sources of Evidence

- 6.1 The Scrutiny Committee can invite a variety of people, key stakeholders and interested parties to provide written or oral evidence in order that a balanced and focused range of recommendations can be formulated. A list of potential witnesses, though not exhaustive, is included for Members information:
- (a) Relevant Cabinet Portfolio Holders;
 - (b) Head of Strategic Economic Development;
 - (c) Safer Communities Team Manager;
 - (d) Head of Environmental Services;
 - (e) Representatives from the Safer Communities Team, including the Drug and Alcohol Strategy Manager and Violent Crime Lead

- (f) Representatives from the Safer Sunderland Partnership, including the Chair of the Safer Sunderland Partnership Alcohol Delivery Group / Safer Sunderland Partnership Champion and Chair of the Safer Sunderland Partnership Violent Crime Delivery Group;
- (g) Key Stakeholders and partner organisations (eg. Schools, Health, Police, Fire, National Probation Service Northumbria, Pubwatch and Sunderland Victim Support);
- (h) Representatives from City Centre Management
- (i) Local residents;
- (j) Representatives of minority communities of interest;
- (k) Ward Councillors;
- (l) Local MPs;
- (m) Examples of good practice from other local authorities.

6.2 As well as gathering information and evidence by the methods outlined above the Committee may, if it feels it appropriate, co-opt an additional member to the Committee for the duration of the policy review in accordance with the provisions of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and the protocols set out in the Scrutiny Handbook.

6.3 Community engagement plays a crucial role in the scrutiny process. Consideration will be given as to how involvement can best be structured in a way that the Committee encourages those views.

6.4 In addition, diversity issues have been considered in the background research for this enquiry under the Equality Standards for Local Government. As such the views of local diversity groups will be sought throughout the inquiry where felt appropriate and time allows. Consequently, consideration has been given as to how the views of people from minority communities of interest or heritage (for example, people with disabilities, people with learning disabilities, people with mental health problems, black and minority ethnic people, and Lesbian, Gay, Bisexual and Transgender people), which may not be gathered through the usual community engagement routes, can be included over the course of the inquiry.

7. Funding from the Dedicated Overview and Scrutiny Budget

7.1 Consideration has been given, through the background research for this scoping report of the need to use funding from the Committee's

dedicated Overview and Scrutiny budget to aid Members in their enquiry.

7.2 At this stage, it is suggested that funding may be necessary to support the following activities:

- (a) Key witnesses;
- (b) Engagement with voluntary and statutory organisations;
- (c) Delegates for expert jury, or a public event;
- (d) General publicity;
- (e) Visits (as necessary) to deliver effective scrutiny; and
- (f) Task and Finish activities.

8. Proposed Timetable of the Scrutiny Investigation

8.1 The following scheduled meetings will include evidence gathering for the study:

Setting the Scene - September 2010
Evidence Gathering - October 2010 to February 2011
Consideration of Draft Final Report - March 2011
Consideration of Final Report by the Scrutiny Committee - April 2011
Consideration of Final Report by the Cabinet/Council- June 2011

8.2 Additional working group meetings are likely to be necessary to complete the evidence gathering.

9. Recommendations

9.1 Members are recommended to discuss and agree the scope of the Community and Safer City Scrutiny Committee's policy review for 2010/11 as outlined in the report.

9.2 Members are also asked to decide upon the membership of the Task and Finish Group., which will focus on licensing policy and enforcement,

10. Background Papers

Safer Sunderland Strategy 2008-2023
Crime and Disorder (Overview and Scrutiny) Regulations 2009

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claire.harrison1@sunderland.gov.uk

COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE

REVIEW OF THE COUNCIL'S LICENSING POLICY STATEMENT

REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES

6 JULY 2010

STRATEGIC PRIORITY:

SP3: SAFE CITY

CORPORATE PRIORITIES:

C101: DELIVERING CUSTOMER FOCUSED SERVICES,

C103: EFFICIENT AND EFFECTIVE COUNCIL

1. Purpose of Report:

- 1.1** The purpose of this report is to seek the views of Members upon the Council's draft Licensing Policy Statement under the Licensing Act 2003 in association with their policy review of Alcohol, Violence and the Night Time Economy.

2. Background

- 2.1** The Licensing Act requires the Council to publish a policy statement that we propose to apply in exercising our functions under that legislation.

- 2.2** The current policy statement was agreed at a meeting of the Council on 21 November 2007 and was published on 7 January 2008 (this date being specified by legislation). The Act requires that this statement is reviewed by the Council every three years. Officers have completed an initial review of the current policy statement and have prepared a revised draft (attached as Appendix 1). The Act further requires that any revision of the statement is subject to a consultation exercise. The parties who must be consulted are:

- Northumbria Police;
- Tyne and Wear Fire and Rescue Service;
- Representatives of the licensing trade and members' clubs;
- Local businesses and their representatives; and
- Local residents and their representatives.

The consultation period has commenced and is due to expire on 24 August 2010.

3. Current position

- 3.1** The draft policy statement is based upon guidance to Licensing Authorities issued by the Department for Culture, Media and Sport in March 2010 and a template statement provided for the use of Licensing Authorities by the Local Authorities Coordinators of Regulatory Services (LACORS). At this stage, the draft statement is wholly in line with the national advice. However, the Council is obliged to consider any responses received from consultees and these may prompt a revision of the draft. Ultimately, the finalised draft must be approved by the full Council and the reporting process to that end will commence after the consultation period expires.

4. Recommendation

- 4.1** The Scrutiny Committee are requested to consider the draft Licensing Policy Statement and offer any views that they consider appropriate.

5. Background Papers

- 5.1** Guidance issued under section 182 of Licensing Act 2003 by the Department for Culture, Media and Sport (March 2010)

This will be available at the meeting

6. Glossary

- 6.1** None.

7. List of Appendices

- 7.1** Appendix 1 – Draft Licensing Policy Statement.

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Appendix 1

Licensing Act 2003 Statement of Licensing Policy

**City Services
Environmental Health, Trading Standards and Licensing
P.O. Box 107
Civic Centre
Sunderland
SR2 7DN**

Licensing Act 2003
Statement of Licensing Policy

(Issued pursuant to Section 5 of the Act)

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- Crime Prevention Notices
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1. Introduction

- 1.1 The purpose of this Statement of Licensing Policy pursuant to Section 5 of the Act is to set out the Council's policy with respect to the exercise of its functions as the Licensing Authority under the Licensing Act 2003 ("the Act"). It relates to the 'licensable activities' as defined in Section 1 of the Act namely:
- (a) the sale by retail of alcohol;
 - (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; and
 - (d) the provision of late night refreshment.
- 1.2 The policy will promote the four licensing objectives described in section 4(2) of the Act. These objectives are:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- 1.3 Each objective has equal importance. The Council will seek to work closely with the Police, the Fire and Rescue Service, local businesses, community representatives and local people, in order to meet these objectives. The Council's decision making is constrained by the provisions of the Act or Regulations made under it and by having regard to the guidance issued under Section 182.
- 1.4 This revised Statement of Licensing Policy takes effect on **7 January 2011** and replaces the previous statement. It will remain in force for a period of three years beginning with that date. During that period the policy will be kept under review.
- 1.5 The Council recognises the benefits to our local economy, tourism strategy and cultural life that follow from a vibrant licensed scene. The Council will therefore, within the statutory frame work, seek to assist applicants and licensees in their interface with licensing procedures.

Legal Background to this Statement of Licensing Policy

- 1.6 The Council is responsible for decisions to grant or reject applications for the sale of alcohol, the provision of entertainment or late night refreshment. Conditions designed to ensure safety, protect children from harm, prevent crime and disorder and prevent public nuisance can be attached to licences where necessary. For example, the Council could, in appropriate cases, restrict licensed hours in order to prevent people resident nearby being disturbed.
- 1.7 The Council must have due regard to this policy. It may, if it considers it appropriate, deviate from the policy but would need good reasons, which it can justify, to do so.

FURTHER INFORMATION

1.8 Further information upon the Licensing Act and its implications is available from:

Sunderland City Council
City Services,
Licensing Section,
P.O. Box 107,
Civic Centre,
Sunderland
SR2 7DN

Telephone: (0191) 5611012
Fax: (0191) 5531658
Email: licensing@sunderland.gov.uk

2. Consultation and Guidance

- 2.1 There are a number of groups who have an interest in the leisure industry. These include providers, customers, residents and enforcement agencies. They all have views and concerns that require consideration as part of the licensing function.
- 2.2 In formulating this Statement of Licensing Policy, the Council has paid regard to the Guidance issued by the Secretary of State under Section 182 of the Act in March 2010 and has consulted the following:
- Northumbria Police;
 - Tyne and Wear Fire and Rescue Service;
 - Representatives of the licensing trade and members' clubs;
 - Local businesses and their representatives; and
 - Local residents and their representatives.
- 2.3 Further consultation with the organisations and people mentioned above will be undertaken where any revision to this policy is proposed.
- 2.4 In addition, in formulating this policy, the Council has paid regard to the provisions of the **European Convention on Human Rights**; in particular the rights that everyone has to respect for their home and private life and to the peaceful enjoyment of their possessions (including a licence).
- 2.5 The **Human Rights Act 1998** makes it unlawful for a public authority to act in a way that will be incompatible with a convention right. Consequently, an aim of this policy, particularly in relation to the decision-making processes of the Council, is to ensure that a licensing decision does not cause a breach of a convention right.
- 2.6 The Council has also taken into account the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely effect of the exercise of their functions on crime and disorder in their area and to do all they reasonably can to prevent such incidences.

3. Scope of Policy

- 3.1 The Act is concerned with the sale of alcohol, the supply of alcohol by clubs, the provision of regulated entertainment and late night refreshment at any premises (defined by the Act as any vehicle, vessel or moveable structure or any place or any part of any premises).
- 3.2 Activities that require a licence under the Licensing Act 2003 and covered by this policy include the:
- retail sale of alcohol;
 - supply of hot food or drink from premises from 23.00 to 05.00 hours;
 - supply of alcohol or provision of regulated entertainment to club members;
 - provision of entertainment of a type listed below (known as regulated entertainment) to the public or club members or with a view to profit:
 - film exhibitions;
 - performances of a play;
 - indoor sporting events;
 - boxing or wrestling;
 - live music performances;
 - playing of recorded music;
 - dance performances;
 - provision of facilities for making music; and
 - provision of dancing facilities.
- 3.3 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (premises licences), the supply of alcohol or the provision of regulated entertainment at certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).
- 3.4 In general, a reference in this policy to a premises licence will include a club premises certificate.
- 3.5 The scope of the policy covers new applications, renewals, transfers and variations and also temporary event notices. Additionally, the review of licences, which could lead to their revocation, is also within its remit.

4. General Principles of the Policy

- 4.1 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to meet the licensing objectives will be imposed. All applicants will be expected to incorporate into their operating plan the steps proposed to comply with the four licensing objectives. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public; health and safety at work and fire safety legislation for example.
- 4.2 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Licensing Act 2003. Any terms and conditions that may be attached to the various licences will be focused on matters that are within the control of individual licensees or clubs. These matters will centre on the premises and places being used for licensable activities and their vicinity. The Council will primarily focus on the direct impact of the activities taking place at the licensed premises and on members of the public living, working or engaged in normal activity in the area concerned. In considering all licensed activities with regard to the objectives, the Council will take account of the following additional factors:
1. The use of the premises and the numbers of people likely to attend.
 2. The availability of public transport and private car parking.
 3. The proposed hours and frequency of the licensed activity.
 4. Any past history of problems, related to any or all of the licensing objectives, and the impact of any measures taken to counteract the problems.
- 4.3 The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of a licensee. However, licensing law is a key aspect of such control and is part of a holistic approach to the management of anti-social behaviour. We therefore expect all licensees to take responsible steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises e.g. on the pavement, in a beer garden or in a smoking shelter where and to the extent that these matters are within their control.
- 4.4 The Council is not able to authorise the supply of alcohol from premises used primarily as a garage, i.e. for the retailing of petrol or diesel or the sale or maintenance of motor vehicles. The issue of whether any use is primarily as a garage will be judged in each case on its merits.

5. The Need for Licensed Premises

- 5.1 The Council will not take 'need' into account when considering an application, as this is not a licensing function but a matter for planning control (to a limited extent) and the market.

6. The Cumulative Impact of a Concentration of Licensed Premises

- 6.1 The Government's Guidance to licensing authorities allows the Council to consider whether a large concentration of licensed premises in any area may have a potential impact on crime and disorder or public nuisance in that locality. We may then adopt a special policy of refusing new licences in a specified area whenever we receive relevant representations about the cumulative impact upon the licensing objectives from a responsible authority or an interested party. Such a policy may only be adopted if there is evidence showing it is necessary. To date no such evidence has been forthcoming. However, should, at some point during the lifetime of this policy, representations be received from a responsible authority or an interested party that an area has become subject to a concentration of licensed premises, so making it a focal point for large groups of people to gather and circulate away from the premises themselves and creating exceptional problems of disorder and nuisance, this issue would be re-considered.

7. Other Methods of Control

7.1 The Council recognises that, once away from licensed premises, a minority of consumers will behave badly and unlawfully. The Council will use various mechanisms, both inside and outside the licensing regime, to address these problems. These steps may include:

- planning controls (where possible);
- positive measures to create safe and clean urban centre environments in partnership with local businesses and transport operators;
- the provision of CCTV surveillance and taxi ranks;
- continuing to designate parts of the City as places where alcohol may not be consumed publicly;
- co-operating with the Police who may enforce the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who sells alcohol to people who are drunk;
- working with the Police who have powers to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- receiving representations from the Police, other responsible authorities or local residents or businesses who may seek the review of the licence or certificate in question.

8. Policy Relating to Personal Licences

- 8.1 The Act confers very little discretion upon licensing authorities in relation to the granting of personal licences. Provided that an applicant is aged 18 or over, possesses a licensing qualification and has not, within the preceding five years, held a licence which has been forfeited, a licence **must** be granted **unless** the applicant has been convicted of a 'relevant offence' (as defined in section 113 of the Act) or a comparable foreign offence.
- 8.2 Where (a) relevant offence(s) has/have been committed, the Council must give notice of this/these to the Police. If the Police are satisfied that, in the light of such conviction(s), the granting of the licence would undermine the crime prevention objective, notice to that effect (an 'objection notice') must be given to the Council within 14 days. If no objection notice is given, the licence must be granted. However, in cases where an objection notice is received, the Council must hold a hearing.

8.3 Policy

At the hearing, the Council's Licensing Sub-Committee will consider carefully whether the grant of a licence will promote the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances. The application will normally be refused unless, in the opinion of the Sub-Committee, there are exceptional and compelling circumstances that justify granting the application.

8.4 Reason

Prevention of crime is not merely one of the four licensing objectives under the Act; it is also an important responsibility of the Council under the Crime and Disorder Act 1998. A licensee should be a person who will assist the fight against crime. Granting a licence to a known criminal will in many cases undermine rather than promote the crime prevention objective.

9. Policy Relating to Premises Licences and Club Premises Certificates

Structure/Physical Characteristics/Location of the Premises

- 9.1 The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.
- 9.2 Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances, for example noise, light and odours. These may impact on people living, working or sleeping in their vicinity. It is therefore essential that premises are constructed or adapted and operated to safeguard occupants against these risks.
- 9.3 The Council will expect Operating Schedules¹ to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health Officers, Northumbria Police and Tyne and Wear Fire and Rescue Service before preparing their plans and Schedules. All plans must be clear and legible in all material respects.

9.4 Policy

An application for a premises licence or a club premises certificate will not be granted for premises that are unsafe for members of the public. The Council will, where necessary, e.g. for reasons of public safety or the prevention of crime and disorder, impose conditions restricting capacity and may attach conditions relating to the monitoring of these capacities e.g. the installation of automatic counting systems.

9.5 Reason

Under the public safety objective the Council has a duty to ensure that licensed premises are of a suitable standard that makes them safe for use by both staff and members of the public. Whilst the Council acknowledges that there are powers available under health and safety legislation and fire safety legislation to ensure that premises are of a suitable standard, the Council will use all of its powers to ensure that, at the time a licence is granted, the premises are safe for use by both staff and members of the public. In addition, premises that are operating beyond their capacity may create problems of crime and disorder, which the Council will reflect in its licensing decisions.

¹ Operating Schedule – A document that is submitted by the applicant which outlines the licensable activities which are to take place on the premises, when they will take place, when the premises will be open to the public and what steps the applicant will take to promote the Licensing Objectives.

Sex- related entertainment

- 9.6 Where the activities proposed under an application for a licence include those of a sex-related nature (e.g. striptease or table dancing) the premises may also require a separate licence under the Local Government (Miscellaneous Provisions) Act 1982. Advice upon this Act is available from the Licensing Section.

Access and Facilities for the Disabled

9.7 Policy

The Council will encourage licensees to provide reasonable facilities and access for people with disabilities.

9.8 Reason

The Council believes that, wherever practicable, disabled people should not be treated in a less advantageous way than able-bodied people.

Drugs

- 9.9 The Council recognises that drug misuse may occur in public houses and nightclubs. Consequently, conditions may be imposed for certain venues to reduce the likelihood of drugs being sold and consumed. The Council will expect applicants for licences in respect of venues where alcohol is to be supplied for consumption on the premises or music is to be performed or played to detail in their operating schedules the steps they will take to prevent the use of drugs within their premises.
- 9.10 Where appropriate, Operating Schedules should address the issues raised in the Government's Safer Clubbing Guide. The Guide can be viewed in full at www.drugs.gov.uk

Street Cafés

- 9.11 It is recognised that applicants for licences under the Licensing Act 2003 may seek to extend their operating premises onto the street by the creation of a street café area. The Council supports and encourages the provision of street cafés in the city. However, permissions are granted by the issue of a licence by the Council, as Highway Authority, under **Section 115E** of the **Highways Act 1980** and **not** under the **Licensing Act 2003**. This is a separate and additional process. The "Street Cafés Guidance for Applicants" document is available on request from the Highway Maintenance Section of City Services on 0191 5611527.

Variations

- 9.12 The Council will determine whether an application for a new licence as opposed to an application for a variation, is necessary in line with the Secretary of States Guidance issued under Section 182 of the Licensing Act 2003.

Minor Variations

- 9.13 The Council will determine an application for a minor variation in line with the Secretary of States Guidance issued under Section 182 of the Licensing Act 2003.

10. Licensing Hours

- 10.1 The Council recognises that in some circumstances, flexible licensing hours for the sale of alcohol from public houses and night clubs may avoid large numbers of people leaving premises at the same time, which in turn could reduce the friction at late night fast food outlets, taxi ranks, private hire offices and other sources of transport that can lead to disorder and disturbance.
- 10.2 Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 10.3 The Council will generally deal with the issue of the licensing hours of public houses and nightclubs having due regard to the individual merits of each application. However, consideration may be given to restricting hours and/or imposing stricter conditions, e.g. in respect of noise control, where premises are situated in mainly residential areas.
- 10.4 The Council will generally consider licensing shops to sell alcohol for consumption off the premises at any times they are open for shopping. However, we may restrict those hours, e.g. where the Police or local residents make representations in respect of disorder and disturbance, in order to prevent a breach of the licensing objectives.

11. Children

11.1 The protection of children from harm is one of the four licensing objectives. The Act prohibits the admission of children to premises in certain specified circumstances and, even where admission is lawful, such admission is at the discretion of those managing the premises. The Act contains no presumption of giving children access or any presumption of preventing this. Each application will therefore be considered on its own merits. However, the Council may find it necessary to limit the access of children to premises in order to protect them from physical, moral or psychological harm. Examples of situations where limitations may be necessary include premises:

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

11.2 The controls which may be implemented include the following:

- limitations on the hours when children may be present;
- limitations concerning the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations;
- requirements for accompanying adults (including for example, a combination of requirements which provide that persons under a particular age must be accompanied by an adult);
- full exclusion of persons under 18 from the premises when any licensable activities are taking place; and
- requirements to serve drinks in containers made from plastic or toughened glass.

- 11.3 It should be noted that the Council may not require that children may be admitted to licensed premises.
- 11.4 In submitting an application to license premises the applicant must submit copies to certain 'responsible authorities' as defined by the Act. These authorities include the Local Safeguarding Children Board, FAO Safeguarding and Quality Assurance Manager, Cassaton House, Fawcett Street, Sunderland SR1 1RF who will advise on matters pertaining to the prevention of children from harm.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

- 11.5 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks is considered by the Council to be an important tool in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner that may appeal to or attract such persons. The Portman Group also issues retail alert bulletins that identify products that have breached this code. The Council therefore recommends that those persons involved in the business of supplying alcohol comply with both the Code and the retail alert bulletins.

Children and Cinemas

- 11.6 Where applicants seek a licence to show films we expect that they will indicate in their operating schedules their arrangements for restricting children from viewing age-restricted films.
- 11.7 The Council will include a condition in all such licences that will restrict the admission of children in accordance with the recommendations of the British Board of Film Classification (BBFC) or, if a film has not been classified by the BBFC, the Council. Information upon obtaining such a recommendation is available from the Licensing Section at the address shown in Paragraph 1.10 above.

Under 18 Discos

- 11.8 Such events present special risks for persons under 18, e.g. assault, exposure to drugs, theft etc, and can be the focus of disorder in the surrounding neighbourhood. The Council expects applicants to identify strategies for managing foreseeable risks e.g. requiring all staff present to have undertaken Enhanced Criminal Records Bureau checks, employing specified ratios of staff to participants and the provision of safe transport facilities to and from the venue.

12. Integrating Strategies

- 12.1 The Council recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication and inefficiency.
- 12.2 The Council has established a Safety Advisory Group (SAG) consisting of Council officers and representatives from the emergency services to advise and co-ordinate planning for public events within the City of Sunderland.

13. Crime Prevention

- 13.1 The conditions attached to premises licences and club premises certificates will, in so far as possible, reflect crime prevention strategies. For example, closed circuit television cameras will be required to be provided in premises authorised to supply alcohol and images may be retained for a specified period to facilitate inspection by the Police or Council.
- 13.2 The Council encourages all applicants for premises licences, which permit the sale of alcohol for consumption ON the premises, to be members of a local Pubwatch Scheme, which is approved by both Northumbria Police and the Council, where available.
- 13.3 Where representations are made by the Police in respect of crime and disorder with regard to public houses or club type premises, the Council may attach conditions which require that all drinks are served only in containers made from plastic or toughened glass. This condition may be on a permanent basis or triggered following a specified period of notice given by the Police for a specified period of time associated with a special event such as a high-risk football match or the Sunderland Air Show.
- 13.4 Again, following representations from the Police, conditions may be imposed on premises licences that require the employment of specified numbers of Door Supervisors during specified periods.

14. Cultural Strategies

- 14.1 The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. Therefore, we will consider 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 the matter will be considered with a view to investigating how the situation might be reversed. Advice upon whether cultural activities are required to be licensed is available from the Licensing Section whose address and contact details are at the introduction to this policy.

15. Promotion of Racial Equality

- 15.1 The Council, in pursuing its functions under the Licensing Act, will, of course, comply with the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. The 1976 Act, as amended, also requires local authorities to produce a race equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring.

16. Duplication

- 16.1 In operating this policy, the Council intends to avoid duplication with other regulatory regimes in so far as possible. Conditions that replicate the requirements of other legislation will not be imposed. However, where regulations do not cover the unique circumstances that may pertain to specific licensed premises, tailored conditions may be utilised.

17. Conditions

- 17.1 A fundamental principle of the Act is that conditions should be attached to licences and certificates only where they are tailored to suit the individual characteristics of premises and events concerned. However, in the interest of promoting the licensing objectives, we may utilise conditions drawn from the Pool of Model Conditions attached as Appendix 1.
- 17.2 Other conditions may be imposed upon licences by the Council where appropriate following due legal process and these will be expressed as clearly as possible.

18. Enforcement

- 18.1 Once licensed, it is essential that premises are maintained and operated to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. We will arrange to monitor premises and take appropriate enforcement action in accordance with the Council's Enforcement Policy and the Code of Conduct for Crown Prosecutors to ensure this.
- 18.2 The Council works closely with its partners and has established a Responsible Authority Group which meets fortnightly to ensure that resources are targeted upon problem and high-risk premises.

19. Administration, exercise and delegation of functions

- 19.1 The Council is involved with a wide range of licensing decisions and functions and has established a Licensing Committee for their administration.
- 19.2 We wish to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process. Therefore, the Committee has delegated certain decisions and functions and has authorised the formation of Sub-Committees for this purpose.
- 19.3 Furthermore, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications will be delegated to Council officers.
- 19.4 The Table below sets out the method of delegation of decisions and functions to the Sub-Committees and officers.

Matter to be dealt with	Sub-Committee	Officers
Application for Personal Licence	If a Police objection	If no objection made
Application for Premises Licence/Club Premises Certificate	If relevant representations made	If no relevant representations made
Application for a Provisional Statement	If relevant representations made	If no relevant representations made
Application to vary Premises Licence/Club Premises Certificate	If relevant representations made	If no relevant representations made
Application for a minor variation to a 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 a transfer of Premises Licence	If a Police objection	All other cases
Application 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 the Council is a consultee and not the Licensing Authority considering the application	All cases	
Determination of a Police objection to a Temporary Event Notice	All cases	

Appendix 1

LICENSING ACT 2003

POOL OF MODEL CONDITIONS

Notes: -

- (i) These conditions must be read in conjunction with the Guidance under section 182 of the Licensing Act 2003.
 - (ii) These conditions must not be regarded as “standard conditions” which are to be automatically imposed in all cases. They are designed to provide a range of possible conditions, which may need to be attached to licences depending upon differing situations. The wording of the conditions may need to be modified to suit a particular premises and situations.
 - (iii) This is not an exhaustive or exclusive list of conditions. Additional conditions may be drafted and attached to licences to meet individual circumstances.
 - (iv) Applicants preparing Operating Schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives.
 - (v) When incorporated into a Premises Licence or Club Premises Certificate, any condition becomes enforceable under the law and a breach of such a condition could give rise to prosecution.
 - (vi) In these conditions the term “Licensee” refers to the holder of a Premises Licence or a club holding a Club Premises Certificate and Operating Schedule refers also to a Club Operating Schedule.
-

CONDITIONS
RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text / Radio Equipment

1. There must be provided at the premises text and/or radio equipment to be operated in conjunction with the Police.
2. The text and/or radio system must be capable of sending and receiving messages to and from the Police, and other licensees, Designated Premises Supervisors, Door Supervisors, managers and club operators, incorporated into any joint and mutually beneficial scheme operating in the area.
3. The text and/or radio system must be maintained in good working order at all times when the premises are being used for a licensable activity.
4. The text and/or radio system must be activated, made available to, and monitored by the Designated Premises Supervisor or a responsible member of staff at all times when the premises are being used for a licensable activity.
5. The Licensee, Designated Premises Supervisor or other person having responsibility for monitoring the text and/or radio system provided must comply with any instructions or directions received through the system from the Police.
6. The Licensee, Designated Premises Supervisor or other responsible person must use the text and/or radio system to notify any incident of crime and disorder to the Police as soon as practically possible, in accordance with agreed protocols.
7. At any time that the premises are in operation the names of all personal licensees on duty and all persons in possession of text/radio equipment shall be recorded in an appropriate record book to be kept at the premises. This record book must be available for inspection by the Police or Council Officers at all times when the premises are open.

Door Supervisors

8. (either)

- At all times that the premises are open for any licensable activity

(or)

- Between andon(days) when the premises are open for a licensable activity

There shall be employed at the premises 'X' number of Door Supervisors (as defined in the Private Security Industry Act 2001).

9. Door Supervisors must be stationed in such numbers and in such positions as detailed on the attached schedule and approved plan of the premises.
10. Door Supervisors may be male or female, but, where physical searching of a patron is to be undertaken, such searching must be undertaken by staff of the same sex as the patron.
11. Door Supervisors must be provided with 'two-way' radios or similar systems capable of ensuring continuous communication between each other at all times that the premises are open for a licensable activity.
12. Door Supervisors shall wear clothing of the same style, type and colour, which may be appropriate to the nature of the venue, but which will ensure they are clearly distinguishable and identifiable as Door Supervisors having regard to the events and activities taking place at the licensed premises.
13. On each day that Door Supervisors are engaged for duty at the premises, their details (names and licence numbers) shall be recorded in an appropriate book kept at the premises. In conjunction with this record book, an incident book shall also be kept. This record book and incident book must be available for inspection by the Police or Officers of the Council at all times when the premises are open.

Bottle Bans

14. Glass bottles containing beverages of any kind must not be left in the possession of any patrons after service and following the discharge of the contents into an appropriate glass or drinking vessel (except glass bottles containing wine which may be sold for consumption with a meal taken at a table, by customers who are seated in an area set aside exclusively for patrons taking table meals).
15. No persons carrying open or sealed glass bottles must be admitted to be premises at any time that the premises are open for any licensable activity.

Plastic Containers and Toughened Glass

16. Drinks shall be served only in containers made of strengthened glass (tempered glassware) or of a material that, in the event of breakage, will fragment with no sharp edges remaining. Alternatively, drinks may be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

(Note. Weights and Measures legislation may require the use of “stamped glasses” where “meter-measuring equipment” is not in use.)

17. Any drinks to be consumed in a beer garden or children’s play area must be served only in containers made of strengthened glass (tempered glassware) or of a material that, in the event of breakage, will fragment with no sharp edges remaining. Alternatively, drinks may be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).
18. No glass drinking vessels or glass bottles shall be permitted (*in the areas described in the attached schedule and delineated on the approved plan.*)

CCTV

19. A CCTV system must be designed, installed and maintained in proper working order, to the satisfaction of the Council and Northumbria Police. Such a system must:
 - Ensure coverage of all entrances and exits to the premises internally and externally;
 - Ensure coverage of such other areas as may be required by the Council or Northumbria Police;
 - Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings must be retained (on tape or otherwise) for a period of _____, and must be supplied to an Officer of the Council or a Police Officer on request; and
 - Be in operation at all times the premises are in use.

Open Containers Not To Be Taken From the Premises

20. No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open bottle, whether empty or containing any beverage.

Restrictions on Drinking Areas

21. No alcoholic drinks may be consumed in the (areas described in the attached schedule).

Capacity Limits

22. The number of persons permitted to assemble on the premises on the same occasion shall at no time exceed the permitted numbers specified on the Premises Licence.

23. The maximum number of persons permitted in each of the following areas at any one time shall not exceed: -

- (a)
- (b)
- (c)
- etc,

but at no time shall the total number of persons on the premises as a whole exceed (number) persons.

24. There shall be effective management arrangements in place to identify how many persons there are in the premises at all times when the premises are open for a licensable activity.
25. The maximum number of persons permitted to assemble on the licensed premises, or relevant part of the licensed premises, shall be indicated by a fixed notice bearing the words "Maximum Occupancy" with letters and numbers not less than 20 mm high, conspicuously sited at each relevant part of the premises and at the reception point.

Proof of Age

26. A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

Crime Prevention Notices

27. Suitably phrased, clear and conspicuous notices shall be displayed near the entrance to the premises and in other appropriate locations such as sanitary conveniences advising patrons:

a) of any risk of theft or possibility of other criminal activity

and/ or

b) to exercise care with their personal possessions to prevent theft

and/or

c) how to report any incidents of theft or other criminal activity.

28. All such signs shall be illuminated or positioned in well-lit locations.

Signage

29. A conspicuous notice must be displayed on or immediately outside the premises adjacent to the entrance to the premises that gives details of times when the premises are permitted to be open for any licensable activity.

30. A conspicuous notice must be displayed on or immediately outside the premises, or which is immediately adjacent to the premises, which gives details of any restrictions relating to the admission of children to the premises.

Large Capacity Venues Used Exclusively or Primarily For the “Vertical” Consumption Of Alcohol (High Volume Vertical Drinking Establishments (HVVDs))

31. The premises must contain at least (number) tables and (number) chairs.

Restaurants/Cafés

32. Seating for no less than (number) persons shall be provided in the premises at all times the premises are in operation.

33. Seating shall be provided for all customers and alcohol shall only be served to those customers who are seated at tables by way of waiter or waitress service.

34. Except in the area identified and delineated (e.g., hatched, coloured green) on the deposited plan, alcohol shall only be sold or supplied to, and consumed by, persons seated at a table, by way of waiter or waitress service, save that:

a. No more than (number) persons may stand in the area identified and delineated (e.g. coloured blue) at any one time; and

b. A patron may take alcohol from the area marked (e.g. coloured green) and consume it in the area marked (e.g. coloured blue).

CONDITIONS **RELATING TO PUBLIC SAFETY**

Disabled People

35. When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre-determined plan.

Escape Routes

36. All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and be clearly identified.
37. Where chairs and tables are provided in restaurants and other premises, internal gangways must be kept unobstructed.
38. All exits doors must be easily openable without the use of a key, card, code or similar means.
39. All doors leading from exits into passages or to the outside of the premises shall be without locks, bolts or other fastenings, except that those doors used only for exit shall be fitted with panic bolts and the method of opening shall be clearly indicated on the door to which it is fitted. Panic bolts shall not be secured with chains, padlocks or other locking devices when the premises are being used for the purposes of the licence.
40. All exit doors must be regularly checked to ensure that they function satisfactorily and a record of the check kept on the premises.
41. Any removable security fastenings must be removed whenever the premises are open to the public or occupied by staff. Arrangements must be made to ensure that security-fastening devices are displayed in a prominent position under management control when the premises are open to the public.
42. The edges of steps and stairs shall be conspicuous. Mats, matting, carpets and other floor coverings shall be secured to the surface they cover and shall be so maintained.

Safety Checks

43. Safety checks must be carried out before the admission of the public. These must correspond with the risk assessment and the conditions of the licence.
44. A written record of all periodic tests, examinations, inspections, staff training and results referred to herein shall be made in a log book. The log book shall be kept on the premises at all times and shall be available for examination by Officers of the Council, Northumbria Police and Tyne and Wear Fire and Rescue Service.

Curtains, Hangings, Decorations and Upholstery

45. Curtains and drapes shall be adequately supported and shall not be hung across stairs, stairways or gangways. Curtains and drapes may be hung over doors, but shall be so hung as to draw easily and slide freely. All curtains and drapes shall be hung so that they do not come into contact with the floor, and do not conceal notices.
46. Temporary decorations must not be used without prior notification to the Council.

Capacity Limits

47. The number of persons permitted to assemble on the premises on the same occasion shall at no time exceed the permitted numbers specified on the Premises Licence.
48. There shall be kept a record of the total number of persons present on the premises at all times when the premises are open to the public. Such record shall be kept in written form or by such other means as may be approved in writing by the Council and shall be kept readily available for inspection upon request by any Officer of the Council, Police or Tyne and Wear Fire and Rescue Service.

Access for Emergency Vehicles

49. Access to the premises for emergency vehicles must be kept clear and free from obstruction.

First Aid

50. Access to the premises for emergency vehicles must be kept clear and free from obstruction.
51. At least one suitably trained first aider per 500 people shall be on duty at all times when the public are present up to the first 3,000 and then one per 1,000 for the remainder. If more than one suitably trained first aider is on duty their respective duties must be clearly defined.

Lighting

52. In the absence of adequate daylight all areas including circulation areas and exit routes shall be illuminated whenever the premises are being used for the purpose of this licence. Such lighting shall be maintained in working order.
53. Emergency lighting must not be altered without the prior consent of the Council.
54. The emergency lighting system must be checked to ensure it is operating correctly before the admission of the public, members or guests.

55. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises immediately.

Temporary Electrical Installations

56. Temporary electrical wiring and distribution systems must not be installed without notification to the Council at least ten days before commencement of the work and must be inspected and certified by a suitable qualified electrician prior to use.
57. Where it is not possible to give ten days notification to the Council of the installation of temporary electrical wiring and distribution systems, the work must be undertaken by competent, qualified persons.
58. Temporary electrical wiring and distribution systems must comply with the recommendations of BS7671 or, where applicable, BS7909.
59. All temporary electrical wiring and distribution systems must be inspected and certified by a competent person before they are put to use.

Indoor Sports Entertainment

60. An appropriately qualified medical practitioner must be present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
61. Where a ring is constructed for the purposes of boxing, wrestling or similar sports, it must be constructed by a competent person, and inspected, prior to use, by a Building Control Officer of the Council (at the cost of the applicant).
62. At any wrestling or other entertainment of a similar nature, members of the public must not occupy any seat within 2.5 metres of the ring.
63. At water sports entertainments, staff adequately trained in rescue and life safety procedures must be stationed and remain within the vicinity of the water at all material times.

CONDITIONS
RELATING TO PUBLIC SAFETY IN THEATRES, CINEMAS,
CONCERT HALLS AND SIMILAR PLACES

Attendants

64. The number of attendants on each floor in a closely seated auditorium must be as set out on the table below:

Number of members of the audience present on a floor			Minimum number of attendants required to be present on that floor
1	-	100	One
101	-	250	Two
251	-	500	Three
501	-	750	Four
751	-	1000	Five
And one additional attendant for each additional 250 persons (or part thereof)			

65. Attendants must not be engaged in any activity that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from the floor or auditorium where they are on duty.
66. All attendants must be readily identifiable to the audience (but this need not entail the wearing of a uniform).
67. The premises must not be used for a closely seated audience except in accordance with (a) seating plan(s), (a) copy/copies of which must be available at the premises and must be shown to an Officer of the Council, Police or the Fire and Rescue Service on request.
68. No article must be attached to the back of any seat, which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
69. A copy of any certificate relating to the design, construction and loading of any temporary seating must be kept available at the premises and must be shown to an Officer of the Council, Police or the Fire and Rescue Service on request.

Standing or Sitting In Gangways Etc.

70. Sitting on floors must not be permitted except where authorised in the premises licence or club premises certificate.
71. Waiting or standing must not be permitted except in areas designated in the premises licence or club premises certificate.
72. In no circumstances must anyone be permitted to –

- sit in any gangway;
- stand or sit in front of any exit; or
- stand or sit on any staircase including any landings.

Drinks

73. Except as authorised by the premises licence or club premises certificate, no drinks must be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

74. Clothing or other objects must not be placed over balcony rails or upon balcony fronts.

Special Effects

75. Any special effects (as defined below) or mechanical installation must be arranged and stored to minimise any risk to the safety of the audience, the performers and staff.
76. Except with the prior written approval of the Council and subject to any conditions that may be attached to such approval no special effects shall be used on the premises.

Special effects include:

- a) dry ice machines and cryogenic fog;
- b) smoke machines and fog generators;
- c) pyrotechnics, including fireworks;
- d) real flame;
- e) firearms;
- f) motor vehicles;
- g) strobe lighting;
- h) lasers; and
- i) explosives and highly flammable substances.

Ceilings

77. All ceilings in those parts of the premises to which the audience is admitted must be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the Council.

Seating

78. Where the potential audience exceeds 250 all seats in the auditorium must, except in boxes accommodating not more than eight persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

PREMISES USED FOR FILM EXHIBITIONS

Attendants – Premises without a Staff Alerting System

79. Where premises used for film exhibitions are not equipped with a staff alerting system the number of attendants present must be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	2
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant must be present in any auditorium or on any floor

Attendants – Premises with a Staff Alerting System

80. (a) Where premises used for film exhibitions are equipped with a staff alerting system the number of attendants present must be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 - 500	Two	One
501 - 1000	Three	Two
1001 - 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- the holder of the premises licence or the manager on duty at the premises;
- a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

(c) Attendants must as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(d) The staff alerting system must be maintained in working order and be in operation at all times the premises are in use.

Minimum Lighting

81. The level of lighting in the auditorium must be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

CONDITIONS
RELATING TO PUBLIC NUISANCE

Noise and Vibration

- 82. The internal LAeq 15min and the Leq 15 min for the 63Hz frequency centred octave band shall not be increased within nearby residential properties (measured with windows at the dwellings either open or closed) as a result of noise emissions from the licensed premises.
- 83. Noise generated by amplified music must be controlled by a noise-limiting device set at a level determined by the Council, such level being confirmed in writing to the Licensee.
- 84. The lobby doors at the premises must be kept closed except for access and egress. Door staff must supervise to ensure that the doors are maintained closed as far as possible when public entertainment is taking place.
- 85. Windows, doors and fire escapes shall remain closed during entertainment events within the premises
- 86. The use of fireworks and pyrotechnics is restricted to the hours of to
- 87. Clear and legible notices must be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents; in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car horns.

Light Pollution

- 88. Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining properties.
- 89. Lighting associated with activities of entertainment must be positioned so as not to cause nuisance to neighbouring or adjoining properties.
- 90. Lighting provided externally to promote advertising of the premises or activities associated with the premises must not be of an intensity such as to cause nuisance to neighbouring or adjoining properties.

Noxious Smells

- 91. Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.

CONDITIONS
RELATING TO THE PREVENTION OF HARM TO CHILDREN

Access for Children to Licensed Premises – General

- 92. Persons under 18 years must not be allowed access to the premises.
- 93. Persons under ...years unaccompanied by an adult over 18 must not be admitted after

Theatres

- 94. Persons under the age of 18 years must not be allowed access to premises during any time when an activity or entertainment of a sexual nature is being provided. For the purposes of this condition entertainment of a sexual nature includes but is not limited to striptease (sometimes referred to as exotic dancing), lap dancing, pole dancing or any other entertainment of a similar nature.
- 95. Persons under the age of 18 years shall not have access to the premises (or specified part thereof) during any time when an activity, entertainment or service of an adult and/or sexual nature is provided. For the purposes of this condition entertainment of an adult or sexual nature includes but is not limited to performances involving feigned violence or horrific incidents, entertainment involving strong, foul, offensive or abusive language, nudity, striptease (sometimes referred to as exotic dancing), lap dancing, table dancing, pole dancing, feigned or actual sexual acts or fetishism, or which is likely to offend against good taste or decency or any other entertainment of a similar nature.

Entertainment Especially For Children

- 96. Where entertainment is provided wholly or mainly for unaccompanied children:
 - a. an attendant must be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof;
 - b. attendants must wear distinctive clothing or suitable armbands; and
 - c. attendants must be present throughout the entertainment and while the audience is entering and leaving the building.
- 97. All staff coming into contact with children shall be vetted by an enhanced Criminal Records Bureau check and have no convictions that would make them unsuitable to inter-act with children.

Children in Performances

98. The show venue must be large enough to safely accommodate the children backstage.
99. All chaperones and production crew must receive the fire instruction procedures applicable to the venue prior to the arrival of the children.
100. Children must be supervised by an adult at all times.

The Portman Group Code of Practice on the Naming, Packaging And Promotions Of Alcoholic Drinks

101. Compliance with the Portman Group's Retailer Alert Bulletins is required.

COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE

TACKLING SERIOUS YOUTH VIOLENCE

REPORT OF THE CHIEF EXECUTIVE

6 JULY 2010

1. Purpose of Report

- 1.1 To receive an overview and presentation from Chief Inspector Bob Ryan, Harm Reduction Unit, Northumbria Police Headquarters and Ian Stevenson, Home Office Advisor on the Serious Youth Violence Youth Crime Programme.

2. Background

- 2.1 Since June 2008 the Tackling Knives and Serious Youth Violence (TKAP) programme has been working with a number of police forces and other partners to reduce serious youth violence including knife crime.
- 2.2 The TKAP programme focuses on the 13-24 age group, with a mission to deliver a reduction in serious youth violence and improve public confidence through concerted action by government, in partnership with local agencies.
- 2.3 Results from the first two phases of the Programme have been encouraging meaning that the Programme will continue through 2010/2011. Over the first two years the programme has evolved to a programme which in this financial year is focused on sustainable engagement, education and prevention as well as enforcement in conjunction with local Community Safety Partnerships.
- 2.4 The Programme provides funding for areas to tackle serious youth violence based on intelligence described in a problem profile which helps the area to better understand why violence occurs locally. Each partnership it also required to develop a Partnership Delivery Plan to detail activity to tackle serious violence and monitor progress in their area.
- 2.5 TKAP is a voluntary programme and is currently supporting 52 Community Safety Partnership areas across England and Wales, all of which have been identified as having relatively high levels of serious youth violence. It is worth noting that Sunderland does not have a specific issue around serious youth violence.

3. Recommendation

- 3.1 Members are asked to note the report and to receive the presentation and ask any questions felt appropriate by the Committee.

4. Background Papers

- 4.1 There were no background papers used in the preparation of this report.

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Crime Reduction
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POVERTY OF PLACE

Report of the Chief Executive

STRATEGIC PRIORITIES:

CORPORATE PRIORITIES: CIO1: Delivering Customer Focused Services; CIO4: Improving Partnership Working To Deliver 'One City'.

1. Purpose of report

- 1.1 To highlight to the Committee current research as regards poverty of place in relation to understanding community safety and the relationship with community cohesion.
- 1.1 To suggest that the Committee has a site visit to both an area where poverty of place is currently having an adverse impact and an area where environmental work has had a positive impact upon community cohesion.

2. Background

- 2.1 In October 2009 the Committee received a report of the Diversity and Inclusion Manager recommending a site visit to look at areas where poverty of place is evident and also projects where it is being addressed.
- 2.2 Poverty of place is becoming increasingly important in understanding poverty in general and in particular child poverty.
- 2.3 It is linked to issues such as social and cultural capital which are being increasingly used as non-financial indicators of poverty, recognising that there is a need to broaden the definition of poverty beyond financial measures if we are to properly address its impact upon real lives.
- 2.4 Poverty of place refers to, for instance, the way the look of an area can increase fear of reducing opportunities to build bridging and linking social capital¹.
- 2.5 Research by the Joseph Rowntree Foundation has shown that if an area suffers from poor environmental quality (litter, graffiti, unkempt patches of land, poorly maintained footpaths, boarded up buildings and so on) people are less likely to move about in or through that area. This means that despite there being services supplied relatively close to those who need them, the take up is poorer than anticipated.

¹ Bridging and linking social capital refers to the links people and communities make beyond their closest family and neighbours, for instance to people in organisations or service providers who will help to encourage people to take up opportunities.

3. Recommendation

- 3.1 That the Community and Safer Committee invite members of the Environment and Attractive Scrutiny Committee and Sustainable Communities Scrutiny Committee to accompany them on a site visit to look at areas where poverty of place is evident and also projects where it is being addressed.

4. Background Papers

Poverty of Place- Report of the Diversity and Inclusion Manager, October 2009

Contact Officer: Claire Harrison, Acting Scrutiny Officer
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COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE

6 JULY
2010

CENTRE FOR PUBLIC SCRUTINY 8TH ANNUAL CONFERENCE - FEEDBACK

REPORT OF THE CHIEF EXECUTIVE

1. Purpose of Report

- 1.1 To provide the Committee with verbal feedback from the Centre for Public Scrutiny (CfPS) 8th Annual Conference that was held on 30 June and 1 July 2010.

2. Background

- 2.1 The Council's Overview and Scrutiny Handbook contains a protocol for use of the Scrutiny Committees budget by Members to attend training and conferences (Protocol 5 refers). This allows Members to gain specialist knowledge and expertise within a particular area of scrutiny and is in addition to the list of standing conferences and corporate development programme.
- 2.2 At its last meeting, the Committee agreed to send a delegate to the CfPS Annual Scrutiny Conference held on Wednesday 30 June and Thursday 1 July 2010 at The Brewery, London. The Conference was attended by Councillor Rosalind Copeland who will provide verbal feedback at this meeting.

3. Conference Programme

- 3.1 The theme for the annual conference was future accountability and transparency in public services.

Key issues included were:

- (a) Regaining public trust;
 - (b) Tackling Inequalities; and
 - (c) Addressing how to sustain outcomes in hard financial times:
- 3.2 At the end of the conference, it was envisaged that delegates would have:-
- (a) Heard directly from the government of the day about their vision for accountability in public service delivery;

- (b) Explored how public empowerment is becoming central to scrutiny and accountability across local government, police and the health service;
- (c) Explored how scrutiny can tackle today's issues- ensuring the public receive value for money in critical economic times;
- (d) Learnt about innovative techniques and best practice from experts across the public sector;
- (e) Met and shared ideas and experiences with colleagues facing the same challenges; and
- (f) Discovered what is on the horizon for the CfPS.

4. Recommendation

- 4.1 The Committee is asked to receive verbal feedback from the conference delegate.

5. Background Papers

Seminar Programme

Contact Officer: Claire Harrison, Acting Scrutiny Officer
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COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE

FORWARD PLAN – KEY DECISIONS FOR THE PERIOD 1 JULY 2010 – 31 OCTOBER 2010

REPORT OF THE CHIEF EXECUTIVE

6 JULY 2010

1. Purpose of the Report

- 1.1 To provide Members with an opportunity to consider those items on the Executive's Forward Plan for the period 1 July – 31 October 2010 which relate to the Community and Safer City Scrutiny Committee.

2. Background

- 2.1 The Council's Forward Plan contains matters which are likely to be the subject of a key decision to be taken by the Executive. The Plan covers a four month period and is prepared and updated on a monthly basis.
- 2.2 Holding the Executive to account is one of the main functions of Scrutiny. One of the ways that this can be achieved is by considering the forthcoming decisions of the Executive (as outlined in the Forward Plan) and deciding whether Scrutiny can add value in advance of a decision being made. This does not negate Non-Executive Members ability to call-in a decision after it has been made.
- 2.3 Members requested that only those items which are under the remit of the Committee be reported to this Committee. The remit of the Committee covers the following themes:-

Safer Sunderland Strategy; Social Inclusion; Community Safety; Anti Social Behaviour; Domestic Violence; Community Cohesion; Equalities; Licensing Policy and Regulation; Community Associations; Registrars

- 2.4 In the event of Members having any queries that cannot be dealt with directly in the meeting, a response will be sought from the relevant Directorate.

3. Recommendation

- 3.1 It is recommended that the Committee considers the Executive's Forward Plan for the period 1 July – 31 October 2010.

4. Background Papers

4.1 There were no background papers used in preparation of this report.

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**Forward Plan -
Key Decisions for
the period
01/Jul/2010 to
31/Oct/2010**



**R.C. Rayner,
Chief Solicitor,
Sunderland City
Council.**

14th June 2010

Forward Plan: Key Decisions from - 01/Jul/2010 to 31/Oct/2010

No.	Description of Decision	Decision Taker	Anticipated Date of Decision	Principal Consultees	Means of Consultation	When and how to make representations and appropriate Scrutiny Committee	Documents to be considered	Contact Officer	Tel No
01391	To consider the recommendations of the Community and Safer City Scrutiny Committee following a review of the action being taken by the Safer Sunderland Partnership to tackle Anti Social Behaviour.	Cabinet	21/Jul/2010	Council Officers and LSP Partners	Evidence at Scrutiny Meetings	Via the Contact Officer by 21 June 2010 - Community and Safer City Scrutiny Committee	Scrutiny Committee minutes	Jim Diamond	5611396

COMMUNITY AND SAFER CITY SCRUTINY 6 JULY 2010 COMMITTEE

WORK PROGRAMME 2010-11

REPORT OF THE CHIEF EXECUTIVE

Strategic Priorities: SP3 – Safer City

Corporate Priorities: CIO1: Delivering Customer Focused Services, CIO4: Improving partnership working to deliver 'One City'.

1. Purpose of the report

- 1.1 The report attaches, for Members' information, the current work programme for the Committee's work during the 2010-11 Council year.
- 1.2 The work of the Committee in delivering its work programme will support the Council in achieving its Strategic Priorities of Safer City, support delivery of the related themes of the Local Area Agreement, and, through monitoring the performance of the Council's services, help the Council achieve its Corporate Improvement Objectives CIO1 (delivering customer focussed services) and C104 (improving partnership working to deliver 'One City').

2. Background

- 2.1 The work programme is a working document which the Committee can develop throughout the year. The work programme allows Members and officers to maintain an overview of work planned and undertaken during the Council year.

3. Current position

- 3.1 The work programme reflects discussions that have taken place at the 8 June 2010 Scrutiny Committee meeting. The current work programme is attached as an appendix to this report.

4. Conclusion

- 4.1 The work programme developed from the meeting will form a flexible mechanism for managing the work of the Committee in 2010-11.

5 Recommendation

- 5.1 That Members note the information contained in the work programme and consider the inclusion of proposals for the Committee into the work programme.

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	JUNE 8.5.2010	JULY 6.7.10	SEPTEMBER 14.9.10	OCTOBER 12.10.10	NOVEMBER 9.11.10	DECEMBER 7.12.10	JANUARY 12.1.11	FEBRUARY 9.2.11	MARCH 9.3.11	APRIL 20.4.11
Cabinet Referrals and Responses										
Policy Review	Proposals for policy review (Claire Harrison)	Scope of review – (CH) Tackling Serious Youth Violence (KH) Review of the Council's Licensing Policy Statement (TT)	Approach to review (CH)	Evidence Gathering	Evidence Gathering	Evidence Gathering	Evidence Gathering	Evidence Gathering	Evidence Gathering	Final Report
Scrutiny	Request to attend conference (CH) Work Programme 2010/11 (CH) Forward Plan	Poverty of Place Visit (SB) Feedback from Conference Work Programme 2010/11 (CH) Forward Plan (CH)	Work Programme 2010/11 (CH) Forward Plan	Work Programme 2010/11 (CH) Forward Plan	Work Programme 2010/11 (CH) Forward Plan	Work Programme 2010/11 (CH) Forward Plan	Work Programme 2010/11 (CH) Forward Plan	Work Programme 2010/11 (CH) Forward Plan	Work Programme 2010/11 (CH) Forward Plan	Work Programme 2010/11 (CH) Forward Plan
Scrutiny (Performance)			Performance Q1				Performance Q2			Performance Q3
CCFA/Members items/Petitions										