

# **Licensing Act 2003 Statement of Licensing Policy**

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**Licensing Act 2003**  
**Statement of Licensing Policy**

(Issued pursuant to Section 5 of the Act)

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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](mailto: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 licensed 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 can reasonably 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
  - the 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 Schedules<sup>1</sup> 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.*

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<sup>1</sup> 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](http://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 State's 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 State's 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 Sunderland Safeguarding Children Board (SSCB), 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.

<b>Matter to be dealt with</b>	<b>Sub-Committee</b>	<b>Officers</b>
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 issued 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 ..... and .....on ..... (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.

27. All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 18 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, Police or Armed Forces ID card, Proof of

Age card carrying a "PASS" logo, or any other Government approved identification card or such evidence which the Council have approved as credible.

## **Crime Prevention Notices**

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

## **Signage**

30. 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.
31. 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))**

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

## **Restaurants/Cafés**

33. Seating for no less than (number) persons shall be provided in the premises at all times the premises are in operation.
34. 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.
35. 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**

36. 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**

37. 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.
38. Where chairs and tables are provided in restaurants and other premises, internal gangways must be kept unobstructed.
39. All exit doors must be easily opened without the use of a key, card, code or similar means.
40. 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.
41. All exit doors must be regularly checked to ensure that they function satisfactorily and a record of the check kept on the premises.
42. 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.
43. 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**

44. 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.

45. 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**

46. 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.
47. Temporary decorations must not be used without prior notification to the Council.

### **Capacity Limits**

48. 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.
49. 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**

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

### **First Aid**

51. Access to the premises for emergency vehicles must be kept clear and free from obstruction.
52. 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**

53. 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.

54. Emergency lighting must not be altered without the prior consent of the Council.
55. The emergency lighting system must be checked to ensure it is operating correctly before the admission of the public, members or guests.
56. 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**

57. 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.
58. 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.
59. Temporary electrical wiring and distribution systems must comply with the recommendations of BS7671 or, where applicable, BS7909.
60. 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**

61. 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.
62. 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).
63. 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.
64. 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**

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

<b>Number of members of the audience present on a floor</b>	<b>Minimum number of attendants required to be present on that floor</b>
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)	

66. 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.
67. All attendants must be readily identifiable to the audience (but this need not entail the wearing of a uniform).
68. 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.
69. 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.
70. 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.**

71. Sitting on floors must not be permitted except where authorised in the premises licence or club premises certificate.
72. Waiting or standing must not be permitted except in areas designated in the premises licence or club premises certificate.
73. 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**

74. 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**

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

## **Special Effects**

76. 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.
77. 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**

78. 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**

79. 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**

80. 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:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>
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**

81. (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:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>	<b>Minimum number of other staff on the premises who are available to assist in the event of an emergency</b>
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**

82. 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**

83. 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.
84. 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.
85. 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.
86. Windows, doors and fire escapes shall remain closed during entertainment events within the premises
87. The use of fireworks and pyrotechnics is restricted to the hours of ..... to .....
88. 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**

89. 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.
90. Lighting associated with activities of entertainment must be positioned so as not to cause nuisance to neighbouring or adjoining properties.
91. Lighting provided externally to promote advertising of the premises or activities associated with the premises must not be so intense as to cause nuisance to neighbouring or adjoining properties.

## **Noxious Smells**

92. 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**

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

### **Theatres**

95. 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.
96. 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**

97. 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.
98. 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**

99. The show venue must be large enough to safely accommodate the children backstage.
100. All chaperones and production crew must receive the fire instruction procedures applicable to the venue prior to the arrival of the children.
101. 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**

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

