

# Appendix 2

Licensing Act 2003

Statement of  
Licensing Policy  
2024-2029 v2

The logo for Sunderland City Council, featuring the text "Sunderland City Council" in white on a red rectangular background.

Sunderland  
City Council

## Foreword

The statement of licensing policy has two primary purposes.

Firstly, to provide a decision-making framework for the Council to use when responding to licence applications, and secondly to inform and advise businesses and the public of the authority's position in respect of the Licensing Act 2003, and how the licensing objectives will be promoted in the City of Sunderland.

This policy guides applicants on how to apply for a licence in accordance with the Council's expectations. Importantly, it will help applicants and others to identify important factors that should be considered when drawing up an application for licensed premises that will operate in the City of Sunderland, an area that is diverse and contains many kinds of premises and localities.

Statements of licensing policies promote the four licensing objectives:

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

Our licensing policy aims to balance legitimate needs of businesses, public demand for leisure and cultural activities against the need to mitigate against potential adverse effects.

Sunderland City Council considers that achieving good practice in connection with the licensing objectives involves focusing on these objectives whilst at the same time considering the issues specific to different areas of local authority and different types of licensed premises. In this way the policy aims to positively influence the level of focus required on each objective in each area.

The Council's minimum expectations of what is expected from applicants and licence holders is stated within this policy. It offers suggestions, recommendations for what applicants should consider including in their application to ensure that the objectives are carried out and many examples of good practice are provided for consideration. The policy also contains details of schemes available in Sunderland which applicants can participate in to assist in carrying out the objectives.

The Council expects all applicants and licence holders to use their initiative to assess whether the licensable activities and premises' location means that they will face any specific issues and whether this will

influence the level of focus they may need to place on any of the objectives.

The current Statement of Licensing Policy 2021-2025 was revised during the Covid pandemic with a view of an earlier review when time permitted. In producing this Statement of Licensing Policy

NOTE: possible future changes to licensing policy - the Council is aware that Government may amend certain aspects of the Licensing Act 2003, associated regulations, and other related legislation. We will keep this policy under review and should changes to this legislation take place, we may need to revise and amend this policy prior to the 5-year date.

This Licensing Policy is a key tool in ensuring that the different circumstances and situations within our neighbourhoods and towns are considered when determining licence applications by all relevant parties. To date the Council has made attempts to establish appropriate measures consistent with achieving this goal without the need for any special policies in respect of any specific areas of the City.

This policy makes it clear that cumulative impact, in the absence of a specific policy can still be raised in relevant representations and could form the basis for legitimate questions by members of the licensing sub-committee. i.e., the absence of a special policy does not prevent the issue of cumulative impact being properly raised, considered, and acted upon in the interests of promoting the licensing objectives.

Sunderland City Council aims to promote Sunderland City as a safe, healthy, crime-free environment in which responsible, law-abiding licensees provide great facilities for the enjoyment of all City residents and visitors and where children are always protected from harm. Future revisions or amendments that we make to this policy will be advertised and published on the Council's website. Readers of the policy are advised to check the Council's website to ensure they have the latest information.

**Licensing Act 2003**

**Statement of Licensing Policy**

(Issued pursuant to Section 5 of the Act)

		<b><u>Page</u></b>
i	Foreword	
ii	Contents	
<b>1.0</b>	<b>Introduction</b>	<b>11</b>
1.1	The legislation	11
1.2	The Council's role	11
1.3	Licensing Objectives and Aims	11
1.4	The City of Sunderland	12
<b>2</b>	<b>How the Council implements licensing policy</b>	<b>13</b>
2.1	The purpose of the licensing policy	13
2.2	Adoption of the licensing policy	13
2.3	Support for cultural diversity through licensing	13
2.4	Licensable activities and necessary authorisations	14
2.5	Integration of licensing with other legislation	14-16
2.6	Integration of licensing policy with other strategies, policies and plans	16-18
2.7	Licensing and planning integration	18-19
2.8	Avoidance of duplication	19
2.9	Licensing policy development, adoption and review	19-20
2.10	Departure from the Policy	20
2.11	Administration and the delegation of functions	20-21

2.12	Members of the Council (SCC Councillors)	21
2.13	The Decision-making process	21-22
2.14	Making representations	22
2.15	Conditions attached to authorisations	22-23
2.16	Reviews	23-25
2.17	Film Classifications	25-26
<b>3</b>	<b>General principles, practices and licensing processes</b>	
3.1	The application process	27
3.2	Advertising and publication of applications	27
3.3	Consultation on applications	28
3.4	Minor Variation applications	28-29
3.5	Granting licences – uncontested licence applications	29
3.6	Consideration of contested applications	29
3.7	Relevant representations	29-30
3.8	Mediated applications	30
3.9	Appeals	30
3.10	Review of a premises licence or club premises certificate	30-31
3.11	The designated premises supervisor (DPS)	31-32
3.12	Transfer of premises licence	32
3.13	Lapse of a licence	32
3.14	Personal licence applications	32-33
3.15	Temporary event notices	33-34
3.16	Late temporary event notices	34

3.17	Provisional statements	34-35
3.18	Live Music and other de-regulated entertainment	35-37
3.19	Reinstatement of conditions relating to live music at reviews	37
3.20	The need for licensed premises	37
3.21	The cumulative impact of concentrations of licensed premises	37-39
3.22	Other mechanisms to control cumulative impact	39-40
3.23	Late Night Levy	40
3.24	Early Morning Restriction Orders (EMROs)	40
3.25	Impacts within the vicinity of licensed premises	40-41
<b>4</b>	<b>How the Council applies licensing policy</b>	
4.1	Our aim	42
4.2	Licensing conditions	42-43
4.3	Proposed conditions	43
4.4	Imposed conditions	44-45
4.5	Mandatory conditions and compliance	45
<b>5</b>	<b>How the Council promotes the licensing objectives</b>	
5.1	Working in partnership	46
5.2	Communications with residents and businesses	46
5.3	Pubwatch and similar trade forums	47
5.4	Locality considerations	47-48
5.5	Areas with evidence of existing problems	48
5.6	Proximity to residential areas, businesses, and sensitive users	48-49

5.7	Licensing hours	49-52
5.8	Takeaway premises and late-night refreshment	52
5.9	Garages, service stations and petrol stations	52
5.10	Adult and sex-related entertainment activities	52-53
5.11	Alcohol deliveries	53-54
<b>6</b>	<b>Standards of management and operating practice</b>	
6.1	The Designated Premises Supervisor	55-56
6.2	Self-assessment	56
6.3	Proper management of licensed premises	56
6.4	Promoters	56-57
6.5	Irresponsible drinks promotions, sales and pricing	57-58
6.6	Alcohol health awareness	58
6.7	Design and layout of premises	58-59
6.8	GDPR and the use of CCTV	59
6.9	Arrival to departure	59-60
<b>7</b>	<b>Promoting the four licensing objectives</b>	
7.1	The Prevention of Crime and Disorder	61-63
7.2	Public Safety	63-64
7.3	The Prevention of Public Nuisance	64-65
7.4	The Protection of Children from Harm	65-69
<b>8</b>	<b>Licensing of large-scale public events</b>	



8.1	The Safety Advisory Group (SAG)	70-71
8.2	Events on Council land	71
8.3	National Counter Terrorism Security Office Guidance	71
<b>9</b>	<b>Community Premises</b>	72
<b>10</b>	<b>Fees</b>	73
<b>11</b>	<b>Enforcement and monitoring</b>	74-75
<b>12</b>	<b>Complaints</b>	76
<b>13</b>	<b>Appeals against the decisions of the Licensing Authority</b>	77
<b>14</b>	<b>Glossary</b>	78-86
	<b>Appendices</b>	
<b>I</b>	Application Processes	87-90
<b>II</b>	Framework Hours: recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises	91
<b>III</b>	Recommendations, suggestions, and examples of how to prevent the specific nuisance type outlined and list of Model Conditions	92-118
<b>IV</b>	Contact Details for Sunderland City Council Licensing Section and the Responsible Authorities under the Licensing Act	119
<b>V</b>	Public Health information	120-125
<b>VI</b>	Planning and Development Control Matters	126-128
<b>VII</b>	Delegation of functions	129
<b>VIII</b>	Important information for Residents and Other Persons – How residents and businesses can have their say in respect of licence applications and the operation of licensed premises in their area	130-133
<b>IX</b>	Links to other important and relevant strategies and policies – these may be of help/interest and contain further details of schemes available in Sunderland which applicants and licensees can participate in to assist in carrying out the objectives	134-136

DRAFT

# SUNDERLAND CITY COUNCIL STATEMENT OF LICENSING POLICY

## 1.0 Introduction

- 1.1 The legislation** - *The Licensing Act 2003* referred to in this policy as *the 2003 Act*, its explanatory notes and any statutory instruments made under it may be viewed online at [www.legislation.gov.uk](http://www.legislation.gov.uk). The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. The Department for Culture, Media, and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act.

The Act created a unified framework for the licensing and regulation of several licensable activities in this Country. The Act gives local authorities responsibilities for licensing premises for the sale and provision of alcohol, regulated forms of entertainment and late-night refreshment.

- 1.2 The Council's role** - Our most important role is to actively work to protect those who live and work in the City of Sunderland and who visit our area. As part of this role, the Council licenses certain types of business and commercial premises where activities take place that may impact on both individuals and the community.

The licensing of alcohol, entertainment, and late-night refreshment under the Licensing Act 2003 (the Act) fall within this role. By working together, Sunderland City Council aims to build a City where people are proud to live and work. We have produced this policy statement, as required by the Act, having had regard to the statutory guidance, the licensing objectives and to the views of those that we have consulted. This is a living document and will undoubtedly evolve, change and be subject to future revision. We intend that this document should provide information and guidance on the general approach that we will take to licensing premises and activities under the Act in the City. It is intended that this Statement of policy not only reflects but aims to support our strategic purposes as set out in the Council Plan.

- 1.3 Licensing objectives and aims** - The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. The licensing objectives are:

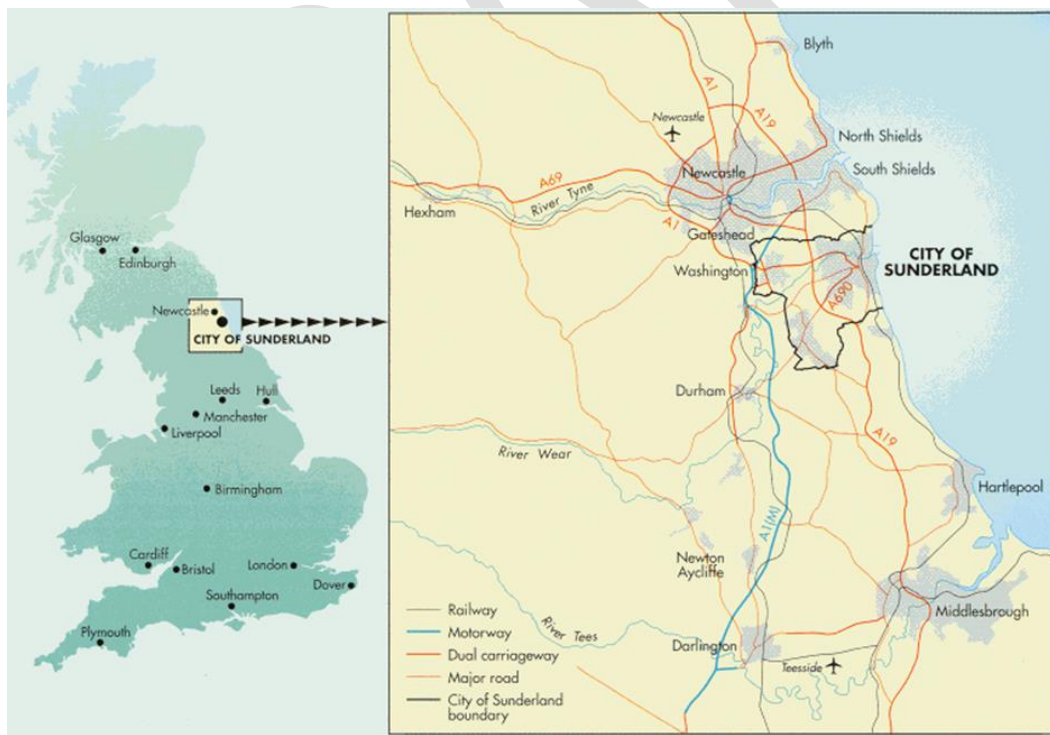
- The prevention of crime and disorder.
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is always a paramount consideration.

The legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- Protecting the public and residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers needed to effectively manage and police the night-time economy and act against those premises that are causing problems;
- Recognising the important role which licensed premises play in our local communities by supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities
- Encouraging greater community involvement in licensing decisions and giving residents the opportunity to have their say regarding licensing decisions that may affect them.

**1.4 The City of Sunderland** has a population of 274,200 according to the Office of National Statistics mid-year estimate for 2021 and is situated on the northeast coast of England. In terms of area, it covers approximately 137 square kilometres (13,700 hectares) and is mainly urban in character. Its location is shown on the map below.



## 2.0 How the Council implements licensing policy

This statement has been prepared pursuant to Section 5 of the Licensing Act 2003 (the Act) by Sunderland City Council in its capacity as the Licensing Authority. The Licensing Authority is referred to as 'the Council' throughout this policy.

**2.1 The purpose of the licensing policy** is to promote the four licensing objectives and to set out the general approach that will be adopted by the Council when exercising licensing functions under the Licensing Act 2003 to:

- Reinforce and to remind elected members of the Council's Licensing Committee, and any Sub-Committee, of the boundaries and powers of the local authority and to provide them with parameters within which they should make their decisions. The Committee for example will be able to test an application or an existing licence against information and criteria set out in the policy and deal with it appropriately.
- Inform applicants of the Licensing Authority's expectations and the parameters within which the Authority will make decisions and therefore, how their premises are likely to be able to operate. If any relevant matters included in this policy are not addressed by applicants, it is more likely that the Council will receive representations. This may then lead to a hearing where consideration of these matters by Councillors would take place.
- To inform residents and businesses of the parameters within which the Council will make decisions and how their needs will be considered. The licensing function is however only one means of securing the delivery of the active promotion of the licensing objectives and should not therefore be considered a panacea for solving all problems within local communities. The licensing process can only seek to control measures within the control of a licence holder or potential licence holder.

The Council expects applicants and licensees to properly assess whether their premises' location and any licensable activities are likely to create any problems, dangers, difficulties and disturbances to any people at or near their premises. In this way, applicants should properly understand and appreciate the degree of focus needed to uphold and promote the licensing objectives. This assessment should identify necessary remedial steps and controls required at the premises in connection with the carrying on of any licensable activities.

The Council supports the Chief Medical Officer (CMO) guidance that children who start drinking alcohol from a young age are more likely to develop alcohol problems into adolescence and adulthood and recommends to children and parents that an alcohol-free childhood is the healthiest and best option. In order to promote this in Sunderland, the Council has introduced model licensing conditions around promoting an alcohol-free childhood, further information is provided in Appendix III.

In connection with existing authorisations issued by the licensing authority, a lack of compliance with policy matters may also lead to applications for reviews especially in cases where any one of the licensing objectives may be undermined.

**2.2 Adoption of the licensing policy** - The Policy has been written in accordance with the provisions of the Act and the guidance issued by the Secretary of State for the Department of Culture, Media and Sport (DCMS). It was adopted by Council on xxxxxxxxxxxxxxxx and it replaces the previous statement of Licensing Policy adopted by Sunderland City Council on 1<sup>st</sup> January 2021.

In adopting this Licensing Policy, the Council recognises that residents need to live and work in a safe and healthy environment. The Council also recognises how important it is that licensed premises are safe and well run and we understand how they can add to both the local economy and vibrancy of the city. The Council's aim is to facilitate well managed premises and we will encourage and support all licence holders to display sensitivity to the impact of their premises on residents.

**2.3 Support for cultural diversity through licensing** – The Council wishes to encourage the provision of a wide range of entertainment activities within the City of Sunderland and to support live music, dance, theatre, circus and street arts etc. for the wider cultural benefit of the community. We encourage a diverse range of responsibly run premises in the city. We expect all licensed premises to be operated responsibly and all licensees to actively support and promote the licensing objectives.

**2.4 Licensable activities and necessary authorisations** - The types of authorisations considered by this Policy are as follows:

- **Personal licence** - The licensing of individuals for the retail sale of alcohol
- **Premises licence** - The licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late-night refreshment
- **Club premises certificate** - The supply of alcohol or the provision of regulated entertainment at certain clubs
- **Temporary event notice** - The permitting of certain licensable activities on a temporary basis

To allow premises to provide any of the above activities, the operator must obtain the necessary authorisation from Sunderland City Council in its role as licensing authority. The authorisation needed may be in the form of a premises licence, a club premises certificate, or a temporary event notice.

**2.5 Integration of licensing with other legislation** - Many other pieces of legislation impact directly or indirectly on the licensing regime. The Licensing Authority will have regard to the following matters when it discharges its responsibilities under the Licensing Act 2003 and in relation to the promotion of the four licensing objectives. The Licensing Authority will continue to work in partnership both internally and with other agencies to ensure that the licensing objectives are actively promoted.

In formulating this Policy, the Licensing Authority has had regard to the provisions of the following legislation:

**The Crime and Disorder Act 1998** - requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority to exercise its various functions with due regard to the likely

effect of the exercise of those functions on, and the need to do all that is reasonable to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).

**The Anti-social Behaviour, Crime and Policing Act 2014** - This Act gives a wide range of powers to local authorities and the police to tackle incidents of crime, disorder and nuisance that may be impacting on residents. The Act introduced public spaces protection orders which allows the local authority to designate areas in the borough where anti-social behaviour such as street drinking will be prohibited.

The Council may designate areas where street drinking is prohibited. The Act also gives powers to the local authority and police to close licensed premises where nuisance and anti-social behaviour is taking place or likely to take place.

**Immigration Act 2016** - Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 and made Home Office Immigration Enforcement a Responsible Authority concerned with the licensing objective of prevention of crime and disorder.

They will exercise their power both in respect of being a consultee on new licence applications and having right of entry to licensed premises with a view to seeing whether an offence under any of the Immigration Acts is being committed on a licensed premise.

This will primarily involve the detection and prevention of illegal working on premises that have an alcohol licence or a late-night refreshment licence. The offence of employing people at a licensed premise who have no right to work in the UK is also now listed in the Secretary of State's guidance which covers criminal activity deemed to be particularly serious and where a licensing authority should consider revoking a premises licence even in the first instance.

**Human Rights Act 1998** - The Council has a duty, under the European Convention on Human Rights, to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licence holder to operate their business without undue interference (Article 1 of the First Protocol).

**Equality Act 2010** - The Act places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not. Protected characteristics include age, disability, race, religion and sexual orientation.

**Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000** - 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. Where applicable the Licensing Authority, in determining applications, will have regard to this legislation to avoid any possible indirect discriminatory impact on ethnic groups.

Licensing Services work almost exclusively with, through and for people. It is passionate about promoting a just society that gives everyone an equal chance to

learn, work and live free from discrimination and prejudice. As a service within a Local Authority, the Licensing Section will act to ensure all aspects of service delivery addresses equality and diversity issues.

- European Convention on Human Rights
- Crime and Security Act 2010
- Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982
- Clean Neighbourhoods and Environment Act 2005
- Violent Crime Reduction Act 2006
- Police & Crime Act 2009
- Health Act 2006
- Police Reform and Social Responsibility Act 2011
- Live Music Act 2012

There are also other pieces of legislation that the Council may use that impact on licensed premises, activities and licensed operators. The Council have regard to the following legislation when discharging its duties under the Act. This list is not exhaustive:

- Environmental Protection Act 1990 - noise and nuisance.
- Regulatory Reform Order 2005 - fire safety.
- Highways Act 1980 and Business and Planning Act 2020 - pavement café licences.
- Health and Safety at Work Act 1974,
- Food hygiene regulations
- Planning legislation (see s2.7)

## **2.6 Integration of licensing policy with other strategies, policies and plans**

This statement of licensing policy aims to provide clear indications of how the Council will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy.

Many of these other strategies are not directly related to the promotion of the licensing objectives, but indirectly impact upon them. Co-ordination and integration of such policies, strategies and initiatives is therefore essential. The Council agrees that such co-ordination and integration is crucial to achieve the Council's aims for a safe and vibrant economy.

This Licensing Policy aims to support and add value to other Council priorities and plans.

Alcohol is a contributory factor of violent crime, domestic abuse, sexual violence, anti-social behaviour and has links to criminal and sexual exploitation. The main health consequences of alcohol misuse are liver disease, cancers (liver, oral,



oesophageal, gastric, colon, breast), hypertension, stroke, acute intoxication and injuries.

Each year Sunderland's Director of Public Health publishes an Annual Report, the most recent at the time of writing for 2022-2023 titled *Commercial Determinants of Health: Whose Choice is it?*. The report shines a light on how policies and practices can impact negatively on a wide range of health outcomes and highlights how alcohol marketing helps to normalise and often glamourise drinking creating a culture where alcohol is seen as an 'essential part' of everyday life. Evidence shows that alcohol marketing directly increases the consumption of alcohol, including among children and young people.

In 2023 Sunderland City Council produced Sunderland Alcohol Strategy, ***Calling Time: It's time to rethink drink***. This evidence-based alcohol strategy demonstrated that alcohol is causing significant harm to our residents, and we need to focus on prevention. We will adopt a universal proportionalism approach ensuring resources and services are allocated proportionately to population need. The shared values and behaviours of the Healthy City Plan underpin the strategy and will guide our approach to strategy implementation.

These shared values and behaviours are:

- **Focusing on prevention** – helping people to stay healthy, happy and independent.
- **Tackling health inequalities** - challenging and taking action to address inequalities and the social determinants of health.
- **Equity** – ensuring fair access to services dependent on need.
- **Building on community assets** – recognising individual and community strengths that can be built upon to support good health and independence.
- **Working collaboratively** - everyone playing their part, sharing responsibility, and working alongside communities and individuals
- **Being led by intelligence** – using data and intelligence to shape responses.

In the City of Sunderland the numbers of increasing risk and high-risk drinkers are above the national average, and this contributes to increasing pressure on our emergency services, hospitals and support services such as Sunderland Drug and Alcohol Recovery Service. The Licensing Authority recognises the impact alcohol has upon population-level health. In addition, we know health inequalities due to alcohol harm in the City of Sunderland are significant.

Most Sunderland's alcohol-related harm outcomes remain higher than the England average, these are highlighted in our alcohol Joint Strategic Needs Assessment (JSNA [Sunderland Joint Strategic Needs Assessment - Sunderland City Council](#)). Sunderland has several outcomes which are in the top ten in the country, this includes alcohol related hospital admission rates which are the third highest in England, under 18's admission episodes and alcohol specific mortality.

When we look at the estimated number of people with alcohol dependence in Sunderland and the rate of unmet need, prevalence estimates in 2018-19 estimate

that there were 5,534 adults (24.8 per 1,000 population) in Sunderland requiring specialist alcohol treatment however only 886 are accessing treatment and recovery services. This represents an 84% level of unmet need, again higher than the England average of 80%.

The Council recognises this dis-proportionate impact of alcohol harm and will continue to promote and support responsible licensees and premises. We will encourage licensing objectives that reflect health considerations in this policy and which contribute to reducing health inequalities and poor outcomes for the people of Sunderland. Further Public Health information is provided in Appendix V.

A list of relevant Council strategies, policies, and plans, together with links to other pertinent departments and local organisations, is provided in Appendix IX. Applicants, especially those who are not already established in, or familiar with, City of Sunderland may find this section particularly useful.

**2.7 Licensing and planning integration** - The Local Planning Authority (LPA) of Sunderland City Council is a responsible authority under the Licensing Act 2003. It can make representations on applications or call for reviews of existing licences based upon any of the four licensing objectives.

The LPA has policies that impact on the City's nighttime economy. The Council recognises that licensing applications should not be a rerun of the planning application process. The LPA is directed at development of land and the use of premises upon it. The licensing authority is directed at the licensable activities and responsible management of said premises upon that land.

Whilst there is a clear distinction and separation between the licensing authority and LPA in terms of their remit, there are times when there are overlapping considerations. To secure proper integration across the Council's range of policies, the licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any existing conditions and timings that may be imposed upon a planning consent when submitting any application under the Licensing Act.

Where the LPA has granted planning consent to a specific time, the licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

Where the planning authority has granted a planning consent that contains conditions which, if not complied with, may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

When licensing applications are determined by officers of the Licensing Authority or by the Licensing Sub-Committee, conditions may be imposed upon a licence to ensure consistency between the licensing objectives and any measures already determined by the planning authority that could impact the licensing objectives.

**2.8 Avoidance of duplication** - There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives, particularly those relating to the prevention of crime and disorder and public nuisance.

Many of their strategies deal in part with the licensing function and the Licensing Authority will, wherever appropriate, participate in multi- disciplinary working groups to ensure proper integration of local crime prevention, public health, planning, transport, tourism, and cultural strategies and to obtain information on the effects of this Policy on local regulated entertainment.

The Licensing Authority recognises the need to avoid as far as possible duplication with other regulatory regimes. Whilst having regard to the planning regime, the Council recognises that there should be a clear separation of the planning and licensing regimes.

The granting of a licence under the Licensing Act does not relieve the applicant of the need to apply for Planning Permission or Building Regulation approval where appropriate. Nor does the grant qualify as, or remove the need for, any form of consent or release, for example, from covenants imposed in the title to the property whether such were imposed by the Local Authority. Appendix IX provides a list of other relevant strategies which applicants may wish to consider in addition to the Council's licensing policy. Appendix VI also provides information on planning and development control matters together with the links to licensing policy and practice.

**2.9 Licensing policy development, consultation and review** – Before determining its policy, the Council must consult the persons listed in section 5(3) of the 2003 Act. These are:

Chief officer of police for the area

Fire and rescue authority for the area

Director of Public Health in England (DPH)<sup>14</sup> (or Local Health Board in Wales) for an area any part of which is in the licensing authority's area:

- Persons/bodies representative of local premises licence holders
- Persons/bodies representative of local club premises certificate holders
- Persons/bodies representative of local personal licence holders and
- Persons/bodies representative of businesses and residents in its area

The Section 82 guidance states: *“Licensing authorities should note that the terms of the 2003 Act do not prevent them consulting other bodies or persons.”* In developing and determining this statement of licensing policy, several organisations, authorities, bodies and groups were consulted including all of those listed in the statutory guidance.

The Council must prepare and publish its statement of licensing policy at least every 5 years. For the purposes of that review, it will always undertake consultation with residents, businesses and licence holders. The policy will be kept under continuous review and where revisions (legal, technical, or strategic) which support the licensing

objectives are required an appropriate level of consultation will be undertaken. (See also *Important note: possible future changes to licensing policy in the 'Foreword' to this policy.*)

**2.10 Departures from the Policy** - This Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Sunderland City and outlines the standards expected to ensure the promotion of the licensing objectives in the City of Sunderland. The Council may depart from the licensing policy if it considers doing so would benefit the promotion of the licensing objectives. Under such circumstances, reasons will be given for any such departure from the general policy in this statement.

In relation to applications for licences, certificates, variations etc. while the contents of any associated operating schedules are matters for the applicant, where objections (referred to as representations) to an operating schedule are received that relate to a departure from the policy at the licensing sub-committee hearing, the applicant submitting the contested application will be expected to provide full and good reasoning for the appropriateness of such a departure. Under these circumstances, unless compelling reasons are provided the committee will not deviate from, or make any exceptions to, the policy.

Departure from this Policy could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

**Important note:** The Council will not 'step-outside' of the policy unless there are compelling and justifiable reasons to do so.

**2.11 Administration and the delegation of functions** - Applicants are advised to contact Sunderland City Council's Licensing Section before preparing and submitting their applications for licences and other authorisations should they be unfamiliar with the application process. Any application not properly made will be returned to the applicant and the timescales contained in the Act will not begin until a properly made application is received.

Nothing in this policy will prevent the Council from making applications in its own name for the grant of licences. The Council will, before any such licence is granted, be subject to the same considerations and application of the same scrutiny as any other applicant.

All relevant representations, either opposing or supporting an application, will be considered during the decision-making process. Guidance relating to the submission of representations will be made available on the Council's website. Any subsequent licensing hearings will be conducted in accordance with the Council's procedure for licensing hearings which is also available on the Council website.

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Decisions and functions will therefore be taken or carried out by the Licensing Committee, Licensing Sub-Committees or officers of the Council in accordance with an approved scheme of

delegation. The form of delegations is without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any case or where required by law.

Participation on the Licensing Committee by elected Council members will be in accordance with the Council's Code of Conduct for Elected Members. The Committee and Sub-Committees will determine each case before it on its merits having regard to any relevant representations having been made. Blanket or standard conditions (other than mandatory conditions) will not be imposed under the Act. Conditions will not be attached to licences unless they have been either volunteered by the applicant or are determined, by the Council, as appropriate following a licensing hearing. Although the Council is required to have regard to the Department for Culture, Media and Sport (DCMS) guidance it may, if it considers it appropriate, deviate from the guidance where there are good reasons which can be justified.

**2.12 Members of the Council (SCC Councillors)** – The Council recognises that elected Councillors play an important role in the local community. If specifically asked to do so, Councillors may make representations in writing and speak at the hearing on behalf of any other person such as a local resident or business. They can also make representations if they have concerns about premises. They may also apply for a review of a licence or certificate.

Where a resident or business seeks the assistance of a Councillor, it is advantageous if they can provide evidence that a premises is causing a problem or is likely to do so. It is also helpful for any resident or business making a representation in respect of an application to send a copy of their representation to the relevant Councillor.

Councillors may attend hearings of licensing sub-committees considering applications and speak on behalf of residents and businesses, but only if:

- they have made a personal representation
- they have made a representation on behalf of residents or business as 'community advocates'
- they have been nominated by a person making a relevant representation who cannot attend the hearing or prefers to be represented at the hearing

**2.13 The Decision-Making Process** - Where no relevant representations are received, providing the application has been correctly made and advertised (as required by the Act), the Council must grant the application in line with the proposed operating schedule. The only conditions that can be imposed are the mandatory conditions and those conditions that are consistent with the operating schedule. Anonymous representations will not be accepted by the Licensing Authority.

Apart from the mandatory conditions, there is no discretion under The Act to impose any other condition in cases where no relevant representations are received.

Where relevant representations are made the application must be determined by either the full Licensing Committee or one of its duly authorised sub-committees. In the City of Sunderland, it is usually a sub-committee that determines such applications, and this determination will usually take place at a hearing.

The sub-committee in such cases has full discretion to take such steps as it considers appropriate to promote the licensing objectives. These steps may include modifying the conditions that are in line with those proposed in the operating schedule and/or rejecting the application in part, and/or excluding a licensable activity; or wholly rejecting the application.

In exercising its discretion, the licensing sub-committee must have regard (amongst other things) to this licensing policy. Therefore, in drawing up their operating schedule, applicants are strongly advised to read and take note of the content of this policy.

If all parties state in writing that they consider a hearing can be dispensed with, then the licensing authority has a discretion to dispense with a hearing. In deciding whether or not to dispense with a hearing the licensing authority is exercising a licensing function. As such it is required to have regard to any relevant guidance, as well as to this policy, and it must act with a view to promoting the licensing objectives.

**2.14 Making representations** – The responsible authorities and any other person may make representations in connection with applications for licences, certificates, variations and reviews of premises. Whilst any of these persons may act, they may also request that a representative makes the representation to the Council on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, or a local ward or parish Councillor who can all act in such a capacity.

Copies of all representations will be forwarded to the applicant. Anonymous representations will not be accepted by the Council. Only under exceptional circumstances will the Council not disclose ANY personal details. This means that names, as a minimum, will be made public and in some instances the street name. References to the house number, telephone numbers and email addresses will be removed.

Those making a representation should be aware that they will be invited to attend in person to a hearing should the licence application have to be determined by the Council's Licensing Sub-Committee. The representations will also be included in the papers presented to the committee and therefore will pass into the public domain. It is therefore possible that details of representations may be picked up by journalists.

**2.15 Conditions attached to authorisations** - All applications for new authorisations or for variations of existing ones should be supported by an operating schedule. The schedule should specify (among other things) the steps the applicant proposes to promote each licensing objective.

Again, where no relevant representations are received, providing the application has been correctly made and advertised (as required by the Act), the Council must grant

the application in line with the proposed operating schedule. The only conditions that can be imposed are the mandatory conditions and those conditions that are consistent with the operating schedule.

Apart from the mandatory conditions there is no discretion under The Act to impose any other condition in cases where no relevant representations are received.

Any conditions attached to licences following relevant representations will focus on matters within the control of the premises licence holder or club management committees. They will be used to ensure the premises are safe and do not create a nuisance. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity.

Conditions will not be used as a means of attempting to attach responsibility to premises licence holders or club management committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or a non-licensable activity, unless information to the contrary is available to the licensing authority.

Conditions on premises licences and club certificates are determined by:

- The measures put forward on the operating schedule
- Mandatory conditions within the Act
- Measures decided at a hearing by the Licensing Sub-Committee

The Licensing Authority acknowledges that the application of conditions in line with operating schedules may be subjective and that the content of operating schedules can be open to interpretation. Consequently, the Council will often apply a standard interpretation in respect of more commonly offered conditions. A set of specimen “model” conditions has been developed which can be used in the production of licences where, applicants offer conditions to be included in their licence. For example, around CCTV, noise control and age verification schemes. These “model” conditions are listed in Appendix III.

**2.16 Reviews** - The Licensing Act provides a mechanism for reviewing premises licences and Club Premises Certificates where problems associated with premises undermine the licensing objectives following grant or variation. The procedure for reviewing premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.

The proceedings set out in the Act for reviewing premises licences and club premises certificates represent a key protection for the community. Unless an application is withdrawn, deemed to be frivolous, vexatious or repetitious or does not relate to the licensing objectives, the Council will hold a hearing and take any necessary steps to promote the licensing objectives.

If an application for a review of the premises licence is made, the applicant is required to notify the holder of the premises licence or club premises certificate and the “responsible authorities”, by sending them a copy of the application, together with

any accompanying documents, on the same day as the request is given to the Council. The Council will advertise the review to enable others (responsible authorities or other persons) to comment on it. Responsible authorities have the option, if they wish, to comment on any application for a review.

A licensing authority must act on applications for review unless they consider the request to be irrelevant, repetitive, frivolous, or vexatious. Frivolous representations would concern minor issues which the licensing authority could not reasonably be required to take any action to remedy. Representations may be considered vexatious if they appear to be intended to cause aggravation or annoyance without reasonable cause.

The Council will advertise the fact that an application for a review of the licence has been received and allow a period of 28 days for other persons to make representations to it (such representations can be for or against the activities at the premises in question).

After the period for making representations has expired, the licensing authority will hold a hearing to consider the application unless the application for review or the application has been withdrawn. The request will in most cases be considered by the licensing sub-committee who will hear representations from all parties involved. If you make a representation, the Council will invite you to attend the hearing. You will also be given the opportunity to address the licensing sub-committee in support of the request for review.

You must give the authority at least 5 working days' notice (prior to the start of the hearing, advising:

- If you will attend the hearing in person
- Whether you will be represented by someone else (e.g., Councillor / MP / lawyer / residents' association representative / friend)
- If you think that a hearing is unnecessary (if, for example, the parties have come to an agreement before the formal hearing), or
- You may also request permission for another person to attend the hearing, and must advise the licensing authority how that person may be able to assist the authority in relation to the request for review.

**Important note: All parties submitting any written documents they wish to rely on at a hearing, should provide them to Sunderland City Council's Licensing Section no later than five working days before the hearing.**

Once the sub-committee has listened to and considered all representations and evidence, it will decide what (if any) action is appropriate to promote the licensing objectives. Actions can include:

- No action
- Modifying the conditions of the licence (change, add or remove conditions – including operating hours)
- Excluding a licensable activity from the licence,
- Removing the designated premises supervisor



- Suspend the licence for a period (not exceeding 3 months), and
- Revoke the licence.

**Important note: The Council will not expect a premises licence to be reviewed more than once within any 12-month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.**

**2.17 Film classifications** - In general, other than in the context of film classification for film exhibitions, the Council shall not use powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate, but no other limitation should normally be imposed.

The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification (BBFC)) or by the Council itself. The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.

In accordance with the guidance issued under section 182 of the Licensing Act 2003, the Council shall concern itself primarily with the protection of children from harm when classifying films. It will not use its powers to censor films save where there is clear cause to believe this is required to promote the licensing objectives.

The Council considers the classification system used by the BBFC to be understood and accepted nationally. We will, therefore, use this system as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). However, it should be noted that the Council is not obliged to follow these guidelines.

Requests for certification by the licensing authority should be made at least 28 days in advance of the proposed screening date and submitted to the Licensing Unit.

Requests should include:

- A DVD copy of the film
- Details of any existing classification issued by an existing classification body, whether within or outside the UK
- A synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film.
- Such recommendation as may have been made by the filmmaker upon age limit for the intended audience for exhibition of the film

- Proposal of age restriction by the applicant

DRAFT

### **3.0 General principles, practices, and licensing processes**

**3.1 The application process** - All licensing applications for new premises licences or club premises certificates, or variations of existing licences or certificates must be served on the licensing authority. Applications can be served electronically or via hardcopy. All applications must be accompanied by a plan of the premises which shows the licensable area, an immigration document demonstrating that the licence holder has the right to live and work in the UK and the correct fee. Failure to provide the correct documentation or fee will result in the application being returned to the applicant as invalid.

Any applicant that proposes to serve an application in hardcopy must ensure that the application is served on all the responsible authorities stated in the Licensing Act 2003. Contact details for the responsible authorities are provided in Appendix IV to this policy.

Where applications for the grant or full variation of a premises licence are for a boat, a copy of the application must be served on the Navigation authority; the Environment Agency; The Canal and River Trust and the Secretary of State.

**3.2 Advertising and publication of applications** - There is a public consultation period lasting for 28-days beginning on the first day after the application was received by the licensing authority. During this period, the application must be advertised by the applicant and any person or responsible authority may make written representations in respect of the application.

It is the responsibility of the applicant to ensure that any application for the grant or full variation of a licence advertises the application in accordance with the relevant Licensing regulations. A blue notice should be placed on, at or near the premises to advertise the application for 28-days starting with the day after the application is served. A newspaper advert doing the same must be placed in a newspaper circulating in the City of Sunderland within 10 working days. Failure to do either of these things, or to put inaccurate information in them, will invalidate an application.

The Licensing Authority will publish any valid applications on the Council's website for the same period of 28-days starting with the day after the application being received. See link for the Licensing Applications page on our website:

[Licensing applications currently under consideration - Sunderland City Council](#)

Every licensing authority must provide facilities for making the information, contained in the entries in its public register, available for inspection by any person during office hours and without payment.

On request we will also supply any person with a copy of the information contained in any entry in its register. All licensing applications for new premises licences and club premises certificates, variations of existing licences and certificates are made available to all city Councillors, and to parish Councillors and local MPs on request.

**3.3 Consultation on applications** - During the 28-day consultation period, the authorities can judge whether the application undermines the promotion of the licensing objectives. The application will be made available to any person, upon request. As per Section 18 (6) of the Licensing Act 2003, consideration will be given as to the likely effect of granting any licence on the promotion of the licensing objectives. The Council will expect all applicants to have considered the Secretary of State's Guidance, local strategies and initiatives, this policy and any other known local issues before submitting their application and that these matters are addressed within the operating schedule of the application.

The application will consist of an operating schedule, which details the licensable activities applied for as well as specifying during which times and on which days they would be conducted. In the operating schedule, the applicant also sets out any steps they propose to take to address the four licensing objectives, and these can be converted into conditions on any licence granted.

Whilst many applications will be resolved without the need for a committee hearing, any matters or representations that are not resolved will trigger a hearing before the properly constituted Licensing Sub-Committee for determination by elected members (Councillors sitting as members of the Statutory Licensing Sub-Committee).

**3.4 Minor Variation Applications** – there is a simplified process to make minor variations to licences. These kinds of variations will be ones that are considered to have no adverse impact on the promotion of the four licensing objectives. These applications will be considered by duly authorised officers of the Licensing Authority.

**Minor Variations can be used to:**

- a) make minor changes to the structure or layout of a premises
- b) make small adjustments to the licensing hours
- c) remove out of date, irrelevant or unenforceable conditions
- d) add or remove licensable activities (not the sale of alcohol)
- e) add conditions that may have been agreed with a responsible authority

**Minor Variations cannot be used to:**

- a) extend the period for which the licence or certificate has effect
- b) specify within a premises licence, a new DPS
- c) add the sale or supply of alcohol as a licensable activity
- d) authorise an extension to hours alcohol is sold
- e) vary substantially the layout, activities, or conditions of a licence
- f) authorise an individual to supply alcohol at a community premises

Under the Minor Variation application process, the applicant only needs to send the application to the Council's licensing section. The applicant must also display a white notice on, at or near the premises which advertises the proposed changes for a period of ten working days beginning with the day after the application was received by the authority. There is no requirement to advertise this application in the newspaper.

The Council, upon receipt of a valid application, will determine the application in relation to its impact on the four licensing objectives and consult any Responsible Authority it considers appropriate. The authority may reject the application if it believes the licensing objectives will be undermined by granting it. The authority can reject the application even if it receives no representations against it. If the authority fails to decide within five working days, after the ten working day consultation period, then the application will be deemed refused and the fee shall be returned to the applicant.

This policy does not seek to undermine the rights of any person to apply under the Act for a variety of permissions, or to have their application considered on its individual merits. Nor does the policy override the rights of any person making representations on any application or seeking a review of a licence where they are permitted to do so under the Act. The Licensing Authority will only depart from the policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives – see 2.10.

**3.5 Granting licences: uncontested licence applications** - As stated above, all licence applications will be considered on their own merits in the context of the four licensing objectives.

**Important note: Under the provisions of the Act, if an application for a premises licence or club premises certificate has been lawfully made and there has been no objection (known as a ‘relevant representation’) from any person or responsible authority, then the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.**

**3.6 Consideration of contested applications** - Where a relevant representation is received in respect of an application, it will be determined at a hearing by a Sub-Committee of three members from the Council’s licensing Committee.

**3.7 Relevant representations** - For the views of any party to be considered in respect of an application, they must qualify as ‘relevant’, which means representations:

- a) That are made by any person or responsible authority
- b) That are made in writing to the licensing authority
- c) That are received by the licensing authority no later than 28 days after the date the application was made (ten working days for a minor variation)
- d) Must relate to the likely effect of the granting of the application upon one or more of the licensing objectives
- e) Must not (in the case of any person who is not a responsible authority) be considered by the licensing authority as frivolous or vexatious

The grounds for any representation will be stronger if they have an evidential basis and link to the applicant’s premises. Any conditions or restrictions should only be proposed that address identified risks to the licensing objectives. All persons, including responsible authorities, are encouraged to take into consideration all relevant sections of the policy, the relevant factors and the various standards set out

at Sections 5.0, 6.0 and 7.0 when they are assessing applications and deciding whether to make a representation on an application.

Further information on making a representation can be found in Appendix VIII.

**3.8 Mediated applications** - In many cases, through discussion, all parties may reach a compromise to resolve the concerns that originally led to the objection being made. For example, reducing the hours for proposed activities, adding extra conditions, or removing proposed activities entirely may address any concerns an objector has. In such circumstances, the applicant may request the licensing authority grant the application subject to any conditions agreed between the parties.

At a hearing all applications will be considered on their own merit. Following such a hearing, the Licensing Sub-Committee can:

- a) Grant the application as applied for; or
- b) Grant the application with restricted licensable activities/hours than those applied for and/or impose additional conditions, where considered appropriate for the promotion of the licensing objectives; or
- c) Refuse the application

**3.9 Appeals** - There is a right of appeal to the Magistrates' Court against the decision of the Licensing Sub-Committee by any party to the original hearing. If an applicant is aggrieved by a decision of the Licensing Authority, an appeal may be lodged with the Magistrates Court for the area. The Council will be the respondent to such an appeal.

**3.10 Review of a premises licence or club premises certificate** - At any stage during the life of an authorisation, any premises that has a premises licence or club premises certificate may have that licence reviewed by any of the named responsible authorities or by a person defined in the Act as 'any other person' e.g., residents, Councillors, MPs etc. At any time following the grant of a licence or Club Premises Certificate, any person or responsible authority may apply for a review of it.

The Police may also submit a summary review if there is a premises associated with serious crime and disorder. When the Licensing Authority instigates a review, it will ensure that there is a clear separation of functions between the officer acting as the licensing authority and the officer acting as a responsible authority.

Applications for review must relate to one or more of the licensing objectives and must not (where the review is submitted by any person who is not a responsible authority) be considered as frivolous, vexatious, or repetitious by the licensing authority. Where an application for a review is frivolous, vexatious, or repetitious, or where an application for a review is considered not relevant to the licensing objectives, the Council will reject it.

The Council expects responsible authorities and other parties to give early notice to licence holders of any concerns about issues identified at premises and of the need for improvement. It is expected that requests for a review of any licence will be

sought only if such notice has failed to resolve the matter or problem. It is always worth considering other options before requesting a review of a licence, including:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues.
- Asking SCC Licensing Section to talk to those who manage the premises on your behalf; or
- Talking to the relevant “responsible authority” e.g., Environmental Health in relation to noise nuisance, or the police in relation to crime and disorder, about the problem.

A review application is also subject to a similar consultation period to that of a new licence or variation, during which relevant representations may be submitted. The Act provides strict guidelines, timescales and procedures for review applications and hearings and the Council will deal with every review application in accordance with these rules. Further details on review applications can be found in Appendix IV of this policy.

At a review, the Council may take the following steps (if any) where such steps are considered appropriate for the promotion of the licensing objectives:

- a) Modify the conditions of the licence
- b) Exclude a licensable activity from the scope of the licence
- c) Remove the designated premises supervisor
- d) Suspend the licence for a period not exceeding three months
- e) Revoke the licence.

In cases where there is evidence that the crime prevention objective is being undermined, revocation of the licence will be seriously considered by the authority, even in the first instance.

Hearings - must start within a prescribed period and, if to be held on more than one day, they must be consecutive working days. In most cases, hearings must start within a period of 20 working days beginning with “the start date, 10 working days in respect of reviews following a closure order.

Notice of a hearing must be given no later than 10 working days before the date on which the hearing starts. In some cases, it is a shorter period – e.g. 5 working days in respect of reviews following a closure order,

There is a right of appeal to the Magistrates’ Court against the decision of the licensing sub-committee, and if an appeal is lodged by the licence-holder, the original decision of the licensing authority will not take effect until the appeal is determined or withdrawn. There is an exception to this in the case of a summary review brought only by the police.

**3.11 The designated premises supervisor (DPS)** - This person must hold a personal licence and be in general day-to-day control of the premises. No alcohol may be sold or supplied from a licensed premise unless it is sold by a personal licence holder or a

personal licence has authorised others to sell alcohol in their absence. This is mandatory.

In 2009, the Government empowered licensing authorities, on the application of a management committee of a community premises, not to apply the normal mandatory conditions in relation to the sale of alcohol. Instead, the Council can impose a condition rendering the management committee responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence.

Any application for a change of the DPS must be made to the Council either electronically, via gov.uk, or in hardcopy. Any hardcopy applications must also be served on the Police. An application form completed by the premises licence holder, a consent form signed by the prospective DPS, the premises licence and the appropriate fee must be submitted.

Where an objection is received by the Council from the Police in respect of the proposed DPS, the Council is required to hold a hearing before the Licensing Sub-Committee within the timescales set out in the Act and accompanying regulations.

**3.12 Transfer of premises licence** - where a licence holder wishes to transfer their premises licence to another person or body, then an application shall be made to the Council to do so. An application form completed by the proposed new owner/occupier, a consent form giving permission for the transfer from the previous owner/occupier, the premises licence and the appropriate fee must be submitted either electronically or in hardcopy. All hardcopy applications must also be served on the Police.

If the authority receives an objection notice from Northumbria Police in relation to any proposed transfer, then it must hold a hearing in the required timescales.

A club premises certificate cannot be transferred and will cease to exist if it does not meet the criteria laid out in the Licensing Act 2003.

**3.13 Lapse of a licence** - A licence will lapse if the licence holder dies, becomes incapacitated, becomes insolvent or has their company dissolved. Under these circumstances, no licensable activity may take place at the premises unless a transfer application is received within 28 days.

A licence will also lapse if the holder of the licence no longer has the right to work in the UK. Should this happen, then a new licence will have to be applied for from someone who does have the right to work in the UK.

**3.14 Personal licence applications** - under the Act, the Council will automatically grant applications for personal licences so long as they meet the application criteria outlined in the Act. If an applicant has been convicted of a relevant offence or has been subjected to an immigration penalty that may undermine the prevention of crime and disorder licensing objective, the Police or Home Office Immigration may make representations against the grant of the application. Where relevant representations are received, the Council will hold a hearing in accordance with the regulations and timescales outlined in the Act. The licensing sub-committee will then decide on the application considering the relevant representations received.



When a personal licence holder moves address, they must notify the authority that issued their licence. Failure to do so is an offence under the Licensing Act 2003. When a Personal Licence holder is convicted of a relevant offence or has paid an immigration penalty, they must notify the authority who issued their personal licence so that their licence can be endorsed to that effect. Failure to do this is also an offence under the Licensing Act 2003.

Where a Personal Licence holder is convicted of a relevant offence or has paid an immigration penalty, then the licensing authority may consider suspension of the personal licence for a period of up to six months or revoke it. This is in accordance with Section 132A of the Licensing Act 2003. If the Licensing Authority decided to take this action, then it will allow the licence holder to make representations which will be considered at a hearing before the licensing sub-committee.

**3.15 Temporary Event Notices** – The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”). The Licensing Act 2003 enables certain organised events for less than 500 people to take place following notification to the Licensing Authority, the Police and Environmental Health.

An event organiser who wishes to arrange a one-off event or extend the hours for licensable activities at a premises, may notify the Council of the proposed event. The application (notice) needs to be submitted to the Licensing Authority with the appropriate fee. The notice must be submitted electronically via the gov.uk portal or via hardcopy. If submitted via hard copy, then it must also be sent to the Police and the Council’s Environmental Health section for consideration.

A temporary event notice must be submitted to the authority at least ten clear working days before any event. This does not include the day of the application, the date the application is submitted, weekends or bank holidays. Failure to adhere to these timescales may invalidate the application.

An applicant who also holds a Personal Licence may apply to hold 50 events per year. An applicant who does not hold a Personal licence may only apply for 5 events.

Each Temporary Event may last for up to 168 hours and an individual premises may hold up to 15 events totalling 21 days. There must be a gap of 24 hours between the end of one temporary event and the start of another one.

If the Police or the Environmental Health team, make a representation regarding a temporary event notice then the Licensing Authority will arrange a hearing before the licensing sub-committee in the required 7 working day timescale.

Applicants are encouraged to submit temporary event notices as far in advance as possible to allow issues to be worked out and for any required hearing to be held in good time before any proposed event. Although the statutory legal minimum time required for the notification of a temporary event to the Licensing Authority, Police

and Environmental Health is 10 working days, or 5 working days for a late temporary event, it is essential that proper consideration of the proposed event is given.

Statutory guidance allows the Licensing Authority to publicise its preferred timescale for notification. Applicants are encouraged to submit notifications at least 4 weeks but not more than 12 weeks before an event where an existing premises licence is in operation. For applications where there is not a current premises licence, for example community events, 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.

**3.16 Late Temporary Event Notices** - late notices can be given no later than five working days before an event but no earlier than nine working days before an event. If there is an objection to the proposed event from either the Police or the Council's Environmental Health Section, then the authority will issue a counter notice. This means that the event will not be permitted to go ahead.

The number of late notices that can be given in any one calendar year is limited to ten for personal licence holders and two for non-personal licence holders. Late notices count toward the total for the number of events per year held at a single premises and for the number of events per year applied for by the applicant.

**3.17 Provisional statements** - Where premises are being or are about to be constructed, extended, or otherwise altered to be used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.

Any person falling within section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended, or changed. This would be possible where clear plans of the proposed structure exist, and the applicant is able to complete an operating schedule including details of:

- the activities to take place there.
- the time at which such activities will take place.
- the proposed hours of opening
- where the applicant wishes the licence to have effect for a limited period, that period
- the steps to be taken to promote the licensing objectives; and
- where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.

In such cases, the Council will include in the licence the date upon which it would come into effect. A provisional statement will normally only be required when the information above is not available. Someone aged 18 or over, who has an interest in the premises may apply for a "provisional statement". This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the Council will accept representations. "Person" in this context includes a business.

If the Council's discretion is engaged, the Council will decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a premises licence was sought for those premises, it would consider it appropriate for the promotion of the licensing objectives to:

- attach conditions to the licence.
- rule out any of the licensable activities applied for
- refuse to specify the person nominated as premises supervisor; or
- reject the application.

It will then issue the applicant with a provisional statement setting out the details of that decision together with its reasons.

For applications for a premises licence in respect of premises (or part of the premises or premises which are substantially the same) for which a provisional statement has been made, representations by responsible authorities and other persons will be excluded in certain circumstances. These are where:

- the application for a licence is in the same form as the licence described in the provisional statement
- the work in the schedule of works has been satisfactorily completed
- given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
- there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made

**Important note: Any decision of the Council on an application for a provisional statement will not relieve an applicant of the need to apply for planning permission, building control approval of the building work, or in some cases both planning permission and building control.**

**3.18 Live Music and other de-regulated entertainment** - The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015 with the effect that the following forms of entertainment are no longer licensable:

- Performances of plays between 8am and 11pm, provided that the audience does not exceed 500.
- Performances of dance between 8am and 11pm, provided that the audience does not exceed 500.
- 'Not-for-profit' film exhibitions held in community premises between 8am and 11pm, provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises, and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events between 8am and 11pm, if those present do not exceed 1,000.
- Any contest, exhibition or display of Greco-Roman wrestling or freestyle wrestling between 8am and 11pm, provided that the audience does not exceed 1,000.
- Performances of unamplified live music between 8am and 11pm, on any premises

-Also, performances of amplified live music between 8am and 11pm:

- On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- In a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- In a church hall, village hall, community hall, or other similar community premises that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Also, playing of recorded music between 8am and 11pm:

- On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
- In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises
- At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital

- Also, any entertainment taking place on the premises of the local authority between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the local authority.

- Also, any entertainment taking place on the hospital premises of the health care provider between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the health care provider.

- Also, any entertainment taking place on the premises of the school between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the school proprietor.
- Also, any entertainment (excluding films and boxing or wrestling entertainment) taking place at a travelling circus between 8am and 11pm, with no limit on audience size, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) the travelling circus has not been located on the same site for more than 28 consecutive days.

**3.19 Reinstatement of conditions relating to live music upon review** - the licensing authority may reinstate or impose conditions about live music following a review of a premises licence or Club Premises Certificate (relating to premises authorised to supply alcohol for consumption on the premises) where it can be demonstrated that live music has undermined the promotion of the licensing objectives and such action is appropriate.

**3.20 The need for licensed premises** - The Council shall not consider 'need' or commercial demand when exercising any licensing function.

**3.21 The cumulative impact of concentrations of licensed premises** – The Council recognises that the cumulative effect of the number, type and density of licensed premises (premises selling alcohol for consumption on or off the premises and premises licensed for the provision of late-night refreshment) in a given area may cause serious problems of nuisance and disorder outside or some distance from licensed premises.

'*Cumulative impact assessments*' were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact, on the promotion of the licensing objectives, of several licensed premises concentrated in one area.

In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur due to a large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

Queuing may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand, posed by such concentrations of drinkers, leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the

impact of customers of individual premises. These conditions are more likely to arise in town and city centres but may also arise in other urban centres.

The cumulative impact of premises on the promotion of the licensing objectives of a concentration of licensed premises by number, type or density in an area is therefore a matter that the Council will consider. Where there is good evidence that crime and disorder or public nuisance are happening and are caused by customers of licensed premises located in such an area, consideration will be given to adopting a special policy to help address such issues.

Such a special policy will be implemented if the authority is satisfied that there is enough evidence to support such a decision, and that it is proportionate and the most effective measure to address the problems identified.

Sunderland City Council published a Cumulative Impact Policy (CIP) on 19 September 2018. Under the Licensing Act, CIPs must be reviewed every 3 years, so the CIP was to be reviewed prior to 19 September 2021.

In 2021, during the Covid pandemic, when reviewing the CIP, and carrying out the Cumulative Impact Assessment it was found that there was a lack of accurate and robust data and evidence to support the continuation of the CIP and therefore it ceased to have effect on 19 September 2021.

Types of evidence the licensing authority will take into consideration when considering whether to implement such a special policy include:

- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
- Statistics on local antisocial behaviour offences
- Health-related statistics such as alcohol-related emergency attendances and admissions
- Environmental health complaints, particularly in relation to litter and noise complaints recorded by the local authority, which may include complaints by residents or residents' associations
- Residents' questionnaires
- Evidence from local Councillors
- Evidence obtained through local consultation

The licensing authority will consider:

- The number, type and density of licensed premises and the hours and activities they are licensed for
- Trends in licence applications, particularly trends in applications by types of premises and terminal hours
- Changes in the terminal hours of premises
- Premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times

- Residential density
- The number of consumers attracted to the area and the availability of public transport

**Important note:** possible future changes to licensing policy. - During the consultation phase leading up to the revised Statement of Licensing Policy there were calls for a special policy from some respondents for a Cumulative Impact Policy (CIP) for Sunderland. To find out whether a CIP is necessary, the council will carry out engagement activity to collect evidence to take into consideration on whether to implement such a special policy. It is not possible to complete the CIA in time to inform the revised policy. If the result of the CIA is that a CIP is needed for Sunderland, we will then modify this revised version of the Statement of Licensing Policy.

**3.22 Other mechanisms for control of cumulative impact** - Once away from the licensed premises, a minority of consumers will behave badly. There are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. The Council recognises there are several existing measures available that are relevant to tackling unlawful and antisocial behaviour associated with licensed premises, including:

- Planning controls
- Positive measures to create a safe and clean city centre, district or neighbourhood centre environment in partnership with local businesses, transport operators and other departments of the local authority
- The provision of CCTV surveillance, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of local authorities to designate areas as places where alcohol may not be consumed publicly
- The confiscation of alcohol from adults and children in designated areas
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- Police powers to close instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary event on grounds of disorder, in the likelihood of disorder, or noise emanating from the premises causing a nuisance
- The power of the police, other responsible authorities or any person to seek a review of the licence or certificate in question
- Raising a contribution to policing the late-night economy through the Late-Night Levy
- Early Morning Restriction Orders
- Other local initiatives that similarly address these problems

Should a special policy on cumulative impact be warranted at any time, it will not impose quotas on either the number of premises or the capacity of those premises nor will it restrict the consideration of any application on its individual merits.

**Important note: The absence of a special policy on cumulative Impact does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a licence, claiming the premises will give rise to a negative or adverse cumulative impact on one or more of the Licensing Objectives.**

**3.23 Late Night Levy** - The Late-Night Levy (the levy) is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011, which enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.

The levy will be payable by the holders of any premises licence or Club Premises Certificate, in relation to premises in the authority's area, which authorise the sale or supply of alcohol on any days during a period (the 'late-night supply period') beginning at or after midnight and ending at or before 6am.

The decision to introduce, vary or end the requirement for the levy must be made by the full Council. The authority will consider the appropriateness of the levy as well as its design, prior to any decision to consult on its implementation.

When considering whether to introduce a levy, any financial risk (for example, lower than expected revenue) rests at a local level and so will be fully considered prior to implementation.

Currently, there is no Late-Night Levy in the City of Sunderland. However, we will keep this matter under review.

**3.24 Early Morning Restriction Orders (EMROs)** - Introduced by the Police Reform and Social Responsibility Act 2011, Early Morning Restriction Orders (EMROs) enable an authority to prohibit the sale of alcohol for a specified time between the hours of 12 midnight and 6am in the whole or part of its area if it deems it appropriate for the promotion of the licensing objectives.

EMROs are designed to address recurring problems, such as high levels of alcohol-related crime and disorder in specific areas at specific times, serious public nuisance, and other instances of alcohol-related antisocial behaviour not directly attributable to specific premises. There currently are no Early Morning Restriction Orders in the City of Sunderland.

**3.25 Impacts within the vicinity of licensed premises** - While the licensing authority will seek to ensure the promotion of the four licensing objectives by licensed premises in Sunderland, it is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers that fall within the control of the licensee.

**Important note: Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of**



**the individual, club or business holding the licence, certificate or authorisation concerned. Nevertheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.**

DRAFT

## 4.0 How the Council applies licensing policy

**4.1 Our aim** – Sunderland City Council want to promote the City as a dynamic, vibrant and healthy environment where responsible law-abiding operators are encouraged and supported to provide great facilities for the entertainment and enjoyment of residents and visitors. We wish to encourage an ‘inclusive’ daytime, evening and night-time economy throughout the area to ensure people of all ages can participate in and enjoy a range of activities through a diverse array of licensed premises, not simply focused on the consumption of alcohol.

To realise our aim the Council will encourage:

- licensed premises that will facilitate and strengthen the diversity of entertainment and attract a wider range of participants
- live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- national cultural institutions, global sports events and cultural festivals
- non-drink-led premises, including restaurants, cafes, theatres and cinemas

**4.2 Licensing conditions** - Every application will be treated in accordance with the Act, the Section 182 Guidance and this Licensing Policy. The applicant is expected to consider all relevant sections of the Policy and the potential impact upon the licensing objectives relevant to them. The Licensing Policy is applicable to all premises providing any licensable activity and it is important that all premises have regard to it. All applications for a new premises licence or variations need to be supported by an operating schedule. The schedule must specify (amongst other things) the steps the applicant proposes to take to promote each of the licensing objectives.

The operating schedule within an application should contain an assessment, from the proposed licence holder, of what they believe are appropriate and proportionate measures to enable them to carry out their proposed licensable activities. This assessment should be arrived at by taking cognisance of this policy and the Secretary of State’s guidance, which outlines the matters that an applicant should consider, such as issues in the locality and why their proposed measures are suitable for their proposed operation.

There are three types of condition that may be attached to a licence or certificate:

- Proposed
- Imposed
- Mandatory

Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take, or refrain from taking, in relation to

the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment.

**4.3 Proposed conditions** - the conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment, carried out by a prospective licence or certificate holder, which they should carry out before making their application. This would be translated into the steps recorded in the operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

If an application receives no representations from Responsible Authorities or any other persons, then the licensing authority must grant that licence. The licence would therefore be granted with conditions that are contained within the operating schedule. **The Council does not have the power to impose conditions on a premises licence or club premises certificate unless it is in receipt of a relevant representation and considers that conditions are appropriate and proportionate to promote the four licensing objectives.**

If a responsible authority or other person lodges a relevant representation against an application, then a hearing before a licensing Sub-Committee will normally follow. In exercising its discretion, the licensing Sub-Committee will have regard (amongst other things) to this policy. Applicants are expected to carefully take this licensing policy into account when preparing their operating schedule.

If an operating schedule complies with the policy it is generally less likely that a responsible authority or other person will object to it, or that any objection will succeed. Therefore, compliance with the Policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing, and the risk of a refusal or the addition of unwanted licence conditions.

An opposed application that complies with the Policy will not necessarily be granted and an opposed application that does not comply with it will not necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case. Modifications of the operating schedule and the extent of any such modifications will only occur when deemed appropriate for the promotion of the licensing objectives. We will not apply blanket or standard conditions and will always give proper regard to the merits of each individual case.

**Important note: This policy contains several references to the Council's expectations of applicants and applications. The policy is only engaged where the licensing authority has a discretion following the receipt of objections. In such cases, the licensing authority will not apply the policy rigidly. We will always have regard to the merits of the case with a view to promoting the licensing objectives.**

The Council will seek to apply this policy when exercising its various licensing functions.

**4.4 Imposed conditions** - The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied because of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

Conditions imposed upon a premises licence or club premises certificate will be tailored to that type of premises and the style of operation. Consideration will be given to the character and nature of the locality of the premises, problems and sensitivities in the locality, the matters set out in the Guidance and any policy, initiative or other matter the licensing authority wishes to consider for promoting the four licensing objectives.

The Council will avoid attaching conditions which duplicate other legislation. However, some crossover may occur if the Council believes that additional measures to control licensable activity are required to promote the four licensing objectives.

The Council may produce model conditions to provide a consistent approach for all parties by specifying appropriate conditions that could be included on any licence or certificate granted. Once produced, these may prove useful to applicants for designing the operating schedule, for other parties, in seeking to address concerns associated with the application and by the Council when imposing conditions considered appropriate for the promotion of the licensing objectives. A copy of the "model" conditions is attached at Appendix III

Any model conditions produced will not be intended to be an exhaustive list and they will not restrict the ability of any party to suggest, or the committee to impose, any condition they consider appropriate for the promotion of the licensing objectives, provided they are in accordance with the following principles:

**Licence conditions will be:**

- appropriate for the promotion of the licensing objectives
- precise and enforceable
- unambiguous and clear in what they intend to achieve
- tailored to the individual type, location and characteristics of the premises and events concerned
- proportionate, justifiable and capable of being met

**Licence conditions will not:**

- be standardised
- replicate offences set out in the Licensing Act 2003 or other legislation
- duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation
- seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave
- require the admission of children to any premises

Where, following relevant representations and a hearing, the Council is not satisfied that the imposition of conditions is appropriate and sufficient for the promotion of the licensing objectives, the authority can restrict licensable activities and/or hours. The Council may also refuse to specify the person nominated as designated premises supervisor. Where all the above steps are not considered appropriate and not enough to promote the licensing objectives, our policy is to refuse the application

- 4.5 Mandatory conditions** – certain specified conditions that are imposed on all premises licences and club premises certificates. These are mandatory conditions and will apply to all licences and certificates that authorise the sale or supply of alcohol. These conditions will apply even if they are not contained on the physical copy of any licence

DRAFT

## 5.0 How the Council promotes the licensing objectives

Licensing law is only one means of securing the delivery of the licensing objectives and should not therefore be a means of solving all problems within the community or night time economy. However, it is a key means of control and is viewed by the Council as an integral part of a holistic approach to the management of the evening and night time economy.

**5.1 Working in partnership** - The Council will work in partnership with, amongst others, neighbouring local authorities, the Police, local businesses and people in pursuit of the promotion of the licensing objectives. The Council is keen to promote partnership-working between agencies and the licensed trade. A range of initiatives can be delivered aimed at ensuring the promotion of the licensing objectives throughout the City of Sunderland including:

- Multi-agency enforcement, including proactive monitoring and inspections of licensed premises as well as test purchase ('mystery shopper') operations
- Joint-agency action planning with problem premises
- Responsible Authority Group (RAG) is Joint consideration of licence applications to ensure a consistent and holistic approach that is agreed between all agencies
- Multi-agency meetings including - Southwick Raising Aspirations Altogether (SARA), Hetton Aspirations Linking Opportunities (HALO) and Sunderland Altogether Improving Lives (SAIL)
- Attendance and participation in the Sunderland Drug and Harm Reduction Group
- Supporting the Sunderland Healthy City Plan and Sunderland Alcohol Strategy
- Promoting training carried out by Northumbria Police in responsible alcohol service, safeguarding and awareness of child sexual exploitation
- Attendance and participation in local community meetings and workshops.

**5.2 Communication with residents and businesses** Sunderland City Council considers it extremely important that licensed premises behave as good neighbours within their community. Licensees are encouraged to consult with local residents, businesses and local Councillors prior to submitting an application for a new licence or variation of an existing licence to ensure the promotion of the licensing objectives and ensure that any issues that may arise in respect of the proposed operation of the premises can be addressed at the earliest possible stage.

Licence holders and DPS's are expected to communicate to address and resolve relevant problems. This could include giving contact telephone numbers to residents, so they can report any issues to the premises for them to address. It is expected that contacts at the premises would be persons in a position of responsibility who are contactable whenever the premises are open to the public so that any issues can be addressed without delay. Licensees could also arrange regular meetings with neighbours to ensure good relations.

**5.3 Pubwatch and similar trade forums** - such schemes, are where members may regularly exchange information about incidents, known troublemakers, and crime prevention advice through official data protection agreements. The operation of collective banning policies and the enforcement of exclusion orders are also seen to be essential parts of crime prevention in an area or neighbourhood.

Active participation in such schemes demonstrates good practice by the licensed trade and the licensing authority encourages licensees to take part in existing schemes or seek to establish new ones where none currently exist. In turn, we will provide as much support as possible. For further details of any of the schemes operating in the City of Sunderland, or if you have an interest in developing a brand-new scheme, contact the Council's Licensing Section.

**5.4 Locality considerations** - licensed premises and activities can play an important role in ensuring the vitality and prosperity of the City in terms of economic growth, additional employment opportunities and improved physical environments. However, if not managed carefully, negative impacts can arise.

Applicants and licensees are expected to obtain enough information to enable them to demonstrate that they understand:

- The layout of the local area and physical environment, including crime and disorder hotspots, proximity to residential premises, and proximity to areas where children may congregate
- Any risk posed to the local area by the applicant's proposed licensable activities
- Any local initiatives (for example, local crime-reduction initiatives or voluntary schemes, including any local taxi control schemes, street pastors, pubwatch etc.) that may help to mitigate potential risks.

Public sources of information that may be of use in understanding the local risks include:

- The Crime Mapping websites
- Our website
- Local Councillors
- Responsible authorities
- Further health and deprivation, crime and community safety information about the local area.

All applicants are expected to consider the individual characteristics of the premises and locality when preparing their operating schedule, particularly when considering appropriate activities, hours and operating standards for the premises. It is expected that these would be assessed against the likely impact on the promotion of the licensing objectives by their premises. Applicants are encouraged to identify relevant factors through risk assessment of the local area for their premises before making the application.

Applicants are expected to address any local factors relevant to their premises. The matters identified are not exhaustive and, where its discretion is engaged, the licensing authority will have regard to any relevant matters raised in any representation that may fall outside those factors. Some of these can be controlled by licensed premises, whilst others are clearly external, e.g., pre-loading by customers, and have an impact on the premises' operation of the licensing objectives. Relevant factors include:

- Physical design of the premises
- Activities at the premises
- Style of operation, particularly related to the likelihood of alcohol consumption
- Characteristics of likely patrons e.g., age, gender, potential for pre-loading etc.
- Staffing of the local public realm, including policing, wardens
- Public CCTV coverage
- Pedestrian and vehicular pathways likely to be used by customers when leaving the premises late at night

**5.5 Areas with evidence of existing problems** - Where its discretion is engaged, and a hearing takes place, the Council will consider such risk factors when assessing the relevance of operating measures appropriate to promote the licensing objectives. The Council will consider the general character of the surrounding area, including crime and antisocial behaviour (ASB) levels, litter problems, issues regarding underage or proxy sales, and noise complaints.

Where there are demonstrable problems linked to the operation of licensed premises in the area and the evidence demonstrates problems with licensed premises in the area, the licensing authority will (in exercising its discretion) take this into consideration when deciding what, if any, steps are appropriate and proportionate in the individual case.

**5.6 Proximity to residential areas, businesses and sensitive users** – When dealing with applications and issuing licences, the Council (when their discretion is engaged) is more likely to impose stricter conditions on premises operating in residential areas. This is for the promotion of the prevention of public nuisance licensing objective and will apply to all premises.

Proper consideration should be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. Where premises are close to local residential properties, and where its discretion is engaged, the authority will consider measures proposed in the application, in relation to preventing nuisance, such as:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise
- Prevention of noise disturbance from people entering and leaving the premises (e.g., queue management, dispersal policy)



- Prevention of disturbance by people outside the premises (e.g. smoking areas)
- Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside licensed premises)
- Disturbance caused by deliveries associated with licensable activities, including waste collection.

In general, any licensees wishing to open their premises past 11pm (2300hrs) in a residential area will need to demonstrate clearly, in their operating schedule, that public nuisance will not result from later operation. As part of the operating schedule, applicants should read the Secretary of State's Guidance, this policy and any other relevant documents to ensure that robust measures are included in any application. Premises providing regulated entertainment may be subject to additional conditions to ensure that residents are not disturbed. This may include the use of sound limiters, keeping doors and windows closed and restricting the hours that music is played. Premises with outdoor areas, such as beer gardens, pavement café areas and smoking areas, may also be subject to further restrictions regarding their operation and use.

Premises applying for early morning daytime hours to sell alcohol will be given particular consideration in relation to their proximity to schools, play areas, nurseries, children's centres and other youth amenities to protect children from harm. This may include other groups (such as persons who are alcohol dependent) who could become more vulnerable or present a greater risk of crime, disorder and public safety issues as a result of excessive alcohol consumption or who may be drawn to particular premises if they are licensed to sell alcohol at earlier times.

**5.7 Licensing hours** – In 2003 the Government expressed a view that “more flexible opening will help address the issue of large numbers of patrons leaving at the same fixed time and as such will reduce disorder and disturbance whilst helping promote business and cultural development”. The Government also wishes to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and local employment and attractive to domestic and international tourists.

The Council acknowledges these principles but believes that full consideration should be given to the risk of disturbance to residents and possibly to businesses when licensable activities continue late at night and into the early hours of the morning. Whilst the Act removed set permitted hours for on-sales and leaves applicants to decide what is appropriate to include in the operating schedule, the Council recognises the impact licensing hours have in an area.

**Important note: The Council will make appropriate decisions on licensing hours for the locality of each premises.**

As part of their operating schedule submitted with any application, the applicant is expected to consider the statutory guidance, this policy and any other available data

relevant to their prospective locality and the potential impact their operation may have on that area.

Where it is appropriate and proportionate to do so, the Council may seek to reduce the hours for licensable activities to promote an orderly and gradual dispersal from a certain area or certain premises.

All applicants and existing licence holders are expected to achieve and to adhere to any relevant planning permissions, including hours of operation. Applicants are encouraged to secure any necessary planning permissions before applying for any licence. Where the planning authority has set a terminal hour on a premises' planning permission, the licensing authority may only grant a licence to that hour should that be appropriate for the promotion of the licensing objectives, subject to a relevant representation being made. Efforts will be made to ensure consistency and integration between licensing and planning policy as detailed in Point 2.7 of this policy.

The hours granted to premises refer to the hours during which licensable activities may take place. In the absence of reasonable and extenuating circumstances, the Council would normally expect the premises to close within a reasonable time after the terminal hour for licensable activities.

**Important note: Policy recommended 'framework' hours (see Appendix II) are intended to guide applicants when preparing their operating schedules. These are the Council's general recommendations. It must be emphasised that where no relevant representations are received, an application must be granted in accordance with the hours included in the application.**

There will be a general presumption that licensed premises in residential and mixed residential/commercial areas will have a greater potential to undermine the public nuisance licensing objective. For this reason, applicants and existing licence holders may expect greater scrutiny of applications and operations in connection with their licensed premises and associated activities.

When its discretion is enabled, the Council will consider the possibility of disturbance to businesses and residents late at night and in the early hours of the morning, and the detrimental effects that any such disturbance may give rise to. These are important matters to be considered when addressing the hours during which licensable activities may be undertaken.

The Council has considered the Secretary of State's Guidance in determining this policy. The specified framework hours on any given day is not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the City. Instead, the 'framework hours' serve to identify those types of premises where the Council will pay particular regard to local factors and the likely effect on the local neighbourhood of carrying out the proposed licensable activities (sale/supply of alcohol and the provision of late-night refreshment).

In considering appropriate times for policy framework hours, the Council has had regard to concerns expressed by residents, the licensed trade and the responsible

authorities including Northumbria Police. The Council acknowledges that in addition to location and other factors, risks differ depending on whether premises are licensed to sell alcohol for consumption on or off the premises and for premises licensed only for regulated entertainment or late-night refreshment.

**The Council expects** that, where applications to provide licensable activities outside these framework hours are made, applicants will volunteer particularly robust conditions in their operating schedules in respect of all the licensing objectives. In preparing the operating schedule, applicants who wish to provide licensable activities outside the Framework Hours should have regard to:

- The location of the premises and the character of the area in which they are situated
- The proposed hours during which licensable activities will take place and the proposed hours during which customers will be permitted to remain on the premises
- The adequacy of their proposed measures to promote the licensing objectives
- In the case of a premises having been previously licensed, any relevant issues relating to the previous licence
- Whether customers have access to public transport when leaving the premises at night-time and in the early hours of the morning
- The proximity of the premises to other licensed premises in the immediate and local area and the hours of operation of those other premises
- Policies and proposals for the timely and orderly dispersal of customers

**The Council also expects** applicants to provide particularly robust conditions in their operating schedules to promote the prevention of public nuisance in cases where outside areas (such as beer gardens, patios and marquees) will be used by customers after 21.00 hours any night of the week.

**Important note:**

- **There must be no presumption that an application made for timings within the framework hours will be automatically granted**
- **Where relevant representations are made, each case will be considered on its merits**

The following should be considered when deciding on the hours applied for:

Applicants should limit their applications to the hours they genuinely intend and reasonably expect to operate

When completing the Operating Schedule, applicants should consider all the Licensing Objectives. (Representations are more likely to result from inadequately considered Operating Schedules)

Where relevant representations are made, the Licensing Committee shall determine whether the proposed measures in the Operating Schedule address the issues underpinning the framework hours policy. As each application will be determined on its own merits, the individual circumstances will vary between each application.

Although this policy applies to all licensable activities, the Licensing Authority will have regard to the proposed use of the premises when considering whether and how this policy should apply in any given case

The following types of premises, where licensable activities are authorised, are not considered to make a significant contribution to the problems of late-night crime and disorder and anti-social behaviour and, as such, these premises will generally have greater freedom to operate outside framework hours:

- Theatres
- Cinemas
- Hotels
- Large supermarkets

**5.8 Takeaway premises and late-night refreshment** - there are often concerns about noise, nuisance, crime and disorder and anti-social behaviour in respect of premises open late and providing hot food and drink. Applicants and licensees of late-night refreshment premises wishing to open past 23:00 will need to demonstrate that there are suitable steps in place to mitigate any undermining of the licensing objectives from their operation.

When the Council's discretion is engaged, if suitable practices are not put in place and it is the belief of the Council that crime and disorder and/or a public nuisance is likely to occur due to the late operation of late-night refreshment premises, then the Council will look at reducing the hours and/or (subject to any relevant representations being received) removing late night refreshment from a licence.

**Important note: When representations have been received and a hearing takes place, the Council will refuse to grant a licence either at all or outside framework hours to any premises if it believes adequate controls cannot be applied and it will undermine the promotion of the licensing objectives.**

**5.9 Garages, service stations and petrol stations** - Under section 176 of the Licensing Act 2003, no premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises. "Excluded premises" means a motorway or trunk road service area or premises used primarily as a garage or which form part of premises which are primarily so used.

**The Council will require** information from the applicant regarding the primary use of the premises prior to the hearing. Trading figures can be used to determine the issue of primary use. If a premises licence is granted, the premises licence holder must ensure that alcohol is not sold or supplied at any time when the premises are used primarily as a garage.

**5.10 Adult and sex related entertainment activities** – The Licensing Act makes no specific provision with respect to certain activities such as "lap", "table" and "pole" dancing. These, and similar forms of sexual entertainment, are not themselves designated as licensable activities under the Act.

Because such entertainment is expressly excluded from the definition of regulated entertainment found in the Licensing Act 2003, premises for which a sexual entertainment venue licence is held do not require a premises licence, club premises certificate or temporary events notice to provide adult or sexual entertainment. However, if the premises also carry on other licensable activities (e.g., the sale of alcohol or the provision of regulated entertainment that is not sexual entertainment), they will require a premises licence, club premises certificate or temporary events notice under the Licensing Act for those other activities.

The Policing & Crime Act 2009 brought certain premises offering entertainment of a sexual nature under the controls of the Local Government (Miscellaneous Provisions) Act 1982. Sexual entertainment, held on an infrequent basis, can fall outside this legislation and such infrequent entertainment will be considered under the Licensing Act 2003.

When representations are received, the Council will have regard to the following additional matters in respect of applications to provide adult entertainment, including entertainment of a sexual nature, e.g., nudity, striptease and lap dancing. The Council will also consider the location of the premises in relation to their proximity to the following sensitive uses:

- Housing and residential accommodation
- Schools, play areas, nurseries, children's centres and other educational establishments
- Family shopping and leisure areas
- Places of worship
- Hospitals
- Historic buildings and tourist attractions
- Other places where entertainment of a similar type is operated
- Other places where significant numbers of children are likely to attend or congregate

The Council will impose conditions designed to ensure that children are not admitted to and cannot witness these activities, and to control crime and disorder problems. The supports the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts, and for the protection of performers from risk of assault.

**5.11 Alcohol deliveries** – Particular risks exist in connection with delivery services for alcohol. The Council expects applicants and licensees to take measures to properly identify, assess and control such risks. Measures to promote the protection of children licensing objective must be clear and robust.

The Council expects operators to implement age-verification procedures at both the point of sale and delivery stages, with a Challenge 25 policy implemented at the point of delivery. The receipt of orders that contain alcohol must be by an adult. Retailers should ensure that delivery staff have been given appropriate training in

procedures relating to requesting and identifying proof of age and implement these procedures as standard.

Operators are expected to use their discretion to ensure that deliveries are refused in situations associated with alcohol-related nuisance or disorder and to ensure that alcohol is not given to persons who appear drunk.

Any promotional material, including the name of the business and website, should be consistent with the responsible sale of alcohol. Additionally, any website URL or telephone number, to be used for orders, is expected to be given to the Council. Where the authority's discretion is engaged following relevant representations, conditions restricting the operation of alcohol delivery services may be imposed by the authority where appropriate for the promotion of the licensing objectives.

DRAFT

## 6.0 Standards of management and operating practice

This policy seeks to promote not only the licensing objectives but also excellent standards of premises management, covering the arrival of customers all the way through to their departure. Within all licensed premises, whether or not alcohol is to be sold, the Council will expect proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the authorisation.

**6.1 The designated premises supervisor (DPS)** - The application for a premises licence which proposed to sell alcohol must identify a designated premises supervisor (DPS) A DPS must be a personal licence holder. It is important that the DPS is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.

Most premises, where alcohol is sold under a premises licence, must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).

The Licensing Act 2003 does not require a DPS, or any other personal licence holder, to always be present on the premises when alcohol is sold. However, DPS and the premises licence holder always remain responsible for the premises. The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

The DPS is the person who has day-to-day responsibility for the running of the business associated with the retail sale of alcohol. All businesses and organisations selling or supplying alcohol, except members' clubs and certain community premises must have a designated premises supervisor. Whoever holds this role must be named in the operating schedule, which you will need to complete as part of the application process, when you apply for a premises licence.

The person chosen to be the DPS will act as primary contact for the Council and the Police. They must understand the social and local issues and potential problems associated with the sale of alcohol and have a good understanding of the business itself.

If the Police or authorised Council Officers have any questions or concerns about the business, they will expect to be able to reach the DPS. Each business may have only one supervisor selected for this role, but the same person may act as the DPS at more than one business.

The Licensing Act requires the DPS and personal licence holders to take responsibility for the sale and supply of alcohol. This is because of the impact alcohol has on the wider community, on crime and disorder and antisocial behaviour. Because of these issues, selling alcohol carries greater responsibility than licensing regulated entertainment and late-night sales of food and non-alcoholic drinks.

**The Council will expect** the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that normally the DPS would be present at the licensed premises most of the time. To put it another way, the Council will be concerned if the DPS is regularly absent from the premises and if difficulties are encountered when trying to contact a DPS. Such concerns will be magnified should there be any licensing related problems associated with the premises.

- 6.2 Self-assessment** - the Council recognises that individual premises will all need to assess their own management needs to establish operational best practice. Therefore, what would be good practice at one premises may be unnecessary or overly burdensome in others. The examples of good practice provided in this policy are indicative of different measures that applicants, including licence holders, managers, club committees and club secretaries, DPS's and personal licence holders, may wish to consider.

The examples are not exhaustive and are aimed at assisting people to identify and improve management standards at licensed premises. Higher expectations are held by the Council in relation to how applicants will plan to mitigate risks posed by premises in sensitive locations such as residential areas.

- 6.3 Proper management of licensed premises** – In promoting the licensing objectives and excellent standards of premises management, the Council expects applicants and licensees to have the correct organisation and arrangements in place covering the arrival of customers, on-site activities, occupancy and use all the way through to their exit and departure.

Within all licensed premises, whether or not alcohol is to be sold, the Council expects there to be proper management arrangements in place which will ensure that there will always be an appropriate number of responsible, trained and suitably-instructed persons at the premises necessary to ensure the proper management and operation of the premises and that the activities taking place are in full adherence to all statutory duties and the terms and conditions of the authorisation.

- 6.4 Promoters** – Events held on licensed premises may be organised and promoted by persons other than the premises licence holder. Licence holders, DPSs and personal licence holders remain responsible for activities taking place on premises when promotions take place. Action will be taken against licence holders and all other persons responsible for the management and operation of the premises if required whether the event in question has been “promoted” and run by another person or not. In addition, the Council will expect premises licence holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear. The promoter and its employees or agents shall comply in all respects with all conditions, requirements



and regulations of the local Council, police and fire authority and have regard to this policy and relevant good practice for licensed premises and activities.

**6.5 Irresponsible drinks promotions, sales and pricing** - There is a relationship between the pricing of alcoholic beverages, the consumption of alcoholic drinks and resultant issues associated with crime and disorder. When alcoholic drinks are offered and sold at low prices e.g., at or below cost prices from both 'on' and 'off'-trade premises, alcohol consumption can increase leading to adverse effects on all four licensing objectives. Cheap and readily available alcohol can contribute significantly to antisocial behaviour, drunkenness, disorder and other criminal behaviours that can blight areas, damage communities and place people at risk of harm.

Central Government has a major role to play in dealing with alcohol pricing and its availability nationwide. At a local level, the Council through this policy sets out its own role and responsibilities in relation to influencing and where appropriate, controlling the sale, promotion and availability of alcohol.

The Council's aim is to support and encourage responsibility in the sale, supply and consumption of alcohol within Sunderland City. We will not seek to impose generalist or blanket conditions across all licences however, where evidence exists that the licensing objectives are being compromised or are likely to be adversely affected in an area, consideration may be given to the imposition of appropriate licensing controls on specific premises e.g., alcoholic drinks promotions and other sales techniques to deal with localised problems. For example, controls could include evidenced-based and tailored restrictions for specific premises on the sale of high-strength alcoholic drinks, requirements relating to the minimum cost of beverages etc, invariably as part of several control measures designed to deal effectively with any specific and identifiable problems.

We also remind licence holders (and all relevant personnel working at licensed premises) of the mandatory conditions relating to drinks promotions. These conditions prevent drinking games and the provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted price.

The Council will continue to focus on recognised means of public protection, including education, health promotion, information, enforcement, treatment and prevention in local partnerships, which have a proven track-record of tackling alcohol related harm and which may be achieved by working in partnership with the trade. The Government has established 'cost' as the amount of 'duty plus VAT', defined as the level of alcohol duty ('duty') for a product plus value added tax ('VAT') payable on the duty element of the product price. In February 2019 they produced Guidance on banning the sale of alcohol below the cost of duty plus VAT aimed at suppliers of alcohol and enforcement authorities in England and Wales This guidance provides a single point of reference for suppliers of alcohol and local authorities in England and Wales for banning the sale of alcohol below the cost of duty plus VAT. The document also provides comprehensive information regarding implementation of the relevant legislation, methods of calculating the amount of duty plus VAT (referred to in

legislation as “the permitted price”) and effective enforcement of the ban. The legislation came into force on 28 May 2014.

The ban prevents businesses from selling alcohol at heavily discounted prices and aims to reduce excessive alcohol consumption and its associated impact on alcohol-related crime and health harms. The ban is a new licensing condition of the Mandatory Code of Practice. The Mandatory Code of Practice applies to all licensed premises, including those with club premises certificates, in England and Wales.

**6.6 Alcohol health awareness** – Local research from BALANCE – the North East Alcohol Programme which works to reduce alcohol harms at a population level – shows public awareness of the health harms caused by alcohol is generally low. Significant numbers of people in the City of Sunderland continue to drink at risky levels. There is clearly an information deficit when it comes to the Chief Medical Officers’ low risk drinking guidelines.

Responsible licensees can contribute to increasing the health intelligence of the population by promoting the Chief Medical Officer (CMO) guidance. The Council would see the following steps taken by responsible licensees as a positive contribution to improving alcohol health awareness and reducing potential alcohol health harm:

- Chief Medical Officer (CMO) guidance on alcohol related health is displayed in at least one prominent point per floor, in the premises. (14 Units per week (for both men and women) taken over several days)
- Unit information (and calorie data if available) is displayed on any drink’s menu available.
- Ensuring free (tap) water is available and the offer is visible to customers.

**6.7 Design and layout of premises – The Council expects** all applicants to consider and address any potentially adverse effects on the licensing objectives related to the design and layout of their premises. We encourage consideration, particularly at the design stage, to best-practice advice such as the ‘Licensed Property: Security by Design’(BBPA) or that found at [www.securedbydesign.com](http://www.securedbydesign.com) (ACPO).

Applicants should clearly set out the relevant steps which they propose to take to promote the licensing objectives in the operating schedule including matters of design and layout. It will be for the applicant to determine exactly what steps should be taken in every case and what will be appropriate will depend on the size, characteristics and nature of the individual premises concerned. For example, what might be appropriate for large chain stores such as supermarkets might not be appropriate for smaller individual shop units.

Taking into consideration these matters, the Council encourages applicants to identify and detail appropriate steps relating to layout and operational matters in the operating schedule. These may include the following:

- Security measures and CCTV – An applicant should identify relevant security measures, supervision by staff, and/or CCTV that will be in place to promote the licensing objectives.
- Display Areas – An applicant should identify the specified areas where alcohol will be displayed. Plans should be attached to the Operating Schedule identifying such areas. If the specified display areas are to be moved or altered significantly from time to time, the operating schedule should also specify the nature of any such changes.

The Licensing Authority recommends that displays of alcoholic drinks should not normally be located at the entrance/exit points of the premises; in aisles which interfere with customer flow or at or near check-outs.

**6.8 GDPR and the use of CCTV** - If CCTV is used in and around the premises, it must comply with the General Data Protection Regulations. CCTV cameras capture images that allow identification of individuals, which means that these images fall within the GDPR's definition of personal data. Ensure that appropriate signage is in place to inform people that CCTV is in operation and it is being used.

This isn't a new requirement and A CCTV user should already be providing this information under the Data Protection Act 1998. However, the GDPR is more prescriptive and a user should make sure that people are provided with all the privacy information required under the GDPR, possibly on a business website or elsewhere on the premises. A guide to data protection and advice on the information required to be provided in privacy notices, including CCTV signage as well as important information concerning the control of data, can be found in the Information Commissioners website at <https://ico.org.uk/>

**6.9 Arrival to departure** – the Council encourages a systematic and logical approach to the identification of problems, dangers and hazards along with the realistic estimation of likelihoods of adverse occurrences and the estimation of risk. Understanding the type and location of premises, its use and the nature and characteristics of customers will help to identify areas needing control and appropriate means of safeguarding people. In this manner the promotion of the objectives will be revealed.

Here are some brief examples of measures that may be considered to control and minimise risks:

- **On Arrival at premises** the following example of controls may be appropriate: The implementation of practises such as queue management techniques, using appropriate barriers, trained door supervisors, the use of metal detectors and search wands, search policies for drug and weapon detection and confiscation, Challenge 25/PASS card schemes, last time of entry policies etc.
- **At the Premises:** designing out crime risk through assessment, notifying the police of promoted events, maintaining staff training records, internal patrols to ensure safe capacities to reduce noise leakage. The introduction of anti-spiking measures, designated driver schemes, the creation and maintenance

of incident logs and refusal registers. The use of polycarbonates rather than glass for use both inside and outside the premises.

- **Outside the premises:** Through effective management of external areas such as beer gardens, pavement licensed areas, forecourts, marquees and smoking areas. The use of CCTV and door supervisors and regular glass collection and disposal.
- **Leaving the premises:** By means of a clear dispersal policy including neighbour courtesy and get home safely posters, winding down periods, access to taxi services, door supervision. Maintenance of a robust dispersal policy.

Licensed premises in residential areas, or within any area subject to cumulative impact, are also expected to outline measures such as a suitable wind-down time where licensable activities will come to a gradual conclusion before closing time, to allow for a gradual and orderly dispersal from the premises and area. It is expected that all staff will be aware of any dispersal policy and wind-down times to ensure that customers actively leave the premises and area within permitted hours and with the minimum of disturbance to residents.

The Council expects licence holders and designated premises supervisors and operators of nightclubs, dance venues and similar premises, to operate a wind-down time at least thirty minutes before closing time. During this time, the pace, volume and type of music played should be slowed down and reduced to background levels. The sale of alcohol should also cease, and staff should be available to assist in the gradual dispersal of patrons from the premises and the immediate area. It is expected that door supervisors should also assist with the gradual dispersal of patrons from the premises (and the area) and direct people to public transport if appropriate.

- **Promotion and support of other initiatives:** Such as, Purple Flag, Cardiff model (for violence prevention), Pub Watch, Street Pastors, Community Wardens, Taxi Marshals, Refuges and Safe Transport corridors.
- **Safeguarding is everybody's responsibility.** There is a responsibility on us all to report on concerns that we are made aware of. These might also be concerns that occur immediately outside of, as well as within, a premises. Report to Police intelligence – This can be ANYTHING from car details, locations, names, even 'rumour' information. Ring Police 101 or Crimestoppers 0800 555 111. If you are concerned about a child call First Contact on 03000 267979.

## 7.0 Promoting the four licensing objectives

**7.1 The Prevention of Crime and Disorder** - Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment can, if not properly managed, become a source of public nuisance, generating crime and disorder problems. **The Council expects** all licensed premises to be properly managed at all times to prevent this from happening and will focus attention on standards of management practice at licensed premises when carrying out its administrative and enforcement functions.

The Council encourages, and will look positively on, the provision by licensees of comprehensive and documented staff training. Documented staff training conducted in respect of:

- Preventing underage sales
- Minimising drunkenness
- Managing and resolving conflict
- Emergency procedures
- Compliance with the licence conditions
- Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol
- Identification and refusal of underage sales
- Use of accredited training courses and recognised industry qualifications (e.g. BII)

**The Council expects** every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden, a marquee, in a smoking shelter etc.

**The Council expects** all applicants to demonstrate, in their operating schedules, that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business, have been identified and will be implemented and maintained with the intention of preventing crime and disorder.

**The Council recommends** that procedures to deal with drunken customers, violence and anti-social behaviour, in and outside premises, and the provision of closed-circuit television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

**The Council encourages** personal licence holders to actively participate in established “Pubwatch” schemes, where issues relating to crime and disorder can be addressed.

**The Council recognises and promotes** effective and responsible management of all licensed and authorised premises through competent, efficient and regular

instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

**The Council will take a positive view** of anyone who invests in appropriate training, and nationally accredited qualifications tailored to the licensing sector. Training records should be kept available for inspection by relevant enforcement agencies as a matter of good practice.

It is important that qualified and competent people are present who can discuss any problems or matters of concern arising from the licensable activities at or near to the premises with officers from Sunderland City Council's Licensing Section and Police.

**The Council also considers it to be good practice** if the DPS or premises licence holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises
- At all times when the premises are a "vertical drinking establishment" where little or no seating is provided
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

**Maximum occupancy:** When its discretion is invoked, the Council will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that premises or event. Any such decision will be based on the nature and style of the operation.

The Council will consider information provided by the applicant and representations from any other body including the Council's Building Control Section, Environmental Health Section and the Tyne and Wear Fire & Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

**Security:** Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives, they will need to be licensed by the SIA as a supervisor/manager. The numbers of licensed door supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment as well as the hours of trading.

**Toughened/Safety Glass:** Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly relevant for high-volume vertical drinking establishments and those premises open

beyond midnight in areas where there is a high concentration of venues, or any premises trading on match days deemed as “high-risk” by Northumbria Police.

**Drugs/Knives/Weapons: The Council will expect** licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands or consumed within the premises to prevent tragedies and harm because of drug misuse.

**The Council will expect** licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Council also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

In addition to the information provided above, **Table 1 in Appendix III** provides recommendations, suggestions and examples for how to prevent the specific crime/disorder outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

**7.2 Public Safety** - The Act covers a wide range of premises that require licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants and people in the immediate vicinity who may be affected by the premises and activities taking place therein.

Applicants are advised to seek advice on such matters from the Council’s occupational health and safety team, Health and Safety Executive, Northumbria Police and the Tyne and Wear Fire & Rescue Service. They should incorporate any recommendations from these responsible authorities in their Operating Schedule before submitting their applications. Matters for consideration include:

- First Aid
- Public security
- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building safety
- Occupancy levels
- Transport
- Drink driving issues
- Anti-spiking measures

In addition to the information provided above, Table 2 in Appendix III provides recommendations, suggestions and examples of how to prevent the specific dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

**7.3 Prevention of Public Nuisance** - Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping near the premises.

The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The Council will expect applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.

If an external structure or area is to be used by customers, whether for consumption of alcohol, or as a pavement cafe or for smoking, the applicant will be expected to offer measures designed to minimise its impact on residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas/structures will be used or appropriate signage requesting customers to consider residents and monitoring of such areas by staff.

Applicants should consider reducing potential noise nuisance by, for example. (this list is not exhaustive):

- Assessment of likely noise levels in the premises
- Assessment of likely noise levels if outdoor drinking is allowed
- The sound insulation the building would provide (e.g. double glazing, double doors / lobbies to entrances, windows used for ventilation)
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises)
- Dispersal of patrons – where necessary the Council will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits
- Ways to limit noise / disorder from patrons leaving the premises

The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.



Applicants are advised to seek advice from SCC Environmental Health team and incorporate any recommendations in their operating schedule before submitting their applications.

**Street Café Licences/Pavement Licences** - The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway, relevant authorisations will often be required from the Highways Authority under the Highways Act 1980 or the Council's Licensing Section under the Business and Planning Act 2020. Applicants are advised to seek advice from Sunderland City Council's Highway's Section (see Appendix VI) or Sunderland City Council's Licensing Section by visiting the Council's website:- [Pavement Licences \(Business and Planning Act 2020\) - Sunderland City Council](#)

**Takeaways and fast-food outlets** - **The Council expects** takeaways and late-night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also display notices advising customers of the location of bins and patrons should be encouraged to use the bins made available.

**Important note: The Council considers that it will be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises ("takeaway" premises).**

Takeaway premises are often open late at night and in the early hours of the morning. They can be associated with disorder as people under the influence of alcohol may congregate outside takeaways after leaving or in some cases having been ejected from late-night licensed premises.

Takeaways operate within the night time economy but without the same framework around them, e.g., Pubwatch, use of security staff etc. In addition, alcohol sold from takeaways could readily be consumed in public spaces and may not be subject to the same controls associated with other types of licensed premises.

In addition to the aforementioned **Table 3 in Appendix III** provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

**7.4 Protection of Children from Harm** - the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Secretary of State's Guidance to the Licensing Act 2003 also

makes clear that the authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

While the Act does not prohibit children from having free access to any licensed premises, the Council recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting. Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.

Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

**The Council will expect** applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. **The Council will also expect** any licence holder who wishes to hold events for children to provide it, and the Police, with a detailed risk assessment of that event including how the event will be managed, staffing levels for the event and how any child will be prevented from being exposed to any harm.

**The Council will give considerable weight** to representations about child protection matters particularly from the Sunderland Safeguarding Children's Partnership who act as the responsible authority under the Act for matters relating to child protection. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations.

These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the Council, linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries), this evidence will be considered. The Council will also consider what action is appropriate to ensure this licensing objective is effectively enforced.

In relation to applications for the grant of a licence in areas where evidence is presented, on high levels of alcohol-related harms in persons aged under 18, the Council will also consider what conditions may be appropriate to ensure that this objective is promoted effectively.

The Council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

**The Council will expect** all licence holders or premises, that wish to allow children on to their premises, to ensure that access is restricted where appropriate. This could include ensuring that all children are accompanied and that they do not have

access to, or sight of, alcohol. **The Council will consider** the following when dealing with a licence application where children may have limited access:

- Limitations on the hours when children may be present
- Limitations or exclusion when certain activities are taking place
- Requirements for an accompanying adult to be present
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g., entertainment of a sexual nature)
- Limitations on the parts of premises to which children might be given access
- Any other limitations appropriate to the application and according with the four licensing objectives

The Council recommends that retailers of alcohol ensure that their staff are properly trained in all aspects of responsible retailing, including the sale of alcohol and age restricted sales. The Council fully endorses and promotes knowledge of and adherence to Challenge 25 within the retail business sector.

Further advice and information on age restricted sales and training can be found by contacting Sunderland City Council's Trading Standards section at [Underage sales - Sunderland City Council public.health@sunderland.gov.uk](mailto:public.health@sunderland.gov.uk)

The Council will work closely with the Police and the Council's Trading Standards Section to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. We know alcohol is harmful to the health of children and young people whose minds and bodies are still developing.

Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g., 16 and 17-year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

The Council is aware of a young person's vulnerability to alcohol and events, which are aimed at children under the age of 18 years on licensed premises. These events will not be supported by the Council unless the applicant can demonstrate that all safeguards for children have been addressed (such as the removal of alcohol advertising).

Recorded staff training programs, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are encouraged by the Council.

**Access to Cinemas:** The 2003 Act requires that any premises showing films must ensure that children are not able to view age restricted films (as classified by the British Board of Film Classification).

**The Council will expect** any licence holder or applicant who intends to show films to outline suitably robust measures on how they will protect children from exposure

to this potential harm. The authority may impose suitable conditions if it believes it is required for the promotion of the four licensing objectives.

The Act provides that it is mandatory for Licensing Authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Council itself.

Should the Council need to adopt its own system of film classification the information regarding such classifications will be published on the Council's website.

**Children and Public Entertainment:** Many children go to see and/or take part in entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises. Where many children are likely to be present on any licensed premises, for example a children's pantomime, disco/rave or similar event, the authority expects all children to be supervised by an appropriate number of adults and to ensure that the venues put measures in place to prevent any child being exposed to harm.

Where entertainment requiring a licence is specifically presented for children, the Council will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate criminal record check with the Disclosure and Barring Service.

Venue operators may also apply their own admissions policy to their premises. If a venue has carried out a risk assessment that deems it appropriate to exclude children or young persons from their premises, then that is a matter for them.

**The Council will expect** all venue operators to risk assess their venues accordingly against the nature of the licensable activities they intend to carry out. This could include, for example, allowing accompanied children into a premise up until a certain time and then excluding them for the rest of the time the premises are open. Regarding this licensing objective, the Council considers Sunderland Safeguarding Children Partnership to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Sunderland Safeguarding Children Partnership and Northumbria Police. All safeguarding concerns identified because of premises, personal applications and all variations to licences are covered by this protocol.

Applicants are advised to seek advice from the Sunderland Safeguarding Children Partnership (SSCP), <https://www.safeguardingchildrensunderland.com/> and incorporate any recommendations in their Operating Schedule before submitting their applications.

**The Council strongly recommends** that events, involving persons under the age of 18 years and persons over 18 years, do not take place unless there are sufficient

and robust control measures in place. Experience has shown that mixed age events are extremely difficult to control and manage and they have led to persons under the age of 18 being exposed to alcohol and entertainment late into the night.

It is the Council's view that mixed age events should not take place within the late-night economy, particularly at venues that are alcohol and entertainment-led and which are operating late at night. It is the Council's view that these mixed aged events can have an adverse impact on a young persons wellbeing as well exposing them to unacceptable levels of harms associated with the night time economy.

In addition to the information above, **Table 4 in Appendix III** provides recommendations, suggestions and examples of how to protect children from each of the dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, cliental and workforce when identifying hazards, assessing risks and identifying controls.

DRAFT

## 8.0 Licensing of largescale public events

Specific risks are associated with largescale public events, such as concerts and festivals. The Council has expectations concerning how such events are expected to be managed. This policy does not define what constitutes large scale public events. Advice may be sought from Sunderland City Council's Licensing Section and from the Safety Advisory Group. If you wish to hold an event in a public space, in the City of Sunderland, it is strongly recommended that you contact them in the first instance.

**8.1 The Safety Advisory Group (SAG)** – The members of SAG are representatives from the emergency services and Council teams and can include others appropriate to the event being considered. The main SAG objectives are:

- To promote high levels of safety and welfare at events by giving advice
- To promote good practice in safety and welfare planning for events
- To ensure events cause minimal adverse impact on the local population and surrounding infrastructure

Its purpose is to meet regularly to consider forthcoming events and to give advice to event organisers. All comments and observation made by SAG are advisory. However, each of the constituent members has their own regulatory role and may exercise their powers independently.

For larger events (more than 500 people), please contact the SAG with your event details at least six months before the event takes place. For smaller events (less than 500 people), this should be at least three months before the event takes place.

In considering applications for such events, the Council will have regard to any track record of the event organiser as well as the comprehensiveness of the event arrangements. Licensees are expected to have high regard to the management standards including the following matters (this list is not exhaustive):

Setting up a management group for the event comprising relevant agencies, including but not limited to all responsible authorities.

- Overall event safety control
- Production details
- Medical and first aid provision
- Site management and the structural integrity of all temporary structures
- Crowd management, stewarding, security and queuing control
- Fire safety and control
- Configuration and control of sound systems
- Management of any on-site and off-site car parking
- Management of concessions and franchises
- Provision and maintenance of water supplies
- Welfare and provision of information
- Provision and maintenance of sanitary facilities
- Reception, collection and removal of litter and other waste

- Liaison with residents and businesses

Further information and a link to apply for your event can be found at <https://www.mysunderland.co.uk/seeanddo/events-booking-sunderland> and you can contact the events team at [safe.events@sunderland.gov.uk](mailto:safe.events@sunderland.gov.uk)

**8.2 Events on Council land** - If your event is to be held on Council land an event organiser may require permission in the form of a “licence to occupy” issued by Sunderland City Council’s Property Services. Further information on events in Sunderland can be found by visiting: -

<https://www.mysunderland.co.uk/seeanddo/events-booking-sunderland>

Sunderland City Council ask that event organisers contact us at least twelve weeks’ in advance of the proposed event taking place to provide sufficient time for reviewing, planning and confirmation.

Following an initial application being submitted, if the event is proposed to be held on Council land, an Officer of Property Services will contact the Event Organiser to discuss procedure, timescales and fees to reflect costs (if applicable).

**8.3 National Counter Terrorism Security Office guidance** - As part of organising your event it is important to consider security. To help event/ security managers, the Protect UK (previously, National Counter Terrorism Security Office) have issued guidance on increasing the protection of crowded places from a terrorist attack:

[ProtectUK | Home](#)

[Protecting crowded places: Design and technical issues | ProtectUK](#)

## 9.0 Community Premises

Persons in control of premises, such as church or chapel halls, village or parish halls, community halls and buildings of a similar nature, may find the permitted annual number of Temporary Event Notices too restrictive. They should consider whether applying for a Premises Licence would be more beneficial. If premises such as this do make an application for a Premises Licence they may, at the same time, make an application for the disapplication of the mandatory condition relating to Designated Premises Supervisors.

The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls & c.) Order 2009 created an exemption for the requirement of a Designated Premises Supervisor for community premises, who may make application to the Licensing Authority to apply the alternative mandatory condition to their licence.

The alternative mandatory condition is that every supply of alcohol under the Premises Licence must be made, or authorised by, a Management Committee.

Where there is doubt as to whether premises are a community premises, the Licensing Authority will consider each case on its merits, with primary consideration being given as to how the premises are predominantly used.

The fact that a school or private hall is made available for hire by the community would not in itself be enough to qualify the premises as “community premises”. Though this may be provision of a service to the community, the Licensing Authority will consider whether halls, used largely for private hire by individuals or private entities, are genuinely by their nature “community premises”. The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use and not only at the usefulness of the premises for members of the community for private purposes.

The Licensing Authority expects the management committee to be a formally constituted, transparent and accountable body. The committee should provide enough oversight of the premises to minimise any risk to the licensing objectives. This could include management committees, executive committees and boards of trustees. The application form requires the applicants to provide the names of the management committee’s key officers e.g., the Chair, Secretary, Treasurer.



## 10.0 Fees

The Act requires the Licensing Authority to suspend a premises licence or club premises certificate if the holder fails to pay the annual licence fee in accordance with the invoice. Where the licence or certificate holder fails to pay the annual fee, when due, the Licensing Authority will notify the licence or certificate holder in writing specifying the date on which the suspension takes effect. This date will be 7 days after the day the Licensing Authority has given the licence or certificate holder such notice.

A premises licence or certificate that has been suspended does not have effect to authorise licensable activities. If licensable activities take place at premises where the licence or certificate has been suspended, an offence will have taken place. However, it can, for example, be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. In the case of a licence or certificate, where more than one payment year has been missed, payment of the outstanding fee in relation to each year will be required to reinstate the licence.

The Council will work with Northumbria Police and appropriate enforcement action will be taken where premises continue trading whilst suspended.

Where the licence or certificate holder has paid the annual fee, the Council will lift the suspension and inform Northumbria Police accordingly.

## 11.0 Enforcement and monitoring

The Council employ officers and authorise them to carry out functions under the Licensing Act 2003 and will use the full range of enforcement actions, including the use of statutory powers if necessary. Where there is evidence to suggest that the licensing objectives are being undermined, enforcement action will be taken in accordance with the departmental enforcement policy.

This policy has been prepared having regard to Section 21 of the Legislative and Regulatory Reform Act 2006, the Gov.uk: Regulators' Code produced by the Better Regulation Delivery Office (BRDO) and Sunderland City Council's Public Protection Regulatory Services Enforcement Policy. It sets out the key principles under which officers will seek to achieve compliance with the legislation enforced by these services. In carrying out their duties officers will adhere to the principles of good enforcement set out in this document and in the Gov.uk: Regulators' Code. We will work to ensure compliance with the law by:

- Targeting and focusing resources and regulatory activities during the service planning process
- Helping and encouraging businesses and individuals to understand their responsibilities by providing the necessary advice and guidance to allow them to comply with the law; and
- Responding proportionately and fairly to breaches of the law

Generally, a more informal approach will be used in less serious cases and partnership working is promoted to prevent problems arising.

If the formal enforcement action being considered is a prosecution, we will also consider several additional factors in line with the Code for Crown Prosecutors and any other nationally recognised guidance.

Although outside the immediate scope and remit of this policy, further information relating to the work of the Council and our partners which seeks to reduce the harm caused to communities by tackling alcohol related crime and disorder can be found in the Sunderland Alcohol Strategy.

Once licensed, it is essential that premises are managed, maintained and operated to ensure the continued promotion of the licensing objectives and compliance with the Act. To ensure that licensable activities are carried out in accordance with licence conditions and therefore promote the licensing objectives, authorised Council Officers will carry out appropriate monitoring at licensed premises and activities. Appointed officers will investigate complaints and allegations of unlicensed activities and ensure that relevant conditions are complied with. They will seek to actively work with Northumbria Police and other responsible authorities in enforcing licensing legislation.

The Council monitors compliance with the licence conditions, the Licensing Act and any other statutory requirements as appropriate through programmed inspections and visits. Proactive visits are made to those premises where concerns have been

raised relating to the licensing objectives. Inspections of premises will be carried out when and if they are justified with resources being directed towards high risk, poorly run premises as opposed to lower risk, well – run premises.

In cases where the Licensing Authority and another enforcement agency both have the power to prosecute, officers of the Licensing Authority will liaise with that other body to avoid inconsistencies with the policies and actions of the other agency and to ensure that any proceedings instituted are for the most appropriate offence.

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

DRAFT

## 12.0 Complaints

Where the Council receives complaints regarding licensed premises, complainants may be advised in the first instance, whenever possible, to raise their complaint directly with the licensee to resolve the matter. The Council does, however, recognise that it is not always possible or practical for the public to raise complaints directly with the licensed premises. In such circumstances complaints in the first instance should be made by completing the online complaint form, which can be found using the following link:- [make a complaint - Sunderland City Council](#)

Complaints will be dealt with in a timely and efficient manner. However, it is expected that noise-related complaints will initially be raised with the Council's Environmental Health Team. Complaints regarding unlicensed activities, and other breaches of licence conditions and premises/events operating outside the permitted hours, are directed to Sunderland City Council's Licensing Section.

On receipt of a licensing-related complaint, Officers of the Licensing Section will investigate the circumstances, and if a complaint is validated and dependent upon the seriousness of the complaint, the Council may seek a resolution through either informal means or by taking the appropriate enforcement action.

The enforcement policy can be viewed on the Council's website.

## **13.0 Appeals against the decisions of the Licensing Authority**

There is a right of appeal for all parties concerned with the request for a review of a licensing decision (i.e., the applicant for the review, the premises licence holder or any other person who made relevant representations in relation to the application). This means that they can appeal to the magistrates' court if they are not happy with the decision of the licensing authority.

If there is an appeal against a licensing authority's decision, and they are unsuccessful, the magistrates' court can award costs against the appellant if it sees fit. This would mean that they would have to pay other parties' legal costs as well as their own.

If the licence holder appeals against the licensing authority's decision, the appeal will be heard by the magistrates' court. The Council will be the respondent to the appeal and may call the person who brought the review (and any other person or responsible authority) as a witness in support of its case. The decision of the licensing authority in relation to the review will be suspended until the appeal is determined.

An application to appeal the decision must be made within 21 days of the notice of decision.

In hearing an appeal against the Licensing Authority's decision, the court will have regard to this policy and the guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both documents if it considers it justified so to do.

In respect of personal licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other authorisations must be made to the Magistrates' Court where the premises or event is situated.

## 14.0 Glossary

**City of Sunderland, or City** is used throughout the Statement of Licensing Policy and refers to the whole of the area controlled by Sunderland City Council.

**This section explains the key terms used in the policy statement. These terms are all defined in the Licensing Act 2003 ('the Act') and Guidance. This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive nor are the definitions legally comprehensive.**

**ACPO** – Association of Chief Police Officers (see [www.acpo.police.uk](http://www.acpo.police.uk))

**Appeals** – Appeals from the Council's decision will go to the Magistrates Court. Notified to the parties in its decision and within the period specified.

**Applicant** – A person making an application for a premises licence or club premises certificate.

**Application to vary a Premises Licence** – Where a premises licence holder wishes to amend the licence the Act allows, in most cases, for an application to vary to be made rather than requiring an application for a new premises licence.

**ASB** – Antisocial behaviour

**BBFC** – British Board of Film Classification: the national body responsible for the classification of cinema films and videos

**BII** – British Institute of Innkeepers

**BBPA** – British Beer and Pub Association (see [www.beerandpub.com](http://www.beerandpub.com))

**CCTV** – Closed Circuit Television.

**Closure notice (premises licence)** – Where a premises was prohibited from selling alcohol for not more than 48 hours following a notice under s.169A.

**Club Premises Certificate** – Club Premises Certificates are authorisations needed by clubs to carry on certain activities (e.g., selling alcohol to members and their guests). They may be granted to clubs that meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). These commonly include ex-services clubs such as the Royal British Legion, Conservative, Labour and Liberal clubs, working men's clubs, miners' welfare institutions and sports and social clubs. The application process is like that for a premises licence; for example, there are similar provisions about advertising applications and making representations. However, a key difference is that, unlike a premises licence, there is no requirement to identify a designated premises supervisor to allow the supply of alcohol under a Club Premises Certificate.

**Completed reviews** – Reviews where the licensing authority notified parties of its decision in the time specified. Excludes applications for a review that were withdrawn or did not go to a hearing. Includes completed reviews of premises licences,

following an application for the review under s.51 of the Licensing Act 2003 or following an application for an expedited/summary review under s.53A (which is instigated by the police) and reviews following closure under s.161 (which would also be instigated by the police).

**Conditions** – Conditions include any limitations or restrictions attached to a licence or certificate and essentially, they are the steps or actions the holder of the premises licence or the Club Premises Certificate will always be required to take or refrain from taking when licensable activities are taking place at the premises in question. The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing that is appropriate and proportionate to impose conditions. It may then only impose conditions that are appropriate to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

**Conditions consistent with the operating schedule** – Conditions include any limitations or restrictions attached to a licence or certificate and essentially, they are the steps or actions the holder of the premises licence or the club premises certificate will always be required to take or refrain from taking when licensable activities are taking place at the premises in question.

**Councillor** – An elected member of the Council

**Cumulative impact area** – Area that the licensing authority has identified in their licensing policy statement where there is a saturation of licensed premises and the 'cumulative impact' of any additional licensed premises could affect the licensing objectives. Further information on cumulative impact areas is available in the Amended Guidance issued under Section 182 of the Licensing Act 2003 on the Home Office website.

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

**CSE** - Child Sexual Exploitation

**Designated Premises Supervisor (DPS)** – The designated premises supervisor (DPS) is a personal licence holder specified in the premises licence. All premises licensed to sell alcohol will have an identified personal licence holder, known as the DPS. The purpose of the DPS is to ensure there is always one specified individual who can be identified as a person in a position of authority on the premises.

**Door supervisors** - Door supervisors are responsible for the safety and security of customers and staff in venues such as pubs, bars, nightclubs and other licensed premises or at public events.

**Expedited/summary review** – A chief officer of police can apply for an expedited/summary review of a premises licence because of serious crime and/or serious disorder under s.53A of the Licensing Act 2003.

**Family-friendly venues** - Places that people with children can attend. These need not necessarily be places specifically aimed at children but could be premises appealing to adults that also provide for children.

**Fee bands** – In determining the amount of the licence fee for applications for new premises licences and club premises certificates, and full variations to licences or certificates, each premises falls into a band based on its nondomestic rateable value. All premises licences and club premises certificates have a fee band, regardless of whether they pay a fee or not. The application fees associated with each band for a new licence or certificate are as follows: Band A (£100); Band B (£190); Band C (£315); Band D [no multiplier] (£450); Band D with multiplier (£900); Band E [no multiplier] (£635); Band E with multiplier (£1,905). The subsequent annual fees associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D with multiplier (£640); Band E [no multiplier] (£350); Band E with multiplier (£1,050).

**Forfeited** (personal licence) – Suspension following a court order under s.129 of the Licensing Act 2003 specified (and where that order has not been suspended, pending an appeal under s.129(4) or 130 of the Act).

**Guidance** - Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue, and from time to time may revise, guidance to licensing authorities on the discharge of their functions under the 2003 Act. The Guidance is provided for licensing authorities carrying out their functions. It also provides information for magistrates hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.

**Hearing** – Used in the context of applications for a premises licence or club premises certificate that are referred to a hearing for determining applications for a premises licence, for provisional statements, to vary a premises licence, for club premises certificates, and to vary club premises certificates.

**In the vicinity** - Whether somebody lives or works 'in the vicinity' of a premise is a matter that will be decided by the relevant licensing authority. The word has no technical meaning and in licensing matters should be interpreted as an ordinary English word and in a commonsense fashion. In doing this, licensing authorities might consider whether the party is likely to be affected by any disorder or disturbance occurring or potentially occurring at those premises.

**Irresponsible promotions** - An irresponsible promotion is one that encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.

**Judicial review** – includes only those where the High Court notified parties of its decision in the time specified.



**Lapsed (club certificate)** – Where a club premises certificate has lapsed because it had effect for a limited period, but that period has since expired.

**Lapsed (premises licence)** – Where a premises licence has lapsed due to the death, incapacity, insolvency etc. of the licence holder, as set out under s.27 of the Licensing Act 2003. Excludes instances where a premises licence was in effect for a limited period, but the period has since expired (e.g., one-off events).

**Late night refreshment** – The provision of late-night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am, or the supply of hot food or hot drink to anyone between 11pm and 5am, on or from premises to which the public has access. However, there are several exemptions in Schedule 2 of the Licensing Act 2003 (e.g., vending machines in certain circumstances, where the hot food or hot drink is supplied free of charge, or where it is supplied by a registered charity).

**Licensable activities** - Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment and the provision of late-night refreshment. If you carry on any of these activities, you are likely to need an authorisation (a premises licence, a club premises certificate, or a temporary event notice).

**Licensee** - Generally refers to the holder of a premises licence but also includes in this policy an applicant for a premises licence or applicant for a provisional statement unless otherwise stated.

**Licensing Act 2003** – The Licensing Act 2003 became law on 24 November 2005. The Licensing Act 2003 (the Act) introduced a single licence scheme for licensing premises that:

- Supply alcohol
- Provide regulated entertainment
- Provide late-night refreshment

**Licensing authority** – The licensing authority is responsible for the licensing of alcohol, regulated entertainment and late-night refreshment. Sunderland City Council Licensing authority area – The geographical area where a licensing authority exercises its functions under the Licensing Act 2003.

**Licensing objectives** - Licensing authorities must carry out their functions with a view to promoting four licensing objectives. These are:

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

Licensing authorities must decide applications in connection with premises licences and club premises certificates based on the steps it considers appropriate to promote these objectives. Each objective is of equal importance.

**Licensing Policy** - See Statement of Licensing Policy

**Licensing register** - Licensing authorities are required to keep a register containing a record of all premises licences, club premises certificates and personal licences issued by it and temporary event notices received by it, as well as various other matters set out in Schedule 3 to the 2003 Act. Full details of the information that must be contained in the licensing authority register can be found on the DCMS website. You can inspect the licensing authority's register of licences during office hours without charge.

**Licensing sub-committee** - Full licensing committees delegate a number of their functions to one or more 'licensing sub-committees'. These are made up of three members of the full licensing committee.

**Local authority (LA) type** – There are six main LA types which share similar characteristics such as size and therefore they hold similar licensing statistics: Unitary Authorities; Metropolitan Districts; District Authorities; Welsh Unitary Authorities; London Boroughs and Unspecified (Inner Temple and Middle Temple within Greater London).

**Mandatory Conditions** - The 2003 Act provides for Mandatory Conditions to be included in every licence and/or club premises certificate. See Mandatory Condition section for conditions.

**Minor variation (to licence or certificate)** – Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am; or
- increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises are excluded from the minor variations process and must be treated as full variations in all cases.

**Multiplier** – Multipliers are applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises under the authorisation of a premises licence (fee bands D and E only).

**Off-sales** – The sale by retail of alcohol for consumption off the premises.

**On-sales** – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.

**Operating schedule** - The operating schedule is the part of the application form for a premises licence or club premises certificate where the applicant sets out various details about how they propose to operate the premises when carrying on licensable activities. Among other things, it must include a description of the proposed licensable activities, proposed opening hours and times for licensable activities, proposed duration of the licence or certificate, and a statement of the steps the applicant proposes to take to promote the licensing objectives (for example, arrangements for door security to prevent crime and disorder). The significance of

the operating schedule is that if the application for the premises licence or club premises certificate is granted, it will be incorporated into the licence or certificate itself and will set out the permitted activities and the limitations on them.

**Personal licence** – Personal licences authorise an individual to supply alcohol or authorise the supply of alcohol in accordance with a premises licence or a temporary event notice. Not everybody who works in any licensed premises will need to hold a personal licence; however, all premises licensed to sell alcohol will have an identified personal licence holder, known as the designated premises. In addition, all supplies of alcohol under a premises licence must be made or authorised by a person who holds a personal licence.

**Premises licence** – Authorising a premises to be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of late-night refreshment under the Licensing Act 2003. This includes time-limited premises licences. A premises licence fee is based on its non-domestic rateable value.

**Provisional statement** - This 'statement' can be applied for where premises are being or about to be constructed for licensable activities. This will give the owner some reassurance about whether a licence would be granted if the premises were built as set out in the application for the provisional statement. However, a provisional statement is not an authorisation, so the relevant permission must still be obtained to carry on licensable activities.

**Public Space Protection Order (PSPO)** - PSPOs specify an area where activities are taking place that are or may likely be detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people using that area.

**Qualifying club** – Qualifying clubs are those clubs that meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith, and special conditions where the club supplies alcohol to its members). These are clubs where members join for a social, sporting, or political purpose and then combine to purchase alcohol in bulk for its members (see examples under 'Club Premises Certificate' above). Such clubs carry on activities from premises to which public access is restricted and where alcohol is supplied other than for profit.

**Region** – Licensing authority data, presented as a supplementary table to this document, are also grouped into regions. Formerly covered by the Government Office Regions until they closed on 31 March 2011, there are nine regions in England: North-East; North-West; Yorkshire and the Humber; East Midlands; West Midlands; East of England; London; South East; South West. The Welsh licensing authorities are not regionalised in the tables.

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

- The performance of a play
- An exhibition of a film

- An indoor sporting event
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Entertainment of a similar description to live music, recorded music, or dance.

Schedule 1 of the Licensing Act 2003 contains further specific rules about where the definition of 'regulated entertainment' applies. These rules concern the intended audience and whether the regulated entertainment is for profit.

See the policy for details of which entertainment is deregulated and, therefore, not licensable.

**Relevant representation** - These are written representations about the likely effect of the grant of an application for or variation to a premises licence or club premises certificate, on the promotion of the licensing objectives. Any persons, such as residents, or businesses and responsible authorities, such as Environmental Health, can make representations. The term 'relevant' refers to representations that are considered 'valid' by the licensing authority. The representations must be made within 28 days after the day on which the application is given and if made by a person other than a responsible authority must be made seriously (i.e. must not be frivolous or vexatious). Representations can also be made in relation to an application for the review of a premises licence or club premises certificate.

**Representation** - Submission made to the licensing authority in respect of an application. Representations can be in support or against an application. Revoked (personal licence) – If the holder of a personal licence is convicted of an offence during the application period for the licence, the licence may be revoked under s.124 of the Licensing Act 2003.

**Responsible Authorities** - Responsible authorities include public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives.

**Review** - Interested parties including residents can also request a review of a premises licence when problems occur that are related to the licensing objectives. Following the review, the licensing authority can consider a range of responses such as suspending or revoking the licences, excluding certain licensable activities or changing conditions attached to a licence. However, it can only take these actions where they are appropriate to address the problem and promote one or more of the four licensing objectives.

**Risk assessment** - The overall process of identifying all the risks to and from an activity and assessing the potential impact of each risk.

**Statement of licensing policy** - Every licensing authority will publish a 'statement of licensing policy' at least every five years. This will set out the general approach the licensing authority will take when making licensing decisions.

**Surrender (of licence)** – If the holder of a licence wishes to surrender it, it is done according to the provisions under section 28 (for a premises licence), section 81 (for a club certificate) and section 116 (for a personal licence).

**Suspended by the court** (premises licence) – A power under s.147 of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) to suspend a licence for the sale or supply of alcohol, following an offence of persistently selling to underage children.

**Suspended by the court** (personal licence) – Suspension following a court order under s.129 of the Licensing Act 2003 specified (and where that order has not been suspended, pending an appeal under s.129(4) or 130 of the Act).

**Temporary event notice** (TEN) – This is the notice that organisers of small-scale temporary events must give to make it a 'permitted temporary activity'. This notice must be in a prescribed form. There are certain limitations imposed on this system.

#### **Types of Licence:**

- Premises licences - A premises licence can be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of late-night refreshment or any combination of these activities. Its use for retail sale of alcohol is for consumption on the premises, off the premises, or both on and off the premises
- Club premises certificates - A club premises certificate authorises a 'qualifying club' to carry out 'qualifying club activities'. This includes time-limited certificates. A qualifying club is established and conducted in good faith as a club; has at least 25 members; and does not supply alcohol to members and their bona fide guests on the premises otherwise than by or on behalf of the club. These qualifying clubs (such as the Royal British Legion, working men's clubs, cricket clubs) are generally organisations where members join for a particular social, sporting or political purpose and then the club purchases alcohol in bulk for its members
- Personal licences - The personal licence is separate from the licence which authorises the premises to be used for the supply of alcohol. Sales of alcohol may not be made under a premises licence (other than a community premises that has successfully applied to remove this requirement) unless there is a Designated Premises Supervisor in respect of the premises (who must hold a personal licence); and every sale must be made or authorised by a personal licence holder
- Regulated entertainment and late-night refreshment licences - Regulated entertainment licensing is not covered in these statistics and is the responsibility of the Department for Culture, Media and Sport. Late night refreshment is the provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or

hot drink to any persons between those hours on or from premises to which the public has access

- 24-hour alcohol licences - The possession of a 24-hour licence does not necessarily mean that the premises will choose to open for 24 hours. Prior to the 2003 Act, hotels were often authorised to sell alcohol to residents and their private guests only outside of permitted licensing hours

**Variation** - See Application to vary a premises licence.

**Variation** (to club premises certificate) – Applications made under s.84 of the Licensing Act 2003 to change the terms of a club premises certificate, for example the qualifying club activities or the conditions.

**Vertical drinking** - The sale and consumption of alcohol at premises with little or no seating for patrons.

DRAFT

## Appendix I Application Processes

Apply for a premises licence - if you need to sell or supply alcohol, late night hot food and drink or provide public entertainment, you will need to apply for a premises licence to be granted under the Licensing Act 2003. Alternatively, if you are a qualifying club, you will need a club premises certificate.

Guidance and forms are available from the UK.Gov

<https://www.gov.uk/government/publications/premises-licence-application-forms>

These documents give guidance on the application process for a premises licence. Application forms are also available above.

### Regulated entertainment – includes:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description falling within the last three categories (but only where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators)

**Late night refreshment** - 'Late night refreshment' means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00pm and 5.00am.

**Eligibility criteria** - Any of the following may apply for a premises licence:

Anyone who uses or carries on a business in the premises to which the application relates to

- a recognised club
- a charity
- a health service body
- a person who is registered under the Care Standards Act 2000 in relation to an independent hospital
- a chief police officer of a force in England and Wales
- anyone discharging a statutory or function under Her Majesty's prerogative.
- a person from an educational institute
- any other permitted person

Applicants must not be under 18 years of age.

**Application evaluation process** - We will only be able to deal with applications relating to premises located within the City of Sunderland. Applications must be

correctly completed and include information as to the operating schedule, plan of the premises and a form of consent from the premises supervisor (for applications where the sale of alcohol will be a licensable activity).

**An operating schedule** should include details of:

- the licensable activities
- the times when the activities will take place and any other times when the premises will be open to the public
- information regarding the person who will be specified in the Premises Licence as the Designated Premises Supervisor
- whether the supply of any alcohol is for consumption on or off the premises (or both)
- the steps proposed to be taken to promote the licensing objectives
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate
- any risk posed to the local area by the applicants' proposed licensable activities
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks

When submitting your application to us, you must ensure that you take the following steps for it to progress:

- Advertise your application by displaying a public notice at the premises for 28 consecutive days (starting with the day after you submit your application to us)
- Place an advert in a local newspaper (at least once during the ten working days after you submit your application to us)
- Submit a copy of the application and required documents to all responsible authorities

Other people and responsible authorities then have 28 days in which to make representations about the application to us (as the licensing authority).

Where no representations are made, we must grant the application, but conditions can be attached consistent with the operating schedule.

If relevant representations are made (in other words, they are not deemed to be frivolous or vexatious), it will be necessary to hold a hearing. This hearing must be held within 20 working days of the end of the representation period. The premises licence may then be granted - subject to conditions - or the application may be rejected. Licensable activities listed in the application could also be excluded.

We will serve a notice of our decision to the following within five working days of the hearing:



- the applicant
- any person who has made relevant representations
- any responsible authority who has made relevant representations

**Matters arising with existing licences** - Applications can also be made to vary or transfer a licence. However, a hearing will take place if any relevant representations are made or conditions relating to a transfer are not met.

All other matters arising during the life of a premises licence that are controlled by the Licensing Act 2003, can be dealt with online.

**Applicable fees** - Gov.uk has a list of premises licence fees included in their alcohol licensing fee levels. Premises licence fees are statutory and are payable annually.

**Implied granting of licence ('tacit consent')** - If you have not heard from us, by the end of the target completion period we specify for dealing with your application, you have the legal right to act as though as though your licence has been granted. This is known as 'tacit consent'. This does not apply to minor variation applications.

Our target completion period for processing a correctly completed application is 90 working days. We aim to acknowledge your application within 5 working days of receipt. Please contact us using the details below if you have not received acknowledgement within 10 working days.

#### **Apply online**

- Apply for a premises licence
- Apply for a provisional statement
- Apply to remove Designated Premises Supervisor .
- Apply to vary a premises licence
- Apply to vary a licence to specify an individual as designated premises supervisor
- Apply to transfer a premises licence
- Notification of an interest in premises under section 178.
- Give an Interim Authority Notice
- Consent to transfer a premises licence
- Consent to be designated under Licensing Act 2003
- Apply for minor variation to premises licence
- Notification of change of name or address under Licensing Act 2003
- Request to be removed as designated premises supervisor
- Make annual payment for a premises licence

**Applicant redress** - If an application for a licence is refused, the failed applicant can appeal to a Magistrates' court within 21 days of notice of the decision. An applicant also has the right to appeal to the Magistrates' court within the same time frame against any conditions attached to a licence, a decision to reject a variation application, a decision to reject a transfer application or a decision to exclude an activity or person as designated premises supervisor.

**Other persons/responsible authority redress** - Other people and responsible authorities can make representations in connection with a premises licence application or apply for a review of an existing premises licence. Where this happens, a hearing will be held by the licensing authority within 90 working days of receipt of the application.

Our decision as a licensing authority will be communicated in writing within 5 working days of the hearing. Any appeals against this decision must be made to the Magistrates' court within 21 days of notice.

**Consumer complaint** - Contact us if you have any complaints concerning an existing premises licence.

DRAFT

**Appendix II Framework Hours: recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises**

<b>Category of Premises</b>	<b>Weekdays*</b>	<b>Weekends*</b>	<b>Bank Holidays*</b>
Premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g., pubs, social clubs and nightclubs	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e., if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed for the sale of alcohol for consumption off the premises only e.g., off licences, supermarkets and garages	07.00 to 23.30	07.00 to 00.30	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e., if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises with licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e., if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed primarily for late night refreshment e.g., takeaways	01.00	02.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e., if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)

**\* NOTE:** For the purposes of this matrix, weekdays mean Monday to Thursday; Weekends include Friday night into Saturday Morning, Saturday night into Sunday morning and Sunday night into Monday morning; and Bank Holidays means Sunday night into Monday morning and Monday night into Tuesday morning.

## **Appendix III Recommendations, suggestions and examples of how to prevent the specific nuisance type outlined and List of Model Conditions**

### **Introduction**

When deciding to grant or vary a premises licence under the Licensing Act 2003, the licensing authority may do so subject to conditions which it considers are appropriate for the promotion of the licensing objectives.

In carrying out its licensing functions Sunderland City Council must have regard to guidance issued under the Act by the Secretary of State. Revised guidance states that conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. Licensing Authorities should be satisfied that it is appropriate and proportionate to impose conditions to promote the four licensing objectives;

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

Conditions should be tailored to the particular circumstances of an individual licensed premises and determined on a case-by-case basis. Standardised conditions which ignore these individual aspects should be avoided. Under no circumstances should licensing authorities regard pools of conditions as standard conditions to be automatically imposed in all cases. Guidance also urges partnership working to promote the four licensing objectives.

Conditions which are appropriate to promote the four licensing objectives should emerge initially from the prospective licence holders risk assessment and be translated to form part of the operating schedule for the premises. This basket of model conditions has been produced to assist prospective licence holders where they consider that they would promote the licensing objectives in the circumstances of their application.

Once an application has been made the responsible authorities and other interested parties are encouraged to engage with the applicant if they are considering making a representation to the application. This basket of model conditions has been produced to assist all parties and to promote a consistent approach when proposing conditions on a premises licence.

The below provides recommendations, suggestions and examples of how to prevent the specific licensing objective and also suggested model conditions. It is not an exclusive or exhaustive list and it does not restrict any applicant, responsible authority, or other interested parties from proposing any alternative conditions which may be specific to the premises, situation, location and circumstances. Nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives.

## **PREVENTION OF CRIME AND DISORDER**

**Table 1 - Prevention of Crime and Disorder**

<b>Crime/Disorder</b>	<b>How to Prevent Crime/disorder</b>
<b>Illegal sales</b>	<ul style="list-style-type: none"> <li>• Implement a No ID-No Sale Policy and use posters to advertise its use.</li> <li>• Keep staff training records.</li> <li>• Put up posters stating that proxy sales are unlawful.</li> <li>• Record each time somebody is refused to be served due to being underage.</li> <li>• Implement a plan to prevent counterfeit alcohol and tobacco sales.</li> <li>• Operators should ensure staff are aware of the risks of proxy sales and take appropriate measures to prevent offences</li> </ul>
<b>Drunkness – Implementation of effective measures to prevent and deal with drunkenness at the premises</b>	<ul style="list-style-type: none"> <li>• Ensuring all alcohol sales are properly authorised – Positive consideration will be given to the DPS (and or at least one personal licence holder) being on duty on the premises at all times when it is open to the public.</li> <li>• The premises will not stock display or sell any lager beer cider or perry products with an ABV content above 5.5% the premises will not sell any single cans of lager beer or cider. The restriction shall not apply to premium products such as craft or speciality beer lager or cider</li> <li>• The premises will not sell any single cans of lager, beer, cider or perry products, all such products shall only be sold as a multi-pack. The restriction shall not apply to premium products such as craft or speciality beer, lager or cider.</li> <li>• Implementing a Minimum Unit Price above the mandatory requirement</li> <li>• A documented policy in relation to preventing and managing drunkenness on the premises.</li> <li>• Have procedures to deal with drunken customers.</li> <li>• Access to the premises should not be permitted to any person who is visibly intoxicated.</li> <li>• Participate in local “Pubwatch” schemes.</li> <li>• Refuse to serve drunk people.</li> <li>• Ensure a designated premises supervisor is on the premises whenever alcohol is sold.</li> <li>• Do not have irresponsible promotions – Ensuring only responsible drinks promotions are operated at the premises.</li> <li>• Plan for caring of intoxicated customers.</li> <li>• Binge drinking reduction plan.</li> <li>• Plans to distribute free drinking water.</li> </ul>

	<ul style="list-style-type: none"> <li>• The sale of alcohol being subject to the use of waiter/waitress service for consumption by persons seated at tables.</li> <li>• Displaying responsible drinking information and posters throughout the premises.</li> <li>• Ensuring alcohol-free options are readily available.</li> <li>• Making appropriate arrangements to ensure the safe transport home of vulnerable customers</li> </ul>
<b>Conflict</b> – in and around the premises and the control of entry to and exit from the premises, including assessing the need for door supervisors	<ul style="list-style-type: none"> <li>• Have procedures to deal with drunken anti-social behaviour</li> <li>• Effective monitoring of the premises (both interior and exterior) including the use of CCTV – A digital CCTV system installed in conjunction with any specification or recommendations of Northumbria Police</li> <li>• Regular risk assessments</li> <li>• Implement a dispersal policy</li> <li>• Club hopping minimising plan</li> <li>• Capacity management policy e.g., head counts</li> <li>• Have plans to minimise queues</li> <li>• Layout and lighting designed to minimise opportunities for crime and disorder</li> <li>• Alcohol free areas</li> <li>• A documented risk assessment assessing the need for door supervisors at the premises. Where employed, door supervisors should be easily identifiable (through high-visibility uniform) and employed in appropriate numbers and during appropriate times</li> <li>• Written records to be kept of any door supervisors on duty</li> <li>• Designing out crime in the layout of the premises</li> <li>• Implementation of documented reporting procedures at the premises. Documented records to be kept in respect of: <ul style="list-style-type: none"> <li>– Lost and found property</li> <li>– Refused sales of alcohol</li> <li>– Thefts</li> <li>– Banned and ejected persons</li> <li>– Injuries</li> <li>– Complaints and any remedial action taken</li> </ul> </li> </ul>
<b>Theft</b>	<ul style="list-style-type: none"> <li>• Store alcohol away from doors</li> <li>• Security tag products</li> <li>• Ensure to have well-lit premises</li> <li>• Use well managed cloakrooms</li> </ul>
<b>Drugs</b>	<ul style="list-style-type: none"> <li>• A zero-tolerance policy on the use of drugs on the premises</li> <li>• Ensure staff are training in drug awareness</li> <li>• Refuse entry to anyone who is showing signs of drug use</li> <li>• Conduct searches in public and in view of CCTV</li> <li>• Devise an effective drugs policy containing:</li> </ul>

	<ul style="list-style-type: none"> <li>– details of search procedure</li> <li>– details of storage procedure of confiscated drugs</li> <li>– report suspected drug use including spiking incidents to Police</li> <li>• use anti drink spiking products</li> </ul>
<b>Weapons</b>	<ul style="list-style-type: none"> <li>• use drinking vessels which cannot create sharp edges</li> <li>• ensure there are no loose items which can be used as weapons e.g., heavy ash trays</li> <li>• bottle bans</li> <li>• use toughened/safety glass to hold drinks</li> <li>• training staff in connection with drugs knives and weapons</li> </ul>

## List of Model Conditions specific to Crime and Disorder

### Capacity

Handheld counting devices will be used to ensure that the maximum capacity for the premises is not exceeded.

### High Risk Football Matches

When the Premises Licence Holder/DPS is informed by Northumbria Police of a 'high risk football match' at the Stadium of Light, reinforced or plastic glassware (or any other suitable product with similar qualities) is to be used at the premises. In such circumstances no bottle sales shall take place and a suitable number of door supervisors are to be employed at the premises following an assessment to be made by the Premises Licence Holder/DPS on a risk basis.

### CCTV

A CCTV system shall be designed, installed and maintained in proper working order to the satisfaction of the Licensing Authority and in consultation with Northumbria Police. Such a system shall:

- Be operated by properly trained staff
- Be in operation at all times the premises are being used for licensable activity
- Ensure the coverage of all entrances and exits to the licensed premises internally and externally
- Ensure coverage of such other areas as may be required by the Licensing Authority and Northumbria Police
- Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings must be retained for a minimum of 28 days and must be supplied to police officer or a representative of Northumbria Police or a local authority licensing officer
- During times licensable activities are provided, a member of management or staff will be contactable and trained in the retrieval of CCTV footage with the ability to download relevant footage from any request from Northumbria Police to do so.

### **Search/Drugs Policy**

A search/ drugs policy for patrons must be in place at the premises; this policy will be available to a police officer or a representative of Northumbria Police or a local authority licensing officer immediately upon request when the premises are open, the policy must include that;

- Any searching of patrons must be conducted in a position covered by CCTV
- Any suspected illegal substances found on patrons will be sealed in a bag with the date & time; the bag will be kept in a secure area or safe until handed to the Police

### **Safeguarding Policy**

A safeguarding policy must be in place at the premises; this policy will be available to a police officer or a representative of Northumbria Police or a local authority licensing officer upon required.

A safeguarding policy must be in place at the premises; this Policy will include:

- a) Confirmation that the Premises Licence Holder, Designated Premises Supervisor and event organiser/responsible person will carry out Level 2 safeguarding (children and vulnerable adults) training.
- b) Details of the level of safeguarding training (children and vulnerable adults) which is expected from casual and agency staff (or third-party organisations brought in to work events)
- c) Confirmation that refresher training shall be completed by staff at least once every 12 months

The safeguarding policy will be available to a police officer or a representative of Northumbria Police or an authorised officer of the local authority upon reasonable request.

### **Glassware**

No person shall be admitted onto the premises whilst in the possession of any drinking vessel or open/bottle can.

No person shall be permitted to leave the premises whilst in possession of any drinking vessel or open bottle/can.

All drinks must be served in plastic or paper vessels only

**Door Supervisors** – The DPS will carry out their own risk assessment in determining if SIA door supervisors are required. The DPS should keep a record of their decision. The DPS shall ensure that on each day that Door Supervisors are engaged for duty on the premises, their details (names and licence numbers) are recorded and kept on file for inspection. The DPS shall also take into account the level and type of staffing to be employed at the Premises and whether it is felt



necessary that the Designated Premises Supervisor should be in attendance at the premises.

A minimum of TWO Personal Licence holders and FOUR SIA Licence holders will be positioned at the Bar area throughout the event to enable both the early detection and intervention of any incidents of crime or disorder.

A Door Supervisor Register is to be kept and include names, badge number, date and times of the persons employed in such capacity.

Both CCTV and Body-Worn Video equipment will be deployed by the Security Provider within the event.

### **Crime Prevention Initiatives**

The premises licence holder and designated premises supervisor shall cooperate with any crime prevention initiatives which are promoted by the Licensing Authority or Northumbria Police.

### **PSPO**

The premises will display posters informing customers of any Public Space Protection Order (PSPO) in place.

### **Operating Style of the business**

There will be no change to this operating style without proper written notice to Northumbria Police which shall include details of the operating style proposed.

### **Incident Recording**

Any incidents of a criminal nature that may occur on the premises will be reported to The Police or Authorised Officer of the Local Authority.

An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the time, date and details of all incidents/complaints of crime and disorder or anti-social behaviour, including those reported to the venue. The incident book will also include any faults with the CCTV system and details of any visit by a relevant authority or emergency service, and made available to Police, Authorised Officers of the Local Authority and all other Responsible Authorities on lawful request.

### **Staff on Duty**

The DPS must ensure that at all times the premises are open for licensable activity, there is sufficient competent staff on duty for the purpose of fulfilling the terms and conditions of the licence and preventing Crime & Disorder.

**High Risk Products** – The premises will not stock, display or sell any lager, beer, cider or perry products with an ABV content above 5.5%. The premises will not sell

any single cans of lager, beer or cider. The restriction shall not apply to premium products such as craft or speciality beer, lager or cider.

The premises will not stock, display or sell any miniature bottles of spirits.

The premises will not sell any single cans of lager, beer, cider or perry products, all such products shall only be sold as a multi-pack. The restriction shall not apply to premium products such as craft or speciality beer, lager or cider.

The premises will not stock, display or sell any miniature bottles of spirits.

### **Delivery Service Conditions**

Deliveries will only be carried out by persons over the age of 18.

Deliveries will only be made to residential or commercial premises and not to open air or public places, e.g., parks, beaches, playing fields.

The delivery service will not make more than one delivery of alcohol to the premises in one day.

Delivery staff will carry with them details of the sale, including name, address, contact number and details of the order. These details are to be produced to a representative of Northumbria Police or other authorised person on request.

Delivery staff are to refuse to pass over alcohol to the recipient if the person accepting the delivery appears to be under the age of the challenge policy and cannot provide proof of age in accordance with the acceptable identification. Whenever proof of age is requested, details will be taken and recorded by delivery staff and a record of this will be recorded as soon as practicable on return. Such records will be produced to a representative of Northumbria Police, Trading Standards officer or Authorised Officer of the Local Authority.

All delivery staff to be supplied with challenge and refusal documentation.

Delivery vehicles will be locked when the driver is temporarily absent from the vehicle.

The Licence holder shall request that an Aide Memoire is available in the vehicles to remind delivery drivers and staff to check proof of age for anyone who appears to be under 25 by requesting ID.

The Licence holder shall ensure that a record is kept of each sales order or delivery containing alcohol which will include name, address, telephone number and details of the order and ensure that the licence holder's return address and contact details are clearly visible on the outer packaging. These records will be produced upon request by any representative of Northumbria Police or the Licensing Authority.

### **Restaurants/Cafés**

Table and chair provision for no less than xx persons shall be provided in the premises at all times the premises are in operation.

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.

DRAFT

## **PUBLIC SAFETY**

**Table 2 - Public Safety**

<b>Danger caused by...</b>	<b>How to prevent the danger</b>
<b>Fire</b>	<ul style="list-style-type: none"> <li>• Consider smoke free premises</li> <li>• Consider the fire risk of special effects</li> <li>• Have plans for a safe means of evacuation</li> <li>• Protect electrical installations, training of staff in fire safety and highlight visible escape routes in the fire risk assessment</li> </ul>
<b>Drinks</b>	<ul style="list-style-type: none"> <li>• Operation of a documented glass policy for the premises – A documented risk assessment in respect of the use of glassware on the premises. Where appropriate, plastic or polycarbonate drinking vessels shall be used, especially in outdoor areas, after specified hours or on match days which have been “high risk” by Northumbria Police</li> <li>• Operation of a documented glass collection and spillage policy – A documented policy to ensure that drinking vessels are not left unattended, and the efficient collection of glasses and cleaning up at the premises, especially in outdoor areas</li> <li>• Implement plans for reducing drink driving</li> <li>• Have plans to distribute free drinking water</li> </ul>
<b>Drugs</b>	<ul style="list-style-type: none"> <li>• Train staff in drug awareness</li> <li>• Use anti-spiking products</li> <li>• Report suspected and actual spiking to police</li> <li>• Use of controlled drugs wipes to identify where frugs may have been present and used on the premises</li> </ul>
<b>Over-occupancy</b>	<ul style="list-style-type: none"> <li>• Ensure safe design and layout of premises</li> <li>• Ensure that the operating schedule states occupancy of individual floors</li> <li>• Use measures to count the number of people</li> <li>• Occupancy risk assessment – advice may be sought from the Fire and Rescue Service</li> </ul>
<b>Lack of seating</b>	<ul style="list-style-type: none"> <li>• Provide seating in vertical drinking establishments</li> </ul>
<b>Arrival and dispersal</b>	<ul style="list-style-type: none"> <li>• Provide taxi contact information</li> <li>• Provide adequate lighting in car parks</li> <li>• Ensure a well-managed door policy and dispersal policy</li> <li>• Use and display of appropriate safety signage</li> </ul>
<b>Design, construction and layout</b>	<ul style="list-style-type: none"> <li>• Ensure the premises are suitably designed, constructed and laid out</li> </ul>
<b>Medical emergency</b>	<ul style="list-style-type: none"> <li>• Have a First Aid box available and a qualified First Aider</li> </ul>

	<ul style="list-style-type: none"> <li>• Have an accident book to log accidents</li> <li>• Have a written policy to deal with accidents and emergencies</li> <li>• At sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature, an appropriately qualified medical practitioner must be present, and remaining within the vicinity of the sports at all material times</li> <li>• 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.</li> </ul>
<b>The effective management of queues outside the premises</b>	<ul style="list-style-type: none"> <li>• Review the risk assessments regularly</li> <li>• Suitable and satisfactory safety policy in place</li> <li>• A documents policy addressing how queues outside the premises will be managed to ensure safety and prevent accidents, nuisance and disorderly behaviour.</li> </ul>

## List of Model Conditions specific to Public Safety

### Glassware

No person shall be admitted onto the premises whilst in the possession of any drinking vessel or open/bottle can.

No person shall be permitted to leave the premises whilst in possession of any drinking vessel or open bottle/can.

All drinks must be served in plastic or paper vessels only.

### Event Management Plans

An Event Management Plan will be in place and circulated xx days prior to the event taking place. The plan will be reviewed annually by Sunderland Safety Advisory Group. As a minimum, the Event Management Plan must include the following:

A list of all persons involved in the organisation of the event. The individuals or Company used must be approved by Northumbria Police and Authorised Officers of the Local Authority prior to the event going ahead: -

- Details of the toilet provision for the event
- Details of the waste provision for the event
- Details of First Aid provision for the event
- Evidence of engagement with all local businesses and residents
- Details of road closures to include the date and time of the closure
- Evidence to show that access is maintained through gardens for pedestrians with clear signage

- Evidence that a Fire Risk Assessment has been undertaken for the event by the Event Safety Officer
- Evidence of a Crowd Management Plan which defines key roles and responsibilities in relation to the management of any incidents of anti-social or disorderly behaviour
- Confirmation that the road will re-open and be operational again by the morning following the event in order that usual activity can resume
- Evidence that a site inspection has been booked following the event with an officer from Environmental Services

### **Capacity Limits**

Handheld counting devices will be used to ensure that the maximum capacity for the premises is not exceeded.

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.

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**

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

### **First Aid**

Adequate and appropriate equipment and materials shall be provided for enabling first aid to be rendered to members of the public if they are injured or become ill whilst at the licensed premises.

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.

If, having regard to the nature of the premises, the number of persons visiting it and the location of the premises, it would be adequate and appropriate to do so, then instead of a person for rendering first aid there shall be a person appointed to take charge of the situation relating to an injured or ill member of the public and the first aid equipment and facilities.

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.

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.

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

## **Specific conditions for theatres, cinemas, concert halls and similar places**

### **Drinks**

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 or paper containers.

### **Attendants**

The number of attendants on each floor in a closely seated auditorium will be appropriate for the size of the venue and follows the Risk Assessment carried out by the licence holder in consultation with Tyne & Wear Fire and Rescue

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.

All attendants must be readily identifiable to the audience (but this need not entail the wearing of a uniform).

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.

No article must be attached to the back of any seat, which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.

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.**

Sitting on floors must not be permitted except where authorised in the premises licence or club premises certificate.

Waiting or standing must not be permitted except in areas designated in the premises licence or club premises certificate.

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.

### **Balcony Fronts**

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

### **Special Effects**

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.

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:

- dry ice machines and cryogenic fog
- smoke machines and fog generators
- pyrotechnics, including fireworks
- real flame
- firearms
- motor vehicles
- strobe lighting
- lasers and
- explosives and highly flammable substances

In the case of any other special effects with safety implications prior notification shall be given in writing to the Licensing Authority at least 10 days before the event with details as to their use to enable the authority to consider if further inspection by the



Fire Authority is necessary. It may be required that staff trained in fire prevention and extinction be present during any such performance.

Any scenery shall be maintained and be flame-retardant.

Where a safety curtain is provided, it shall be arranged to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a risk assessment requires a sprinkler or drencher, all safety curtains incorporating a drencher and all smoke ventilators and sprinklers (where fitted) shall be maintained unobstructed and in good working order.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium shall be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.

### **Ceilings**

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**

Where the potential audience exceeds 250 persons 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.

## **PREVENTION OF PUBLIC NUISANCE**

**Table 3 - The Prevention of Public Nuisance**

<b>Nuisance caused by</b>	<b>How to prevent the nuisance</b>
<b>Noise</b>	<ul style="list-style-type: none"> <li>• Prevention of noise breakout from the premises</li> <li>• Participation in any local community initiatives</li> <li>• Communication with residents and groups</li> <li>• Provision of a mobile contact number for the DPS or nominated person for the immediate resolution of problems</li> <li>• Hosting of meetings with residents to troubleshoot issues associated with the premises</li> <li>• Have suitable sound insulation in place</li> <li>• Consider car parking arrangements and effects on residents</li> <li>• Consider how much noise air conditioning systems create</li> <li>• Use a sound limitation device</li> <li>• Consider how much noise is created by taxis and routes to/from premises</li> <li>• Carry out regular noise monitoring.</li> <li>• Train staff in reducing noise</li> <li>• Have a dispersal policy in place.</li> <li>• Have plans of how to limit noise upon leaving premises</li> <li>• Dispose of bottles after 10:00 and before 23:00</li> <li>• Locate DJs/speakers away from doors/windows</li> <li>• Prevent people loitering outside off-license shops</li> <li>• Plan deliveries to avoid nuisance</li> <li>• Use door supervisors to reduce noise</li> <li>• Implement measure to minimise or divert queues away from residential areas</li> <li>• Provide the manager's contact details on request.</li> <li>• Effective management of exterior spaces (e.g., beer gardens, pavement café areas and smoking areas)</li> <li>• Supervision arrangements including how areas will be kept clean and free of litter, particularly at the end of trading</li> <li>• Customer noise and disturbance controls – Prevention of customers causing disturbance when leaving the premises</li> <li>• Policies for the dispersal of customers to ensure orderly conduct and minimise disturbance</li> <li>• Supervision of customers leaving premises, including preventing customers congregating outside, the use of a winding-down period, providing a dedicated</li> </ul>

	taxi/private hire calling service that operates a call-back facility <ul style="list-style-type: none"> <li>• Beer gardens shall not be used after 10pm if close to residential premises</li> </ul>
<b>Waste</b>	<ul style="list-style-type: none"> <li>• Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter.</li> <li>• Policies in place in relation to supervision arrangements and how such areas will be kept clean and free of litter, particularly at the end of trading.</li> <li>• Clearly identify the locations of bins.</li> <li>• Consider other emissions, e.g., using suitable ventilation systems to reduce odours.</li> <li>• Consider methods to collect drinking vessels, crockery, cutlery and litter.</li> <li>• Control of the use of flyers and other promotional material to minimise litter</li> </ul>
<b>Smoking</b>	<ul style="list-style-type: none"> <li>• Consider whether there is a need for door supervisors to control customers in smoking areas and reduce noise</li> <li>• Use of noise barriers</li> <li>• Keep smoking areas away from neighbouring properties</li> </ul>
<b>Light</b>	<ul style="list-style-type: none"> <li>• Consider nuisance caused by light pollution when using lighting to ensure safety or preventing crime and disorder</li> <li>• Use suitable lighting units that only illuminate areas in need of lighting</li> </ul>

## List of Model Conditions specific to Public Nuisance

### Noise and Vibration

The noise assessment shall determine whether the level of noise from all potential noise sources is likely to give rise to complaints from the nearest noise sensitive receptor. The survey shall be in accordance with current relevant guidance and standards and the results of the assessment shall be submitted to and agreed with the Council's Environmental Protection Team including details of any mitigation measures necessary to achieve a satisfactory noise climate at the nearest noise sensitive premises. This may include being controlled by a noise-limited device set at a level determined by the Council, such level being confirmed in writing to the Licensee.

The applicant shall submit a Noise Management Plan at least 28 days prior to the event. The plan must detail the consideration of public nuisance and include an evaluation of the potential nuisance to nearby residential and commercial properties as a result of amplified music. The plan must detail any mitigation deemed necessary to prevent such a nuisance including for example, possible methods of mitigation such as the location, the size, number and orientation of speakers,

methods of controlling volume, sound checks, methods of monitoring levels using competent noise professionals and the use of noise control measures such as barriers. The Plan must also state how noise complaints received will be logged and how such complaints will be actioned.

No live or recorded music shall be provided at the premises until a comprehensive noise assessment, which adequately reflects the potential operational noise from the premises, is produced by a suitably qualified noise consultant.

Premises shall be capable of being operated at all times of year without doors or windows being opened for ventilation. Air handling and air conditioning plant and systems must be designed and located so that noise emitted meets the noise level condition above.

Windows, doors and fire escapes shall remain closed during proposed entertainment events within the premises.

The applicant shall ensure that entrance doors to the premises are kept closed when public entertainment is taking place.

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.

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.

The use of fireworks and pyrotechnics is restricted to the hours of ..... to .....

No glass bottles or other waste materials shall be deposited outside the premises between the hours of 7pm and 7am.

Deliveries, collections and operational servicing shall not be carried out between the hours of 7pm and 7am except where access at other times unavoidable and specific procedures is in place to limit disturbance.

The licensee shall ensure that maintenance of building plant and machinery is undertaken to minimise noise.

### **Light**

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.

Lighting associated with activities of entertainment must be positioned so as not to cause nuisance to neighbouring or adjoining properties.

Lighting provided externally to promote advertising of the premises or activities associated with the premises must be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.

### **Noxious Smells**

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

DRAFT

## **THE PROTECTION OF CHILDREN FROM HARM**

**Table 4 - The Protection of Children from Harm**

<b>Danger or Risk</b>	<b>Ways to Protect Children and Minimise risks</b>
<b>Underage Activity</b>	<ul style="list-style-type: none"> <li>• Use a proof of age scheme e.g. Challenge 25 and signpost its use</li> <li>• Use and maintain a refusal register which can be made available for inspection. Records should include the refusal date and time, the product attempted to buy and a physical description of the customer</li> <li>• Implement measures to avoid proxy sales including use of CCTV, regular patrols and posters stating proxy sales are illegal.</li> <li>• Locate all gambling machines in areas under the supervision of staff</li> <li>• Control deliveries of alcohol to prevent underage sales</li> <li>• Train staff and maintain training records to ensure that they are available upon request</li> </ul>
<b>Sexual exploitation</b>	<ul style="list-style-type: none"> <li>• Implement a child sexual exploitation policy and report suspicious behaviour</li> <li>• Train staff to recognise indicators of exploitation</li> </ul>
<b>Age-inappropriate Cinema</b>	<ul style="list-style-type: none"> <li>• Specify film minimum age and display notices</li> <li>• Check age at point of sale and prior to entry to screening room</li> </ul>
<p><b>Unaccompanied children</b></p> <p><b>Prevention of underage sales of age restricted products, and access by underaged persons</b></p> <p><b>Acting to prevent proxy sales of alcohol from the premises</b></p>	<ul style="list-style-type: none"> <li>• Implement procedures for lost and found children at large events</li> <li>• Follow the guidance below for the protection of young people under 18 years of age who attend events at licensed premises</li> <li>• The operation of Challenge 25 (on-licence and off-licence) with acceptable forms of ID</li> <li>• Operators should ensure staff are aware of the risks of proxy-sales and take appropriate measures to prevent offences</li> <li>• Off-licensed premises will have clear visibility through the shop window so</li> </ul>

	that staff can clearly observe if alcohol purchased by adults is then provided to young people through proxy purchasing
<b>Alcohol free childhood</b>	<ul style="list-style-type: none"> <li>• The licensed premises will have alcohol free spaces set aside for families</li> <li>• The licensed premises will not sell marketed “alcohol free” drinks to under 18s</li> <li>• On-licensed premises such as restaurants, alcohol consumption will be restricted to those aged 18 or over, regardless of whether they are accompanied by an adult eating a meal</li> <li>• The licensed premises – eg a shop – will consider the placement of alcohol products within retail premises to avoid excessive promotion and to create a physical distance between alcohol products and products aimed at children</li> <li>• In locations close to schools, or other children-focused premises, the licensed premises will not display any external alcohol advertising – for example pavement boards or shop windows.</li> </ul>

The protection of children from harm is one of the four licensing objectives that underpin the Licensing Act 2003. Events aimed at attracting young people under 18 years old could involve some risk, even though alcohol may not be available at the event. Mixed age events (attended by young people, where alcohol is available for sale to persons over 18) increases this potential risk.

The Sunderland Safeguarding Children’s Partnership expects that where children are permitted, the licensed environment must be safe and family friendly, in line with the Council’s licensing policy. We consider that licensed premises should operate in accordance with the following principles

## **List of Model Conditions specific to the Protection of Children from Harm**

### **The Provision of a Family Friendly Environment**

#### **Alcohol**

The Sunderland Safeguarding Children’s Partnership expects that children will not be exposed, at licensed premises, to persons who are behaving irresponsibly (for

example if they behave in a drunk or disorderly manner, if they become aggressive, use strong or offensive language, or engage in otherwise inappropriate behaviour).

Premises or clubs found to be selling alcohol illegally or irresponsibly, or those failing to provide a family friendly environment, are expected to attend the relevant training to safeguard children from the risks associated with alcohol.

### **Age Verification**

Provisions should be in place to see that alcohol is not served to, or purchased on behalf of, under-age young people. This should include use of a recognised age verification initiative (Challenge 25) which requires, for example, photographic evidence of identity. Such credible evidence, which shall include a photograph of the customer, will either be a current passport, photographic full driving licence, or proof of age card carrying the hologram 'PASS' logo or HM Forces ID card.

### **Staff Training**

Staff training records shall be maintained at the premises. All staff shall receive training in their responsibility under the Licensing Act 2003 before being permitted to sell alcohol at the premises, all members of staff, paid or unpaid shall receive this training. Staff will receive refresher training on their responsibilities at least once every 12 months. Training records will be available on request to an Officer of the Council or Police.

### **Point of Sale/Signage**

All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

There must be a minimum of [xx] signs in the premises visible at the points of sale stating that it is an offence

- to sell alcohol to persons under 18 years of age.
- to purchase alcohol on behalf of any person under 18 years of age
- to sell alcohol to any persons who appear drunk or under the influence of other illegal substances.

### **Proxy Sales**

Staff shall refuse to sell any age restricted products to adults who they suspect to be buying on behalf of somebody who is under-age. Details of such refusals shall be recorded in the refusals register.

### **Refusals Register**

A refusals record shall be maintained and kept at the premises. Any refusals shall be documented and kept on file for inspection by Local Authority Officers or a representative from Northumbria Police. This is to include refusals for proxy sales ie person attempting to purchase alcohol for underaged youths, persons who appear to



be intoxicated and refusals to the premises. Details shall include time, date and signature of the person recording, name or description of person attempting to make the purchase and any action taken including staff details /persons /witnesses.

### **Advertising**

Drinks promotions must comply with the requirements of the mandatory licence conditions. Applicants are recommended to consider advertising products and promotions in compliance with a recognised Code of Practice. Alcohol should not be advertised in a manner that may incite or attract young people to drink. Applicants should also consider their soft drink pricing policy so as not to discourage consumption of soft drinks by customers.

### **National Initiatives**

The Premises Licence Holder/ Designated Premises Supervisor will participate in any 'Responsible Retailing' scheme and any relevant training / campaigns which the Police or Local Authority provide or recommend.

### **Signage**

Should be displayed to indicate the age verification policy, the location of the designated family area and any restrictions relating to children (for example, if they are required in time to be off the premises)

### **Drugs/New Psychoactive Substances**

The trade or misuse of drugs or Psychoactive Substances (also known as legal highs) at licensed premises is a safeguarding concern. At premises, clubs or events where substance misuse issues have been identified, the Sunderland Safeguarding Children Partnership expects that the premises management, or event organiser, shall implement a risk management plan and consider whether harm reduction measures would be appropriate as part of their policy. It is expected that a risk management plan would include: the maintenance of an incident log; signage; regular and audited patrols of the premise including toilet/external areas; staff training and maintenance of training records; proactive interventions with customers considered to be at risk of harm; the use of safe ejection procedures. Premises/clubs are expected to address substance misuse activity by working in partnership with the police and other agencies such as the Security Industry Authority. Event managers are also expected to manage risk in partnership with substance misuse treatment services or qualified welfare experts.

### **Noise**

Managers of licensed premises or clubs that are situated in residential areas need to be aware that children and young people living near those premises may be disturbed by any excessive noise (for example: loud music or noise made by customers leaving premises late at night). This should be addressed through signage and verbal advice to customers or members. If children are living at a

licensed premises, consideration should be given to the impact of noise on the welfare of those children.

### **Location**

Where licensed premises, certificated clubs or gambling premises are near schools, nurseries, parks, or other children's provision, there needs to be an awareness of how issues such as alcohol misuse, criminality, advertising and adult entertainment may impact on children, particularly during the day and in outside areas.

### **Entertainment**

Safeguarding measures must be in place for the protection of children from adult entertainment, including striptease, 'blue' comedians, adult gambling, or the showing of films with inappropriate classifications or films considered unsuitable for children by the Council.

### **Child Entertainment**

Where an activity takes place at a licensed venue which is directly aimed at children, such as a children's party or show, consideration must be given to the content of the performance, the number of adults required to be present, the responsibilities of those adults required to be present and the responsibilities of staff, to ensure that children are supervised and protected from harm.

### **Staff supervision**

If staff have responsibilities for supervising children's activities in the absence of a responsible adult, or if staff are in one-to-one private contact with children, they should be appropriately vetted. If an activity requires children to be accompanied by a responsible adult, this requirement should be publicised (in the booking contract, tickets or publicity materials) and strictly enforced. Consideration must also be given to whether a child performance licence is required.

### **Child-Minding**

If children are living on the premises, then adequate minding arrangements must be in place whilst their parents/carers are working. Working staff should not 'mind' children from a remote location or attempt to care for children within the licensed areas when operating under a premises licence.

### **Outside areas/play areas**

Children's play areas must comply with the requirements of health and safety legislation will apply. All external areas should be routinely monitored to prevent children from being at risk of harm. Signage should be displayed regarding the policy for supervising children in play areas.

### **Restrictions**

Where the Council has placed specific restrictions on a licence relating to children, any breach of those restrictions, coming to the attention of the safeguarding partners, will be reported immediately to the Licensing Authority. The Sunderland

Safeguarding Children Partnership considers that the restrictions imposed by licence conditions apply to all children accessing the event, premises or club, including children living, working, entertaining or socialising at licensed establishments.

### **Smoking**

Children exposed to the effects of a smoking environment are at risk of harm and consideration must be given to the welfare of children when designating any external smoking areas. Consideration should also be given to the supervision of children if adults temporarily exit the premises to smoke. The Sunderland Safeguarding Children Partnership expects that at premises, where smoking is the main or sole activity (such as shisha venues), a policy should be in place to prevent underage tobacco sale, to prevent children being exposed to the effects of smoke, and to prevent children being exposed to an adult-orientated environment.

### **B Staffing arrangements - Children working or involved in performance or entertainment**

#### **Under 18 staff**

No staff under the age of 18 years are to be employed (paid or unpaid) on the premises where adult entertainment takes place.

#### **Children of non-compulsory school age**

Are restricted when selling alcohol and sales may only take place in compliance with the Guidance issued under Section 182 of the Licensing Act 2003 which requires specific supervision by a designated 'responsible person'.

#### **Young people working**

If children of non-compulsory age are working within a licensed premises/club or event, the terms and conditions of their work must comply with health and safety working time regulations and a safeguarding risk assessment should be undertaken.

#### **Exclusion of children by condition**

Children must not remain in a licensed area if there are conditions to prohibit this.

#### **Work permits**

A work permit must be obtained for all children who are employed whilst of compulsory school age and regulations must be complied with regarding the type and hours of work they are permitted to undertake.

#### **Children performing**

Children involved in entertainment or performance may require a licence from the Council to ensure the necessary safeguards are in place. Children must not participate in performance or entertainment in breach of any restrictions imposed by any licence conditions.

#### **Submission of risk assessments**

It is expected that safeguarding risk assessments will be submitted to the Council at the point of applying for a work permit or performance licence and that the Council's good practice guidance for chaperones is complied with for all children working or performing under the age of 18 years.

### **Vetting**

The applicant is responsible for ensuring that any staff working on licensed premises who may have specific access to children through the nature of their employment (for example, coaching, supervised play areas, children's entertainment) have an Enhanced Disclosure Barring Service (DBS) checks which are current.

### **Entertainers**

Children's entertainers who are contracted to work at licensed premises/clubs or events should produce a reference or if their responsibilities involve private contact with children or supervision, a personal and recent enhanced DBS check should be produced. This also applies to individuals volunteering their services, such as play supervisors or providers of children's entertainment.

Where an activity takes place at a licensed venue which is directly aimed at children, such as a children's party or show, consideration must be given to the content of the performance and the number of adults required to be present, the responsibilities of those adults required to be present and the responsibilities of staff, all to ensure that children are supervised and protected from harm.

### **Staff supervision**

If staff have responsibilities for supervising children's activities in the absence of a responsible adult, or if staff are in one-to-one private contact with children, they should be appropriately vetted. If an activity requires children to be accompanied by a responsible adult, this requirement should be publicised (in the booking contract, tickets or publicity materials) and strictly enforced. Consideration must also be given to whether a child performance licence is required.

### **Clear management plans**

Should be in place demonstrating how the licence holder intends to control and mitigate the potential harm to individuals under 18 years of age attending these events, irrespective of whether alcohol is available or not.

### **Code of conduct**

Whilst every event should be assessed on its own merits, the Licensing Authority, Police and Local Safeguarding Children's Partnership strongly recommend that a code of conduct/policy for these events is adopted to ensure that the four Licensing Objectives are complied with, particularly the Protection of Children from Harm objective. Measures expected to be considered include:

### **A Under 18 Only Events**

1 The Police, Sunderland City Council's Licensing Section and Local Safeguarding Children's Board must be notified of any under 18 events at least 28 days in advance of the event. Such notification should be from the premises licence holder or the DPS. They would be held accountable should the event undermine any of the licensing objectives.

2 The premises must be covered by colour, digital CCTV which meets the requirements and expectations of the Police and Council. This equipment to record whilst the event is being held on the premises; all recordings to be retained for a minimum period of 28 days and to be made available upon request to the Police or authorised officers of the Council within a period of 7 days.

3 The operator to ensure that the premises have enough SIA registered security staff and they are employed to meet at least the following minimum ratio:

- 2 for the first 100 customers, one of which being female,
- 2 for the second 100 customers and
- 1 for every 100 customers thereafter.

At least one member of security staff being employed as a floorwalker and constantly monitoring patrons for evidence of alcohol or drugs and protecting patrons from unwanted attention or harassment.

4 Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.

5 Where there is normally a bar, ensuring that alcohol is not on display and is locked away.

6 Ensuring that there is at least 1 hour between the conclusion of the youth event and the venue opening for the commencement of any adult entertainment.

7 Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.

8 Where alcohol is seized from persons aged under 18, the details to be recorded in a register.

9 Any prior marketing of the event (internet, flyers, posters etc.) to make it clear that no alcohol will be sold to under 18's, nobody who appears to be drunk will be allowed admission to the event and searches will take place to ensure that no alcohol is brought into the venue. Permissible ages for attendance at the event to be printed in prominent writing on any tickets issued for the event.

10 Ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates the level of duty of care expected to be provided.

11 Toilet checks being carried out at regular intervals and records of such checks retained.

12 First aid provision to be available at the premises.

13 Ensure a policy is in place to prevent under aged persons leaving and returning to the premises to consume alcohol outside.

14 For events held on a Thursday, Friday or Saturday evening a terminal hour of no later than 11.00pm.

15 An area should be designated as a safe space, whereby ill or intoxicated persons, including minors, can be taken to a place of safety for medical treatment or, in the case of minors, until reunited with a parent, guardian or responsible adult.

## **B Additional Measures expected to be considered for Mixed Age Events**

1. All patrons to be given a secure wristband of different colours, differentiating over 18's from under 18's.

2. Only one alcoholic drink to be purchased at any one time by an individual aged over 18 years of age.

3. At least 2 SIA registered security staff acting as floorwalkers to constantly monitor patrons aged under 18 years of age for evidence of alcohol or drugs and to protect patrons from unwanted attention or harassment.

4. Children under 16 years of age should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than 4 such children.

5. All drinks to be served in plastic or polycarbonate glasses.

It must be stressed that the above measures are not considered to be an exhaustive list and licensees are encouraged to discuss the management of any such events in detail with the responsible authorities as part of their risk management process.

## Appendix IV

Contact Details for Sunderland City Council's Licensing Section and all Responsible Authorities for City of Sunderland under the Licensing Act 2003

<p><b>Northumbria Police</b> Southwick Police Station Church Bank Southwick Sunderland SR5 2DU</p> <p><a href="mailto:Southern.Licensing@northumbria.police.uk">Southern.Licensing@northumbria.police.uk</a></p>	<p><b>Chief Fire Officer</b> Tyne and Wear Fire and Rescue Service Divisional Headquarters South Railway Row Sunderland SR1 3HE</p> <p><a href="mailto:firesafety.licensing@twfire.gov.uk">firesafety.licensing@twfire.gov.uk</a></p>
<p><b>The Licensing Section</b> City Development Directorate City Hall Plater Way Sunderland SR1 3AA</p> <p><a href="mailto:licensing@sunderland.gov.uk">licensing@sunderland.gov.uk</a></p>	<p><b>Alcohol Licensing Team</b> Home Office Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p><a href="mailto:alcohol@homeoffice.gsi.gov.uk">alcohol@homeoffice.gsi.gov.uk</a></p>
<p><b>Trading Standards Section</b> City Development Directorate City Hall Plater Way Sunderland SR1 3AA</p> <p><a href="mailto:darren.coulton@sunderland.gov.uk">darren.coulton@sunderland.gov.uk</a></p>	<p><b>Development Control (Planning)</b> City Development Directorate City Hall Plater Way Sunderland SR1 3AA</p> <p><a href="mailto:dc@sunderland.gov.uk">dc@sunderland.gov.uk</a></p>
<p><b>Health and Safety</b> City Development Directorate City Hall Plater Way Sunderland SR1 3AA</p> <p><a href="mailto:colin.rudd@sunderland.gov.uk">colin.rudd@sunderland.gov.uk</a> <a href="mailto:public.health@sunderland.gov.uk">public.health@sunderland.gov.uk</a></p>	<p><b>Environmental Protection</b> City Development Directorate City Hall Plater Way Sunderland SR1 3AA</p> <p><a href="mailto:joy.swithenbank@sunderland.gov.uk">joy.swithenbank@sunderland.gov.uk</a> <a href="mailto:public.health@sunderland.gov.uk">public.health@sunderland.gov.uk</a></p>
<p><b>Public Health</b> Sunderland City Council City Hall Plater Way Sunderland SR1 3AA</p> <p><a href="mailto:sarah.norman@sunderland.gov.uk">sarah.norman@sunderland.gov.uk</a></p>	<p><b>Sunderland Safeguarding Children Partnership</b></p> <p><a href="mailto:karen.davison1@togetherforchildren.org.uk">karen.davison1@togetherforchildren.org.uk</a></p>

## **Appendix V Public Health Information**

Licensing and Public Health - The impact of alcohol in the City of Sunderland

The licensing authority recognises there is no public health licensing objective and therefore cannot conduct its licensing function to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003.

Nevertheless, the Licensing authority recognises the potential impact of alcohol on the public health of the residents of the City of Sunderland. This can have a big impact on the National Health Service and medical providers locally. Public Health are a responsible authority under the Licensing Act 2003 and can make representations on licence applications as well as calling for reviews on premises that undermine the licensing objectives.

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

- around hospital admissions due to alcohol consumption
- that shows a correlation between anti-social behaviour and excessive alcohol consumption in different localities
- that violence related to alcohol or the night time economy in general
- that links high alcohol consumption to a particular area
- that undermines the physical, moral and psychological of children and vulnerable persons

to all be relevant to the promotion of the licensing objectives. Any or all this data would be grounds for public health exercising their right to participate in the licensing process.

Although Public Health is not a licensing objective, we believe that this Statement of Licensing Policy needs to be placed in context with the alcohol-related harms that are apparent in the City of Sunderland. The Licensing authority takes the issue of public health extremely seriously and would expect applicants and licence holders to familiarise themselves with any local issues that may be detrimental to the public health of the people of Sunderland. The licensing authority will take cognisance of the issues raised by public health in relation to licensed premises and issues surrounding alcohol and will determine applications in line with ensuring that all of the licensing objectives are actively promoted for the safety of the local communities in which a licensed premises operates.

### **The wider cost of alcohol harm**

#### **National picture**

Whilst the safe use of alcohol continues to play an important role in the social, economic and cultural aspect of society, changing drinking patterns and rates of consumption has meant that harmful use of alcohol is having damaging effects on



disease and long-term health conditions, high risk behaviour, mental health disorders and unsafe sexual behavior.

### In England:

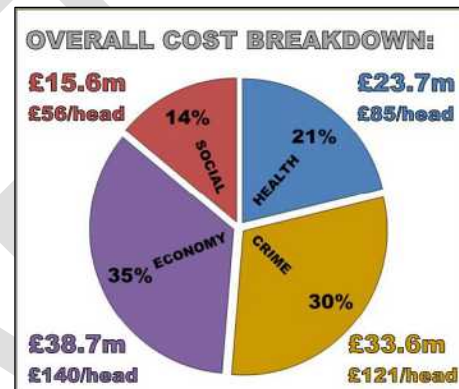
- Alcohol harm costs society £21 billion a year
- NHS costs equate to £3.5 billion (equal to £120 for every taxpayer)
- Alcohol is a causal factor in over 200 medical conditions
- 1.6 million people have some level of alcohol dependence

### Local impact

In 2015/16, the overall cost of alcohol harm in Sunderland was estimated to be £111.6million, which is the equivalent of £403 per head of population. The North-East cost per head was estimated at £386, and England at £363.

These Sunderland 'harm' costs can be broken down into:

- 35% wider economy (38.7m), with an estimated 1,026 potential years of working life lost due to alcohol
- 30% crime and disorder (33.6m), with an estimated 24,400 alcohol related crimes
- 21% Local NHS services (23.7m), with an estimated 6,805 alcohol related admissions
- 14% social services (15.6m), with an estimated £12.4m cost to children social services



It should be noted that these costs do not take into account the health and social consequences suffered by individuals, their families, and the wider community.

Balance and the Northeast Ambulance Service published a new report in November 2022 titled, Fuel to the fire – alcohol's impact on the Northeast Ambulance Service following the pandemic. The report illustrates the extent of pressures faced by the ambulance service as a result of alcohol-related call-outs in recent months. The key findings from the report are:

- 1 in 3 NEAS employees (30%) state that 50% or more of the incidences they dealt with over the Christmas period 2021 involved alcohol.
- Almost half of NEAS employees (47%) state that over 75% of call-outs for assaults were related to alcohol.
- 68% of NEAS employees state that over 50% of call-outs for domestic violence were related to alcohol.
- 93% of NEAS employees agree that dealing with alcohol-related call-outs places an avoidable demand on time and resources

- Private residences pose the highest fear of risk of harm from members of the public, with 45% stating this to be most risky, followed by on street locations.
- 40% of NEAS employees have received threat of injury from patients or members of the public at least six times, and 1 in 3 have received an actual injury or verbal abuse on as many occasions
- 38% of NEAS employees have been subjected to sexual harassment / assault whilst on duty from people under the influence of alcohol
- Many incidences of abuse and injury go un-reported with 36% of NEAS employees stating that they did not report any incidences to the police.

## Alcohol and Health

Alcohol is often associated with positive aspects of life, but many people drink at levels that harm their own health and impact negatively on those around them.

In England and Scotland 24% of adults regularly drink over the Chief Medical Officer's low-risk guidelines, and 27% of drinkers in Great Britain binge drink on their heaviest drinking days (over 8 units for men and over 6 units for women).

Alcohol misuse contributes to 200 health conditions leading to hospital admission, due either to acute alcohol intoxication or to the toxic effect of alcohol misuse over time. Conditions include cancer, cardiovascular disease, depression and liver disease.

Evidence shows that harmful use of alcohol disproportionately affects the most vulnerable groups in society - those in the lowest income bracket and those experiencing the highest levels of deprivation.

Data from the Public Health Profiles and Local Alcohol Profile for England<sup>1</sup> demonstrates that in Sunderland there had been a rise in admissions for alcohol specific conditions between 2014/15 (752 per 100,000) and 2019/20 (1,171 per 100,000) Admissions in 2020/21, were at a similar level to the previous year at 1,160 per 100,000. The most recent data for 2021/22 shows a rate of 1,218 per 100,000, with Sunderland being the second highest in the North-East (991) and significantly higher than the England average of (626).

The data also demonstrates:

- Admission episodes for alcoholic liver disease (Broad) in Sunderland in 2021/22 was 310.1 per 100,000\*. This is above the North-East rate (238.5) and significantly higher than the England rate (154.4). Notably, Sunderland had the highest admission episodes for alcoholic liver disease in females in England at 239.3 per 100,000, with the England value at 99.6.
- Alcohol-related mortality in Sunderland for 2022 was 56 per 100,000\*. Sunderland had the third highest alcohol-related mortality rates in the North-East (49.7) and was significantly above the England average (39.7).

- Sunderland had the seventh highest alcohol-related mortality rates for females in England at 27.4 per 100,000 in 2022, with the England value at 22
- Mortality from chronic liver disease was 22.4 per 100,000 in 2017-2019 (3 year range). The rate for 2021 (1 year range) was 33.7 per 100,000 with Sunderland having the highest mortality rate from chronic liver disease in the North-East (21.6). This is comparatively higher than the second highest in the North East (Durham at 25.4) and significantly higher than England (14.5).

The data above reflects the level of chronic heavy drinking in the population and is most likely to be found in higher risk drinkers and dependent drinkers.

Years of life lost indicate the contribution of alcohol misuse to premature death. Early death from chronic conditions is disproportionately prevalent in lower socio-economic groups and is likely to place demand on health and social care services prior to death. The death of people of working age will additionally impact on productivity.

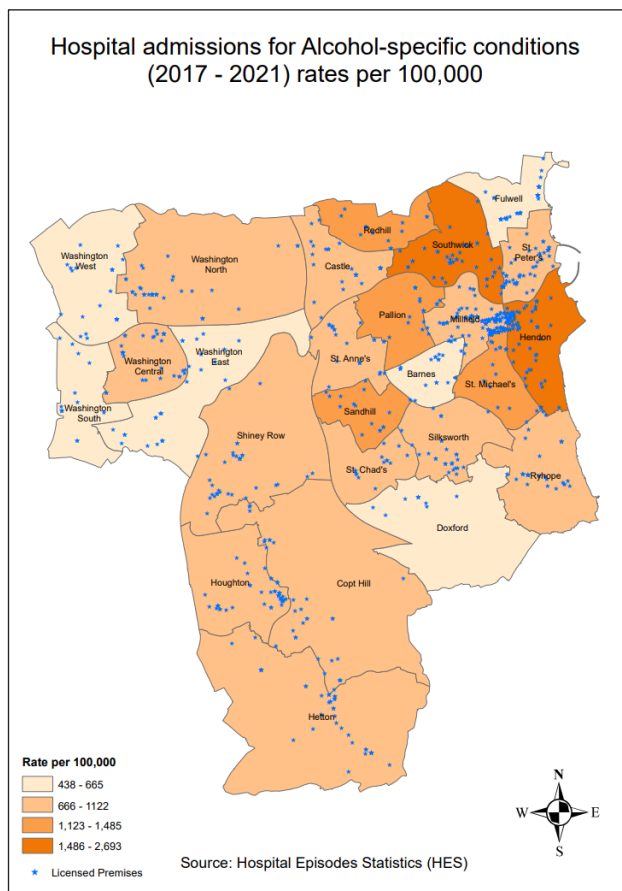
Potential years of life lost due to alcohol-related conditions for Sunderland in 2022 shows that females 738 per 100,000 population and 2034 per 100,000 for males.

This again is higher than the England average of 536 per 100,000 for females and 1,211 for males.

#### **Ward level alcohol-specific hospital admissions**

Southwick and Hendon wards had the highest rates of alcohol-specific hospital admissions during the 5-year period: 2017-2021. The ward index of multiple deprivation rankings in 2019 show that Hendon was the most deprived ward in Sunderland with a ranking of 55.8, and Southwick was the third most deprived ward with a ranking of 48.5, (behind Redhill at 49.2)

The Sunderland average deprivation ranking is 30.6, and the England average 21.7.



Five of the six wards with the highest admissions shown in the map are Hendon, Southwick, Redhill, Pallion and Sandhill are all in the 5 most deprived areas in Sunderland, this demonstrates the link between deprivation and alcohol related harms.

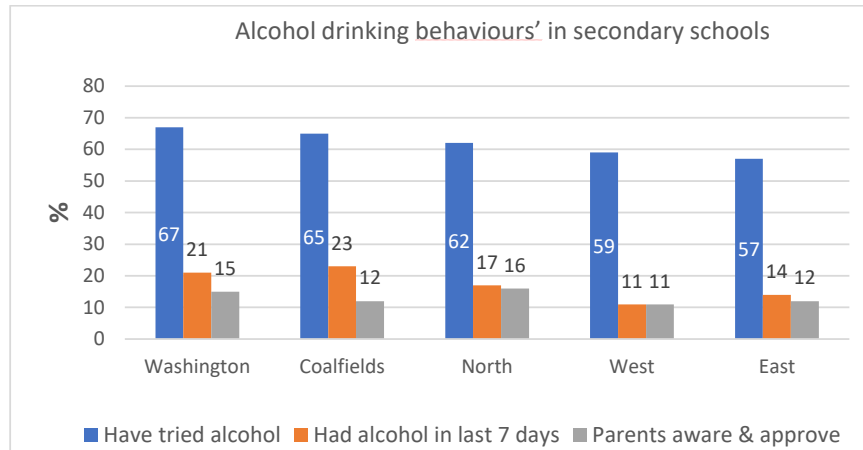
## Children and Young People

### An alcohol-free childhood

CMO guidance states that children who start drinking alcohol from a young age are more likely to develop alcohol problems into adolescence and adulthood. The CMO guidance recommends to children and parents that an alcohol-free childhood is the healthiest and best option.

Nationally alcohol consumption in young people is decreasing, but within the North-East the level of alcohol use remains higher than the England average. In Sunderland the Health Related Behaviours (HRB) Survey is carried out with primary and secondary pupils to assess young people's attitudes and behaviours to health and lifestyle.

According to the latest HRB survey held in 2021, around two thirds of all secondary school pupils have tried alcohol. Almost a quarter had alcohol within the last 7 days. More than 10% of parents were aware their child had alcohol and approved.



During the 3-year pooled period: 2018/19 to 2020/21, the Sunderland rate of hospital admissions for alcohol specific-conditions for under 18s was 76 per 100,000 (a reduction from 2014/15 to 2016/17 when the figure was 95.7 per 100,000), however this is still significantly above the England (29.3) and North-East (52.0) averages. The female admission rate is higher in both Sunderland and England, with Sunderland females having a 38.1 higher rate than males, and England a 13.3 higher female rate than males.

For comparison, the England female rate was 36.1, compared to Sunderland females at 94.4, and Sunderland males at 58.9, compared to England males at 22.8 (female rates falling from 107.7 to 94.4, and male rates falling from 84.4 to 58.9, this is in line with the England trend which also shows reductions in persons, females, and males overall).

### **Violence against women and girls and Domestic Abuse**

The Office of National Statistics data shows that violence against women and girls can lead to significant and long-lasting impacts such as mental health issues, suicide attempts and homelessness. The latest domestic abuse guidance produced by the government referred to an evaluation of a programme focusing on high-risk, high-harm perpetrators, that showed one fifth of service users had misused alcohol. It also referred to a 2022 Home Office report summarising 127 Domestic Homicide Reviews (DHRs) that found alcohol and drug use was noted as a perpetrator vulnerability in around a third of cases. The World Health Organisation also highlighted alcohol as a risk factor to intimate partner and sexual violence. The WHO 2013 study into intimate partner violence also showed that the victim was twice as likely to experience alcohol related issues. In Sunderland the commissioned domestic abuse support service, Wearside Women in Need, had 120 clients who were experiencing alcohol related issues. This was from October 2021- October 2022.

## **Appendix VI Planning and Development Control Matters**

**Planning Legislation and Building Regulations** – Operation of licensed premises will require several additional approvals as well as under the Licensing Act 2003. One of the most important additional approvals is planning permission under the Town and Country Planning Act 1990. It is often the case that each discipline deals with applications which have relevance to the others' service area. Because of this and being fully cognate of the benefits to the customer and better use of staff time in the enforcement arena, a procedure note has been jointly prepared with a view to improving linkages between the services.

The key aim of the note is to ensure standard operational procedures are put in place to ensure that issues of relevance to one service are routinely flagged with a customer as and when an application is made to an alternative team.

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications will not be a re-run of the planning application. The granting by the Licensing Committee of any variation of a licence, which involves a material alteration to a building, would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate.

Licensing control broadly covers two areas - those relating to the person and those to premises. Planning is concerned primarily with issues associated with the use of land. Having regard to this, planning regulation normally has no interest in licensing applications that relate to the person.

Planning permission is required for certain building operations (such as new buildings and alterations which materially affect the external appearance of the building) and material changes of use. Advice can be obtained from the Council's Planning Department on whether planning permission is required and about the planning process.

For those licensing applications, flagged as being of potential interest to Development Control (DC), the following process will apply:

- The Licensing Section to notify Development Control via e-mail, when necessary, notification to include scanned details of licence application form.
- DC to check planning position (normally requiring site history search and consideration as to whether proposals require planning permission) and thereafter to inform the Licensing Section of comments within the relevant consultation period
- Licensing Team to consider comments received from DC\* and thereafter, following the issuing of the decision, send an electronic copy of the decision notice to DC

\* Noting the separate legislative context, as discussed above, any comments made by DC to the effect that planning permission will be required for the proposal will, in

most cases, not be influential to the final decision on a Licensing application. However, in these cases the Licensing Team will advise the customer that in addition to the Licence approval, an application for planning permission will also be required. This advisory notification will provide the customer with the contact details, for the DC Officer, who should be contacted for further planning advice.

In some cases, involving applications made under the Licensing Act 2003, the DC Team may feel that there are clear and justified planning grounds (that coincide with the four aims of the Council's Licensing Policy) to object to a licence application. An example of this could be where a previous planning application to carry out a form of development, now proposed in a licence application, has been refused and upheld at appeal on such grounds. In these cases, the DC Section will make clear in their response to the Licensing Team that a statutory objection is being lodged and as part of this response the grounds will be set out. In such cases the DC Section will also ensure representation is made at any committee at which the licence application is determined.

**The Licensing Authority considers that in most cases all planning permissions, consents and certificates should be obtained before any licensing application is made.**

Under these circumstances, it is less likely that the local planning authority, as a Responsible Authority, will make representations in relation to the licensing application. Members of the public will also be less likely to be confused about the two separate issues and so less likely to make representations on planning matters to a licensing application.

There may be reasons why an applicant considers that it is necessary to make a licensing application before, or at the same time as, a planning application. If that is the case, applicants are requested to explain their reasons for doing so, when the licensing application is submitted. This may help to avoid representations being made.

Where an applicant indicates that a licensing and planning application has been made at the same time, licensing officers will consider whether there should be discussion with planning counterparts with the aim of agreeing mutually acceptable operating hours and scheme designs.

Contact e-mails for Development Control: [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk)

To ensure the inter departmental benefits to the customer, as discussed above, are fully realised Development Control will also ensure that the Licensing Section are notified of planning applications which may raise a licensing issue.

Unlike the position with Licensing, it is not possible to produce an overarching list of potential planning applications, which may have licensing implications. Because of this notification of relevant planning applications will be undertaken by the Development Control section sending the weekly list of applications to Environment, Health and Consumer Protection in Regeneration and Local Services (REaL).

**PROCESS TO BE APPLIED TO CONSULTATION** The following process will be applied in respect of DC notifications to Licensing:

- DC Section to collate a single citywide list of all planning applications received. This list to be sent weekly to ..... tbc
- Relevant Licensing Officer to submit comments to DC Case Officer within 21 days of publication of weekly list.
- DC Case Officer to ensure that any Licensing comments received are attached to the final planning decision. This is to be achieved through an informative comment added to the decision notice or additional paragraph added to the covering letter. This will detail Licensing comments together with contact details of Licensing Officer for further information.

In addition to the above standard procedure, additional licensing comments may be received when planning consultation responses are issued by the Environmental Health, Pollution Team. In such cases, assuming these comments are not material to the planning decision itself, the DC Officer will ensure these are also extracted from the consultation response and added to any decision.

DRAFT



## Appendix VII Delegation of Licensing Functions

Where, under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers to speed matters through the system.

Matters to be dealt with	Sub-Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent relevant convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant, frivolous vexatious etc.	All cases	
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application	All cases	
Determination of minor variation application	All cases	

All cases from Revised Guidance issued under section 182 of the Licensing Act 2003.

## **Appendix VIII Important Information for Residents and Other Persons – How residents and businesses can have their say in respect of licence applications and the operation of licensed premises in their area.**

This appendix provides information to residents and businesses on how to find out about applications and submit any comments (representations) in respect of them. Representations do not have to be objections and can be made in support of an application. In this section, references to 'licences' shall also be relevant to Club Premises Certificates.

Further useful information and guidance can be found on the Council's website at: [www.sunderland.gov.uk](http://www.sunderland.gov.uk) and on the Governments website at: [www.gov.uk/alcohol-licensing](http://www.gov.uk/alcohol-licensing)

**a) Advertising applications** - Applicants for new licences and variations to existing licences must advertise the application in two ways:

**- Placing a notice at or on the premises:**

- On A4 (or larger) pale blue paper (or on white paper, in the case of an application for a Minor Variation)
- Printed legibly in black ink or typed in a font of at least 16 point
- Placed prominently at or on the premises where it can be conveniently read from the exterior of the premises
- Placed every 50 metres on the external perimeter of the premises abutting any highway (where applicable)

**- Placing a notice in a newspaper** (not applicable for a Minor variation):

- Newspaper circulation must be near the premises (or if there isn't a local paper, in a local newsletter or circular)
- Advertisement will be at least once in the ten days following the application being given to the licensing authority

Both notices are required to give a brief description of the application including:

- The name of the applicant or club
- The postal address of the applicant or club
- The postal address and, where applicable, the internet address where we keep our licensing register and where and when the record of the application may be inspected
- The date by which representations from responsible authorities or other persons should be received and how these representations should be made
- That it is an offence to knowingly or recklessly make a false statement in connection with an application, and the maximum fine for which a person is liable on summary conviction for the offence

**Non-statutory advertising** – Sunderland City Council’s Licensing Section also provides information on the Council website and will email notifications of applications received by the Council to Councillors. The Council is not legally required to do this, and this information is provided as a courtesy to members and residents and there may be occasions when notice is not provided. Therefore, it is good practice to regularly check the Council’s website and notices on premises in the local area.

**Licensing Register** - The electronic Licensing Register contains copies of all premises licences and Club Premises Certificates in the City of Sunderland and is available upon request to [licensing@sunderland.gov.uk](mailto:licensing@sunderland.gov.uk). An application can be viewed in person, upon appointment, with Sunderland City Council’s Licensing Section.

**Representations** - If you want your views to be considered by the Council in respect of an application, you must submit a ‘relevant representation’.

A relevant representation must:

- a) Be made by any person or responsible authority (see Appendix IV)
- b) Be made in writing to the licensing authority
- c) Be received by the licensing authority no later than 28 days after the date the application was made (ten days for a minor variation)
- d) Relate to the likely effect of the granting of the application upon one or more of the licensing objectives, which are:
  - The prevention of crime and disorder
  - The prevention of public nuisance
  - Public safety
  - The protection of children from harm

**NOTE: Any representation that is considered as frivolous or vexatious by the licensing authority will not be accepted.**

Representations may be made by email and the licensing authority does not require email representations to be followed up with a hard copy.

Representations should be made to:

By email: [licensing@sunderland.gov.uk](mailto:licensing@sunderland.gov.uk)

Or by Post:

Sunderland City Council  
Licensing Section  
City Hall  
Plater Way  
Sunderland  
SR1 3AA

**Good practice for making a representation** - you should clearly demonstrate how your representation affects the promotion of the licensing objectives. To achieve this:

- Provide an evidential base for the grounds of the representation, which could include written logs of problems, details of previous complaints, photographs or video evidence of the issues
- Ensure as far as possible that the representation is specific to the premises
- Consult the Licensing Policy, the Local Factors and Standards, and consider their relevance in relation to the application. If you consider that an application has not addressed any issues in the Policy, then you should highlight these and explain your reasons why you think these issues should be addressed
- Consider how you would like the issues to be addressed. For example, you may wish to propose additional or alternative conditions to those proposed in the application's operating schedule. Alternatively, you may wish to propose restricted hours or licensable activities
- If you are making a representation in support of an application, explain how the proposed application would promote the licensing objectives
- Representations will not be considered if they are considered 'frivolous' or 'vexatious' by the licensing authority. 'Frivolous' and 'vexatious' have their ordinary meanings; therefore, the licensing authority might disregard representations that are made because of a business dispute between rivals or representations that lack seriousness

**Disclosure of personal details** - The Council is required to provide the licence applicant with copies of any relevant representations received in respect of the application. The Council may consider withholding some or all of a person's personal details where that person can demonstrate they have a genuine and well-founded fear of intimidation and the circumstances justify such action.

The withholding of personal details by the licensing authority will only be taken in exceptional circumstances and any person requesting their details to be withheld will be expected to demonstrate why such action is necessary.

Where a person has concerns over an application but does not wish their personal details to be disclosed, alternative approaches include requesting a local Councillor to submit a representation based on their concerns, or providing details on how the licensing objectives are likely to be undermined to a responsible authority, who may make representation if they consider it justifiable and appropriate to do so.

**Councillors** - can make their own representations in their capacity as a member of the Council. If you have concerns regarding premises and do not wish to submit a representation yourself, an alternative is to contact your local Councillor to enquire whether they will make a representation. However, it is a matter for members whether they accept, and it is recommended that such requests are made in writing so that any request can be clearly demonstrated.

**Nominations** - If you have made a representation, you can nominate any person, including a local Councillor, to represent you at the hearing. It is your responsibility to

ensure that the nominated person is available and willing to represent you. As above, any request should be made in writing so that the licensing authority can be satisfied the person has been nominated by you prior to any hearing.

DRAFT

**Appendix IX Links to Other Important and Relevant Strategies and Policies -**  
these may be of help/interest and contain further details of schemes available in Sunderland which applicants and licensees can participate in to assist in carrying out the objectives

1. Anti-social behaviour: [Anti-social behaviour - Sunderland City Council](#)
2. Business Services: [Business investment - Sunderland City Council](#)
3. CCTV - Surveillance Camera Code of Practice:  
<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>
4. Community Safety: [Community safety problems in your area? - Sunderland City Council](#)
5. Crime prevention: [Advice and support for victims and crime prevention tips - Sunderland City Council](#)
6. Director of Public Health's Annual Report 2022-23 on Commercial Determinants of Health: [DirectorOfPublicHealthAnnualReport2022-2023.pdf \(sunderland.gov.uk\)](#)
7. Entertainment and alcohol licences: [Alcohol, entertainment and premises - Sunderland City Council](#)
8. Gambling licences: [Gambling - Sunderland City Council](#)
9. Gambling Health needs assessment: [Final gambling HNA May 2023.pdf \(sunderland.gov.uk\)](#)
10. Health & Safety: [Health and safety - Sunderland City Council](#)
11. Information Commissioners: <https://ico.org.uk/>
12. Licensing Act 2003 applications: [Licensing applications currently under consideration - Sunderland City Council](#)
13. Privacy Notice, Sunderland City Council, PPRS - [Privacy notice for Public Protection and Regulatory Services - Sunderland City Council](#)
14. Licences & Permits: [Licensing - Sunderland City Council](#)
15. Noise complaints: [Report a noise - Sunderland City Council](#)
16. Pavement licence (to place tables and chairs on a highway): [Pavement Licences \(Business and Planning Act 2020\) - Sunderland City Council](#)
17. Personal licence for alcohol: [Personal licence - Sunderland City Council](#)
18. Planning and building control: [Planning and building control - Sunderland City Council](#)
19. Property Services: [Property Services - Sunderland City Council](#)
20. Report a concern about a child:  
<https://www.safeguardingchildrensunderland.com/p/reporting-concerns>

21. Safer Sunderland Partnership: [Safer Sunderland Partnership - Sunderland City Council](#)
22. Street care and cleaning: [Trade waste, cleansing and maintenance - Sunderland City Council](#)
23. Street trading licences: [Street trading, markets and auctions - Sunderland City Council](#)
24. Sunderland Alcohol Strategy: [FINAL ALCOHOL STRATEGY2.pdf \(sunderland.gov.uk\)](#)
25. Sunderland Healthy City Plan: [Sunderland Healthy City Plan - Sunderland City Council](#)
26. Sunderland City Council: <http://www.sunderland.gov.uk/>
27. Sunderland Altogether Improving Lives (SAIL): [SAIL Project steers city centre into safer waters - Sunderland City Council](#)
28. Support for the community: [Community care support - Sunderland City Council](#)
29. Trading Standards: [Trading standards - Sunderland City Council](#)
30. Wearside Women in Need - [Talk to us | WWIN](#)

**Other Useful websites** - The following websites provide more information on drugs, alcohol, treatment services and national policy:

NHS Drug addiction: getting help - if you need treatment for drug addiction, you're entitled to NHS care in the same way as anyone else who has a health problem.

Alcohol Concern -

- NHS: Alcohol support - NHS website about alcohol support.
- NHS: Drink less - advice and tips on ways to reduce your drinking.

[Adfam](#) is a national charity working with families affected by drugs and alcohol. Adfam operates an online message board and database of local support groups. They provide advice for families and advice for professionals

[Alcohol Concern](#) operate a helpline. If you're worried about your own or someone else's drinking, you can contact Drinkline for a free, confidential conversation on 0300 123 1110 (weekdays 9am - 8pm, weekends 11am - 4pm).

[Alcoholics Anonymous](#) (AA) is a free self-help group. Its "12-step" programme involves getting sober with the help of regular support groups. National Helpline 0800 9177 650

[Balance North East](#) is the North East Alcohol Programme which works to reduce alcohol harms at a population level.

- Alcohol What's the Harm - Fresh Balance (fresh-balance.co.uk)
- Alcohol-Free-Childhood-licensing-BRIEFING.pdf (fresh-balance.co.uk)
- Alcohol-Free-Childhood-approach-licensing-TOOLKIT.pdf (fresh-balance.co.uk)
- Alcohol-Free-Childhood-licensing-5-RECOMMENDATIONS.pdf (fresh-balance.co.uk)
- PowerPoint Presentation (fresh-balance.co.uk)

[The National Association for Children of Alcoholics](#) (Nacoa) provides a free, confidential telephone and email helpline for children of alcohol-dependent parents and others concerned with their welfare. Call 0800 358 3456 for the Nacoa helpline.

[Change Grow Live - Sunderland](#) - Wear Recovery is Sunderland's Integrated Substance Misuse Treatment and Recovery Service for anyone needing help and support with drugs, alcohol or other substances. The service is delivered by Change, Grow, Live (CGL), a national voluntary sector organisation who are working in partnership with Recovery Connections to deliver a new model of care that supports recovery from addiction. To access the service, visit the website or contact 0800 234 6798 or email [SunderlandSMS.Info@cgl.org.uk](mailto:SunderlandSMS.Info@cgl.org.uk)

[Talk to Frank](#)- If you need treatment for drug addiction, you're entitled to NHS care in the same way as anyone else who has a health problem. Youth Drug and Alcohol Project (YDAP) phone 0191 5614000 email

[YDAP.Project@togetherforchildren.org.uk](mailto:YDAP.Project@togetherforchildren.org.uk) is available for young people aged 10-18, living in Sunderland who require specialist advice and support relating to drugs or alcohol.