Appendix 1

Licensing Act 2003 Statement of Licensing Policy

Licensing Act 2003
Statement of Licensing Policy
(Issued pursuant to Section 5 of the Act)

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1. Introduction

1.1 The purpose of this Statement of Licensing Policy pursuant to Section 5 of the Act is to set out the Council's policy with respect to the exercise of its functions as the Licensing Authority under the Licensing Act 2003 ("the Act"). It relates to the 'licensable activities' defined in Section 1 of the Act namely:

(a) the sale by retail of alcohol;
(b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
(c) the provision of regulated entertainment; and
(d) the provision of late night refreshment.

1.2 The policy will promote the four licensing objectives described in section 4(2) of the Act. These objectives are:

(a) the prevention of crime and disorder;
(b) public safety;
(c) the prevention of public nuisance; and
(d) the protection of children from harm.

1.3 Each objective has equal importance. The Council will seek to work closely with the Police, the Fire and Rescue Service, Sunderland Safeguarding Children Board, local businesses, community representatives and local people, in order to meet these objectives. The Council's decision making is constrained by the provisions of the Act or Regulations made under it and by having regard to the guidance issued under Section 182.

1.4 This revised Statement of Licensing Policy takes effect on **7 January 2016** and replaces the previous statement. It will remain in force for a period of five years beginning with that date. During that period the policy will be kept under review and may be revised as the Council considers appropriate.

Legal Background to this Statement of Licensing Policy

1.5 The Council is responsible for decisions to grant or reject applications for the sale of alcohol, the provision of entertainment or late night refreshment. These decisions must be made in line with the statutory requirements of the Act and must be granted unless relevant representations are made about the likely effect on the promotion of the licensing objectives. Conditions designed to ensure safety, protect children from harm, prevent crime and disorder and prevent public nuisance can be attached to licences where appropriate for the promotion of the licensing objectives. For example, the Council could, in appropriate cases, restrict licensed hours in order to prevent people resident nearby being disturbed.

1.6 The Council must have due regard to this policy. We may, if we consider it appropriate, deviate from the policy but would need good reasons, which we can justify, to do so.

Context

1.7 The Sunderland Health and Wellbeing Board (HWBB), which has the overall aim of achieving "the best possible health and wellbeing for the people of Sunderland", considers that licensing policy plays an important part in achieving this vision. In the last year, the HWBB included alcohol and best start in life among its list of immediate priorities and believes that licensing plays a fundamental part of achieving improvement in outcomes in these areas.

1.8 The HWBB have signed up to the regional alcohol declaration and included its support to the lobby for minimum unit pricing for alcohol. In this context, the role that licensing has to play is central to achieving these commitments.

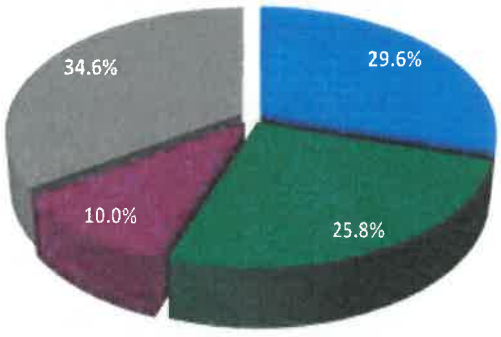
1.9 For Sunderland to achieve its potential, in spite of reducing public resources, the Council needs to address issues which place a burden on the City. Alcohol-related harm impacts upon a range of frontline services across the City including the NHS, Police, Ambulance Service, the Licensing Section and Social Services.

1.10 It is estimated that the irresponsible use of alcohol costs the city around £92.49 million per year; with the greatest costs being borne by workplaces (£32 million) and local NHS services (£27 million). It should be noted that this does not take account the health and social consequences suffered by individuals, their families, and the wider community.

Figure 1 Cost Breakdown for 2013/14

NHS:	**£27.34m**
CRIME & LICENSING:	**£24.21m**
SOCIAL SERVICES:	**£9.25m**
WORKPLACE:	**£32.04m**
OVERALL COST*:	**£92.49m**

***Total cost excludes crime related healthcare costs. The crime cost used for the adjacent pie chart is £23.86m**



1.11 Recorded crime has been rising slowly in recent years and the proportion of total crime that is related to alcohol continues to rise. As the consumption of alcohol in the home increases, the impact of alcohol becomes less visible and more hidden. For example, in Sunderland in 2014/15 there were 6,389 domestic abuse incidents; 1,457 of these incidents were recorded as domestic violence crimes and, of these, 50% were alcohol related.

1.12 Sunderland residents experience significant health problems as a result of alcohol and we have some of the highest rates in the country for alcohol-related hospital admissions, premature deaths and ill health caused by alcohol. The rate of alcohol-related hospital admissions among the Sunderland population is the third highest among 152 upper tier local authority populations. These admissions

comprise those that are wholly attributable to alcohol such as alcoholic poisoning or alcoholic liver disease (1,700 people admitted in Sunderland in 2012/13), and those where a proportion of admissions can be attributed to alcohol e.g. type 2 diabetes or stroke (a further 2,700 people admitted in 2012/13).

1.13 Sunderland is in the top (worst) 10% of the 152 upper tier local authority populations for:

- Alcohol-specific mortality (persons and males);
- Alcohol-related hospital admissions (persons);
- Alcohol-specific hospital admissions in young people aged under 18;
- Admissions for alcohol related conditions narrow (persons and males);
- Admissions for alcohol related alcoholic liver disease conditions (persons); and
- Admissions for alcohol related mental and behavioural disorders due to the use of alcohol conditions narrow (persons and male).

1.14 There is clear international evidence from a number of countries, including France, the USA and Canada, that decreased availability of alcohol results in decreased alcohol consumption in the population. This is true when availability is restricted either by physical means or by price. Where changes have been robustly measured and assessed, it can be seen that the effects happen at local, regional and national levels and lead to substantive reductions in alcohol-related morbidity and mortality.

1.15 The burdens of alcohol-related harm on public health, society and the economy within Sunderland are amongst the highest in the UK, and fall disproportionately on the most disadvantaged members of our community. The Council therefore seeks to bring about meaningful reductions to the unacceptable and unfair toll of ill health and premature mortality related to the inappropriate use of alcohol.

1.16 Minimum unit price (MUP) remains the best evidenced and most cost-effective regulatory intervention for alcohol harm reduction. The Council has strongly supported MUP and was disappointed by the reluctance of the previous UK coalition government to follow through on its stated commitment in relation to MUP. As a consequence, the licensing authority and responsible authorities are likely to be the major influence on the availability of alcohol in both on-trade and off-trade sectors in a local area.

1.17 The licence application process is essentially a "permissive system" whereby, unless successful objections are tabled by the public or one or more responsible authority in the form of relevant representations all applications are effectively approved. The difficulties of making successful challenges to new licence applications arising from the statutory requirements, combined with the already high concentration of outlets in many parts of the City, may require the Council to

explore a number of innovative new policies to lawfully achieve its objectives. For example, this could involve evaluating the need for a late light levy and the modification of existing licences through voluntary arrangements or where licence reviews have been brought and it is appropriate for the promotion of the Licensing objectives to do so.

1.18 As many licensing authorities throughout England are beginning to demonstrate, these policy approaches have begun to address the excessive burden of alcohol harms. They can also have positive effects on the profitability of night-time economies (as higher value activity and establishments are encouraged). As a licensing authority with one of the highest burdens attributable to alcohol, the Council will, over the forthcoming year, actively explore these types of policy options with a view to deciding on what would be most suitable for local introduction.

Further Information

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

Sunderland City Council
Public Protection and Regulatory Services
Licensing Section
Jack Crawford House
Commercial Road
Sunderland
SR2 8QR

Telephone: (0191) 5205550
Fax: (0191) 5531658
Email: licensing@sunderland.gov.uk

2. Consultation and Guidance

2.1 There are a number of groups who have an interest in the leisure industry. These include providers, customers, residents and enforcement agencies. They all have views and concerns that require consideration as part of the licensing function.

2.2 In formulating this Statement of Licensing Policy, the Council has paid regard to the Guidance issued by the Secretary of State under Section 182 of the Act in March 2015 and has consulted the following:

- Northumbria Police;
- Tyne and Wear Fire and Rescue Service;
- Sunderland Safeguarding Children Board;
- Director of Public Health;
- Representatives of the licensing trade and members' clubs;
- Local businesses and their representatives; and
- Local residents and their representatives.

2.3 Further consultation with the organisations and people mentioned above will be undertaken where any revision to this policy is proposed.

2.4 In addition, in formulating this policy, the Council has paid regard to the provisions of the **European Convention on Human Rights;** in particular the rights that everyone has to respect for their home and private life and to the peaceful enjoyment of their possessions (including a licence).

2.5 The **Human Rights Act 1998** makes it unlawful for a public authority to act in a way that will be incompatible with a convention right. Consequently, an aim of this policy, particularly in relation to the decision-making processes of the Council, is to ensure that a licensing decision does not cause a breach of a convention right.

2.6 The Council has also taken into account the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely effect of the exercise of their functions on crime and disorder in their area and to do all they reasonably can to prevent such incidences.

2.7 The Government has published an Alcohol Strategy in which it outlines how the Act can be used to address some of the social, health and crime and disorder issues raised by the misuse of alcohol when licensing authorities are considering applications for licences. The Council will take this strategy into account; including with regard to the investigation of the sale of alcohol to persons under the age of eighteen and the undertaking of steps with the aim of preventing anti-social behaviour.

3. Scope of Policy

3.1 The Act is concerned with the sale of alcohol, the supply of alcohol by clubs, the provision of regulated entertainment and late night refreshment at any premises (defined by the Act as any vehicle, vessel or moveable structure or any place or any part of any premises).

3.2 Activities that require a licence under the Licensing Act 2003 and covered by this policy include the:

- retail sale of alcohol;
- supply of hot food or drink (i.e. non-alcoholic beverages) from premises from 23:00 to 05:00 hours;
- supply of alcohol or provision of regulated entertainment to club members;
- provision of entertainment of a type listed below (known as regulated entertainment) to the public or club members or with a view to profit:
    - film exhibitions;
    - performances of a play;
    - indoor sporting events;
    - boxing or wrestling;

- live music performances;
- playing of recorded music; and
- dance performances.

3.3 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (premises licences), the supply of alcohol or the provision of regulated entertainment at certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).

3.4 In general, a reference in this policy to a premises licence will include a club premises certificate.

3.5 The scope of the policy covers new applications, renewals, transfers and variations and also temporary event notices. Additionally, the review of licences, which could lead to their revocation, is also within its remit.

4. Live Music Act 2012 and other entertainment licensing deregulation

4.1 The Live Music Act 2012 removed the licensing requirements for:

- Amplified 'live' music between the hours of 08:00 and 23:00 before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises[1];
- Amplified 'live' music between the hours of 08:00 and 23:00 before audiences of no more than 500 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)[1];
- Unamplified 'live' music between the hours of 08:00 and 23:00 in all venues; and
- The provision of entertainment facilities.

4.2 Any licence conditions relating to 'live' music on licensed premises have been suspended, but it is possible to impose new conditions or reinstate existing conditions following a review.

4.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. Organisers are encouraged to check with the Council if in doubt.

4.4 Another deregulation of entertainment licensing has been brought about by the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between the hours of 08:00 and 23:00 on any day:

[1] The Live Music Act 2012 was amended by the Legislative Reform (Entertainment Licensing Order) 2014 in order to increase the audience ceiling from 200 to 500.

- A performance of a play in the presence of an audience of no more than 500 people;

- An indoor sporting event in the presence of an audience of no more than 1000 people; and

- A performance of dance in the presence of an audience of no more than 500 people.

4.5 Finally, the Legislative Reform (Entertainment Licensing) Order 2014 deregulated certain types of regulated entertainment as follows:

Cross-activity exemption

This exemption relates to councils, health care providers and schools and allows them to provide certain licensable activities on their premises between the hours of 08:00 and 23:00 without the need for a licence. Also, there is no limit on audience sizes at these events.

The licensable activities covered by this exemption are:

- A performance of a play;

- An exhibition of a film;

- An indoor sporting event;

- A boxing or wrestling entertainment;

- A performance of live music;

- Any playing of recorded music;

- A performance of dance; and

- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

The sale of alcohol continues to be required to be licensed at these types of premises and the above-mentioned exemptions do not apply should any sexual entertainment be provided at the premises.

The types of council premises covered by this exemption are:

- Public parks and other public spaces;

- Town halls and administrative offices;

- Libraries;
- Swimming pools and leisure centres;
- Community halls; and
- Museums and galleries.

The Order allows councils, health care providers and school proprietors to permit third parties to perform live music or play recorded music on their own defined premises.

Recorded music in relevant alcohol-licensed premises

The Order removed the requirement for the licensing of the playing of recorded music between the hours of 08:00 and 23:00, before audiences of no more than 500 people, on relevant premises authorised to be used for the sale of alcohol. The fact that the premises are licensed for alcohol purposes means that they remain subject to the licensing framework and it is the alcohol licence that provides the means by which any issues (should they arise) can be addressed.

Music at Community Premises etc.

For community premises (as defined) which are not domestic premises the Order exempts live and recorded music activities between the hours of 08:00 and 23:00 and before audiences of no more than 500 people, but only if those premises are **not** authorised by a premises licence to be used for the supply of alcohol on the premises. This exemption will not apply unless the relevant person (as defined) has given permission for that music entertainment to take place.

'Community premises' are defined as:

- premises that are or form part of a church hall, chapel hall or other similar building, or a village hall, parish hall, community hall or other similar building;
- the premises of a hospital;
- premises in which a council has a relevant property interest or which are lawfully occupied by a council; or
- the premises of a school.

Where particular community premises are licensed for the sale of alcohol, any performance of live music or the playing of recorded music on relevant alcohol-licensed premises will be subject to the conditional deregulation described above.

The Order requires that any person concerned in the organisation or management of entertainment must have first obtained written consent from the council, health

care provider or school concerned before the event can go ahead. An event organiser of music entertainment is not able to self-certify this written consent, nor can they rely on a prior written consent if full disclosure is not made, or purported consent is obtained from someone who is clearly unqualified or insufficiently senior.

Circuses

The Order exempts travelling circuses from licensing requirements for the performance of a play, an indoor sporting event, a performance of live music, the playing of recorded music and performances of dance between the hours of 08:00 and 23:00, with no audience restrictions. Circuses will still need to have a premises licence or a Temporary Event Notice if they wish to put on an exhibition of film or a boxing or wrestling entertainment.

The exemption will only apply to travelling circuses where the entertainment takes place wholly within a moveable structure, and where the spectators are accommodated wholly within that structure, and where the travelling circus has not been on the same site for longer than 28 days.

"Travelling circus" is defined as a circus which travels from site to site for the purposes of giving performances.

Greco-Roman and freestyle wrestling

The Order exempts Greco-Roman and freestyle wrestling disciplines from licensing as 'boxing or wrestling entertainment'. This exemption is subject to an audience limit of 1,000 people.

5. General Principles of the Policy

5.1 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits. Licence conditions will be tailored to the individual application and only those appropriate to meet the licensing objectives will be imposed. All applicants will be expected to incorporate into their operating plan the steps proposed to comply with the four licensing objectives. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public; health and safety at work and fire safety legislation for example.

5.2 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Licensing Act 2003. Any terms and conditions that may be attached to the various licences will be focused on matters that are within the control of individual licensees or clubs. These matters will centre on the premises and places being used for licensable activities and their vicinity. The Council will primarily focus on the direct impact of the activities taking place at the licensed premises and on members of the public living, working or engaged in normal activity in the area concerned. In considering all licensed activities with regard to the objectives, the Council will take account of the following additional factors:

- The use of the premises and the numbers of people likely to attend;
- The availability of public transport and private car parking;
- The proposed hours and frequency of the licensed activity; and
- Any past history of problems, related to any or all of the licensing objectives, and the impact of any measures taken to counteract the problems.

5.3 The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of a licensee. However, licensing law is a key aspect of such control and is part of a holistic approach to the management of anti-social behaviour. We therefore expect all licensees to take responsible steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises e.g. on the pavement, in a beer garden or in a smoking shelter where and to the extent that these matters are within their control.

5.4 The Council is not able to authorise the supply of alcohol from premises used primarily as a garage, i.e. for the retailing of petrol or diesel or the sale or maintenance of motor vehicles. The issue of whether any use is primarily as a garage will be judged in each case on its merits.

6. The Need for Licensed Premises

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

7. The Cumulative Impact of a Concentration of Licensed Premises

7.1 The Government's Guidance for licensing authorities allows the Council to consider whether a large concentration of licensed premises in any area may have a potential impact on crime and disorder or public nuisance in that locality. We may then adopt a special policy of refusing new licences in a specified area; a rebuttable presumption that granting the application will add to the cumulative impact upon the licensing objectives whenever we receive relevant representations from a responsible authority or another person.

7.2 The Council has not yet adopted any cumulative impact policies. However, we now intend to consider the introduction of one or more such policies. In practice, such policies have, elsewhere, had the effect of discouraging applications where the likelihood of success is low (e.g. city centre areas with an already high concentration of outlets and established 'trouble hot-spots'). Such policies have also prompted applicants to give serious consideration as to how best to upgrade the quality of their application and discouraged in particular premises used as 'vertical drinking establishments' in favour of more upmarket restaurants and wine bars. The discouragement of vertical drinking establishments has also been found

to reduce the administrative burden on council licensing officers in the medium to long term. The Council will consult with the police and draw upon its own health intelligence data to decide whether and where it would be appropriate to designate a cumulative impact area or areas.

7.3 Any proposal to adopt such a policy would be dealt with separately to this policy.

Addendum Note to Section 7

a. Please note that Section 7 above is no longer applicable and will be amended upon the next revision of this policy.

b. On 19 September 2018, by virtue of Section 5A of the Act, the council resolved to publish a cumulative impact assessment which indicates that we consider that the numbers of relevant authorisations in respect of premises in certain parts of the City are such that it is likely that it would be inconsistent with our duty to carry out our functions under the Act with a view to promoting the licensing objectives to grant any further relevant authorisations in those areas.

c. The cumulative impact assessment relates to the following areas of the City:

- the City Centre and East End (parts of Hendon, Millfield and St Michael's wards);
- Millfield and Pallion (parts of each ward);
- Hendon (parts of Hendon and St Michael's wards);
- Southwick;
- Shiney Row;
- Washington North; and
- Hetton (parts of Copt Hill and Hetton wards).

d. These areas have been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in these areas adversely affects the promotion of the following licensing objectives:

- prevention of crime and disorder;
- the prevention of public nuisance; and
- the protection of children from harm.

e. The assessment relates to premises authorised for the sale of alcohol for consumption on or off the premises. Maps of the relevant areas and the evidence supporting the need for the assessment are contained within the assessment document which is attached as an annex to this policy. It is also posted separately on the council's website and available on request using the contact details shown in paragraph 1.19 of this policy.

8. Other Mechanisms for Controlling Cumulative Effect

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

- planning controls (where possible);
- positive measures to create safe and clean urban centre environments in partnership with local businesses and transport operators;
- the provision of CCTV surveillance and hackney carriage stands;
- designating parts of the City as places where alcohol may not be consumed publicly following intervention by the Police;
- cooperating with the Police who may enforce the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- working with the Police who have powers to close down immediately any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- receiving representations from the Police, other responsible authorities or local residents or businesses who may seek the review of the licence or certificate in question.

9. Early Morning Restriction Orders (EMRO)

9.1 The Police Reform and Social Responsibility Act 2011 gave licensing authorities the discretion to restrict sales of alcohol by introducing an Early Morning Restriction Order ("EMRO"). Such an order would restrict the sale or supply of alcohol in a specified area between the hours of midnight and 06:00 with the aim of tackling high levels of alcohol-related crime and disorder, nuisance and anti-social behaviour.

9.2 The Council has not yet introduced any EMROs. Any proposal to do so would be considered separately to this policy.

10. Late Night Levy

10.1 The 2011 Act also gave licensing authorities the discretionary power to charge a late night levy ("the levy") upon all relevant premises licences issued within their area. The levy is an annual fee payable in relation to all premises in a licensing authority area that are licensed to sell alcohol between the hours of midnight and 6:00. The purpose of a levy is to obtain contributions towards the costs of policing the night time economy.

10.2 The Council has not yet introduced a levy. Any proposal to do so would be considered separately to this policy.

11. Policy relating to Personal Licences

11.1 The Act confers very little discretion upon licensing authorities in relation to the granting of personal licences. Provided that an applicant is aged eighteen or over, possesses a licensing qualification and has not, within the preceding five years, held a licence which has been forfeited, a licence **must** be granted **unless** the applicant has been convicted of a 'relevant offence' (as defined in section 113 of the Act) or a comparable foreign offence.

11.2 Where (a) relevant offence(s) has/have been committed, the Council must give notice of this/these to the Police. If the Police are satisfied that, in the light of such conviction(s), the granting of the licence would undermine the crime prevention objective, notice to that effect (an 'objection notice') must be given to the Council within fourteen days. If no objection notice is given, the licence must be granted. However, in cases where an objection notice is received, the Council must hold a hearing.

11.3 **Policy**

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

11.4 *Reason*

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

12. Policy relating to Premises Licences and Club Premises Certificates

Structure/Physical Characteristics/Location of the Premises

12.1 The Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.

12.2 Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances, for example noise, light and odours. These may impact on people living, working or sleeping in their vicinity. It is therefore essential that premises are constructed or adapted and operated to safeguard occupants against these risks.

12.3 The Council will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health Officers, Northumbria Police and Tyne and Wear Fire and Rescue Service before preparing their plans and schedules. All plans must be clear and legible in all material respects.

12.4 **Policy**

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

12.5 *Reason*

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

Sex- related entertainment

12.6 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

but may require licensing under the Local Government (Miscellaneous Provisions) Act 1982. Advice with regard to this Act is available from the Licensing Section.

12.7 Any licensable activities undertaken on premises which provide sexual entertainment (e.g. the sale of alcohol or the provision of regulated entertainment that is not sexual entertainment), will require authorisation under the Licensing Act in respect of those activities.

Access and Facilities for the Disabled

12.8 **Policy**

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

12.9 *Reason*

The Council works within the Equality Act 2010 and recognises the duty to make reasonable adjustments for disabled people. Equality law recognises that bringing about equality for disabled people may mean changing the way in which services are delivered, providing extra equipment and/or the removal of physical barriers.

Drugs

12.10 In this policy a reference to drugs includes novel psychoactive substances. The Council recognises that drug misuse may occur in public houses and nightclubs. Consequently, where appropriate, conditions may be imposed upon the licences of relevant venues in order to reduce the likelihood of drugs being sold and consumed.

12.11 **Policy**

The Council will expect applicants for licences in respect of venues where alcohol is to be supplied for consumption on the premises or music is to be performed or played to detail in their operating schedules the steps they will take to prevent the use of drugs within their premises. The Council will expect licensees to be familiar with the Home Office Drug Strategy Booklet entitled Safer Clubbing (ISBN 1840827807) or subsequent editions.

12.12 *Reason*

The Council has a duty to prevent crime and disorder under the Crime and Disorder Act 1998 and tackling substance misuse is a key priority for the statutory Safer Sunderland Partnership.

Street Cafés and external areas

12.13 Some licensees may seek to extend their operating premises onto the street by the creation of a street café area. The Council supports and encourages the provision of street cafés in the city. Authorisation for such extensions must be

obtained from the Council in our capacity as the Highway Authority, under **Section 115E** of the **Highways Act 1980,** and **not** under the **Licensing Act 2003**. This is a separate and additional process and all enquiries should be directed to Network Control on 0191 5205550 or via the Council's website at www.sunderland.gov.uk.

12.14 Some premises incorporate external areas which patrons use for smoking. The Council expects such licensees to have measures in place so that use of these areas does not lead to anti-social behaviour e.g. glass breakages. The Council will, where appropriate, consider imposing conditions in order to improve the management of outside areas or to restrict their use in order to promote the public nuisance objective.

Variations

12.15 The Council will determine whether an application for a new licence, as opposed to an application for a variation, is necessary in line with the Government's Guidance upon the Act.

Minor Variations

12.16 The Council will determine an application for a minor variation in line with the Government's Guidance upon the Act.

Community Premises

12.17 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 may, therefore, wish to consider whether applying for a Premises Licence would be more beneficial.

12.18 Additionally, the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc.) Order 2009 allows persons controlling licensed community premises to apply to have the mandatory condition which requires their employment of a Designated Premises Supervisor removed from their licence.

12.19 This mandatory condition would be replaced with an alternative requiring that every supply of alcohol under the Premises Licence must be made, or authorised by, the management committee.

12.20 Where there is doubt as to whether premises may be considered to be "community premises", the Council will consider each case on its merits, with primary consideration being given as to how the premises are predominantly used.

12.21 The fact that a school or private hall is made available for hire by the community would not in itself be sufficient to qualify the premises as "community premises". The Council would 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.

12.22 The Council would expect the management committee to be a formally constituted, transparent and accountable body. The committee should provide sufficient oversight of the premises to minimise any risk to the licensing objectives.

Late Night Takeaway Food Premises

12.23 Premises which are principally used for selling hot food for consumption off the premises ("takeaway premises") may be associated with disorder as persons under the influence of alcohol having left late night venues may congregate at such locations. Applicants seeking to authorise the provision of late night refreshment at such premises are therefore recommended to have written policies for dealing with disorder and nuisance.

12.24 We will not generally permit the sale of alcohol from takeaway premises that are licensed for late night refreshment, due to the inherent potential for late night alcohol fuelled crime, disorder and anti-social behaviour. Applicants seeking approval to sell alcohol from takeaway premises will need to clearly identify how they will ensure that their activities will not lead to such problems.

12.25 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated by their customers. Applicants are also asked to consider the necessity and type of packaging containers used in order to minimise nuisance.

12.26 Where the Council considers it appropriate and necessary, we may impose a condition on a premises licence which requires the licensee to provide litter bins in the vicinity of the premises. We may also require a licensee to service those litter bins as part of their own waste management arrangements.

13. Licensing Hours

13.1 The Council recognises that in some circumstances, flexible licensing hours for the sale of alcohol from public houses and night clubs may avoid large numbers of people leaving premises at the same time, which in turn could reduce the friction at late night fast food outlets, hackney carriage stands, private hire offices and other sources of transport that can lead to disorder and disturbance.

13.2 Fixed trading hours within designated areas are not set at present although consideration may be given to the use of an EMRO where evidence suggests that such an action may promote the licensing objectives.

13.3 The Council will generally deal with the issue of the licensing hours of public houses and nightclubs having due regard to the individual merits of each

application. However, consideration may be given to restricting hours and/or imposing stricter conditions, e.g. in respect of noise control, where premises are situated in mainly residential areas. In any event, the Council encourages applicants to seek licences with terminal hours no later than 03.00. In a climate of reduced resources, this would help to ensure that the Council has sufficient time to clean the streets before the shops open again the next day. It will also assist the Police in relation to changes of shifts and policing the City in the early hours.

13.4 The Council will generally consider licensing shops to sell alcohol for consumption off the premises at any times they are open for shopping. However, we may restrict those hours, e.g. where the Police or local residents make representations in respect of disorder and disturbance, in order to prevent a breach of the licensing objectives.

14. Proxy sales of alcohol and the delivery of alcohol to residential properties

14.1 The Council expects that licensees will ensure that they have adequate procedures in place to ensure that all members of their staff are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol (i.e. purchases by adults on behalf of children), and should ensure that all reasonable steps and procedures are in place and implemented to prevent such sales. Measures should also be in place to ensure that designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons under eighteen or purchased on their behalf.

14.2 It is expected that applicants who intend to sell or supply alcohol by delivery will set out in their operating schedules to how they will ensure that they do not:

- Serve alcohol to a person who appears to be drunk;
- Serve alcohol to a person who is aged under 18 years old;
- Serve alcohol to a person who it is believed will pass it on to a person under 18 years old; or
- Take payment for the alcohol at the place where it is delivered (sales should be pre-paid only).

15. Children

15.1 The protection of children from harm is one of the four licensing objectives and the Council has a separate legal duty to safeguard children. In determining applications the Council will have regard to the views of the Sunderland Safeguarding Children Board. The Council expects that all applicants will include in their operating schedule a statement of the measures they will take to protect children from harm.

15.2 The Act prohibits the admission of children to premises in certain specified circumstances and, even where admission is lawful, such admission is at the

discretion of those managing the premises. The Act contains no presumption of giving children access or any presumption of preventing this. Each application will therefore be considered on its own merits. However, the Council may find it necessary to limit the access of children to premises in order to protect them from physical, moral or psychological harm. Examples of situations where limitations may be necessary include premises:

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

15.3 The controls which may be implemented include the following:

- limitations on the hours when children may be present;
- limitations concerning the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations;
- requirements for accompanying adults (including for example, a combination of requirements which provide that persons under a particular age must be accompanied by an adult);
- full exclusion of persons under the age of eighteen from the premises when any licensable activities are taking place;
- the requirement that adequate supervision is in place for entertainment specifically aimed at children;
- requirements relating to recruitment policies and practices including the obtaining of enhanced Disclosure and Barring checks for all staff working with children; and

- the requirement to serve drinks in containers made from plastic or toughened glass.

15.4 It should be noted that the Council may not require that children may be admitted to licensed premises.

15.5 In submitting an application to license premises the applicant must submit copies to certain 'responsible authorities' as defined by the Act. These authorities include the Sunderland Safeguarding Children Board (SSCB), SSCB Business Unit, Room 13, Sandhill Centre, Grindon Lane, Sunderland, SR3 4EN who will advise on matters pertaining to the prevention of children from harm.

15.6 Tackling child sexual exploitation (CSE) is a City-wide strategic priority. Licensed premises can play a key role in identifying risks, signs and symptoms.

- Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.

- Under the Act, a premises licence may be at risk if the licensee does not take action to protect children. Licensees have a legal responsibility to make sure people under the age of eighteen are protected from physical, psychological and moral harm. Applicants for licences and existing licensees in the event of relevant problems will need to demonstrate that reasonable steps will be/have been taken to manage such risks. Information is contained on the Sunderland Safeguarding Children Board website about what to do if a person has concerns about a child or young person http://sunderlandscb.proceduresonline.com

- Sunderland Safeguarding Children Board (SSCB) has a CSE communications strategy to raise awareness of the warning signs of child sexual exploitation and how to report concerns. The SSCB wants businesses to take responsibility for managing the risk of child sexual exploitation on their premises and report it in accordance with the SSCB Multi-Agency Safeguarding Children Procedures. The CSE communications strategy is aimed at a range of target audiences including businesses.

- The SSCB works with other statutory authorities and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. The SSCB and its partner agencies provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly. The SSCB in conjunction with the Licensing Authority encourages licensees: (i) to ensure that they are fully aware of the signs of

child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and (ii) to raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in the area.

- The Council expects that licensees will not display or promote alcohol advertising near to schools and other places used by children e.g. homes for 'looked after children'.

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

15.7 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks is considered by the Council to be an important tool in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner that may appeal to or attract such persons. The Portman Group also issues retail alert bulletins that identify products that have breached this code. The Licensing Authority will expect the Code of Practice and retail alert bulletins to be fully implemented by licensees.

Children and Cinemas

15.8 Where applicants seek a licence to show films we expect that they will indicate in their operating schedules their arrangements for restricting children from viewing age-restricted films.

15.9 The Council will include a condition in all such licences that will restrict the admission of children in accordance with the recommendations of the British Board of Film Classification (BBFC) or, if a film has not been classified by the BBFC, the Council. Information upon obtaining such a recommendation is available from the Licensing Section at the address shown in Paragraph 1.19 above.

"Under 18" Discos/Events

15.10 Such events present special risks for persons under the age of eighteen, e.g. assault, child sexual exploitation (as children and young people may be groomed in the vicinity of such events), exposure to drugs, theft etc., and can be the focus of disorder in the surrounding neighbourhood. The Council expects applicants to identify strategies for managing foreseeable risks and the measures expected to be considered include:

- The Police, the Sunderland Safeguarding Children Board and the Council to be notified of any "under 18" event at least 28 days in advance of the event. Such notification should made by the Premises Licence holder or Designated Premises Supervisor, as they would be held accountable should the event undermine any of the licensing objectives.

- A CCTV system must be designed, installed and maintained in proper working order, to the satisfaction of the Council and the Police. Such a system must:

    - Ensure coverage of all entrances and exits to the licensed premises both internally and externally;

    - Ensure coverage of such areas as may be required by the Council and the Police;

    - Such recordings must be retained (on tape or otherwise) for 28 days and must be supplied to an Officer of the Council or a Police Officer on request; and

    - An operational daily log report, endorsed by signature, must be maintained in order to indicate that the system has been checked and is compliant, or, in the event of any failings; that specified actions have been taken.

- The licensee to ensure that sufficient numbers of SIA registered security personnel (who have been checked with the Disclosure and Barring Service) are employed at the premises; specifically to the following minimum ratios: two supervisors for the first 100 customers, one of which being female, two for the second 100 customers and one for every 100 customers thereafter. At least one member of the security personnel should be employed as a floorwalker in order to constantly monitor patrons for evidence of alcohol- or drug- use and to protect patrons from unwanted attention or harassment. All security personnel must have been trained in safeguarding awareness either through the Sunderland Safeguarding Children's Board or through the vulnerability training provided to night time economy staff by Northumbria Police.

- Where entertainment is to be provided specifically for children, and where it is likely that a child will be left in the care of a person employed by or contracted to the management of the premises for that purpose, or left in the care of a person using that premises for the provision of children's entertainment, the Council expects that enhanced checks with the Disclosure and Barring Service (DBS) are carried out in respect of the persons providing the entertainment to, or supervising the children. We may impose this requirement by way of condition, either through the review process, or in the event of the application being subject to representations.

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

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

- Ensuring that there is an interval of at least one hour between the conclusion of the "under 18" event and the venue opening for the commencement of any adult entertainment.

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

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

- Any prior marketing of the event (internet, flyers, posters etc.) to make it clear that no alcohol will be sold to person aged under eighteen, that persons appearing to have consumed alcohol will be refused 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.

- Ensure a policy is in place for dealing with persons aged under eighteen who appear to be under the influence of drugs or alcohol and which incorporates the level of duty of care expected to be provided.

- Toilets and waste bins are checked for evidence of discarded alcohol containers and drug paraphernalia at regular intervals and records of such checks retained.

- First aid provision to be available at the premises.

- Ensure a policy is in place to prevent persons aged under eighteen returning to the premises after consuming alcohol outside.

- A terminal hour for the event of 22:00.

- An area should be designated as a safe space, whereby unwell or intoxicated persons can be taken for medical treatment and, in the case of persons aged under eighteen, to remain until reunited with a parent, guardian or responsible adult.

Mixed Age Events

15.11 Mixed age events (where alcohol may be available for sale to persons aged over eighteen and where persons aged under eighteen may also be in attendance) significantly increase the potential risks identified above with regard to events for persons under eighteen only. Such events can be risk areas for grooming children and so staff working in licensed premises need to be aware of the risks and signs to look out for and what to do if they have a concern in relation to child sexual exploitation. Clear management plans should be in place demonstrating how the licensee intends to control and mitigate the potential harm to individuals under eighteen years of age attending these events, irrespective of whether alcohol is available or not. Therefore the Council expects licensees operating mixed age

events to identify strategies for managing the foreseeable risks additional to those outlined above in paragraph 15.10. The following is a list of the additional measures expected to be considered:

- All patrons to be given a secure wristband of different colours, differentiating persons aged at least eighteen from those aged under eighteen.
- Only one alcoholic drink to be purchased by an individual at any one time.
- At least two SIA-registered security personnel to act as floorwalkers in order to constantly monitor patrons aged under eighteen for evidence of alcohol- or drug- use and also to protect patrons from unwanted attention or harassment.
- Children under the age of sixteen should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than four such children.
- All drinks to be served in plastic or polycarbonate glasses.

15.12 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.

16. Integrating Strategies

16.1 The Council recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication and inefficiency.

16.2 The Council has established a Multi-Agency Events Group (MAEG) consisting of Council officers and representatives from the emergency services in order to advise and co-ordinate planning for public events within the City of Sunderland.

17. Crime Prevention

17.1 The conditions attached to licences will, in so far as possible, reflect crime prevention strategies. For example, closed circuit television cameras may be required to be provided in premises authorised to supply alcohol and images may be retained for a specified period to facilitate inspection by the Police or Council.

17.2 The Council encourages all holders of premises licences which permit the sale of alcohol for consumption **ON** the premises to be members of a local Pubwatch Scheme, which is approved by both Northumbria Police and the Council, where available. The Council may require such membership by means of a licence condition following any review of a licence or on application following the receipt of relevant representations from a responsible authority.

17.3 Where representations are made by the Police in respect of crime and disorder with regard to applications for the licensing of public houses or club type premises, the Council may attach licence conditions which require that all drinks are served only in containers made from plastic or toughened glass. This condition may be applicable on a permanent basis or triggered following a specified period of notice given by the Police for a specified period of time associated with a special event such as a high-risk football match or the Sunderland Air Show.

17.4 Again, following representations from the Police, conditions may be imposed on premises licences that require the employment of specified numbers of door supervisors during specified periods.

18. Cultural Strategies

18.1 The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. Therefore, we will consider the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing, and take care to ensure that only appropriate, proportionate and reasonable licensing conditions impose any restrictions on such events. Should there be any indication that such events are being deterred by licensing requirements, the matter will be considered with a view to investigating how the situation might be reversed. Advice upon whether cultural activities are required to be licensed is available from the Licensing Section whose address and contact details are at the introduction to this policy.

19. Promotion of Equality

19.1 The Council, in pursuing its functions under the Licensing Act, will comply with the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 bans unfair treatment and promotes equal opportunities in the workplace and in wider society. It protects everyone from unfair treatment through covering nine key protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

19.2 The Act also places the Public Sector Equality Duty on Local Authorities and other public bodies. The Duty requires public authorities, in the exercise of their functions, to have 'due regard' to the three aims of the Duty:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it.

20. Duplication

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

21. Conditions

21.1 All applications for new licences or for variations of existing ones should be supported by an operating schedule. The schedule should specify (among other things) the steps that the applicant proposes to promote each licensing objective.

21.2 Where no relevant representations are received, providing the application has been correctly made and advertised (as required by the Act), the Council must grant a licence in line with the proposed operating schedule. The only conditions that can be imposed are the mandatory conditions and any conditions that are consistent with the operating schedule.

21.3 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 that 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

21.4 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 licensable activity, unless information to the contrary is available to the Council. This information could include recorded police data and NHS data on alcohol-related violence, which might provide evidence linking increases in incidents to specific licensed premises.

21.5 The Council acknowledges 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 pool of model conditions which may be used in the production of licences is attached as Appendix 1.

21.6 A list of the current Mandatory Conditions is attached as Appendix 2.

22. Enforcement

22.1 Once licensed, it is essential that premises are maintained and operated to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. We will monitor premises and take enforcement action, where appropriate, in order to encourage such compliance.

22.3 The Council has established a Responsible Authority Group which seeks to ensure that resources are targeted upon problem and high-risk premises.

23. Reviews

23.1 The Licensing Act provides a mechanism for reviewing licences where the operation of premises appears to be contrary to the promotion of the licensing objectives.

23.2 At any stage during the life of a licence, an application for a review can be made to the Council by any responsible authority or any other person.

23.3 Subsequent to such an application, the Council will hold a hearing and take any appropriate steps to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor or suspension or revocation of the licence.

23.4 Persons concerned about the operation of a licence may first consider other options before requesting a review of a licence, including:

- Contacting the management of the premises to let them know about the problem and giving them the opportunity to address the issues, or

- Contacting the relevant "responsible authority" (e.g. the Council's Environmental Health Officers in relation to noise nuisance, the Sunderland Safeguarding Children Board in relation to child safety or the Police in relation to crime and disorder) about the problem.

23.5 Applicants for the review of a licence are required to send a copy of their application to the licence holder and the "responsible authorities", together with any accompanying documents, on the same day as the application 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.

23.6 Where an application for a review is considered to be frivolous, vexatious or repetitious or where an application for a review is considered not relevant to the licensing objectives the Council will reject it. Frivolous representations would concern minor issues which the Council 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.

23.7 The Council will not expect a licence to be reviewed more than once within any twelve month period on similar grounds, except in exceptional circumstances or following a Closure Order.

24. Responsible drinking

24.1 The Council is aware that low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. The Council, through this policy, would like to encourage people consuming alcohol in the City to do so responsibly. Where there is evidence that the licensing objectives are not being promoted, or are likely not to be promoted, and licence holders do not respond to advice, the Council through its responsible authorities will consider reviewing the licences of such premises with a view to seeking conditions on drinks promotions in order to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.

24.2 There is strong evidence that setting a minimum unit price will have an impact on reducing alcohol consumption. The Council would therefore like to encourage all licensed premises to apply a minimum unit price of 50p to all alcohol products sold. Where the premises are found to be selling alcohol below this price and there are problems associated with the premises that are negatively impacting on the promotion of the licensing objectives, a responsible authority may initiate a review of the licence with the aim of seeking a condition in relation to the pricing of alcohol in order to uphold the promotion of the licensing objectives.

24.3 Rather than having to resort to controls of this kind, the Council would like to encourage a voluntary code of good practice in relation to drinks promotions including pricing, and to encourage licence holders and others working at the premises to familiarise themselves with 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.

24.4 Further information may be sought from the Northumbria Police or the Council before a specific promotion is arranged.

25. Administration, exercise and delegation of functions

25.1 The Council is involved with a wide range of licensing decisions and functions and has established a Licensing Committee for their administration.

25.2 We wish to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process. Therefore, the Committee has delegated certain decisions and functions and has authorised the formation of Sub-Committees for this purpose.

25.3 Furthermore, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications will be delegated to Council officers. The table below sets out the method of delegation of decisions and functions to the Sub-Committees and officers.

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 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

Appendix 1

LICENSING ACT 2003

POOL OF MODEL CONDITIONS

Notes: -

(i) These conditions must be read in conjunction with the Guidance under section 182 of the Licensing Act 2003.

(ii) These conditions must not be regarded as "standard conditions" which are to be automatically imposed in all cases. They are designed to provide a range of possible conditions, which may need to be attached to licences depending upon differing situations. The wording of the conditions may need to be modified to suit a particular premises and situations.

(iii) This is not an exhaustive or exclusive list of conditions. Additional conditions may be drafted and attached to licences to meet individual circumstances.

(iv) Applicants preparing Operating Schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives.

(v) When incorporated into a licence, any condition becomes enforceable under the law and a breach of such a condition could give rise to prosecution.

(vi) In these conditions the term "Licensee" refers to the holder of a Premises Licence or a club holding a Club Premises Certificate and Operating Schedule refers also to a Club Operating Schedule.

CONDITIONS
RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text / Radio Equipment

1. There must be provided at the premises text and/or radio equipment to be operated in conjunction with the Police.

2. The text and/or radio system must be capable of sending and receiving messages to and from the Police, Sunderland Street Pastors and other licensees, Designated Premises Supervisors, Door Supervisors, managers and club operators, incorporated into any joint and mutually beneficial scheme operating in the area.

3. The text and/or radio system must be maintained in good working order at all times when the premises are being used for a licensable activity.

4. The text and/or radio system must be activated, made available to, and monitored by the Designated Premises Supervisor or a responsible member of staff at all times when the premises are being used for a licensable activity.

5. The Licensee, Designated Premises Supervisor or other person having responsibility for monitoring the text and/or radio system provided must comply with any instructions or directions received through the system from the Police.

6. The Licensee, Designated Premises Supervisor or other relevant person must use the text and/or radio system to notify any incident of crime and disorder or any child safeguarding concerns to the Police as soon as practically possible, in accordance with agreed protocols.

7. At any time that the premises are in operation the names of all personal licensees on duty and all persons in possession of text/radio equipment shall be recorded in an appropriate record book to be kept at the premises. This record book must be available for inspection by the Police staff or Council Officers at all times when the premises are open.

Door Supervisors

8. (either)

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

   (or)

   - Between ..... and .....on .....(days) when the premises are open for a licensable activity

   There shall be employed at the premises 'X' number of Door Supervisors

9. Door Supervisors must be stationed in such numbers and in such positions as detailed on the attached schedule and approved plan of the premises.

10. Door Supervisors may be male or female, but, where physical searching of a patron is to be undertaken, such searching must be undertaken by staff of the same sex as the patron.

11. Door Supervisors must be provided with 'two-way' radios or similar systems capable of ensuring continuous communication between each other at all times that the premises are open for a licensable activity.

12. Door Supervisors shall wear clothing of the same style, type and colour, which may be appropriate to the nature of the venue, but which will ensure they are clearly distinguishable and identifiable as Door Supervisors having regard to the events and activities taking place at the licensed premises.

13. On each day that Door Supervisors are engaged for duty at the premises, their details (names and licence numbers) shall be recorded in an appropriate book kept at the premises. In conjunction with this record book, an incident book shall also be kept. This record book and incident book must be available for inspection by Police staff or Officers of the Council at all times when the premises are open.

Bottle Bans

14. Glass bottles containing beverages of any kind must not be left in the possession of any patrons after service and following the discharge of the contents into an appropriate glass or drinking vessel (except glass bottles containing wine which may be sold for consumption with a meal taken at a table, by customers who are seated in an area set aside exclusively for patrons taking table meals).

15. No persons carrying open or sealed glass bottles must be admitted to be premises at any time that the premises are open for any licensable activity.

Plastic Containers and Toughened Glass

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

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

17. Any drinks to be consumed in a beer garden or children's play area must be served only in containers made of strengthened glass (tempered glassware) or of a material that, in the event of breakage, will fragment with no sharp edges remaining. Alternatively, drinks may be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

18. No glass drinking vessels or glass bottles shall be permitted (*in the areas described in the attached schedule and delineated on the approved plan.)*

CCTV

19. A CCTV system must be designed, installed and maintained in proper working order, to the satisfaction of the Council and Northumbria Police. Such a system must:

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

Open Containers not to be taken from the Premises

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

Restrictions on Drinking Areas

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

Capacity Limits

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

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

(a)
(b)
(c)
etc.,

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

24. There shall be effective management arrangements in place to identify how many persons there are in the premises at all times when the premises are open for a licensable activity.

25. The maximum number of persons permitted to assemble on the licensed premises, or relevant part of the licensed premises, shall be indicated by a fixed notice bearing the words "Maximum Occupancy" with letters and numbers not less than 20 mm high, conspicuously sited at each relevant part of the premises and at the reception point.

Proof of Age

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

27. All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of eighteen years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, Police or Armed Forces ID card, Proof of Age card carrying a "PASS" logo, or any other Government approved identification card or such evidence which the Council have approved as credible.

Crime Prevention Notices

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

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

and/ or

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

and/or

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

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

Signage

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

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

Large Capacity Venues used exclusively or primarily for the "Vertical" Consumption of Alcohol (High Volume Vertical Drinking Establishments (HVVDs))

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

Restaurants/Cafés

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

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

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

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

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

Size of measures of alcohol

36. The smallest legal measure of any alcoholic beverage must be served as standard unless the customer asks for a larger legal measure.

CONDITIONS
RELATING TO PUBLIC SAFETY

Disabled People

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

Escape Routes

38. All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and be clearly identified.

39. Where chairs and tables are provided in restaurants and other premises, internal gangways must be kept unobstructed.

40. All exits doors must be easily opened without the use of a key, card, code or similar means.

41. All doors leading from exits into passages or to the outside of the premises shall be without locks, bolts or other fastenings, except that those doors used only for exit shall be fitted with panic bolts and the method of opening shall be clearly indicated on the door to which it is fitted. Panic bolts shall not be secured with chains, padlocks or other locking devices when the premises are being used for the purposes of the licence.

42. All exit doors must be regularly checked to ensure that they function satisfactorily and a record of the check kept on the premises.

43. Any removable security fastenings must be removed whenever the premises are open the public or occupied by staff. Arrangements must be made to ensure that security-fastening devices are displayed in a prominent position under management control when the premises are open to the public.

44. The edges of steps and stairs shall be conspicuous. Mats, matting, carpets and other floor coverings shall be secured to the surface they cover and shall be so maintained.

Safety Checks

45. Safety checks must be carried out before the admission of the public. These must correspond with the risk assessment and the conditions of the licence.

46. A written record of all periodic tests, examinations, inspections, staff training and results referred to herein shall be made in a log book. The log book shall be kept on the premises at all times and shall be available for examination by Officers of the Council, Northumbria Police and Tyne and Wear Fire and Rescue Service.

Curtains, Hangings, and Decorations

47. Curtains and drapes shall be adequately supported and shall not be hung across stairs, stairways or gangways. Curtains and drapes may be hung over doors, but shall be so hung as to draw easily and slide freely. All curtains and drapes shall be hung so that they do not come into contact with the floor, and do not conceal notices.

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

Capacity Limits

49. 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.

50. 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

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

First Aid

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

53. At least one suitably trained first aider per 500 people shall be on duty at all times when the public are present up to the first 3,000 and then one per 1,000 for the remainder. If more than one suitably trained first aider is on duty their respective duties must be clearly defined.

Lighting

54. In the absence of adequate daylight all areas including circulation areas and exit routes shall be illuminated whenever the premises are being used for the purpose of this licence. Such lighting shall be maintained in working order.

55. Emergency lighting must not be altered without the prior consent of the Council.

56. The emergency lighting system must be checked to ensure it is operating correctly before the admission of the public, members or guests.

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

Temporary Electrical Installations

58. Temporary electrical wiring and distribution systems must not be installed without notification to the Council at least ten days before commencement of the work and must be inspected and certified by a suitable qualified electrician prior to use.

59. Where it is not possible to give ten days notification to the Council of the installation of temporary electrical wiring and distribution systems, the work must be undertaken by competent, qualified persons.

60. Temporary electrical wiring and distribution systems must comply with the recommendations of the latest versions of BS7671 and, where applicable, BS7909 or successor standards.

61. All temporary electrical wiring and distribution systems must be inspected and certified by a competent person before they are put to use.

Indoor Sports Entertainment

62. 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.

63. Where a ring is constructed for the purposes of boxing, wrestling or similar sports, it must be constructed by a competent person, and inspected, prior to use, by a Building Control Officer of the Council (at the cost of the applicant).

64. At any wrestling or other entertainment of a similar nature, members of the public must not occupy any seat within 2.5 metres of the ring.

65. At water sports entertainments, staff adequately trained in rescue and life safety procedures must be stationed and remain within the vicinity of the water at all material times.

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

Attendants

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

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

67. 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.

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

69. 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.

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

71. 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.

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

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

74. In no circumstances must anyone be permitted to –

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

Drinks

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

Balcony Fronts

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

Special Effects

77. 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.

78. Except with the prior written approval of the Council and subject to any conditions that may be attached to such approval no special effects shall be used on the premises.

Special effects include:

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

Ceilings

79. 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

80. 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.

PREMISES USED FOR FILM EXHIBITIONS

Attendants – Premises without a Staff Alerting System

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

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

Attendants – Premises with a Staff Alerting System

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

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

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

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

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

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

Minimum Lighting

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

CONDITIONS
RELATING TO PUBLIC NUISANCE

Noise and Vibration

84. The internal LAeq 15min and the Leq 15 min for the 63Hz frequency centred octave band shall not be increased within nearby residential properties (measured with windows at the dwellings either open or closed) as a result of noise emissions from the licensed premises.

85. Noise generated by amplified music must be controlled by a noise-limiting device set at a level determined by the Council, such level being confirmed in writing to the Licensee.

86. 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.

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

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

89. Clear and legible notices must be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents; in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car horns.

Light Pollution

90. 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.

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

92. 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

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

CONDITIONS
RELATING TO THE PREVENTION OF HARM TO CHILDREN

Access for Children to Licensed Premises – General

94. Persons aged under eighteen must not be allowed access to the premises.

95. Persons under ...years unaccompanied by an adult aged over eighteen must not be admitted after .....

Theatres

96. Persons under the age of eighteen years must not be allowed access to premises during any time when an activity or entertainment of a sexual nature is being provided. For the purposes of this condition entertainment of a sexual nature includes but is not limited to striptease (sometimes referred to as exotic dancing), lap dancing, pole dancing or any other entertainment of a similar nature.

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

Entertainment especially for Children

98. Where entertainment is provided wholly or mainly for unaccompanied children:

    a. an attendant must be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof;

    b. attendants must wear distinctive clothing or suitable armbands; and

    c. attendants must be present throughout the entertainment and while the audience is entering and leaving the building.

99. All staff coming into contact with children shall be vetted by means of an Enhanced Disclosure and Barring Service check and have no convictions that would make them unsuitable to interact with children.

Children in Performances

100. The show venue must be large enough to safely accommodate the children backstage.

101. All chaperones and production crew must receive the fire instruction procedures applicable to the venue prior to the arrival of the children.

102. Children must be supervised by an adult at all times.

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

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

Training

104. At least one person per XXX patrons and all door supervisors should have received training in relation to child sexual exploitation, safeguarding and vulnerability and be on duty at all times when the public are present.

Appendix 2

Mandatory Conditions

Premises licensed for the retail sale of alcohol for consumption on the premises.

1. No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. No person shall be employed at the Licensed Premises to carry out a security activity as defined by Schedule 2 of the Private Security Industry Act 2001 unless he/she is authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or is entitled to carry out that activity by virtue of section 4 of that Act.

4. Where any film shown is classified by the British Board of Film Classification in the 12A, 15 or 18 category no person under the age of 12 (and unaccompanied), 15 or 18 as appropriate shall be admitted to the part of the premises in which the film is being shown. Where any film shown is not classified by the British Board of Film Classification, admission of persons under the age of 18 to the part of the premises in which the film is being shown must be restricted in accordance with any recommendation made by the Council.

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

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

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

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

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

   (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular

characteristic in a manner which carries a significant risk of undermining a licensing objective;

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

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

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

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

7. The relevant person must ensure that:-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

For the purposes of this condition

(a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) permitted price is the price found by applying the formula where

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

(e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994(7).

9. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

Community Premises

1. Every supply of alcohol under the premises licence must be made or authorised by the management committee.

2. No person shall be employed at the Licensed Premises to carry out a security activity as defined by Schedule 2 of the Private Security Industry Act 2001 unless he/she is authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or is entitled to carry out that activity by virtue of section 4 of that Act.

3. Where any film shown is classified by the British Board of Film Classification in the 12A, 15 or 18 category no person under the age of 12 (and unaccompanied), 15 or 18 as appropriate shall be admitted to the part of the premises in which the film is being shown. Where any film shown is not classified by the British Board of Film Classification, admission of persons under the age of 18 to the part of the premises in which the film is being shown must be restricted in accordance with any recommendation made by the Council.

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

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

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

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

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

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

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

   (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to

condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

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

6. The relevant person must ensure that:-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

For the purposes of this condition:

(a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) permitted price is the price found by applying the formula where

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

(g) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994(7).

8. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

Off Licences

1. No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

3. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

   The policy must require individuals who appear to the relevant person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

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

   For the purposes of this condition

   (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

   (b) permitted price is the price found by applying the formula where

      (i) P is the permitted price,

      (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

      (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

      (i) the holder of the premises licence,

      (ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

(e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994(7).

Club Premises Certificates

1. Any supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

2. Any alcohol supplied for consumption off the premises must be in a sealed container.

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

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

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

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

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

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

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

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

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

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

5. The relevant person shall ensure that free potable water is provided on request to customers where it is reasonably available.

6. The relevant person must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The relevant person in relation to the club premises certificate must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

The policy must require individuals who appear to the relevant person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

The relevant person in relation to the club premises certificate shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the relevant person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

7. The relevant person must ensure that:-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Appendix 3

Cumulative Impact Assessment

1. The Council considers that, in specified parts of the City, the number of premises licences and/or club premises certificates (relevant authorisations) are such that it is likely that it would be inconsistent with our duty to promote the licensing objectives set out by the Licensing Act 2003 to grant any further relevant authorisations in respect of premises in those areas. The evidential basis for our opinion is set out in Appendices A,B and C. Appendix D contains maps of the relevant parts of the City. This assessment relates to the grant of premises licences or club premises certificates in these areas, where the premises are proposed to be authorised to sell alcohol.

2. This assessment does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, before the Council may lawfully refuse an application.

3. The Council will consider properly the circumstances of all applications in respect of which relevant representations are received. Those applications which are considered to be unlikely to add to the existing cumulative impact upon the licensing objectives may be granted.

4. The Council intends that the City Centre should remain as an area where it would encourage business to set up. The Council recognises that a dynamic trading environment will feature applications for new licences. The Council considers that the operation of well-run, high quality licensed premises should not have an impact upon the licensing objectives. The Council, therefore, would welcome the submission of applications for new licences by businesses whose operations would significantly enhance the economic vitality of the City Centre.

5. This Cumulative Impact Assessment was approved for publication at a meeting of the Council on 19 September 2018.

Appendix A- Evidential Basis for the Cumulative Impact Assessment of numbers of Licensed Premises

1.1 Compared with other local authority areas in England, the available relevant data shows that Sunderland as a whole has particular problems associated with alcohol. For example, Sunderland is in the worst 10% of the 152 upper tier local authority populations for alcohol-specific hospital admissions of young people aged under 18 (second highest) and hospital admission episodes for alcohol related conditions (all people) (12th highest).

1.2 Research into the views of residents and business people in the City upon the impact of licensed premises upon the licensing objectives revealed particular concerns about certain parts of the City. Data held by the Council, NHS and the Police, either covering the calendar year 2016 or the financial year 2015-16 as indicated, show that, in the areas identified by the research, the rates of crime and disorder and public nuisance associated with alcohol, and the risk of harm to people (which includes children) due to alcohol, are greater than the average situation across the City. Given the City's issues with alcohol as a whole, these data constitute good evidence that the relevant problems in these areas are being caused, in some instances, by customers of the local licensed premises and that the operations of these premises are having, cumulatively, a negative impact upon the licensing objectives.

1.3 The data are set out in Appendices B and C. All of the data is presented within datasets which refer to Lower Super Output Areas (LSOAs). These are areas which have approximately equal numbers of residents and are used for the purposes of making statistical comparisons. Some of the datasets exclude the LSOAs in the City Centre, which are significantly the most problematic areas of the City in relevant respects, in order that the differences between the situations in more residential areas may more readily be demonstrated. Appendix B shows some of the data in a pictorial format and is composed of the datasets identified below:

- Alcohol-related hospital admissions;
- Alcohol-related assaults resulting in hospital attendance (occurring between 6am and 9pm);
- Alcohol-related assaults resulting in hospital attendance (occurring at any time);
- Alcohol-related ambulance call outs;
- Alcohol-related Anti-Social Behaviour (ASB) incidents (occurring between 6am and 9pm);
- Alcohol-related Anti-Social Behaviour (ASB) incidents (excluding City Centre LSOAs) (occurring between 6am and 9pm);
- Alcohol-related Anti-Social Behaviour (ASB) incidents (occurring at any time);
- Alcohol-related Anti-Social Behaviour (ASB) incidents (excluding City Centre LSOAs) (occurring at any time);
- Alcohol-related incidents (recorded by the Police) (occurring between 6am and 9pm);

- Alcohol-related incidents (recorded by the Police) (excluding City Centre
- LSOAs) (occurring between 6am and 9pm);
- Alcohol-related incidents (recorded by the Police) (occurring at any time; and
- Alcohol-related incidents (recorded by the Police) (excluding City Centre LSOAs) (occurring at any time).

1.4 Appendix C contains a table which indicates:

- numerical values for some of the datasets listed at paragraph 1.3 above;
- other datasets as identified in the table;
- the numbers of licensed premises in the relevant LSOAs; and
- in respect of each criterion, the ranking of the relevant LSOAs relative to all 185 LSOAs in the City.

1.5 The Cumulative Impact Assessment areas are not coterminous with Council ward boundaries. Some of the areas are wholly located within single wards whereas others are composed of parts of more than one ward. The areas are identified in the list below:

- the City Centre and East End (parts of Hendon, Millfield and St Michael's wards);
- Millfield and Pallion (parts of each ward);
- Hendon (parts of Hendon and St Michael's wards);
- Southwick;
- Shiney Row;
- Washington North; and
- Hetton (parts of Copt Hill and Hetton wards).

1.6 The fact that these areas may be seen to experience more relevant problems than the average for the City during daytime specifically, as well as on a 24-hour basis, justifies the inclusion of off licences within the assessment regime as well as premises where alcohol may be sold for immediate consumption e.g. public houses.

1.7 The Cumulative Impact Assessment areas do not, in all cases, follow the LSOA boundaries precisely. Some of the boundaries proposed go beyond the relevant LSOA areas in order to include areas closely adjacent to the LSOA. These either contain licensed premises which serve the adjacent LSOA or are areas in which in it is envisaged that additional licences serving the adjacent LSOA may be sought.

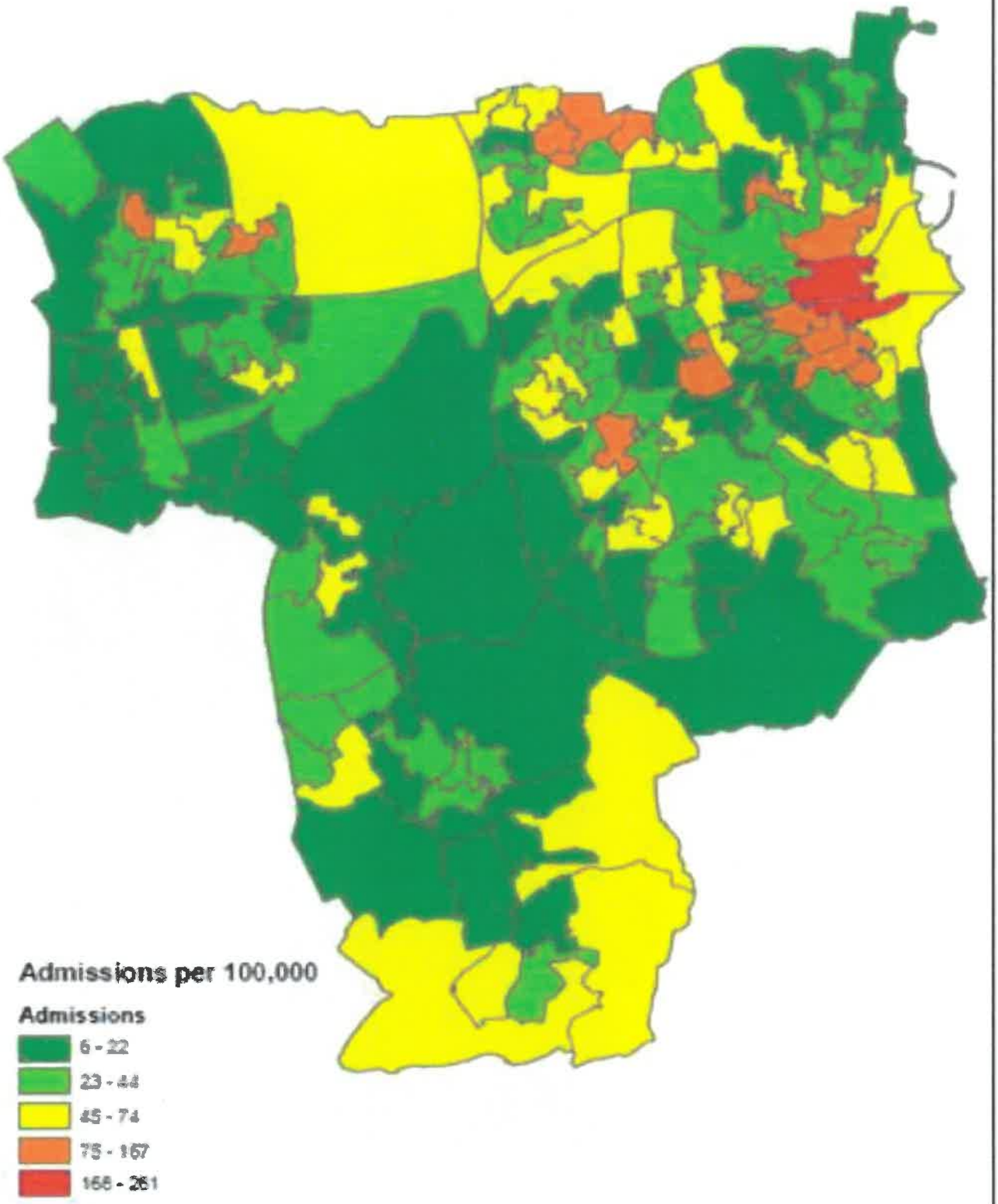
Restricting some of the proposed Cumulative Impact Assessment areas specifically to LSOA boundaries runs the risk of failing to prevent the establishment of licensed premises immediately outside the problematic LSOA area; thus having, potentially, an adverse impact on the licensing objectives within the neighbouring LSOA.

1.8 The boundaries of the Cumulative Impact Assessment areas are indicated in the maps contained in Appendix D. Where a boundary is demarcated by a street, the special policy area includes only the inner side of the street i.e. that side which is continuous with the remainder of the area.

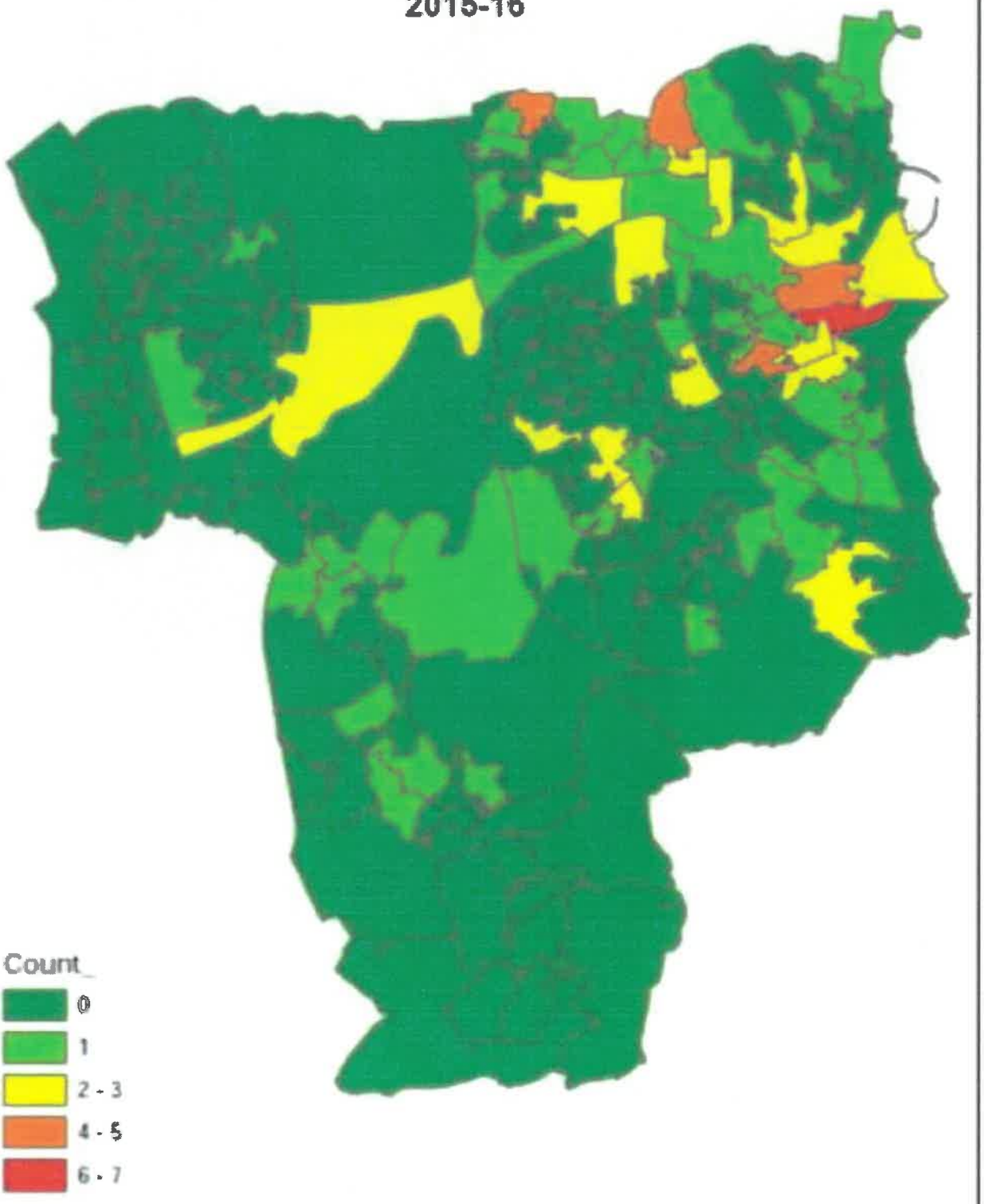
Appendix B
Evidential data in pictorial format

Alcohol-related hospital admissions

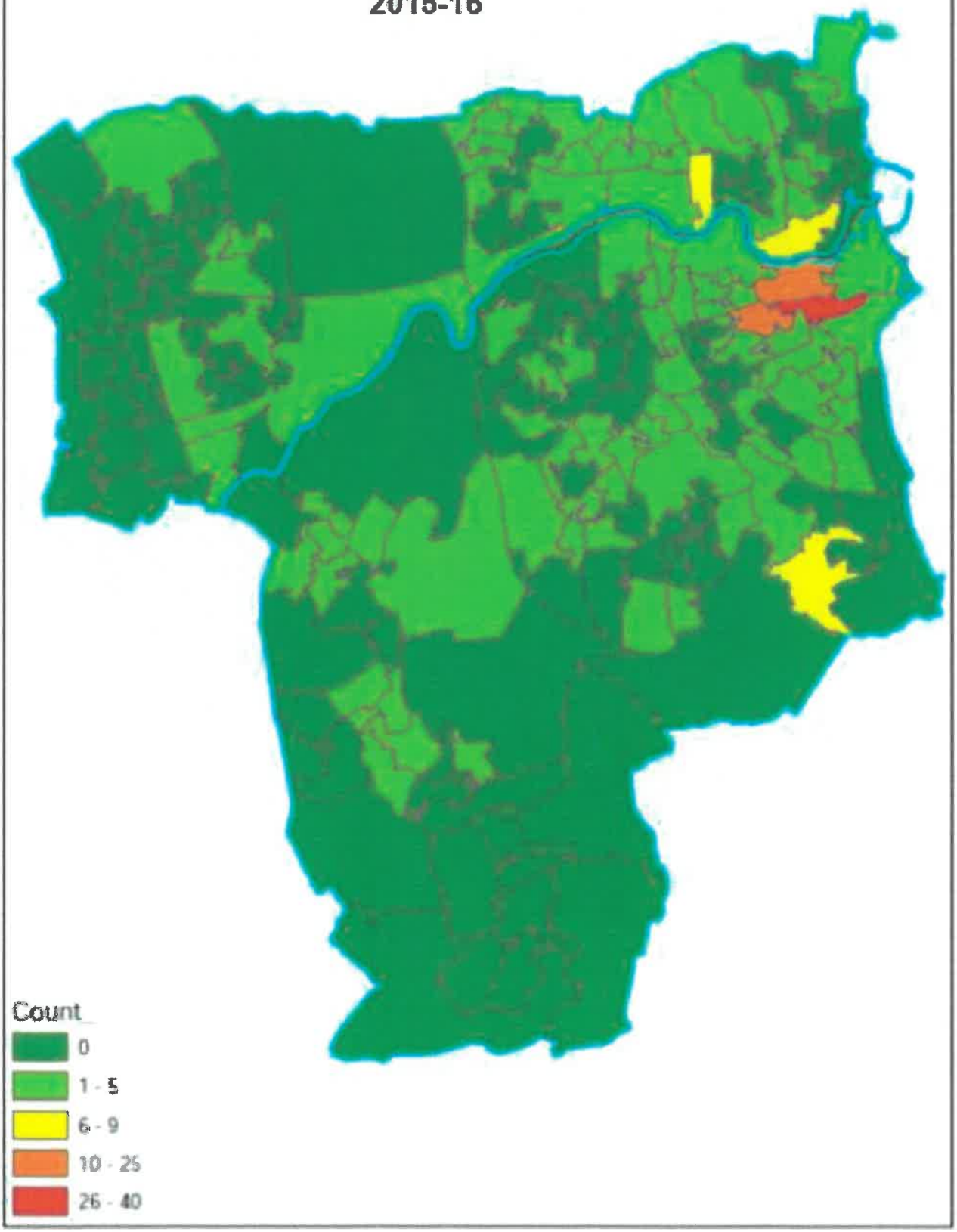
2015-16



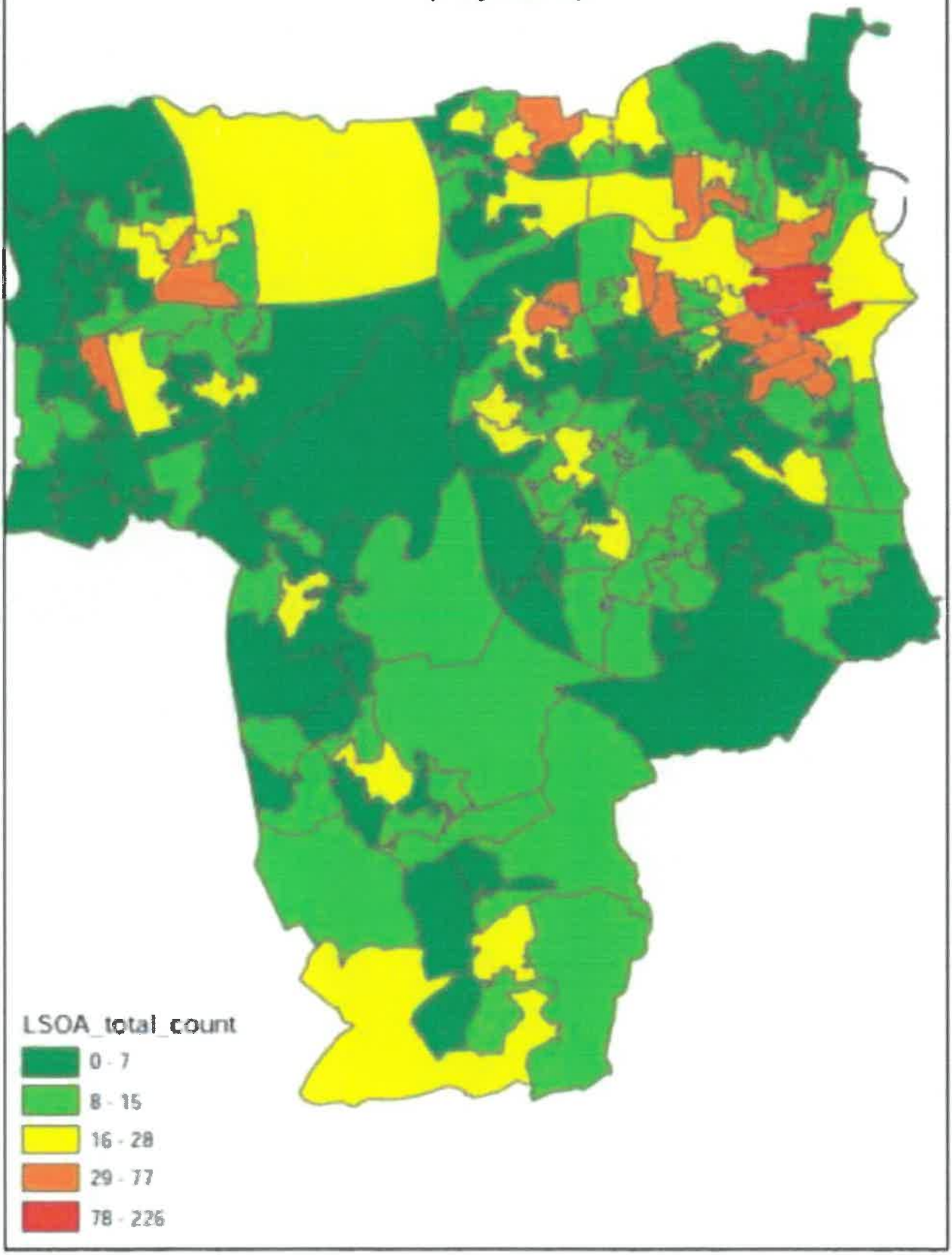
Alcohol-related assaults resulting in hospital attendance (6am - 9pm) 2015-16

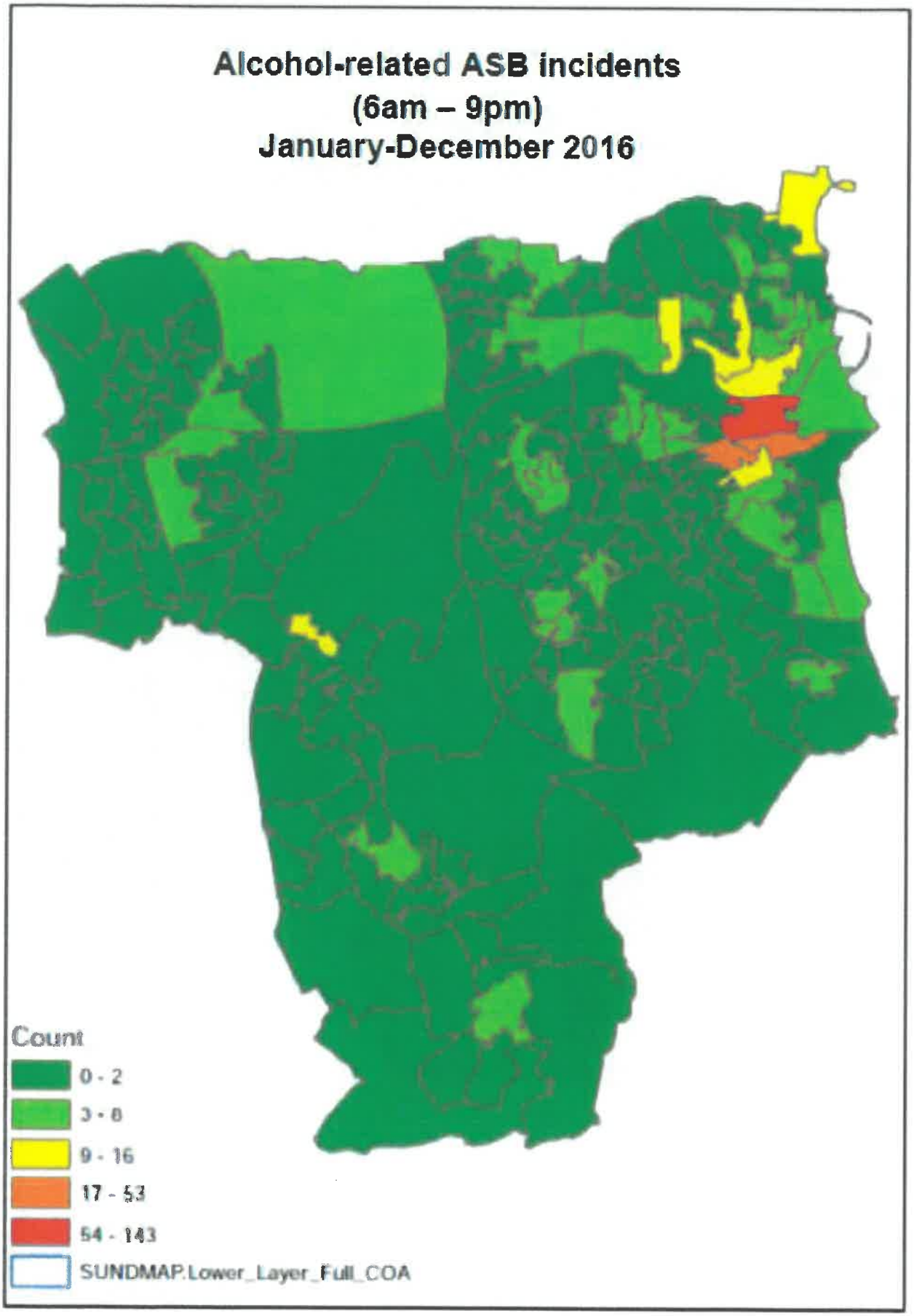


Alcohol-related assaults resulting in hospital attendance (any time) 2015-16



Alcohol-related ambulance call outs 2015-16 (any time)

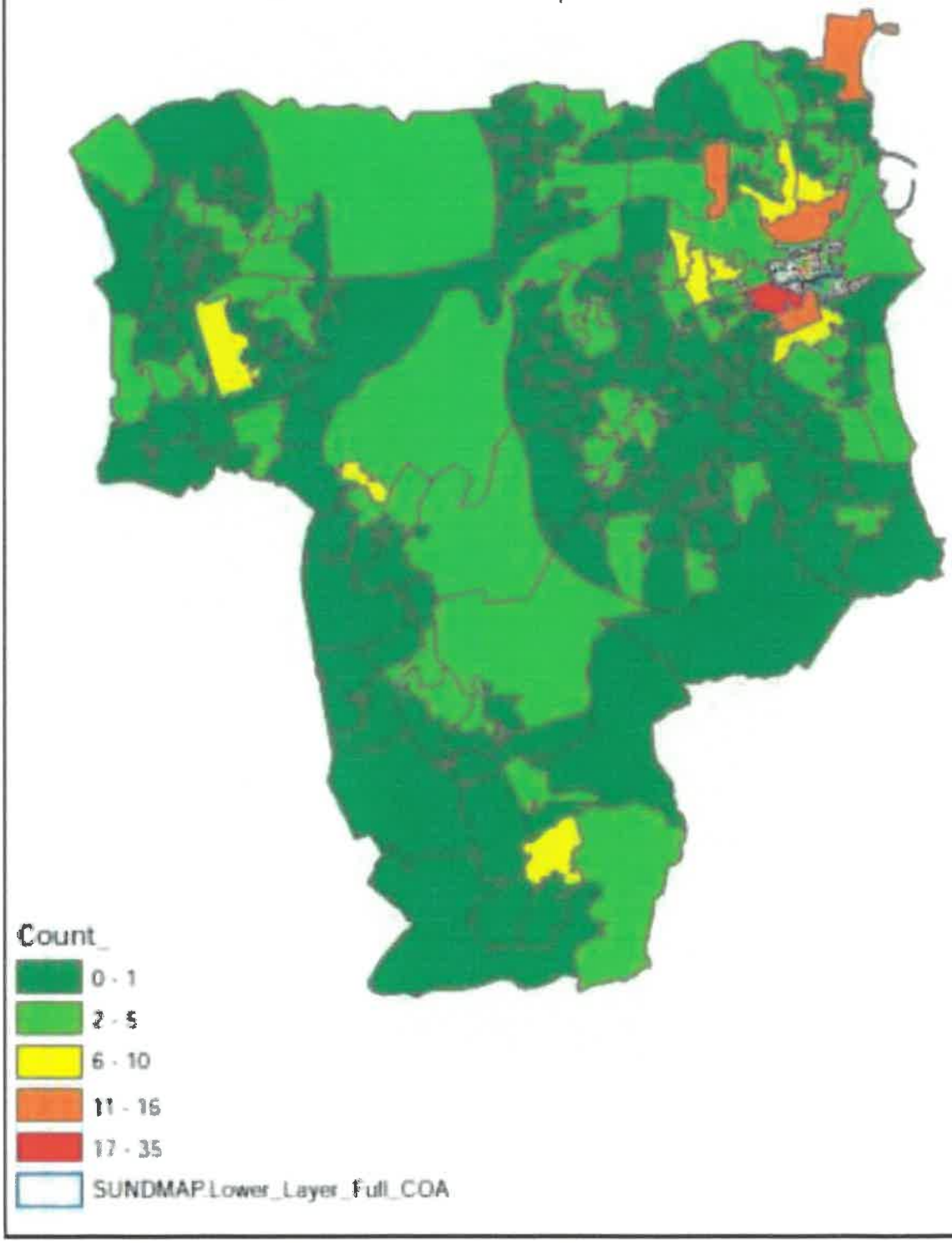


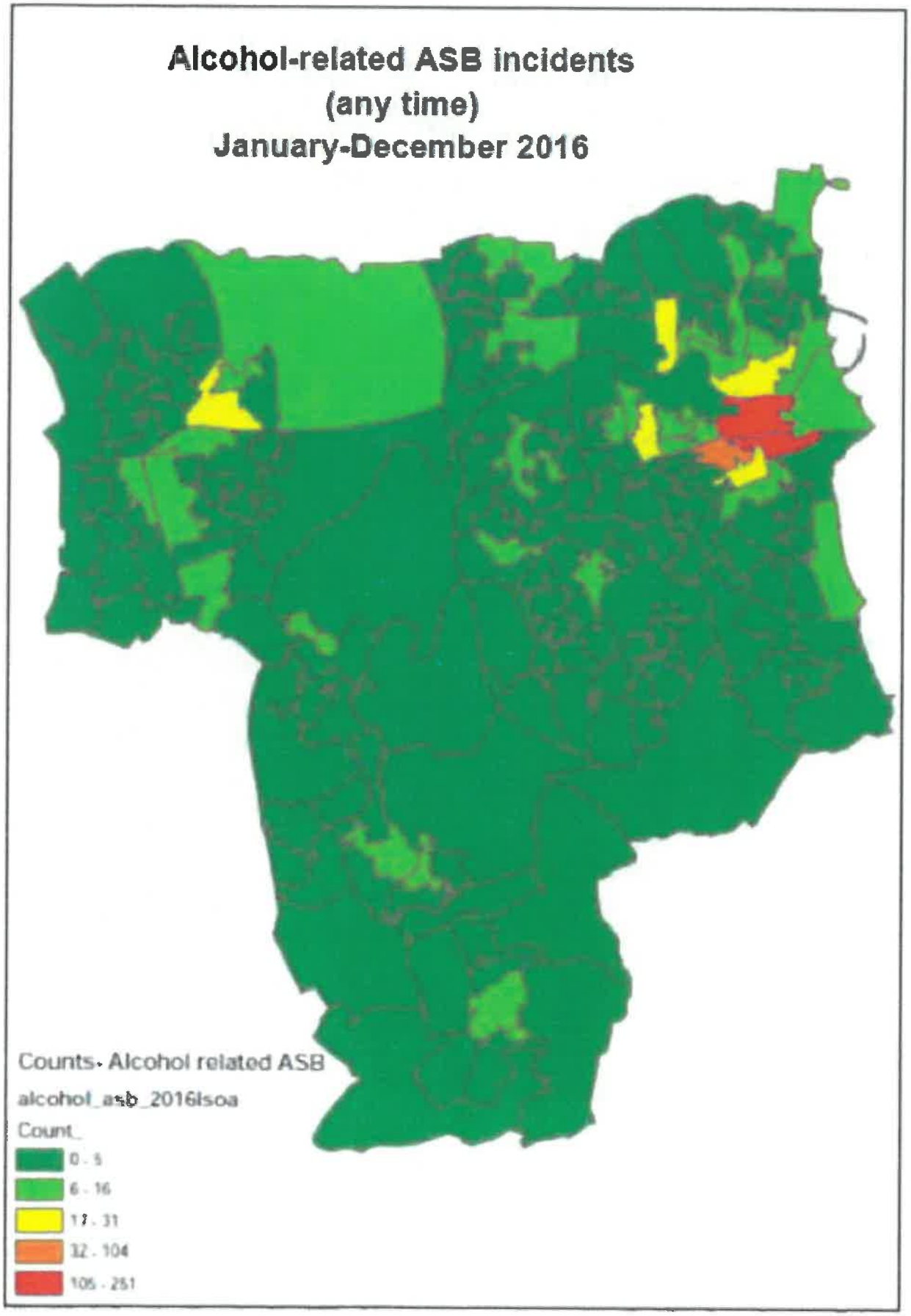

Alcohol-related ASB incidents
(6am – 9pm)
January-December 2016
Count
0 - 2
3 - 8
9 - 16
17 - 53
54 - 143
SUNDMAP.Lower_Layer_Full_COA

Alcohol-related ASB incidents

(6am – 9pm)

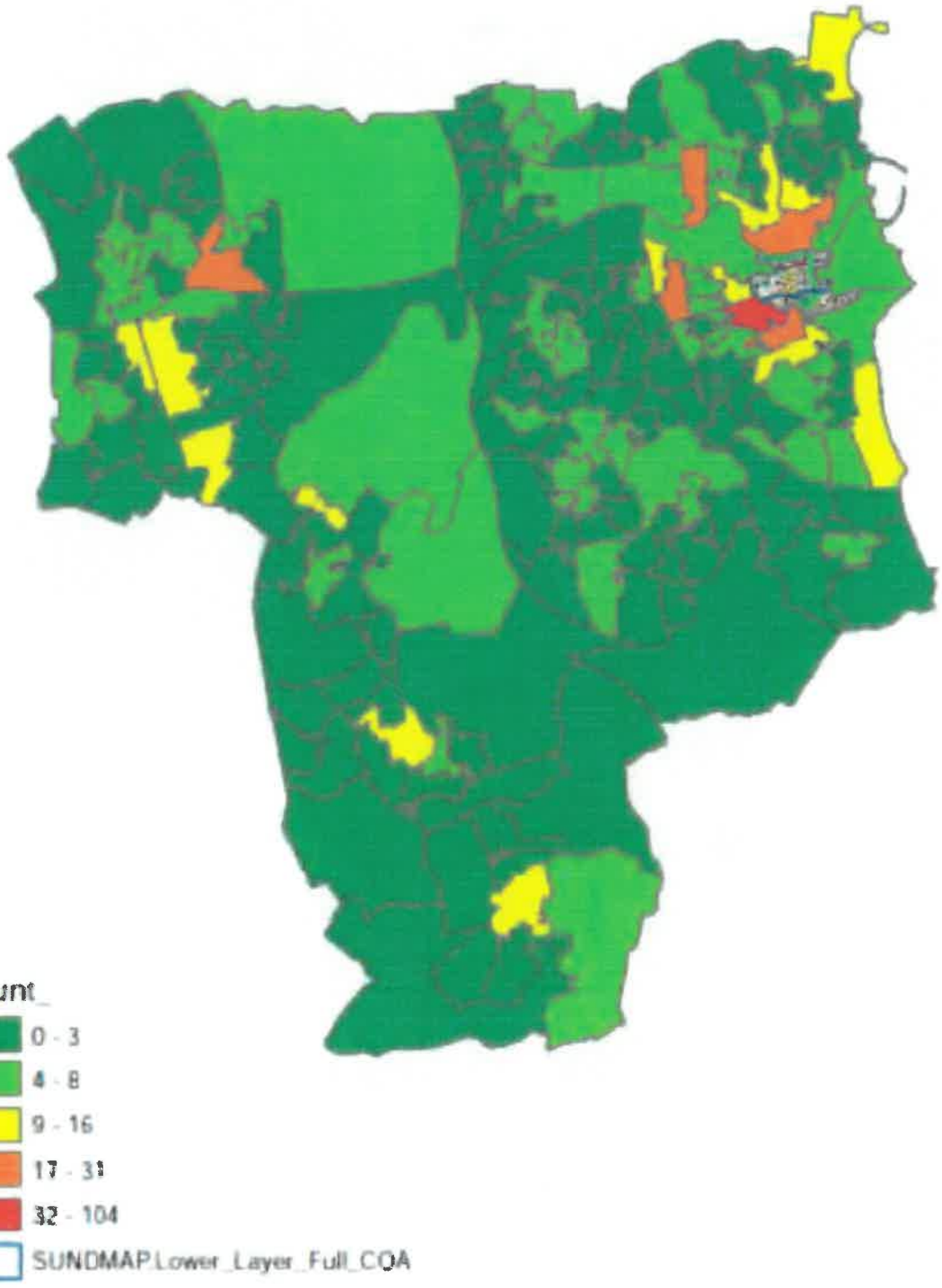
(excluding City Centre LSOAs)



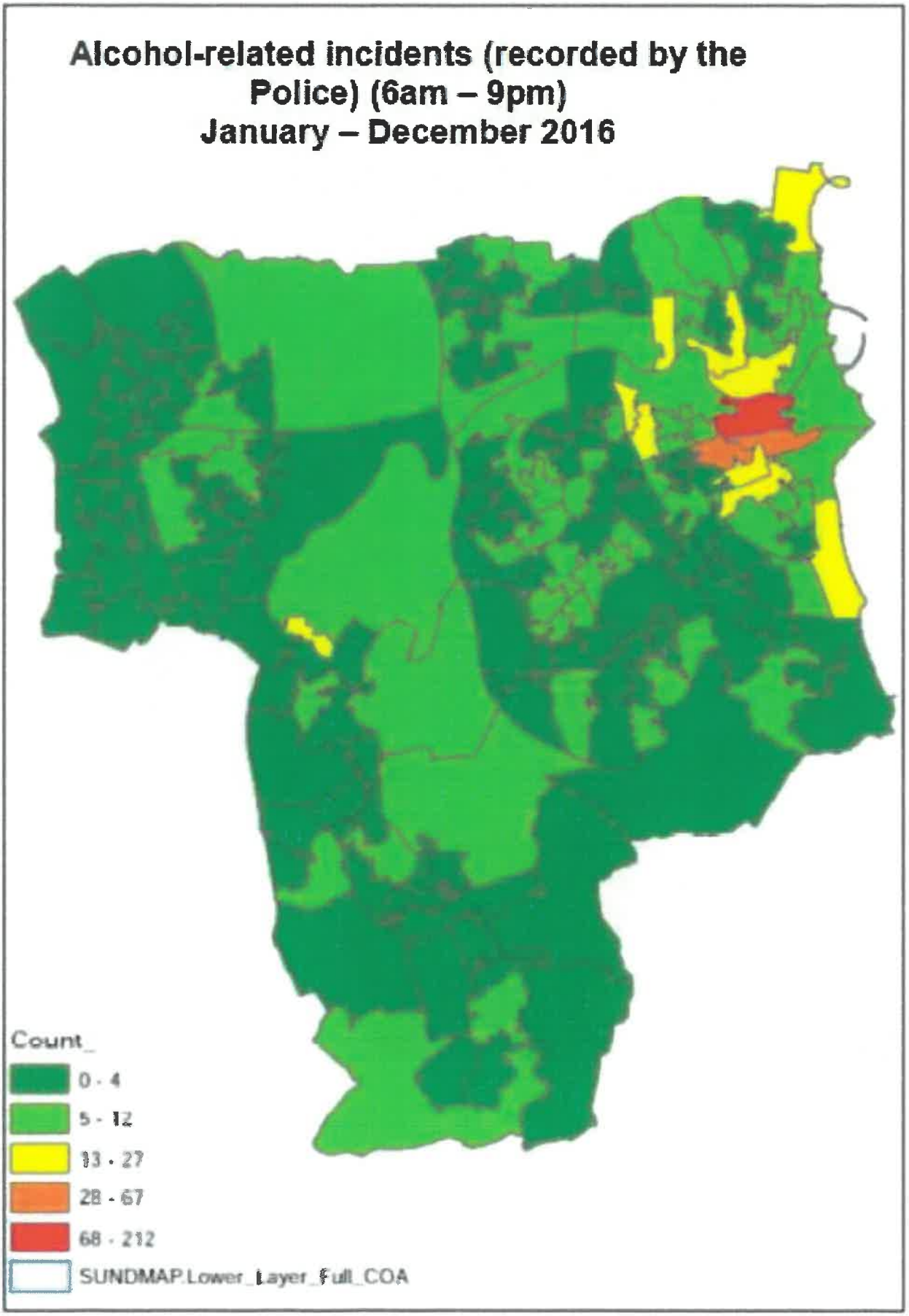

Alcohol-related ASB incidents
(any time)
January-December 2016
Counts- Alcohol related ASB
alcohol_asb_2016lsoa
Count_
0 - 5
6 - 16
17 - 31
32 - 104
105 - 251

Alcohol-related ASB incidents (any time)(excluding City Centre LSOAs)

January-December 2016

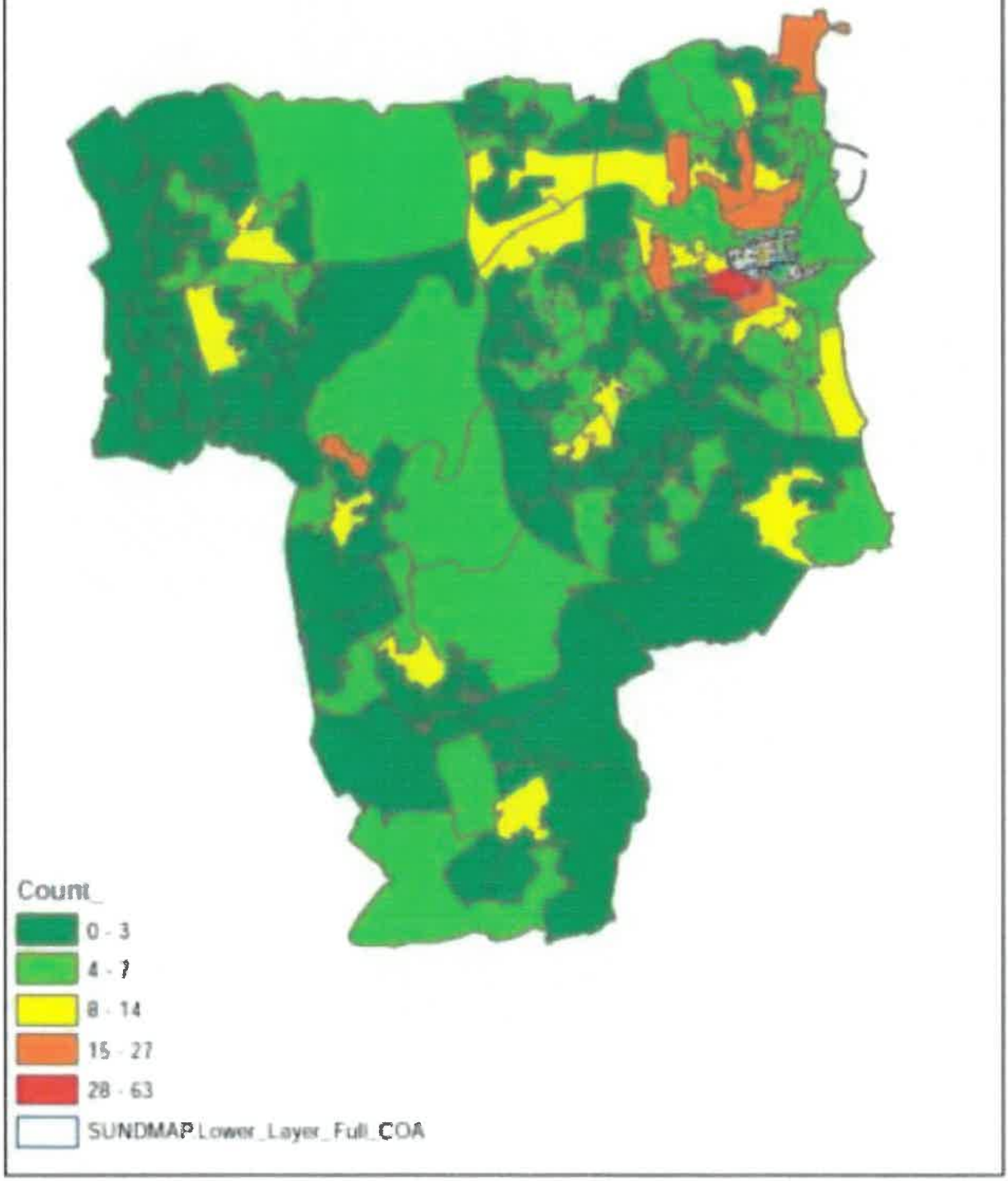


Alcohol-related incidents (recorded by the Police) (6am – 9pm) January – December 2016



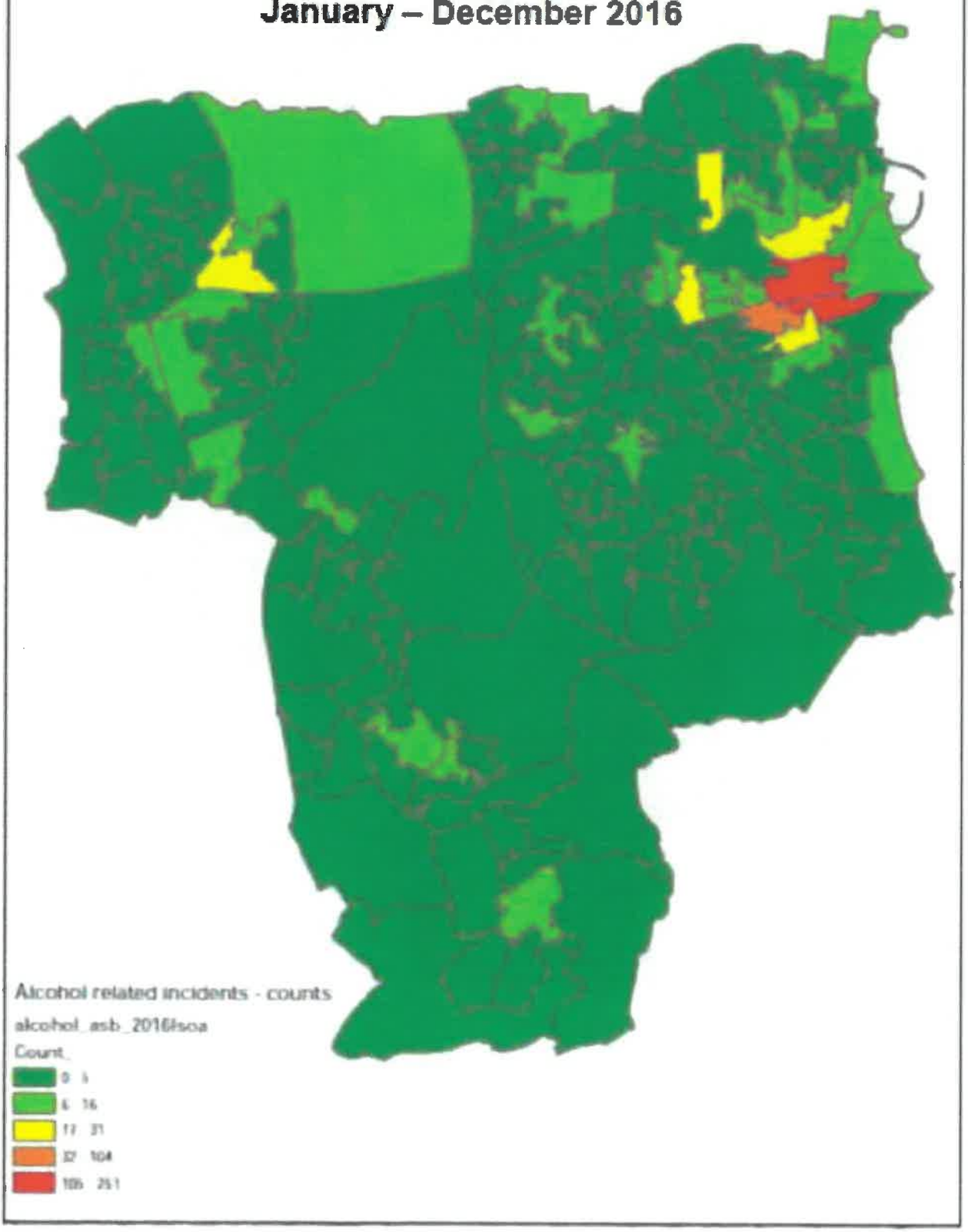
Alcohol-related incidents (recorded by the Police) (6am – 9pm) (excluding City Centre LSOAs)

January – December 2016



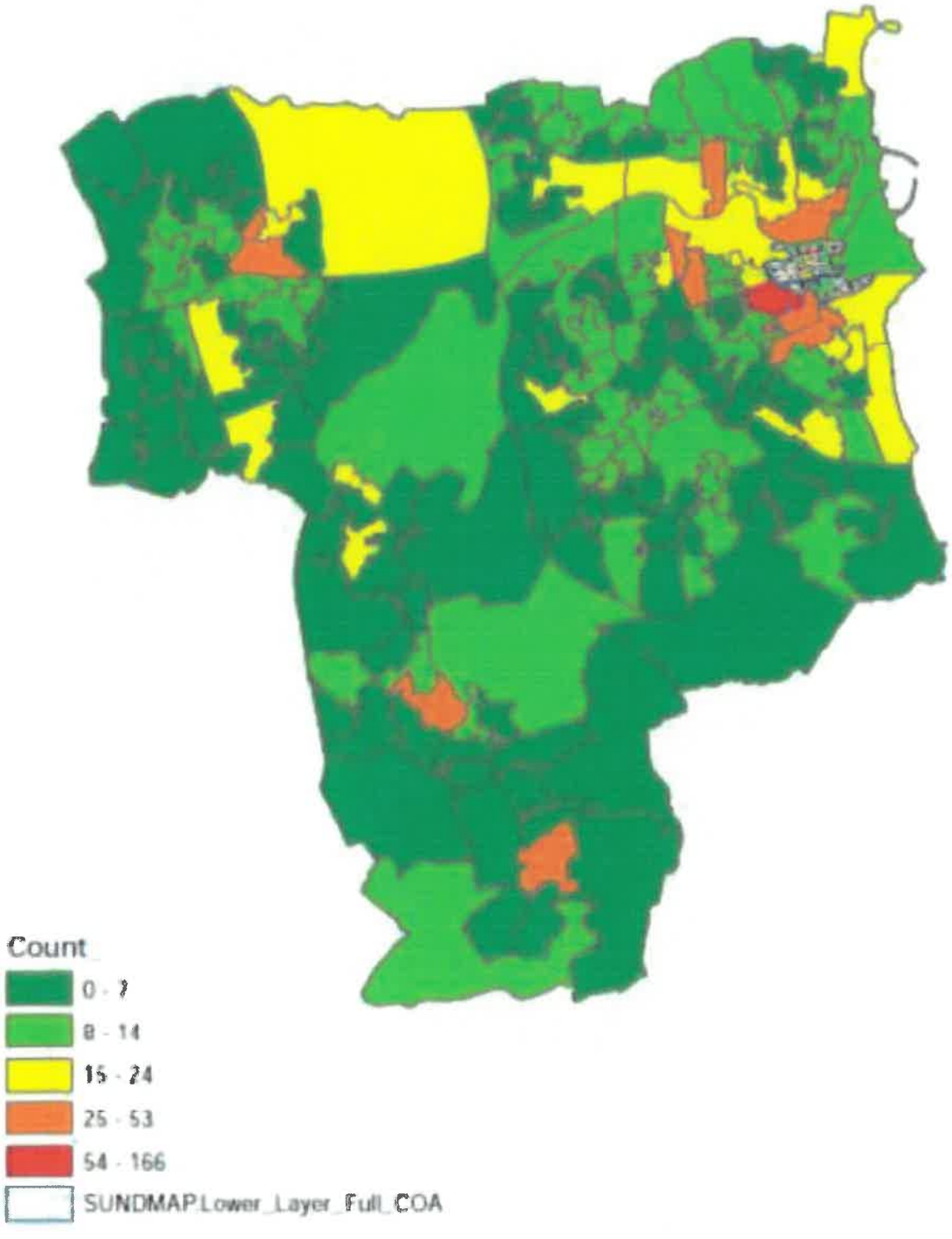
Alcohol-related incidents (recorded by the Police) (any time)

January – December 2016



Alcohol-related incidents (recorded by the Police) (any time) (excluding City Centre LSOAs)

January – December 2016



Appendix C

Evidential data in tabular format

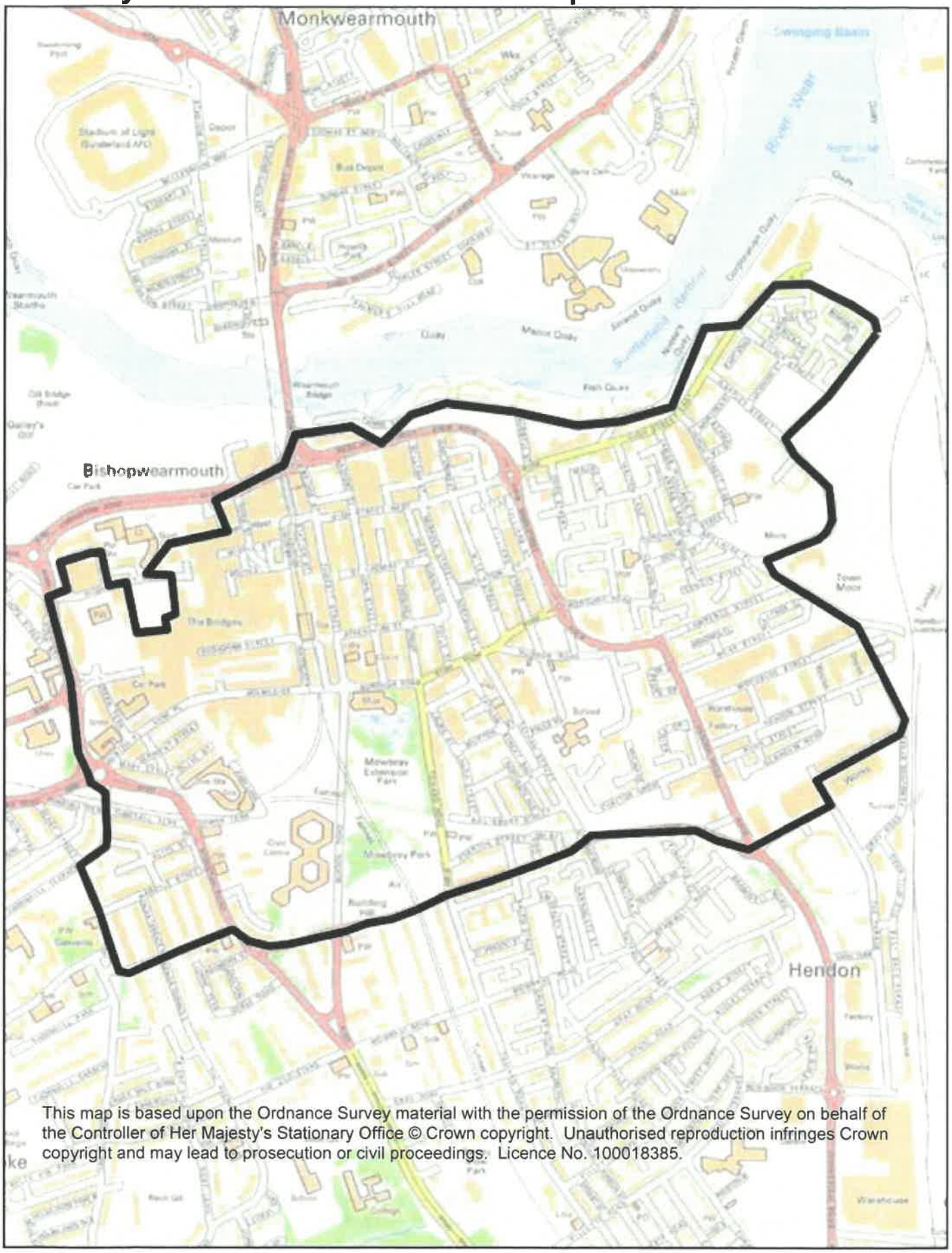
		Alcohol-related ambulance callouts		Alcohol-related assaults (recorded by Police) 6:00-21:00		Alcohol-related assaults (recorded by Police) (All)		Alcohol-related ASB 6:00-21:00		Alcohol-related ASB (All)	
LSOA(s)		Ranking within City	Number	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number	Ranking within City	Number
E01008703	City Centre	1	178	2	186	2	233	1	240	1	463
E01008836		2	113	1	224	1	266	2	128	2	448
E01008705	Millfield and Pallion	32	12	29	16	30	23	30	8	18	25
E01008700		18	18	24	17	22	27	14	13	23	21
E01008707		56	9	19	15	44	18	65	4	72	8
E01008706		56	9	12	20	23	26	11	16	17	27
E01008704		8	29	8	30	8	45	6	26	6	57
E01008701		7	30	7	32	9	44	49	5	52	11
E01008834	Hendon	6	31	14	25	15	64	4	37	4	71
E01008735		11	25	12	26	73	24	9	21	11	37
E01008737		4	37	10	27	35	38	21	11	22	22
E01008818	Southwick	4	37	5	37	5	55	7	25	9	45
E01008800	Shiney Row	68	8	17	21	17	30	15	12	17	19
E01008858	Washington	145	2	39	14	50	16	40	6	32	15
E01008853		56	9	4	38	4	72	23	10	7	56
E01008854		68	8	12	26	10	43	185	0	80	7
E01008859		77	7	95	6	88	10	49	5	72	8
E01008855		46	10	84	7	60	14	30	8	59	10
E01008742	Hetton	33	11	17	21	13	34	65	4	12	32

		Alcohol-related incidents (recorded by Police) 6:00-21:00		Alcohol-related incidents (recorded by Police) (All)		No. alcohol outlets	
LSOA(s) 185 City wide		Ranking within City	Number	Ranking within City	Number	Ranking within City	Number
E01008703	City Centre	1 2	336	1	759	1	93
E01008836			163	2	493	3	25
E01008705	Millfield and Pallion	19	22	19	43	25	7
E01008700		13	28	16	52	6	19
E01008707		34	16	43	31	69	3
E01008706		25	19	29	38	90	2
E01008704		19	22	9	76	15	9
E01008701				17	50	28	6
E01008834	Hendon	5	64	5	116	28	6
E01008735		18	23	22	40	69	3
E01008737		14	27	11	65	28	6
E01008818	Southwick	11	31	15	54	9	13
E01008800	Shiney Row	8	37	13	57	10	12
E01008858	Washington North	74	9	38	32	90	2
E01008853		10	32	6	110	8	14
E01008854		58	11	50	28	124	1
E01008859		25	19	43	31	49	4
E01008855		43	14	45	30	28	6
E01008742	Hetton	19	22	14	56	13	10

Appendix D

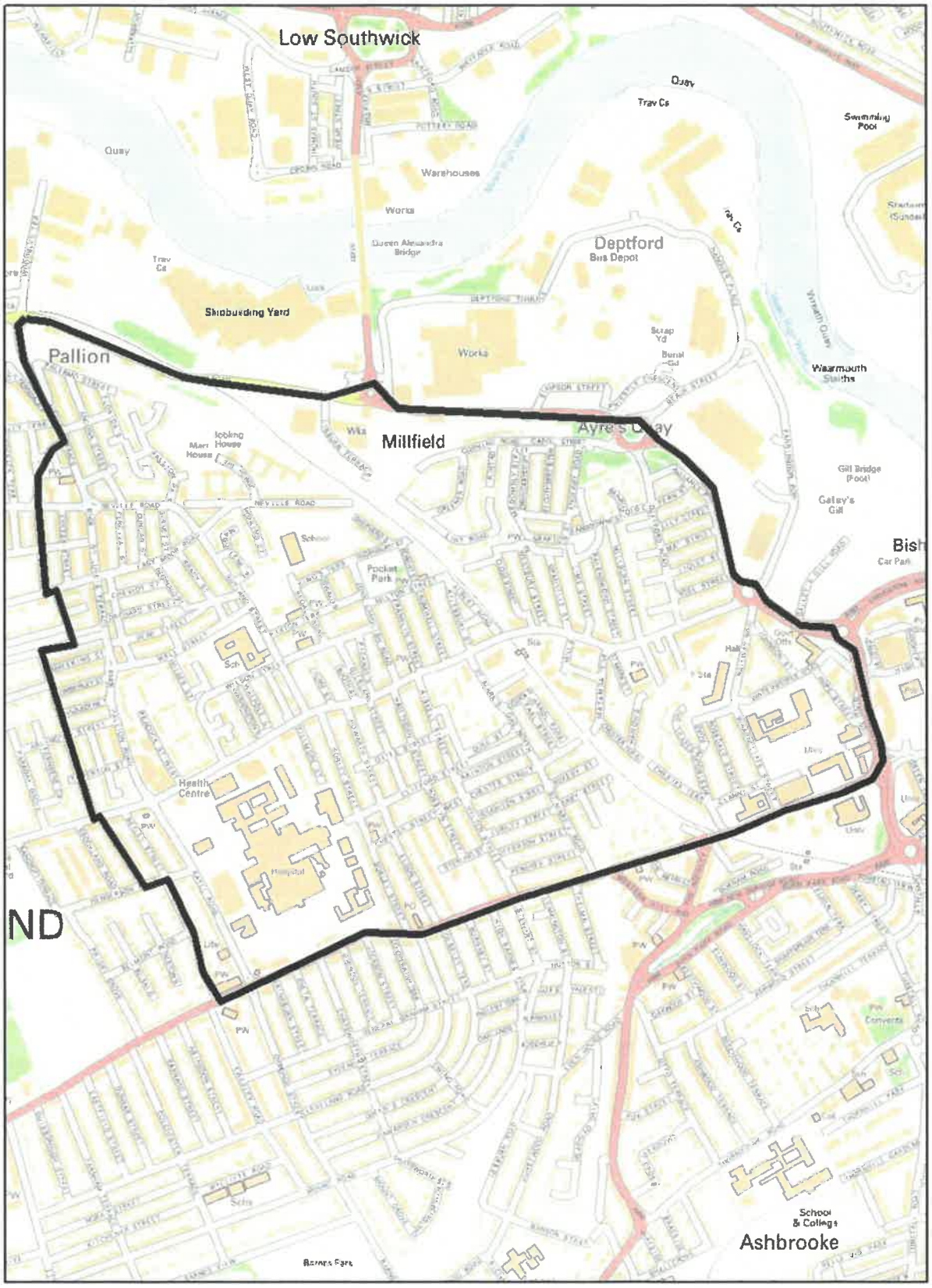
Maps of Cumulative Impact Assessment Areas

City Centre and East Cumulative Impact Assessment Area



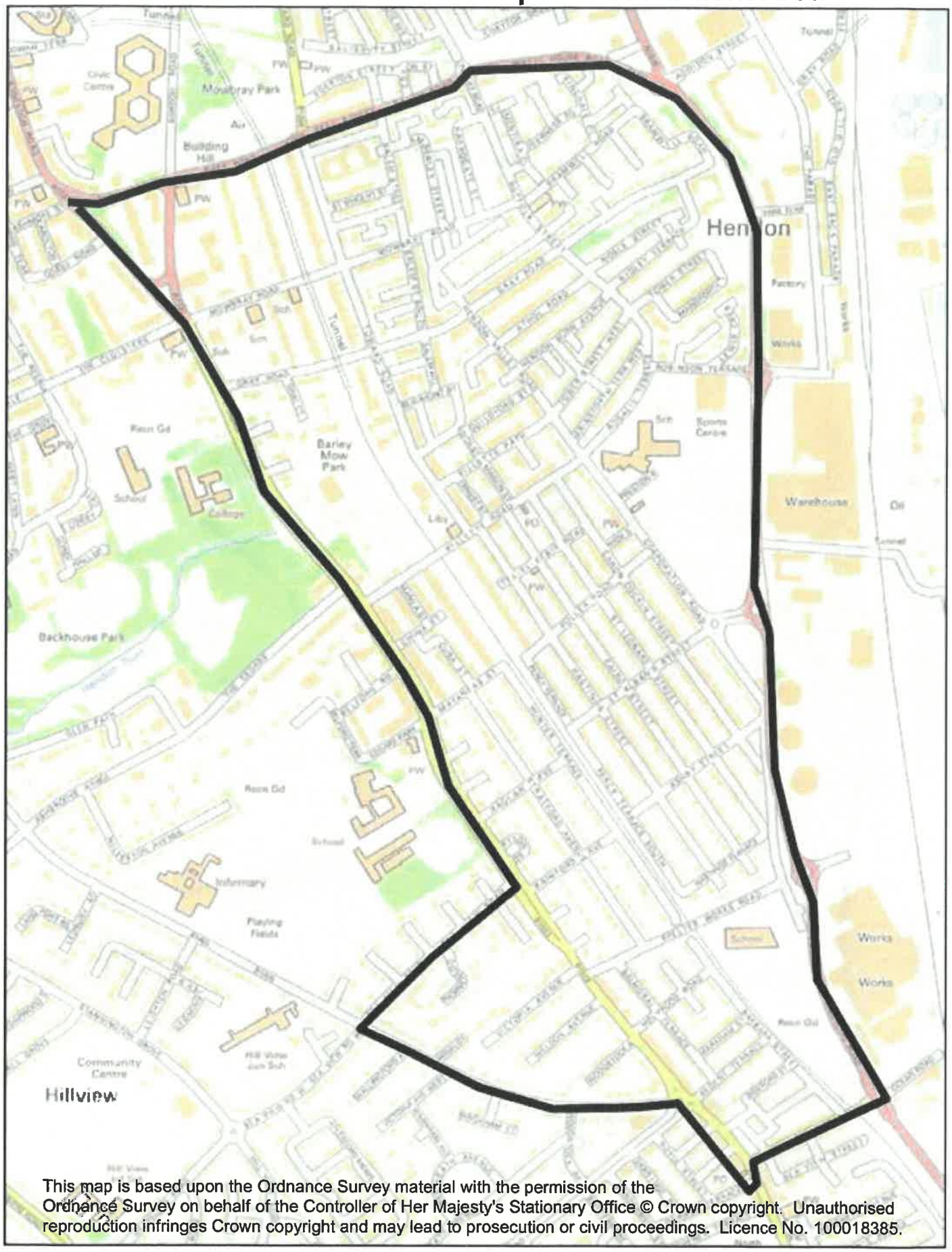
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Millfield and Pallion Cumulative Impact Assessment Area



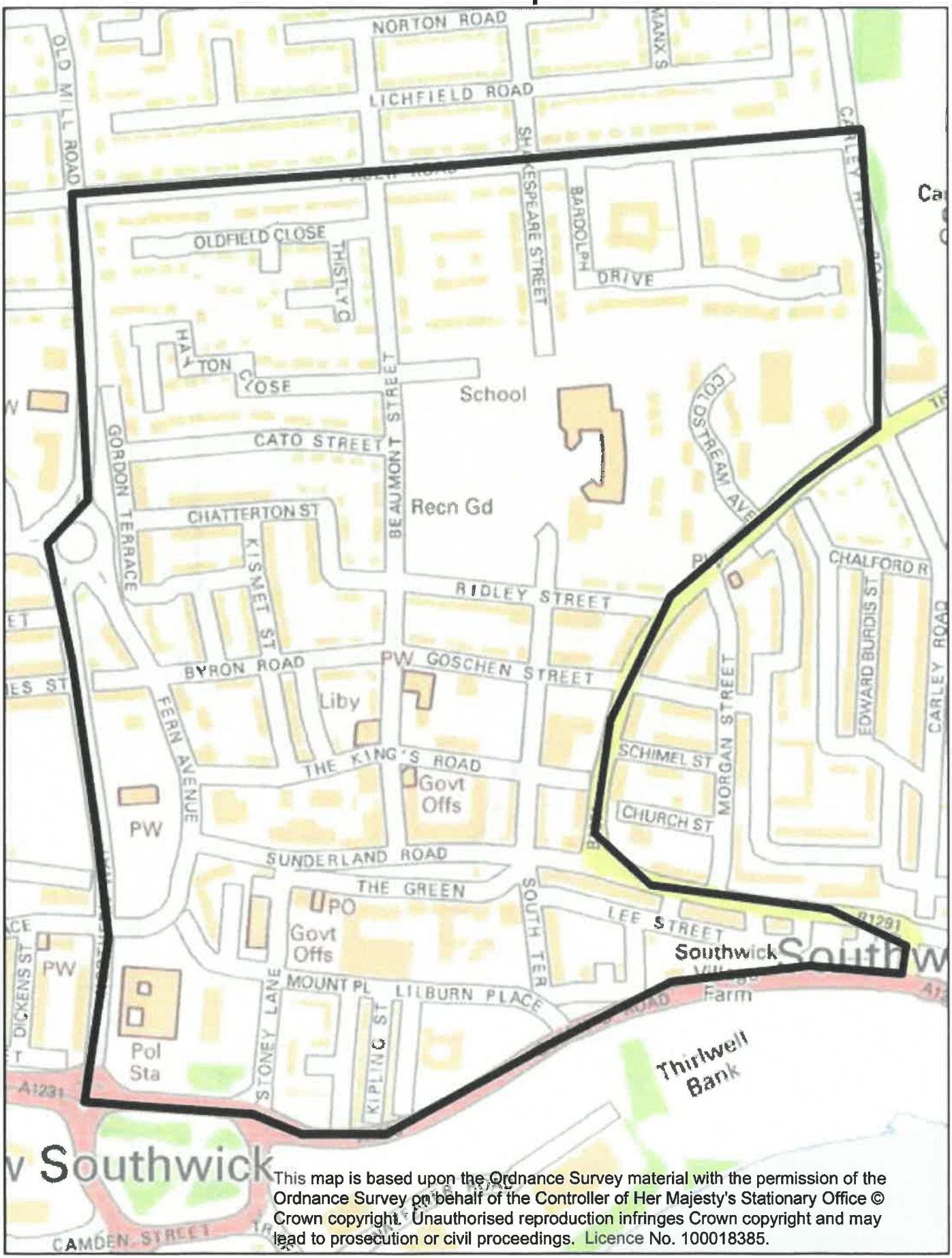
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Hendon Cumulative Impact Assessment Area



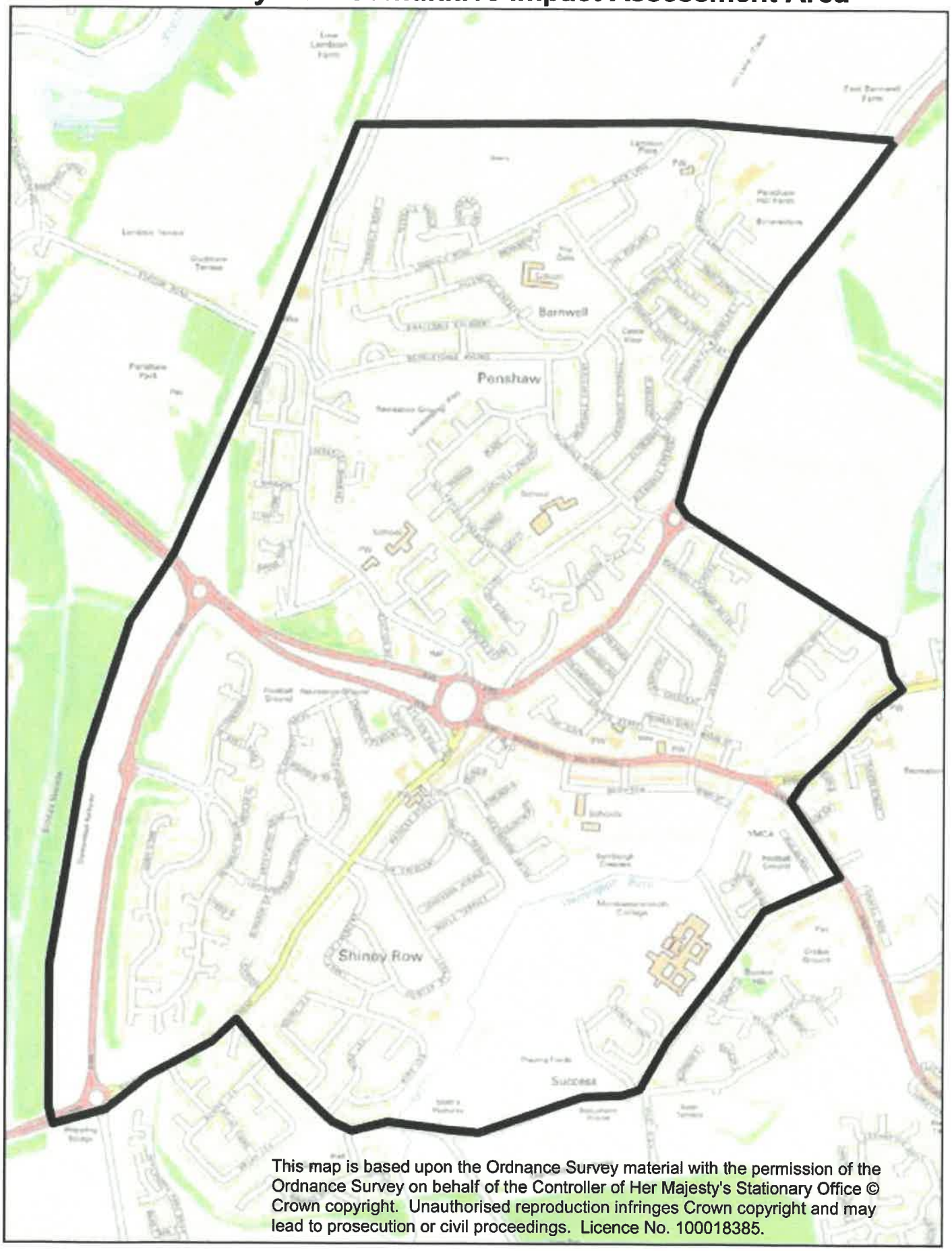
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Southwick Cumulative Impact Assessment Area



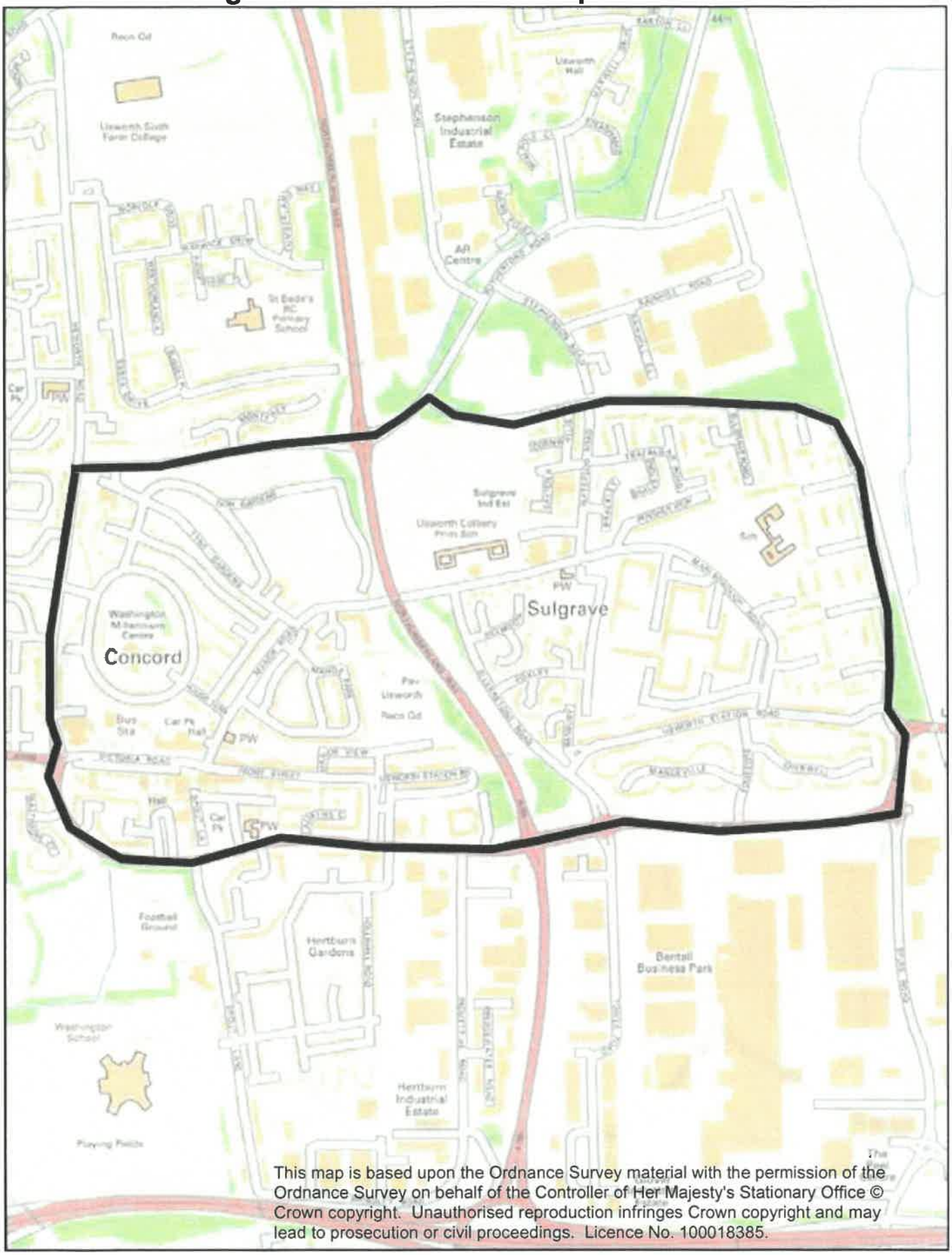
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Shiney Row Cumulative Impact Assessment Area



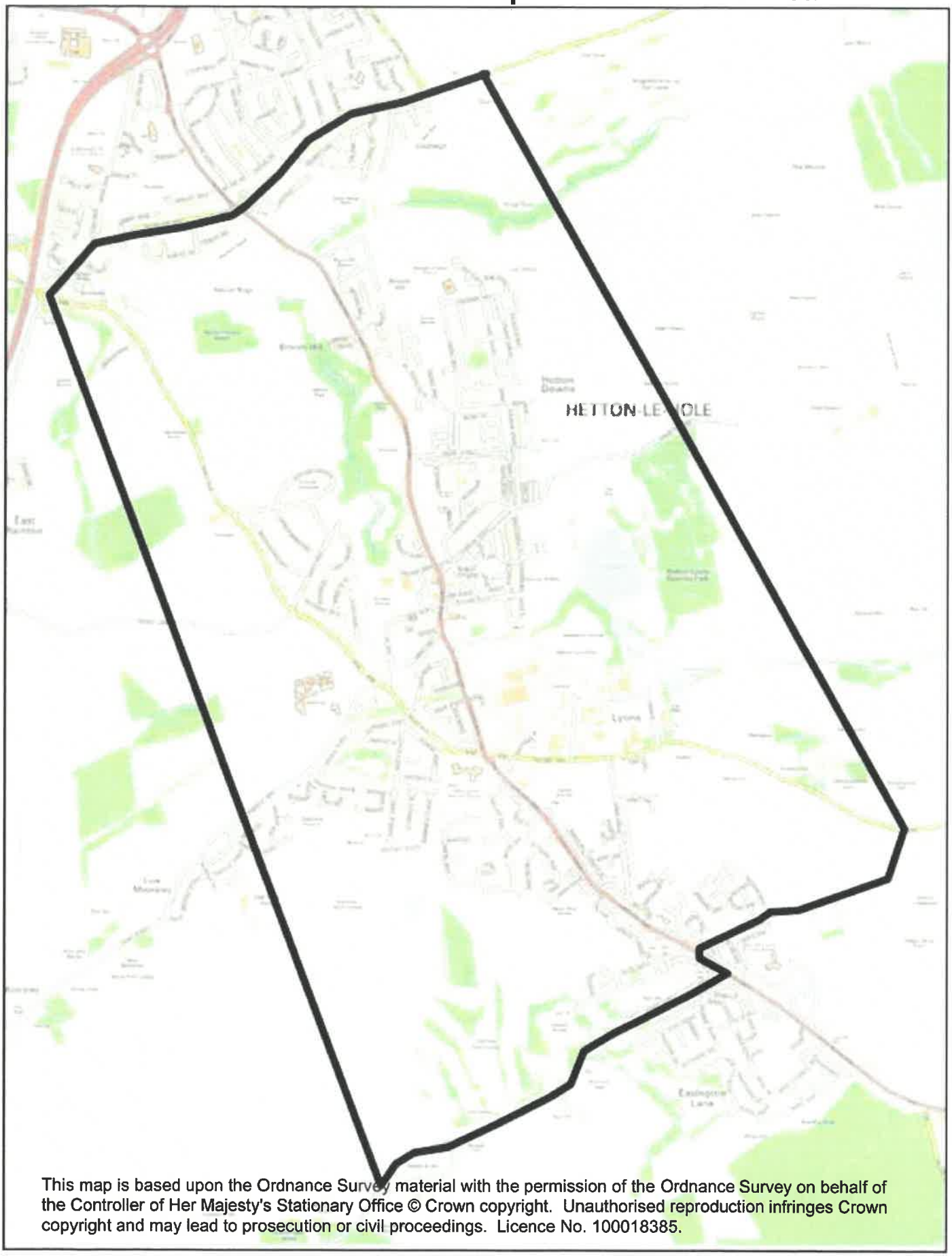
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Washington North Cumulative Impact Assessment Area



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Hetton Cumulative Impact Assessment Area



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