



Stockton-on-Tees
BOROUGH COUNCIL

The Licensing Act 2003 Statement Of Licensing Policy January 2016

Community
Legal Service



INVESTORS
IN PEOPLE | Silver



January 2016

Welcome to Stockton-on-Tees Borough Council's Statement of Licensing Policy

The Council adopted its first Statement of Licensing Policy in January 2005 when the responsibility for licensing was transferred from the Magistrates' Court. Following on from the last review in January 2011, we are now legally obliged to renew it every five years. This revised Statement has been adopted by the Council following wide public consultation.

This document sets out the guiding principles for making licensing decisions under the Licensing Act 2003. The Statement of Licensing Policy addresses the licensing of many venues and events – from nightclubs to the smallest pubs and off-licences, from the Stockton International Riverside Festival to small scale community events. We have a responsibility to balance the needs of residents, visitors, pub/club operators and local businesses. In doing this our aim at all times is to promote the four licensing objectives laid down within the Act:-

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

The Borough features a wealth of different entertainment and cultural activities with popular nightspots in Stockton Town Centre and in busy suburban areas like Norton and Yarm. The area is also home to a thriving range of live arts with the ARC, a venue consisting of theatres, a cinema, exhibition rooms, cafes and bars; the Georgian Theatre located in Stockton's Cultural Quarter which features live music performances and acoustic sessions; and the Billingham Forum Theatre, a 650-seat venue offering a wide range of entertainment.

Commercially promoted events take place in a variety of locations throughout the Borough whilst the Council has a strong tradition of promoting a wide range of entertainment and cultural activity for the benefit of residents and visitors alike. This includes the hugely popular Stockton International Riverside Festival which brings internationally renowned street theatre and dance to Stockton; the Stockton Weekender, a 3-day festival of live music and comedy; and Billingham International Folklore Festival, a celebration of music, song and dance featuring folklore ensembles from across the world.

We believe that this Statement of Licensing Policy represents as fair a way as possible of balancing the needs and desires of everyone in the Borough. We hope that it will help to maintain the Borough's reputation of providing a safe, vibrant and varied centre of entertainment and culture for everybody.

Councillor Steve Nelson

Cabinet Member for Access, Communities
and Community Safety

Contents

	Page
Welcome to Stockton-on-Tees Borough Council's Statement of Licensing Policy	2
Vision Statement	4
Introduction	4
Licensing Objectives	5
Licensable Activities	5
Responsible Authorities	6
Integrating Other Guidance, Policies, Objectives and Strategies	6
The Impact of Alcohol on Stockton-on-Tees	8
Promotion of the Licensing Objectives	9
License Application Process	14
Conditions	16
Temporary Event Notices	16
Events on Council Land	17
Street Cafes and External Areas	18
Designated Premises Supervisor	19
Promoters	19
Door Supervisors	20
Irresponsible Drinks Promotions and Drunkenness on Premises	20
Vertical Drinking Establishments	20
Nudity and Striptease	21
Proxy Sales	21
Alcohol Deliveries	21
Licensing Hours	22
Drinking Up Time	23
Dispersal Policy	23
Takeaway Food Premises	23
Petrol and Service Stations	24
Minor Variations	24
Reviews	25
Cumulative Impact Policy	27
Enforcement	28
Contact Details	29
Appendix 1 – Additional Factors for Consideration	30
Appendix 2 – Delegation of Licensing Functions	32

Vision Statement

1. Stockton-on-Tees Borough Council (the Council) acting as the licensing authority for the purposes of the Licensing Act 2003 (the Act), recognises the benefits to Stockton-on-Tees of a thriving leisure and entertainment economy and wishes to promote, wherever possible, a Borough that meets and indeed exceeds the requirements of its residents and visitors. However the licensing authority recognises that certain types of premises, particularly those offering alcohol, music or late night refreshment, may have a detrimental impact on those who live or work nearby.
2. The licensing authority intends to seek a balance between the needs of residents and local businesses by using this licensing policy and other strategies to promote and encourage well-managed, neighbour friendly licensed premises that represent a positive addition to life in the Borough. In trying to achieve this, the vision of the licensing authority can be described as follows:-

A Borough that offers a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment, valued by those who live and work here and by those who come to visit. A Borough where support is given to businesses and community groups to ensure that they operate responsibly and safely so that our residents live in decent neighbourhoods with a good quality of life, where the impact of alcohol related harm is minimised and visitors to the Borough can enjoy Stockton and all it has to offer.

Introduction

3. The Licensing Act 2003 requires a licensing authority to publish a statement of licensing policy every five years, setting out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions under the Act. Each application will be considered on its own merits. The discretion of the licensing authority in relation to applications is only used if relevant representations are made.
4. During the five year period, the policy will be kept under review and revisions may be made to it when it is considered appropriate to do so.
5. In preparing this statement the Council has consulted with and considered the views of a wide range of people and organisations, including:
 - Cleveland Police Force.
 - Cleveland Fire Brigade.
 - The Council's Director of Public Health.
 - Existing premise licence holders.
 - Existing club premise certificate holders.
 - Existing personal license holders.
 - Representatives of businesses and residents in the Council area.
6. This Statement of Policy does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have such an application considered on its individual merits. It also does not seek to override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

7. When considering applications, variations and reviews the Licensing Committee will have due regard to this policy and any guidance issued by the Secretary of State under Section 182 of the Act. That does not mean that the Council will have to follow the policy and guidance at all times. The Council can depart from them if, having properly taken them into account, there is a good reason to do so in order to promote one or more of the licensing objectives.

Licensing Objectives

8. The licensing authority carries out its functions under the Act with a view to promoting the following four objectives:-
 - The prevention of crime and disorder.
 - The prevention of public nuisance.
 - The protection of children from harm.
 - Ensuring public safety.
9. Each objective is of equal importance. It is relevant to note that there are no other licensing objectives, therefore these four objectives are paramount considerations at all times.
10. The Council recognises that balancing the interests of operators, employees, customers and neighbours of pubs, clubs, community halls and off-licenses will not always be straightforward, but it will always be guided by the four principal objectives of the Act. The Council will use its powers to promote best practice in relation to the operation of licensed premises, and to deter poor practice, with a view to achieving a continual improvement of standards over time, in the belief that this is in the long term interests of owners, employees, customers and neighbours alike.

Licensable Activities

11. This policy is concerned with regulating the carrying on of licensable activities on licensed premises, at qualifying clubs and at temporary events within the terms of the Act. The licensable activities are:-
 - The sale of alcohol by retail.
 - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.
 - The provision of regulated entertainment.
 - The provision of late night refreshment (hot food and drink provided at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises).
12. Accordingly, relevant matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. The Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.

Responsible Authorities

13. Certain statutory bodies, known as responsible authorities, can make representations regarding applications for premises licences, club premises certificates and full variation applications. Responsible authorities should be notified of these applications and it is for them to decide if they have appropriate grounds for submitting a representation. The responsible authorities include the Police, Fire Brigade, Environmental Health, Trading Standards, Public Health, Planning and Child Protection Units. Contact details for the responsible authorities for Stockton-on-Tees can be found on the Council's website at:-
<https://www.stockton.gov.uk/media/3551/lag11contactdetailsforresponsibleauthorities.pdf>
14. In their role as a responsible authority, the Police are an essential source of advice and information on the impact of any licensable activity, particularly on the crime and disorder objective. However the Police may also make relevant representations with regard to other licensing objectives when they have the evidence to do so.
15. Similarly Environmental Health are an essential source of advice and information with regard to the public nuisance objective, whilst the role of Public Health is to promote the health and wellbeing of local communities and representations from Public Health will look to reflect this role in reviewing what measures are included within an application that may help in tackling alcohol related health harms and misuse. This will be done through consideration of the four licensing objectives and how each objective impacts on public health measures. Should a representation be made by the Director of Public Health, it will look to focus on these issues, setting out the evidence or information specific to the area in which the premises is located and whether the application has the potential to impact on these further.
16. The licensing authority is also a responsible authority in its own right. Whilst the licensing authority, unlike other responsible authorities, may not be regarded as having expertise in a particular field, it will have an overview of matters pertaining to an application and may make representations on this basis e.g. where an application seeks to depart from specific policy requirements that the licensing authority has adopted.

Integrating Other Guidance, Policies, Objectives and Strategies

17. The Act supports a number of other key aims and objectives which are vitally important and which should be principal aims for all involved in licensing work and will therefore be integral to this policy. These include:-
 - Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible premises.
 - Giving the Police and licensing authorities the powers they need to effectively manage and regulate the night-time economy and take action against those premises that are causing problems.
 - Reducing alcohol misuse, thereby contributing to the public health of the community.
 - Recognising the important role which pubs and other licensed premises play in local communities by minimising the regulatory burden on business.

- Encouraging innovation and tourism and supporting economic regeneration and those premises that operate responsibly.
 - Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area.
 - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.
18. In supporting these key aims and objectives, the policy integrates with a number of other Council strategies and plans including:-
- Community Safety Plan (Safer Stockton Partnership).
 - Joint Health and Wellbeing Strategy.
 - Local Development Plan.
 - Economic Regeneration Plan.
 - Town Centre Plan.
 - Stockton's Alcohol Strategy.
19. The Licensing Committee may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within its remit. Subject to the general principles set out in this policy and the overriding need to promote the four licensing objectives, the Committee may have regard to them when making licensing decisions.
20. The Committee may, after receiving such reports, make recommendations to the Council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

Planning

21. The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
22. In line with the Section 182 Guidance, the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
23. Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will make contact with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
24. Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. Instead it will take into account what the impact of granting the application will be on the four licensing objectives.

25. In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed a permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights. Failure to do so may result in representations and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.
26. In addition, all new developments and premises which have been subject to structural alterations since 1994 will have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that any structural alterations have been approved by Building Control. Failure to do so may result in representations and the licence being refused or granted subject to conditions.

The Impact of Alcohol on Stockton-on-Tees

27. The Council maintains its commitment to encourage and promote entertainment, live music, dance and theatre that provides wider cultural benefits to the community, and also promotes a vibrant night time economy. However, this needs to be considered alongside the negative impact alcohol use can have.
28. The Crime Survey for England and Wales carried out by the Office for National Statistics in 2014 identified that 53% of all violent incidents were alcohol related. Within the Borough, there is a rate of 3.53 alcohol related violent crimes per 1,000 people, per year, which although better than the national figure, is higher than the regional rate of 2.84 per year.
29. The same survey also showed that 36% of domestic violence incidents were alcohol related, and of violent incidents reported between 10.00pm and 6.00am, over 80% involved alcohol.
30. In addition the Public Perceptions Survey carried out by Balance in 2014 highlighted that 74% of Stockton residents said that the drunken behaviour of other people put them off going for a night out in the town centre.
31. In terms of alcohol related harms, within Stockton-on-Tees in 2013/14 there were 2,560 people per 100,000 population admitted to hospital with alcohol-related conditions, compared to only 2,031 per 100,000 people across England as whole. This is a figure that is increasing annually.
32. Within the Borough, this rate of hospital related alcohol admissions varies greatly, with some areas as high as 7,636 per 100,000 population. The areas with the highest rates are generally located within the Town Centre Ward.
33. Stockton is ranked 15th nationally for the level of binge drinking that its population reports. A recent survey identified that Stockton-on-Tees residents are more likely to drink heavily when they do drink compared to the North East average, with 26% of people admitting to drinking 10 or more standard drinks when they did have a drink.
34. Alongside binge drinking, there are 26,440 individuals within Stockton who are estimated to be drinking at increasing risk levels (22-50 units per week for males, 15-35 units per week for females) and 8,723 drinking at high risk levels (greater than 50 units per week for males and 35 units for females).

35. Although other measures of alcohol harm, such as alcohol related mortality or months of life lost due to alcohol are similar to the results seen across England, it does not mean further improvements within the Borough should not be made.
36. It is estimated that alcohol costs approximately £71.13 million per year in the Stockton Borough; this includes costs associated with the NHS, crime and licensing, the workplace and Social Services.
37. Given the range of issues that alcohol contributes to, key public health messages are highlighted within this policy to align the four licensing objectives and the strategic goals outlined within the Council's Health and Wellbeing strategy to improve and protect the health of the population and reduce inequalities.
38. Any representation from Public Health will include details as to the profile of alcohol related harm for the locality that the premises is located in (presented to the smallest available geography, which for some measures would be Borough wide) and whether, based on the levels of harm identified, the application has proposed sufficient controls to promote the four licensing objectives.

Promotion of the Licensing Objectives

39. The Council will carry out its functions under the Act with a view to promoting the four licensing objectives. Each is of equal importance and the four objectives will be paramount considerations for the Council at all times.
40. It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. However in order to support this process, the Council is in the process of developing a 'pool of conditions' from which appropriate and proportionate conditions can be drawn in order to promote the licensing objectives. Such conditions can be adapted where necessary to suit the individual circumstances of each application. This pool of conditions will be subject to continuous development and will be made available on the Council's website.
41. The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern. An operating schedule should include information which is necessary to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
42. It is recognised by the Council that licensed premises vary considerably in terms of the offer made, size, occupancy, location, clientele etc. Venues may offer alcohol, regulated entertainment or late night refreshment or a combination of these activities. There is as a result, no definitive list of control measures that should be introduced by all premises. Licensed premises will be assessed according to the activities they provide and the individual risk of each premises' activity.
43. In preparing an operating schedule, applicants should have regard to the requirements of this Statement of Licensing Policy and the Section 182 Guidance issued by the Secretary of State, which can be found on the Department for Culture Media and Sport's website:-
<https://www.gov.uk/government/organisations/department-for-culture-media-sport>

44. It is also recommended that applicants should be aware of the expectations of the Council and the responsible authorities with regard to the steps that are necessary for the promotion of the licensing objectives. It may therefore be sensible for applicants to seek the views of the key responsible authorities before formally submitting applications and having completed drafts of their own operating schedules (after considering the effect on the four licensing objectives). For example, on matters relating to crime and disorder, the local Police might be consulted and on matters relating to noise and nuisance, local Environmental Health Officers might be consulted. Such co-operative effort should minimise the number of disputes which arise in respect of operating schedules.
45. Where there are no disputes, the steps an applicant proposes to take to promote the licensing objectives which have been set out in the operating schedule, will very often translate directly into conditions that will be attached to the premises licence.
46. Applicants are reminded that responsible authorities or other persons may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.
47. If relevant representations are made in relation to a premises licence or club premises certificate, the Council will consider whether it is necessary to impose conditions to regulate behaviour on, or in the vicinity of the premises, in order to promote the four licensing objectives.
48. The steps to be taken should be both realistic and within the control of the applicant and management of the premises. If a licence is granted with conditions attached requiring the implementation of such steps, the conditions will be enforceable in law and it will be a criminal offence to fail to comply with them (under Section 136 of the Act). As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises.
49. As well as the general requirements of this policy, in considering the steps to be taken to promote the licensing objectives, the applicant should also give consideration to the additional factors listed in Appendix 1.

The Prevention of Crime and Disorder

50. Under the Crime and Disorder Act 1998, the Council must exercise its functions having regard to the likely effect on crime and disorder in its area and must do all it can to prevent crime and disorder. Where its discretion is engaged, the Council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports the Community Safety Plan and any other related crime reduction strategies.
51. In addition the objective of preventing crime and disorder aligns with the broader Council policy principle of protecting the vulnerable. Related issues that can be considered by responsible authorities when considering the crime and disorder objective include:-

- The number of alcohol related ambulance call outs in a given area, or the number of alcohol related assaults that present to Accident & Emergency from a given area.
- The number of recorded crimes attributable to alcohol, alcohol related violent crime and sexual crimes attributable to alcohol in a given area.
- Levels of binge drinking and how the behaviour of patrons can impact on levels of crime and disorder within the area.

The Prevention of Public Nuisance

52. In considering the promotion of the public nuisance licensing objective, applicants need to focus on the effect of licensable activities on persons living and working in the area around the premise which may be disproportionate or unreasonable.
53. Public nuisance in this context is not narrowly defined and can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community.
54. This objective has aspects that link to the broader Council policy principle of developing strong, healthy communities and also the Public Health goal of developing healthy, sustainable places and communities, given that raised levels of nuisance and antisocial behaviour have a direct effect on people's lives and influence how they interact with the rest of the community. Wider considerations when promoting this licensing objective may include:-
- Issues of noise nuisance, particularly associated with late opening times.
 - Litter generated by the premises, or clientele of the premises.
 - Light pollution/nuisance, particularly associated with late opening times.
 - Levels of binge drinking, and how the behaviour of patrons can cause issues of nuisance and antisocial behaviour.
55. The Council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee and the licensing objectives.
56. It should be noted that licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals, especially once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town centres.

The Protection of Children from Harm

57. This objective clearly aligns with the strategic goal of ensuring all children have the best start in life and enabling all children and young people to maximise their capabilities and have control over their lives. The protection of children from harm includes protection from physical, psychological and moral harm. Potential considerations to be included within this could be:-
- How to ensure underage sales and proxy purchasing does not take place.
 - How to avoid under age alcohol related hospital admissions.
 - How to reduce crime/disorder/antisocial behaviour by young people linked to alcohol use.
 - How to reduce cases of Foetal Alcohol Spectrum Disorder (FASD).

58. Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration, and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on children have been considered. These include:-

- Where entertainment or services of an adult or sexual nature are provided.
- Where there have been convictions of members of the current staff at the premises for serving alcohol to persons under 18 years of age.
- Where the premises have a reputation for underage drinking.
- Where there has been a known association with drug taking or dealing.
- Where there is a strong element of gambling on the premises.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

59. Operators of premises where children are to be permitted access should employ or engage a sufficient number of people and have appropriate management protocols in place, to secure the protection of children from harm.

60. One of the risks at licensed premises is that of sexual exploitation. To minimise the risk to children and young people, premises need to have preventative systems in place. An extract from the Government's definition of child sexual exploitation says:-

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, as a result of them performing and/or another or others performing on them, sexual activities.

61. Licensed premises are places where people go to socialise, have a drink, relax and enjoy themselves and as such they provide an ideal environment for the grooming and sexual exploitation of children and young people. A premise could be misused for this kind of activity by the people who are socialising or working there. For example:-

- Adult venues (such as night clubs and sexual entertainment venues) may attract groomers if the premise is frequented by children or young people.
- Where underage drinking takes place, children and young people are at risk because their judgement is impaired.
- Premises providing goods or services that can be offered to children as gifts in exchange for sexual favours (e.g. free food, drinks or cigarettes, free transport, free access to a venue) present a risk if a groomer is employed there or works voluntarily and has regular or private contact with children. This could include takeaway food premises.
- Children and young people are vulnerable in areas of premises that are not supervised or security checked e.g. toilets, beer gardens, play zones.
- Premises providing facilities for private parties, private dancing, entertainment booths or overnight accommodation, may be vulnerable to the risk of child sexual exploitation.

62. It is recommended that safeguarding measures are taken to protect children and young people from child sexual exploitation. These can include:-
- Undertaking a written children and young people's risk assessment and use it to inform operating policy and staff training. This could be used for example to promote good safeguarding practices when hot takeaway food deliveries are made to unaccompanied children.
 - Training staff to recognise indicators of sexual exploitation and how to report concerns.
 - Training staff to operate an age verification scheme, know what types of identification are acceptable and to recognise signs of proxy purchases of alcohol. All staff training records to be maintained.
 - Monitoring activity at the premises e.g. by using CCTV or regular patrols. Patrol records should be maintained.
 - Reporting suspicious activity to the Police, including details such as vehicle registration numbers, description of individuals etc., and recording the information in an incident log.
63. Where entertainment is to be provided specifically for children, and 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 licensing authority expects that enhanced checks with the Disclosure and Barring Service (DBS) are carried out for the persons providing the entertainment to, or supervising, the children.
64. The licensing authority may, in appropriate circumstances, attach conditions to a licence in order to control entertainment specifically aimed at children or otherwise to ensure adequate supervision.

Ensuring Public Safety

65. The public safety objective includes the safety of persons using the premises and will relate not only to safety in respect of the physical state of the premises, which will include their curtilage and means of entry and exit, but also safety in respect of activities taking place on them e.g. foam parties or the use of pyrotechnics or other special effects. This will include the safety of any performers appearing at the premises. The public safety objective may also extend to matters outside the confines of the premises themselves so as to include public safety in the vicinity of the premises e.g. the nature of an access route to the premises or conduct taking place outside the premises on areas like pavements where customers may be queuing to gain access. All of this aligns with the Council's strategic goal of ensuring that leisure and entertainment activities are safe and well managed.
66. The Council will not seek to impose conditions on matters that are regulated by other pieces of legislation. This includes for example fire safety requirements applied by the Regulatory Reform (Fire Safety) Order 2005 and the duty imposed on employers to ensure the health and safety of its workers and other persons who may be affected by the place of work under the Health and Safety at Work Act 1974.
67. Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.

68. Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on the premise will not normally be imposed as those are dealt with by other legislation. However if it is considered necessary in light of the evidence in each individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals and evidence of the checks to be retained. Conditions may also seek to require equipment of particular standards to be maintained on the premises.
69. Special events in the open air like live musical and similar entertainment or those using temporary structures, like temporary stages and stands or marquees, raise particular public safety issues. The success of such events by way of contribution to the Council's cultural and tourist strategies depends upon the quality and standard of the facilities for those coming to enjoy the event, the levels of safety and consideration for the rights of people who live or work in the vicinity.
70. If an applicant is planning a major event, such as a pop festival, the Council expects the applicant to give early notice of such major events to allow responsible authorities to discuss operating schedules with the organisers well before a formal application is submitted. Many of these events will give rise to special considerations in respect of public safety. Applicants are advised to submit their applications at least six months in advance of the event.
71. The Council will offer assistance and guidance on the planning of such events through the Independent Safety Advisory Group (ISAG) which is a multi-agency group providing practical help and advice to event organisers with regard to staging public events in a safe environment. The group is made up of officers from all the emergency services, the Council and other relevant organisations.
72. The Group will consider event plans, looking at the content and structure of safety systems, and will comment on matters such as health and safety issues, licensing requirements, traffic issues including road closures, medical cover and much more, which event organisers may find useful when planning their event. Further details of the Group can be found on the Council's website at:- <https://www.stockton.gov.uk/arts-culture-and-leisure/events/plan-your-own-event/>

Licence Application Process

73. The procedure and documentation required for various applications is prescribed by the Act and Regulations made under it. Further advice on how to make an application can be found on the Council's website or on request using the contact details given on page 29.
74. It will be the licensing authority's aim to provide an efficient and cost effective service to all parties involved in the licensing process.
75. The licensing authority has delegated its decision-making functions to the licensing committee, sub-committees and officers. Further information regarding the delegation of functions can found in the table at Appendix 2.
76. If no relevant representations are received within the consultation period then the authorisation will be issued automatically. The licensing authority will have no discretion to refuse the application or to add to conditions offered through the operating schedule, other than adding any relevant mandatory conditions.

77. If relevant representations are made about an application, the licensing authority will hold a hearing to consider them, unless the licensing authority, the applicant and everyone who has made representations agrees that the hearing is not necessary.
78. 'Relevant representations' are representations:-
- About the likely effect of the premises licence on the promotion of the licensing objectives; and
 - Are made by a responsible authority or other person, have not been withdrawn and, in the case of representations made by other persons, they are not, in the licensing authority's opinion, frivolous or vexatious.
79. 'Other persons' making relevant representations need not be in the vicinity of the premises. However those located a long distance away from the application premises may find it less easy to satisfy the relevant representation requirements such as representations being about the likely effect of the grant of the licence on the promotion of the licensing objectives and perhaps representations not being frivolous or vexatious. Furthermore, the licensing authority is likely to accord greater weight to representations from those in or around the vicinity of the premises than those further afield.
80. Where relevant representations are made, the licensing authority must hold a hearing before the licensing committee or, more usually, a sub-committee of the licensing committee, who will take such steps as it considers necessary for the promotion of the licensing objectives. These steps are:-
- To grant the licence subject to the operating schedule modified to such extent as the committee considers necessary for the promotion of the licensing objectives.
 - To exclude from the scope of the licence any of the licensable activities to which the application relates.
 - To refuse to specify a person in the licence as the designated premises supervisor.
 - To reject the application.
81. All members of the licensing committee are required to follow the Model Code of Conduct for Members that is contained within the Council's constitution when considering any application, variation or review under this Statement of Licensing Policy.
82. Following a hearing the Council will give comprehensive reasons for its decision in writing to all of the parties involved. On making findings of fact in its reasons, the Council will ensure that they address the need for clear and convincing evidence determined on the balance of probabilities. They will also address the extent to which the decision has been made with regard to this policy and the guidance issued by the Secretary of State. The written decision will also detail any statutory appeal mechanism along with the related time limits for making any such appeal.

Conditions

83. The Council may only impose conditions where relevant representations are made following an application to grant or vary a licence or where a review request is being considered.
84. The conditions attached to various authorisations will be focused on matters, which are within the control of individual licensees and others in possession of relevant authorisations.
85. The Council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.
86. Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.
87. Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the Council.
88. Applicants should review the four licensing objectives above, alongside the additional considerations outlined in Appendix 1 and consider addressing these issues in their operating schedule. A pool of conditions is being developed to support this process (see paragraph 40 above).

Temporary Events Notices

89. The Act provides a system of permitted temporary activities, under which licensable activities can be carried out on a temporary basis without the need for a premises licence or club premises certificate.
90. The event must be notified to the licensing authority, the Police and Environmental Health with a minimum of 10 working days before the event and preferably 28 days beforehand. Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
91. These events are subject to various limitations concerned with:-
 - Duration – they are limited to 168 hours (7 days) with a minimum of 24 hours between successive events.
 - Scale – they cannot involve the presence of more than 499 people at any one time.
 - Use of the same premises – the same premise cannot be used more than 12 times or 21 days per year.
 - The number of notices given by one individual – a personal licence holder is limited to 50 notices per year, including up to 10 late notices, and an ordinary person up to 5 notices per year, including 2 late notices.
92. Outside of these limitations, a full premise licence or club premises certificate would be required for the period of the event involved.

93. One of the most important aspects of the system of temporary event notices is that no permission is required for these events from the licensing authority. In general, only the Police and Environmental Health may intervene, where the event undermines any of the licensing objectives, in order to prevent such an event taking place or to modify the arrangements for such an event. The licensing authority will only ever intervene itself, if the limits on the number of notices that may be given in various circumstances would be exceeded.
94. Given the possibility of Police and Environmental Health intervention, event organisers are encouraged not to rely on giving the minimum amount of notice and to contact local Police Licensing Officers and Environmental Health Officers at the earliest opportunity to discuss their proposals.
95. Where the notice is in order, the fee prescribed by the Secretary of State paid, the event falls within the limitations in the Act and there has been no Police or Environmental Health intervention, the Council will record the notice in its register and send an acknowledgement to the premises user.
96. Many people giving temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, schools, churches and hospitals, all of which may stage public events to raise funding at which licensable activities will take place. The Council will ensure that guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for these groups. Guidance can be found on the Council's website at:-
<https://www.stockton.gov.uk/community-safety/trading-standards-and-licensing/licensing-advice-and-information/do-i-need-a-licence/licensing-act-2003-temporary-event-notice/>

Events on Council Land

97. The Council wishes to encourage cultural and community events in the Borough. In accordance with the provisions of the Act, the Council has made applications and been granted premises licences for areas of public land. These areas include Stockton High Street, Riverside Park, Parish Gardens, Trinity Gardens, Tees Barrage, Ropner Park and Preston Park.
98. With regard to these places, performers and entertainers will not need to obtain a licence or give a temporary event notice themselves in order to perform. Instead they would require permission from the Council as the premise licence holder. Any charges related to this permission will be reasonable and proportionate.
99. The Council may require that the Independent Safety Advisory Group consider any safety issues. A safety event manual must always be produced by the event organiser and must incorporate an operating schedule, risk assessments and address any safety issues before the Council allows the use of its licence (see paragraph 72 above).

Street Cafes and External Areas

100. The introduction of the 'smokefree public places' law has led to an increase in the number of people outside licensed premises. Operators are expected to manage persons smoking in the vicinity of premises so that they do not impede access to the premises and do not cause disturbance. In addition they are expected to provide ash trays or wall mounted cigarette bins for patrons so as to minimise litter.
101. The provision of tables and chairs outside premises can enhance the attractiveness of a venue, but regard should be had to the need to ensure that the use of such areas will not cause nuisance to the occupiers of other premises in the vicinity.
102. An application for a premises licence must list all the activities taking place on the premises, detailing where they take place and the hours of operation. This includes any outside drinking in beer gardens, terraces or tables and chairs on the highway. Any outside drinking area should be shown on the floor plan submitted with the application. If an outside drinking area is not included in the operating schedule and shown on the floor plan, then it will not be considered part of the premises licence.
103. The licensing authority has a number of concerns with respect to the development of external areas to licensed premises and will consider imposing conditions to improve the management of the outside area or restricting the use of these areas to promote the public nuisance objective.
104. The licensing authority expects that operators will consider imposing time restrictions on the use of outside drinking areas and with regard to premises situated in residential areas, the licensing authority would not normally expect such outside drinking areas to be in use beyond 10.00pm.
105. Given the affect that an outside drinking area can have on the public nuisance objective in particular, the licensing authority will normally consider an application to add an outside drinking area to an existing licensed premise via a full variation of the premises licence rather than via the minor variation process.
106. Licensees should also be aware of the possibility of breakages to drinking glasses and glass bottles in outside areas. Consideration should therefore be given to the use of toughened or 'plastic' drinking vessels and other management controls to avoid or lessen the likelihood of broken glass in those areas.
107. With regard to outside drinking areas, operators should also ensure that they have the correct planning provisions in place and if the outside drinking area is on the public highway, the appropriate permit to place tables and chairs on the pavement or road, as required by Section 115B/E of the Highways Act 1980.
108. Specific guidance on the operation of street cafes is available from the Council website:-
<https://www.stockton.gov.uk/economic-regeneration-and-transport/doing-business-in-stockton/apply-for-a-licence-or-permit/street-cafe-licence/>

Designated Premises Supervisor

109. Any premises where alcohol is sold under a premises licence will normally have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).
110. The Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times.
111. The licensing authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Authority expects that this will be in excess of 50% of a 7-day week.
112. The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.
113. On occasions where the DPS is not available then a nominated competent person must be available to oversee the day-to-day running and control of the premises and where appropriate this person shall be a personal licence holder.
114. Within all licensed premises, whether or not alcohol is to be sold, the licensing authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises' licence.

Promoters

115. Licence holders, DPSs and personal licence holders remain responsible for activities taking place on premises when promotions take place. In addition the licensing authority will expect premises licence holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear. The promoter and their employees or agents, shall comply in all respects with all conditions, requirements and regulations of the local authority, licensing authority, police authority and fire authority.

Door Supervisors

116. Premises licence holders and DPSs should ensure that their premises do not increase the fear of crime in their locality. To this end they should ensure, so far as is possible, that customers do not cause nuisance or disorder outside the premises and that measures to ensure the safety of customers and prevention of nuisance are in place. Door supervisors, who must be registered by the Security Industry Authority (SIA), have an important role in managing customers, not only on the doors but also in the immediate vicinity of the premises.

Irresponsible Drinks Promotions and Drunkenness on Premises

117. It is known that low cost alcohol sold in on and off trade premises increases alcohol consumption which can have an adverse effect on public health and lead to crime and disorder and public nuisance issues. The licensing authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the licensing authority will consider imposing controls on drinks promotions 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 unit of drink as part of a package of measures to deal with such problems.
118. The licensing authority would like to encourage operators to act sensibly 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.

Vertical Drinking Establishments

119. The Council will scrutinise particularly closely any applications which appear to be for premises operated in such a manner as to encourage excessive and/or binge drinking, including vertical drinking establishments.
120. Large capacity “vertical drinking” premises, sometimes called high volume vertical drinking establishments (HVVDs), are premises with high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Research shows that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder arising on the premises. Key points on preventing crime and disorder include:-
- Controlling the capacity to prevent overcrowding and frustration to customers.
 - Ensuring adequate seating for customers.
 - Ensuring the provision of door security teams at the premises to control capacity and ensure already drunk or disorderly individuals are not admitted.

121. Where necessary and appropriate, conditions will be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations made on such grounds), which require adherence to:-
- A prescribed capacity.
 - An appropriate ratio of tables and chairs to customers based on the capacity.
 - The presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

Nudity and Striptease

122. Not all establishments where there are displays of nudity will fall under the definition of "sexual entertainment venue".
123. Applicants for premises licences or club premises certificates under the Act must state in the application form whether any adult entertainment may be provided which may give rise to concerns in respect of children. If such entertainment is to be provided, the licensing authority will expect the applicant to have given particular consideration to the promotion of the licensing objectives in relation to the protection of children from harm and the prevention of crime and disorder.

Proxy Sales

124. Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol to children. Operators shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.
125. The Council will look closely at any evidence of involvement in the sale of alcohol either directly to minors or indirectly, via adult intermediaries, in cases where the vendor could reasonably have been expected to predict the outcome but failed to take appropriate action.

Alcohol Deliveries

126. An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to implement to ensure that:-
- The person they are selling alcohol to is at least 18 years of age.
 - The alcohol is delivered to a person who is at least 18 years of age.
 - A clear document trail of the order process from order, dispatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.
 - The time the alcohol is sold and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

Licensing Hours

127. The licensing authority recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. This can help reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which can lead to disorder and disturbance. Providing customers with greater choice and flexibility is an important consideration, but will always be balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
128. However, the licensing authority recognises that longer opening hours can place undue pressure on the local transport infrastructure, accident and emergency services and law enforcement agencies and can create a nuisance for those residents who are affected by revelers returning home during the early hours.
129. In Balance's recent Public Perceptions Survey, of those responding from Stockton-on-Tees, 61% of people felt an appropriate time for pubs and bars to start selling alcohol was between 11am and 12 noon. Only 10% felt that an earlier time was appropriate. The average closing time deemed appropriate was 11:46pm, with 74% of all people surveyed suggesting that bars should close between 11pm and 1am. Only 13% of Stockton residents felt later than that was appropriate.
130. The licensing authority will not seek to engineer any pattern of closing times (staggered closing times) by seeking quotas for particular closing times.
131. Various factors will affect the appropriateness of the licensing hours. This will include, for example, premises located within predominately residential areas; premises located in an area in which concerns around the volumes of outlets have previously been raised; premises located in an area in which levels of alcohol related harms have been previously highlighted as an issue; and on-licence premises that are used by a significant number of young people and therefore increase exposure to the sale and consumption of alcohol, such as cinemas, soft play areas and school events.
132. Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but new or variation applications requesting that the sale of alcohol starts before 9.00am or finishes after 10.00pm in residential areas will generally be refused. In addition, new or variation applications for the supply of alcohol for consumption on the premises before 9.00am or after 11.30pm (12 midnight on a Friday and Saturday night) in residential areas will normally be refused.
133. New or variation applications for late night refreshment in terms of hot food takeaways in residential areas will normally be refused beyond 12 midnight.
134. In non-residential areas new or variation applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 3.00am will normally be refused, subject to relevant representations being received.

Drinking Up Time

135. The traditional 'drinking up time' was not carried over into the Act. However the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants of premises licensed for the on-sale of alcohol are recommended to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the area.

Dispersal Policy

136. The licensing authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later opening premises elsewhere and people who use off-licences may locate to a remote spot to drink. These problems are not within the control of any particular licensed premises and are not within the scope of the Act. However, premises licence holders are expected to take measures to encourage people to leave their premises quietly and considerately. The licensing authority would encourage premises to adopt a dispersal policy where appropriate.

Takeaway Food Premises

137. The licensing authority considers that it will normally be inappropriate to grant a premises licence permitting sales of alcohol at premises which are principally used for selling hot food for consumption off the premises (takeaway premises).
138. It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol may congregate there. Applicants are recommended to have written policies for dealing with disorder and nuisance. To help with dispersion issues, takeaways located in the vicinity of any public house, may be required to close prior to the public house.
139. Operators of takeaway premises where food and drink is provided in disposable containers for consumption elsewhere are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from the premises.
140. Where the licensing authority considers it appropriate and necessary, it may impose conditions on a premises licence to require the operators of takeaway premises to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. It may require the operator to service those litter bins as part of their own waste management arrangements.

Petrol and Service Stations

141. Under Section 176 of the Licensing Act 2003, no premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises. "Excluded premises" means a motorway or trunk road service area or premises used primarily as a garage or which form part of premises which are primarily so used.
142. Where applicable the licensing authority will require information from the applicant regarding the primary use of the premises prior to the hearing. Trading figures can be used to help determine the issue of primary use and whether or not the premises is an excluded premises.

Minor Variations

143. It is now possible to make small changes to premises licences or club premises certificates through the minor variation process, which is cheaper, easier and quicker than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. This decision will be taken by officers, taking into account the full circumstances of the requested variation.
144. The process can be used for changes such as:-
- Small changes to the structure or layout of a premises.
 - The addition of authorisation for late night refreshment or regulated entertainment such as live music, performance of plays or film exhibitions.
 - Small changes to licensing hours, but see paragraph 145 below on changes that relate to alcohol.
 - Revisions, removals and additions of conditions which could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions.
145. The Minor Variations process cannot be used to:-
- Add the retail or supply of alcohol to a licence.
 - Extend licensing hours for the sale or supply of alcohol at any time between 11pm and 7am.
 - Increase the amount of time on any day during which alcohol may be sold by retail or supplied.
 - Extend the period for which the licence or certificate has effect.
 - Transfer the licence or certificate from one premises to another, or vary substantially the premises to which it relates.
 - specify, in a premises licence, an individual as the premises supervisor.
 - Add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate.
 - Disapply the mandatory conditions relating to a designated premises supervisor (there is a separate process by which community premises can apply for this).

146. Upon receiving the application, the licensing authority will consider whether the minor variation could impact adversely on the licensing objectives. The licensing authority will consult with relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and take their views into account before reaching a decision e.g. the licensing authority may consult with an Environmental Health Officer on an application with possible public nuisance implications.
147. In the case of minor variations, there is no right to a hearing, but licensing authorities must take any relevant representations into account in arriving at a decision. Relevant representations from responsible authorities or other persons should be received within ten working days, beginning with the day after the application is received. The licensing authority then has a further five working days to determine the application.
148. If a minor variation application is refused the applicant may wish to submit the application via the full variation application process.

Reviews

149. If it becomes apparent that the licensed hours and/or the layout or operation of the premises are having a negative impact on the licensing objectives, it is possible that a responsible authority or any other person may apply for a review of the licence.
150. Reviews of premise licences represent a key protection for the community where problems associated with disorder, public safety or disturbances are occurring which undermine any of the licensing objectives.
151. The Act provides a range of powers for the Council on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
152. The Council may decide that no action is necessary where it finds that the review does not require the taking of any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent the Council issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time.
153. The Council will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the Police or Environmental Health Officers have already issued warnings requiring improvement – either orally or in writing – that have failed, as part of their own stepped approach to concerns, the Council will not merely repeat that approach.
154. Where the Council considers that action under its statutory powers are necessary, it may take any of the following steps:
 - To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times.

- To exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption).
 - To remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
 - To suspend the licence for a period not exceeding three months.
 - To revoke the licence.
155. In deciding which of these powers to invoke, the Council will, so far as possible, seek to establish the cause or causes of the concerns, which the representations identify. The remedial action taken will generally be directed at these causes and will always be no more than a necessary and proportionate response.
156. For example, the Council will be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it will be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
157. Where the Council is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps are necessary to be taken in connection with the premises licence for the promotion of the prevention of crime and disorder objective. It is important to recognise that certain criminal activity or associated problems may be taking place, or have taken place, despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the Council is still empowered to take any necessary steps to remedy the problems. The Council's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community, and not necessarily those of the individual holder of the premises licence.
158. It is not the role of the Council to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why applications giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings.
159. At the conclusion of a review, it will be for the Council to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
160. There are certain criminal activities that may arise in connection with licensed premises, which will be treated particularly seriously. These are the use of the licensed premises:

- For the sale, supply or possession for supply and distribution of Class A drugs and the laundering of the proceeds of drugs crime.
- For the sale, supply or possession for supply and distribution of illegal firearms.
- For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected.
- For the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.
- For prostitution or for the sale, supply or possession for supply of unlawful pornography.
- By organised groups of paedophiles to groom children.
- As the base for the organisation of criminal activity, particularly by gangs.
- In connection with offences of dishonesty, e.g. handling stolen goods.
- For the organisation of racist activity or the promotion of racist attacks.
- For unlawful gaming and gambling.
- For the sale, supply or possession for supply of illicit tobacco and alcohol.

161. It is envisaged that the Council, the Police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the Council determines that the prevention of crime and disorder objective is being undermined through the premises being used to further crimes, revocation of the licence – even in the first instance – will be seriously considered.

162. It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or other persons would be relevant to the promotion of the prevention of crime and disorder objective and justifiably give rise to a review.

Cumulative Impact Policy

163. Cumulative Impact Policies (CIP) were introduced as a tool for licensing authorities to limit the growth of licensed premises in a problem area. This is set out in the statutory guidance issued under Section 182 of the Act.

164. Cumulative impact occurs when the saturation of licensed premises (on-license alone, off-license alone or both combined) in an area is identified as causing a concern about one or more of the licensing objectives, which is then supported by an evidence base which proves that a special policy is required to more effectively manage and control the supply and consumption of alcohol in that area.

165. This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

166. The Council will consider the imposition of a CIP in areas where there is evidence that the saturation of licensed premises is undermining one or more of the licensing objectives.

167. Irrespective of a CIP being put in place, the Council expects that applicants consider the area and the number and type of existing licensed premises before making an application. If issues such as these are not addressed in an application, a cumulative impact, or saturation policy may be considered.
168. In considering such policies, the Council would review the evidence available to see whether alcohol related issues are due to the accumulation of premises, rather than an individual premise, and subsequently consider whether further new licenses will be granted, or if specific license conditions need to be introduced to prevent further problems in the area.
169. If these conditions fail to address the issues, a saturation policy may be considered, in which further license applications in a given area will normally be refused. Should this course of action be pursued, it would be done after consultation with residents and responsible authorities to establish the extent of the problems, assess the cause and recommend policies to address the issues. Any such policy would be reviewed at regular, agreed intervals.

Enforcement

170. Where necessary, enforcement action will be taken in accordance with the principles of the Regulators' Code and the Council's Regulatory Services Enforcement Policy.
171. In carrying out its enforcement work, the Council will look to act in a manner that is:-
 - Targeted – focusing on activities that give rise to the most serious risks or where hazards are least well controlled.
 - Consistent – using similar approaches in similar circumstances to achieve similar ends.
 - Transparent – helping licence holders to understand what is expected and distinguishing between statutory requirements and guidance.
 - Proportionate – taking action that is proportional to the risk presented.
172. In carrying out its functions under the Act the Council will look to promote economic growth where possible, alongside the four licensing objectives.
173. The Council will, where necessary, establish protocols with the local Police and other local regulators on enforcement issues to avoid duplication and to provide for the most efficient deployment resources.
174. Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the Police, Fire Authority, Environmental Health and Trading Standards also have their own particular powers and legislation to enforce.

Contact Details

175. Further details with regard to this policy and the licensing application process, including application forms, can be obtained from:-

Licensing Administration

Telephone: 01642 526558

E-mail: licensing.administration@stockton.gov.uk

Licensing Enforcement

Telephone: 01642 524802

E-mail: licensing.enforcement@stockton.gov.uk

Website

<https://www.stockton.gov.uk/community-safety/trading-standards-and-licensing/>

Appendix One

Additional Factors For Consideration

In addition to the general requirements of this policy, the Council expects an applicant to give consideration to, and implement where appropriate, other practical steps to promote the four licensing objectives, such as:-

Prevention of Crime and Disorder

- Use of CCTV both within and outside the premises.
- Procedures to prevent the supply of alcohol to those already drunk.
- Metal detection and search facilities.
- Procedures for risk assessing promotions and special events for the potential to cause crime and disorder, and plans for minimising such risks.
- Measures to prevent the use or supply of illegal drugs.
- Employment of registered SIA door supervisors and other appropriately trained staff.
- Participation in an appropriate scheme designed to ensure effective liaison with the local community and enforcement agencies, such as Pubwatch.
- The availability and promotion of soft drinks.
- Keeping displays of alcohol away from entrances and exits in order to help prevent thefts.
- Keeping displays of alcohol away from check outs in order to help prevent impulse purchases.

Prevention of Public Nuisance

- Managing queues to avoid disturbance to nearby residents. In some cases this may be achieved by simply ensuring that the direction of the queue is away from residential accommodation.
- The arrangements made, or proposed, for parking by patrons, and the effect of parking on local residents.
- Using door supervisors to prevent noise and disturbance during the queuing process.
- Keeping doors and windows closed when regulated entertainment is taking place and providing suitable mechanical ventilation.
- Reducing sound levels and installing a suitable noise limiting device, calibrated and set at a limit approved by Council officers, to prevent sound exceeding an appropriate level.
- Installing soundproofing measures or acoustic lobbies to control noise breakout and vibration to a level acceptable to the Council.
- Imposing time restrictions on the use of outside drinking areas.
- Increasing the lighting and/or reducing the volume of music towards closing time and where appropriate playing quieter, more soothing music.
- Controlling lighting outside of the premises, for example, on store fronts/signage and in outside drinking areas, to minimise the potential for light pollution towards neighbouring properties.
- Erecting prominent notices at all exits asking customers to leave quietly and not to slam car doors etc. and at appropriate times making announcements to the same effect.
- Instructing door supervisors to ask customers leaving the premises to leave the area quietly.
- Considering the availability of public transport and/or of licensed taxis or private hire vehicles to take patrons away from the premises

- In appropriate cases door supervisors or a manager patrolling nearby streets periodically to assess for themselves whether there is a noise or disorder problem and how best to deal with it
- Banning from the premises people who regularly leave in a noisy fashion.
- Taking steps to ensure that staff leave the premises quietly; this includes performers and artists who may have performed at the premises and the removal of any related equipment that they have used.
- Providing litter bins in the vicinity of late night hot food takeaways in order to prevent the accumulation of litter from customers.
- Carrying out litter patrols outside of late night hot food takeaways to ensure the immediate vicinity is kept clean and tidy to minimise litter nuisance.

The Protection of Children from Harm

- Restrictions on the hours that children may be present within the premise.
- The need for children to be accompanied by an adult when on on-licensed premises.
- Adoption of a proof of age scheme such as 'Challenge 21' with appropriate photographic identification, training for staff and associated signage.
- The use of a refusals register to record instances when a sale of alcohol is refused.
- Monitoring the use of gaming machines on the premises to ensure that children cannot access them.
- No child to be allowed on the premises when adult entertainment is taking place.
- Alcohol should not be promoted or displayed next to products aimed at children.
- Advertisements of alcohol should not be placed in windows or on signs that can be seen from the outside of the premise.

Ensuring Public Safety

- Ensuring that the premise are kept clean, uncluttered and well-lit with appropriate security lighting.
- The use of toughened or plastic glasses, especially in outside drinking areas.
- Keeping displays of alcohol away from the shop floor of aisles where they may interfere with customer flow.
- Measures to ensure that the potential for drink spiking is minimised. Licensees will be expected to cooperate with any measures or initiatives introduced to increase awareness and reduce the incidence of such practices.

Appendix Two

Delegation of Licensing Functions

Application for premise licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application for a minor variation of premise licence/club premises certificate		All cases
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Application for interim authority	If a police objection	All other cases
Application to review premises licence/club premise certificate	All cases	
Application for personal licence	If police objection	All other cases
Decision on whether a representation is irrelevant, frivolous, vexatious etc.		All cases
Determination of an objection to a temporary event notice	All cases	
Determination of an application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	