



# **Statement of Licensing Policy**

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# **1 INTRODUCTION**

## **1.1 Licensing Policy**

- 1.1.1 Redcar and Cleveland Borough Council is a licensing authority under the Licensing Act 2003 (hereafter referred to as “the Act”).
- 1.1.2 All references to “the Licensing Authority” refer to Redcar and Cleveland Borough Council.
- 1.1.3 Section 5 of the Act requires every Council to formulate and publish a statement of Licensing Policy and thereafter to review and re-publish it at a minimum of every five years.
- 1.1.4 The Statement of Licensing Policy has been produced with regard to guidance issued by the Secretary of State and seeks to provide information and guidance on how the Licensing Authority will carry out its duties and responsibilities under the Act.
- 1.1.5 In developing this Statement, the Licensing Authority has consulted with a wide range of interested parties and has sought to achieve integration with related policies.
- 1.1.6 This Statement of Licensing Policy was approved by Council in on the 7<sup>th</sup> January 2016.

## **1.2 Scope of The Policy**

- 1.2.1 The Licensing Authority is responsible for the issuing of Personal Licences, Premises Licences and Club Premises Certificates. In doing so, it must process and determine related applications which include variations, transfers and reviews. The licensing authority must also make provision for receiving and, where appropriate, acknowledging Temporary Event Notices.

Please refer to part 3 of this policy for further information.

- 1.2.2 The above authorisations may permit the carrying out of one or more of the following licensable activities:
- The sale by retail of alcohol for consumption both on and off the premises
  - The supply of alcohol by, or on behalf of, a club
  - The provision of late night refreshment
  - The provision of regulated entertainment

Please refer to part 2 of this policy for further information.

## **1.3 Policy Aims**

- 1.3.1 The Licensing Authority has identified the following objectives to be achieved by this Licensing Policy:
- To reduce alcohol related crime and disorder, the fear of crime and improve public safety
  - To reduce noise and anti-social behaviour insofar as it arises from, or is contributed to by licensed premises, regulated entertainment, or those providing or attending them
  - To contribute to sustainable development of local economies through the

provision of opportunity for a diverse range of licensed premises and activities which will attract a range of customers and promote healthy attitudes towards alcohol consumption

- To improve town centre amenity and encourage development of social inclusion through activities appropriate to the character of the neighbourhood
- To link with other boroughwide policies aimed at the reduction of crime and disorder, and the promotion of social inclusion, healthy lifestyles and sustainability.

## **1.4 Links to other Strategies**

1.4.1 The Council has already developed a number of strategies and policies in partnership with its key stakeholders, which are aimed at promoting and supporting its wider social objectives. This Licensing Policy has been prepared to provide synergy with other relevant policies and strategies including those related to community safety, crime prevention, planning, transport, tourism and culture.

1.4.3 In discharging its duties under the Act the Licensing Authority will seek to ensure, so far as is possible having regard to the limits placed upon it by legislation, that the policy supports the strategic aims and objectives in the above strategies.

1.4.4 The Government has asked that Policy Statements should include other mechanisms that are available for addressing the issue of patrons behaving badly away from licensed premises such as:

- Planning controls.
- Positive measures to create a safe and clean Town Centre environment in partnership with local businesses, transport operators and the Council.
- Powers of Local Authorities to designate parts of their area as places in which alcohol may not be consumed in public.
- Police enforcement of laws concerning disorder and anti-social behaviour, including the issue of fixed penalty notices.
- The potential prosecution of any individual who is selling alcohol to children and/or to people who are drunk.
- The confiscation of alcohol from adults and children in designated areas.
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
- The power of any Responsible Authority or any other person to seek a review of the licence or certificate in question.

1.4.5 For a variety of reasons many of these mechanisms may be of limited effectiveness and value in dealing with anti-social behaviour away from licensed premises. The Licensing Authority will therefore consider the grant of an authorisation very carefully in the event of receiving relevant representations, particularly when the hours sought extend far into the hours of the following morning. It should be noted however that the Licensing Act 2003 is NOT the primary mechanism for the general control of nuisance and anti social behaviour

once individuals are away from licensed premises and therefore beyond the direct control of the licensee or premises concerned.

## 2 LICENSABLE ACTIVITIES

### 2.1 Alcohol Sales

- 2.1.1 Alcohol sales include 'the sale by retail of alcohol' for Premises Licences and 'the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club' for Club Premises Certificates. Alcohol may be sold for consumption; on the premises, off the premises or both on and off the premises. Every supply of alcohol under a Premises Licence must be made or authorised by a person who holds a Personal Licence.

### 2.2 Regulated Entertainment

- 2.2.1 The definition of regulated entertainment covers a variety of activities provided solely or partly for:

- members of the public, or
- club members and their guests

where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

If the activities are provided in private, they may still fall within the definition if a charge is made which is provided for profit. This will include profits for the benefit of a charity.

- 2.2.2 Plays: A performance of any dramatic piece (including rehearsal), whether involving improvisation or not, which is given wholly or in part by one or more persons present and performing in which the whole or a major proportion of what is done by the person(s) performing, whether by way of speech, singing or action, involves the playing of a role. The Act provides that other than for the purposes of public safety, conditions must not be attached to Premises Licences or Club Premises Certificates authorising the performance of a play which attempt to censor or modify the content of plays in any way.

- 2.2.3 Films: Any exhibition of moving pictures except where its sole or main purpose is to demonstrate a product, advertise goods or services or provide information, education or instruction, or if it consists or forms part of an exhibit put on show for any purposes of a museum or art gallery. The use of television or radio receivers is not licensable, except for the showing of pre-recorded programmes. Where a Premises Licence or Club Premises Certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (BBFC) or by the licensing authority itself. In relation to specialist Film Festivals & other occasions where it is desired to show films not classified by the BBFC the Licensing Authority will, provided adequate notice has been given, classify the films concerned. To achieve consistency and the protection of children the Council will use the guidelines published by the BBFC.

- 2.2.4 Indoor sporting event: An event which takes place inside a building for spectators wholly inside that building. A sporting event that takes place at a venue whose roof can be opened or closed would not constitute an indoor event, even when the roof is closed. For the purposes of the Act, sport is defined as any contest in which physical skill is the main factor and any form of physical recreation engaged in for the purposes of competition or display. For example, tennis would be covered by the definition. However, a game of chess contested publicly would not.

- 2.2.5 Boxing or wrestling: Any contest, exhibition or display of boxing or wrestling. Unlike other sports, boxing and wrestling is licensable whether held indoors or outdoors.
- 2.2.6 Live music: Music includes vocal or instrumental music or any combination of the two. Live music will therefore require a licence regardless of the number of participants. The performance of live music, if it is incidental to some other activity, which is not in itself regulated entertainment, is not licensable. For example, piano music played in the background in a restaurant would not require licensing.
- 2.2.7 Recorded music: Recorded music includes vocal or instrumental music or any combination of the two that has been previously converted into a permanent form. The playing of recorded music, if it is incidental to some other activity, which is not in itself regulated entertainment, is not licensable. For example, stand-up comedy is not a licensable activity and musical accompaniment incidental to the main performance would not make it a licensable activity. If the volume of the music does not disrupt or predominate over other activities, and could be described as 'background' music, it may be exempt from regulation. However, a disc jockey playing to a public audience would amount to regulated entertainment and would therefore need to be authorised. Recorded music does not include the showing to an audience of television and radio programmes forming part of a programme service within the meaning of the Broadcasting Act 1990 (so long as the programmes have not been pre-recorded). A live broadcast of, for example, a music television channel, would not amount to a licensable activity.
- 2.2.8 Performances of dance: Regulated entertainment might involve a performance of dance provided for an audience. However, Morris dancing or any dancing of a similar nature is not licensable. If a performance of unamplified live music is integral to a Morris dance, the music will also be exempt from the definition of regulated entertainment.
- 2.2.9 Entertainment of a similar description to that falling within live music, recorded music or performance of dance: Includes any similar activities to those described in 2.2.6, 2.2.7 and 2.2.8.

### **2.3 Late Night Refreshment**

- 2.3.1 Late Night Refreshment is the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am. If supplies are made on premises to which the public has access, the provision of such food or drink will be licensable even if the supplies are not made to members of the public. Supply takes place when the hot food or hot drink is given to the customer, not when it is paid for (e.g. when a takeaway is handed to a customer over the counter).
- 2.3.2 Certain supplies are not regarded as late night refreshment, including:
- supply to guests of hotels or similar premises (e.g. guest houses, caravan sites or other premises supplying accommodation as their main purpose)
  - supply to members of recognised clubs
  - supply to employees of a particular employer – for example, where refreshment is made available to employees whose shift patterns require them to be present at the workplace between 11pm and 5am

### **2.4 Stage Hypnotism**

- 2.6.2 Stage hypnotism raises concern in relation to the safety of the public and also the protection of children from harm. This form of entertainment has been widely debated with allegations of long-term harm being caused to participants.

2.6.3 Conditions, which the Council may attach, may include:

- The requirement of the Stage hypnotist to be a Member of the Federation of Stage Hypnotists or the European Guild of Professional Stage Hypnotists or of a similar approval body.
- The provision of Public Liability Insurance of not less than £5,000,000 by the stage hypnotist.
- The presence, throughout the performance, of persons with appropriate medical training
- That no person under the age of 18 years to be hypnotised.
- That no one under the influence of hypnosis shall be permitted to leave the room in which hypnotism is taking place.
- That the mass hypnotism of the audience is not to be carried out.
- That all hypnotised subjects to be free of hypnotic influences when leaving premises.
- That no indecent acts or acts which are offensive or cause concern to the public are to be performed. (This would include the consumption of certain substances and acts of levitation/suspension of subjects.)

In relation to performances of stage hypnotism the Licensing Authority would seek to prohibit all children under the age of 18 years from any area where the hypnotism performance can be viewed.

## 3 AUTHORISATIONS

### 3.1 Personal Licence

- 3.1.1 Every sale or supply of alcohol made under the benefit of a Premises Licence must be authorised by a holder of a Personal Licence. The only exception is for community premises in respect of which a successful application has been made to disapply the usual mandatory conditions set out in sections 19(2) and 19(3) of the Act (see 3.2.5).
- 3.1.2 An individual applying for a Personal Licence must be aged 18 years and over, possess a licensing qualification accredited by the Secretary of State and must not have forfeited a Personal Licence within five years of their application. Applications should be made to the Council where the applicant is normally resident
- 3.1.3 If an applicant has a relevant conviction that is not spent, only the police can oppose the application on the grounds that the prevention of crime objective would be undermined. If the police make a representation, then a hearing will be held to determine the application. If the Licensing Authority decides to reject the application it will give reasons for its decision to the applicant and the Chief Constable of Cleveland Police. There is a right of appeal to the Magistrates Courts against a decision of the Licensing Authority.
- 3.1.4 In the event of a representation being made from the Chief Constable, the Licensing Authority will only grant a licence if it is satisfied that to do so will be in the interests of the prevention of crime and disorder objective.

### 3.2 Premises Licence

A Premises Licence authorises the use of any premises (which includes vehicles, vessels or moveable structures or any place or a part of any premises) for licensable activities.

- 3.2.1 Grant of a licence: Any person (aged 18 or over), business, partnership or charity, who is carrying on or who proposes to carry on a business which involves the use of premises for licensable activities may apply for a Premises Licence either on a permanent basis or for a time-limited period.

Applications must be accompanied:

- by a plan of the premises to which the application relates
- by an Operating Schedule detailing licensable activities (and the times they will take place), information in respect of the premises supervisor, and the steps proposed to promote the licensing objectives
- by a form of consent completed by the individual to be specified as designated premises supervisor (only if the supply of alcohol is included as a licensable activity)

Applications for the grant of a Premises Licence must be advertised in a local publication on at least one occasion within ten working days of the application date and a notice must be displayed on the premises for a period of 28 days.

- 3.2.2 Variation to a licence: The holder of a Premises Licence may apply to the Licensing Authority for variation of the licence. An application to vary must be accompanied by the Premises Licence.

These applications must be advertised in a similar manner to Grants (see 3.2.1)

3.2.3 Minor variations to a licence: The Act allows for a simplified procedure for varying a licence where the changes do not have an adverse effect on the licensing objectives. Minor variations can include:

- Minor changes to the structure or layout of a premises
- Small adjustments to the licensing hours (except when increasing the hours for alcohol)
- The removal of out of date irrelevant or unenforceable conditions
- Adding certain licensable activities including live music but not including the sale or supply of alcohol

Changes to the structure of the premises will not fall within the definition of a minor variation if they may have an adverse impact on the licensing objectives. For example:

- If it increases the capacity for drinking on the premises, or
- If it impedes the effective operation of a noise reduction measure such as an acoustic lobby.

Upon receipt of an application for a minor variation the Licensing Authority will consult with Cleveland Police in every instance. The Licensing Authority may consult with other Responsible Authorities at their discretion dependant upon the nature of the minor variation.

3.2.4 Variation to specify a Designated Premises Supervisor: Premises licensed for the sale of alcohol must have a Personal Licence holder specified as 'designated premises supervisor', this will normally be the person responsible for the day-to-day running of the business. A Premises Licence can be varied at any time to change the designated premises supervisor. The police may object to the designation of a new premises supervisor where, in exceptional circumstances, they believe that the appointment would undermine the prevention of crime and disorder objective.

3.2.5 Application to disapply mandatory conditions in respect of community premises: Holders of Premises Licences in respect of community premises may submit an application to disapply the mandatory conditions in sections 19(2) and 19(3) of the Act concerning the supervision of alcohol sales by a Personal Licence holder and the need for a designated premises supervisor who holds a Personal Licence.

3.2.6 Transfer of a licence: Any person who may apply for a Premises Licence, which includes a business, may apply for a Premises Licence to be transferred to them. Where an application is made in writing to the licensing authority, the applicant must give notice of the application to the chief officer of police and the designated premises supervisor.

3.2.7 Interim Authority Notice: Where a Premises Licence lapses (under section 27 of the Act) due to death, incapacity or insolvency of the holder, but no application for transfer has been received to reinstate the licence under section 50 of the Act, a person who has an interest in the premises may, during the initial 28 day period, give notice to the Licensing Authority in respect of the licence. A similar notice must also be given to the chief officer of police within this period.

Where an Interim Authority Notice is given, the Premises Licence is reinstated for a maximum period of 3 months from the day the notice was given to the Licensing Authority to allow for applications to transfer the licence.

### 3.3 Club Premises Certificate

Clubs are organisations where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members of the organisation to supply to club members and their guests. They commonly include Labour, Conservative and Liberal Clubs, the Royal British Legion, other ex-services clubs, working men's clubs, miners welfare institutions, social and sports clubs.

Only 'qualifying' clubs may hold Club Premises Certificates. In order to be a qualifying club, a club must have at least 25 members and meet the conditions set out in sections 62, 63 and 64 of the 2003 Act. The grant of a Club Premises Certificate means that a qualifying club is entitled to certain benefits. These include but are not limited to:

- the authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a Personal Licence
- the absence of a requirement to specify a designated premises supervisor
- more limited rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public
- exemption from police powers of instant closure on grounds of disorder and noise nuisance

Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for profit. These require a Premises Licence and are not qualifying clubs.

- 3.3.1 Grant of a Club Premises Certificate: Qualifying clubs carrying on or proposing to carry on a business which involves the use of premises for licensable activities may apply for a Club Premises Certificate either on a permanent basis or for a time-limited period.

Applications must be accompanied:

- by a plan of the premises to which the application relates
- by an Operating Schedule detailing licensable activities (and the times they will take place) and the steps proposed to promote the licensing objectives

Applications for the grant of a Club Premises Certificate must be advertised in a local publication on at least one occasion within ten working days of the application date and a notice must be displayed on the premises for a period of 28 days.

- 3.3.2 Variation to a certificate: Where a qualifying club wishes to make changes to the certificate, it may apply to the Licensing Authority for variation of the certificate. An application to vary must be accompanied by the Club Premises Certificate.

These applications must be advertised in a similar manner to Grants (see 3.3.1)

- 3.3.3 Minor variations to a certificate: The Act allows for a simplified procedure for varying a certificate where the changes do not have an adverse effect on the licensing objectives. Minor variations can include:

- Minor changes to the structure or layout of a premises
- Small adjustments to the licensing hours (except when increasing the hours for alcohol)
- The removal of out of date irrelevant or unenforceable conditions
- Adding certain licensable activities including live music but excluding alcohol

Changes to the structure of the premises will not fall within the definition of a minor

variation if they have an adverse impact on the licensing objectives. For example:

- If it increases the capacity for drinking on the premises. or
- If it impedes the effective operation of a noise reduction measure such as an acoustic lobby.

Upon receipt of an application for a minor variation the Licensing Authority will consult with Cleveland Police in every instance. The Licensing Authority may consult with other Responsible Authorities at their discretion dependant upon the nature of the minor variation.

### **3.4 Temporary Event Notice**

3.4.1 Temporary Event Notices (TENs) allow licensable activities (see part 2) to take place outside the scope of a Premises Licence or Club Premises Certificate at events involving no more than 499 people at any one time. These events do not have to be authorised by the Licensing Authority, instead the premises user notifies the licensing authority and the police of the event, subject to certain conditions;

Standard temporary event notices must, no later than 10 working days before the day on which the event is to start, be given in duplicate to the Licensing Authority, together with the relevant fee - a copy of the notice must also be given to the relevant chief officer of police no later than 10 working days before the day on which the event is to start.

Late temporary event notices have been introduced and must, no later than 5 working days before the day on which the event is to start, be given in duplicate to the Licensing Authority, together with the relevant fee - a copy of the notice must also be given to the relevant chief officer of police no later than 5 working days before the day on which the event is to start.

- anyone aged 18 or over can give a maximum of 5 standard TENs or 2 late TENs per calendar year
- Personal Licence holders can give a maximum of 50 standard TENs or 10 late TENs per calendar year

3.4.2 TENs are subject to other maximum limits:

- each event covered by a TEN can last up to 168 hours
- no more than twelve TENs can be given in respect of any particular premises in any calendar year
- a maximum aggregate of 21 days is allowed to be covered by TENs at any individual premises in any calendar year
- there must be a minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises

3.4.3 Provided that the criteria set out above are met, only the police and the Council's Environmental Protection may intervene to prevent an event covered by a TEN notice taking place or agree a modification of the arrangements for such an event and then only on crime prevention and public nuisance grounds. However, should the licensing authority receive an objection notice to a late TEN they are required to serve a counter notice no later than 24 hours before the event and the event will not then be permitted.

### **3.5 Provisional Statement**

3.5.1 Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a Premises Licence

covering the desired licensable activities would be granted for the premises when the building work is completed. In these cases, a person (aged 18 or over) may apply to the Licensing Authority for a provisional statement.

An application for a provisional statement must be accompanied by a schedule of works which should include particulars of the premises and the licensable activities for which the premises will be used, and also plans of the work being or about to be done.

## 4 LICENSING OBJECTIVES

The Licensing Objectives of the Act are:

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

In discharging its general duties under Section 4 of the Act (promotion of licensing objectives), the Licensing Authority will at all times have regard to this policy when exercising its functions in respect of licensable activities.

### 4.1 The Prevention of Crime and Disorder

4.1.1 It is important that the applicant be able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective in the operating schedule.

The factors that impact on crime and disorder may include:

- Underage drinking
- Drunkenness
- Substance misuse
- Violent behaviour
- Anti-social behaviour

4.1.2 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Training and supervision of staff.
- Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA).
- Acceptance of accredited means of age identification e.g. DVLA photo driving licence or 'proof of age' cards.
- Provision of effective digital CCTV in and around premises.
- Employment of licensed door supervisors and other appropriately trained staff.
- Provision of plastic or shatter resistant glasses.
- Provision of secure deposit boxes for confiscated items.
- Procedures for assessing risk associated with promotions and events such as "happy hours" for the potential to cause crime and disorder, and plans for minimising such risks.
- Measures to prevent the use or supply of illegal drugs.
- Installation of non-retrievable bottle bins at exits and ensuring that patrons do not leave with unsealed containers
- Provision of suitable lighting outside premises
- Membership of Redcar and Cleveland 'Pubwatch' scheme

4.1.3 The Licensing Authority will expect the operating schedule to include a risk assessment into the use of door supervisors, in terms of the actual need for such a service and also the ratio of such personnel to patrons based on capacity of the premises.

- 4.1.4 It is important that there is an accountable, responsible person present at all times when alcohol is being sold. This is to ensure that alcohol is not sold to persons who have had too much to drink and to ensure that alcohol is only sold to persons over the age of 18 years. In terms of crime and disorder, there is a need for an identified person with whom the Licensing Authority and Police can discuss any problems/issues arising from the licensable activities offered on the premises.
- 4.1.5 The Licensing Authority will normally expect all licensees of venues that offer alcohol and entertainment to provide and implement a written Drugs Policy. This should be included as part of the operating schedule. The Licensing Authority recognises that drug use is not something that is relevant to all licensed premises. Many venues can however be popular with drug mis-users and suppliers. The production of a Drugs Policy combined with the effective professional management of a venue will assist in keeping incidents of drug abuse to a minimum.
- 4.1.6 The Licensing Authority will normally expect that all licensees who provide entertainment along with retail alcohol sales will comply with the Home Office Safer Clubbing Guidelines. These include:
- The provision of free drinking quality (potable) water in public areas (e.g. the bar area and not in toilets).
  - The installation of a drugs deposit box in all licensed premises providing entertainment beyond 11pm
  - A drugs register to record confiscated drugs and drugs deposits

## **4.2 Public Safety**

- 4.2.1 The Licensing Authority will expect the premises to be constructed and maintained to the highest possible standards of safety. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation and, where appropriate, the Technical Standards published by the District Surveyors Association. The Licensing Authority expects premises to be constructed with safety in mind and that the operating schedule details how the premises will be properly managed and maintained to ensure public safety at all times.
- 4.2.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered. These may include:
- The maximum occupancy levels of the premises.
  - The age, design and layout of the premises, including means of escape in the event of a fire.
  - The nature of the licensable activities to be provided.
  - The hours of operation
  - Customer profile (e.g. age, disability).
  - The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- 4.2.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:
- Suitable and sufficient risk assessments
  - Effective and responsible management of premises.
  - Provision of a sufficient number of people employed or engaged to secure the safety of the patrons and the premises.

- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA).
- Provision of effective digital CCTV in and around premises.
- Provision of toughened or plastic drinking vessels.
- Implementation of crowd management measures.
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.
- Fully qualified first aiders at all premises which provide entertainment beyond 11pm

### **4.3 The Prevention of Public Nuisance**

- 4.3.1 The Licensing Authority must strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance, nuisance and loss of amenity to local residents. Consequently, in certain areas or appropriate cases, the Licensing Authority may, on the receipt of relevant representations, restrict the hours of operation. Each application will be considered on its merits, having regard to all available evidence including information within the application itself.
- 4.3.2 The Government's view is that longer licensing hours should be encouraged in the interests of avoiding a concentration of disturbance while ensuring that nuisance is minimised to local residents. The Government believe that shops and public houses should generally be permitted to sell alcohol during the hours they intend to open. The Government wishes that entertainment providers should be encouraged to provide a range of entertainment during their operating hours, to promote live music, dancing and theatre for the wider cultural benefit the community.
- 4.3.3 The Licensing Authority acknowledges this view but also considers that it is self evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning.
- 4.3.4 Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the highway. It may be exacerbated by patrons being noisy when leaving premises, leaving litter or taking up on-street car parking space needed by residents. The impact of noise generated by these activities, especially patrons departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.
- 4.3.5 Parts of this Borough are very sensitive to the impact of licensed activities because they are either residential in character or close to residential areas. Some shopping areas are close to residential areas, including housing above commercial premises. The impact of traffic and parking related to licensed premises can be considerable. Even where a majority of patrons arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises.
- 4.3.6 However, some commercial areas in the Borough, particularly in town centres, may be more suitable locations for licensed premises with late opening hours or which attract significant numbers of people. In the main town centres, more patrons are likely to travel by public transport and licensable activities may help bring vitality to the area after normal shopping hours.
- 4.3.7 Nevertheless, late at night, the impact of licensed activities is more likely to be objectionable to residents living within the vicinity of a licensed premises. The ambient noise level is lower so that noise disturbance from activities becomes more probable.

- 4.3.8 Persons who visit entertainment venues, which open beyond the provision of the main public transport services, are more likely to use taxis or private hire vehicles or they may seek to park in residential streets close to the activity. This Policy allows for later closing times if it can be shown that there will not be an adverse impact.
- 4.3.9 This part of the Policy is concerned with whether a proposal is appropriate in a location with particular regard to the impact on any residential areas. In those parts of the Borough, which are predominantly residential, it is anticipated that, in the event of receipt of relevant representations, the normal hours of opening of new licensed activities would be expected to end at 11 pm.
- 4.3.10 Opening hours of midnight and beyond are more likely to be considered to be acceptable, in principle, for premises in commercial areas with high levels of public transport accessibility. However, in all cases, following the receipt of relevant representations, the granting of a licence will still depend on the impact of an activity, particularly on local residents. It is necessary to consider, amongst other things, the level of impact that could arise from noise and vibration, litter, parking, movement of patrons, crowds and queuing; and whether any impact is particularly unacceptable late at night.
- 4.3.11 Operating hours of 12am and beyond will normally be more appropriate for premises located:
- In predominantly commercial areas, such as the various town centres.
  - Where there is a high level of accessibility to public transport services.
  - Where there is an appropriate amount of car parking, readily accessible to the premises.
  - The operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance.

Later closing times, i.e. beyond 2 am will normally be more appropriate where it can be demonstrated that, in addition to the above:

- The licensed activities would not be likely to cause adverse impact especially on local occupiers, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it.
  - There will not be any increase in the cumulative adverse impact from these similar activities, on an adjacent residential area.
  - The activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets or on roads.
- 4.3.12 The Licensing Authority will expect the operating schedule to effectively address the assessments made to minimise noise disturbance, both inside the premises and as patrons are leaving the premises. Operating schedules must also outline the measures identified as being required to prevent nuisance to patrons, local residents and local businesses.
- 4.3.13 One of the greatest causes of annoyance to residents trying to sleep is noise including music emanating from licensed premises. Such noise might preclude the grant of a licence or if one has already been granted for it to be reviewed with a view to possible revocation. It might also lead to a Noise Abatement Notice being issued under the Environmental Protection Act 1990 and related environmental legislation subject to evidence and circumstances. Responsible applicants and licensees will wish to avoid the need for such action, as they will wish to comply with the licensing objective of preventing public nuisance.

- 4.3.14 The Licensing Authority will expect the applicant to propose practical steps to prevent nuisance or disturbance to local residents. In relation to noise emanating from within the building the Licensing Authority will expect the applicant to have carried out a thorough acoustic assessment to ascertain the impact of any sound escaping from the licensed premises. This noise could relate not only to music but also from fixed plant equipment or from patrons themselves. If there is sound escape the Licensing Authority will expect this to have been addressed in practical ways such as:
- Working with the Council's Environmental Protection team to establish a suitable noise management scheme.
  - Keeping doors and windows closed and providing adequate alternative ventilation.
  - Reducing sound levels and installing a sound-limiting device to prevent sound exceeding the appropriate level.
  - Installing and maintaining soundproofing measures to contain sound and vibration.
  - Providing quieter areas for patrons.
  - In the event of beer gardens or similar outdoor areas, ensuring that amplified music is not relayed to such areas and that these areas are properly screened.
- 4.3.15 While licence holders cannot be held solely responsible for the behaviour of their patrons after they have left the premises, they have a duty to put in place such measures that will assist in the quieter exiting and dispersal of such patrons. Patrons may be less inhibited about their behaviour and may be unaware of the noise they are creating. This is particularly the case when patrons have been exposed to high levels of sound within the premises, causing them to shout to be heard. Upon leaving the premises there may be then a tendency to continue to shout and this may cause more disturbances, in particular, to local residents.
- 4.3.16 The Licensing Authority will expect popular venues, which attract queues, to formulate a system to avoid disturbance to residents. This can sometimes be achieved by simply ensuring that the direction of the queue is away from any residential accommodation. Excessive noise and/or disorder require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. Door Supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities.
- 4.3.17 In terms of patrons leaving the premises particularly late at night or early in the morning, the Licensing Authority will expect the applicant to include in the operating schedule such practical steps as:
- Displaying prominent notices at exits asking customers to leave quietly and not to slam car doors
  - At appropriate times making loudspeaker announcements to the same effect.
  - Instructing door supervisors to ask customers to leave the area quietly
  - Reducing the volume of music towards the end of the evening and having in place arrangements for playing quieter, more soothing music as the evening winds down
  - Availability of licensed taxis, private hire vehicles or public transport to take patrons from the premises
  - In appropriate cases, requiring Door Supervisors or a Manager to patrol nearby streets to assess for themselves whether there is a problem and how best to deal with it
  - Banning from the premises people who often leave in a noisy fashion
  - Increasing outside lighting levels without causing collateral intrusion
  - Installing outside CCTV systems
  - Where there is a private forecourt, preventing patrons from using it for eating and drinking etc after a specified time.

4.3.18 To prevent littering, promotional flyers, advertising leaflets etc should be collected at regular intervals by the licensee or his/her representative. At the end of each evening staff should patrol the vicinity, collect all discarded flyers within a 20 metre radius of the premises. Where promotional material is distributed away from the premises concerned the same principle applies, however, at the end of the evening staff must return to the distribution site(s), collect all relevant discarded promotional material and return it to their own premises.

#### **4.4 The Protection of Children from Harm**

4.4.1 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from physical, moral or psychological harm, relevant to the individual style and characteristics of their premises and events.

4.4.2 The protection of children from harm is a key licensing objective. Nevertheless, the Licensing Authority will not normally impose conditions requiring or prohibiting the admission of children to any premises believing this should remain a matter of discretion of the licence holder. The Licensing Authority has taken account of the view of DCMS that the use of licensed premises by children should be encouraged. However it will, where necessary, impose conditions designed to protect children.

4.4.3 Examples of premises where the introduction of additional controls are likely to be necessary are:

- Where there have been convictions for serving alcohol to minors or with a reputation for under-age drinking.
- Where there is a known association with drug taking or dealing.
- Where there is a strong element of gambling on the premises.
- Where entertainment of an adult or sexual nature is provided.
- Where the supply of alcohol for consumption on the premises is the exclusive and primary purpose of the premises.

4.4.4 In such circumstances it may be necessary to impose a complete prohibition. This however, would be only rarely imposed. The Licensing Authority would normally be more likely to impose requirements such as:

- Limitations on the hours when children may be present
- Proof of age arrangements for alcohol sales.
- Age limitations below 18 (e.g. considering requiring all persons under 14 years to leave premises before 9pm and persons between 14 years and under 18 years to leave before 11 pm).
- Limitations or exclusions when certain activities are taking place.
- Requirements for accompanying adults.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature, performances of hypnotism etc).

4.4.5 Where there is provision of entertainment specifically for children (e.g. a children's disco) the Licensing Authority will require the presence of sufficient adults to control the access and egress of the children and assure their safety. Applicants who wish to offer such activities will be required to submit an appropriate Child Protection Policy which details, among other things, criminal record checks for relevant staff etc.

4.4.6 The Licensing Authority supports and promotes the Portman Group Code of Practice

relating to the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure, among other things, that alcoholic drinks promotions are responsible and targeted only at persons over the age of 18 years.

- 4.4.7 Conditions restricting the admission of children to any premises cannot be attached to licence or certificates. Where no licensing restriction is necessary, this should remain a matter for the discretion of the individual licensee or club or person who has given a temporary event notice.
- 4.4.8 Venue operators seeking Premises Licences and Club Premises Certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority concerned, these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises may be imposed by the Licensing Authority in these circumstances.
- 4.4.9 Applicants for Premises Licences and Club Premises Certificates will be required to copy details of their applications to the Body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm and is recognised by the Licensing Authority as being competent to advise it on such matters. The Licensing Authority considers that the competent Body will be the Area Child Protection Committee.

## **5 GENERAL CONSIDERATIONS**

Nothing in this Policy should be regarded as preventing the Licensing Authority from making an application in its own right, provided that where such application is made, the Council will before, any such licence is granted be subject to the same considerations and scrutiny with regard to the criteria set out in this document as any other applicant.

### **5.1 Determining Applications**

- 5.1.1 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its individual merits, taking into account the legislation and DCMS guidance. In the absence of any objection the licence will be granted, subject only to any mandatory conditions and those conditions which form part of the operating schedule

### **5.2 Operating Schedule**

- 5.2.1 Applicants for Premises Licences and Club Premises Certificates will be expected to address all four licensing objectives. It may assist to consider Local Crime Prevention Strategies, Planning and Transportation Policies and Tourism and Cultural Strategies when determining their operating schedule. The Licensing Authority will expect the operating schedule to have regard to the nature of the area in which the premises are located, the type of premises, the licensable activities to be provided, the hours of operation, impact on the locality and the needs of the local community. In this respect the Licensing Authority will expect the applicant to demonstrate how the premises will be a “good neighbour” both to residents and other venues and businesses. The applicant will be required to demonstrate that he/she has satisfactorily addressed each of the licensing objectives as part of any application for a Premises Licence or Club Premises Certificate.

### **5.3 Council Considerations**

- 5.3.1 In formulating this policy the Council has had regard to the provisions of the European Convention on Human Rights in that everyone has the right to respect for their home and private life and that every person is entitled to the peaceful enjoyment of their possessions (including a licence). 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 and in particular 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.
- 5.3.2 The Council has also taken into account the provisions of the Crime and Disorder Act 1998 with regard to the likely effect of the exercise of its functions on crime and disorder in the Redcar and Cleveland area and is committed to doing all it can to prevent crime and disorder.
- 5.3.3 The Government’s National Alcohol Harm Reduction strategy has also been taken into account in relation to crime and anti social behaviour and the effect that binge drinking has on the health of the population. The Council has also taken into account the Home Office “Safer Clubbing Guide” and the Tees Valley “Managing Unlawful Substances in Pubs & Clubs (MUSIC)” Policy.
- 5.3.4 The Council recognises that it has a legal duty to have due regard to the requirements of the Equality Act 2010 in relation to the need to eliminate unlawful discrimination and promote equality for people with Protected Characteristics.
- 5.3.5 The Licensing Authority recognises that the provision of entertainment is a major

contributor to the economy of the district attracting tourists and visitors alike, and is a source of employment.

5.3.6 The Authority also acknowledges the popularity of alcohol as a means of social recreation and relaxation, particularly where it is provided together with other forms of entertainment or, as an accompaniment to meals and refreshments.

5.3.7 It notes also, the aims of the Government to balance the rights and responsibilities of the individual with the needs of local communities, the promotion of tourism, access to entertainment and the reduction of crime and disorder, most particularly that related to alcohol abuse.

5.3.8 In particular the Licensing Authority is committed to promoting a wide range of cultural diversity and to this end will monitor the effects of its policy on live entertainment including music and dancing, and those premises which are not run for profit such as community venues which are providing community based services for local people.

## **5.4 Anti-social Behaviour**

5.4.1 The Licensing Authority will also have regard to wider considerations affecting the residential population and amenity of any area. These include anti-social behaviour, criminal damage, street crime, littering, fouling, noise pollution, and the capability of the infrastructure and police resources to cope with the influx of people, particularly on Friday and Saturday nights.

5.4.2 Anti-social behaviour frequently impinges on the rights and quality of life of citizens and the Licensing Authority is aware that it raises fear of crime and is frequently the basis of formal objection to licence applications. The Licensing Authority acknowledges that such behaviour on the part of a minority does much to reduce tolerance between residents, businesses and licensed premises to the detriment of community integration. The Licensing Authority is committed to working in partnership with the Police, Fire Authority, Health Authorities, Primary Care Trusts, Trade and other interested organisations through the implementation of this Policy in order to promote, and where necessary, enforce social responsibility amongst those who provide and those who enjoy the benefits of regulated entertainment in the Borough.

## **5.5 Saturation and Cumulative Effect**

5.5.1 The Licensing Authority recognises that the cumulative effect of licensed premises may result in an increase in numbers of people either walking through or congregating in streets or cause adverse effects on amenity and this in turn may have a number of undesirable consequences, for example:

- An increase in crime against both property and persons
- An increase in noise causing disturbance to residents
- Traffic congestion and/or parking difficulties
- Littering and fouling

5.5.2 In considering a Saturation Policy, the Licensing Authority will take into account:

- The character of the surrounding area
- The potential and real impact of the licence on the surrounding area, both individually and cumulatively with existing licences
- The nature and character of the proposed operation
- Any other relevant considerations

5.5.3 Where there is evidence that a particular area of the Borough is suffering adverse effects

arising from a concentration of licensed premises, or that residential areas are under stress, this will be taken into account in determining any further applications or variations to existing licences for premises within the area identified. The onus will be on those making relevant representations to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed. The Licensing Authority may consider a specific Saturation Policy if this proves necessary.

5.5.4 The Licensing Authority in considering whether to adopt a special Saturation Policy will take the following steps:

- Consider any serious and chronic concern from a responsible authority or representatives from residents or local businesses concerning nuisance and/or disorder.
- Assess the causes.
- Where it can be demonstrated that disorder and nuisance is arising as a result of patrons of licensed premises, identify the area from which problems are arising and the boundaries of that area
- Consult with all concerned.
- Where appropriate adopt and publish a Special Policy about future licence applications from that area.

5.5.5 At the present time the Licensing Authority has not designated any Saturation Areas within the Borough. If in future the Licensing Authority designates any such areas the Licensing Policy will be revised and advertised, current licence holders will be informed and new applicants advised on their initial enquiry. Any such Policy would be subject to regular review.

## **6 REPRESENTATIONS, HEARINGS AND REVIEWS**

### **6.1 Representations**

6.1.1 The Act permits Responsible Authorities and any other persons to make relevant representations in respect of applications for the grant and variation of Premises Licences and Club Premises Certificates. Applications, in these cases, will be referred to the Licensing Committee for determination.

6.1.2 The Responsible Authorities for Redcar and Cleveland are:

Cleveland Police  
Cleveland Fire Brigade  
Redcar & Cleveland Borough Council;

- Health & Safety Team
- Planning Department
- Environmental Protection Team
- Adult & Childrens' Services
- Trading Standards
- Public Health Authority

### **6.2 Hearings**

6.2.1 The Licensing Authority must hold hearings within a prescribed period where relevant representations are made and notices are sent to each party informing them of the date so that they may attend if they wish to give evidence to support their representation.

### **6.3 Reviews**

6.3.1 At any stage following the grant of a Premises Licence or Club Premises Certificate a Responsible Authority or any other person may apply for a review of the licence or certificate. This may be as a result of matters arising at the premises which undermine any of the four licensing objectives outlined in part 4 of this policy.

6.3.2 Reviews allow the Licensing Sub-Committee, if necessary, to modify the licence conditions, remove the designated premises supervisor or, in extreme cases, to suspend or revoke all or part of the licence.

6.3.3 Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court.

## **7 CONDITIONS**

- 7.1 Conditions should only be attached to a licence where they are appropriate for the promotion of the licensing objectives.
- 7.2 Where no relevant representations have been received in respect of an application for the grant or variation of a Premises Licence or Club Premises Certificate, only mandatory conditions, and conditions offered by the applicant in the operating schedule, will be imposed.
- 7.3 The Licensing Authority may only attach conditions where relevant representations have been received and it has been satisfied at a hearing of the necessity to impose conditions.
- 7.4 However, in order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.
- 7.5 Licence conditions will not be imposed where the Licensing Authority considers other regulatory regimes provide sufficient protection to the public (e.g. health and safety at work, fire safety legislation etc).

## **8 ENFORCEMENT**

- 8.1 Once licensed, it is essential that premises are operated to ensure that licensable activities are carried out in accordance with the conditions of the licence to ensure the continued promotion of the Licensing Objectives and compliance with the Act.

Officers will:

- carry out appropriate monitoring at licensed premises and activities to ensure that the conditions are complied with
  - investigate complaints and allegations of unlicensed activities
  - work actively with Cleveland Police and other responsible authorities in enforcing licensing legislation in accordance with any Memorandum of Understanding and Joint Enforcement Protocol that may be created with such bodies.
- 8.2 Inspections of premises will be carried out when and if they are justified with resources being directed towards high risk, poorly run premises.
- 8.3 All enforcement actions taken by the Licensing Authority will be in accordance with Redcar and Cleveland Borough Council's Enforcement Policy.

## **9 IRRESPONSIBLE DRINKS PROMOTIONS**

- 9.1 No staff working on any premises shall organise, run or take part in any irresponsible alcohol promotions. An “irresponsible promotion” is any activity or offer that encourages customers to drink in a way that could cause a significant risk of breaching one or more of the four licensing objectives.
- 9.2 No games or other activities can be carried out where customers are required to drink an amount of alcohol within a time limit or drink as much alcohol as possible. This would not, for example, prevent customers from choosing to drink a yard of ale, but it would prevent a licensed premises from organising a yard of ale competition or any other form of speed drinking game.
- 9.3 No discounts may be offered that encourage specific groups to drink for free or at a reduced rate (such as “women drink for free”). These groups may then become more vulnerable to crime or be more likely to cause disorder.
- 9.4 No promotions are permitted whereby entry fees are charged at a fixed rate, upon payment of which customers may be given unlimited (or a very high number of) drinks for no extra cost. This prevents promotions such as “all you can drink for £10”, “10 pints for £10” or “pay £10 entry and then drink for free until 10pm”.
- 9.5 No promotions may be offered to allow a customer to drink a certain amount of alcohol in order to get a prize or reward (including free alcohol) inside a time limit of less than 24 hours. This prevents promotions like “drink 4 pints get the 5th for free” or “drink 5 bottles of cider and win a free gift”.
- 9.6 Promotions based on occurrences happening during a sporting event are not permitted. This prevents promotions like “half price drinks when England score a goal”; or “free drinks if your team wins”.
- 9.7 Promotions cannot be advertised using materials or signs on or near to a premises if they condone, encourage or glamorise anti-social behaviour or if they refer to getting drunk in any positive way.
- 9.8 Activities may not be carried out if they involve alcohol being poured directly into the mouth of a customer (e.g. the “dentist’s chair”).
- 9.9 Activities that are run in a manner consistent with responsible drinking, such as the majority of standard alcohol retail practices, will not be regarded as irresponsible. There is no automatic prohibition of Happy Hours, Pub-Crawls and general discounting of alcohol. These activities will only be unlawful if they are promoted and organised in an irresponsible way.
- 9.10 Where there is any doubt about whether a specific promotion is likely to be regarded as irresponsible, the Council will expect the organisers to consult with Cleveland Police and the Licensing Authority.

## 10 PLANNING CONSENT

- 10.1 An application for a licence for permanent commercial premises should not normally be made until the applicant can demonstrate that the premises have either an appropriate (in terms of the activity and hours sought) planning consent, or an appropriate certificate of lawful use or development. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should be considered although the planning status of the premises has not been finalised.
- 10.2 To avoid unnecessary duplication and thus comply with DCMS guidance. The Licensing and Planning Committees will keep each other advised of their actions to ensure that a licensing application will not be a re-run of the planning application and will not cut across decisions taken by the local authority planning committee or following appeals against decision taken by that committee.
- 10.3 Any premises for which a licence is required must also have an authorised use under town planning legislation. Typically, this could be for:
- Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises" (Use Class A3).
  - Assembly and leisure (Use Class D2), which includes concert hall, dance hall and indoor/outdoor sports and recreation.
  - Retail shop licensed for the sale of liquor e.g. an off-licence (Use Class A1).
  - A hotel, which has a restaurant or bar included in its authorised use (Use Class C1).
- 10.4 The references to "Use Class" come from the Town and Country Planning (Use Classes) Order 1987. The Order classifies uses and labels them with a letter and a number. Not all uses come within a Use Class.
- 10.5 The strength of planning policies lies in the fact that there is an obligation both on the Local Authority, as local planning authority, and the decision-maker on any appeal, to give considerable weight to them. This helps to ensure consistency in the decision making process.
- 10.6 In general, planning permissions authorise a type of use, whereas licences relate to a particular premises and operator and may only cover a part of the premises. A planning permission is attached to the premises and is usually permanent. Unlike a licence it cannot normally be reviewed and if necessary revoked. Furthermore planning is only concerned with the premises and the use and hours proposed. It takes no account of the suitability or otherwise of the applicant.
- 10.7 Within certain limits, the activity may change without a new planning permission. A planning permission for an entertainment use, for instance, may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specific activities proposed by a prospective licence holder needs to be considered when an application is made for a licence.
- 10.8 In some cases where an application is made for a licence the town planning use will already be authorised by a previous planning permission or because the premises has long-standing lawful use. Therefore, a new application for planning permission is often not required.
- 10.9 However, three points must be made:

- The existing planning permission might, and if recently granted is very likely to, have conditions restricting the use of the premises in some way (e.g. the hours of operation). In that case, anybody seeking a licence to operate beyond those hours would first need to obtain a revised planning consent or a relaxation or removal of the condition.
- The existence of a planning permission (or lawful use) where there is no condition on the usage does not mean that a licence for late hours of operation or a particular entertainment would necessarily be appropriate. Similarly, if an existing planning permission has conditions on the hours of operation, it does not follow that a licence for a particular activity will be granted up to the hours specified in the planning permission.
- Where a long standing planning permission has no condition on hours, or where there is lawful use without planning permission, it is likely there has been no rigorous consideration of late night impact during the planning process. Experience within the borough has revealed the importance of these issues and planning permissions are no longer likely to be granted without such constraints.

10.10 In the context of variations, which may involve structural alteration to or change of use of the building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control or planning consent where appropriate

## **11 CONSULTATION**

11.1 In determining its policy the Licensing Authority will consult with a wide range of parties. Their views will be given proper weight when the policy is determined.

It is the Policy of the Licensing Authority that anyone affected by an application should be made aware of it and of the opportunity to make representations.

## Appendix 1 – List of Consultees

NB. This list is not exhaustive

Cleveland Police  
Cleveland Fire Brigade  
Trading Standards  
Environmental Protection  
Health and Safety  
Regeneration Services  
Planning  
Local Safeguarding Children Board  
Age Concern  
Ashwood Community Mental Health Resource Centre  
Association of Convenience Stores (NACS)  
Association of Licensed Multiple Retailers  
Association of Town Centre Managers  
British Beer and Pub Association (BBPA)  
British Board of Film Classification (BBFC)  
British Institute of Inn Keeping (BII)  
Campaign for Real Ale (C.A.M.R.A)  
Chamber of Commerce  
Cinema Exhibitors' Association (CEA)  
Cleveland Ambulance Trust  
Cleveland Disability Forum  
Parish Councils  
Crime & Disorder Reduction Partnership (CDRP)  
Department for Culture, Media and Sport Equity  
Home Office  
Independent Street Arts Network  
Institute of Licensing (IOL)  
James Cook University Hospital  
Local Government Regulation (formerly LACORS)  
Licensed Victuallers Associations (LVAs)  
Musicians Union  
National Trust  
The Northern Arts Council  
The Portman Group  
Redcar and Cleveland Mind  
STAMP Revisited  
Premises Licence Holders

## Appendix 2 – Administration, Exercise and Delegation of Functions

The Licensing Act 2003 provides for the relevant decisions and functions empowered under the Act to be taken or carried out by the Councils licensing committee, and in appropriate cases by delegation to sub-committees or officers. In order to secure speedy and efficient discharge of its functions under the Act the Council has approved the following delegations in accordance with the guidelines issued by the Secretary of State:

<b>MATTER TO BE DEALT WITH</b>	<b>FULL LICENSING COMMITTEE</b>	<b>LICENSING SUB COMMITTEE</b>	<b>OFFICERS</b>
Application for Personal Licence		If Police objection	If no objection
Application for Premises Licence/Club Premises Certificate		If relevant representation	If no relevant representation
Application for Provisional Statement		If relevant representation	If no relevant representation
Application to vary Premises Licence/Certificate		If relevant representation	If no relevant representation
Application to vary Designated Premises Supervisor		If Police objection	If no Police objection
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If Police Objection	All other cases
Applications for Interim Authorities		If Police objection	All other cases
Application to review Premises Licence/Certificate		All cases	
Decision on frivolous/vexatious/repetitive/irrelevant representation		If referred by Officer	All other cases
Police objection to Temporary Event Notice		All cases	
Decision to object when Council is consultee, not relevant authority considering application		All cases	

### **Appendix 3 – List of Responsible Authorities**

The following are the “Responsible Authorities” in relation to licensing applications made to Redcar and Cleveland Borough Council under this legislation. Copies of application forms must be sent to each Responsible Authority at the same time as the application is made.

Chief Constable  
Cleveland Police Licensing Unit  
Middlehaven Police Office  
Bridge Street West  
Middlesbrough  
TS2 1AB

Adult and Children’s Services  
Wendy Rudd  
Redcar and Cleveland Borough Council  
Review and Inspection Unit  
Seafield House  
Kirkleatham Street  
Redcar  
TS10 1SP

Chief Fire Officer  
Cleveland Fire Brigade  
Brigade Headquarters  
Endeavour House  
Stockton Road  
Hartlepool  
TS25 5TB

Principal Trading Standards Officer  
Redcar and Cleveland Borough Council  
Belmont House  
Rectory Lane  
Guisborough  
TS14 7FD

Principal Environmental Health Officer  
Health and Safety  
Redcar and Cleveland Borough Council  
Belmont House  
Rectory Lane  
Guisborough  
TS14 7FD

Local Health Board  
NHS Redcar and Cleveland and Redcar and  
Cleveland Borough Council  
Seafield House  
Kirkleatham Street  
Redcar  
TS10 1SP

Planning  
Redcar & Cleveland Borough Council  
Redcar and Cleveland House  
Redcar  
TS10 1RT

Licensing Authority  
Licensing & Parking Team,  
Redcar and Cleveland House,  
Kirkleatham Street  
Redcar  
TS10 1RT

Principal Environmental Protection Officer  
Redcar and Cleveland Borough Council  
Belmont House  
Rectory Lane  
Guisborough  
TS14 7FD

## Appendix 4 – The impact of alcohol on health in Redcar and Cleveland

Alcohol-related harm in Redcar and Cleveland is a significant cause of concern with analysis suggesting Redcar and Cleveland experience some of the greatest health-harms and have amongst the highest costs associated with alcohol-related harm in England.

Health is a fundamental part of community safety and utilisation of alcohol-related health data in the decision making around licensing and broader activity of the Community Safety Partnership is important.

Alcohol plays an important and positive role in social and family life and contributes to employment and economic development locally. However, social traditions and economic benefits should not mask the fact that alcohol is a toxic substance that can have a detrimental effect on physical and mental health and wellbeing.

### Understanding Alcohol Content

A drink's alcohol content can be measured in 'units'. One unit is 10 ml of pure alcohol. It takes an average adult around an hour to process one unit of alcohol so that there's none left in their bloodstream, although this varies from person to person.

Alcohol content can also be expressed as a percentage of the whole drink. This is known as 'alcohol by volume' and is commonly abbreviated to "ABV". If a drink is labelled as 13% ABV, this means the drink contains 13% of pure alcohol.

The number of units found in some typical drinks is as follows:

- 1.5 units per small glass of red/white/rosé wine (125ml, 12% ABV)
- 2.1 units per standard glass of red/white/rosé wine (175ml, 12% ABV)
- 3.0 units per large glass of red/white/rosé wine (250ml, 12% ABV)
  
- 1.7 units per bottle of lager/beer/cider (330ml, 5% ABV)
- 2.0 units per can of lager/beer/cider (440ml, 4.5% ABV)
- 2.0 units per pint of lower-strength lager/beer/cider (568ml, 3.6% ABV)
- 3.0 units per pint of higher-strength lager/beer/cider (568ml, 5.2% ABV)
  
- 1.5 units per alcopop (275ml, 5.5% ABV)
  
- 1.0 unit per single small measure of spirits – with or without mixer (25ml, 40% ABV)
- 1.4 units per single large measure of spirits – with or without mixer (35ml, 40% ABV)

### Drinking levels and patterns

The Department of Health recommends that:

- Adult men should not regularly drink more than three to four units of alcohol per day
- Adult women should not regularly drink more than two to three units per day
- Men and women should avoid alcohol for 48 hours after a heavy drinking session

Further to the above recommendations, there is no proven safe level for alcohol consumption during pregnancy, the only risk-free approach is for women to avoid drinking alcohol completely – during pregnancy, when trying to conceive and when breastfeeding. By taking this action, women can ensure their baby is born without a foetal alcohol spectrum disorder.

No one can say that drinking alcohol is absolutely safe, but by keeping within the above guidelines, there's only a low risk of causing harm in most circumstances. People who regularly drink just above these guidelines increase their risk of ill-health significantly.<sup>i</sup>

People with physical withdrawal symptoms (like shaking, sweating, or feeling anxious until they have a first drink of the day) should seek medical advice before stopping completely as it can be dangerous to do this too quickly without proper advice and support.

For children and young people, the UK Chief Medical Officer recommends an alcohol-free childhood as the healthiest and best option. However, if children drink alcohol, it should not be before they are 15 years-old. If young people aged 15 to 17 years-old consume alcohol, it should always be with the guidance of a parent or carer or in a supervised environment. They should do so infrequently, certainly on no more than one day a week and they should never consume more than the Department of Health's recommended daily limits for adults.

Increasing and higher risk drinking are terms used to describe the amount of alcohol that people drink.

Increasing risk drinking is defined as:

- men regularly drinking more than 3 to 4 units per day but less than the higher risk levels and women regularly drinking more than 2 to 3 units a day but less than the higher risk levels.

Higher risk drinking is defined as:

- men regularly drinking more than 8 units a day or 50 units a week, and women regularly drinking more than 6 units a day or 35 units a week.

The majority of Redcar and Cleveland residents aged 16 and over are believed to drink alcohol at levels that are unlikely to cause harm (lower risk). However, estimates suggest that 19.2% of Redcar and Cleveland residents who do drink alcohol do so at increasing risk levels, and 6.4% drink at higher risk levels.

It is not only the amount of alcohol consumed that increases the risk of harm. Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. An estimated 28.2% of people aged 16 and over in Redcar and Cleveland binge drinks, the average for England is just over 20%.<sup>ii</sup> Most common in younger age groups, binge drinking is often associated with 'pre-loading'.

Pre-loading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident.<sup>iii</sup> People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub, bar or club.

Dependent drinking describes a mix of behavioural, cognitive, and physiological symptoms that typically include a strong desire to consume alcohol, and difficulties in controlling drinking. In the North East, it is estimated that 7.7% of men and 6.7% of women are dependent on alcohol, most to a mild extent.<sup>iv</sup>

National surveys suggest 51% of young people aged 11 to 15 living in the North East have ever had a drink, which is higher than average for England (45%).<sup>v</sup> National data also suggests a steady decline in the proportion of young people who had drunk alcohol.<sup>vi</sup>

## Harm of Alcohol to Health

Regularly drinking more alcohol than the recommended daily limit can damage health. Excessive alcohol consumption is associated with over 60 medical disorders.<sup>vii</sup> The table below highlights the impact of alcohol on developing a range of different health conditions:

<b>Condition</b>	<b>Men (increased risk)</b>	<b>Women (increased risk)</b>
High Blood Pressure	4 times	Double
Stroke	Double	4 times
Coronary Heart Disease	1.7 times	1.3 times
Pancreatitis	3 times	Double
Liver disease	13 times	13 times

Whilst there is some evidence that there may be some protective effects of small amounts of alcohol on heart disease, this appears to be confined to men over the age of 45 years and women post-menopause, with the protective effect seen at very low levels of alcohol consumption. The overall number of lost years of life attributable to drinking outweighs the saved years attributable to protective effects.<sup>vii</sup>

Redcar and Cleveland currently experiences some of the greatest levels of alcohol-related harm in England. For instance, the Borough is ranked:

- eleventh highest for the rate of alcohol-related hospital admissions among under-18s
- fifteenth highest for the rate of alcohol-related hospital admissions for cancer
- twentieth highest for the rate of alcohol-related hospital admissions for cardiovascular disease

However the scale of harm is beginning to decrease in other related areas. For example, for the last two published reporting periods there has been a lower than national rate of alcohol-specific deaths and deaths from chronic liver disease in Redcar and Cleveland.

Alcohol is estimated to contribute to one in twenty-two deaths in Redcar and Cleveland (this includes deaths in which alcohol is wholly responsible and those where it has played a lesser role).

On average, each year (calculated over a six year period between 2008 and 2013) Redcar and Cleveland has 63 alcohol related deaths, of which 47 are alcohol-specific.<sup>ii</sup>

The cost of alcohol-related healthcare for Redcar and Cleveland residents is estimated to be £7.7 million, equivalent to £69 for every Redcar and Cleveland adult.<sup>viii</sup>

International research shows reducing the density of licensed premises and reducing permitted hours of sale can reduce violence and other alcohol-related harm.

Evidence indicates that increasing numbers of outlets or extended hours of sale potentially increases the competitive pressures on existing outlets, which may result in price reductions that tend to lead to increased levels of consumption.<sup>ix</sup>

More people are now drinking at home, and over 70% of all alcohol in England is now purchased through the off trade.<sup>x</sup> Whilst this includes pre-loading, adults who drink mainly at home appear to be aware of the risk of drinking more overall, but unaware of the possibility that increased, consumption may lead to an increased risk of longer-term harm.<sup>xi</sup>

Consideration also needs to be given to the harm alcohol causes to people other than the person who is drinking, sometimes referred to as 'social harm' or 'passive drinking'. Children of parents

misusing alcohol may experience severe emotional distress, physical abuse and violence as well as a general lack of care, support and protection.

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<sup>i</sup> <http://www.nhs.uk/change4life/Pages/alcohol-health-harms.aspx>

<sup>ii</sup> Public Health England. Local Alcohol Profiles for England. [Online] <http://fingertips.phe.org.uk/profile/local-alcohol-profiles> [accessed 21<sup>st</sup> July 2015]

<sup>iii</sup> Hughes K, Anderson Z, Morleo M, Bellis MA. Alcohol, nightlife and violence: the relative contributions of drinking before and during nights out to negative health and criminal justice outcomes. *Addiction*. 2008 Jan;103(1):60-5.

<sup>iv</sup> McManus S, Meltzer H, Brugha T, Bebbington P and Jenkins R. (Eds). *Adult Psychiatric Morbidity in England, 2007*. Leeds: NHSIC, 2012

<sup>v</sup> Fuller E. (Ed.) *Smoking, drinking and drug use among young people in England in 2011*. Leeds: HSCIC, 2012

<sup>vi</sup> Fuller E, Hawkins V. *Smoking, drinking and drug use among young people in England in 2013*. Leeds: HSCIC, 2014

<sup>vii</sup> WHO Expert Committee on Problems Related to Alcohol Consumption. *Second Report*. WHO, Geneva, 2007

<sup>viii</sup> Alcohol Concern. *Alcohol harm map*. [Online] <http://www.alcoholconcern.org.uk> [accessed 21<sup>st</sup> July 2015]

<sup>ix</sup> Popova S, Giesbrecht N, Bekmuradov D, and Patra J. Hours and Days of Sale and Density of Alcohol Outlets: Impacts on Alcohol Consumption and Damage: A Systematic Review. *Alcohol & Alcoholism* 2009;44(5):500–516

<sup>x</sup> Health Committee - *The Government's Alcohol Strategy*. Written evidence from the Association of Licensed Multiple Retailers (GAS 65). May 2012.

<sup>xi</sup> Foster JH and Ferguson CS. Home Drinking in the UK: Trends and Causes. *Alcohol and Alcoholism* 2012;47(3):355-358.