



Northumberland County Council

**THE LICENSING ACT 2003
STATEMENT OF LICENSING POLICY
2015 to 2020**

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Statement of Licensing Policy

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1. PROFILE OF NORTHUMBERLAND

1.1 Northumberland is England's most northerly county with a population of around 310,000 people living in rural and urban areas. It is the sixth largest county in England by size with a land area of 501,301 hectares (1,940 sq. miles), but is one of the smallest by population. The county is uniquely shaped by its border history, stretching from Tyneside in the south to the Scottish Borders in the north, west to the Cheviots and the Pennines, and bordered on the east by the North Sea. It is an area of exceptional environmental assets and this quality is recognised by the designation of the Northumberland National Park and the North Pennines and Northumberland Coast Areas of Outstanding Natural Beauty.

1.2 46% of the population live in an urban concentration in the South East corner which covers only 3% of the area of Northumberland. The principal towns of Ashington, Blyth and Cramlington are distinctly built up in character with modern housing development and many industrial estates.

1.3 In comparison, the rural districts of the county are very sparsely populated (0.34 people per hectare). The majority of the population live in the market towns of Alnwick, Berwick upon Tweed, Morpeth and Hexham together with a number of small towns and villages. These towns have become centres of activity for the rural areas of the county supplying services, job opportunities and community facilities.

1. VISION STATEMENT

2.1 Northumberland County Council (NCC – The Licensing Authority) want Northumberland to offer a wide choice of high quality, well managed entertainment and cultural venues, operating within a safe, orderly and attractive environment; valued by those who live here, work here and those who come to visit. NCC want businesses to operate responsibly and safely to ensure our residents live in decent neighbourhoods and have a good quality of life.

2. INTRODUCTION

3.1 Purpose and Scope of the Licensing Policy

3.1.1 In accordance with Section 5 of The Licensing Act 2003, all Licensing Authorities are required to publish a "Statement of Licensing Policy" every five years. The Policy should set out how the Authority intends to exercise its functions and the general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only used if relevant representations are made.

Types of licence covered by this policy:

- Personal Licences
- Premises Licences
- Club premises certificates
- Temporary Event Notices

3.1.2 This statement has been prepared in accordance with the provisions of the Act and the current guidance issued by the Home Office. The Policy covers regulated licensable activities on licensed premises, by qualifying clubs and at temporary events. This Policy will not prevent a person applying for a variety of permissions under the Act.

3.1.3 NCC recognises that balancing the interests of licensees, employees, customers and people living near to or engaged in businesses near to licensed premises and clubs will not always be a simple matter. In exercising its responsibilities the Licensing Authority will always be guided by the four licensing objectives:

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

3.1.4 NCC considers each objective to have equal importance. The Authority will use its powers to promote good practice in relation to the operation of licensed premises, and to deter poor practice, in the interests of the licensees, employees, customers, neighbours, residents and businesses.

3.1.5 Each licence application will be considered on its own merits in the context of the four licensing objectives, and unless relevant representations are received from responsible authorities or interested parties, there is no provision for the licensing authority to impose conditions on a licence other than those proposed within an application.

3.1.6 The Licensing Act 2003 also supports a number of complementary aims which are integral to the Policy:

1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
2. Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
3. Recognising the important role which pubs and other licensed premises play in our local communities by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises;
4. 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; and
5. 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.

3.2 Aims

3.2.1 This Statement of Licensing Policy will complement the Council's overall vision for the County.

3.2.2 The Council has identified 5 Corporate Priorities in its 2013/2017 plan:

- **Economic Growth** – our aim is to promote a more prosperous county through sustainable economic growth that provides residents with ready access to high wage and skilled jobs and opportunities to create thriving businesses
- **Places and Environment** – our aim is to maintain and further improve the quality of our towns, villages and countryside, and make it easier for residents to access services and high quality, affordable homes and to travel using different modes of transport
- **Stronger Communities and Families** – our aim is to ensure that all residents genuinely feel safe, belong, and have a say in how the county is run, and to provide a range of quality community and cultural services and facilities which inspire creativity and participation
- **Health and Well Being** – our aim is to ensure that everyone has the opportunity to lead healthy, independent lives for as long as possible and to safeguard our most vulnerable residents in a way that maintains their dignity and confidence
- **Developing the Organisation** – our aim is to grow a unified Council where all staff and elected members understand their role and are collectively motivated to deliver excellent services as effectively and efficiently as possible within our limited resources

3.3 Licensable Activities – Scope

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

- Retail sale and supply of alcohol
- Provision of regulated entertainment
- Supply of hot food or drink from premises from 23:00 to 5:00 hours
- Supply of alcohol or provision of regulated entertainment to club members

3.3.2 The scope of the policy covers new applications, renewals, transfers and variations of licences and certificates and includes the review of licences and certificates which could ultimately lead to their revocation. It does not include the licensing of Sexual Entertainment Venues.

3.4 Consultation

3.4.1 In reviewing its Statement of Licensing Policy the Authority will take into account the views of statutory Responsible Authorities (and any successor Authorities), which are:

- The Chief Officer of Police
- The Fire and Rescue Authority
- NCC Trading standards
- NCC Environmental Health (Health & Safety)
- NCC Environmental Health (Public Nuisance)
- NCC Child Safeguarding Services
- NCC Public Health Services
- NCC Development Management Services

and of Interested Parties such as:

- Persons representative of existing premises licence holders
- Persons representative of existing Club Premises Certificate holders, and
- Persons representative of local Personal Licence Holders
- Such other persons the Council considers representative of business and residents in its area

3.4.2 A full list of those consulted in preparing this Policy is set out at Appendix H. The views of all of these persons and bodies will be given appropriate weight in determining this Policy.

3.4.3 A 12 week consultation took place until 20th February 2015. The Licensing Authority followed the best practice as set out by the Department for Business, Innovation and Skills (BIS).

3.4.4 Publication of the policy is advertised on the Council's website.

3.4.5 The Policy was considered by the licensing and regulatory committee on 16th April 2015, approved by County Council on 1st July 2015 and was published via our website on 13th July 2015.

3.5 Duration and Review of Policy

3.5.1 This Policy takes effect from 1 July 2015 and will remain in force for a period of not more than five years. During this time the Policy will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation.

3. LEGAL BACKGROUND

4.1 The Licensing Act 2003

4.1.1 The Licensing Act 2003 established a new licensing regime with local authorities at the centre. Local councils already had considerable licensing responsibilities but the Act saw the transfer of liquor licensing from Magistrates Courts (Licensing Justices) to local authorities. This means that Northumberland County Council is now responsible for granting or rejecting applications.

4.2 Other Relevant Legislation

4.2.1 Due regard has also been made to other relevant legislation such as the European Convention on Human Rights and the Human Rights Act 1998. Article 8 recognises the right of the individual to a home and private life. Equally Article 1 of the First Protocol recognises the right of an individual (licensee) to peaceful enjoyment of possession – licence holder. In its decision making, the Authority's Licensing Committee will have to ensure that it does not breach Article 6 which provides for a fair hearing held in public.

5. FUNDAMENTAL PRINCIPLES & LICENSING OBJECTIVES

5.1 Unless a relevant representation from a responsible authority or an interested party is received; or if it is required to impose mandatory conditions, (as prescribed by the Licensing Act 2003) the Licensing Authority must grant licences and certificates for the activities and timings as applied.

5.2 The Licensing Authority will only address representations relevant to the four licensing objectives; subsequently any conditions attached to various permissions will focus on matters within the direct control of individual licensees or others granted relevant permissions. All terms and conditions will be appropriate to achieve only the licensing objectives and will focus on the activities taking place or proposed to take place on the premises and places being used for licensable activities, and the vicinity of those premises and places.

5.3 The Four Licensing Objectives are:

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

5.4 On receipt of a relevant representation, a Licensing Sub-Committee will make the decision on the application taking into consideration the direct impact the activities at the venue have on the community who live, work, or engage in normal activity in the area.

5.5 The Licensing Authority recognises 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.

5.6 The Licensing Authority will seek to avoid duplication with other statutory requirements and regulatory systems wherever possible; and will not impose conditions that make it impossible to comply with other statutory requirements.

5.7 Complaints against licensed premises

5.7.1 The Licensing Authority may investigate complaints against licensed premises. In some circumstances, complainants may be encouraged to raise the complaint directly with the licensee or business concerned. It may, in some cases, involve the complaint being referred to a more appropriate agency such as the police.

5.7.2 This process will not override the statutory right of an interested party to ask the licensing committee to consider a relevant representation to an application for a new premises licence or a club premises certificate or variation to either or to seek the review an existing licence or certificate.

5.8 Enforcement

5.8.1 The Licensing Authority will perform its enforcement role with due diligence and regard to its available resources. It has already signed up to the provisions of the Enforcement Concordat and has a corporate enforcement policy (see paragraph 5.9). Northumberland County Council recognises that it cannot act alone and needs to work closely with the police, fire & rescue and other services in performing this role. It has therefore established a protocol on enforcement issues with Northumbria Police, Northumberland Fire and Rescue Service, Trading Standards, the Crown Prosecution Service and neighbouring authorities.

5.8.2 The purpose of this protocol is to facilitate co-operation and co-ordination between enforcement agencies and Responsible Authorities in pursuance of the Act. It will underpin the mutual operational support required to tackle licensing issues and avoid the duplication of effort.

5.8.3 In carrying out its role, the Licensing Authority will adopt a risk assessment approach and target high risk premises. This will ensure that the Council's limited resources are more effectively concentrated on problem premises. We will have regard to guidance issued by the Home Office, Department of Culture Media and Sport, Better Regulation Delivery office and the Local Better Regulation Office.

5.9 Corporate Enforcement Policy

5.9.1 This commits the Council to effective and appropriate enforcement policies and procedures, and is supplemented by additional statements of enforcement for specific service areas.

5.9.2 The purpose of adopting a Corporate Enforcement Policy is to create an overarching document for all types of enforcement activity undertaken by the Authority. The policy provides a corporate regulatory framework, which identifies the key principles and factors for enforcement action.

5.10 Fees

5.10.1 Fees are prescribed by legislation and are available on the NCC website as part of the application pack. Fees are payable annually.

5.10.2 NCC will take all available steps to recover any outstanding fees. These steps may include suspension of licences.

6. LINKS WITH OTHER COUNCIL STRATEGIES

6.1. The Licensing Authority is aware of the need to link in with other relevant strategies operating in the County to bolster the prevention of disorder, enhance and avoid duplication in enforcement activities.

6.1.1 Specific measures include:

- Consulting with Community Safety Partnership
- Reporting to the Licensing Committee on the needs of the local tourist economy and taking into account the local cultural strategies
- Close liaison with the Development Control Panel to avoid duplication and inefficiency in the consideration of applications
- This statement also links to the Council's equality and diversity policy which seeks to promote equality and diversity both within the Council and the County.

6.2 Antisocial Behaviour Strategy

6.2.1 This strategy outlines the Authority's approach to tackling antisocial behaviour across Northumberland. An integrated multi-disciplinary approach to neighbourhood working is essential to instigate a cultural change and address issues and barriers including alcohol related disorder.

6.3 Pubwatch

6.3.1 The Council currently supports Pubwatch schemes across the County and includes Public Houses and Social Clubs. All public houses are encouraged to become members, and the schemes are supported and attended by Northumbria Police.

6.3.2 A committee is elected and oversees any decisions to place perpetrators onto the scheme. Each scheme has adopted guidelines with specific criteria for acceptance onto the Pubwatch list. Anyone placed on the list in their respective areas is barred from all public houses/social clubs.

6.3.3 All premises that are conditioned to be members of the Pubwatch scheme are encouraged to attend and participate within meetings.

6.3.4 All premises that are conditioned to be part of the Pubwatch scheme are reminded that the licensing condition will be breached should they allow any barred perpetrators within their premises and action will be taken accordingly.

6.4 Health Act 2006

6.4.1 The provisions of the Health Act 2006 in relation to smoking came into effect at 6:00am on the 1st July 2007.

6.4.2 The Council aims to use the review process contained within the Licensing Act 2003, where appropriate, to bring to the attention of the Licensing Committee smoke –free legislation offences, with respect to the licensing objective for the Prevention of Crime and Disorder.

6.5 Tourism and Employment

6.5.1 The Licensing Committee will, when appropriate, receive reports on the needs of Northumberland County's tourist economy to ensure these are met. The Licensing Committee will also have to take in to account employment issues in Northumberland and the potential for licensed premises to create new investment and employment opportunities.

6.6 Transport

6.6.1 The Licensing Authority has regard to existing policies and strategies of Northumberland County Council as the local transport authority.

6.6.2 It will consult with the Licensees, the Police and the local transport authority as and when required and see if special strategies are needed to disperse people from town centres swiftly and safely to avoid concentrations which produce disorder and disturbance.

6.7 Trading Hours

6.7.1 The Government's view is that in some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed premises (e.g. concentrations

of young drinkers at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour); and that their impact may be reduced by introducing flexible licensing hours to allow for a more gradual dispersal of customers from premises.

6.7.2 Whilst the Licensing Authority notes the Government's assertion that there is no general presumption in favour of lengthening licensing hours, it also recognises that it has no discretion to refuse an application of any nature, unless a relevant representation is made. In these circumstances, it is for responsible authorities and interested parties to make relevant representations when they believe the licensing hours being applied for may undermine the licensing objectives. When determining an application to which relevant representations have been made, the Licensing Authority will treat the four licensing objectives as paramount, but can only refuse an application or grant it with appropriate conditions and / or different hours from those requested in the event that it accepts that granting the application in the terms applied for will undermine the licensing objectives.

6.7.3 It is, therefore, the intention of the Licensing Authority to strike a fair balance between the benefits to a community of licensed premises and clubs and the risk of disturbance to local residents and other businesses and organisations in the vicinity. Consequently, where it is shown to be appropriate, as a result of relevant representations being made, the Licensing Authority may impose conditions that are appropriate to achieve only the licensing objectives and will only ever refuse an application if the licensing objectives cannot be met by the imposition of conditions.

6.7.4 This policy is aimed at the fulfilment of the licensing objectives of preventing public nuisance and crime and disorder.

6.8 Location of premises

6.8.1 This section of the policy considers whether a proposal to establish a new premises licence or club premises certificate or to provide additional licensable activities in an area is appropriate.

6.8.2 When considering any representations, the Licensing Authority will assess the likelihood of it causing unacceptable adverse impact, particularly on local residents, by considering the following factors amongst other relevant matters:

- type of premises, the number of customers likely to attend the premises and the nature of the licensed activity
- proposed hours of operation
- level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by customers
- means of access to the premises i.e. customer entrances and exits
- cumulative impact of licensed premises in an area if applicable (see Appendix E)
- scope for mitigating any impact;
- how often the activity occurs and the nature of any promotions

6.8.3 In considering any premises or club which is already licensed, the Licensing Authority will take into account:

- past demonstrable evidence of how the premises have been run;
- past demonstrable adverse impact from the activity especially upon local residents;

- that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate the adverse impact. If, however, such measures have not been put into effect or there has been insufficient time to assess them a licence may be granted for a limited period only.

6.8.4 The Licensing Authority wishes to reduce the impact of anti-social behaviour and noise from licensed premises particularly in residential areas and those on the fringes of such areas.

6.9 Promotion of Live Music, Dancing and Theatre

6.9.1 NCC encourages and promotes live music, dance and theatre for the wider cultural benefit of the community. It seeks to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children.

6.9.2 Following relevant representations the Licensing Authority will only attach licence conditions that are appropriate for the promotion of the licensing objectives. The Authority is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre (including street performances and circuses), for example, by imposing indirect costs of a disproportionate nature.

6.9.3 The Council may seek in its own name premises licences or Temporary Event Notices for appropriate public places within the County. This will make it easier for people to organise suitable cultural events. It will consider requests for permission to use such public spaces for cultural activities.

6.9.4 The Council recognises the amendments made to regulated entertainment as a result of the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment)(Amendment) Order 2013 whereby certain performances of live music, the performance of plays, indoor sporting events and performance of dance are no longer licensable activities.

Live music remains licensable:

- where a performance of live music – whether amplified or unamplified – takes place other than between 08:00 and 23:00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at relevant licensed premises, at a time when those premises are not open for the purposes of being used for the supply of alcohol for consumption on the premises;
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended by the 2012 Act) when imposing a condition on a premises licence or certificate as a result of a licence review.

The performance of a play remains licensable:

- where the performance of a play takes place other than between 8am and 11pm
- where the play is performed to more than 500 persons

An indoor sporting event remains licensable:

- where the sporting event takes place other than between 8am and 11pm
- the event takes place in front of more than 1000 persons
 - ❖ **Note** - Boxing and wrestling events are always licensable irrespective of the time or size of the audience

A performance of dance remains licensable:

- where the performance of dance takes place other than between 8am and 11pm
- the dance is performed to more than 500 persons
- the performance of dance is 'relevant entertainment' within the meaning of paragraph 2A of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

6.9.5 Applicants are encouraged to contact the licensing team if further clarification is required.

6.10 Other Controls

6.10.1 The Licensing Authority understands a minority of customers behave in a way contrary to the four licensing objectives and the powers under the Licensing Act will not be the only method available to address this. There are other mechanisms available to control the activities of customers who behave badly or unlawfully once away from licensed premises. For example:

- Planning controls
- Positive measures to create safe and clean town centre environments in partnership with local businesses, transport operators and the police
- Powers of the Council to designate parts of the County as places where alcohol consumption is considered (by a Police Constable), to be causing or likely to cause crime, antisocial behaviour or disorder, can be confiscated
- The enforcement powers of the Council in relation to litter
- Police enforcement of the law concerning disorder and antisocial behaviour, including the issue of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol 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 48 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from premises
- The power of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question

6.11 Licensing and Planning Permission

6.11.1 In general, planning permissions authorise a type of use, whereas a premises licence or a club premises certificate regulate the particular activities to be carried on at the premises. A new occupier is usually not required to reapply for planning permission but they are required to apply to transfer the premises licence.

6.11.2 Whilst it would be preferable for premises to have either an appropriate planning consent or a certificate of lawful use or development, the Licensing Authority appreciates until all necessary permissions are granted, the occupier of premises cannot lawfully engage in any activities. However, it may be necessary for a Planning Authority (either the Council or the Northumberland National Parks Authority) or the Licensing Authority to determine a matter in relation to premises yet to be considered by the other, because inevitably one application will always be determined before the other, their decisions are not binding upon each other.

6.11.3 All parties should appreciate there may be circumstances in which it would be entirely appropriate for one authority (planning or licensing) to grant permission, whilst the other refused to do so, because their decisions are based upon different considerations.

6.11.4 The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.

PART 2

Policy Schedules and Appendices

Licences

Personal Licences	Schedule 1
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Appendices

The Licensing Objectives

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Personal Licences

1.1 The Licensing Authority recognises it has very little discretion regarding the granting of these licences. In general, provided an applicant has a qualification determined by the Government and does not have certain unspent criminal convictions the application has to be granted.

1.2 If an applicant has a relevant conviction the police can oppose the application on the ground of preventing crime and disorder. If an objection is lodged a hearing has to be held.

1.3 At that hearing the Licensing Authority will refuse the application, unless it is satisfied there are exceptional and compelling reasons why it should grant the application. A record of full reasons for any decision will be produced.

1.4 Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will actively uphold and promote the licensing objectives.

Premises Licences

2.1 A key element of the 2003 Act is that, unless responsible authorities and interested parties make representations about an application for a Premises Licence, it is the duty of the Licensing Authority to grant the licence subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act.

2.2 In order to minimise problems for applicants, and the necessity for hearings, the Licensing Authority encourages applicants to consult responsible authorities and residents, businesses and organisations in the vicinity of the premises, before preparing their operating schedule so that they might identify and resolve potential problems before the application is submitted and representations made by responsible authorities or interested parties to the Licensing Authority.

2.3 The Licensing Authority will only impose conditions that are appropriate and tailored to promote only such of the licensing objectives of the Act that are engaged by the making of relevant representations by responsible authorities or interested parties under the four licensing objectives (see Appendices A-D).

2.4 The Licensing Authority will not impose any additional conditions, unless it is satisfied at a hearing that it is appropriate to impose conditions to promote the licensing objectives that were the subject of relevant representations by a responsible authority or interested party and having regard to the design, character and layout of the premises and / or the types of activities specified in the operating schedule.

2.5 The Licensing Authority has a pool of model conditions, which has been adopted throughout the Northumbria Police Force area. It is not an exhaustive list and additional specific conditions may be imposed on licences when the Licensing Authority's discretion has been engaged; and it has made a determination as detailed above.

2.6 The Licensing Committee will only impose conditions which are appropriate for the promotion of the licensing objectives. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public, e.g. where provided by health and safety at work, fire safety and disability discrimination legislation.

2.7 It is the policy of the Licensing Authority that, when considering conditions, there should be openness, transparency and reasonableness. Consequently, staff of the Licensing Section will seek to discuss proposed conditions in advance with the applicant and / or representative with the aim of achieving a mutually agreeable level of protection to the public and fulfilment of the licensing objectives.

2.8 Under the Licensing Act 2003 there should not be standard conditions, unless prescribed by the Act, as some will be inappropriate to individual premises. Instead conditions should be especially tailored to the premises and activities concerned, with a view to ensuring that the licensing objectives are promoted. A Licensing Sub-committee which, having made an assessment as described above, determines that it is appropriate to impose conditions may refer to the pool of model conditions (Appendix I).

2.9 The Licensing Authority is responsible for issuing Premises Licences for premises selling alcohol and / or providing regulated entertainment and / or providing late night refreshment.

2.10 The Licensing Authority expects applicants to address how they are going to meet the four licensing objectives at premises in the 'operating schedule' which the Act requires the applicant to prepare. Applicants should give greater consideration to the local area when making their application and how any potential harm would be minimised. It expects the operating schedule to have regarded the:

- nature of the area where the premises are situated, e.g. premises that may affect the premises in question or be affected by them e.g. schools, other businesses and other licenced premises;
- type of premises concerned (e.g. shop with only off sales of alcohol; public house / bar with or without regulated entertainment; nightclub; restaurant with or without takeaway sales and with or without regulated entertainment; takeaway food premises supplying hot food and / or hot drinks between 11pm and 5am);
- licensable activities to be provided;
- requirements of other relevant legislative provisions, such as health and safety at work, fire safety and disability discrimination; and identify and address any areas that are not already adequately addressed in the promotion of the licensing objectives;
- operational procedures; and
- rights and / or needs of local residents, businesses and organisations in the vicinity in relation to matters such as litter, noise, nuisance and anti-social behaviour
- the age of prospective customers and the policies required to protect children and young people

2.11 Applicants will be required to provide contextual information as part of the licence application form on issues such as the local area's social demographic characteristics, specific local crime and disorder issues and an awareness of the local environment which will be of benefit to the licensing authority when determining the application. Specific local issues, such as crime and disorder issues, are likely to influence the steps that applicants will need to take to promote the licensing objectives in their own premises and applicants will therefore be required to demonstrate an awareness of such issues when setting out why particular steps will be taken to promote the licensing objectives.

2.12 It is the expectation of the Licensing Authority that when preparing an operating schedule, applicants are required to set out the steps necessary, if any, for the promotion of the licensing objectives. In doing so, applicants are expected to have regard to this statement of licensing policy and to be aware of the expectations of the licensing authority and responsible authorities in terms of the steps that are necessary to promote the licensing objectives.

Club Premises Certificates

3.1 A club premises certificate is required for the supply of alcohol or the provision of regulated entertainment by certain members' clubs as defined in the Act. These certificates are operated in the same manner as premises licences, except that under a club premises certificate there is no requirement for a designated premises supervisor or a personal licensee for the supply of alcohol.

3.2 Applications for a Club Premises Certificate must be accompanied by an operating schedule and the same consideration that will apply in relation to an operating schedule for a Premises Licence will apply to a Club Premises Certificate.

3.3 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 certain conditions. The grant of a club premises certificate means that a qualifying club is entitled to certain benefits.

3.4 Technically the club only sells alcohol by retail at such premises to guests. Where members purchase alcohol, there is no sale (as the member owns part of the alcohol stock) and the money passing across the bar is merely a mechanism to preserve equity between members where one may consume more than another.

3.5 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.**

3.6 A qualifying club will be permitted under the terms of a club premises certificate to **sell and supply alcohol to its members and their guests only**. Instant membership is not permitted and members must wait at least two days between their application and their admission to the club.

3.7 A qualifying club may choose to apply for a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them.

3.8 The 2003 Act does not prevent visitors to a qualifying club being supplied with alcohol as long as they are 'guests' of any member of the club or the club collectively, and nothing in the 2003 Act prevents the admission of such people as guests without prior notice. The 2003 Act does not define "guest" and whether or not somebody is a genuine guest would in all cases be a question of fact.

3.9 As well as their own members and guests, qualifying clubs are also able to admit associate members and their guests (i.e. members and guests from another 'recognised club' as defined by section 193 of the 2003 Act) to the club premises when qualifying club activities are being carried on without compromising the use of their club premises certificate.

3.10 Clubs should not have any franchised bars as this would fall within the bracket of selling the alcohol for profit which does not fall within the terms of a Club Premises Certificate. Should the Club franchise out the bar for catering facilities only there is not the need to change to a full premises licence as catering is not a licensable activity; although if the catering facility includes the sale of alcohol then this would be the case.

3.11 It is the expectation of the Licensing Authority that all Clubs are run to the Club rules. Failure to demonstrate that the premises are not being run as a Club may result in the review of the Club Premises Certificate.

Temporary Event Notices

4.1 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities are not authorised by the Council by way of licence or certificate. Instead a person wishing to hold an event at which such activities are proposed to be carried on, the “premises user”, simply gives notice to the licensing authority of the event (a “temporary event notice” or TEN).

4.2 Temporary event notices are subject to various limitations. These are concerned with:

- the number of times a premises user may give a TEN – 50 times in a calendar year for a personal licence holder and 5 times in a calendar year or other people);
- the number of times a TEN may be given for any particular premises (12 times in a calendar year);
- the maximum duration of an event authorised by a TEN is 168 hours (7 days);
- the maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year);
- the maximum number of people attending at any one time (fewer than 500); and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

4.3 The most important aspect of the system of a temporary event notice, is that no permission is required for these events from the council. In general, only the police or Environmental Health may intervene to prevent such an event or modify the arrangements for such an event.

4.4 Should there be an objection, the licensing sub-committee will hold a hearing no later than 24 hours before the event. The sub-committee can only approve, add recommended conditions or reject the notice.

4.5 If you disagree with the licensing committee’s decision, you can appeal to your local Magistrates’ court. You must do this within 21 days, and at least 5 working days before the date of your event.

4.6 The Council will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

4.7 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event.

4.8 The Council encourages notice providers to give the earliest possible notice, preferably at least 28 days, for events that are likely to take place. This will allow adequate time for a hearing and an appeal should they be necessary if there are any objections to the notice. A late submission may mean that an event cannot take place.

4.9 The Act provides that the police or the environmental health department may issue an objection notice because they believe the event would undermine the one or more of the four

licensing objectives set out in the Act. The police or environmental health department must issue an objection notice within 3 working days of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by the council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN is cancelled and licensable activities are not authorised.

4.10 Applications for Premise Licences, Club Premise Certificates or Temporary Event Notices can be made online via Northumberland County Council Website.

Decision Making Processes

5.1 Delegation of functions

5.1.1 The delegation of functions is vital in the interests of speed, efficiency and cost effectiveness of Northumberland County's licensing operations. Licensing Officers within the Council will deal with all licence applications where either no representation have been received, or where representations have been received and withdrawn or it is agreed by the parties that a hearing is not necessary.

5.1.2 Decisions will be made by the Public Safety Unit Manager as to whether representations are irrelevant, frivolous or vexatious. Where representations are rejected on these grounds, the person making that representation will be given written reasons as to why it is the case.

5.1.3 The current scheme of delegations can be found at Appendix H.

5.2 Licensing Committee

5.2.1 The Council's Licensing Committee will keep this policy under regular review, and the Chairman will make reports to councillors on its operation on an ad hoc basis.

5.2.2 The Council's Licensing Committee will fulfil the statutory role of Licensing Authority. By law it must consist of 10 to 15 councillors and it will meet as the Licensing Committee to review this policy as and when appropriate. The Council will ensure that elected members are appropriately trained to carry out their duties and in general, councillors will not be able to participate in hearings unless they have received training.

5.3 Hearings

5.3.1 A licensing sub-committee consisting of three councillors from the Licensing Committee will sit to hear the following applications:

- Every application where representations have been received and not withdrawn from interested parties and responsible authorities
- Every application for the review of a premises licence or a club premises certificate
- Every application for a personal licence where the police have made representations
- A Police objection to the transfer of a Premises Licence
- A Police objection to a variation of a Designated Premises Supervisor
- Every Temporary Event Notice in respect of which the Police and/or Environmental Health issue an objection notice

5.3.2 Elected Members will not sit on a sub-committee determining any kind of application or review in respect of any premise, club premise or individual resident in their electoral area.

5.3.3 The Licensing Authority has developed a set of hearing rules which can be found at:-
<http://www.northumberland.gov.uk/Default.aspx?page=557>

5.3.4 Where a councillor who is a member of the licensing committee or a licensing sub-committee is making or has made representations on behalf of an interested party, in the interests of good governance they will declare an interest and disqualify themselves from any involvement in the decision making process affecting the licence application in questions.

5.3.5 Every determination of a licensing decision by the licensing committee or a licensing sub-committee shall be accompanied with clear, cogent reasons for the decision. A summary of the decision shall be published for public inspection as soon as possible after the decision has been made.

5.3.6 A copy of the Council's Hearing procedure rules can be downloaded from its website or alternatively contact the Licensing section direct.

5.4 Appeals

5.4.1 The Council recognises that it has a duty at all times to act reasonably and to exercise due diligence in the control and management of financial resources.

5.4.2 In circumstances where the decision of a Licensing Sub-Committee is subject to appeal, the Council reserves the right not to defend the appeal or elements of the appeal or to seek resolution of the matter by means of compromise through discussion with the appellant(s) where following legal opinion it is believed that the council would be unsuccessful in defending the appeal or parts thereof.

5.4.3 The decision of the Licensing Authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of. Any interim steps will remain in force over these periods

1. The Prevention of Crime and Disorder

1.1 The Licensing Authority expects that when addressing crime and disorder, the applicant will identify any particular issues, having regard to the design, character and layout of the premises and / or the types of activities, which are likely to adversely affect the promotion of the crime and disorder objective and to detail in their operating schedule or club operating schedule the steps that will be taken to address such identified issues. The Licensing Authority appreciates that there is currently a move towards requiring premises that supply alcohol for consumption on the premises to do so using only polycarbonate drinking vessels (glasses), because they are virtually indestructible and, unlike glass, do not shatter and fragment. However, the Licensing Authority recognises that the costs of introducing polycarbonate drinking vessels may be prohibitive; and will therefore only consider imposing a condition to require the use of such drinking vessels when there is a demonstrable need (based on a risk-based assessment, as recommended in the National Alcohol Strategy) to avoid or prevent injuries arising from either acts of aggression or accidentally as a result of carelessly discarded glass. Such a requirement may be appropriate only in respect of drinks consumed in an outdoor area; served after a particular time; served at particular times (e.g. when there is the provision of other licensable activities); but could also be necessary at all times depending upon the design, character and layout of the premises and / or the types of activities provided on the premises.

1.2 The prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Council under section 17 of the Crime and Disorder Act 1998. It is important, therefore, that the applicant is able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective, which may also contribute to reducing instances of accidental and intentional injuries.

1.2.1 Crime means the breach of any criminal legislation irrespective of who is the enforcement agency. This will include crimes such as dealing in illicit alcohol and tobacco.

1.3 Drugs

1.3.1 The Licensing Authority is committed to further the crime prevention objective and to promote public safety by preventing a tragic loss of life and injury caused by drug abuse.

The Licensing Authority will expect:

- all reasonable steps to be taken to prevent the entry of drugs into licensed premises;
- appropriate steps to be taken to prevent drugs changing hands within the premises;
- practical measures to be taken to prevent tragedies as a result of drug misuse;
- applicants to have regard to the Home Office guidance entitled “Safer Clubbing”; and
- the operating schedule to detail how the premises will be properly managed to ensure the crime prevention and public safety objectives are met at all times.

1.3.2 Further to its commitment to crime prevention and preventing illegal drug abuse The Licensing Authority will have due regard to imposing relevant conditions preventing the sale of legal highs / new psychoactive substances (NPS) where it considers to be applicable.

2. Public Safety

2.1 The Licensing Authority expects that when an applicant identifies an issue in relation to public safety (including, by way of examples, health and safety; fire safety; and the ability to evacuate people with disabilities from the premises in an emergency), which is not covered by existing legislation (and the Licensing Authority appreciates there is a lot of legislation concerned directly with matters that fall into the public safety objective of the 2003 Act), the applicant will detail in their operating schedule or club operating schedule the steps that will be taken to promote public safety. Depending upon the design, character and layout of the premises and / or the types of activities, the following issues might be of relevance:

- premises to be constructed to acceptable standards of safety;
- applicant to have addressed the requirements of health and safety at work, fire safety and any other applicable legislation; and
- operating schedule to detail how the premises will be properly managed and maintained to promote public safety at all times.

2.2 Public safety is an important licensing objective as it is about protecting the safety and even the lives of everyone. It is the wish of the Licensing Authority that anyone visiting a licensed venue in the County can do so in complete safety, as they will be visiting premises that have been constructed or adapted with safety in mind; and promote public safety through good management and maintenance.

2.3 Chinese Lanterns

2.3.1 Due to the increase use of Chinese Lanterns at licensed events and at licensed premises, the Licensing Authority recognises the need to promote responsible use of such lanterns in Northumberland and would actively encourage using any alternatives.

3. The Prevention of Public Nuisance

3.1 The Licensing Authority expects that when addressing public nuisance (e.g. disturbances; noise and vibration created by regulated entertainment or from the use of the premises for licensable activities; litter; noxious smells; light pollution), the applicant will identify any particular issues, having regard to the design, character and layout of the premises and / or the types of activities, which are likely to adversely affect the promotion of the objective to prevent public nuisance and to detail in their operating schedule or club operating schedule the steps that will be taken to address such identified issues. The Licensing Authority appreciates that as a result of the implementation of the 'smoke-free' legislation (the Health Act 2006) in England on 1 July 2007, that more premises are likely to develop and use outdoor areas (whether covered or not) and that more people are likely to use such facilities at times when they were previously unlikely to have been used. When making an assessment of the likely adverse effect premises may have on the promotion of this licensing objective, applicants should also assess what, if any, impact an outdoor area may have upon the promotion of this licensing objective, particularly in relation to the occupiers of other premises in the vicinity.

3.2 In particular, it will expect the applicant to:

- propose practical steps to prevent public nuisance to local residents and other businesses and organisations in the vicinity; and / or
- in relation to noise and vibration as a potential source of public nuisance, to have had sound tests carried out (which may need to be undertaken by an acoustic consultant or may simply be a listening and monitoring exercise, depending upon the nature and frequency of the proposed licensable activities; the type of premises and their location) to ascertain whether there is sound leakage from within the building

3.3 The Licensing Authority expects popular venues that attract queues to formulate a system to avoid disturbance to residents and other businesses and organisations in the vicinity, which may include the use of door supervisors, who may, depending upon the type of premises, need to be licensed by the Security Industry Authority.

3.4 Two of the greatest irritations to residents are noise and public nuisance associated with licensed premises. If representations are made, noise and nuisance might preclude the grant of a licence or certificate or, if one has already been granted, could be a ground for review, with a view to the imposition of further conditions or, if the licensing objectives cannot be achieved by such conditions, revocation of the licence or certificate.

4. Protection of Children from Harm

4.1 The protection of children from harm is an important licensing objective. Nevertheless, the Licensing Authority will not normally impose conditions regarding or prohibiting the admission of children to any premises, believing this should remain a matter of discretion of the licence holder and that, having taken account of the view of the Government, the use of licensed premises by children should not be discouraged. However, it will, where appropriate, impose conditions designed to protect children from harm.

4.2 Applicants will be required to serve a copy of their applications on such body that is responsible for, or interested in, matters relating to the protection of children from harm as may, from time to time, be recognised by the Licensing Authority as competent to advise the authority on such matters. The Licensing Authority will specify the identity of such recognised body and its address for service in guidance documents issued by the Licensing Authority. With regard to children under the age of 16 years, in 2004 the Northumberland Area Child Protection Committee expressed concerns about the effects on such children of passive smoking (which may now have been addressed by The Health Act 2006, i.e. the 'smoke-free' legislation) and as to the damage which may be caused by exposure to loud noises. Applicants are advised to consider these matters and to include any measures they consider to be appropriate in their operating schedule or club operating schedule.

4.3 Applicants are also recommended to follow the 'Code of Practice on the Naming, Packaging and promotion of Alcoholic Drinks', published by the Portman Group which operates on behalf of the alcohol industry and is published on the Portman Group's website at www.portmangroup.org.uk. The code is an important resource which seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.

4.4 The Licensing Authority will take such measures as are appropriate to protect children from harm. Examples of premises where the introduction of additional controls are likely to be appropriate are where:

- entertainment of an adult or sexual nature is provided;
- there have been convictions of the current management for serving alcohol to a minor or with a reputation for allowing under-age drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider in the company of adults during a table meal);
- there is no demonstrable policy requiring the production of proof of age cards or other age identification to help combat the purchase of alcohol by minors;
- there is a known association with drug taking or dealing;
- it is known that unaccompanied children have been allowed access
- there is a strong element of gambling and / or substantial gambling operations on the premises (but not a small number of cash prize machines); or
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

4.5 Where the exhibition of films is permitted, the 2003 Act requires the Licensing Authority to impose a condition requiring the admission of children to be restricted in accordance with the age

restrictions of a film classification body designated by the Secretary of State under section 4 of the Video Recordings Act 1984 (currently the only such designated body is the British Board of Film Classification) or by the Licensing Authority.

4.6 In relation to the mandatory requirement to impose a condition restricting the access of children to films, the Licensing Authority's condition recognises that there are projected films (i.e. moving pictures shown by projection, irrespective of the medium on which the film is stored) and non-projected films (i.e. visual images produced electronically by the use of information contained on any disc, magnetic tape or any other device capable of storing data electronically which is not shown by projection); and is contained in the following three paragraphs:

4.7 No child shall be admitted to any exhibition of a projected film otherwise than in accordance with the recommendation made by the British Board of Film Classification or, in the absence of such a classification or upon the Licensing Authority giving notice to the premises licence holder in respect of a specific film, as recommended by the Licensing Authority;

4.8 If the licence holder proposes to exhibit a film that has not already been classified by a film classification body designated by the Secretary of State under section 4 of the Video Recordings Act 1984, the licence holder shall make a request in writing to the Licensing Authority that it classify the film, which request shall be accompanied by the film and such fee as may be specified from time to time by the Licensing Authority. The request to classify must be received by the Licensing Authority at least 20 clear working days before the proposed showing of the film; and if within 10 working days of receipt of the request to classify, the Licensing Authority requests that facilities be made available for viewing the film, the licence holder shall make such facilities available to the Licensing Authority within 5 working days.

4.9 No child shall be admitted to any exhibition of a non-projected film otherwise than in accordance with the recommendation of a film classification body designated under section 4 of the Video Recordings Act 1984 and 2010.

4.10 These policies are intended to allow flexibility for the user of premises and to ensure that, where appropriate, licensed premises are 'user friendly' for children, but also to ensure that children are adequately protected.

4.11 Child Safeguarding Services has been recognised as the body the licensing authority judges to be competent to act as the responsible authority in relation to the protection of children from harm.

4.12 The Licensing Authority encourages the use of Challenge 21 and Challenge 25 Age Verification Schemes and would expect applicants to confirm that they have such a scheme in place or intend to implement one. In the event that a child or young person is supplied with an age-restricted product during a test-purchase exercise, the Authority will seek, by means of the licence review process, to require the adoption of a Challenge 21 or Challenge 25 scheme as part of the licence conditions.

5. Cumulative Impact

5.1 This section of the policy addresses the cumulative impact of increasing the number of licensed premises in a particular area, such as a town centre. Whilst the term “cumulative impact” is not specifically mentioned in the 2003 Act, significant guidance is provided on it in the Guidance issued by the Secretary of State for Culture, Media and Sport, pursuant to section 182 of the Act.

5.2 The Guidance states that “cumulative impact” in the Guidance means “the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.” This might arise in an area where there is an unusual number, type or density of premises selling alcohol for consumption on the premises or because of other factors.

5.3 It must be stressed that the ‘need’ or ‘commercial demand’ for licensed premises is not a matter for the Licensing Authority or its Statement of Licensing Policy. ‘Need’ or ‘commercial demand’ is a matter for planning committees and for the market.

5.4 The Licensing Authority, having not been presented with any evidence to the contrary, does not consider that any area within the County to already have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority appreciates that the police always have this under review and accordingly reserves the right, should the need arise, to introduce a special policy of refusing new licences whenever it receives relevant representations about cumulative impact on the licensing objectives from responsible authorities and / or interested parties which it concludes, after hearing those representations, should lead to refusal.

5.5 The Licensing Authority will not make such a special policy unless it determines it to be appropriate for promoting the licensing objectives, having:

- received a relevant representation from a responsible authority or interested party that the cumulative effect of licensed premises is leading to an area of the County experiencing problems of crime and disorder and / or public nuisance over and above the impact of customers of individual premises;
- consideration of whether it can be demonstrated, on an evidential basis:
- that crime and disorder and / or public nuisance are arising and are caused by the customers of licensed premises and, if so, to identify the area from which problems are arising and the boundaries of that area; or
- the risk factors are such that the identified area is reaching a point when a cumulative impact is imminent; and

5.6 If the Licensing Authority is satisfied there is evidence that the cumulative impact of licensed premises in an identified area is having an adverse impact on one or more of the licensing objectives, it will consult with those authorities and persons that it is required to consult with regard to the whole of its Statement of Licensing Policy, namely those specified by section 5(3) of the Licensing Act 2003;

- The Licensing Authority will make a determination, having regard to the evidence and such representations that may be made by those with whom it consulted, whether it is appropriate

to include a special policy about future premises licence or club premises certificate applications from that area in its Statement of Licensing Policy; and

- Will publish the special policy as part of the Statement of Licensing Policy, as required by section 5(6) of the 2003 Act.
- If the Licensing Authority adopts a special policy:
 - It will not impose any criterion (e.g. it will not impose quotas on the number of licensed premises in an area or the capacity of those premises and it will not include provisions for terminal hours) that would fetter its discretion to consider applications on their individual merits;
 - It will review the special policy regularly to assess whether it is still needed or whether the area to which it applies needs to be reduced or expanded. If the Licensing Authority is satisfied, on an evidential basis, that it is likely that it ought to remove or revise its special policy, it will only make a determination having consulted with the authorities and persons specified, as detailed above, and any removal of, or revision to the special policy will be published, as required by the Act;
 - the effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new Premises Licences or Club Premises Certificates, or for material variations to existing licences and certificates, will normally be refused if representations are received maintaining that the application ought to be refused for the purposes of promoting the licensing objectives (i.e. the prevention of crime and disorder; the prevention of public nuisance; public safety; and the protection of children from harm), due to the cumulative impact of such premises and clubs in the area; and
 - as with all applications under the 2003 Act, if no relevant representations are made, the Premises Licence or Club Premises Certificate will be granted by the Licensing Authority on the terms of the application, subject only to any mandatory conditions prescribed by the Act.

5.7 If, in the future, a special policy is adopted, the onus will be on the applicant to demonstrate how they can overcome such identified potential concerns.

5.8 The absence of a special policy does not prevent responsible authorities and interested parties (as appropriate) from making representations in respect of an application for a new Premises Licence or Club Premises Certificate, or for material variations to an existing licence or certificate, on the grounds that the premises or club will give rise to a negative cumulative impact on one or more of the licensing objectives.

5.9 The Licensing Authority (whether that be Council, Licensing Committee or a Licensing Subcommittee), considering an application in relation to which a relevant representation has been made in respect of cumulative impact, will carefully consider each application on its own merits and, should they determine that the premises or club are unlikely to add to the cumulative impact on the licensing objectives, grant the application, subject to any conditions appropriate to achieving those objectives.

5.10 The Licensing Authority will not use a special policy as a ground for revoking an existing licence or certificate, when representations are received about generalised problems of crime and disorder and / or public nuisance (or in relation to any of the other licensing objectives) within the specified area. However, if the subject of the representation relates to the licensing objectives and can be positively tied to or linked by casual connection to a particular licensed premise or club, that could give rise to a request being made to the Licensing Authority for a review of the licence or certificate.

5.11 Whilst it is unlikely that a special policy would be necessary in respect of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises, the Licensing Authority reserves the right to do so if, in exceptional circumstances, it receives such representations and is satisfied, having followed the procedure set out herein, it is appropriate and proportional to make such a special policy.

5.12 The impact from licensed premises increases considerably in areas where there are concentrations of such premises. If the Licensing Authority were to introduce a special policy it would be to positively promote the licensing objectives.

6. Early Morning Alcohol Restriction Orders

6.1 The power conferred on licensing authorities to make, vary or revoke an EMRO is set out in section 172A to 172E of the Licensing Act 2003. This power was brought into force on 31st October 2012 and the government has provided guidance as part of the S182 Guidance to Licensing Authorities.

6.1.2 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

6.1.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

6.1.4 An EMRO:

- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
- Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
- Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- Applies to the whole or any part of the licensing authority's area
- Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
- Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

6.2 EMRO Request

6.2.1 It is expected that the need for an EMRO may be identified by a number of different organisations. For example the request for an EMRO may originate at a residents association. It may come via the Responsible Authorities Group. It is likely that more than one organisation may be involved in the process.

6.2.2 It is anticipated that the request would be referred to the licensing committee where an initial decision will be taken if it is appropriate to consult on the introduction of an EMRO. Members would be supplied with evidence of the issues being experienced in the area in support of the request for consideration of the introduction of an EMRO. The licensing committee will decide if, on the strength of the evidence provided at that time, that it is appropriate to consult on the introduction of an EMRO. It may however decide that further work needs to be undertaken before the consultation process commences or decide that other measures would be more effective in dealing with the problems

identified or that licence holders should engage with the authorities in an attempt to rectify matters before the request is considered further.

6.2.3 Once the licensing committee is satisfied that an EMRO may be appropriate to address the issues in an area, and all other measures have been tried and failed to address these issues, the formal process of considering an EMRO will begin. The design of the EMRO will include:

- The days (and periods on those days) on which the EMRO would apply
- The area to which the EMRO would apply
- The period for which the EMRO would apply
- The date from which the proposed EMRO would apply

6.3 Consultation

6.3.1 The proposed EMRO will be advertised for at least 42 days. The proposal will be published on the council's website and in a local newspaper. A notice will be sent to all affected people in the area who hold a premises licence or club premises certificate, or people who use TENs or who hold a provisional statement. A notice will be displayed in the area, and sent to responsible authorities and adjacent licensing authorities.

6.3.2 Anyone affected by the EMRO has 42 days in which to make a representation on any aspect of the EMRO design. If relevant representations are received then a hearing will be held to consider them. If there are a number of representations, the licensing authority may consider whether to hold the hearing over several days. The hearing will be commenced within 30 working days of the end of the notice period.

6.3.3 As a result of the hearing the licensing authority has three options:

- To decide that the proposed EMRO is appropriate for promotion of the licensing objectives
- To decide that the proposed EMRO is not appropriate and therefore the process should be ended
- To decide that the proposed EMRO should be modified. In this case it may be necessary to advertise again.

“Before a licensing committee determines to recommend that full council make a proposed EMRO, it should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The requirement to take an evidence-based decision to promote the licensing objectives should enable licensing authorities to draw on their experience from other licensing decision made under the 2003 Act, such as the determination of applications for the grant of premises licences. The licensing authority should consider evidence from partners, including responsible authorities and local Community safety partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives”.

6.4 Evidence

6.4.1 The level of evidence the licensing committee will consider to support an EMRO could include:

- Police evidence of reported alcohol related crime
- Nuisance statistics compiled from complaints made to Environmental Health in relation to noise, odour and litter nuisance
- Data gathered from complaints made the Licensing Authority on matters which affect the licensing objectives.
- Anecdotal evidence from residents organisations, ward members and other representatives of people living in a specific area
- Evidence obtained during the public consultation and associated public meetings

6.4.2 In addition the S182 guidance suggests other sources of evidence such as health related statistics, for example alcohol-related emergency attendances and hospital admissions

6.4.3 This should, in part be provided by the organisation or groups who are proposing an EMRO should be in force.

6.5 Formal Decision

6.5.1 Once the licensing committee is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination will be put to full Council for its final decision. Once the EMRO is made, the authority will send a notice to all affected persons and make it available for 28 days on the website.

6.5.2 A variation or a revocation of an order will follow the same process. However an order could be applied for a specified time and in this case the order ceases to apply on the final day.

6.5.3 Once an EMRO is in place, the licensing authority will update this policy as soon as possible to include reference to the EMRO in this section.

6.3.4 There are currently no EMROs in place in the County.

7. Late Night Levy

7.1 The Council as a Licensing Authority can introduce a Late Night Levy across the County by virtue of section 125 of the Police and Social Responsibility Act 2011. The levy will empower the Licensing Authority to charge licence/certificate holders that supply alcohol late into the night for the extra enforcement costs that can be created for the police and the Licensing Authority by late night trading. Any such levy would apply to all licensed premises supplying alcohol between midnight and 6.00am save for any category of premises exempted by the Licensing Authority.

7.2 The police will receive at least 70% of the revenue generated by a Late Night Levy with the Licensing Authority receiving the remaining 30%.

7.3 Before a Late Night Levy can be introduced, the Licensing Authority will need to have consulted with the police and licence/certificate holders in the County supplying alcohol after midnight in accordance with the appropriate Regulations.

7.4 There is currently no Late Night Levy in this County.

Scheme of Delegations

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

8.0 List of Consultees

The Chief Officer of Police

The Fire and Rescue Authority

NCC Trading standards

NCC Environmental Health (Health & Safety)

Environmental Health (Public Nuisance)

NCC Safeguarding Children

NCC Public Health Services

NCC Planning Services

Persons representative of local Personal Licence Holders

Persons representative of existing premises licence holders

Persons representative of existing Club Premises Certificate holders, and

Such other persons the Council considers representative of business and residents in its area

Representatives of existing premises licence holders

Representatives of existing club premises certificate holders, and

Other persons considered representative of businesses and residents of Northumberland

9.0 Declaration

9.1 Any person requiring further information on whether or not activities are required to be licensed should contact the Council's Licensing Section in writing at Public Protection Unit, Stakeford Depot, East View, Stakeford, Choppington, NE62 5TR; or by telephone on (01670) 623856 or by email: licensing@northumberland.gov.uk