

Public Document Pack

Date of meeting Thursday, 23rd July, 2015
Time 7.00 pm
Venue Civic Offices, Merrial Street, Newcastle Under
Lyme, Staffordshire ST5 2AG
Contact Geoff Durham

Licensing Committee

AGENDA

PART 1 – OPEN AGENDA

1 DECLARATIONS OF INTEREST

To receive declarations of interest from Members on items contained within the agenda.

2 MINUTES OF SUB-COMMITTEES

(Pages 3 - 8)

To consider the minutes of the Sub-Committees held since the last meeting of the Licensing Committees.

3 Special Saturation Policy JULY 2015

(Pages 9 - 38)

4 Report on Licensing Policy

(Pages 39 - 130)

5 Local Government Association Peer Review of Decision Making Arrangements

(Pages 131 - 142)

6 To consider the Work Programme for this Committee

7 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972

Members: Councillors Bailey, Eastwood, Frankish, Hambleton (Chair), Harper, Johnson, Mancey, Parker, Simpson, Tagg, Welsh, Wemyss, White (Vice-Chair), Williams and Winfield

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

LICENSING SUB-COMMITTEE

Monday, 13th April, 2015

Present:- Councillor Mrs Joan Winfield – in the Chair

Councillors Mrs Simpson and Mrs Williams

1. **APPLICATION FOR A PREMISE LICENCE - TOTO. 38 IRONMARKET, NEWCASTLE, STAFFS. ST5 1PB**

Having taken into account the licensing Act 2003 and the Guidance issued under Section 182 of the Act, the Council's Statement of Licensing Policy and also the fact that representations have been received from Staffordshire Police and another person on the basis that to grant the application would undermine the objectives relating to the prevention of crime and disorder and the prevention of public nuisance but the Staffordshire Police were prepared to withdraw their representation on the basis that the conditions agreed between themselves and the applicant which are set out on pages 40 and 41 of the report to the Council were added to the premise licence.

The applicant having confirmed his agreement to the addition of those conditions, the Committee have considered those licensing objectives in the light of what has been said by the other person and have listened to the arguments and are persuaded that it would not offend the licensing objectives to grant the application.

The landlords of the rooms above the premises raised concerns about the possibility of noise and nuisance outside the premises, noise from live music and also odours from cooking could disturbing the comfort of their tenants. It was however taken into account that similar concerns had not been raised by Environmental Health. It was appreciated that encouragement was being given to people living in towns but it was felt that the landlords concerns could be dealt with by way of conditions.

The Committee in its deliberations took into account the decision of the High Court in the Daniel Thwaites case in 2008 in which it was held that all determinations of licensing applications should be made on empirical evidence and not on speculative evidence.

In any event the landlords would have the benefit of being able to review the licence if subsequent problems were to arise. The guidance at 9.39 reiterated the fact that the authorities determinations should be evidence based.

Having taken all of the evidence into account the Committee have concluded that a licence should be granted limited to the lower floor of the premises, on the terms applied for (excluding the live music element which was withdrawn at the hearing) subject to the following conditions:

The conditions which the Committee are disposed to impose in addition to the relevant mandatory conditions and also conditions that are consistent with those listed by the applicant in the operating schedule are:

Licensing Sub-Committee - 13/04/15

1. The conditions agreed with Staffordshire Police set out on pages 40-41 of the Agenda.
2. Door Supervisors to be employed between 8.00pm and closing time to control and supervise admittance to and egress from the premises on Friday and Saturday nights.
3. That no licensable activities take place on the upper floor of the premises.

COUNCILLOR MRS JOAN WINFIELD
Chair

LICENSING SUB-COMMITTEE

Thursday, 25th June, 2015

Present:- Cllr Hambleton – in the Chair

Councillors Eastwood, Hambleton and Winfield

1. APPLICATION FOR A PREMISE LICENCE - BETLEY COURT FARM

Having taken into account the licensing act 2003 and the guidance issued under section 182 of the act, the Council's statement of licensing policy and also the fact that objections to the application have been received from both Environmental Health and other persons on the basis that to grant the application would undermine the objectives relating to the prevention of public nuisance and public safety.

The committee have considered those licensing objectives in the light of what has been said and have listened to the arguments and are persuaded that it would not offend the licensing objectives to grant the application in part.

Environmental Health has been in contact with the applicant and have agreed to withdraw their representations for so long as the conditions agreed between themselves and the applicants are included in the license to ensure that the licensing objectives are met.

In their submissions other parties have made reference to the application being flawed in terms of notice of the application. the committee took the view that the relevant legal notices had been given and therefore the application was in order.

The committee noted that Staffordshire police had not objected to the application in relation to crime and disorder or any other licensing objective.

Possible traffic related issues had also been identified in the representations but these did not fall within the remit of the committee for consideration.

Counsel for the objectors drew the committee's attention specifically to paragraphs 8.33 to 8.41 relating to the steps to be taken to promote the licensing objectives and also paragraph 2.8 in the Council's statement of licensing policy relating to the promotion of residential amenity.

Reference was also made to the Buddleigh application, which was held on land in the vicinity of the application site which was situated in similar proximity to residential property and where no complaints had been received.

Counsel for the objectors and the applicants had met in order to attempt to reach agreement on the application and counsel put forward their proposals in that regard. whilst agreement could not be reached the committee considered these proposals and having taken all of the issues into consideration including the applicants views as to how they propose to manage potential risks, the committee are disposed, taking into account the matters referred to, to grant the application in the following manner and subject to the conditions which will be set out.

Firstly as regards the young farmers ball on the 8 august 2015 all licensable activities to end by 1 a.m. in the following morning and the function to be limited to 650 people in attendance. The premises to close 30 minutes later.

In relation to other licensable events the position of the marquee shall be agreed in consultation with Environmental Health, the chair of the local parish Council, local ward Councillors and any other persons who, in the view of Environmental Health, could be affected by the licensable activities proposed. The position of the marquee to be marked on a plan. All licensable activities to be located within the marquee and there shall be a maximum number of persons in attendance of 450.

the licensable hours for licensable activities to be Sunday to Thursday 11.00 to 23.00 hours and Friday and Saturday 11.00 to midnight with the premises closing 30 minutes later.

Seasonal variations are not granted.

(The conditions which the committee are disposed to impose in addition to the relevant mandatory conditions and also conditions that are consistent with those listed by the applicant in the operating schedule are:)

1. Those agreed with the Environmental Health department circulated at the hearing on appendix 1 as amended as follows:

Firstly in condition 1 the use of the premises to be restricted to the named events plus 5 others together with the young farmers ball which will be held on the 8 august 2015 and which will be a one off event and

Secondly a minimum of 2 weeks notice must be given to the northern police licensing unit and Newcastle Council's Environmental Health prior to any proposed event. Should all police and Environmental Health concerns not be met then the event must not go ahead.

Agreed Conditions

General

1. The use of the premises license is restricted to annual events namely Betley bonfire, Betley show and Betley gun & game fair plus up to 5 other events per year, together with the young farmers ball which will be held on the 8 august 2015 and which shall be a one off event.
2. This licence shall not be operable when the licence associated with the Betley concerts is in operation.

Public safety

3. The retail sale of alcohol will be prohibited at Betley bonfire and patrons of Betley bonfire will not be allowed to consume their own alcohol.

Prevention of public nuisance

4. Noise from all forms of regulated entertainment together with public address systems shall be controlled by a suitable and sufficient noise limiter

maintained in effective working order. The noise limiter will be set at a level agreed with an authorised Officer of the Environmental Health division of Newcastle under Lyme borough Council. This condition will not apply for the Betley bonfire, Betley show or Betley gun and game fair.

5. Generators shall be effectively silenced and positioned so as not to be audible at the nearest noise sensitive premises when in operation.
6. During an event a responsible person shall monitor the licensed area to deter and control antisocial behaviour or noise from patrons which may affect third parties.
7. Bottle bins shall not be emptied after 11 pm or before 7 am the following day.
8. A noise management plan shall be documented and prepared for each event and shall identify the noise sources, required controls and persons responsible for implementing and monitoring the plan to prevent public nuisance, and to be provided upon request and no later than 7 days to the responsible authorities.
9. Suitable and sufficient signage shall be placed at the exit of the marquee and along routes to car parks asking patrons to respect neighbours and to leave quietly.
10. A minimum of 2 weeks' notice must be given to the northern police licensing unit and Newcastle borough Council Environmental Health prior to any proposed event. Should all Police and Environmental Health concerns not be met then the event must not go ahead.

Chair

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1. **REPORT TITLE** **Special Saturation Policy**
- Submitted by:** **Democratic Services Manager**
- Portfolio:** **Safer Communities**
- Ward(s) affected:** **Town Ward**

Purpose of the Report

For Members to consider whether the Special Saturation Policy - agreed at the Committee's meeting held on 30th July 2014 is still required.

Staffordshire Police will be in attendance at the meeting to provide advice and guidance for the Committee, as well as relevant evidence.

Recommendations

The Committee must decide whether

- a) **The current Saturation Policy is still required**
- b) **The current Saturation Policy is still adequate.**
- c) **The current Saturation Policy needs to be reviewed.**

Reasons

The guidance issued under section 182 of the Licensing Act 2003 states that there should be an evidential basis for the decision to include a Special Saturation Policy within the Statement of Licensing Policy.

The guidance also states that once adopted, special policies should be reviewed regularly to assess whether they are still needed or whether they should be amended.

1. **Background**

- 1.1 Cumulative impact is not mentioned specifically in the 2003 Act but in the Section 182 of the Guidance to the Act it is taken to mean the potential impact on the promotion of the licensing objectives of a significant number of licenced premises concentrated in one area.
- 1.2 There are currently a number of licensed premises concentrated together in one area that together have a detrimental impact on levels of crime and disorder and public nuisance and in particular violent crime in the town centre. This being the case, the Council has previously satisfied itself that it is appropriate and necessary to include in its Licensing Policy a Special Saturation Policy.

- 1.3 The Policy allows the Council to refuse new licences whenever it receives relevant representations about the cumulative impact on the licensing objectives which can be substantiated by evidence. Where such representations are received, applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
- 1.4 Where representations are supported by evidence, applicants will need to clearly demonstrate in their operating schedule measures to address the identified problem of drink-related violence in the town centre and in particular will need to demonstrate measures to prevent binge drinking on the premises. Where no relevant representations are received in this connection, the application will be granted.
- 1.5 The Guidance (at 13.32) states that “once adopted special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the special policy should be amended.”
- 1.6 In this respect, the Guidance at 13.29 provides that the steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are:
 - (1) To identify concern about crime and disorder; public safety; publicly nuisance; or the protection of children from harm.
 - (2) To consider whether there is good evidence that crime and disorder or public nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - (3) If such problems are occurring, identify whether these problems are being caused by the customers of the licensed premises, or that the risk of cumulative impact is imminent.
 - (4) To identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
 - (5) To consult with those specified in section 5(3) of the 2003 Act and, subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy document.

2. **Issues**

- 2.1 At the meeting of the Licensing Committee held on 3rd July 2013 it was resolved that the special saturation policy be retained and reviewed on an annual basis.
- 2.2 Representatives from Staffordshire Police will be in attendance at the meeting to present evidence regarding the Special Saturation Policy.

3. **Options**

- 3.1 The Committee can:-

- Retain the area as it currently stands.
- Retain the area as it currently stands and review on a twelve monthly basis.
- Opt to consider expansion or reduction of the area covered by the current policy subject to the necessary consultation.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

4.1 The contents of this report relate to the following corporate priorities:

- Creating a cleaner, safer and sustainable Borough
- Creating a healthy and active community

5. **Legal and Statutory Implications**

5.1 'Cumulative Impact' is not mentioned specifically in the 2003 Licensing Act but is detailed at Section 13 of the guidance issued under section 182 of the Act.

6. **Financial and Resource Implications**

6.1 There are no financial implications for the Council relating to the retention or not of a Special Saturation Policy.

7. **Major Risks**

7.1 Not designating a Special Saturation Policy within the Council's Licensing Policy could lead to:

- An increase in serious problems of nuisance and disorder outside licenced premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. Queuing in itself may lead to conflict, disorder and anti-social behaviour.
- Large concentrations of people may also increase the incidence of other criminal activities. These conditions are more likely to take place in town centres.

8. **Earlier Cabinet/Committee Resolutions**

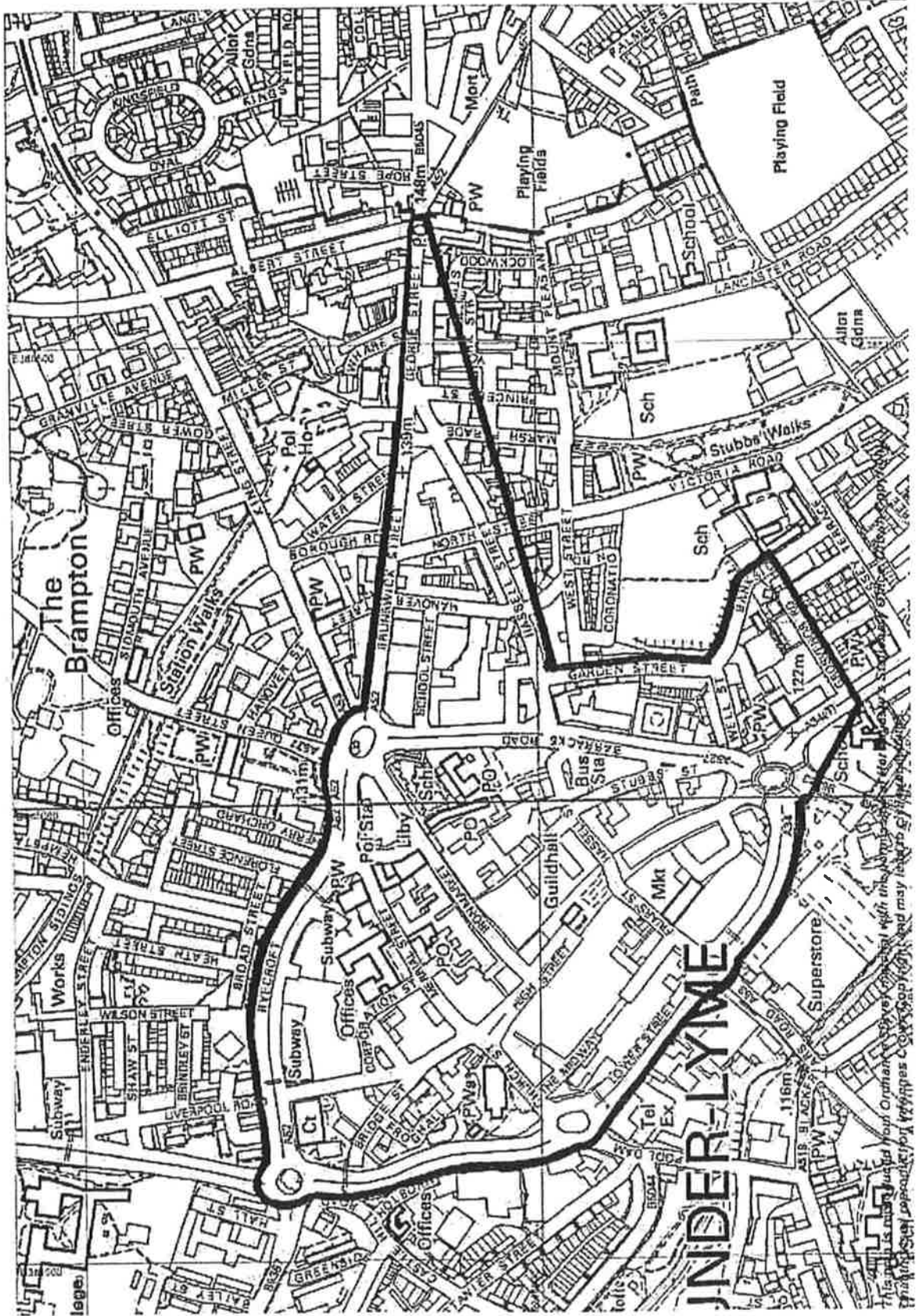
8.1 Decision of the Licensing Committee on 30th July 2014

9. **List of Appendices**

9.1 Plan showing current cumulative impact zone

9.2 Presentation by Staffordshire Police – Newcastle cumulative Impact Zone Review

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Cumulative Impact Policy Review Presentation

Newcastle LPT Commander



Cumulative Impact Review

To support a special policy within Local Authority licensing policy known as Saturation Zone

Effect is that the Policy creates a rebuttable presumption that applications for new premises licenses or variations will be refused unless:

(DCMS Guidance for sec 182 licensing June 2007, 13.29)



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The applicant provides evidence to show that the application includes measures to show that crime and disorder will not be increased.

OR

There are no representations from Responsible Authorities



Aims of tonight's presentation –

- Seek ongoing support of the inclusion of a Special Area of Policy within the Licensing Statement (Cumulative Impact)
- Provide evidence and support to enable a decision to be made around this matter



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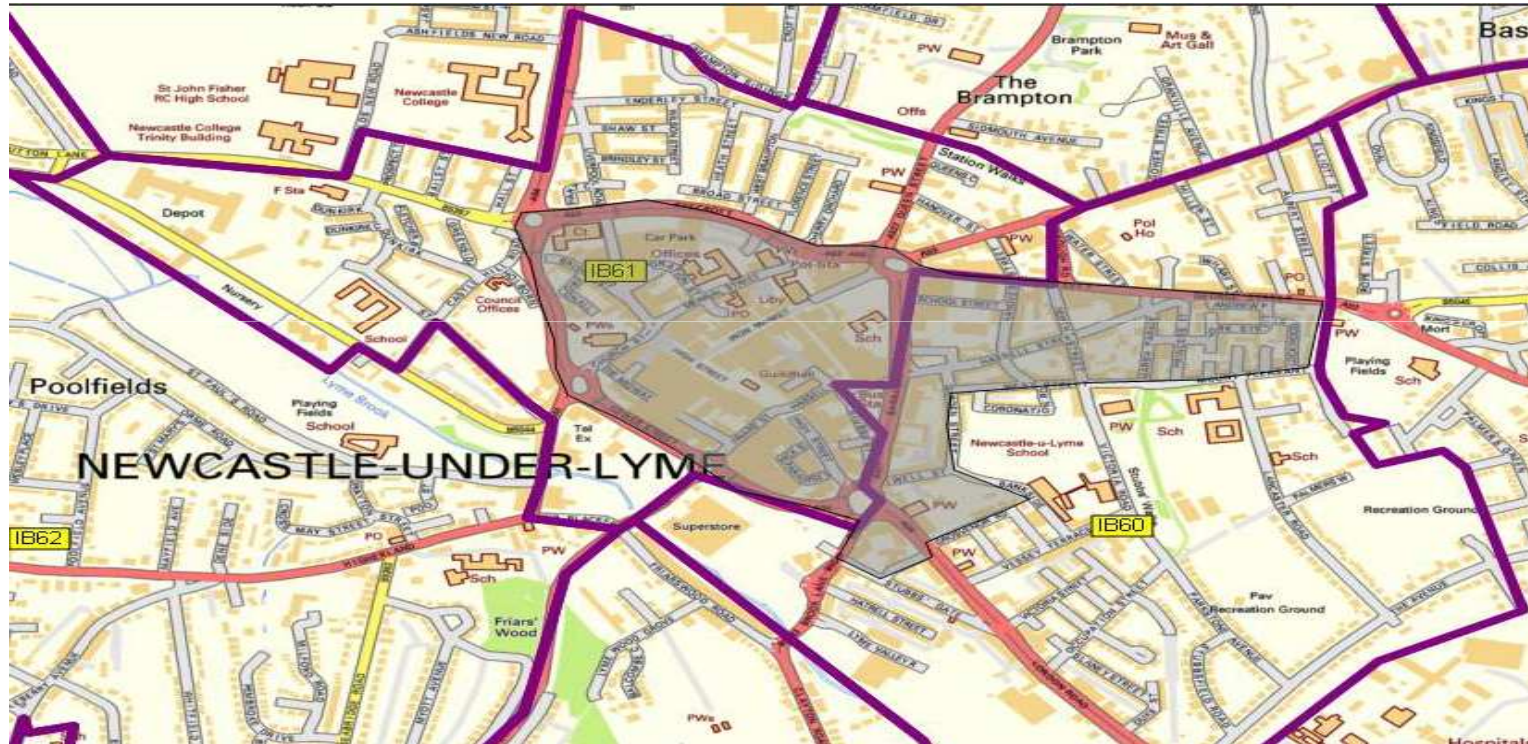
Newcastle Borough

- Population - 123,900
- Households - 52,600
- Incidents Average - 80 per day
- Crimes Average - 18 per day





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The Cumulative Impact Zone (shaded in grey) falls within two Readily Identified Areas - IB60 & IB61 (identified by the purple lines)

The majority of the Top Street Locations for All Violent Crime fall within the zone



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Newcastle CIZ Overview - 2014

1st Jan to 31st Dec 2014 compared to 1st Jan to 31st Dec 2013

- **506 Less Incidents Overall**
327 Less Incidents during the Night Time Economy (NTE)
- **58 Less Violent Crimes Overall**
38 Less Violent Crimes during the NTE
- **116 Less ASB Incidents Overall**
50 Less ASB Incidents during the NTE



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All Violent Crime – Definition

Most Serious Violence

Less Serious Violence

Other Violence Against the Person

Public Order

Robbery – Business/ Personal

Rape

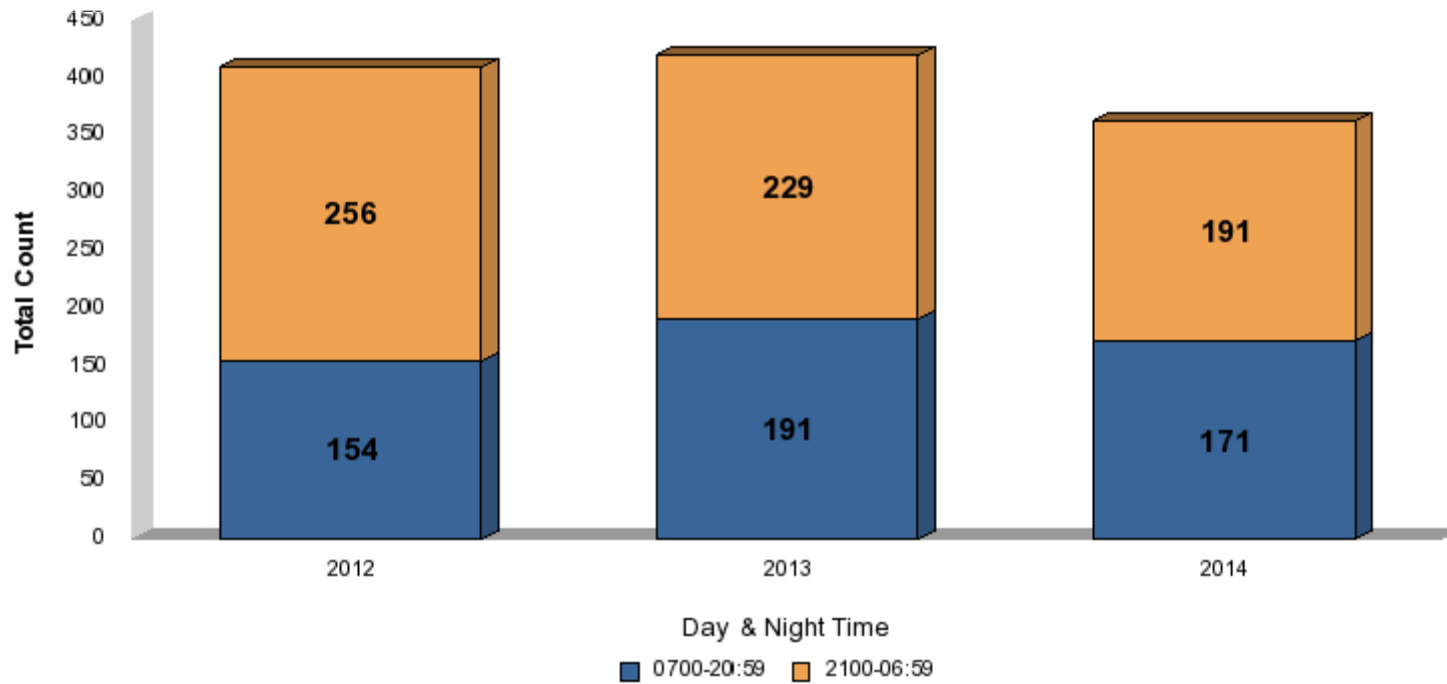
Serious Sexual Offences

Other Sexual Offences



All Violent Crime – Year on Year

2012	2013	2014
410	420	362



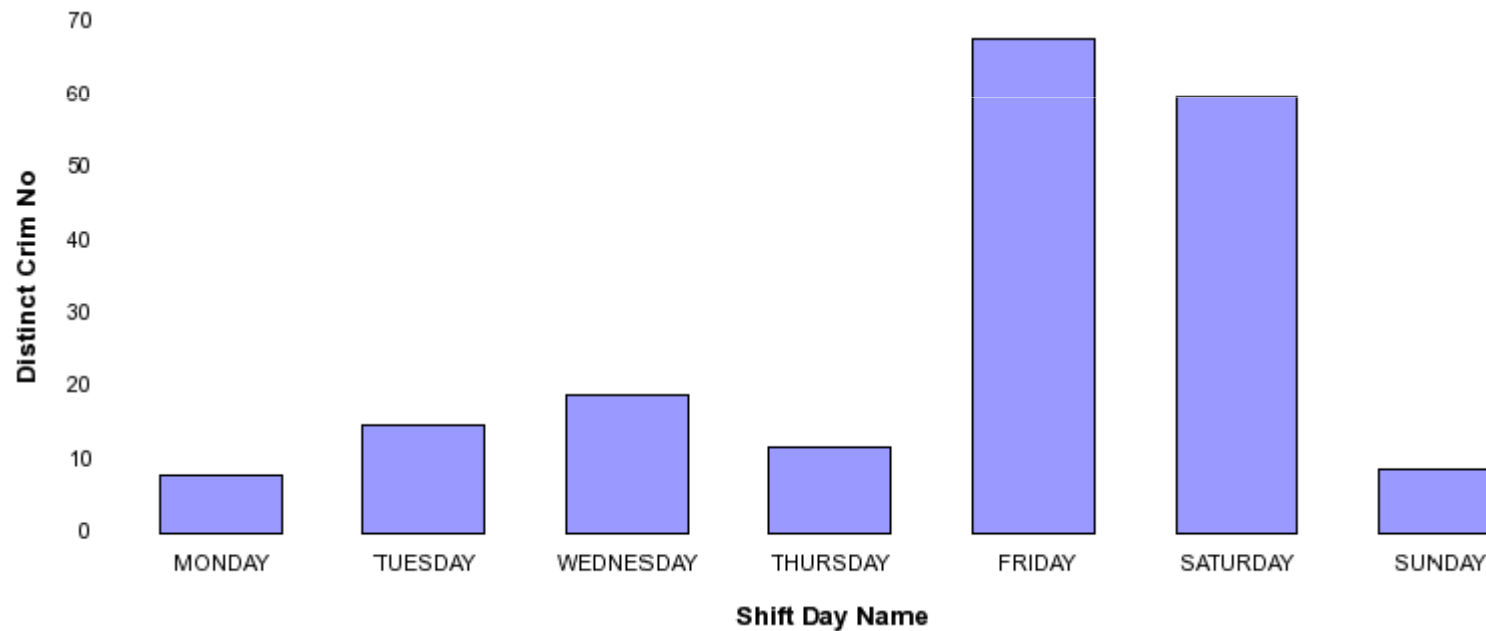


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All Violent Crime - Day of Week - 2014

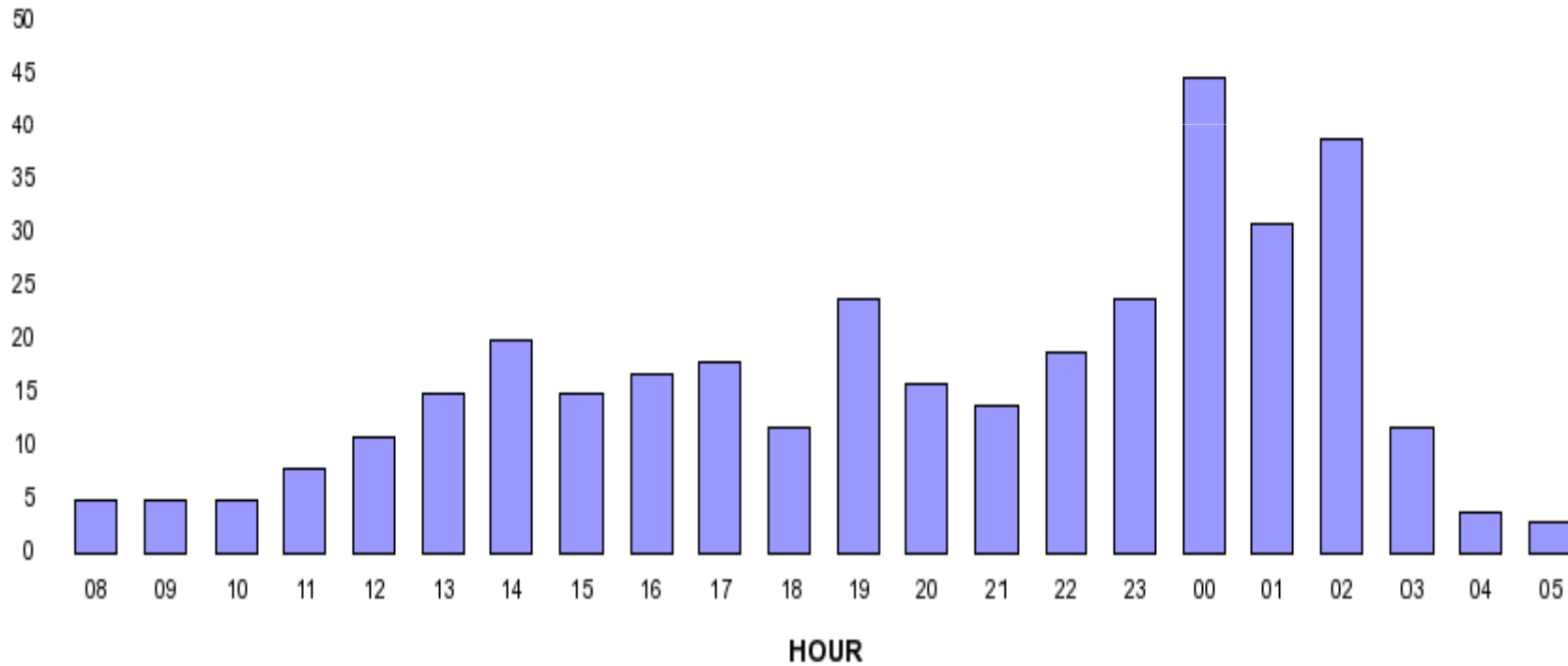
Night Time Economy (21:00-06:59 hrs)



A Police Operational working day starts at 07:00 hrs to 06:59 hrs the following day, not Midnight to Midnight
Eg Friday data above includes = Friday 21:00 hrs to midnight + 01:00 – 06:59 hrs on Saturday



All Violent Crime – Hour of the Day - 2014



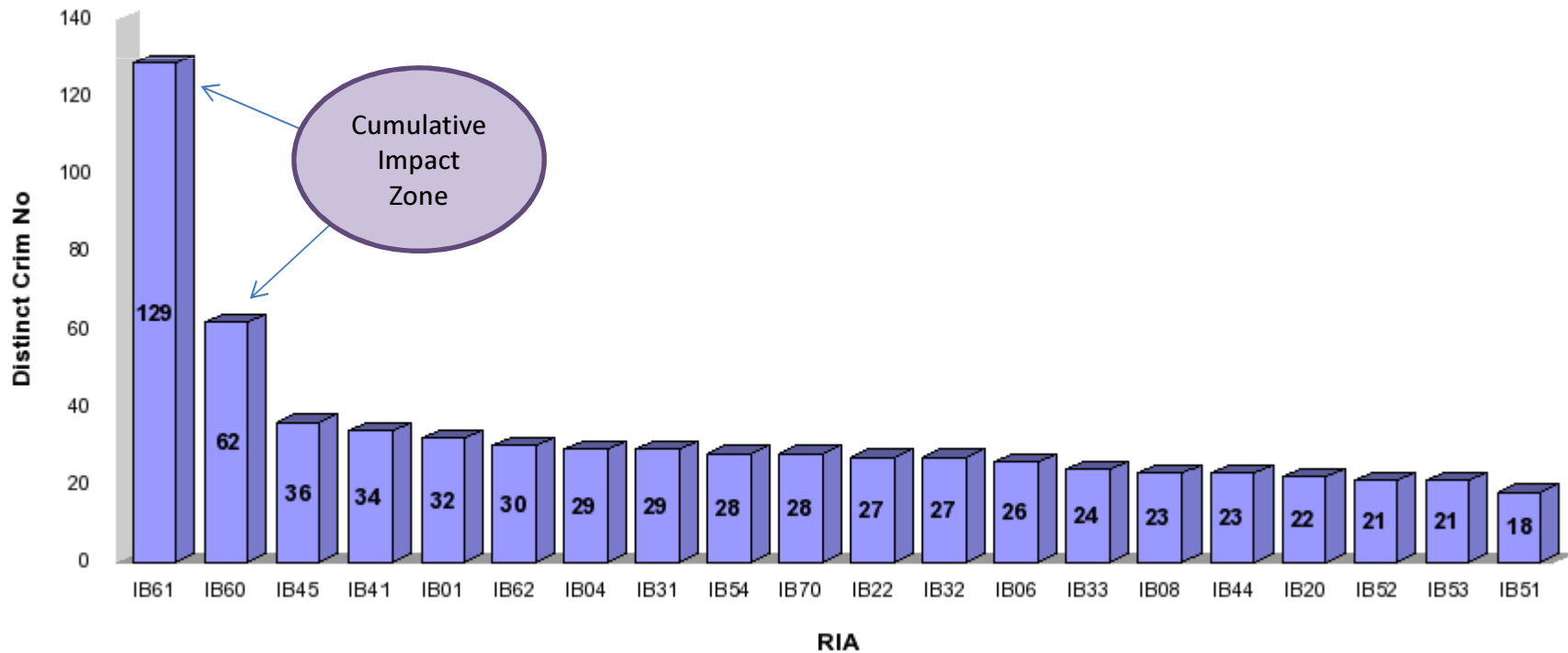


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All Violent Crime (Top 20 RIAs) - 2014

Night Time Economy (21:00-06:59 hrs)

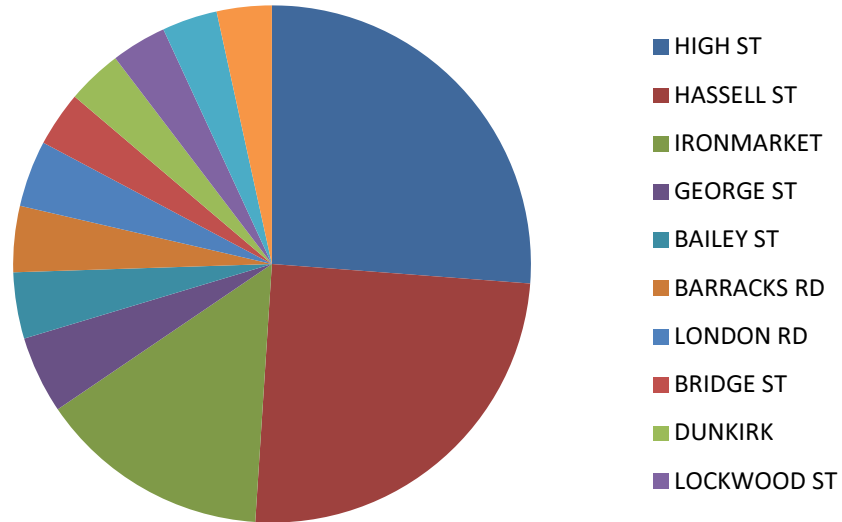




All Violent Crime – Top Streets - 2014

Night Time Economy (21:00-06:59 hrs)

	Sum:	%
HIGH ST	38	20%
HASELL ST	36	19%
IRONMARKET	21	11%
GEORGE ST	7	4%
BAILEY ST	6	3%
BARRACKS RD	6	3%
LONDON RD	6	3%
BRIDGE ST	5	3%
DUNKIRK	5	3%
LOCKWOOD ST	5	3%



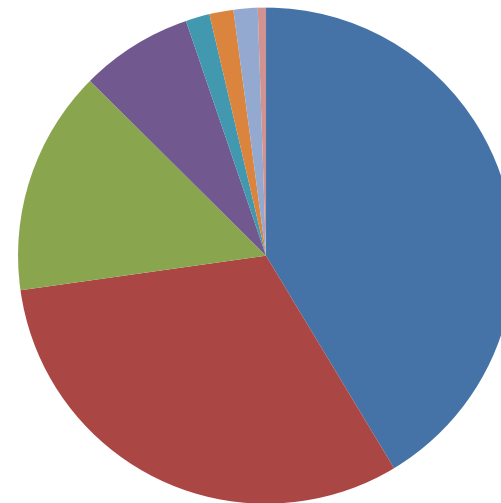
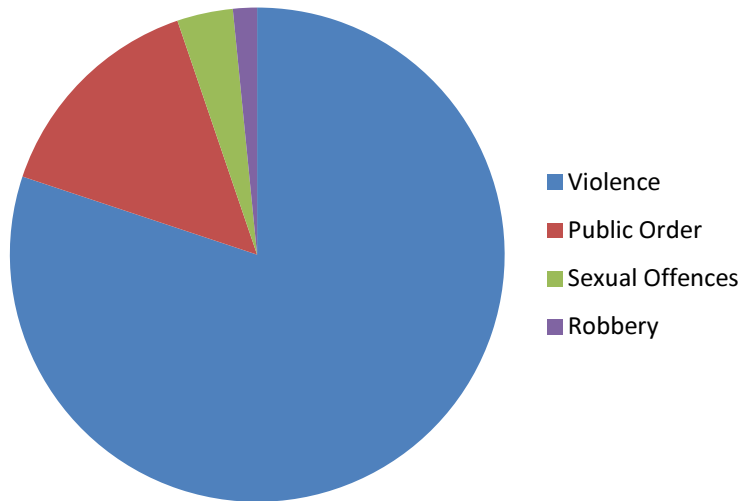


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Violence Proportions - 2014

Night Time Economy (21:00-06:59 hrs)

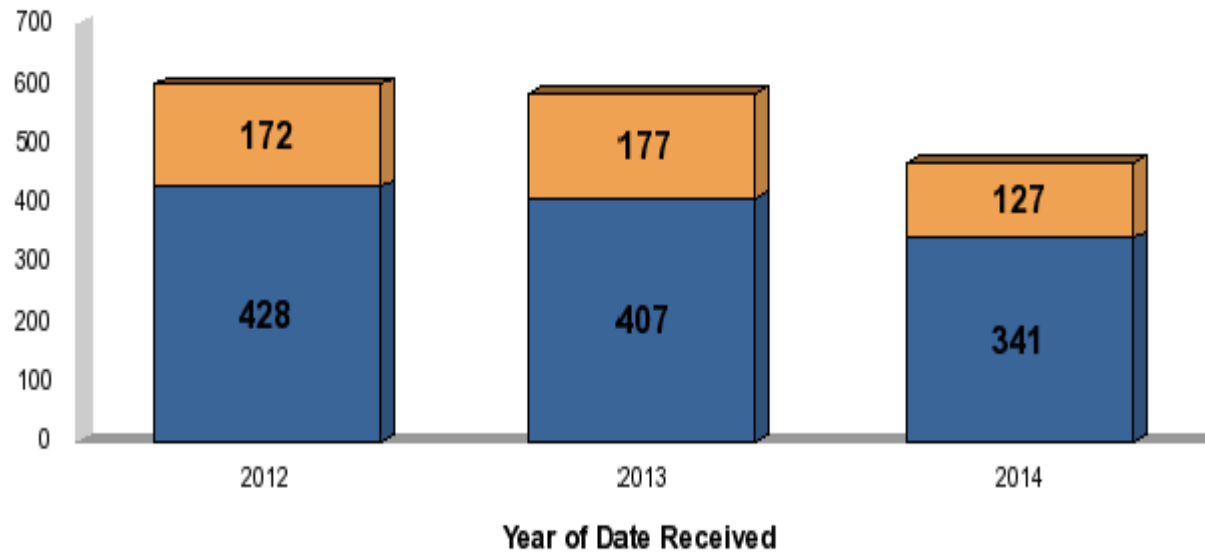


- Less Serious Violent Crime with Injury
- Other Violence against the person
- Public Order
- More Serious Violent Crime with Injury
- Other Serious Sexual Offences
- Personal Robbery
- Rape



ASB – Year on Year

2012	2013	2014
600	584	468



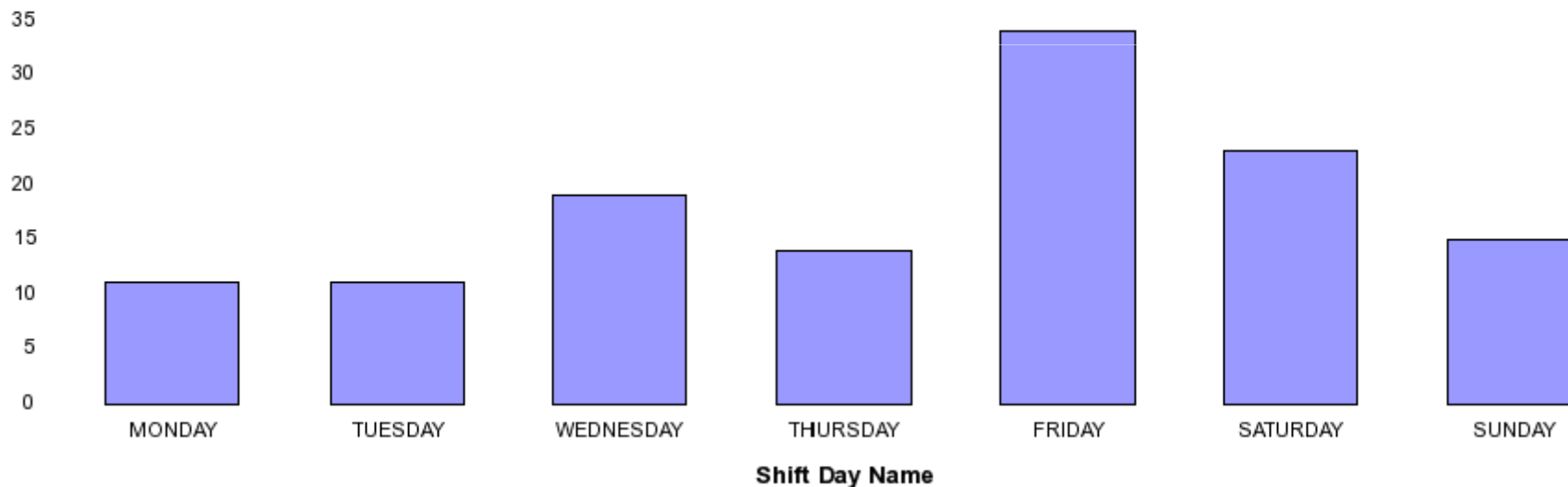


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ASB – Day of the Week - 2014

Night Time Economy (21:00-06:59 hrs)



A Police Operational working day starts at 07:00 hrs to 06:59 hrs the following day, not Midnight to Midnight
Eg Friday data above includes = Friday 21:00 hrs to midnight + 01:00 – 06:59 hrs on Saturday

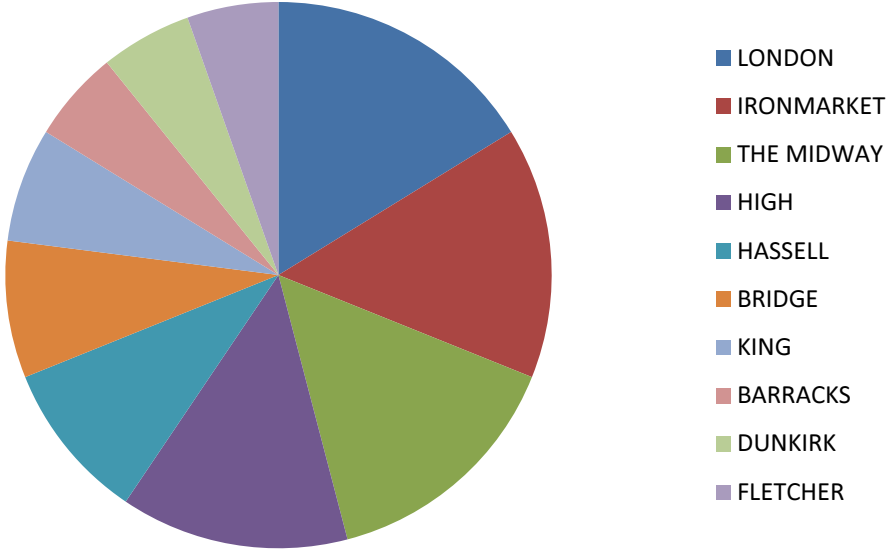


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ASB – Top 10 Streets - 2014

Night Time Economy (21:00-06:59 hrs)

	Sum:	%
LONDON	12	9%
IRONMARKET	11	9%
THE MIDWAY	11	9%
HIGH	10	8%
HASELL	7	6%
BRIDGE	6	5%
KING	5	4%
BARRACKS	4	3%
DUNKIRK	4	3%
FLETCHER	4	3%



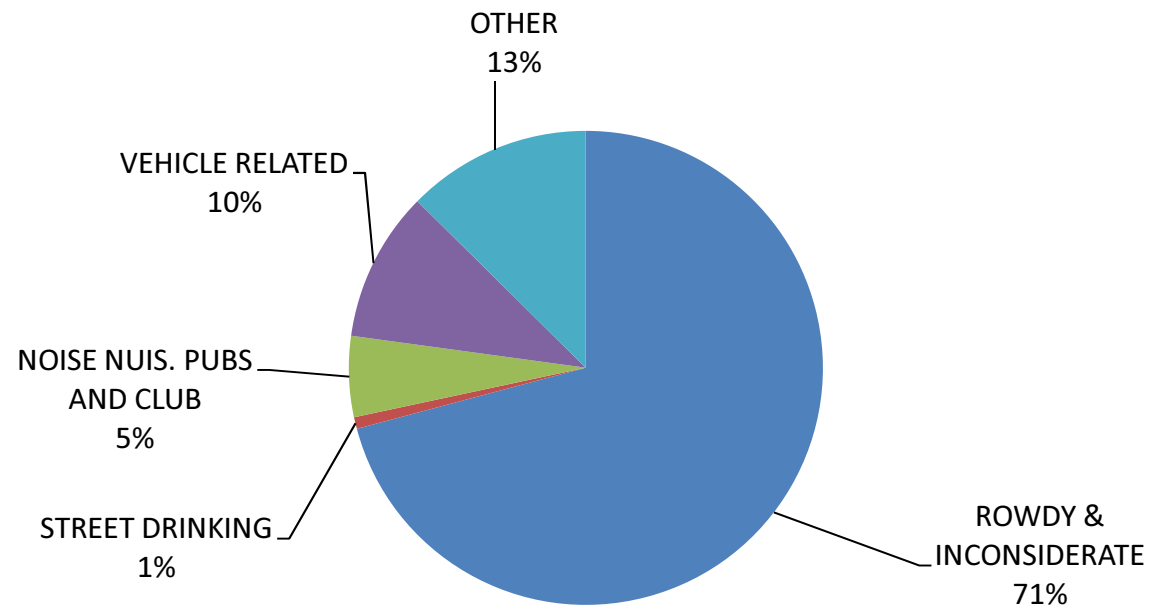


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ASB Proportions - 2014

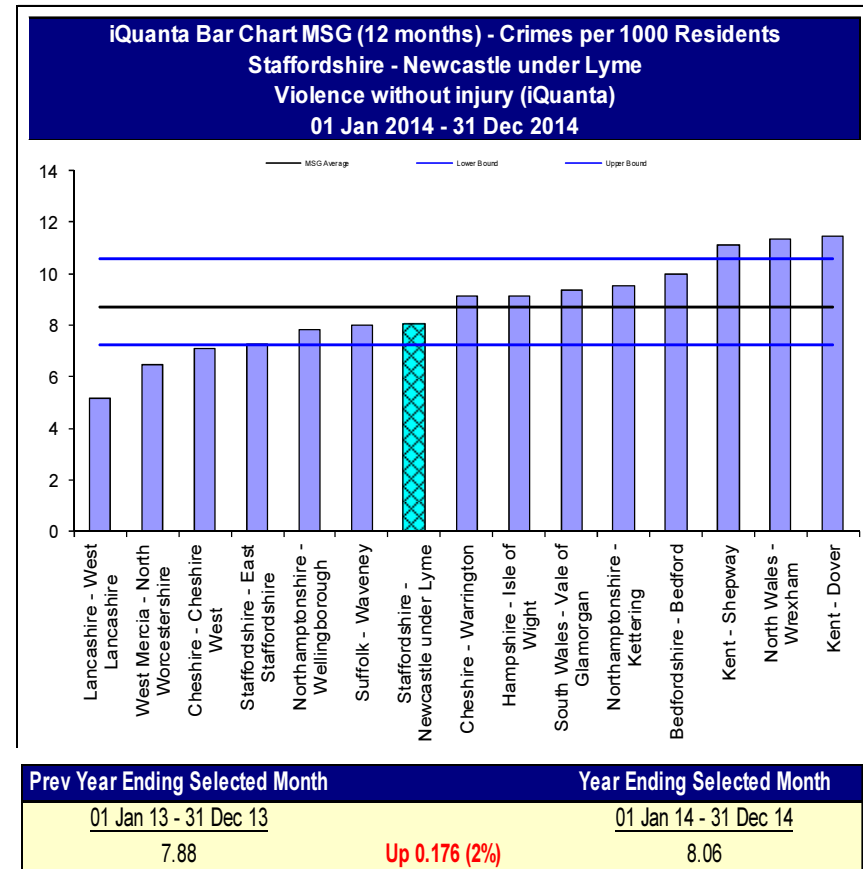
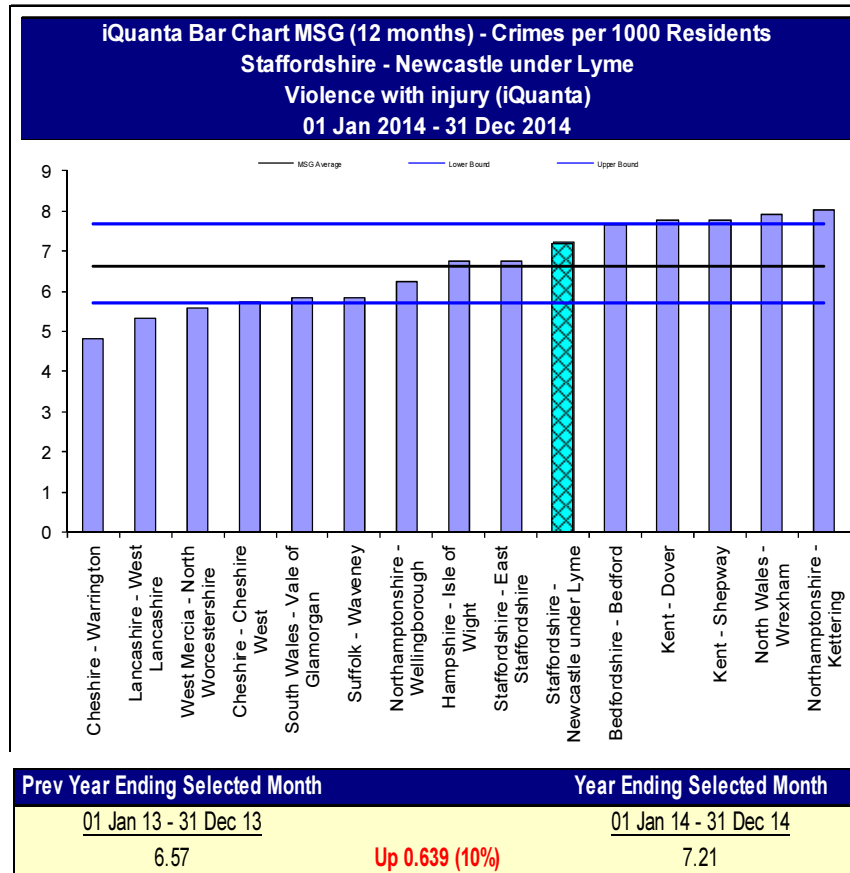
Night Time Economy (21:00-06:59 hrs)





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Most Similar Group/Family - 2014





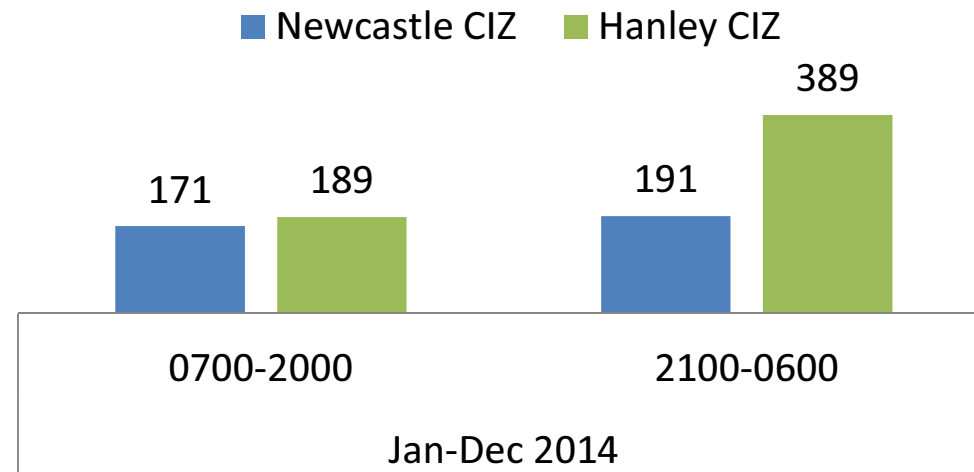
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Conclusion

1. Significant Success - Do we need to continue?

Cumulative Impact Zone Comparisons



All Violent Crime



Conclusion

2. Impact Factors

- Government Spending Plans
- Resource Demand
- Cost of Policing
- Impact in the Wider Community
- CIZ is not a bar to opening of new premises and expansion of the night time economy



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Questions?

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Licensing Act 2003 – STATEMENT OF LICENSING POLICY

Submitted by: Democratic Services Manager

Portfolio: Safer Communities

Ward(s) affected: All

Purpose of the Report

To discuss and agree upon the consultation process for the Council's Licensing Policy. Under Section 5 of the Licensing act 2003, the Council has a statutory duty to review its Licensing Policy every five years, the current policy is due to expire in December 2015.

Recommendations

1. That the Licensing Policy for Newcastle under Lyme be sent out for an eight week consultation period from 1st August 2015.
2. That the attached document relating to Child Sexual Exploitation and Human Trafficking / Modern Slavery be sent out as part of the consultation process.
3. That the Consultees for the Gambling Policy be agreed upon.
4. That the documentation for the consultation be agreed upon.
5. That the Committee consider the existing Policy and provide any initial comments on the content.
6. That the responses to the consultation be brought back to the meeting of the committee on 22nd October 2015.
7. That the updated Policy be presented for approval to Full Council at its meeting on Wednesday 25th November 2015.

Reasons

Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.

1. **Background**

Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- a) the chief officer of police for the area;
- b) the fire and rescue authority for the area;
- c) each local authority's Director of Public Health in England (DPH)11 or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
- d) persons/bodies representative of local premises licence holders;
- e) persons/bodies representative of local club premises certificate holders;

- f) persons/bodies representative of local personal licence holders; and
- g) persons/bodies representative of businesses and residents in its area.

2. Issues

It is suggested that the current policy be sent out for Consultation on **Friday 31st July 2015** following discussions at this meeting for a period of 8 weeks ending on **Friday 25th September 2015**. This will allowing officers time to incorporate any comments received during the consultation into a report for this committee to consider on 22nd October 2015 prior to submission to Full Council on 25th November 2015.

The legislation is however deliberately wide to enable Licensing Authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Licensing Authority Statement of Licensing Policy.

Licensing Authorities may wish to consider the following:

- Consultation with a range of organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, medical practices or primary care trust and advocacy agencies such as the Citizen’s Advice Bureau and trade unions.
- Consultation with other tiers of local government where they exist.
- Consultation with businesses that are, or will be, holders of a premises licence
- Consultation with the organisations names as responsible authorities in the Act.

It is intended to advertise the consultation on the Council’s website, on the Council’s notice board, by writing to all elected members, Parish and Town Councils, LAPS and to the Consultees detailed in the list attached at Appendix B. All current premises licence holders and personal licence holders will also be sent a copy of the correspondence. VAST will also be consulted as they will provide an email distribution to 412 contacts plus we will request that the consultation be placed on the VAST website and e-bulletin.

Any further suggestions for potential Consultees are welcomed.

3. Timetable

23 rd July 2015	Initial discussions at Licensing Committee
31 st July 2015	Licensing Policy send out for consultation
25 th September 2015	End of Consultation period
22 nd October 2015	Meeting of Licensing Committee to discuss responses to the consultation
13 th November 2015	Agenda sent out for Full Council
25 th November 2015	Meeting of Full Council to agree updated Policy

4. Legal and Statutory Implications

Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.

5. List of Appendices

Appendix A: Current Licensing Policy

Appendix B: Representation from Staffordshire Police regarding Child Sexual Exploitation and Human Trafficking / Modern Slavery

Appendix C: List of previous Consultees

Appendix D: Draft Statement of Licensing Policy Consultation Questionnaire

Appendix E: Draft Consultation Notices and letters.

Appendix F: Existing Consultees

6. Background Papers

Newcastle under Lyme Licensing Policy 2011

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STATEMENT OF LICENSING POLICY

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STATEMENT OF LICENSING POLICY 2011 - 2015

1. INTRODUCTION

1.1 Introduction

Under the provisions of the Licensing Act 2003, the Borough Council of Newcastle-under-Lyme (the Licensing Authority) is the licensing authority for the administration and enforcement of the above Act and associated orders and regulations within its area. The legislation regulates the operation of:

- The sale of alcohol by retail;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

1.2 Statement of Licensing Policy

Section 5 of the Act requires that the Licensing Authority prepares and publishes a Statement of its Licensing Policy every five years. The Statement of Licensing Policy must be published before the Licensing Authority carries out any function in respect of individual applications made under the terms of the Act.

1.3 Statutory Consultees

Before determining its Policy for any five year period, the Licensing Authority is required to consult with the persons specified in Section 5(3) of the Act. These are:

- (a) The Chief Officer of Police for the area
- (b) The Fire Authority
- (c) Bodies representing local holders of premises licences
- (d) Bodies representing local holders of club premises certificates
- (e) Bodies representing local holders of personal licences
- (f) Bodies representing business and residents in its area.

1.4 Consultation with Representatives of Existing Licensees

This Statement of Licensing Policy is the second such statement adopted under the provisions of the Licensing Act 2003 and the Licensing Authority will consult with organisations representative of current licence holders.

1.5 Other Consultees

The Licensing Authority is empowered to consult with other bodies as it deems appropriate and this policy has been prepared after consultation with the following additional bodies:

The Local Strategic Partnership
Town and Parish Councils
Staffordshire Parish Councils Association
North Staffs. Chamber of Trade
North Staffs. Law Society
The Private Hire Association
The Hackney Carriage Association
Newcastle Civic Society
Stoke City Council
Staffordshire Moorlands District Council
North Staffordshire PCT
Local businesses
Hot food takeaways
British Beer and Pub Association
Bar Entertainment and Dancing Association
Association of Licensed Multiple Retailers
Campaign for Real Ale
Staffordshire Probation Service
Staffordshire Trading Standards
Staffordshire Social Services
Vulnerable Children Division, Lifelong Learning Directorate,
Staffordshire County Council
Solicitors acting for various licensed multiple retailers
Solicitors acting for various brewery companies.
National Pub Watch

1.6 Regard to Guidance

The Licensing Authority must have regard to the guidance issued by the Home Office in discharging its functions under the Act and this Statement of Licensing Policy has been prepared taking into account that guidance. The views of all consultees have been given proper weight in the preparation of this policy document.

1.7 Period of Licensing Policy

The Statement of Licensing Policy will be used by the Licensing Authority in the administration and enforcement of its duties under the Act. It will remain in force for a period of three years and will be reviewed and subject to further consultation before the end of the three year period. A new Statement of Licensing Policy will be adopted to come into operation at the expiry of the current Licensing Policy.

1.8 Review of Licensing Policy

During the currency of any Statement of Licensing Policy, the Licensing Authority will keep the operation of the Policy under review and make appropriate revisions to ensure the effectiveness of the Policy subject to appropriate consultation.

2. AIMS AND OBJECTIVES

2.1 Exercise of Responsibilities

In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Licensing Authority will have regard to this Statement of Licensing Policy and to the guidance issued by the Secretary of State. Subject to this, all applications will be treated on their merits and judged accordingly.

2.2 The Licensing Objectives

The Licensing Authority will exercise its duties in such a way as to promote the licensing objectives set out below:

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

The Licensing Authority confirms that each objective has equal importance and that the licensing objectives will be the only considerations to be taken into account in determining applications.

2.3 Other Local Strategies

The administration and enforcement of the Act will also take into account other appropriate local strategies. The Licensing Authority has formulated its policies and procedures detailed in this Statement of Licensing Policy, taking into account the current policies incorporated into the locally adopted strategies on the following matters:

- Community Safety
- Planning
- Economic Regeneration
- Transportation
- Tourism and culture.

2.4 Facilitation of Well Run Premises

The legislative powers provide for the carrying on of retail sales of alcohol, the supply of alcohol by qualifying clubs, the provision of

regulated entertainment and late night refreshment in a way which ensures public safety, the prevention of crime and disorder, the protection of children from harm and which is neither detrimental to members of the public in the vicinity nor gives rise to loss of amenity. It is the Licensing Authority's intention to ensure well run and managed premises and that licence holders take positive action with regard to their responsibility to promote the licensing objectives.

2.5 Contribution to Local Economy

The Licensing Committee will be informed of the local employment situation and the need for new investment and employment where appropriate. Additionally, they will also receive from time to time reports on the needs of the local tourist economy and the cultural strategy for the area and will take such information into account in determining the overall policies. The Licensing Authority recognises that the entertainment industry is a major contributor to the local economy. There are currently some 650 premises which will fall to be licensed under the Act and these premises provide valuable employment opportunities as well as supporting other sectors of the economy such as shops, cultural activities and tourist attractions. The industry attracts visitors from outside the area as well as local residents and helps to create vibrant towns and communities within the Borough. However, when considering the promotion of vibrant localities, the Licensing Authority must take account of its duty to safeguard all of the community. This duty will be a major consideration in the granting or reviewing of all licences as judged against the four licensing objectives.

2.6 Promotion of Cultural Activities

In relation to the promotion of cultural activities, the Licensing Authority recognises the need to encourage and promote live music, dancing and theatre, circus and street arts for the wider cultural benefit of the local community generally.

2.7 Local Transport Policy

In relation to local transport policy, there will be appropriate liaison between the licensing, Police and transport authorities on all matters in relation to dispersal of people from areas where there is a concentration of entertainment premises. Such liaison is intended to ensure that the local transport plan is informed of the current needs of

such areas so that the local transport strategy can be contemporaneously adapted to ensure that people are moved from such areas swiftly and safely to avoid concentrations of people which produce disorder and disturbance.

2.8 Protection of Residential Amenity

The Borough has a substantial residential population, whose amenity the Licensing Authority has a duty to protect. In some areas, local residents are adversely affected by entertainment activities. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. The Licensing Authority also has wider considerations in relation to the amenity of the area including littering and the fouling of public places. The Licensing Authority will determine its policies and conditions in such a way as to ensure that the Licensing objectives are actively promoted.

2.9 Trading Hours

Licensed premises will be expected to conduct their business in such a manner as not to cause any nuisance or disturbance to those living or working in the vicinity. Trading hours will not be regulated by geographical areas or zones, but due regard will be given to the potential for any nuisance or disturbance to be caused to those living or working nearby. In particular, where appropriate, and following relevant representation, conditions may be attached to address issues of noise, litter and light pollution, or to restrict trading hours where the premises being licensed are in the vicinity of residential accommodation.

2.10 Protection of Children from Harm

Applicants will demonstrate through their operating schedules the measures they intend to take to keep children from harm. In particular, premises where the principal licensed activity is the sale or supply of alcohol will demonstrate how they will ensure that unaccompanied children are excluded from the premises (e.g. by the requirement of proof of age cards as a condition of entry).

2.11 Illegal Sales of Age Restricted Goods

The Licensing Authority takes a very serious view of the illegal sale of alcohol and other age-restricted goods to minors and will continue to work with Staffordshire Trading Standards to advise both the off-licence and on-licence trade on how to set up systems to avoid such sales taking place.

The Licensing Authority will expect applicants for licences to demonstrate how they will ensure that all their frontline staff have received adequate training on the law with regard to age restricted sales. They will also be expected to demonstrate in their operating schedules the measures they will take to ensure that illegal sales to children under 18 do not take place such as the checking of identification for proof of age through a secure system. (Ideally, identification should be a photo driving licence or passport, or a PASS approved 'proof of age' card. Other cards must be treated with caution because some have been shown to be insecure).

Additionally, the Licensing Authority encourages premises to include a Challenge 21 policy in their operating schedule, to ensure anyone who appears to be under the age of 21 provides a proof of age card (as above).

The Licensing Authority considers it good management practice that licensees keep registers of refused sales (refusals books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records helps to demonstrate that the responsibilities for checking the ages of purchasers are being taken seriously. Refusals books should be kept on the licensed premises and be made available for inspection by the Licensing Officer, Trading Standards or the Police.

In premises where alcohol is not the main product sold – for example, in food retailers and corner shops – the Licensing Authority will actively encourage the use of warning messages where an electronic point of sale system (EPOS) is in use. Such a warning system can help employees as it prompts them to check the age of purchasers of alcohol or other age restricted products when they are presented at the check-out.

In relation to pubs, restaurants and clubs, the Licensing Authority will actively encourage licensees to have due regard to the guidelines

issued by the National Association of Cigarette Machine Operators (NACMO). Cigarette machines should be sited in a position where they are clearly visible to members of staff so that attempted purchases by young people can be challenged.

2.12 The Prevention of Crime and Disorder

The Licensing Authority expects licensed premises to be managed in a manner so as not to contribute to problems of crime, disorder or anti-social behaviour in the vicinity. Licensees will be expected to actively co-operate with initiatives to enhance community safety particularly those promoted by the Newcastle Safer Communities Partnership.

2.13 Irresponsible Drinks Promotions

The Licensing Authority commends the Portman Group's Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are purchased and promoted in a socially responsible manner and only to those who are aged 18 or over.

2.14 Drugs Policies

The Licensing Authority has adopted the strategies set out in the Government's 'Safer Clubbing' initiative and considers it good practice for all applicants for premises and club licences to demonstrate through their operating schedules the measures they will take to address the incidence of illegal substances on their premises and to keep customers from harm.

The Licensing Authority considers it good practice for all applications for premises licences or club premises certificates for premises where alcohol will be consumed on the premises to be accompanied by a Drugs Policy which should address all the factors set out in Appendix A of this Policy and include provisions in relation to:

- Addressing the incidence, supply and consumption of drugs on the premises
- Arrangements, facilities and procedures to minimise the harmful effects of drugs

- Search procedures and procedures for detecting drugs on the premises
- Procedures for dealing with drugs found on the premises
- Procedures for dealing with those suspected of being in possession of illegal substances.

2.15 Public Safety

The Licensing Authority is concerned to protect the physical safety of people using licensed premises and will expect applicants to demonstrate in their operating schedules the measures they will take to promote the public safety licensing objective.

2.16 Duty to Promote Good Race Relations

The Licensing Authority is mindful of its duties under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000 and will exercise its functions under the Licensing Act 2003 in such a way as to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

2.17 Duty Towards People with a Disability

The Licensing Authority reminds those operating regulated businesses of their obligations under the Disability Discrimination Act 1995 and the need to ensure that their services are made fully accessible to people with a disability.

2.18 Application Procedure

The Licensing Authority points out that if no representations are received, the application will be granted in the terms sought and no additional conditions imposed other than those which are consistent with the operating schedule.

3. THE APPLICATION PROCESS

3.1 Applications to be made in Prescribed Form

The Licensing Authority requires that all applications for the grant, variation or transfer of any premises licence, the grant of a club certificate or a personal licence detailed in the Act, are made in accordance with the statutory requirements and any guidance issued from time to time by the Licensing Authority.

All such applications must be made in the prescribed form and accompanied by the appropriate fee, where applicable, to be accepted as valid. Where such applications are statutorily required to be advertised or notified to other specified persons, the application must confirm that such advertisement or notification has been properly made and be accompanied by supporting evidence.

3.2 Delegations

Upon receipt of a valid application, the Licensing Authority will consider the matter and determine it in accordance with this Licensing Policy, the statutory requirements and the guidance from the Secretary of State. To assist in the speed, efficiency and cost effectiveness of the administration of the licensing process, the application will be determined in accordance with the following delegation criteria:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If a Police representation made	If no representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no representation made

Application for provisional statement		If a relevant representation made	If no representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no representation made
Application to vary designated personal licence holder		If a Police representation	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a Police representation	All other cases
Applications for Interim Authorities		If a Police representation	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	

3.3 Operating Schedules

All applications for premises licences and club premises certificates must be accompanied by an operating schedule. This should be

drawn up following a full risk assessment of the activities to be undertaken and contain the information requested in the application form to include a floor plan, details of the licensable activities proposed, opening hours and operating arrangements. This could include for example:

- Drinks promotion proposals
- Seating arrangements
- Drugs policy
- Security arrangements
- Safety arrangements
- Maximum occupancy figure (based on risk assessment)
- CCTV arrangements inside and outside
- Staffing arrangements
- Staff training plan
- A fire risk assessment.

3.4 Use of Conditions

Where an application is received by the Licensing Authority it will be granted subject to any such conditions as are consistent with the operating schedule submitted by the applicant. This does not mean that the Authority will automatically reproduce the contents of the applicant's operating schedule. Certain conditions may be amended, if deemed appropriate by the Licensing Authority, following consultation with the applicant, so as to make the conditions meaningful and enforceable whilst at the same time ensuring the conditions are consistent with the operating schedule.

As an example the following condition, taken from an applicant's operating schedule, "CCTV at premises" may be amended to read:

- i) CCTV shall be installed at the premises;
- ii) The CCTV system shall be maintained and fully operational during the hours of licensable activity;
- iii) All recordings shall be available for inspection by an authorised officer.

In order to avoid such problems of interpretation it is expected that applicants will consult with Responsible Authorities prior to application or during the application process. This would also have the effect of minimising the necessity for hearings and allow for proper liaison.

An example of best practice is contained within the conditions (page 42) regarding CCTV provision at the Premises.

A list of conditions is attached at appendices A, B, C and D governing the four licensing objectives and specific situations. Applicants are encouraged to study these conditions and enter into consultation with Responsible Authorities with a view to reaching agreement on necessary and proportionate conditions.

3.5 Indoor Fireworks, Hypnotism and Laser Shows

There shall be no indoor fireworks, hypnotism or laser shows without prior notification to the local authority.

In granting the consent to such activity the consent may itself be subject to conditions regulating the entertainment provided under separate legislation.

Prior consent will be required for performance of stage hypnotism, fireworks and lasers. Applications should contain details prescribed by the local authority. Conditions may be applied to any consent.

3.6 Limitation on Conditions

Conditions will only be imposed to regulate matters which can be controlled by the licence holder. Such measures may be used to control the impact of the licensed activity on members of the public living, working or engaged in normal activities in the vicinity of the licensed premises. General anti-social behaviour of patrons in the vicinity of the licensed premises may not be able to be controlled by the licence holder.

However, there is an expectation that the licence holder will do all within their power and work with other agencies to address anti-social behaviour or other problems within the vicinity of the premises.

3.7 Cumulative Impact

'Cumulative impact' refers to the potential impact on the promotion of the licensing objectives of the concentration of a significant number of licensed premises on one area.

The Licensing Authority will not normally refuse applications simply because there are already a number of other licensed premises in the vicinity. Such regulatory action is not a matter for the Licensing Authority. However, the cumulative effect of the impact of licensed premises on an area is a matter for consideration by the Licensing Authority. It may be regulated by the adoption of a special policy for determining applications for new premises licences or club premises certificates because the area is already saturated.

Where a special policy as outlined in this document is adopted in any area there will be a presumption against the grant of new licences and material variations unless the applicant can satisfy the Authority that the application will not adversely affect the achievement of any of the licensing objectives.

3.8 Special Policies relating to Cumulative Impact

In deciding whether appropriate action to be taken in any area is the adoption of such a special policy, the Licensing Authority will take the following steps:

- (a) the identification of serious and chronic concern from a responsible authority or representatives of residents about crime and disorder or nuisance
- (b) an assessment of the causes
- (c) consideration of whether it can be demonstrated that crime and disorder and nuisance is caused by customers of licensed premises and, if so, identifying the area from which the problems are arising and the boundaries of that area
- (d) the adoption of a policy about future licence applications from that area within the terms of the guidance issued by the Secretary of State.

Notwithstanding the adoption of a special policy relating to cumulative impact, all applications for a premises licence or a club premises certificate within the designated area will be considered on merit and judged on their effect on the cumulative impact of premises in the area.

3.9 Evidentiary Basis

In relation to paragraph 3.8(a) above, the Licensing Authority would require that the objector provides an evidentiary basis for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The differing characteristics of different types of licensed premises have a different impact on the local community and these factors will be taken into account in judging whether or not to adopt a special policy relating to cumulative impact.

3.10 Other Control Mechanisms

In considering whether or not to adopt a special policy relating to cumulative impact, the Licensing Authority will take into account its responsibilities and duties under Section 17 of the Crime and Disorder Act 1998 and the licensing objectives of the Licensing Act 2003. However, the Licensing Authority recognises that there are other mechanisms available for addressing problems of disorder associated with customers in the vicinity of licensed premises. Such matters would include:

- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- The provision of CCTV surveillance in the town centre, taxi ranks, street cleaning and litter patrols
- Powers available to the Licensing Authority to designate parts of the area as places where alcohol may not be consumed publicly
- Police enforcement of general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of personal licence holders or members of staff at such premises who sell alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas

- The use of Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or excessive noise emanating from the 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
- Other local initiatives that similarly address these problems.

These matters may be supplemented by other local initiatives that similarly address these problems.

3.11 Planning /Building Control

The use of any licensed premises or places (including outside areas) are subject to planning controls. This would equally affect licensable activities held under a premises licence or temporary event notice. There are several key differences between licensing and planning control. The most significant is that planning is concerned with how land is used, whereas licensing is concerned with ensuring that public safety in its widest sense is protected.

It is recommended that issues concerning planning permission be resolved before a licence application is made. The Planning Authority may make representations in respect of licensing applications particularly where the activity to be authorised would amount to a contravention of the existing planning permissions and/or conditions imposed on planning permissions for the premises or the hours being sought exceed those authorised by any relevant planning permission.

Planning, Building Control and Licensing applications and conditions are separate. Licensing applications should not be a re-run of a planning application. Internal and external alterations to licensed premises must have building regulation approval where such approval is required under the Building Acts etc.

Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for licensable activities, an application may be made to the Licensing Authority for a provisional

statement. The Licensing Authority will determine the application in the same way as an application for a premises licence.

3.12 Operating Hours Conditions

Where relevant representations are received, the Licensing Authority will consider restricting the hours of the licensable activity on the individual merits of the application. The Licensing Authority will take into account the overall impact the licensed premises has on the local amenity and any proposals the applicant might submit to mitigate such impact. Uniform or standardised hours of operation for premises, areas or classes of activity will not be set so that the orderly departure of customers can be aided. However, the Licensing Authority would consider the imposition of appropriate conditions to require the holders of premises licences and club premises certificates to ensure the orderly departure of their customers, particularly in noise sensitive areas. Where it is likely that significant nuisance will be caused to local residents by late night activity, a restriction on operating hours must be considered.

3.13 Sales from General Retail Premises

In relation to premises selling alcohol for consumption off the premises as part of general retail sales, there will be a presumption that that activity will be licensed to operate at all the times that the premises are open for their normal business. However, where relevant representations are received, the Licensing Authority will consider the imposition of more restrictive hours for the sale of alcohol at those premises where, for example, that activity creates a focus for disorder and disturbance.

3.14 Film Exhibitions

Where premises are licensed for the giving of film exhibitions, the Licensing Authority will impose conditions requiring that children only be admitted to such exhibitions in accordance with the film classification as recommended by the British Board of Film Classification (BBFC). The conditions will include the requirement that the licence holder complies with the requirements of the BBFC in relation to the giving of information to the public and advertising that information. Where the Licensing Authority specifically determine that a specific film shall be granted a film classification different to that determined by the BBFC, the licence holder will be required to comply

with any additional conditions imposed by the Licensing Authority for the exhibition of that film.

3.15 Adult Entertainment

Normally adult entertainment will not be granted in proximity to residential accommodation, schools, places of worship or community facilities/public buildings.

The licensing authority will have regard to any cumulative effect of the number of such premises in proximity to each other and in the vicinity.

Where applications are granted they will normally be subject to appropriate conditions which promote the licensing objectives including:

- Control of access for children. There is no reason for proof of identity to be confined to those who appear to be under age 18. The Authority may require proof of identity, if necessary, for anyone appearing under 21
- Exterior advertising/visibility
- Contact, including a 'one metre' rule
- Performances confined to stage or other means of segregation
- Performances in place giving direct access to dressing room without passing through audience
- Style of dancing, e.g. no audience participation, physical contact between performers, simulated sex acts etc.
- Management standards, including CCTV inside and out, levels of door and floor supervision, waitress service only
- Rules of club conveyed to performers and audience
- Applicants should state clearly whether their application involves nudity, striptease, sex related or adult entertainment.

3.16 Personal Licences

Personal licences will be granted in accordance with the statutory provisions contained in Schedule 8 of the Act for current licence holders and the provisions contained in Part 6 of the Act for other applicants. All applications must be made in the prescribed form and be accompanied by:

- (a) two photographs duly endorsed as a true likeness by a solicitor, notary, teacher, lecturer or other professional person
- (b) a Basic Disclosure CRB disclosure form
- (c) copies of licensing qualifications
- (d) the prescribed fee.

4. MEASURES TO PROMOTE THE LICENSING OBJECTIVES

4.1 Public Safety

Conditions will be imposed in accordance with operating schedules and any relevant representations to protect public safety including where justified measures to address the following:

- Provision of escape routes and access for emergency vehicles to include adequate signage and emergency lighting
- Safety checks
- Provision of CCTV and panic buttons
- Use of shatterproof drinking vessels and bottles requiring use of toughened glass or plastic
- Use of security personnel, such as door supervisors, licensed by the Security Industry Authority
- Requirement of a minimum of a licensed door supervisor for every 100 customers in night clubs and large town centre pubs or as indicated by risk assessment
- Occupant capacity conditions will be applied where appropriate
- Provision of fire retardant hangings, decorations and upholstery
- Fire action notices and procedures to be followed in the event of fire
- The provision of First Aid equipment and suitably trained First Aiders.

4.2 Prevention of Public Nuisance

In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as

a result of people entering or leaving the premises, or by reason of smell, vibration or light pollution.

Where relevant representations are received, a condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

4.3 The Protection of Children from Harm

Premises licences are granted to a wide variety of establishments for a wide variety of activities regulated under the Act. For the majority of these activities, the presence of children either on their own or accompanied by a responsible adult is not unlawful. The Licensing Authority will not therefore impose a condition requiring that children not be admitted to licensed premises. Such a matter will generally be at the discretion of the licence holder. However, in some instances the licence holder will need to restrict the access of children to the premises or parts of the premises at certain times when specific activities are taking place. The applicant is required to detail in the operating schedule the measures they intend to take to meet the licensing objective of 'protecting children from harm'.

Where relevant representations are received, the conditions that may be attached to a licence to protect children from harm include the following:

- Limitations on the hours when children may be present
- Limitations on or the exclusion of the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children may be given access
- Age restrictions (below 18)
- Requirements for children to be accompanied by an adult (including, for example, a combination of requirements which

provide that children under a particular age must be accompanied by an adult)

- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- Provision of adult staff to supervise children and to ensure their safety
- Special requirements relating to children in performances
- The Challenge 21 policy
- To be an active member of “Off Licence Watch” where such a scheme exists
- Protection of children from access to cigarette vending machines.

Activities Giving Rise to Concern

The activities which would give rise to concern by the Licensing Authority in relation to potential harm for children include:

- Where entertainment or services of an adult or sexual nature are commonly provided
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for 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 (excluding a small number of cash prize gaming machines)
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Role of the Director of Children and Lifelong Learning

The Licensing Authority recognises that the Director of Children and Lifelong Learning for the County Council is the responsible authority for advising the licensing authority on all those matters in relation to the licensing objective to protect children from harm. Applicants are specifically required to forward copies of their operating schedule to Staffordshire Trading Standards so that the Licensing Authority may be advised on the suitability and the effectiveness of the applicant's proposals to meet the licensing objective of 'protecting children from harm'.

4.4 Prevention of Crime and Disorder

Conditions will be imposed in accordance with operating schedules and any relevant representations to address the following:

- Text pagers/radio links
- Door supervision
- The provision of CCTV
- Adherence to Exclusion Orders
- Maximum permitted numbers
- Irresponsible drinks promotions
- Bottle bans and use of plastic containers/toughened glass
- Restriction of drinking areas/removal of open containers
- Proof of age cards
- Drugs policies
- Signage
- Crime prevention notices
- Adoption of a dispersal policy

- Search on entry
- Overcrowding
- Chill-out facilities
- Pub Watch/Off Licence Watch where such a scheme exists.

5. SPECIAL POLICY RELATING TO CUMULATIVE IMPACT

Newcastle Town Centre and adjacent areas

Having considered representations together with supporting evidence received from Staffordshire Police, the Council considers that within Newcastle Town Centre as defined by the inner ring road and areas adjacent to the Town Centre and to the east thereof bounded by lengths of the A52 Brunswick Street/George Street, York Street, Castle Street, Marsh Parade, Hassell Street, Hanover Street, West Street, Garden Street, Bankside, Grosvenor Road, London Road and Barracks Road as shown edged in black on the plan (Appendix B of this Policy).

There are currently a number of licensed premises concentrated together in one area that together have a detrimental impact on levels of crime and disorder and public nuisance and in particular violent crime in the Town Centre. This being the case, the Council is satisfied that it is appropriate and necessary to include in this Licensing Policy a special policy. The Council is therefore adopting a special policy of refusing new licences whenever it receives relevant representations about the cumulative impact on the licensing objectives which can be substantiated by evidence. Where such representations are received, applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact, including applications for later hours, will normally be refused unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Where representations are supported by evidence, applicants will need to clearly demonstrate in their operating schedule measures to address the identified problem of drink-related violence in the Town Centre and in particular will need to demonstrate measures to prevent binge drinking on the premises. Where no relevant representations are received, the application will be granted.

6. OBJECTIONS AND REVIEWS

6.1 Determination of Objections

Where an objection is received in relation to the grant or renewal of a licence for any purpose regulated by the Act, the matter will be determined in accordance with the terms of this Statement of Licensing Policy. The objection will normally be considered in accordance with the delegation criteria.

6.2 Irrelevant, Frivolous, or Vexatious or Repetitious Objections

Where the complaint or objection has been judged to be irrelevant, frivolous, or vexatious or repetitious, the matter will not proceed any further and the complainant will be advised in writing of this fact.

6.3 Procedure to be Followed

Where there is a prima facie case for an objection to the grant of a licence to be progressed, the application will be referred to a Licensing Sub-Committee.

6.4 Application for Review

Where an application is made for the review of a premises licence or club premises certificate, the matter will be determined in accordance with the terms of this Statement of Licensing Policy. The application for review will normally be considered in accordance with the delegation criteria.

6.5 Review of Applications which are Irrelevant, Frivolous, or Vexatious or Repetitious

Where an application for review has been judged to be irrelevant, frivolous, or vexatious or repetitious, the matter will not proceed any further and the complainant will be advised in writing of this fact.

6.6 Determination following Objection

When an objection to the grant of a licence or club premises certificate has been determined in accordance with the procedures mentioned above, the licence or certificate will be refused or granted with or without conditions and the applicant and objector advised accordingly.

In relation to a refusal to grant a licence or club premises certificate, the notification will detail the grounds for the refusal and specify the process for the applicant to appeal against the Licensing Authority's decision.

6.7 Determination following Review

When an application to review a premises licence or club premises certificate has been determined in accordance with the procedures mentioned above, the licence or certificate will either continue in operation unaltered, be modified and the terms and conditions changed in accordance with the Licensing Authority's decision, or be cancelled. The Licensing Authority will determine the date upon which the decision will take effect and the licence holder and applicant for review will be advised accordingly. The notification will set out the reasons for the decision and specify the process for an appeal.

6.8 Variation or Cancellation

In relation to a variation or the cancellation of a licence or club premises certificate, the notification will detail the grounds for the variation or cancellation and specify the process for the applicant to appeal against the Licensing Authority's decision.

6.9 Right of Appeal

There is a statutory right of appeal within 21 days to the Magistrates' Court from any decision of the Licensing Authority:

- (a) to impose conditions
- (b) to refuse a premises licence, club premises certificate or personal licence
- (c) to refuse to vary a licence
- (d) to refuse the transfer of a licence
- (e) to suspend or revoke a licence following a review.

A person who has made a relevant representation or objection has a statutory right of appeal within 21 days to the Magistrates' Court against a decision of the Licensing Authority to:

- (a) grant a licence or certificate
- (b) not impose requested conditions
- (c) not to suspend or revoke a licence following a review.

7. ENFORCEMENT

7.1 Enforcement Concordat

The Licensing Authority recognises that efficient and effective enforcement is of paramount importance in ensuring that the objectives of the Act are met. The Licensing Authority is a signatory to the Enforcement Concordat and the enforcement of the provisions of the Act will follow the existing principles specified in that agreement.

7.2 Protocols with other Agencies

The Licensing Authority also recognises that there are other enforcement and regulatory agencies who have a direct involvement with the matters detailed in the Act. Protocols and understandings have been agreed with those agencies and they will be reviewed in the light of experience to ensure that transparent and effective enforcement procedures are operated in relation to the legislative requirements.

7.3 Duty to Promote the Licensing Objectives

Where anti-social behaviour or other public disturbance occurs in connection with or in the vicinity of licensed premises, the Licensing Authority will work with other enforcement agencies and other bodies to identify the causes of such events and identify any possible remedies. It is recognised that it is the Licensing Authority's duty to promote the licensing objectives in the interests of the wider community, and to work with the Police and other law enforcement agencies to deter criminal activities and to take appropriate enforcement action. There will therefore be a sharp and proactive focus on premises failing in terms of the licensing objectives.

8. PERMITTED TEMPORARY ACTIVITIES

8.1 Temporary Event Notices

Anyone wishing to hold an event at which any licensable activity will take place may give notice of the event (a temporary event notice) to the Licensing Authority not less than 10 working days before the holding of the event. A copy of the notice must also be given to the Police at the same time.

A “working day” is any day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday.

8.2 Limitations

The following limitations apply:

- An individual (other than a personal licence holder) may give a temporary event notice 5 times a year
- A personal licence holder may give a temporary event notice 50 times a year
- A notice may be given 12 times per year in relation to any premises
- A temporary event may last up to 96 hours
- There must be a minimum of 24 hours between events
- The maximum duration of all temporary events at any individual premises in one year is 15 days
- The maximum number of people attending a temporary event at any one time is 499.

In any other circumstances, premises licence or club premises certificate will be required.

Where a temporary event notice has been given, no authorisation is required for the temporary carrying on of the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night

refreshment at premises where there is no premises licence or club premises certificate.

The Police have the right to object to a temporary event notice within 2 working days of receiving the notice. Where the premises user gives a counter notice the Licensing Authority will hold a hearing to consider the Police objection and decide whether or not to issue a counter notice setting out conditions which must be met if the event is to be held, at least 24 hours before the beginning of the event.

8.3 Public Safety

Those holding permitted temporary activities are reminded of the need to have proper regard for the safety of those attending the event, to have respect for the concerns of local residents and the need to prevent crime and disorder and anti-social behaviour by those attending.

9. CONTACT DETAILS

Further details for applicants about the licensing and application process, including application forms, can be found by contacting the Licensing Section at Civic Offices, Merrial Street, Newcastle, Staffordshire, ST5 2AG.

Telephone: 01782 742227

Fax: 01782 711032

Email: licensing@newcastle-staffs.gov.uk

Advice and guidance to applicants may also be sought from the Police and Fire Authority at:

North Staffs Licensing (Police),
Licensing Unit,
Hanley Police Station,
Bethesda Street,
Hanley,
Stoke-on-Trent,
Staffs,

ST1 3DR
E-Mail: northstaffs.licensing@staffordshire.pnn.police.uk
Tel: 01785 233422

Mr K Chell,
Staffs Fire & Rescue Service,
Safety Office 1,
Fire Station,
Knutton Lane,
Newcastle-under-Lyme, Staffs
E-Mail: k.chell@staffordshirefire.gov.uk
Tel: 01785 898546

Also the following responsible authorities:

Environmental Health Services,
Community Services Department,
Civic Offices,
Merrrial Street,
Newcastle,
Staffs,
ST5 2AG.
Telephone 01782 742520/742521
Email: keith.lawton@newcastle-staffs.gov.uk

Regeneration and Development
Civic Offices,
Merrrial Street,
Newcastle,
Staffs,
ST5 2AG.
Telephone 01782 717717
Email: planningapplications@newcastle-staffs.gov.uk

Children and Lifelong Learning Community Services (Trading
Standards),
14 Martin Street,
Stafford,
ST16 2LG.
Telephone 01785 277888

Further information in relation to the Licensing Act 2003 can also be obtained from the Home Office

Other useful information sources:

Institute of Licensing – www.instituteoflicensing.org

APPENDIX A

Licence Conditions

The Licensing Authority notes that where "relevant representation" is made by responsible authorities or interested parties, the Act makes provision for the attachment of conditions to licences granted under its scope. Conditions may include limitations or restrictions to be applied to the use of the licence, or licensed premises.

It is not, however, intended that conditions should be used to restrict licences unnecessarily and conditions will only therefore be imposed where it is considered necessary in the public interest to promote the licensing objectives.

Conditions will be tailored to fit the individual application having regard to any representations received. To this end, the Licensing Authority will work closely with other agencies to focus licence conditions to ensure that expected standards are met and that risks to amenity and public order are kept to a minimum.

This will ensure that those voluntarily exercising the highest levels of management over licensable activities will be afforded sufficient flexibility to maximise business interest and provide a lead on standards of excellence within the industry with the prospect of increasing public access to well regulated entertainment.

A pool of conditions and the circumstances in which these may be used are listed below. Specific conditions may be drawn from these and tailored to the circumstances of a licence. This is not an exhaustive list and the Licensing Authority may apply other conditions not included in this pool if it is considered that these would be more appropriate in the granting of a licence.

POOL OF CONDITIONS FOR LICENCES

Conditions Relating to the Prevention of Crime and Disorder:

It should be noted in particular that it is unlawful under the 2003 Act:

- to sell or supply alcohol to a person who is drunk
- to knowingly allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not conditions are necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that

club premises are expected to operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text Pagers/Radio Links:

Text pagers and radio links connecting premises licence holders, designated premises supervisors and managers of premises/clubs to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers and staff on the premises.

Such systems can provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. These systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

An example of conditions that may be applied include:

Designated premises will install and use appropriate radio links and shall ensure:

- that systems are fully operational and switched on
- that two way radios are monitored by a responsible member of staff
- that all instances of crime and disorder are reported without delay via the 999 system if applicable and the nite-net radio system and Police instructions acted upon

- that text pagers and radio links are maintained between premises and to the Police or other agencies as appropriate.

Where appropriate, conditions requiring the use of text pagers/radio links may be applied.

Door Supervisors:

Conditions relating to the provision of door supervisors and security teams are valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety. Examples of the type of conditions that may be applied include:

The Licensee must ensure that a written log is kept that:

- details persons working as door supervisors
- details dates, times when supervisors are on/off duty
- records the full name and SIA registration of the supervisor

- records the address and telephone number of the supervisors working at the premises
- covers a period of a minimum of two years and is available for inspection by the Police or relevant enforcement agency.

In respect of commercial premises with a capacity of 200 or more:

- there must be at least two door staff at each point of entry into the premises and one on each exit point (except emergency exits)
- staff must be in place by 8pm at the latest
- all door supervisors must display their SIA ID card
- all door staff must have ready access to details of local hackney carriage/private hire companies, including telephone numbers, on a leaflet/card or similar that is available to customers on request
- consideration be given whether at least one female door supervisor should be available (for example if female customers are to be the subject of body searches).

Where appropriate, conditions relating to the use of door supervisors may be applied.

Any person employed as a door supervisor or engaged as a door supervisor must be registered and licensed by the Security Industry Authority.

Bottle bans:

Bottles may be used as weapons inflicting serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs in bottles, the openings of which may be readily covered. It should also be noted that it is perfectly legitimate for couples, etc. to order a bottle of wine as their drink of choice without food being ordered with this. These issues therefore need to be carefully balanced, and will be considered in

assessment of whether and what conditions relating to bottles should be applied.

Examples of conditions that may be applied include:

- No person carrying open bottles or other drinking vessels will be allowed admission to the premises
- No persons carrying closed bottles will be allowed access to the premises where there is a realistic likelihood of the contents being consumed on the premises
- To utilise glass collectors within the premises on a timed rota, eg glasses and bottles to be collected routinely at 30 minute intervals
- No drink will be supplied in a glass bottle for consumption on the premises
- No person shall be allowed to leave the licensed area of the premises with open containers of alcohol.

Separate conditions may be applied to differing parts of premises e.g. where food is served.

In particular areas during specific events, for example live sporting events being broadcast from a premises, or where intelligence exists with regard to the likelihood of crime and disorder within an area, then bottle bans will be imposed and the use of plastic or toughened glass containers required.

Where appropriate, conditions relating to the use of bottle bans may be applied.

Plastic containers and toughened glass:

Glasses containing drinks may be used as weapons during incidents of disorder and in normal form can cause very serious injuries. Consideration will therefore be given to conditions requiring either the use of plastic containers or toughened glass that inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing

matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

An example of such a condition would be:

- For the period a premises is open to the public on a day that a live sporting event is broadcast in the premises, all drinking vessels supplied for use must be plastic or of toughened glass composition

In particular areas during specific events, for example live sporting events being broadcast from a premises, or where intelligence exists with regard to the likelihood of crime and disorder within an area, then bottle bans will be imposed and the use of plastic or toughened glass containers required.

It should be noted that the use of plastic or paper drinks containers and toughened glass might also be relevant as measures to promote public safety.

Where appropriate, conditions relating to plastic containers and toughened glass may be applied.

CCTV:

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The Police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Where CCTV is required as a necessity on one of the four licensing objectives, following a relevant representation made by a relevant body, then an example of the protocol conditions that may be applied include:

- i. There shall be CCTV installed at the premises

- ii. The CCTV system shall be maintained and fully operational during the hours of licensable activity and when premises are open to the public
- iii. There shall be at least one camera situated internally at the premises and at least one camera situated externally showing the main entrance/exit of the premises.
- iv. The premises licence holder shall liaise with Staffordshire Police Service's Architectural Liaison Officer concerning any changes to the siting and viewable areas of the CCTV cameras
- v. Where this premises licence authorises the sale of alcohol after 00.00 hours, the external camera shall be in operation during the hours of licensable activity and for the period when the premises are open to the public
- vi. The CCTV system shall be capable of producing and storing recordings for a minimum period of 31 days on a rolling basis
- vii. The recordings produced shall be made available in a removable format for inspection/retention by any police constable and Authorised Officers of the local authority
- viii. Upon written request for such recordings, the licensee and Licensing Authority shall keep a copy of the recording for a period of 6 months
- ix. The premises licence holder shall ensure that any CCTV system installed at the premises meets the required standards as advised by Staffordshire Police's Architectural Liaison Officer ("the Officer"). Such standards shall include:
 - a. That colour images are produced
 - b. That stills can be taken from the footage and stored for inspection by authorised officers
 - c. That the resolution of the images record/produced meets the minimum standard as set by the Officer from time to time.

Home Office approved CCTV systems to be installed and registered in accordance with guidelines laid down by the Information Commissioner.

Open containers not to be taken from the premises:

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises then this is entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Where appropriate, conditions relating to these matters may be applied.

Restrictions on drinking areas:

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the Police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

Where appropriate, conditions relating to these matters may be applied.

Capacity limits:

It is expected that a safe capacity limit for each licensed premises will be submitted by the applicant as part of their operating schedule and licence application. It will be the responsibility of the applicant to state how they have arrived at this number, and how they will satisfy the licensing objectives at this limit.

In determining the extent to which capacity limits are appropriate to a premises the Licensing Authority will have reference to appropriate partner agencies, particularly the Police, Fire Service and Environmental Health Services.

A suggested condition is:

The maximum number of persons permitted within the premises shall be determined by reference to the lower figure of surface area of the premises, CCTV provision and size of escape routes as notified by the Fire Safety Officer.

Surface Area

The surface area of the premises shall be taken to **exclude** the following areas:

- i. Escape routes
- ii. Circulation spaces not used for general entertainment (eg stairs, foyers and exits)
- iii. Staff areas including the area behind the bar, any staff rooms or staff sanitary accommodation.

In determining the maximum number of persons allowed at a premises, the premises shall use the following table taken from the District Surveyors’ Association Model “Technical Standards for Places of Public Entertainment”

Type of Accommodation	Area allowed per person
Individual Seating	Where the layout is known, count the number of seats
Bench Seating	Divide the total length of the bench by 450mm
Standing Area for Spectators	0.3m ²
Dance Area	0.5m ²
Restaurant Table and Chair Seating	1.0 – 1.5m ²
Bar Area 1m distance from Frontage	0.3m ²

Where there is no CCTV provision there shall be a capacity of no more than 200 persons.

To facilitate the monitoring of compliance with this and linked requirements e.g. conditions relating to door supervisors, premises will be expected to display clearly its capacity limit, and where this is not observed conditions requiring this may be applied.

Proof of age cards:

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed

premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences or passports.

To assist in ensuring that only persons over the age of 18 are able to purchase alcohol, then the Challenge 21 Scheme may be applied.

An example of such conditions would be:

- Where any person appears to be under 21 they must be asked to prove they are 18 or over
- The premises will make available leaflets/application forms explaining how appropriate proof of age ID may be obtained.

Where appropriate, conditions relating to proof of age may be applied.

Crime prevention notices:

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime, which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate may require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns. Similarly, notices requesting that customers leave quietly and in an orderly manner may be appropriate.

Where appropriate, conditions relating to these matters may be applied.

Signage:

In order to assist in appropriate enforcement and regulation of the Act the Licensing Authority will expect the signage at all licensed premises to prominently display licence details, licensable activity, hours of licensable operation, the names of the licence holder and designated premises supervisor for the premises, capacity limits and other

relevant matters such as the policy relating to the admission of children. Such signage should also be visible to the public before they enter the premises.

Conditions may be applied requiring observation of this expectation.

Drinks promotions:

Standardised conditions will not be attached to premises licences or club premises certificates that promote fixed prices for alcoholic drinks. Conditions tailored to the individual circumstances of particular premises that address irresponsible drinks promotions may be appropriate and necessary for the promotion of the licensing objectives. Similarly it may be appropriate to require that adequate notice of the nature and duration of drinks promotions is made available to the Police in advance of the promotions being run.

Such matters will be considered objectively in the context of the licensing objectives and with the benefit of expert legal advice.

Where appropriate, conditions relating to these matters may be applied.

Drugs Policy:

The control of the use of illegal drugs by persons attending licensed premises is an important factor in the prevention of crime and disorder. It would be desirable for applicants to demonstrate in their operating schedules how they will address the incidence of drugs on their premises by the inclusion of a drugs policy which should include:

- Search as a condition of entry
- Search on entry policy
- Arrangements for detecting drugs on the premises
- The provision of drugs awareness information
- The provision of free drinking water
- Measures to prevent overcrowding
- Measures to create a safe environment, e.g. chill-out facilities

- Drugs awareness training for staff
- First Aid training for staff in dealing with those suffering from the ill-effects of drug use
- Door supervision.

Drugs policies will be expected to be tailored to the nature of the premises and the types of activities undertaken.

Conditions Relating to Public Safety (including Fire Safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks.

Conditions enforcing those requirements will therefore be unnecessary.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Licensing Authority is considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options will be considered as measures that, if necessary, would promote public safety. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Those preparing operating schedules or club operating schedules, Licensing Authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)

- Small and Medium Places of Assembly ISBN 13-9781851128204
- Large Places of Assembly ISBN 1397818511282211
- Theatres, Cinemas and Similar Premises ISBN 139781851128228
- Open Air Events and Venues ISBN 1397818511282235
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999)("The Purple Book") ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- Five Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network.

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, the Licensing Authority and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

The following are examples of conditions that may be applied:

Disabled people:

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration may be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- Disabled people on the premises are made aware of those arrangements.

Safety checks:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a logbook.

Accommodation limits:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

First Aid:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Adequate and appropriate supply of First Aid equipment and materials is available on the premises

- If necessary, at least one suitably trained First-Aider shall be on duty when the public are present, and if more than one suitably trained First-Aider that their respective duties are clearly defined.

Lighting:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present
- Emergency lighting is not to be altered without the consent of the Licensing Authority
- Emergency lighting batteries are fully charged before the admission of the public, members or guests
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the Licensing Authority at least ten days before commencement of the work
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909

- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

Ventilation:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The premises are effectively ventilated
- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises
- Ventilation ducts are kept clean
- Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

Indoor sports entertainments:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature
- Where a ring is involved, it is constructed and supported to the satisfaction of the Licensing Authority and any material used to form the skirt around the ring is flame-retardant
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also 'Managing

Health and Safety in Swimming Pools' issued jointly by the Health and Safety Commission and Sport England).

Theatres and Cinemas (Promotion of Public Safety):

In addition to the points made in Conditions relating to Public Safety there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points that follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences attendants:

(a) The number of attendants on each floor in a closely seated auditorium should be as set out on the tables below. Table 2 sets out the requirements where the audience is comprised mainly of children.

TABLE 1

FLOOR	NUMBER OF PEOPLE	NUMBER OF ATTENDANTS
Ground	Every 250 or part of 250	One
Any floor above or below ground level	Every 100 or part of 100	Two

TABLE 2

FLOOR	NUMBER OF CHILDREN/ADULTS	NUMBER OF ATTENDANTS
Ground	Every 100 or part of 100	One
PLUS:		
Any floor above or below ground level	Every 50 or part of 50	One

(b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty

(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform)

(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

(e) No article shall be attached to the back of any seat that would reduce the clear width of seatways or cause a tripping hazard or obstruction.

(f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and sitting in gangways etc:

(a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate

(b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate

(c) In no circumstances shall anyone be permitted to:

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

Drinks:

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

Balcony Fronts:

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

Special effects:

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the

performers

and

staff.

Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE Guide The Radiation Safety of Lasers used for Display Purposes [HS(G)95] and BS EN 60825: Safety of laser products)
- Explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior consent of the Licensing Authority.

Any scenery should be maintained flame-retardant.

Safety curtain:

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

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

Ceilings:

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a certificate concerning the condition of the ceilings forwarded to the Licensing Authority.

Seating:

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than eight persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Minimum lighting:

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

Flammable films:

No flammable films should be allowed on the premises without the consent of the Licensing Authority.

Smoking:

Licensees should consider the risks from second-hand smoke to users of permitted smoking areas when drawing up operating schedules.

Conditions Relating to the Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior Police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Licensing Authority are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options will be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours:

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder that results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the

public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Where appropriate, conditions relating to these matters may be applied.

Noise and vibration:

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted
- The placing of refuse – such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells:

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution:

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

External Areas

Where areas are provided for external drinking or smoking, applicants need to consider how they will promote the public nuisance licensing objective in these areas. Mechanisms for achieving this could include:

- appropriate signage
- door supervisors (numbers as stated elsewhere in this policy)
- adequate facilities for disposal of smoking and other refuse.

Where appropriate, conditions relating to the above may be applied.

Conditions Relating to the Protection of Children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises - in general:

Restrictions on the access of children under 18 to premises where licensable activities are being carried on will be made where it is necessary to protect children from harm.

Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm.

While the application of conditions will depend on the specific circumstances of an application, the Licensing Authority will, (unless there are circumstances justifying the contrary), adhere to the following recommendations as put forward by the Secretary of State:

- for any premises having known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules

for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

For any premises not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons and outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm.

Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm whilst on the premises.

Age restrictions – specific:

Under the 2003 Act, a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the Licensing Authority, following relevant representations made by responsible authorities and interested parties, will consider a range of conditions that will be tailored to the particular premises and their activities where these are necessary.

The Licensing Authority will consider:

- the hours of the day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example family entertainment; or non-alcohol events for young age groups, such as under 18s dances.

Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example:

- during “Happy Hours” or on drinks promotion nights;
- during activities outlined above.

Age restrictions – cinemas:

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20 which requires the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the Licensing Authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the Licensing Authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the Licensing Authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the Licensing Authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the Licensing Authority, they should be classified in the following way:
 - U Universal – suitable for audiences aged four years and over

- PG – Parental Guidance. Some scenes may be unsuitable for young children
 - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
 - 15 – Passed only for viewing by persons aged 15 years and over
 - 18 – Passed only for viewing by persons aged 18 years and over
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
 - a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person’s parent or legal guardian has first been obtained.”

Theatres:

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment.

A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

The Licensing Authority will consider whether a condition should be attached to a premises licence, which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency.

Performances especially for children:

Where performances are presented especially for unaccompanied children in theatres and cinemas, conditions are anticipated to be needed which require an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Regard will be had to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances:

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18.

The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show.

However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children

from harm then the Licensing Authority will consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance
- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

Proof of age cards:

Where necessary and appropriate, a requirement for the production of PASS accredited proof of age cards before any sale of alcohol is made may be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised “proof of age” cards, but allow for the production of other proof, such as photo-driving licences and passports. It should be noted that many adults in England and Wales do not currently carry any proof of age. To assist in ensuring that only persons over the age of 18 are able to purchase alcohol, then the Challenge 21 Scheme may be applied. This will ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Access to cigarette vending machines:

Where children under the age of 18 have access to premises, consideration may need to be given to the siting of cigarette machines in supervised areas away from entrances.

Smoking areas:

The risks to children from second-hand smoke should be considered when submitting operating schedules. Appropriate measures to protect children from exposure should be documented and put in place in those areas to which children are admitted or to which they have access.

**YOUR VIEWS – LICENSING POLICY
FEEDBACK QUESTIONNAIRE**

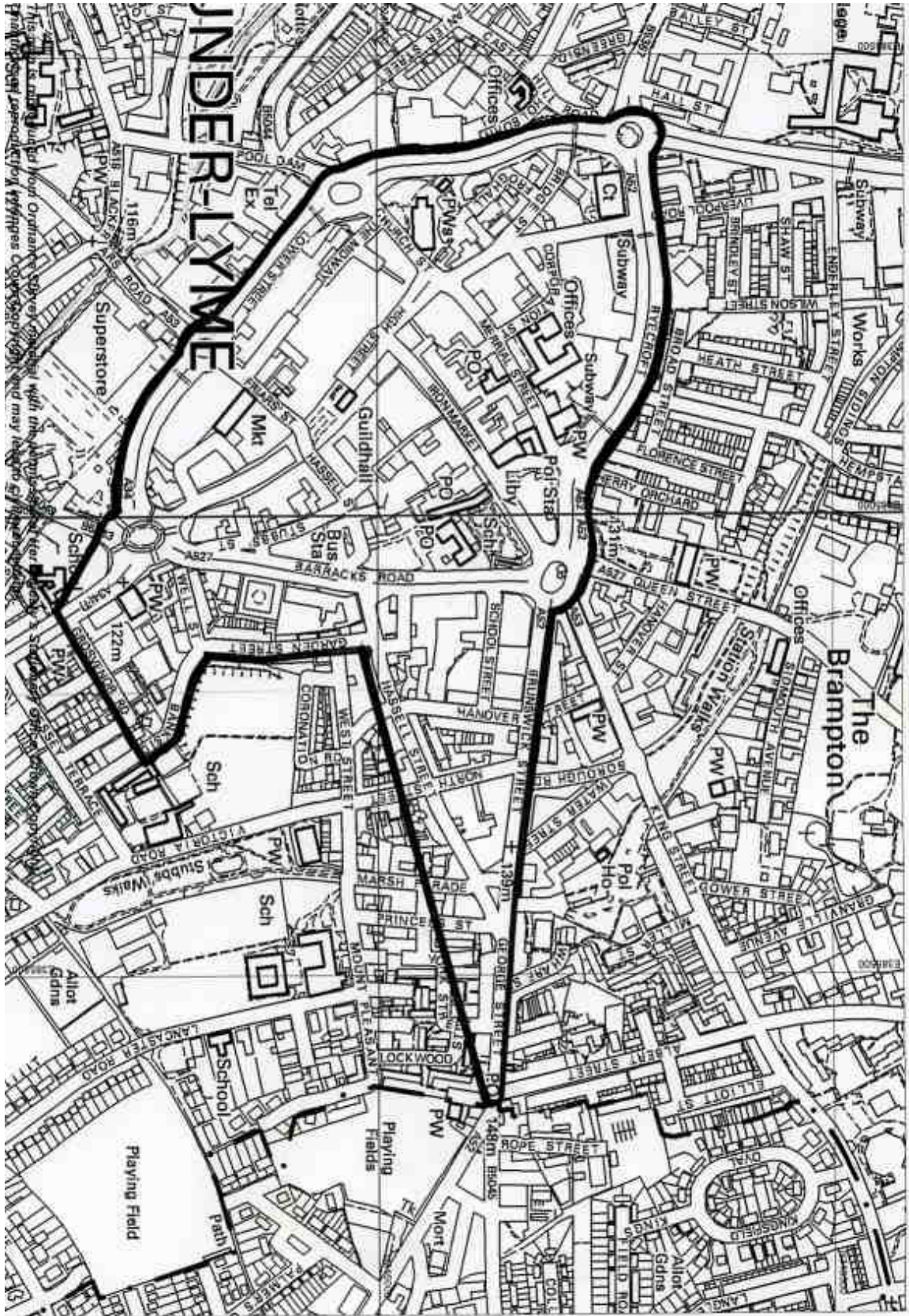
YOUR NAME	
ADDRESS	
TELEPHONE NUMBER	
E-MAIL ADDRESS	

Your views are requested in relation to the following:

1.	The policies in relation to crime and disorder	
2.	The policies in relation to public nuisance	
3.	The policies in relation to public safety	
4.	The policies in relation to the safety of children	
5.	The proposed conditions	
6.	On the Policy generally	

THANK YOU FOR COMPLETING THIS QUESTIONNAIRE

Please send your completed questionnaire and any other comments to: Licensing, Newcastle Borough Council, Civic Offices, Merrial Street, Newcastle, Staffs, ST5 2AG or by e-mail to licensing@newcastle-staffs.gov.uk



Children

The licensing authority is committed to protecting children from harm and views this as an important licensing objective. The Council's licensing team works with Children's Services during the development of licensing policy where the protection of children is concerned. Intelligence sharing and the exchange of current strategy developed by Staffordshire and Stoke on Trent Safeguarding Children's Boards ensure that the protection of children from harm remains key.

The Licensing Authority is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.

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

Staffordshire and Stoke on Trent Safeguarding Children Board's work with other statutory authorities and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. The Children's Board can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.

The Licensing Authority encourages license holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and
- To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

Staffordshire and Stoke on Trent Safeguarding Children Board's provide local information about child safety, child sexual exploitation, policies and procedures including risk factors and signs and symptoms:

<http://www.safeguardingchildren.stoke.gov.uk/ccm/portal/>

<http://www.youthbox.info/HelpAdvice/StaySafe/Stay-Safe.aspx>

Human Trafficking / Modern Slavery

Human trafficking is the movement of a person from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability. It is possible to be a victim of trafficking even if your consent has been given to being moved. Although human trafficking often involves an international cross-border element, it is also possible to be a victim of human trafficking within your own country.

Victims are often trafficked for sexual exploitation, forced labour or domestic servitude. Victims of Human Trafficking could be used to work in restaurants, fast food establishments and other licensed establishments.

The licensing authority is committed to deterring and combatting such criminal activity. The licensing authority will work with Staffordshire Police and other partner agencies to gather and share intelligence to identify, tackle and deter such activity.



STATEMENT OF LICENSING POLICY CONSULTATION QUESTIONNAIRE

Section 1

Q.1. PUBLIC SAFETY

Conditions will be imposed in accordance with operating schedules and any relevant representations to protect public safety including where justified measures to address the following:

- Provision of escape routes and access for emergency vehicles to include adequate signage and emergency lighting
- Safety checks
- Provision of CCTV and panic buttons
- Use of shatterproof drinking vessels and bottles requiring use of toughened glass or plastic
- Use of security personnel, such as door supervisors, licensed by the Security Industry Authority
- Requirement of a minimum of a licensed door supervisor for every 100 customers in night clubs and large town centre pubs or as indicated by risk assessment
- Occupant capacity conditions will be applied where appropriate
- Provision of fire retardant hangings, decorations and upholstery
- Fire action notices and procedures to be followed in the event of fire
- The provision of First Aid equipment and suitably trained First Aiders.

Do you feel the Policy does enough to promote this area? YES NO

If no, what changes do you think we should consider?

Q.2. PREVENTION OF PUBLIC NUISANCE

In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises, or by reason of smell, vibration or light pollution.

Where relevant representations are received, a condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

Do you feel the Policy does enough to promote this area? YES NO

If no, what changes do you think we should consider?

Q.3. THE PROTECTION OF CHILDREN FROM HARM

Premises licences are granted to a wide variety of establishments for a wide variety of activities regulated under the Act. For the majority of these activities, the presence of children either on their own or accompanied by a responsible adult is not unlawful. The Licensing Authority will not therefore impose a condition requiring that children not be admitted to licensed premises. Such a matter will generally be at the discretion of the licence holder. However, in some instances the licence holder will need to restrict the access of children to the premises or parts of the premises at certain times when specific activities are taking place. The applicant is required to detail in the operating schedule the measures they intend to take to meet the licensing objective of 'protecting children from harm'.

Where relevant representations are received, the conditions that may be attached to a licence to protect children from harm include the following:

- Limitations on the hours when children may be present
- Limitations on or the exclusion of the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children may be given access
- Age restrictions (below 18)
- Requirements for children to be accompanied by an adult (including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- Provision of adult staff to supervise children and to ensure their safety
- Special requirements relating to children in performances
- The Challenge 21 policy
- To be an active member of "Off Licence Watch" where such a scheme exists
- Protection of children from passive smoking and access to cigarette vending machines.

Activities Giving Rise to Concern

The activities which would give rise to concern by the Licensing Authority in relation to potential harm for children include:

- Where entertainment or services of an adult or sexual nature are commonly provided

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for 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 (excluding a small number of cash prize gaming machines)
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Role of the Director of Children and Lifelong Learning

The Licensing Authority recognises that the Director of Children and Lifelong Learning for the County Council is the responsible authority for advising the licensing authority on all those matters in relation to the licensing objective to protect children from harm. Applicants are specifically required to forward copies of their operating schedule to Staffordshire Trading Standards so that the Licensing Authority may be advised on the suitability and the effectiveness of the applicant’s proposals to meet the licensing objective of ‘protecting children from harm’.

Do you feel the Policy does enough to promote this area? YES NO

If no, what changes do you think we should consider?

Q.4. THE PREVENTION OF CRIME AND DISORDER

Conditions will be imposed in accordance with operating schedules and any relevant representations to address the following:

- Text pagers/radio links
- Door supervision
- The provision of CCTV
- Adherence to Exclusion Orders
- Maximum permitted numbers
- Irresponsible drinks promotions
- Bottle bans and use of plastic containers/toughened glass
- Restriction of drinking areas/removal of open containers
- Proof of age cards
- Drugs policies
- Signage
- Crime prevention notices
- Adoption of a dispersal policy
- Search on entry
- Overcrowding
- Chill-out facilities
- Pub Watch/Off Licence Watch where such a scheme exists.

SECTION 3

ABOUT YOU:

Where did you see a copy of the draft Policy?

Civic Offices _____ **The Internet** _____

Library _____

Other (please state) _____

Please indicate if you are responding as:

Member of the public _____ **Community Group representative** _____

Licensed business _____ **Other business owner** _____

Trade Association _____ **Town/Parish Councillor** _____

Other (please state) _____

THANK YOU FOR TAKING THE TIME TO COMPLETE THIS QUESTIONNAIRE

Please return to:

**Julia Cleary,
Licensing Section,
Newcastle-under-Lyme Borough Council,
Civic Offices,
Merrial Street,
Newcastle, Staffs, ST5 2AG**

Or by email to licensing@newcastle-staffs.gov.uk

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Update on De Regulated Activities:

Live and recorded music is generally licensable under the Licensing Act but there are many exemptions.

Live Music

Live amplified music in on-licensed premises authorised and open for the sale of alcohol does not require a licence for audiences up to 500 (a 300 increase) until 11.00pm This includes beer gardens and terraces if they are included in the licensed premises. Live music related conditions do not apply unless they are re-imposed at a Review. If a beer garden is not shown on the licensed plans then it is likely to nevertheless be a workplace which benefits from a similar exemption. Karaoke is considered live music. Live unamplified music does not need a licence anywhere and with no audience limit between 08.00 to 23.00.

Entertainment Facilities

Entertainment facilities (stages, karaoke machines, microphone stands, even electrical sockets) have not been licensable since October 2012. You may still see these "authorised" on your licence if it has not been amended but they are no longer relevant to licensing.

Recorded Music

Recorded music in on-licensed premises benefits from the same exemption as live music above, with the same audience limit. This covers DJs and discos and is a new development, as hitherto most recorded amplified music above background level has been licensable under the Act. There is no equivalent "workplace" exemption. Background, live and recorded music continues to be exempt.

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NEWCASTLE UNDER LYME BOROUGH COUNCIL

LICENSING ACT 2003

CONSULTATION

Under the terms of the Licensing Act 2003 the Council's statement of Licensing Policy has to be reviewed every three years. The current Policy was adopted by the Council in December 2010 and a revised statement must therefore be published before December 2015.

If you would like to comment on the Council's Licensing Policy copies are available at:

The Civic Offices, Merrial Street, Newcastle under Lyme, ST5 2AG

A copy of the Policy is also available on our website:
www.newcastle-staffs.gov.uk

Or you may request a copy of the current Policy by emailing:

licensing@newcastle-staffs.gov.uk

Any comments must be received by 25th September 2015. The Council will consider all representations received at its meeting on 25th November 2015.

The address to return any correspondence to is:
Licensing Office
Newcastle under Lyme Borough Council
Civic Offices
Merrial Street
Newcastle
ST5 2AG

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When calling or telephoning please ask for: Julia Cleary

Direct Line or ext: 01782 742227

My ref: RevisedLicensing

09 July 2015

Dear Councillor,

Re: Licensing Act 2003 – Revised Statement of Licensing Policy

Following the adoption of the Licensing Act 2003, the Borough Council became the Licensing Authority for Newcastle under Lyme which requires it to administer and enforce the above act and associated orders and regulations within its area.

The legislation regulates the operation of:

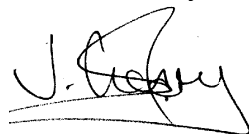
- The Sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

Section 5 of the Licensing Act requires that the Licensing Authority prepares and publishes a Statement of its Licensing Policy every five years and I would therefore request your views on the existing Policy (a copy of the current policy and the consultation questionnaire are enclosed with this letter).

I would be grateful if you could respond to this consultation by 25th September 2015 by completing the attached questionnaire and returning it in the envelope provided or by emailing any comments to licensing@newcastle-staffs.gov.uk.

The Council will consider all representations received at its meeting on the 25th November 2015 when the revised Statement of Licensing Policy will be finally approved.

Yours faithfully,



Democratic Services Manager

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Clerk to Audley Parish Council,

Clerk to Betley, Balterley & Winehill P.C.,

Clerk to Chapel & Hill Chorlton P.C.,

Clerk to Keele Parish Council,

Clerk to the Town Council,

Clerk to Loggerheads Parish Council,

Clerk to Madeley Parish Council,

Clerk to Maer Parish Council,

Clerk to Silverdale Parish Council,

Clerk to Whitmore Parish Council,

Mr. Kelvin Chell, Fire Safety Officer,
Fire Safety Office 1,
Staffs. Fire & Rescue Service,
Knutton Lane,
Newcastle,
Staffs, ST5 2SL.

The North Staffs. Law Society,
C/o Mr. P.B. Beresford,
Hon. Secretary,
DX.20701,
HANLEY.

The Chief Superintendent of Police,
Hanley Police Station
Bethesda Street
Hanley
Stoke on Trent
ST1 3DR.

Newcastle LSP,
Civic Offices,
Merrial Street,
Newcastle,
Staffs, ST5 2AG

North Staffordshire PCT,
Stockwell Street,
Moorlands House,
Leek,
Staffs, ST13 6HQ.

North Staffordshire PCT,
Civic Offices,
Merrial Street,
Newcastle,
Staffs, ST5 2AG.

Staffordshire Parish Councils' Association,
15 Martin Street,
Stafford,
ST16 2LE.

The National Licensing Manager,
Bargain Booze / Thoroughgoods,
Registered Office:
Unit 1,
Weston Road,
Crewe,
Cheshire, CW1 6BP.

Halsalls,
Solicitors,
DX.17853,
BIRKENHEAD.

Licensing Administration Manager,
Somerfield Stores Ltd.,
Somerfield House,
Whitchurch Lane,
Bristol, BS14 0TJ.

Berwin Leighton Paisner,
Solicitors,
DX.92,
LONDON.
For the attention of Mr. Graham Clack

Mr. I. Widdison,
Chair, Jazz Services Ltd.,
First Floor,
132 Southwark Street,
London, SE1 0SW.

Mitchells & Butlers Retail Ltd.,
27 Fleet Street,
Birmingham,
B3 1JP.

For the attention of Bronagh Kennedy

Hammonds,
Solicitors,
DX.708610,
BIRMINGHAM 17.
For the attention of Stephanie Perraton,
Licensing Department

Catherine Russell,
Village Halls Advisor Staffordshire,
Community Council of Staffordshire,
Friars Mill,
Friars Terrace,
Stafford, ST17 4DX.

Mr. Nick Bish,
Chief Executive,
Association of Licensed Multiple Retailers,
9b Walpole Court, Ealing Studios,
LONDON, W5 5ED.

Mr. John Laidlaw,
Live & Local,
Pageant House,
2 Jury Street,
Warwick, CV34 4EW.

Ms. Paula Waters & Mr. B. Stukins,
Campaign for Real Ale Ltd.,
230 Hatfield Road,
St. Albans,
Herts,
AL1 4LW.

Mr. Rob Cooper,
Community Safety Officer,
Staffordshire County Council,
14 Martin Street,
Stafford,
ST16 2LG.

Ms. Deirdre Wilson,
Midlands District Organiser,
Musicians' Union,
Benson House,
Lombard Street,
BIRMINGHAM, B12 0QN.

PubWatch
Newcastle under Lyme

The Area Manager,
Staffordshire Social Services,
County Services Building,
Fountain Street,
Leek,
Staffs, ST13 6JR.

Staffordshire Probation Service,
Ryecroft,
Newcastle,
Staffs,
ST5 2DT.

The British Beer & Pub Association,
Market Towers,
1 Nine Elms Lane,
London,
SW8 5NQ.

Mr. R.G. Redgewell,
Hon. Secretary,
Newcastle Civic Society,
4 Ostend Place,
Newcastle,
Staffs, ST5 2QY.

Mr. Phil Hopkins,
Leek Police Station,
Fountain Street,
Leek,
Staffs, ST13 6QT.

Newcastle Community Safety Section,
Newcastle Borough Council

Mr. Feargal Sharkey,
Chairman,
The Live Music Forum,
2-4 Cockspur Street,
London,
SW1 5DH.

The County Trading Standards Officer,
Martin Street,
Stafford,
ST16 2LG.

Bar Entertainment & Dancing Association,
5 Waterloo Road,
Stockport,
Cheshire,
SK1 3BD.

North Staffs. Race Equality Council,
Equality House,
75-77 Raymond Street,
Hanley,
Stoke-on-Trent, ST1 4DP.

Mr. Doug Morris,
President, Newcastle Chamber of Trade,
110 High Street,
Newcastle,
Staffs, ST5 1PT

Poppleston Allen,
Solicitors,
Price House,
37 Stoney Street,
Nottingham, NG1 1LS.

Staffordshire Moorlands District Council,
Moorlands House,
Stockwell Street,
Leek,
Staffs,
ST13 6HQ. **F.A.O Licensing Department**

Stoke-on-Trent City Council,
Licensing Department,
Civic Centre,
Glebe Street,
Stoke-on-Trent,
Staffs

Tariq Mahmood
Hackney Carriage Association
46 Delaney Drive
Parkhall
Stoke on Trent
Staffs

Steve Eden
14 Hertford Grove
Clayton
Newcastle under Lyme
Staffs
ST5 3DH

Mr B Wain
Trent Licensing
223 New Inn Lane
Trentham
Stoke on Trent
ST4 8PS

A review of the democratic decision-making structures at Newcastle-under-Lyme Borough Council

January 2015

1. Introduction

Background and scope of the review

Like many other local authorities and other public sector organisations, Newcastle-under-Lyme Borough Council is facing financial challenges as a result of reduced Central Government funding to local government. In dealing with these challenges, the Council has introduced the 'Newcastle 2020' programme which is designed to identify efficiencies, cost savings and improvements across all aspects of the Council in terms of its organisation and also the services it delivers.

This review was commissioned as part of that wider drive for further organisational efficiency. It was specifically designed to help the Council look at the way in which its' various committees and panels are organised and identify potential options to consider. The review will feed into the planned local democracy review, and inform and complement the work the Council is already doing. As such the review has been commissioned as a 'light-touch' review focussing on improving current structures and arrangements, not a fundamental examination of the governance model.

Methodology and approach

The review has been undertaken by local government peers, drawing on the principles of sector-led improvement and informed by the following activity:

- Desk top analysis of Newcastle-under-Lyme Borough Council's committee terms of reference, committee membership, and agendas and reports.
- Benchmarking exercise, comparing Newcastle-under-Lyme Borough Council with other district and borough councils in terms of numbers of committees, numbers of committee positions, and frequency of meetings. (Appendix 1)
- Stakeholder engagement facilitated through an online survey to all councillors (and relevant officers) (Appendix 2), face-to-face engagement with committee chairs, vice chairs, senior management and democratic services staff onsite at Newcastle-under-Lyme, plus telephone conversations with other relevant officers (Appendix 3 provides a list of stakeholders engaged during the Review).

The peers who carried out the review at Newcastle-under-Lyme were:

Jane Burns – Director of Strategy and Challenge, Gloucestershire County Council
Councillor Michael Payne – Deputy Leader, Gedling Borough Council
Jeremy Thomas – Head of Law and Governance, Oxford City Council
Paul Clarke – Programme Manager (Local Government Support), LGA

The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and materials they read. This report provides a summary of the peer team's findings.

2. Review Findings

Our findings are divided into sections:

- Section 2.1 below summarises our key observations and recommendations about the current arrangements and practice at Newcastle-under-Lyme Borough Council. These are essentially the ‘quick wins’ that will help achieve efficiencies.
- In section 2.2 we summarise other areas we think need to be considered as part of the wider work on governance and culture the Council is already embarking on, or is planning to undertake.

2.1 Key Observations

The current democratic decision-making arrangements at Newcastle-under-Lyme demand a lot from both councillors in terms of their participation, and officer time to service an extensive array of formally constituted committees and panels. The numbers of committees and committee positions per councillor is high when compared to the other district and borough councils we benchmarked Newcastle-under-Lyme against (3.6 positions per councillor at Newcastle compared to an average of 2.6 positions per councillor in other councils), and we know there have been examples of you struggling to fill all positions on some committees.

The number of meetings per year (well over 100 meetings) is also amongst the highest in terms of the benchmarked authorities. The time and resource required to service and support these mean officers are stretched and are focused on ‘feeding the machine’ rather than ‘doing the day job.’ The sheer volume may also be compromising the quality of committee servicing and support, evidenced by the high number of supplementary papers and replacement reports correcting errors. This in turn puts additional pressure on those trying to read the reports in advance of meetings, and arguably diminishes the quality of discussion and debate.

We questioned whether demands on councillors in terms of the requirement to attend a high number of committee meetings has a detrimental effect on their time to effectively undertake their frontline councillor roles within communities. The councillors we engaged with did not cite this as an issue. In fact, some suggested they saw being involved in committee meetings as the key role of a councillor at Newcastle-under-Lyme. The perceived importance of having formal and public roles on committees is reinforced by the survey results (Appendix 2) which suggest that councillors highly value the principles of all debates and decision making being carried out in formally constituted committee meetings which meet in public and supported by formal agendas and minutes.

We think given the important role councillors have in the overall relationship between Council and community, lessening the demands of meeting attendance will allow these roles and relationships to develop further and crucially ‘free up’ reducing officer resources to focus on service delivery.

It appears the extensive structures, together with the relative low levels of delegated decision-making to officers and individual cabinet members, mean the Council is operating a de facto committee system alongside a Leader and Cabinet model of executive arrangements with all of the additional demands on officer time that that implies. Some of the Overview and Scrutiny Committees appear to operate like service committees (in that they perceive themselves to be directing the work of officers) and the existence of others, such as the Staffing Committee, are out of kilter with current practice in other authorities and seem focused on operational matters that are usually in the domain of officers.

In particular, given the existence of the Employee Consultative Committee, and the fact most of the powers and functions of the Staffing Committee appear to be in the remit of the Head of Paid Service, we do not fully understand or appreciate the role of the Staffing Committee and how it adds value to decision-making. There is a danger we think that the Committee adds unnecessary delays to the process of getting relatively minor policy updates approved, or escalates issues that might be resolved more quickly and collaboratively at a lower level.

All of the above combine to create a set of current arrangements and practice that puts an unnecessary and unsustainable demand on the organisation and its capacity and resources, which due to the financial challenges facing local government are continuing to decrease. There is definite scope to achieve more productivity and efficiency within the current set-up. For example, there are opportunities to reduce and rationalise the numbers of committees by merging those with complementary remits and functions.

In particular, the Public Protection Committee and Licensing Committee could be amalgamated. One committee covering all the functions of those two committees is common practice in other councils. There are other opportunities too, such as incorporating the functions of the Standards Committee into remit of the Audit and Risk Committee to create an Audit and Governance Committee. Another is to merge the Active and Cohesive and the Health and Well Being Scrutiny Committees. The Council may wish to consider being more radical in the reduction of the number of Scrutiny Committees. At the very least, scrutiny committee work-plans should not be agreed without some consideration of the Officer resources available to support them.

The responses to the survey we carried out suggest there is support from both officers and councillors for this. Combining/merging some committees was the type of change most likely to be supported by both councillors and officers (81% of respondents), and many of the specific suggestions for change are reflected in our recommendations. There is also a timely opportunity we suggest to review some of the historical legacy arrangements, such as the Joint Parking Committee and Conservation Working Group. The recent changes made to the arrangements regarding the Sports Council provides a precedent here.

In terms of overview and scrutiny, there are both standing committees and task and finish groups. Scrutiny arrangements need to be flexible enough to adapt

to changing circumstances. The principles of good scrutiny are that they should cover the issues that matter to local people, it should be 'narrow and deep' rather than 'broad and shallow' and that all scrutiny reviews should be properly scoped, task and finish, rather than on-going and have realistic timescales. There needs to be a discipline to ensure scrutiny doesn't drift.

There are also some aspects of how committees are serviced and supported that will benefit from modernising. For example, the way committee agendas are circulated. Currently any member can request to be added to a circulation list, enabling them to receive a hard copy of the committee meeting agenda. This potentially adds significant costs to the servicing of committees. This is something you have already identified and are beginning to address (as per the report 'Use of ICT and ICT Resources' to the Member Development Panel on 2nd October 2014). The recent rule changes enabling councils to send out committee papers electronically will help here too.

The length and style of committee reports was cited as an issue. Reports appear lengthy and many of the officers we spoke to feel they take a disproportionate time to produce. This issue may be being exacerbated by a tendency to establish formally constituted committees and sub-committees for areas and issues that may be served equally well by more informal bodies – especially where they are performing an advisory function (e.g. member development) - meaning a need to generate formal agendas, reports and minutes.

We know you are already looking at report writing and we agree this is an important exercise. Ensuring that report writing becomes more consistent across the organisation, is proportionate to the matter being considered, and that reports can be easily read and digested by councillors are all important facets. There may be an opportunity to also review the style of minutes as part of this work.

We think there are also some underlying organisational and cultural issues, including the perceptions and expectations of councillors that have evolved over time which now need addressing. In particular, the current arrangements appear to be seen by non-executive members as a range of opportunities to feel involved and informed, rather than part of a decision-making system. Our desktop analysis suggests more than 40% of the reports on agendas for meetings during September-November 2014 were 'for information'.

In short, councillors appear to rely heavily on committee meetings and agendas/reports for their information. We understand there used to be a Member's Information Bulletin and suggest it may be timely to consider re-introducing something that enables councillors to be kept informed on major developments so they don't feel the need to attend committee meetings and/or request committee agendas as a way of keeping in touch. There may also be scope to consider ward specific information and tailored briefings for councillors to better support them in their frontline roles.

Recommendations

1. **Merge/combine/disband some committees that appear to have a similar or complementary role and remit, or have roles that are effectively fulfilled elsewhere in the wider governance arrangements, in particular:**
 - Merge/Amalgamate the Public Protection Committee and Licensing Committees
 - Merge/Amalgamate the Audit & Risk Committee and Standards Committees
 - Merge/Amalgamate the Active and Cohesive Communities and Health & Well Being Scrutiny Committee
 - Review the continued need for the Staffing Committee
2. **Review some of the historical/legacy arrangements, such as the Joint Parking Committee and Conservation Working Group, and whether the Council should continue to service these bodies.**
3. **Consider re-introducing a Members' Information Bulletin and critically review any "for information" items on committee agendas.**
4. **Progress and implement the measures you are already considering to improve business practice, including report format and circulation of agendas.**
5. **Consider and progress the other issues and areas as identified in section 2.2 of this report (below) – including delegation - drawing on practice from other authorities. They will bring bigger gains and help address the underlying issues.**

2.2. Other observations and areas to consider

You have rightly identified there are potentially a number of other bigger benefits and savings to be gained. Reviewing the frequency of local elections (currently annual by thirds) for example, and reducing the numbers of councillors, (which at 60 is high compared to similar sized district authorities), are likely to result in more significant cost savings. But the bigger prize will be the political stability. All out elections every four years are likely to bring this, and enable more focus on the medium to longer term ambitions and strategic priorities of the Council. It is this vision for the future, including the future shape and function of the Council that will need to inform the wider review of democracy and governance.

We think this should include consideration of the scheme of delegation to individual Cabinet Members which can help manage business more effectively and speed up decision-making. We also think there could be a review of the scheme of delegation to officers with a view to increasing the levels of delegation. As we have alluded to, the levels of delegation to officers at Newcastle-under-Lyme seems low compared to many other authorities.

Reports to Cabinet tend to be presented in the name of the Executive Director and Scrutiny Committees tend to hold officers rather than executive members to account. Individual decision making and reports to Cabinet in the name of the portfolio holder are now common practice in many councils, and will help to reinforce and embed some of the key principles of a leader/cabinet model of governance. It may be something that warrants consideration at Newcastle-under-Lyme.

The principles of good scrutiny may need to be re-emphasised, so they are fully adopted and embedded, and drive how the overview and scrutiny function operates. It may be timely to review the key objectives of overview and scrutiny and consider where the emphasis needs to be to best support the Council in delivering its priorities – so there is a clearer understanding of the balance between holding to account and informing policy, and the focus on internal and external matters. Ensuring scrutiny is positioned to make a timely and effective contribution to strategic policy development and decision-making will become increasingly important as will an external focus, given that in the future the Council might well directly deliver less, and looks to influence and leverage more from external partners and the community.

There may be a need to consider a re-balancing of the role of councillors and the shape and structure of decision-making arrangements required to enable an emphasis on local community leadership in communities as well as attending and participating in formal committee meetings in the civic offices. The organisation will need to consider the best way of supporting councillors in these roles with the resources and capacity available.

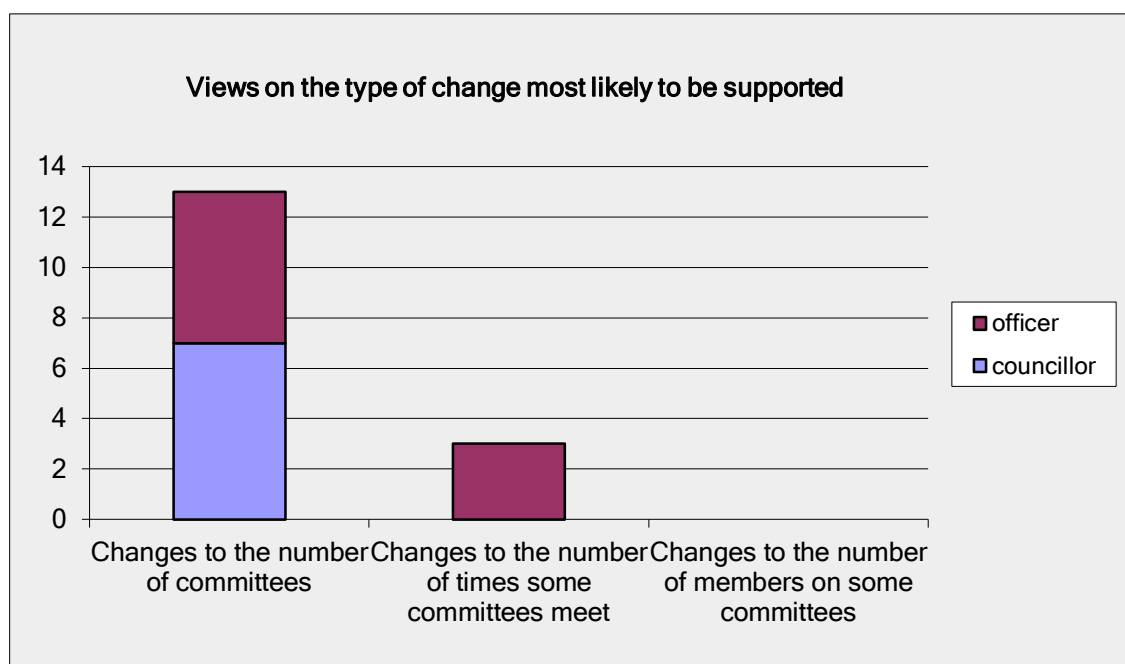
Appendix 1 - Comparison with other councils

	Cotswold DC	Forest of Dean DC	Stroud DC	Cheltenham BC	Tewkesbury BC	Gloucester City	Oxford City	Gedling BC	Ipswich BC	Cannock Chase DC	East Staffs BC	Newcastle-under-Lyme BC	AVERAGE
Current Political Control	Cons (C: 18 / L:9 / LD: 9)	NOC (C: 18 / L:17 / IND: 11 / LD:1 / UKIP:1)	NOC (C: 22 / L:20 / GR: 6 / LD: 3)	Lib Dem (LD 24 / C: 12 / IND: 4)	Cons (C:24 / LD:9 / IND: 5)	NOC (C: 18 / L:9 / LD:9)	Labour (L: 33 / LD: 8 / G: 6 / IND: 1)	Labour (L: 32 / C: 15 / LD: 3)	Labour (L: 35 / C: 10 / LD: 3)	Labour (L: 25 / UKIP: 6 / C: 5 / LD: 3 / IND: 2)	NOC (L: 16 / IND: 4 / C: 18 / LD: 1)	Labour (L: 32 / C:16 / LD: 6 / UKIP: 5/ G:1)	n/a
Total Number of Committees	7	14	9	10	8	11	15	9	12	23	15	16	12
No. of Ctee Positions:No of Members	60:44	114:48	110:40	118:40	82:38	103:36	104:48	95:50	138:48	199:41	45:39	156:60	-
Number of Committee Positions Per Member	1.4	2.4	2.8	3.0	2.2	2.9	2.2	1.9	2.9	4.9	1.2	3.6	2.6
Average Number of Positions Per Committee (Mean)	8.6	11.2	10.9	11.8	8.2	9.4	7	12	11.5	8.6	7.5	9.8	9.7
Total No of Committee Meetings Per Year	48	66	40	51	52	69	114	100	82	120	45	105	74
Average Number of Meetings Per Committee Per Year (Mean)	7	5	4	5	7	6	7	7	7	5	3	7	5.8
Governance Model	Cabinet 6	Cabinet 5	Committee System	Cabinet 8	Fourth option	Cabinet 5	Cabinet 10	Cabinet 7	Cabinet 9	Cabinet 9	Cabinet 6	Cabinet 7	-

Appendix 2 – summary of survey results

All members and a range of relevant officers (senior managers and democratic services staff) were invited to complete a short online survey between 26th November and 10th December 2014. 16 people (9 officers, 7 councillors) completed the survey.

Support for change: The survey responses suggest strong support (81% of respondents) for changing the number of committees, as opposed to changing the numbers of times committees meet (19%) or changing the numbers of members on committees (0%). All councillors (100%) who responded to the survey identified changes to the number of committees as the type of change they would be most likely to support:



Principles and features of governance and decision-making that councillors value the most:

- **Accountability** (which was defined as ‘all debates and decision making are carried out in formally constituted committee meetings with agendas and minutes’) was ranked by 72% of councillors as the principle of governance they value most.
- This contrasts sharply with **Involvement** (which was defined as ‘opportunities for councillors and other stakeholders to be involved in debates and decision making’) which no councillors (0%) ranked as the principle they value most.
- 28% of councillors considered **Transparency** (which was defined as ‘all debates and decision making are carried in meetings that are held in public’) as the principle they most valued.

Specific suggestions for change and consideration: A range of suggestions were put forward by respondents. These included:

- Reduce the number of committees by amalgamating those with obvious synergy
- Get rid of specific committees – e.g. Staffing Committee, Member Development
- Merge the Audit & Risk committee with Standards Committee
- Have less scrutiny committees and/or revisit their remits.
- Less committees and less meetings
- Review the types of agenda items to reduce the number of ‘information only’ items
- Consider the timescales for submission of items to Committee
- Ensure that meetings have a clear outcome/resolution

Appendix 3 – list of stakeholders engaged during the review

The peer team met and/or spoke with the following officers and councillors during the review:

John Sellgren – Chief Executive

Neale Clifton – Executive Director (Regeneration and Development)

David Adams - Executive Director (Operational Services)

Kelvin Turner – Executive Director (Resources and Support Services)

Mark Bailey- Head of Business Improvement, Central Services & Partnerships

Julia Cleary – Democratic Services Manager

Justine Tait – Democratic Services Officer

Geoff Durham – Member Training and Development Officer

Liz Dodd – Audit Manager and Monitoring Officer

Cllr Reginald Bailey – Chair, Active and Cohesive Communities Scrutiny Committee, and member of Health and Wellbeing Scrutiny Committee and Public Protection Committee

Cllr Colin Eastwood - Chair of Health and Wellbeing Scrutiny Committee, and member of Public Protection Committee and Planning Committee

Cllr Sandra Hambleton – Chair of Standards Committee and Staffing Committee and member of Planning Committee and Audit & Risk Committee

Cllr Derrick Huckfield - UKIP Group Leader

Cllr Hilda Johnson – Vice Chair of Health and Wellbeing Scrutiny Committee and member of Active and Cohesive Communities Scrutiny Committee

Cllr Nigel Jones - Liberal Democrat Group Leader

Cllr David Loades – Conservative member of two Scrutiny Committees and Audit & Risk Committee

Cllr Bert Proctor – Vice Chair of Public Protection Committee and Planning Committee and member of Member Development Panel

Cllr Elizabeth Shenton – Deputy Leader of the Council (and Cabinet Member)

Cllr David Stringer – Chair of Economic Development and Enterprise Scrutiny Committee and member of Finance, Resources and Partnerships Scrutiny Committee

Cllr Gill Williams – Chair of Cleaner Greener and Safer Communities Scrutiny Committee and member of Licensing Committee and Public Protection Committee

Cllr Mike Stubbs – Leader of the Council (and Cabinet Member)

Cllr Joan Winfield – Chair of Licensing Committee and member of Cleaner Greener and Safer Communities Scrutiny Committee and Member Development Panel

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