

Trading Standards

NEWCASTLE · UNDER · LYME

BOROUGH COUNCIL



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.
- Steps to mitigate against possible child sexual exploitation issues.

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?

_Throughout the document it pays reference to chll 21. The nationally recognised standard at present is in fact chll 25. I feel that the current policy should be amended to reflect this. Additionally at present when Trading Standards advocate best practise, or negotiate conditions with an applicant, chll 25 is what we would be looking towards. Chll 25 affords more protection to licensed trade as well as protecting young people's health and limiting the associated negative anti-social behaviour felt by communities when young people underage are able to access alcohol.

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

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

SECTION 2

Please add any other comments you wish to make on the current Licensing Policy

__ Following a review hearing it would be helpful if there was a set period of time stipulated in the licensing policy regarding when the notification of the decision will be sent out to all parties. This is extremely important as until the notice has been sent the appeal period cannot commence. A time stipulation would set a realistic expectation around this.

__ Additionally at present when a new licence application is received if conditions are negotiated and agreed by both parties In the Borough of Newcastle they are treated as representations and have to go in front of a committee to make the determination. The spirit of the licensing Act and the section 182 guidance is very much around a time period of negotiation between the applicant and the RA; this gives both parties the opportunity to engage in a meaningful dialogue around bespoke conditions for their particular business to promote the licensing objectives. At present Newcastle Borough is the only Local Authority in the county that hold a hearing to make a determination on the conditions being negotiated on. In all other areas the conditions are negotiated and if both parties are in agreement then this is provided to the LA where they endorse the newly agreed conditions onto the licence. The only time that reps are submitted are if there can't be agreement reached and the committee need to make a determination. Hence the committee are only sitting in circumstances where there is two opposing opinions and a lack of agreement, not where there is full agreement of all parties concerned.

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

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

