



# **REVIEW OF STATEMENT OF LICENSING POLICY**

LICENSING ACT 2003

## **SUMMARY OF PROPOSED CHANGES AND CONSULTATION DOCUMENT**

**July – October 2010**

This document should be read in conjunction with the Draft Statement of Licensing Policy 2011 - 2014. It contains a summary of the changes made in preparing the draft document and will ask specific questions where appropriate.

<b>1.</b>	<b>Foreword by Councillor Malcolm Graham</b>
	To be inserted following the conclusion of the consultation process.
<b>2.</b>	<b>Strategic Context</b>
	<p>This section describes how the licensing of premises under the Licensing Act 2003 plays an important role in the Council's overall vision for Gateshead, and how this Policy links closely with a number of key plans and strategies produced by the Council and its partners. No changes to this section.</p>
<b>3.</b>	<b>Local context</b>
	<p>This section describes the features of the Borough of Gateshead and in particular how the Quays area, Low Fell, Winlaton and Whickham are now a focal point for a wide range of licensable activities.</p> <p>A table giving information about the number and nature of authorisations issued under the Licensing Act 2003 in the borough will be inserted in the final version.</p> <p>Plans indicating the geographical distribution of these authorisations will be attached in the final version.</p> <p><b>Question: Are there any other areas that should be referred to in respect of local context?</b></p>
<b>4.</b>	<b>Legal Background</b>
	<p>This section sets out the functions of the Licensing Authority to which this policy will apply and specifies the four licensing objectives which must be promoted by the Licensing Authority in carrying out its functions:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <p>It is emphasised that each of these objectives has equal importance.</p> <p>It is stated that a review of this policy will be carried out at least every three years and will be subject to consultation. It is also stated that regard will be had to comments received as a result of this consultation.</p> <p>There are no changes to this section.</p>
<b>5.</b>	<b>Integration with other legislation, policies, objectives and Guidance</b>
	<p>This section points out that the Licensing Objectives build on and link with a number of existing local and national strategies and that applicants and existing licence holders should have regard to such strategies as part of their operation.</p> <p>It is emphasised however that the Licensing Act regime is specifically intended to regulate licensable activities and other more appropriate regimes should be utilised</p>

	<p>to resolve other issues.</p> <p>Reference is made to the recently introduced Health Act 2006 and the significant cultural shift within the licensed trade which this has facilitated. Reference is made to the wide acceptance of this new legislation.</p> <p>Reference is made to the fact that the Regulatory Reform (Fire Safety) Order 2005 has the effect of disapplying any existing conditions on licences and certificates relating to fire safety.</p> <p>The policy states that the Licensing Authority will have regard to the following with respect to Drug and Alcohol Harm Reduction:</p> <ul style="list-style-type: none"> <li>• The Alcohol Harm Reduction Strategy for England</li> <li>• Gateshead Council’s Alcohol Harm Reduction Strategy 2009 - 2011</li> <li>• Gateshead Drugs Strategy</li> </ul> <p>The policy describes the proposed major redevelopment of Gateshead Town Centre and acknowledges that as the development progresses it may be appropriate to review this policy to take into account the change of nature of the town centre.</p> <p>The alcohol exclusion zones established in Gateshead under the Criminal Justice and Police Act 2001 are described and their relevance in the context of this policy is defined. Plans setting out the areas covered by these zones will be appended to the final version.</p> <p>The policy refers to the move from a set of voluntary social responsibility standards in place since 2005 to the Code of Practice for alcohol retailers containing mandatory conditions for alcohol sale introduced in April 2010.</p> <p>The policy recognises the importance of the established Pub Watch schemes in the borough and reflects the aim of the Gateshead Alcohol Harm Reduction Strategy 2009 – 2011 to use them to share and develop best practice and as a forum for training.</p> <p><b>Question: Are there any other pieces of legislation, policies or guidance which should be referred to in this section?</b></p>
<b>6.</b>	<b>General principles of the policy</b>
	<p>The policy states that, while a need to designate a saturation area within the Borough has not yet been identified, this is kept under review.</p> <p><b>Question: Do you think there are any areas in Gateshead where a cumulative impact policy is required?</b></p>
<b>7.</b>	<b>Licensing Objectives</b>
	<p>This section of the policy describes the four licensing objectives. It specifies the factors that impact on these objectives which must be considered by applicants and gives examples of control measures which could be specified in operating schedules.</p>

	<p>The policy makes reference to the recently published Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by Independent Street Arts Network (December 2009)</p> <p>With respect to the protection of children from harm, the policy refers to the new requirements (from 1 October 2010) for ensuring that the age of customers is verified.</p>
<b>8.</b>	<b>Licensing Hours</b>
	<p>The policy observes that the implementation of the Licensing Act has not led to Gateshead experiencing a shift towards a 24 hour drinking culture.</p> <p>The policy acknowledges however that longer licensing hours in some circumstances may reduce the concentration of customers leaving premises simultaneously which may minimise the nuisance to residents in the vicinity.</p> <p>A table giving information about the number of licensed premises authorised to be open after midnight will be inserted in the final version.</p> <p>Plans indicating the geographical distribution of these premises will be attached in the final version.</p>
<b>9.</b>	<b>Premises Licence</b>
	<p>This section describes the requirements placed on applicants for Premises Licences. Additional guidance is provided in respect of the application process and in particular the possibility of a hearing being necessary to determine the application.</p>
<b>10.</b>	<b>Club Premises Certificates</b>
	<p>This section describes the requirements placed on applicants for Club Premises Certificates. Additional guidance is provided in respect of the application process and in particular the possibility of a hearing being necessary to determine the application.</p>
<b>11.</b>	<b>The Plan</b>
	<p>This section of the policy explains that the plan submitted to the Licensing Authority with an application forms part of the licence or certificate and therefore cannot be altered without also altering the licence or certificate.</p> <p>Additional guidance is provided in respect of the requirements for the plan.</p>
<b>12.</b>	<b>Operating Schedules</b>
	<p>This section explains that the operating schedule should enable the Licensing Authority, responsible bodies and interested parties to understand clearly what licensable activities will be carried out and when, and how the applicant intends to promote the Licensing Objectives.</p> <p>The policy urges applicants to bear in mind that, in addition to the mandatory conditions that are directly imposed under the provisions of the Licensing Act, the</p>

	Licensing Authority may impose conditions on a licence or certificate where they are consistent with the operating schedule. These conditions can be imposed without the need for a hearing to take place.
<b>13.</b>	<b>Outside areas</b>
	There are no changes to this section.
<b>14.</b>	<b>Personal Licences</b>
	<p>The policy explains that personal licence holders are authorised to sell or supply alcohol in premises authorised for this licensable activity with a Premises Licence.</p> <p>A table giving information about the number of personal licences authorised and refused will be inserted in the final version.</p> <p>The policy draws attention to the fact that given the nature of personal licences, persons granted a licence by this Authority may use it anywhere in England and Wales. Equally, personal licensees working in the Borough may have been granted their personal licence by another Authority.</p>
<b>15.</b>	<b>Designated Premises Supervisor</b>
	This section explains that where the sale of alcohol is authorised under a Premises Licence, the Licensing Act 2003 requires a Personal Licence holder associated with the premises to be a Designated Premises Supervisor. The sale of alcohol may only take place where there is a current specified Designated Premises Supervisor for the premises. There are no changes to this section.
<b>16.</b>	<b>Temporary Event Notices</b>
	<p>This section outlines the purpose of Temporary Event Notices under the Licensing Act 2003 and explains the role of the police in objecting to such notices, the restrictions on their use and the procedure that must be followed when notice is given.</p> <p>A table giving information about the number of temporary event notices given and objected to will be inserted in the final version.</p>
<b>17.</b>	<b>Adult Entertainment</b>
	The policy clarifies what is meant by 'adult entertainment' and the impact on this policy of the change in legislation with respect to sexual entertainment venues.
<b>18.</b>	<b>Film Classification</b>
	There are no changes to this section.
<b>19.</b>	<b>Licensing application procedures</b>
	This section explains that guidance on making application will be produced and regularly reviewed by the Licensing Authority. There are no changes to this section.

<b>20.</b>	<b>Conditions</b>
	<p>This section describes the types of conditions that may be imposed on Premises Licences and Club Premises Certificates. The policy makes reference to the new (2010) and existing mandatory conditions.</p> <p>Reference is made to the fact that the Regulatory Reform (Fire Safety) Order 2005 has the effect of disapplying any existing conditions on licences and certificates relating to fire safety.</p>
<b>21.</b>	<b>Transfers</b>
	<p>This section explains the circumstances in which appeals may be made and the mechanism for the process. There are no changes to this section.</p>
<b>22.</b>	<b>Variations</b>
	<p>This section describes the procedures that can be used by licence and certificate holders to vary their existing licence / certificate. It explains that there is a standard procedure and a streamlined procedure, and when each is applicable.</p> <p>Guidance is provided in respect of the application process and in particular the possibility of a hearing being necessary to determine the application.</p>
<b>23.</b>	<b>Complaints about licensed premises</b>
	<p>This section explains the policy for the investigating complaints about licensed premises. All complaints must in the first instance be addressed to the Environmental Health, Licensing and Enforcement Manager.</p>
<b>24.</b>	<b>Enforcement</b>
	<p>This section of the policy describes the licensing authority's approach to enforcement.</p>
<b>25.</b>	<b>Reviews</b>
	<p>This section explains that interested parties and responsible authorities may seek a review of a premises licence or club premises certificate if they believe that one or more of the licensing objectives is being undermined.</p> <p>A table giving information about the number of reviews applied for and by whom will be inserted in the final version.</p>
<b>26.</b>	<b>Appeals</b>
	<p>A table giving information about the number of appeals made with respect to licensing authorisations will be inserted in the final version.</p>
<b>27.</b>	<b>Delegation and Decision Making</b>
	<p>The definition of 'interested party' has been redefined to include an elected Member of the Council.</p>

<b>28.</b>	<b>Consultation and Review</b>
	Other than to state that the revised policy will come into effect on 7 January 2011, and to describe in more detail the consultees to the revision of the policy there are no changes to this section.
<b>29.</b>	<b>Further information</b>
	The contact details have been slightly amended.
	<b>Appendix 1 Pool of Model Conditions</b>
	<p>The Model Pool has been amended to remove duplication with new mandatory conditions and the disapplication of conditions relating to fire safety brought about by the Regulatory Reform (Fire Safety) Order 2005.</p> <p><b>Are there any conditions which you feel should form part of the Pool of Model Conditions?</b></p> <p><b>Are there any conditions which you feel should be removed from the Pool of Model Conditions?</b></p>