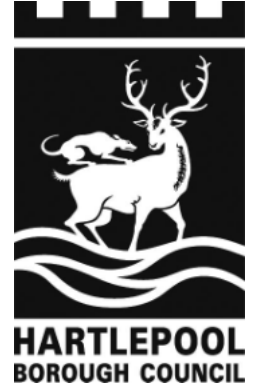


LICENSING COMMITTEE AGENDA



Wednesday, 13 October 2010

at 2.00 pm

in Committee Room B, Civic Centre, Hartlepool

MEMBERS: LICENSING COMMITTEE:

Councillors Aiken, Atkinson, Barclay, Brash, Fleet, Griffin, Hall, Jackson, Laffey, Lawton, G Lilley, London, Morris, Rogan and Sutheran

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 4 August 2010
4. **ITEMS REQUIRING DECISION**
 - 4.1 Licensing Policy – Licensing Act 2003 - *Assistant Director Community Safety & Protection*
5. **ITEMS FOR INFORMATION**
6. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

4 August 2010

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor George Morris (In the Chair)

Councillors: Reuben Atkinson, Alan Barclay, Mary Fleet, Sheila Griffin, Ged Hall, Pauline Laffey, Trisha Lawton, Geoff Lilley and Frances London

Officers: Alison Mawson, Assistant Director (Community Safety and Protection)
Hayley Martin, Constitutional & Administrative Solicitor
Sylvia Pinkney, Public Protection Manager
Ian Harrison, Principal Trading Standards & Licensing Officer
Denise Wimpenny, Principal Democratic Services Officer
Sarah Bird, Democratic Services Officer

Also in attendance: Chief Inspector Kathy Prudom and Inspector Tony Green, Cleveland Police

1. Apologies for Absence

Apologies had been received from Councillors Martin Aiken, Jonathan Brash, Peter Jackson, Trevor Rogan and Lilian Sutheran.

2. Declarations of Interest by Members

None.

3. Minutes of the Meeting held on 14 April 2010

These were confirmed as an accurate account.

4. Matters Arising

Members were informed that the Police had extended an invitation to Members to observe the night time economy in the town but no firm date had been set as yet.

5. Hartlepool Town Centre at Night (Assistant Director – Community Safety and Protection)

Members were introduced to Chief Inspector Kathy Prudom and Inspector Tony Green who informed Members of problems encountered in the Victoria Road and Church Street areas of the town centre as a direct result of the extended licensing hours brought in by the 2003 Licensing Act. A DVD was shown to reinforce the issues faced in policing the area in the early hours of the morning. Members were informed that the Police licensing unit had been reorganised to target problems faced when dealing with the night time economy.

The Principal Trading Standards and Licensing Officer gave a presentation which included details of the Night Time Economy Operational Group, a multi agency group formed to address issues raised as a result of the night time economy.

Issues raised by Members included:-

- How was it proposed to combat the problem of people drinking at home prior to arriving in the town centre after purchasing cheaper alcohol from supermarkets? Prices in supermarkets being cheap encourages drinking at home. However the Government had indicated that a consultation would take place on how to restrict low price offers.
- Concern expressed at the vulnerability of underage females arriving in the town centre already drunk and were drugs also a problem. Chief Inspector Prudom said that drugs issues were common in licensed premises in all town centres, but the significant problem was alcohol. The Principal Trading Standards and Licensing Officer advised that action would be taken on people who bought alcohol for under 18s whether it was parents or strangers. Work was being undertaken with licensees to encourage people to come into the town centre. If people arrived in the town already drunk then police would direct them to leave if it was felt that they were vulnerable.
- The difficulty of refusing a license. The Principal Trading Standards and Licensing Officer said it was aimed to improve the quality of evidence presented at Committee by using a multi agency approach. It was noted however that a licence was pertinent to the applicant and if there were problems in a particular premises and a new licensee applied for a licence, then the problems associated with the premises were not necessarily taken into consideration.
- A premises which had door supervisors only at one entrance therefore drinkers could enter via the garden area if refused entry at the main door.

- Suggestion that takeaway premises should be closed prior to licensed premises closing. Chief Inspector Prudom agreed with this saying that takeaways were flashpoints for incidents once licensed premises were closed. The Principal Trading Standards and Licensing Officer agreed and said that this was a countrywide problem.
- Comments in relation to the DVD shown including whether people were asked to leave the area if drunk or whether they were causing a nuisance. Chief Inspector Prudom said that with a high concentration of people in the area who were drunk or worse for wear, it was advisable to remove those who were capable of creating tension, initially by negotiation but if they refused to leave, then enforcement powers would be used. It was hoped to introduce a 'street pastor' scheme to assist those who were felt vulnerable.
- Comments that the current night time economy was having an adverse effect on the good name of the town as well as being a negative impact on attracting new business to the area.
- The current opening hours of licensed premises had not led to the café culture which had been envisaged by the Government when the Licensing Act 2003 was introduced, as most revellers did not turn out until almost midnight after drinking cheaper alcohol at home. Many taxi drivers were unwilling to work in the Church Street area because of previous problems with drunken passengers.

Chief Inspector Prudom advised Members of the approach Police and other agencies would take during the forthcoming Tall Ships Event.

Decision

Members comments were noted.

6. Review of Hartlepool Borough Council's Approach to Hackney Carriage and Private Hire Licensing – Principal Trading Standards and Licensing Officer

Members were advised of a number of proposals in relation to a review of the current hackney carriage and private hire licensing with a view to establishing a level of standardisation and harmonisation with other Tees Valley Authorities. The report outlined a number of issues which would require changes in order to align the policy in Hartlepool with those of the other authorities. These included:-

- Compulsory disability awareness training.

- Driving Standards Agency Taxi Test
- NVQ driver qualification
- Requirement for taxi drivers to report each DVLA driving licence endorsement to the Authority

It was pointed out that this would require a change in approach and in some cases more expense for the applicants and/or existing drivers and taxi firms.

Members were mindful of the cost of introducing such measures but it was recognised that disability awareness was advisable. The Principal Trading Standards and Licensing Officer advised that any costs incurred by the taxi trade was likely to be reflected in taxi fares which currently were comparatively low. Discussion took place on whether training would be required for all existing drivers or only new ones. Although it was recognised that it would be advantageous for all to have training and qualifications, this could be introduced by a phased approach, but the costs should ultimately be borne by the taxi trade.

Decision

Members unanimously agreed to commence the process for the review of the currently hackney carriage and private hire licensing policy and procedures, with the aim of achieving a level of standardisation with other Tees Valley licensing authorities, and as part of this process, Members instructed officers to begin a programme of consultation with relevant stakeholders.

7. Licensing Act Sub Committee Memberships – Principal Democratic Services Officer

Members were advised of the proposed make-up of Licensing Act Sub Committees as follows:-

- 1 – Councillors Morris (Chair), Aiken and Lawton
- 2 – Councillors Laffey (Chair), Fleet and G Lilley
- 3 – Councillors Brash (Chair) Atkinson and Griffin
- 4 – Councillors Hall (Chair), Barclay and Sutheran
- 5 – Councillors Rogan (Chair), Jackson and London

Members were also advised of proposals for Hackney Carriage and Private Hire Licensing Sub Committee members as follows:-

- 1 – Councillors Morris (Chair) Aiken, Jackson, Lawton and Rogan
- 2 – Councillors Laffey (Chair), Fleet, Hall, G Lilley and Sutheran
- 3 – Councillors Brash (Chair), Atkinson, Barclay, Griffin and London

Decision

Members approved these recommendations.

8. Consultation Document – Principal Trading Standards and Licensing Officer

The Principal Trading Standards and Licensing Officer outlined a number of questions which were part of the Government's consultation document and Members were invited to give their views to refer back to Government.

Members expressed their disappointment at how the current appeals process operated in that it allowed decisions made by an elected body to be overturned by a non-elected body. Members asked the Principal Trading Standards & Licensing Officer to state in the response to the Government consultation that the Licensing Committee would welcome the suggested change to the appeals process so as to allow appeals to be referred back to the Council for further consideration

Decision

Members views were to be reported to central Government and a copy of the Police DVD in relation to the night time economy in Hartlepool was to be enclosed.

The meeting concluded at 12.05 pm.

CHAIR

LICENSING COMMITTEE

13 October 2010



Report of: Assistant Director Community Safety & Protection

Subject: LICENSING POLICY – LICENSING ACT 2003

1. PURPOSE OF REPORT

1.1 To provide Members with an opportunity to consider the adoption of a revised Licensing Policy as required by the Licensing Act 2003.

2. BACKGROUND

2.1 Section 5 of the Licensing Act 2003 states that each licensing authority must determine and publish a licensing policy every three years.

2.2 The current licensing policy became effective as of 1st January 2008 and, as such, a new or revised policy must be published no later than 1st January 2011.

2.3 Members may be aware that the new coalition Government is considering substantial amendments to the Licensing Act and it is likely, if not inevitable, that a new licensing policy will be required once the changes are introduced. Despite this however the Government has confirmed that all licensing authorities must publish a policy, as usual, in January next year.

2.4 A licensing policy details how the licensing authority intends to discharge its licensing functions and also details how it expects licence holders to contribute towards the promotion of the Act's four licensing objectives which are:

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

2.5 A licensing policy does not create new obligations for existing licence holders but can be referred to when considering new applications or variations to existing licences.

- 2.6 A consultation document was widely circulated between June and August 2010 asking for views on what the new licensing policy should include. A total of sixteen responses were received and these are summarised in **Appendix I**.
- 2.7 Three significant issues were raised as a result of the consultation: -
- a) Cumulative Impact Policy;
 - b) Opening and closing times in residential areas; and
 - c) Late night closing
- 2.8 Cumulative Impact Policy ('Special Policy')
- 2.9 A 'Special Policy' is a statement that a specific geographical area experiences 'Cumulative Impact'. This is defined as the potential impact on the licensing objectives caused by a significant number of licensed premises in one area.
- 2.10 Adopting a Special Policy reverses the presumption that a licence must be granted and instead places an obligation on a licence applicant to demonstrate that granting the licence will not add to the cumulative impact in that area.
- 2.11 A Special Policy was first adopted in 2003 that covered the Victoria Road/York Road area. Church Street was not incorporated as it was the only part of Hartlepool that was considered suitable for further late night development.
- 2.12 Members will be aware that problems of alcohol fuelled crime and disorder have continued in Church Street and that later opening hours have not improved matters.
- 2.13 Cleveland Police have requested that Church Street be added to the Special Policy area citing 'significant alcohol related crime and disorder'.
- 2.14 Thirteen respondents to the licensing consultation also believed that the Special Policy should be extended to include the Church Street area with only one against.
- 2.15 Opening and Closing Times in Residential Areas
- 2.16 Recognising the impact that alcohol sales can have on local communities, consultees were asked whether licensed premises should be prevented from operating during certain times in residential areas.
- 2.17 Nine respondents agreed that this would be appropriate with no one against. There was however no consensus on the earliest hour that a licence should commence with every hour between 7:00 a.m. and 11:00 a.m. attracting some support.
- 2.18 With reference to closing times five respondents believed that premises in residential areas should cease their activities at 11:30 p.m. whilst nine believed midnight to be more appropriate.

2.19 Late Night Closing

- 2.20 Members will be aware that Hartlepool currently has 18 premises licensed until 4:00 a.m. or later.
- 2.21 Police crime figures and hospital admission figures illustrate that violent crime remains high and that longer licensing hours have simply shifted crime and disorder from 2:00 a.m. to 4:00 a.m.
- 2.22 Prior to the general election in May 2010 the Government introduced legislation allowing licensing authorities to adopt a policy requiring all alcohol licensed premises to be closed between 3:00 a.m. and 6:00 a.m.
- 2.23 However, no implementation date was set for this legislation and, as such, the power to close all alcohol licensed premises between these times is not currently available to use.
- 2.24 The consultation document asked for opinions as to whether there would be any merit in utilising such a power if it became available. Thirteen respondents were in favour of implementing a policy with one against.
- 2.25 Whilst there is currently no power available for the licensing authority to globally close all alcohol licensed premises for specific times, the licensing policy could stipulate that applications for new licences between 3:00 a.m. (or any other time) and 6:00 a.m. would generally be refused.

3. ISSUES FOR CONSIDERATION

- 3.1 The proposed licensing policy for 2011 is attached as **Appendix II**.
- 3.2 The proposed policy does not differ significantly from the policy that has been in place since 2003 and which, in general terms, follows national guidance.
- 3.3 It does however contain reference to the results of the consultation exercise carried out earlier this year and incorporates, for the first time, details about opening and closing times as well as an extension to the 'Special Policy' area.
- 3.4 Paragraph 5.4 of the proposed policy relates to opening and closing times of premises located in residential areas. It is suggested that midnight be appropriate as the latest closing time as this would fit within the current town Local Plan which states that planning permission would not normally be granted for premises to open later than midnight unless located within the Church Street/South West Marina area.
- 3.5 Midnight also represented the latest of the closing times suggested by respondents to the consultation exercise.

- 3.6 Members must consider whether paragraph 5.4 of the policy is necessary and proportionate and, if so, if the opening and closing times of 9:00 a.m. and midnight are appropriate for premises in residential areas.
- 3.7 Paragraph 5.13 of the proposed policy states that ‘applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused.’ This paragraph relates to premises that are not in residential areas.
- 3.8 Whilst the consultation document asked whether the Council should make use of possible legislation that would require all premises to close no later 3:00 a.m. it is possible for the licensing policy to restrict new applications to an earlier time.
- 3.9 Prior to the implementation of the Licensing Act most premises closed no later than midnight with a small number being allowed to trade until 2:00 a.m. Members may wish to consider whether this should effectively be reinstated through the licensing policy so as to ensure that no new premises licences would be granted that permitted trading after 2:00 a.m.
- 3.10 Members must consider whether paragraph 5.13 is necessary and proportionate and, if so, whether 2:00 a.m. is an appropriate time for alcohol sales and late night refreshment to cease.
- 3.11 Members are reminded that adopting this restriction will not affect those licences that are currently in force but will only apply when applications for new licences or variations are received.
- 3.12 Paragraph 6.1 of the proposed policy relates to the retention of a ‘Special Policy’ and that the area covered by the policy be extended to incorporate the Church Street area.
- 3.13 Whilst a Special Policy effectively makes it more difficult for a new licence to be granted, Members may wish to ensure that the policy does not deter applications for licences that would be beneficial to the area – for example, restaurants or other premises that intend to close early.
- 3.14 As a result, paragraph 6.6 of the proposed policy states that the Special Policy shall only apply to applications to operate after midnight.
- 3.15 Members must decide whether the Special Policy should remain and, if so, whether its scope, both in terms of time and location, are appropriate.
- 3.16 Formal adoption of the licensing policy must be made by full Council.
- 3.17 It is therefore proposed that the Licensing Committee agree and endorse the proposed policy as detailed in Appendix II and recommend its adoption to full Council at its meeting on 9th December 2010. This will ensure that the Council’s obligation to have a new Licensing Policy in place before 1st January 2011 is discharged.

4. **RECOMMENDATIONS**

- 4.1 That Members endorse the proposed Licensing Policy as detailed in Appendix II and recommend it to full Council for approval and adoption.

Appendix I

Consultation on Statement of Licensing Policy

Question 1.1

Do you agree that it is appropriate for Church Street and its adjoining streets to be designated as a cumulative impact area?

12 agree

1 does not agree

Comments:

- Premises not alcohol focussed should be exempt from such a designation.
- Agreed in principle however think it is unlikely that any new requests to licence premises will be forthcoming in the immediate future due to the state of the pub trade at present.
- In considering this question what is quite clear is that there is already a high number of alcohol licensed premises, some would say too many, which has a detrimental effect upon Church Street and its adjoining streets as evidenced by numerous press stories on anti-social behaviour. It is my view that the high concentration of licensed premises in a relatively small area has a negative effect on the night time economy. It should also be noted that because of the concentration of night time economy premises within the area this has a knock on effect on the day time economy with an appearance of 'deadness' within the area during day.

Question 1.2

Do you agree that a cumulative impact policy should not apply to premises that would close before midnight?

8 agree

4 do not agree

Comments:

- It seems to me that a policy of 'cumulative impact' cannot be implemented with consistency on this basis and indeed my concern would be that this clause could attract more applications for licensed premises; thus creating more licenses premises within the cumulative impact area.

Question 1.3

Do you agree that a cumulative impact policy should not apply to restaurants and other premises that are not alcohol focussed?

11 agree

1 does not agree

Comments:

- I believe that the current concerns over anti-social behaviour are very much focussed on the over-consumption of alcohol within premises whose major focus is the sale of alcohol. In terms of those premises whose focus are on things other than alcohol then it would be in my view inappropriate to apply a cumulative impact policy in respect of these properties.

Question 1.4

Do you have any other comments you would like to make in relation to cumulative impact areas?

- If the people who use the licensed premises cannot or will not control their intake of alcohol which then leads to fighting/injury of innocent bystanders we have an obligation and duty to control the activities which is fuelled by alcohol. It is unfair that the overstretched police force have to use a large portion of their resources trying to protect a minority from themselves instead of patrolling and protecting the majority of Hartlepool people.
- Doing that moves the contained problem elsewhere
- All drink led venues open after midnight should charge an admission fee and not be allowed to compensate free drink to cover the admission charge. Also, no cheap drink promotions should be allowed to attract custom (within reason or only on one product). A minimum door charge should be agreed on all venues open past midnight. All would be able to charge door fees on standards and entertainment supplied above the base door charge agreed. Standard of dress etc. should be imposed by agreement.
- Gives power to Local Authorities which is important to use and be seen to be used.
- It seems to be very often the case that there is a heightened level of anti-social behaviour within cumulative impact areas and wider consideration should be given as to the reasons for this heightened level of anti-social behaviour and how this can be reduced. It is quite clearly right to restrict the number of licensed premises and to impose other controls such as opening and closing times but this is only part of the picture.
- This should be extended to cover Church Street (upper/lower). There is substantial evidence to prove that this area is subject to significant alcohol related crime and disorder. Analysis clearly shows that crime is linked to individual pubs and clubs. This situation is placing a significant burden on all

services such as the Police and NHS. It is also having an adverse impact on individuals and the surrounding community e.g. impact of anti-social behaviour, injuries caused.

The provision of a Cumulative Impact Area would ensure that licensing applicants are required to evidence why the licence should be granted and demonstrate how they will prevent their premise having an adverse impact.

Cumulative Impact Area would put the onus back onto the applicant as opposed to the LA and other agencies.

Question 2.1

Do you agree that it is appropriate for the Council to adopt a policy that prevents the supply of alcohol in the town centre area between 0300 and 0600 hours?

13 agree

1 does not agree

Comments:

- I have no objection to the supply of alcohol or the responsible use of alcohol. I also have no objection in principle to the responsible and appropriate consumption of alcohol in the early hours of the morning. However, it does seem that the extended hours in which alcohol can be supplied has resulted in increases in alcohol related disorder. I would therefore welcome the adoption of legislation reducing the hours in which alcohol could be supplied and I would suggest this would need to be town wide as any other policy would just move the problem geographically.
- If managed correctly and responsibly there is no reason why alcohol should not be served between 3 and 6am. The police and council have adequate powers to address any short fall in standards.

Question 2.2

Do you believe that an approach should apply seven days a week or should it be limited to weekdays only?

8 believe that it should apply seven days a week

1 believes that it should apply to weekdays only

Question 2.3

Do you believe that such an approach should be adopted for the entire town centre area or should it apply only to the Church Street area?

9 believe that it should be adopted for the entire town centre area

2 believe that it should be adopted for all licensed premises within Hartlepool

Comments:

- The Church Street and Victoria Road area are more suitable to any later activities than other areas of the town due to the lack of residential housing in these areas.
- Any policy adopted should be applied across the town centre as a whole otherwise you are just transferring any perceived problem from one area to another. Church Street consists mainly of licensed premises with very little housing and it is far better for the impact of any late night rowdy behaviour to be concentrated here than moving it to other areas with a more diverse mixture of retail outlets or a greater density of housing.

Question 2.4

Do you have any other comments you would like to make in relation to this issue?

- 0300 hours is too late
- I feel a seven days a week ban would reduce crime in all areas, domestic violence, damage to property and assaults, thus making our communities safer.
- Residential areas it should be no later than 1200 through the week with possibly 2am at weekends, providing there is no trouble.
- The late night supermarkets supplying alcohol
- To limit the geographical extent of this policy would be simply displace the problem to an adjacent area and not to solve it. Any licensed premises that wish to remain open after 0100 to allow for special events/occasions should be required to make an individual 'one-off' application which would be judged on its merits.
- I believe that the supply of alcohol, particularly in residential areas, should be restricted between the hours of 0300 and 0900 hours.
- There is resounding evidence to show that the extension of licensing hours has had detrimental impact upon Hartlepool, its people and frontline services. Crime figures clearly demonstrate the adverse impact caused. A move back traditional licensing hours is crucial. Frontline Services are stretched in terms of managing and dealing with the aftermath of the NTE and late closures. Ideally, early closure should be achieved by Early Morning Restriction Orders or an amendment to the Licensing Act.

Question 3.1

Do you agree that the Council's licensing policy should prevent premises from operating at certain times in residential areas?

9 agree

0 disagree

Comments:

- I believe the council has a duty not only to regulate but also to educate. I appreciate the need for a thriving night and that there may be times when extensions to normal hours would be appropriate but as a general principle I would suggest that premises that are alcohol focused in residential areas should be limited to 10am to 11.30pm

Question 3.2

If so, what do you believe to be a reasonable time for the licensable activities to commence?

7am: 2 people agree with this

8am: 4 people agree with this

9am: 2 people agree with this

10am: 3 people agree with this

11am: 2 people agree with this

2am: 1 person agrees with this

Comments:

- It is my contention that premises located within residential areas should have more controls placed upon them than premises in non-residential areas. One of the concerns that I do have is that during school terms we have children walking past licensed premises and I do not believe that children seeing people drinking at the start of the day is the right kind of impression that we should be giving to our children.

Question 3.3

If so, what do you believe to be a reasonable time for licensable activities to cease?

Midnight: 9 people agree with this

11:30pm: 5 people agree with this

Question 3.4

Do you have any other comments you would like to make in relation to this issue?

- Midnight Friday and Saturday
- The door staff of the venues have one aim to protect their customers and property. It is a pity they cannot act as one unit. They would still be paid by their venue owner's but would have a show of solidarity and more impact and word would soon spread. Problems in any venue would be dealt with by church street staff and would require smaller police time.
- Max 2-3 closing at the weekend.
- Late night open affects other areas of town when customers travel home

Question 4.1

Are there any other comments you would like to make regarding Hartlepool Borough Council's Licensing Act licensing policy?

- To be stronger, make enquires with regards as how Middlesbrough has dealt with late night licenses as I believe they have none. Find out the differences in how they have dealt with the legalities.
- In light of people drinking at home and going out later it might be better to close clubs earlier to get people to come out earlier and go home earlier, but they have to be educated back into that culture again. It will take time.
- Personally I find no justification for sex entertainment venues. Out of principle I see them as sending the wrong message to young and old alike and of being detrimental to the social well being of the community. If they are no the sort of establishments we can be proud of and that we would promote on the Town's Website then I would suggest they are not the kind of establishments we want to promote through lax regulation. I would not want such an establishment in my own area so it would be wrong of me to subject anyone else to such an establishment in theirs. I would welcome the council adopting policies that limited if not excluded these venues from the Town.
- Now that the councils have been given additional powers to control the escalating problems associated with excessive alcohol consumption it is important that they should be seen to use them firmly for the benefit of the town.
- One of the benefits of the licensing act 2000 was that it allowed licensed premises the flexibility to stay open as long as there was a demand and that they would close gradually throughout the evening/early morning as trade declined. It was meant to remove the rigid 2am closing time and trouble flashpoint created by everyone leaving the pubs and clubs at the same time trying to get takeaways and taxis home. Unfortunately this gradual wind down

of trade hasn't happened in Hartlepool as we have just moved closing time for the venues most associated with drunken behaviour from 2am to 4am. Although this has been beneficial in removing the 2am flashpoint it has just moved it to 4am. The one plus point here though is that the trouble is now condensed to just the one area and not spread out right across the whole town which even the police must accept is far easier to manage. Were a more staggered closing pattern established based on when people actually want to go home many of the current problems would be reduced. Anecdotal evidence provided by the police at the last licensees meeting suggested that many clubbers are hanging round Church Street, not wanting to go home but with nowhere left to go, once the late night venues had closed. This rather suggests that there is still a demand for people to stay out later than 4am, and also that this particular problem will increase significantly should earlier closing be introduced. The other big change since the pubs were allowed to stay open later is the ready availability of cheap alcohol from supermarkets. The presentation at the latest licensees meeting made it abundantly clear that this was a far greater factor in people's behaviour, health and crime rates in general than bars being allowed to stay open late. Closing the late bars early will not reverse this trend. Drink prices in late bars can be 6 or 7 times more expensive than supermarket bought alcohol. Removing the expensive drink and leaving only the cheap drink is an absolute nonsense. Early closing of all bars across the town is only likely to result in more people buying supermarket alcohol which they will now consume at home or at private parties spreading the problem right across the town and into residential areas. The bars open late at the moment don't stay open because they want to, they do it because they have to survive. Forcing them to close early without a) getting the traditional pubs to close at a conventional time and b) preventing supermarkets from selling alcohol irresponsibly cheaply will result in them going out of business. With jobs being at a premium in Hartlepool at the moment I am not sure how consideration can be given to risking jobs on the off chance that it might solve a problem which can be addressed in a number of other ways.

- In the days in which we live we have seen marked changes taking place in a whole host of areas which impact upon the lives of our children. The consumption of alcohol is a case in point. Alcohol is now much more affordable than it ever was and the consumption of alcohol is much more public that it ever was. The abuse of alcohol is at a greater level than it ever was. The results of this are evidenced in our newspapers and on our TVs on a daily basis. This has an effect upon our children-witness not only the stories of children consuming alcohol in our parks. This is why I view the control of licensed premises as essential but it also has to be much more than this; it revolves around how much we expose our youngsters to alcohol and how available alcohol is to them. Whilst I welcome the Council's Licensing Policy I am keenly aware that there is so much more that needs to be around the area of alcohol consumption.



HARTLEPOOL BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

2011

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APPENDIX ONE

APPENDIX TWO

1. INTRODUCTION

- 1.1 This policy statement is based on the provisions of the Licensing Act 2003 and has taken full account of the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State for the Department of Culture, Media and Sport (DCMS).
- 1.2 This policy will apply for a period of three years from 1st January 2011. It will be kept under review and revised/amended if considered appropriate to support the licensing objectives. Any policy changes or revisions will be subject to consultation.

The Borough of Hartlepool

- 1.3 Hartlepool Borough Council, acting as the licensing authority for the Licensing Act, recognises the benefits to Hartlepool of a thriving service economy and wishes to promote, wherever possible, a town that meets and exceeds the requirements of its residents and visitors. However, the licensing authority recognises that certain types of licensed premises, particularly those offering alcohol and/or music, may have a detrimental impact on those who live nearby through the escape of noise or the actions of patrons both on and off the premises.
- 1.4 The licensing authority intends to seek a balance between the needs of residents and local businesses by using this Licensing Policy, and other strategies, to promote and encourage well-managed, neighbour friendly licensed premises that represent a positive addition to life in Hartlepool.

Legal Background to this Policy Statement

- 1.5 Hartlepool Borough Council, acting as the licensing authority, is able to grant or reject applications for the sale of alcohol, the provision of entertainment or late night refreshment. Conditions designed to ensure safety, protect children from harm, prevent crime, disorder and public nuisance will be attached to licences where appropriate. However, the ability of licensing authorities to grant licences and attach conditions is limited by provisions in the Act, Regulations made under the Act and by guidance from the Secretary of State. The licensing authority must have regard to the guidance and will deviate only where there are justifiable reasons for doing so.
- 1.6 In formulating this policy document the licensing authority has had regard to the provisions of the European Convention on Human Rights, recognising that everyone has the right to respect for his/her home and private life and that every person is entitled to the peaceful enjoyment of his/her possessions (including a licence).

4.1 Appendix II

- 1.7 The Human Rights Act 1998 makes it unlawful for a public authority to act in a way which will be incompatible with a convention right. The licensing authority will endeavour to ensure that any licensing decision does not cause a breach of a convention right.
- 1.8 The licensing authority in taking into account the provisions of the Crime & Disorder Act 1998 will also have regard to the likely effect of the exercise of their functions on crime and order in their area and do all they can to prevent such crime and disorder.

2. PURPOSE AND SCOPE OF THE LICENSING POLICY

Purpose

- 2.1 The licensing policy has four main purposes:
- To reinforce to elected Members on the Licensing Committee, the boundaries and powers of the local authority, and to provide them with parameters under which to make their decisions.
 - To inform the licence applicants of the parameters under which the authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within the area. (Note however that each case will be examined on an individual basis.)
 - To inform residents and businesses of the parameters under which the authority will make licence decisions, and therefore how their needs will be addressed.
 - To support decisions made by the licensing authority when these decisions are challenged in a court of law.

Scope

- 2.2 The Act is concerned about the supply and sale of alcohol, the provision of certain entertainment and late night refreshment.
- 2.3 Activities that require a licence under the Licensing Act 2003 and covered by this policy include:
- Retail sale of alcohol
 - Supply of hot food or drink from a premises from 23.00 to 05.00 hours
 - Supply of alcohol or provision of regulated entertainment to club members or guests
 - Provision of entertainment listed below (known as regulated entertainment) to the public or section of the public or club members or with a view to profit:

- Performances of a play
- Exhibition of a film
- Indoor sporting events
- A boxing or wrestling entertainment
- Live music performances
- Playing of recorded music
- Dance performances
- Provision of facilities for making music
- Provision of dancing facilities

2.4 The scope of the policy covers new applications, renewals where appropriate, transfers and variations of licences and certificates including where applicable temporary events notices. It will also include review of licences and certificates which may lead to the revocation of a licence or certificate.

3. TYPES OF LICENCES

Personal Licences

3.1 A personal licence will be granted where an applicant:

- is aged 18 or over
- possesses an accredited licensing qualification
- has not forfeited a personal licence in the last 5 years
- has not been convicted of a relevant offence

3.2 The licensing authority will, however, reject any application where the applicant fails to meet a), b) or c).

3.3 Where an applicant has an “unspent” relevant conviction, the police may oppose the application. If such an objection is lodged a licensing hearing will be held. Where no such application is received from the police, the licensing authority will grant the licence.

3.4 At a hearing the licensing authority will consider carefully whether the granting of a licence will be in keeping with the promotion of the crime and disorder objective. Considerations will include the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The licensing authority will only grant the application if it is satisfied that doing so will promote this objective.

3.5 Reason(s): Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. The holder of a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a known criminal will, in many cases, undermine rather than promote the crime and disorder objective.

Premises Licences and Club Premises Certificates

- 3.6 An application for a premises licence or club premises certificate must consist of: -
- an application form, in the prescribed format, detailing the licensable activities and proposed operating hours
 - an operating schedule
 - a plan of the premises to which the application relates
the appropriate fee
- 3.7 If the licensable activities include the sale of alcohol a consent form from the individual agreeing to be the premises supervisor will also be required (not required for club premises certificates).
- 3.8 The application must be advertised in the prescribed manner.

4. LICENSING PRINCIPLES

General

- 4.1 In carrying out its licensing functions the authority will promote the licensing objectives set out in the Act. These are:
- **the prevention of crime and disorder;**
 - **public safety;**
 - **the prevention of public nuisance; and**
 - **the protection of children from harm.**
- 4.2 To achieve these objectives the authority will use its full range of powers and consider all relevant responsibilities including its planning controls, transport controls and crime and disorder policies. The authority will enter into appropriate partnership arrangements, working closely with the police, the fire authority, local businesses, community representatives and local people in meeting these objectives.
- 4.3 In determining a licence application the overriding principle adopted by the licensing authority will be that each application will be determined on its individual merits.
- 4.4 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (premises licences), the supply of alcohol and/or the provision of regulated entertainment from certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).

- 4.5 In general a reference in this policy to a licence will include a club premises certificate.
- 4.6 The licensing authority recognises in following the Guidance and Regulations, that discretion in deciding licence applications is very limited.

Duplication

- 4.7 So far as possible, this Policy is not intended to duplicate existing legislation and regulatory regimes that are already placed on employers and operators, e.g. Health and Safety at Work etc. Act 1974. Conditions in respect of public safety will be attached to licences only if they are considered necessary for the promotion of the licensing objectives. However, it is likely that there may be duplication with regard to the imposition of some planning conditions.

Licence Conditions

- 4.8 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others granted relevant authorisations.

Conditions should be specifically tailored to the premises and activities to be undertaken, with a view to ensuring the licensing objectives are achieved. 'Standard' conditions may be inappropriate in respect of certain premises.

- 4.9 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 4.10 The licensing authority will not impose blanket standard conditions. Licence conditions will be tailored to the individual application to help promote the licensing objectives. Where appropriate, conditions from the DCMS standard "pool" of conditions will be used. Licence conditions will not be imposed where it is considered that other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 4.11 In the spirit of openness, transparency and reasonableness, licensing authority officers will seek to discuss proposed conditions in advance with the applicant and/or representative with the aim of achieving a mutually agreeable level of protection to the public and fulfilment of the licensing objectives.

Alcohol Harm Reduction

- 4.12 The licensing authority recognises that for most people alcohol represents an enjoyable addition to well-balanced social activities. However, there is increasing concern that for some people alcohol misuse is leading to self harm and social nuisance.
- 4.13 In determining licence applications, the licensing authority will have regard to the Government's Alcohol Harm Reduction Strategy and commends to all applicants the Portman Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.

Protection of Children

- 4.14 Whilst the protection of children from harm is a primary licence objective, the licensing authority will not normally impose conditions restricting or prohibiting the admission of children to licensed premises, believing this should remain a matter of discretion for the licence holder and has taken account of the view of DCMS that the use of licensed premises by children should be encouraged. However, conditions designed to protect children will be imposed where necessary.
- 4.15 The licensing authority will not impose any licence conditions requiring the admission of children to licensed premises.
- 4.16 Examples of premises where the introduction of additional controls are likely to be necessary are:
- 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 premises with a reputation for underage drinking.
 - Where there is a known association with drug taking or dealing.
 - Where there is a strong element of gambling on the premises.
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 4.17 In such circumstances, additional conditions may be imposed where considered necessary for the prevention of harm to children. These may include: -
- Limitations on the hours when children may be present
 - Age limitations
 - Limitations on the parts of premises to which children will be given access
 - Requirements for accompanying adults

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- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 4.18 Where the exhibition of films is permitted, the licensing authority will impose a condition requiring the exhibition of films to be limited to only those age groups recommended by either the British Board of Film Classification or the licensing authority. For such films, licensees must indicate in their operating schedules how such action will be assured. Only in exceptional cases will variations of this general rule be granted by the licensing authority and then only with appropriate safeguards.
- 4.19 In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the Licensing authority will, provided adequate notice has been given, classify the films concerned. Information regarding such classifications will be available for inspection at the Civic Centre, Victoria Road, Hartlepool. To achieve consistency and the protection of children the licensing authority will use the guidelines published by the BBFC.
- 4.20 In connection with the protection of children from harm, the licensing authority will provide details of which body is responsible for such matters. Details of licence applications, where relevant, should be forwarded to this nominated body for examination.
- 4.21 Where there is provision of entertainment specifically for children (e.g. a children's disco) the licensing authority will require the presence of sufficient adults to control the entertainment and the access and egress of the children to ensure their safety.
- 4.22 Where it is the intention of the licensee to offer responsibility for the supervision of children as part of a licensable activity, the licensing authority may require licensees to take appropriate measures to ensure the suitability of employees for such purposes – this may involve employees providing a Criminal Records Bureau Disclosure. Even where not specifically required by the licensing authority, all licensees are encouraged to ensure that only suitable staff are allowed to work with children.

Designated Premises Supervisors

- 4.23 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment.
- 4.24 Because of this the licensing authority expects that the designated premises supervisor (DPS) for a licensed premises will be able to demonstrate that they are in day to day control of the premises, playing an active role in its operation through a regular personal presence.

Licensing Hours

- 4.25 The licensing authority does not accept that longer opening hours have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and creates a nuisance for those residents who are affected by revellers returning home during the early hours.

Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after midnight in residential areas will generally be refused.

- 4.26 Whilst zoning will not be adopted, the licensing authority will impose stricter conditions with regard to noise control in areas which have denser residential accommodation.

Live Music, Dancing & Theatre

- 4.27 The licensing authority recognises that traditional cultural activities such as music and dancing should be encouraged as part of a wider cultural strategy. Account should be taken of the need to encourage and promote entertainment such as live music, dancing and theatre for the wider cultural benefits of communities generally.

- 4.28 Only conditions considered necessary, proportionate and reasonable for the promotion of the licensing objectives will be attached to licences for activities of this nature. The authority will avoid measures that may deter live music, dancing and theatre by imposing unjustified indirect substantial costs. The licensing authority will closely monitor the impact of licensing on such activities and, where a negative impact can be identified, will re-visit the Licensing Policy with a view to investigating how the situation might be reversed.

Enforcement

- 4.29 Where necessary, enforcement action will be taken in accordance with the principles of the Regulators Code of Compliance and the Council's Licensing Enforcement Policy.

- 4.30 In particular, regard will be had to the fundamental principles recommended by the Better Regulation Task Force for good enforcement:

- Targeting - i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled.

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- Consistency - i.e. similar approaches in similar circumstances to achieve similar ends.
 - Transparency - i.e. helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance.
 - Proportionality - i.e. action taken should be proportional to the risk presented.
- 4.31 The authority will establish protocols with the local police and the fire brigade on enforcement issues to avoid duplication and to provide for the most efficient deployment of council, police and fire officers in respect of inspection of licensed premises and the enforcement of licensing law.
- 4.32 Furthermore the policy of the Council will be a light touch inspection regime for well managed and maintained premises with a targeted and increased inspection and enforcement regime for “high-risk” premises and those suspected of not being operated within the terms and conditions of the licence.

Integration of Strategies and Other Policies

- 4.33 Hartlepool Borough Council fully recognises and endorses the value of good relations between persons of different racial groups. The licensing authority recognises the obligations placed upon it by the Equality Act 2010 (as amended) and will ensure that this Policy promotes race equality and the elimination of unlawful discrimination.
- 4.34 The Council will integrate its various strategies to achieve consistency and transparency in the achievement of the licensing objectives.
- 4.35 Arrangements for reporting to local authority transport committees will be made to ensure transport strategies take account of the need to quickly disperse people from busy town centre areas to reduce the potential for nuisance and disturbance.
- 4.36 Arrangements will be made for the reporting of Hartlepool’s employment situation and the needs of the local tourist economy to the licensing committee to ensure that these issues are taken into account when licensing matters are being considered.
- 4.37 Licence conditions will reflect local crime prevention strategies and input from the local Community Safety Partnership.

Cumulative Impact

- 4.38 'Need' which concerns the commercial demand for another premises such as a pub, restaurant or hotel, is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy. However, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority and its licensing committee to consider.
- 4.39 In determining an application the licensing authority will take into account, in the interests of public safety and the avoidance of nuisance, the cumulative effect that the existence of a saturation of premises in one area may have. A saturation of licensed premises can attract customers to the area that has an impact on the surrounding area beyond the control of individual licence holders. In this respect, the DCMS advocates consideration of a Special Policy to respond to the unique circumstances that can be caused by a concentration of licensed premises.

The Adoption of a Special Policy

- 4.40 Where, due to the volume of licensed premises in one area, it may be ineffective to impose conditions in respect of individual premises licences, it may be necessary for the licensing authority to adopt a Special Policy. Such a policy would create a rebuttable presumption that applications for new licensed premises in a designated area would be refused. The effect of this would place the burden of proof on the applicant to demonstrate in their operating schedule that the new premises will not add to the cumulative impact in the area.
- 4.41 Such a presumption would only apply if one or more responsible authorities or interested parties made relevant representations to the licensing authority regarding a new application.
- 4.42 In all circumstances the licensing authority will consider each application on its own merits and such a policy should not be considered as absolute. A Special Policy will not be used to control opening hours in a particular area.
- 4.43 For the authority to introduce a Special Policy for any area, the following steps will be considered:-
- Identification of serious and chronic concerns from a responsible authority or representatives of residents about crime and disorder or nuisance taking account of the Crime & Disorder Act 1998.
 - Assessment of the causes.
 - Consideration of whether it can be demonstrated that crime and disorder and nuisance is arising and is caused by the customers of licensed

premises, and if so identifying the area from which problems are arising and the boundaries of that area.

- 4.44 Following the receipt of evidence from Cleveland Police, the licensing authority has adopted a special policy for the area identified in Appendix I. This matter is discussed in more detail in Section Six of this Policy.

Additional Measures to Tackle Cumulative Effect

- 4.45 The licensing authority recognises that, in addition to the adoption of a Special Policy there are a number of other mechanisms for addressing anti-social behaviour and nuisance once customers are away from the vicinity of licensed premises. These include:

- Planning Controls
- Positive measures to create a safe and clean town centre environment in partnerships with local businesses, transport operators and other departments of the local authority.
- Powers of local authorities to designate parts of the local authority areas as places where alcohol may not be consumed publicly.
- Police enforcement of the normal law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices and Directions to Leave.
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- The confiscation of alcohol from adults and children in designated areas.
- Police powers to close down instantly for up to 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 authorities or a local resident or business to seek a review of the licence or certificate in question.

- 4.46 The authority supports and encourages the implementation of all such measures to help reduce anti-social and nuisance behaviour.

5. CONSIDERATIONS

General Requirements

- 5.1 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule, (as required under the Act). The operating schedule will have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, the times during which it is proposed that relevant licensable activities are to take place and details of other times during which it is proposed that the premises are to be open to the public.

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5.2 In many cases it may be helpful to all concerned for Council officers to discuss with applicants and/or their advisers a draft operating schedule before it is formally submitted, e.g. as happens with the existing One Stop Shop approach. This will help ensure it properly addresses all the issues of concern to the council. Where licensable activities include the supply of alcohol, specified information on the individual identified as premises supervisor shall be supplied as well as whether the supply of alcohol is proposed for consumption on and/or off the premises and operational procedures.

Nuisance

5.3 The licensing authority will expect the operating schedule to clearly demonstrate actions intended to ensure the operation will be “neighbour friendly”. In particular, the applicant shall propose adequate practical steps to prevent disturbance to local residents.

5.4 The licensing authority is aware of the problems that the sale of alcohol can cause for local residents and, for this reason, applications for licences in residential areas will generally only be granted if the operating hours fall within 0900 hours and midnight.

5.5 In relation to noise from within the building the licensing authority will expect the applicant to have carried out acoustic tests to ascertain whether there is sound leakage. This noise could relate not only to entertainment but also from air handling equipment or patrons. The licensing authority will expect potential noise breakout to have been addressed in practical ways such as:

- Keeping doors and windows closed and providing suitable mechanical ventilation
- Reducing sound levels and installing a suitable noise limiting device, calibrated and set at a limit approved by Council officers, to prevent sound exceeding an appropriate level
- Installing soundproofing measures to control noise breakout and vibration to a level acceptable to the Council.

5.6 The licensing authority will expect venues that attract queues to formulate a scheme to avoid disturbance to nearby residents. In some cases this may be achieved by simply ensuring that the direction of the queue is away from residential accommodation.

5.7 However, possible excessive noise generated by customers and/or disorder requires more rigorous action. It is important that queues formed later in the evening or in early morning are adequately supervised to keep noise/disorder to a minimum. Such action can also help stop drug dealing during the queuing process but the prime purpose will be to prevent noise and disturbance. Door supervisors will generally be expected to carry out this role, but they must be adequately trained and given clear instructions as to their duties and

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responsibilities – where necessary they should be adequately supervised by a suitably nominated person or persons.

- 5.8 In terms of patrons leaving the premises, particularly late at night or early in the morning, the licensing authority will expect the applicant to indicate in their operating schedule that consideration has been given to, and included where appropriate, such practical steps as:
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, etc
 - At appropriate times making announcements to the same effect.
 - Instructing door staff to ask customers leaving the premises to leave the area quietly
 - Reducing the volume of music towards closing time and where appropriate playing quieter, more soothing music.
 - The availability of licensed taxis or private hire vehicles to take patrons from the premises
 - In appropriate cases door supervisors or a premises manager patrolling nearby streets periodically to assess for themselves whether there is a noise or disorder problem and how best to deal with it
 - Banning from the premises people who regularly leave in a noisy fashion.
 - Increasing outside lighting levels
 - Where there is a private forecourt, yard, etc, preventing patrons from using it for eating and drinking etc after a certain time. Planning conditions are usually imposed to restrict use after 8.00 pm or at sunset where adjacent to residential properties.
- 5.9 Reason(s): It is extremely irritating to residents disturbed by the sound of music escaping from licensed premises. Noise breakout may preclude the grant of a licence or if one has already been granted, for it to be reviewed with a view to possible revocation. It may also lead to a noise abatement notice being issued under the Environmental Protection Act. Responsible applicants and licensees will be expected to avoid the need for such action and promote the licensing objective of preventing public nuisance.
- 5.10 There can be little doubt that a well-managed licensed venue can benefit the local community. However, there is clearly a risk of local residents being disturbed particularly if the venue is open late at night. People leaving the premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating.
- 5.11 A responsible applicant or licensee will wish to further the licensing objective of preventing public nuisance by introducing practical measures such as those referred to above to prevent such nuisance.

Prevention of Crime and Disorder

- 5.12 The licensing authority does not accept that longer opening hours are a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure and law enforcement agencies and creates a nuisance for those residents who are affected by revellers returning home during the early hours.
- 5.13 For this reason applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.
- 5.14 The licensing authority will expect an applicant to indicate in their operating schedule the steps proposed to prevent crime and disorder such as:
- Use of CCTV both within and outside the premises
 - Procedures to prevent the supply of alcohol to those already drunk
 - Metal detection and search facilities
 - Procedures for risk assessing promotions and events such as “happy hours” for the potential to cause crime and disorder, and plans for minimising such risks
 - Measures to prevent the use or supply of illegal drugs
 - Employment of licensed door supervisors and other appropriately trained staff
 - Participation in an appropriate scheme designed to ensure effective liaison with the local community
- 5.13 Reason(s): Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. It is important, therefore, that the applicant is able to demonstrate to the licensing authority the practical steps that will be taken to further this objective.

Construction/Maintenance and Safety

- 5.14 The licensing authority will expect licensed premises to meet all legal safety requirements, but in addition wishes to promote the highest possible standards of safety for patrons and others who may be affected by a licensed premises. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation and, where appropriate, other technical standards that may be appropriate for the premises concerned.
- 5.15 The licensing authority will also expect the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times.
- 5.16 Reason(s): Public safety is a fundamental licensing objective. Anyone visiting a licensed venue within the Borough of Hartlepool should expect to be visiting

premises that have been constructed with high standards of safety in mind and that are well managed and maintained.

Access for Persons with Disabilities

- 5.17 All premises are expected to provide adequate facilities and access for people with disabilities. The needs of disabled people must therefore be addressed in the operating schedule.
- 5.18 Reason(s): Wherever practicable, persons with disabilities should not be treated in a less advantageous way. In addition, responsibilities under the Disability Discrimination Act 1995 will need to be considered and adequate facilities provided in premises where necessary.

Publicity

- 5.19 All those affected by an application should be made aware of its existence and of the opportunity to make representations. In an attempt to ensure this is achieved, applications for a premises licence will be advertised in accordance with statutory requirements.
- 5.20 Reason(s): The grant of a licence can have a significant impact on the lives or businesses of those living or working in the vicinity of premises for which a licence is sought. Therefore, all those likely to be affected by an application have the right to be made aware of it and of the opportunity to make representations.

Other Policies, Objectives and Guidance

- 5.21 Applicants for licences will be expected to have taken into account relevant strategies and policies such as the local crime prevention strategies, planning and transportation policies, tourism and cultural strategies in determining their operating schedules.
- 5.22 In addition to the above, applicants will also be expected to address the impact of their premises on the local community and demonstrate that matters such as the prevention and clearance of litter and other waste materials arising from the use of their premises have been considered.

Planning

- 5.23 Premises for which a licence is required must have a suitable, appropriate authorised use under planning legislation.
- 5.24 The licensing authority will not normally entertain an application for a licence unless the applicant can demonstrate that the premises have either an appropriate (in terms of the activity and hours sought) planning consent, or an

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appropriate certificate of lawful use or development. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should not be refused and the planning status of the premises has not yet been finalised.

- 5.25 Reason(s): Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority Planning Committee or following appeals against decisions taken by that committee. Proper integration will be assured by the Licensing Committees, where appropriate, by providing regular reports to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 5.26 There is effective consultation between licensing and planning authorities with regard to their respective applications. It is important that there is consistency of approach.

Drug Awareness

- 5.27 The licensing authority recognises that drug use by young people in a club environment is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed on certain venues where drug use is, or has been, taking place in order to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them. Such conditions, if imposed, will take account of those issues discussed in the 'Safer Clubbing Guide' issued by the Home Office. Advice will be taken from the Police and the local drugs action team before any action is taken under this paragraph.
- 5.28 The licensing authority will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into their premises, to take appropriate steps to prevent drugs changing hands within the premises and to otherwise adopt precautionary measures to address the consequences of drug misuse.
- 5.29 In particular the licensing authority will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the British Institute of Inn-keeping Awarding Body (BIAB) Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook.
- 5.30 It is hoped that licensees will follow these recommendations on a voluntary basis as failure to do so could lead to the licence being reviewed with the possibility of revocation. In appropriate cases the licensing authority will consider imposing licence conditions to address these recommendations.

- 5.31 Reason: The purpose of this policy is to further the crime prevention objective and to ensure public safety by preventing a tragic loss of life caused by drug abuse, overheating and other factors

Door Supervisors

- 5.32 Whenever any persons are employed at licensed premises to carry out any regulated security activity, all such persons must be licensed with the Security Industry Authority.
- 5.33 The licensing authority may consider that certain premises require stricter supervision for the purpose of promoting the reduction of crime and disorder or other licensing objectives. In such cases, the licensing authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.
- 5.34 Reason: Door supervisors, and others placed in a similar position, are often those first called upon to respond to issues of safety and disorder on licensed premises. The licensing authority intends to ensure that such people are equipped with the skills necessary for the discharge of this important role.

6. SPECIAL POLICY

- 6.1 The licensing authority has carefully considered the issues of alcohol related crime, disorder and nuisance in Hartlepool and is committed to working with licensees, responsible authorities and residents to reduce these incidents wherever possible. This licensing policy indicates a number of ways in which relevant bodies can work together to promote a safe and 'neighbour friendly' night time economy.
- 6.2 The licensing authority does recognise however, that there may be instances where problems of crime, disorder and nuisance do not arise because of the failings of one particular premises but rather are caused by the cumulative effect of a number of licensed premises operating within a small area.
- 6.3 Guidance published by the Secretary of State for Culture, Media and Sport allows licensing authorities to consider the issue of 'cumulative impact' and, where appropriate, to introduce a special policy to control such matters.
- 6.4 Following the receipt of evidence of crime, disorder and nuisance from Cleveland Police the licensing authority has chosen to adopt a special policy to ensure the promotion of the licensing objectives in a specific designated area.
- 6.5 The area to which the special policy applies can be found detailed in Appendix One.

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- 6.6 The special policy shall only apply to the operation of premises between midnight and 9:00 a.m. each day.
- 6.7 The authority believes that there is sufficient relevant evidence to support the adoption of a special policy that is both appropriate and proportionate for the promotion of the licensing objectives in the area concerned.
- 6.8 A special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates or material variations will normally be refused, if relevant representations to that effect are received.
- 6.9 Applications for premises licences or club certificates for premises situated within the identified special policy area will be required to demonstrate in their operating schedules how the operation of their business will not add to the cumulative impact already being experienced in this area.
- 6.10 This special policy must not be regarded as absolute and the licensing authority will consider every licence application on its own merits.
- 6.11 The licensing authority may only give effect to this special policy if one or more responsible authorities or interested parties make a relevant representation concerning an application.
- 6.12 The licensing authority will regularly review the effect of this special policy and will amend or remove it where considered necessary.
- 6.13 Anyone considering making an application for either a premises licence or a club premises certificate for a premises situated within the area identified in Appendix One is advised to contact the Licensing Team at Hartlepool Borough Council for advice before making an application.

7. ADMINISTRATION, EXERCISE & DELEGATION OF FUNCTIONS

- 7.1 The licensing authority has delegated its decision-making functions to the Licensing Committee, Sub-Committees and officers in accordance with the guidance issued by the Secretary of State.
- 7.2 Many decisions and functions are purely administrative in nature and these will be delegated to officers in the interests of speed, efficiency and cost-effectiveness.
- 7.3 Detailed information regarding the delegation of functions can be found in Appendix Two.

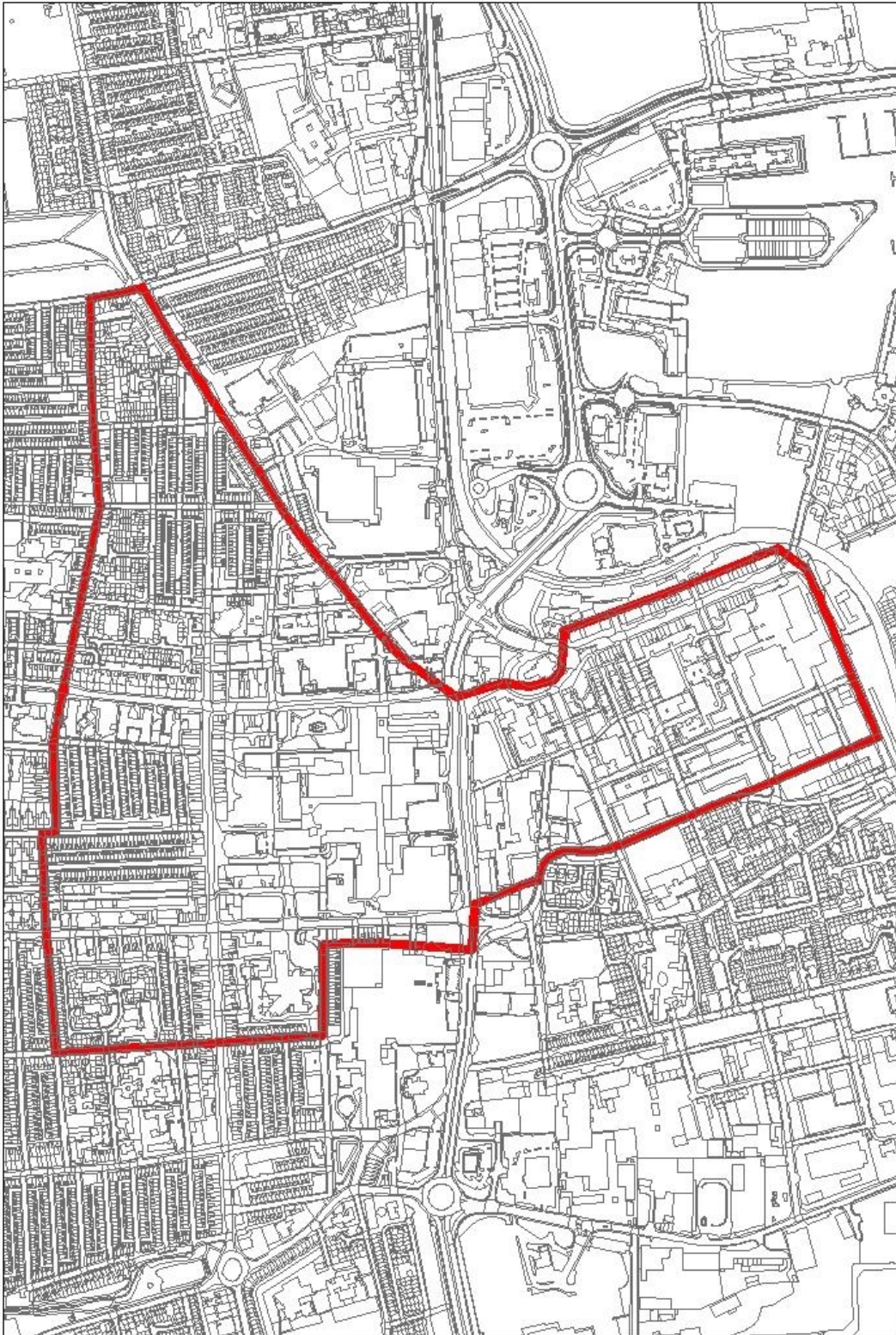
8. CONTACT DETAILS

- 8.1 Further details regarding the licensing application process, including application forms can be obtained from:

The Licensing Team
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Tel No: 01429 523354
Fax No: 01429 523308
Email: licensing@hartlepool.gov.uk

APPENDIX ONE – Designated Area for Special Policy



APPENDIX TWO

Delegation of Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If an objection made	If no objection made
Application for premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is relevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	