

## LICENSING SUB COMMITTEE AGENDA

Tuesday, 24 April 2018 at 1.30 pm in the Blaydon Room - Civic Centre

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From the Chief Executive, Sheena Ramsey

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Item	Business
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1	<b>Application for the Vairation of a Premises Licence (Pages 3 - 190)</b>
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	Report of the Strategic Director, Communities and Environment
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The following representations were received:

- Northumbria Police (Appendix 2)
- Gateshead Council's Licensing Authority (Appendix 2.1)

#### **4. MEDIATION**

There has been email correspondence between the parties and the Applicant's agent has confirmed that in order to try and resolve the issues raised their client would be happy to amend the application to remove the sale of alcohol from the forecourt shop but would wish to have the sale of alcohol off the premises from the amenity area as shown in the application. This email is attached at Appendix 2.2.

Northumbria Police and Gateshead Council's Licensing Authority still have concerns.

#### **5. PARTIES**

The Parties to the hearing will be:

- a) Moto Hospitality Limited will be represented by a representative from Poppleston Allen
- b) Inspector Michael Robson, Northumbria Police
- c) John Bradley, Licensing Authority

#### **6. FOR CONSIDERATION**

The areas for consideration by the Sub-Committee are:

- The variation application
- The representations; and
- Whether or not the variation application should be granted.

#### **7. THE POLICY & GUIDANCE**

When carrying out its functions the Sub-Committee must have regard to:

- (a) the Statement of Gateshead Council's Licensing Policy, and
- (b) the Amended Guidance issued by the Secretary of State

Some relevant parts of the Policy and Amended Guidance are reproduced in Appendices 3 and 4.

Also included are Department of Transport Policies as Appendices 5 and 6 and a Home Office Impact Assessment as Appendix 7.

The parties may refer to any part of the Policy and Guidance during the hearing.

#### **8. FOR DECISION**

The Sub-Committee is asked to consider the variation application, decide whether or not it should be granted, and if relevant, attach such conditions as it deems appropriate for the promotion of the Licensing Objectives.

**APPENDICES**

Appendix	1	Application to vary the Premises Licence
	1.1	Premises Licence
Appendix	2	Representation from Northumbria Police
	2.1	Representation from the Licensing Authority
	2.2	Email from Applicant's Agent dated 13 April 2018
Appendix	3	Relevant Extracts from Gateshead Council's Licensing Policy
Appendix	4	Relevant Extracts from the Guidance issued under Section 182 of the Licensing Act 2003
Appendix	5	Department of Transport Policy on Service Area and Other Roadside Facilities on Motoways and All-Purpose Truck Roads in England ( 2 April 2008)
Appendix	6	Department of Transport The Strategic Road Network and the Delivery of Sustainable Development (10 September 2013)
Appendix	7	Home Office Impact Assessment (18 July 2012)
Appendix	8	Area Plan

Gateshead Council

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
 You may wish to keep a copy of the completed form for your records.

We Moto Hospitality Ltd  
 being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> OOCH 03038
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Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Moto Washington (Northbound and Southbound) A1 Portobello Birtley			
<b>Post town</b>	Chester-le-Street	<b>Post code</b>	DH3 2SJ

Telephone number at premises (if any)	0191 410 3436
Non-domestic rateable value of premises	£300,000.00

Part 2 – Applicant details

<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>	fiona.falle@moto-way.co.uk		
<b>Current residential address if different from premises address</b>	Toddington Service Area Junction 11/12 M1 Southbound		
<b>Post Town</b>	Toddington	<b>Postcode</b>	LU5 6HR

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes  
 ☒

If not, from what date do you want the variation to take effect? Day Month Year  

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Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

Please describe briefly the nature of the proposed variation (Please read guidance note 2)

To add the sale of alcohol off the premises both North and Southbound in the amenity area and forecourt shops Monday to Sunday 0700 to 2300. All other hours, activities and conditions to remain as existing.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment** (Please read guidance note 3)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

In all cases complete boxes K, L and M



**A**

<b>Plays</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<b>State any seasonal variations for performing plays</b> (please read guidance note 6)	
			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 7)	

**B**

<b>Films</b> Standard days and timings (please read guidance note 8)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 6)	
			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 7)	

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>	
Mon			<b>Please give further details here</b> (please read guidance note 5)	
Tue				
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 6)	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 7)	
Sat				
Sun				

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 8)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>	
Mon			<b>Please give further details here</b> (please read guidance note 5)	
Tue				
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 6)	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 7)	
Sat				
Sun				

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 4)		Indoors <input type="checkbox"/>	
					Outdoors <input type="checkbox"/>	
					Both <input type="checkbox"/>	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)			
Mon			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 6)			
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						
			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 7)			

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			<b>Please give a description of the type of entertainment you will be providing</b>			
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)		Indoors <input type="checkbox"/>	
Mon					Outdoors <input type="checkbox"/>	
					Both <input type="checkbox"/>	
			<b>Please give further details here</b> (please read guidance note 5)			
Tue			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 6)			
Wed						
Thur						
Fri						
Sat						
Sun						

**I – NO CHANGE**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 5)		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	07:00	23:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Tue	07:00	23:00			
Wed	07:00	23:00			
Thur	07:00	23:00	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Fri	07:00	23:00			
Sat	07:00	23:00			
Sun	07:00	23:00			

North and Southbound Amenity Areas and Forecourt Shops.

**K**

<b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 8) <b>NONE</b>
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**L – NO CHANGE**

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	24 hours		<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)</p>
Tue	24 hours		
Wed	24 hours		
Thur	24 hours		
Fri	24 hours		
Sat	24 hours		
Sun	24 hours		

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking  
 NONE

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e)** (please read guidance note 11)

Bearing in mind the nature of this variation and those conditions already attached to the licence, nothing further is required save for those conditions below.

**b) The prevention of crime and disorder**

1. The CCTV system will operate internally to cover all internal areas that licensable activities take place.
2. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download in a recognised format any information requested by the Police;

3. A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any ongoing Police investigation;
4. All CCTV images will be retained for a period of not less than 31 days;
5. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST);
6. All persons involved in the sale of alcohol who are not the holders of a Personal Licence to sell alcohol will receive initial and regular 6 monthly refresher training by the Designated Premises Supervisor with regards to the law and in relation to the sale of alcohol;
7. Such training will be recorded and up to date training records of all such persons will be maintained at the premises and produced and made available for inspection upon request by a Responsible Authority.

**c) Public safety**

1. New staff shall receive induction training at the commencement of their employment at the premises including underage sales training and selling to people who are inebriated.
2. Existing staff shall also be subject to refresher training.
3. Staff training will be recorded and training records will be maintained and available upon reasonable request to Police and other Enforcement Officers.

**d) The prevention of public nuisance**

See boxes b), c) and e)

**e) The protection of children from harm**

1. Challenge 25 will be operated at the premises whereby all persons who appear to be under 25 and purchasing or attempting to purchase alcohol will be asked to provide identification to prove they are over 18 years of age;
2. The only acceptable forms of identification allowed will be a valid passport, Military ID, valid photo ID driving licence or valid proof of age scheme card with the PASS approve hologram;
3. Challenge 25 signage to be displayed at the entrance to the premises and forecourt shop at the cash till payment areas;
4. All alcohol on display for sale at the premises will be bar coded and a till prompt will be in operation to warn the seller that the product is an age restricted produce and there is a need to verify the age of the purchaser prior to the sale taking place.

Please tick yes

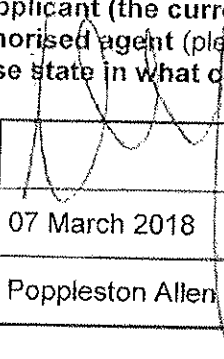
- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO**

**MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	07 March 2018
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15)			
Angela Gardner Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
<b>Post town</b>	Nottingham	<b>Post code</b>	NG1 1LS
<b>Telephone number (if any)</b>	0115 9349 157		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> a.gardner@popall.co.uk			

**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:



- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

- o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.
  12. The application form must be signed.
  13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  14. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
  15. This is the address which we shall use to correspond with you about this application.

## Gateshead Council

### Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

We Moto Hospitality Ltd

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

#### Premises licence number

OOCH 03038

#### Part 1 – Premises details

##### Postal address of premises or, if none, ordnance survey map reference or description

Moto Washington (Northbound and Southbound)

A1

Portobello

Birtley

##### Post town

Chester-le-Street

##### Post code (if known)

DH3 2SJ

##### Telephone number (if any)

0191 410 3436

#### Description of premises (please read guidance note 1)

A motorway service area and amenities.

#### Part 2

##### Full name of proposed designated premises supervisor

Mr Christopher Stephen Mead

##### Nationality

British

##### Place of birth

RAF Wroughton, Wiltshire

##### Date of birth

12.11.80

##### Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

13/00097/PERS - Richmondshire District Council

##### Full name of existing designated premises supervisor (if any)

NONE – no sale of alcohol prior to this application. Variation application also being submitted to add alcohol.

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

Please tick yes



I have enclosed the premises licence or relevant part of it   
 (If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

**Reasons why I have failed to enclose the premises licence or relevant part of it**

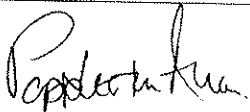
	Please tick yes
▪ I have made or enclosed payment of the fee	<input checked="" type="checkbox"/>
▪ I will give a copy of this application to the chief officer of police	<input checked="" type="checkbox"/>
▪ I have enclosed the consent form completed by the proposed premises supervisor	<input checked="" type="checkbox"/>
▪ I have enclosed the premises licence, or relevant part of it or explanation	<input checked="" type="checkbox"/>
▪ I will give a copy of this form to the existing premises supervisor, if any	<input checked="" type="checkbox"/>
▪ I understand that if I do not comply with the above requirements my application will be rejected	<input checked="" type="checkbox"/>

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 3 – Signatures** (please read guidance note 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 07/03/2018

Capacity Poppleston Allen - Solicitors for and on behalf of the applicant

**For joint applicants signature of 2<sup>nd</sup> applicant 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) Poppleston Allen Solicitors – P51731/175 - Angela Gardner 37 Stoney Street The Lace Market	
<b>Post town</b> Nottingham	<b>Post Code</b> NG1 1LS
<b>Telephone number (if any)</b> 0115 9349 157	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> a.gardner@popall.co.uk	

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

## ENQUIRY FORM

Your date of birth, place of birth and nationality are now required by law. You do not have to provide your telephone number, however this can assist Constabularies with carrying out their checks and they may wish to contact any new applicants directly to arrange a meeting.

<b>Full Name:</b>	Christopher Stephen Mead
<b>Nationality</b>	British
<b>Date of Birth:</b>	12.11.80
<b>Place of Birth:</b>	RAF Wroughton, Wiltshire
<b>National Insurance Number :</b>	JJ 77 75 69B
<b>Mobile Tel.No:</b>	07791 411488

**CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS  
PREMISES SUPERVISOR**

**To be completed in block capitals**

I Mr Christopher Stephen Mead of 34 Bridge Road, Brompton on Swale, Richmond, North Yorkshire, DL10 7HW hereby confirm that I give my consent to be specified as the Designated Premises Supervisor in relation to the application for a Variation of Designated Premises Supervisor by Moto Hospitality Ltd relating to a Premises Licence OUCH 03038 for Moto Washington (Northbound and Southbound), A1, Portobello, Birtley, Chester-le-Street, DH3 2SJ and any premises licence to be granted or varied in respect of this application made by Moto Hospitality Ltd concerning the supply of alcohol at Moto Washington (Northbound and Southbound), A1, Portobello, Birtley, Chester-le-Street, DH3 2SJ


I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal Licence Number:- 13/00097/PERS

Personal Licence Issuing Authority:- Richmondshire District Council

I hereby consent for my personal information to be disclosed to all relevant Responsible Authorities under the Licensing Act 2003 in respect of my appointment as Designated Premises Supervisor for the premises detailed above.

Signed



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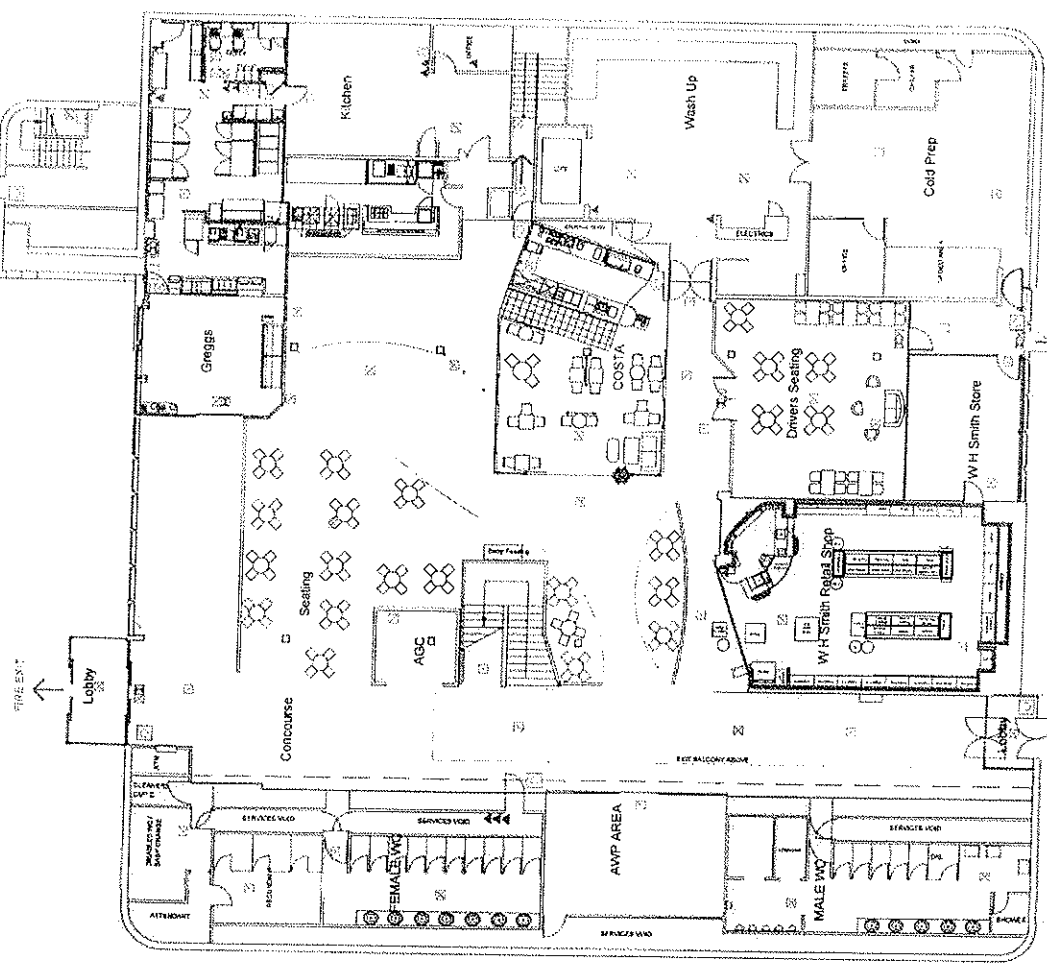
Name Printed

CHRISTOPHER MEAD

Dated

27.02.18

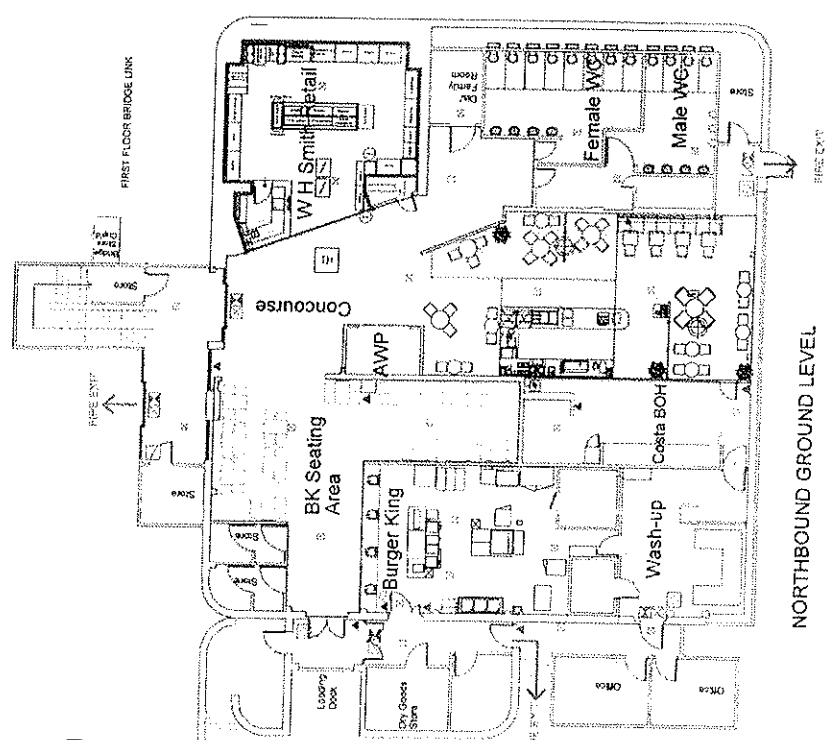
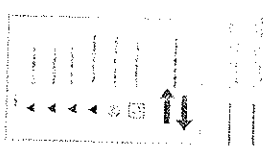
Cambridge Mass Hospitality, LLC  
Do Not Scale This Drawing to Construction Purposes



**Licensing**

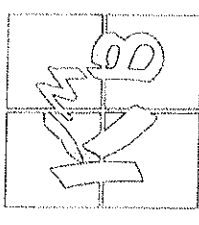
Quality Assurance  
 Project Management  
 Construction Safety  
 Construction Management

WASHINGTON SERVICES  
 Micro Hospitality Ltd  
 Licensing  
 1:00 @ A1  
 2674\_000\_002  
 Jan 2018

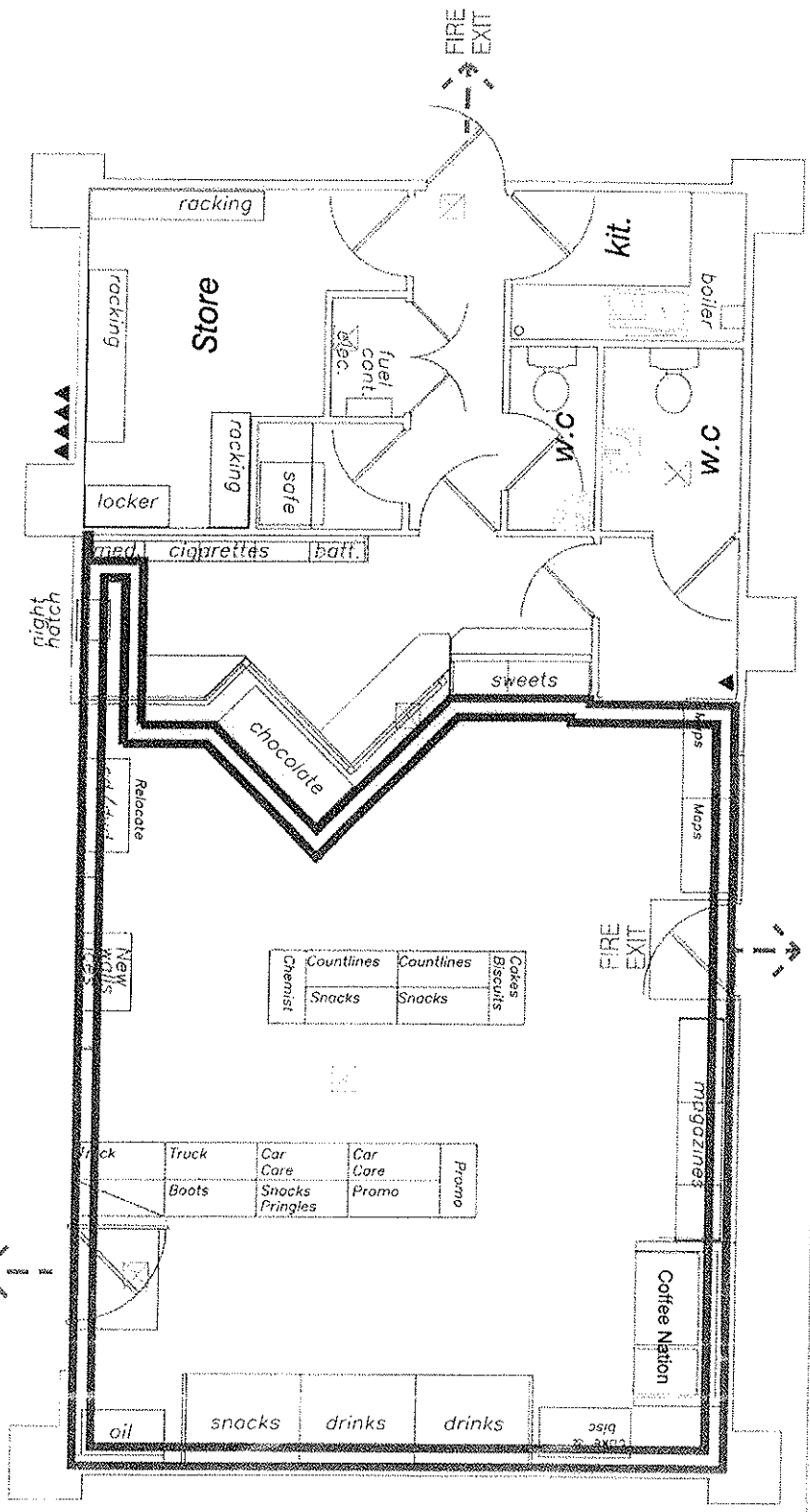
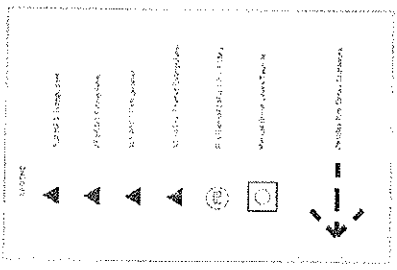




Project No.	
Client	
Location	
Phase	
Scale	
Drawn	
Checked	
Approved	
Date	



- REMOVE THE ELEMENTS LISTED NEXT TO THE DIMENSIONS
- AREA FOR THE SALE OF ALUMINUM CONTAINERS FOR THE BEER



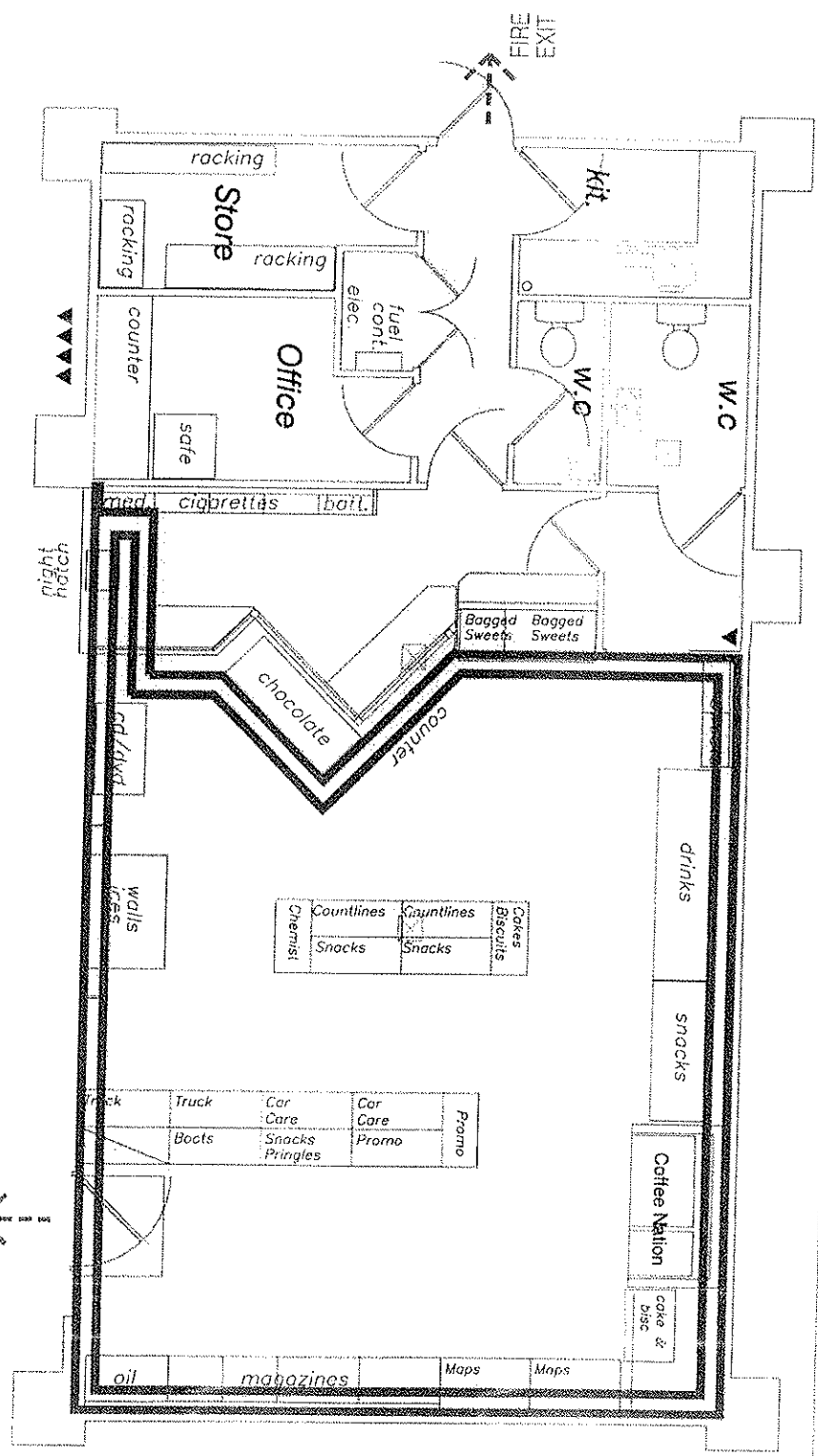
**Copyright Metro Hospitality Ltd.**  
 Do Not Seal This Drawing For Competitive Bidding  
 CECA - Special Order, 10/18/18

# Licensing

Washington 18 PF5

Pizza Hospitality, Ltd  
 Licensing

12250 A1  
 12/28/18  
 12/28/18  
 12/28/18



AREA 4 - THE RESTAURANT, THE SHOP, THE RESTROOMS

AREA 5 - THE RESTAURANT, THE SHOP, THE RESTROOMS

▼

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# Licensing Act 2003

# Premises Licence

Premises Licence Number **00CH 03038**

## Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Moto Hospitality  
Washington Service Area  
A1

Portobello  
Birtley

Post town

Chester-le-Street

Postcode

DH3 2SJ

Telephone number

0191 410 3436

Where the licence is time limited, the dates

N/A

Licensable activities authorised by the licence

Provision of Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment;  
Monday - Sunday 23:00 - 05:00 hours

The opening hours of the premises

Monday - Sunday 00:00 - 23:59 hours

Where the licence authorises supplies of alcohol, whether these are **On** and/or **Off** supplies

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Moto Hospitality Limited  
PO BOX 218  
Toddington  
Bedfordshire  
LU5 6QG

Tel: 0870 191 1900

Registered number of holder, for example company number, charity number (where applicable)

734299

Name, address and telephone number of Designated Premises Supervisor where the premises licence authorises the sale of alcohol.

N/A

Personal Licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol.

N/A

Annex 1 - Mandatory Conditions

N/A

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Annex 2 - Conditions consistent with the operating schedule.

N/A

Annex 3 - Conditions attached after a hearing with the Licensing Authority

N/A

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Northumbria Police Licensing  
 Central Area Command (Gateshead)  
 Eldon Square, Floor 1  
 Central Management Office  
 Eldon Court, Percy Street  
 Newcastle upon Tyne NE1 7JB

Forwarded to:  
[Licensing@gateshead.gov.uk](mailto:Licensing@gateshead.gov.uk)  
[a.gardner@popall.co.uk](mailto:a.gardner@popall.co.uk)

Date: 4<sup>th</sup> April 2018

**OBJECTION NOTICE UNDER THE LICENSING ACT 2003**  
 Application to vary a premises licence

Applicant:  
**Moto Hospitality Ltd**

Premises:  
**Moto Washington**  
**(Northbound and Southband)**  
**A1 Portobello, Birtley,**  
**Chester-le-Street DH3 2SJ**

Proposed Variation

- To add the sale of alcohol North and Southband in the amenity area and forecourt shops
- Licensable activities: the sale by retail of alcohol off the premises
- Monday to Sunday between 0700-2300hrs
- Premises are open to the public 24 hours daily

Northumbria Police, hereby give an objection notice to this application to vary the premises licence.

In Birtley anti-social behaviour is already high. We are concerned the sales of alcohol from the premises will increase the existing problems of public disorder and in turn undermine the licensing objectives.

The area and the vicinity of the premises is already experiencing a significant issues with theft. Matters which have to date not been prevented or put sufficiently under control.

Northumbria Police can have no confidence that the applicant can implement measures necessary to prevent the already existing issues with anti-social behaviour & criminal activities from worsening and to achieve the promotion of licensing objectives.

We are satisfied that the licensing objectives of the ' prevention of crime and disorder, public safety and protection of children from harm will be undermined, should the sale of alcohol be permitted.

P.S: Further information will follow

Inpsector 7293 Robson  
 Central Area Command



**Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003**

Before completing this form please read the Guidance Notes at the end of the form

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We (Insert name)

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

**PART 1 – PREMISES OR CLUB PREMISES DETAILS**

<b>Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description</b>	
Moto Washington (Northbound and Southbound) A1 Portobello, Birtley	
<b>Post Town</b> Gateshead	<b>Post Code</b> DH3 2SJ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Moto Hospitality Limited

<b>Number of premises licence or club premise certificate (if known)</b>
00CH03038

**PART 2 – DETAILS OF PERSON MAKING REPRESENTATION**

- |                                                                                          |                                     |
|------------------------------------------------------------------------------------------|-------------------------------------|
|                                                                                          | Please Tick ✓                       |
| 1) A responsible authority (please complete (C) below)                                   | <input checked="" type="checkbox"/> |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/>            |
| 3) Other persons (Please complete (A) or (B) below)                                      | <input type="checkbox"/>            |



**(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over Yes  (Please Tick)

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)**

Name and Address
<input type="text"/>

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

**(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION**

Name and Address
Licensing Authority
Gateshead Council
Civic Centre
Regent Street
Gateshead, NE8 1HH

Telephone Number (If any)	0191 433 4741
E-Mail address (optional)	Licensing@gateshead.gov.uk

This representation relates to the following licensing objective(s)

Please  
Tick ✓

- |    |                                             |   |
|----|---------------------------------------------|---|
| 1. | <b>The Prevention of Crime and Disorder</b> | ■ |
| 2. | <b>Public Safety</b>                        | ■ |
| 3. | <b>The Prevention of Public Nuisance</b>    | ■ |
| 4. | <b>The Protection of Children From Harm</b> | ■ |

**Please state the ground(s) for representation** (please read guidance note 1)

The Licensing Authority (in its capacity as a Responsible Authority) have a number of concerns regarding this application to vary the current Licence to allow the sale of alcohol (off the premises) 0700 to 2300 seven days a week from the North and South bound service and forecourt areas.

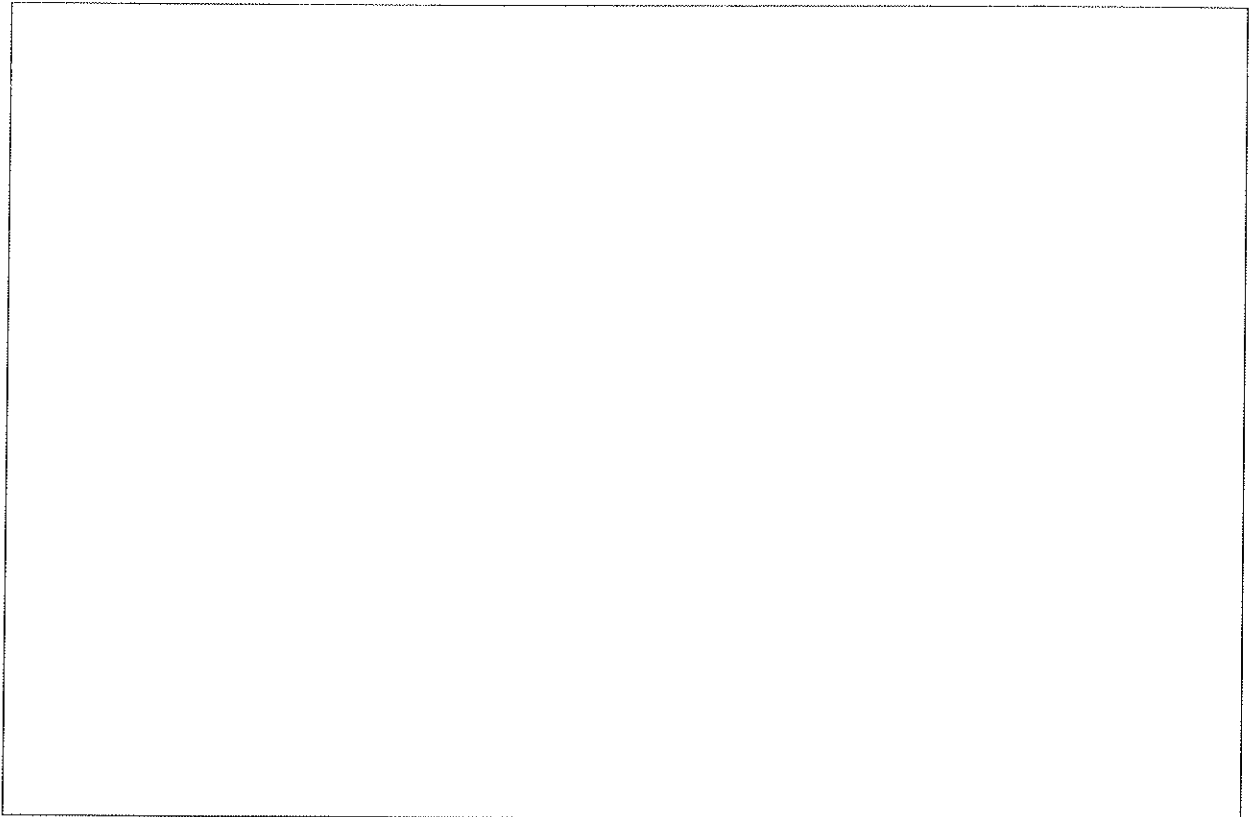
An email was sent to the applicant's agent on 29 March 2018 raising a number of concerns. No response has been received to date as such those concerns remain outstanding.

There are separate concerns regarding more specific issues such as for example, no coverage of external areas with CCTV and patrons leaving in close proximity to hotel premises possibly following a night out having arrived by taxi and stocked up on alcohol to continue drinking. This adds a new dimension to the existing operation.

There is also a concern that the already high levels of anti-social behaviour may be worsened by the addition of alcohol sales in this location and it has not been adequately demonstrated that management arrangements could overcome this concerns or others.

In light of the above the Licensing Authority considers that all four Licensing objectives will be undermined.

The Authority reserves the right to make further submissions in accordance with the relevant legislation and regulations.



**Please provide as much information as possible to support the representation**

(Please read guidance note 2)

Email sent to applicant on 29/3/18 attached.

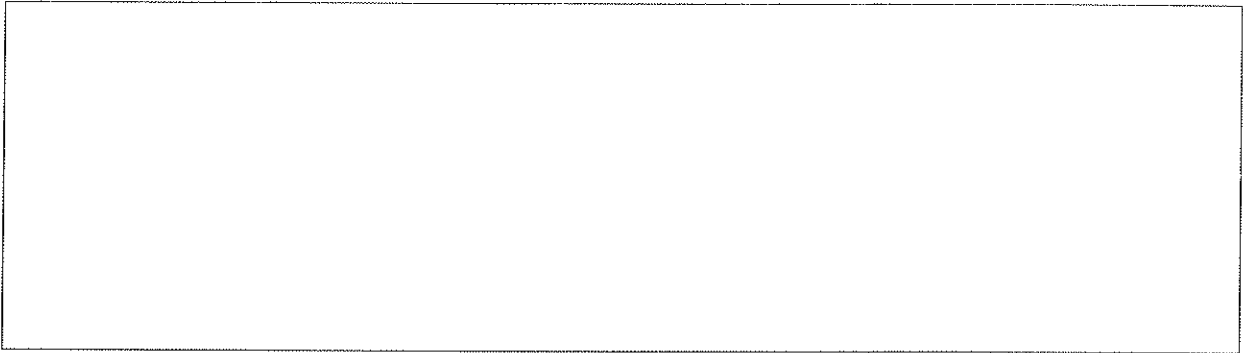
Please  
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.



### **How We Collect And Use Information**

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Gateshead Council nor use information about you for other purposes unless the law permits us to.

Gateshead Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about what information we have about you, or the way we use your information, you can ask at Civic Centre, Regent Street, Gateshead, NE8 1HH

**Part 3 – Signatures** (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature	Licensing Authority	Date	4/4/18
Capacity	Licensing Authority in its capacity as a Responsible Authority		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

**Notes for Guidance**

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Act Section, Development & Public Protection, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH  
Tel: 0191 433 3918 or 0191 433 3178

## Rebecca L Sparrow

---

**From:** John Bradley  
**Sent:** 29 March 2018 15:38  
**To:** 'a.gardner@popall.co.uk'  
**Subject:** Moto Hospitality Limited - Premises Licence Application - Gateshead Council  
**Attachments:** chart.jpg

Dear Sir/ Madam,

Your client : Moto Hospitality Limited

Re : Licensing Act 2003

Premises Licence Application : Moto Washington ( Northbound and Southbound ) A1 Portobello Birtley  
DH3 2SJ

I am writing to you on behalf of Gateshead Licensing Authority in its capacity as a Responsible Authority under the Licensing Act 2003.

I note your client's application for a premises licence to sell alcohol at Moto Washington services ("the Premises") for consumption off the premises between the hours of 7am and 11pm every day.

I am concerned that section 176 of the Act appears to have been drafted with the intention of excluding premises of a similar description to the Premises from being authorised for the sale by retail of alcohol. As you will be aware, subsection 2(a) refers to, "premises situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the use of a special road", and the A1 is a special road for these purposes.

Your client will be aware also of the Department for Transport Policy on Service Areas and Other Roadside Facilities on Motorways and All-Purpose Trunk Roads in England dated 2 April 2008, paragraph 116 of which states, "There is to be no sale or consumption of alcohol anywhere on the premises of a MSA or MRA" (i.e. motorway service area or motorway rest area).

Your client will be aware also that in 2012 the Government consulted on potentially removing the prohibition on the sale of alcohol at motorway service areas. The Impact Assessment produced as part of that consultation recognised the risk, "of an increase in alcohol related crime and health harms due to increased consumption". The Impact Assessment also recognised, "public order concerns surrounding the enforcement of legislation prohibiting the consumption of alcohol on vehicles travelling to football matches"; and a lack of clarity, "based on current evidence, whether this policy would have any potential impact on drink driving incidents". The proposals were not taken forward so the prohibition remains in place. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/157767/ia-motorway-service-area.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157767/ia-motorway-service-area.pdf)

Your client will be aware, also, that the Premises are located in an area with a relatively high crime rate, as shown in the attached chart which is further particularised from the following website - <https://www.crime-statistics.co.uk/postcode/DH32SJ>

There is also a concern that the two forecourt areas may be precluded from being licenced by virtue of Section 176 (2) (b). As such the Licensing Authority would request that data be provided to confirm that the forecourt sites are not 'excluded premises'.

Based on these concerns, the Authority's intention is to submit a representation in respect of your client's application setting out concerns regarding the promotion of the licensing objectives of the prevention of crime and disorder and public safety.

I would welcome your client's comments.

Yours faithfully,

John Bradley

Reference:

John Bradley  
Development and Public Protection  
Communities and Environment  
Gateshead Council  
Civic Centre, Regent Street, Gateshead, Tyne & Wear, NE8 1HH.

Tel No: (0191) 433 3905  
Fax No: (0191) 477 4827  
E-mail: [johnbradley@gateshead.gov.uk](mailto:johnbradley@gateshead.gov.uk)  
Website: [www.gateshead.gov.uk](http://www.gateshead.gov.uk)

For Restricted and Confidential information, please send to my secure email address  
[johnbradley@gateshead.gcsx.gov.uk](mailto:johnbradley@gateshead.gcsx.gov.uk)

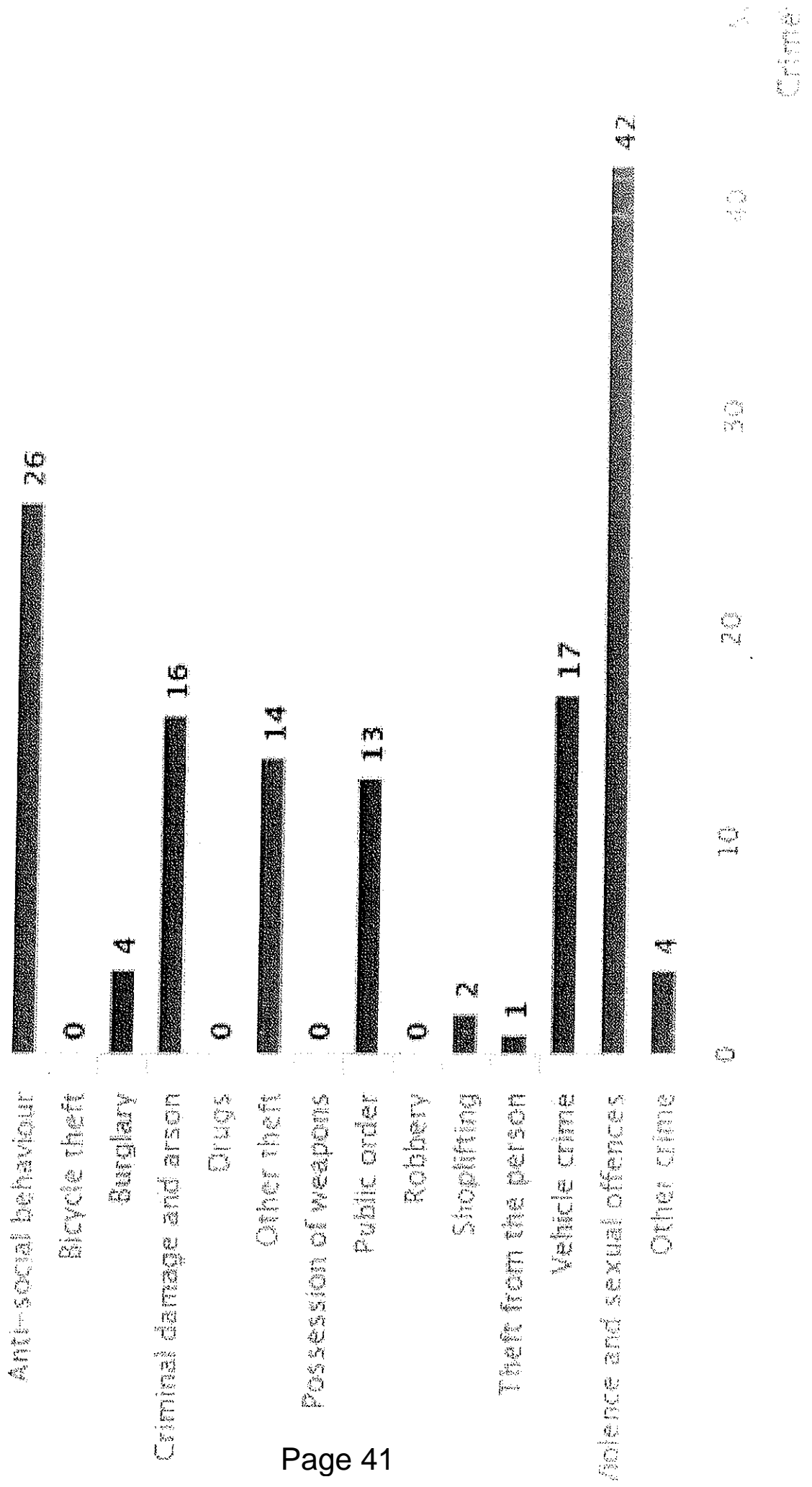
In the interests of the environment, please only print this email if absolutely necessary.

**Please note:** On 17 January 2018 the planning fees will increase so that any applications validated after the end of the day on the 16 January 2018 will require the increased fee. The relevant legislation can be accessed via the link below:

<http://www.legislation.gov.uk/uksi/2017/1314/contents/made>



# Number of Crimes in Birtley, Tyne and Wear, DH3 2SJ, England January 2018



**Rebecca L Sparrow**

---

**From:** Angie Gardner <A.Gardner@popall.co.uk>  
**Sent:** 13 April 2018 11:26  
**To:** CE Licensing^; 'Ivana Draper 6544'  
**Subject:** RE: Moto Hospitality Ltd - Moto Washington

Morning Rebecca / Ivan

Apologies for the delay in responding to you. As you know we were awaiting a conversation with the client regarding your representations.

Having now spoken to the client they are struggling to make a date to meet and discuss the application. However, to try and resolve the issues raised our clients would be happy to amend the application to remove the sale of alcohol from the forecourt shop but would wish to have the sale of alcohol "off the premises" from the Amenity Area as applied for.

We are in the process of obtaining the forecourt shop back from Shell UK Limited and this is currently being negotiated so the removal of this from our current application is probably the most sensible action.

In terms of the email received from John Bradley on 29<sup>th</sup> March 2018 regarding "Special Road Authority" I would point out that whilst the sites were originally acquired by "Special Road Authority" they are now privately owned and as such do not engage Section 176 of the Licensing Act 2003 which states inter alia "excluded premises means – premises situated on land acquired or appropriated by a Special Road Authority and for the time being used for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class 1 (with or without other classes).

The title to the land is owned by Moto Hospitality Limited and no longer falls within the description of "excluded premises".

This is the case for most Moto Amenity Areas and is the reason we now have sale of alcohol both on and off the premises, in some sites, for around 70 motorway service amenity areas.

We believe our clients have taken all reasonable and responsible steps to alleviate any issues regarding the inclusion of the sale of alcohol off the premises by including a Challenge 25 policy, CCTV within the premises, trained staff to deal with the sale of alcohol and keeping records of this training.

I would be grateful for your response to the above by return but am happy to discuss any further points with you should you wish to call me.

Thanks

---

**From:** CE Licensing^ [mailto:Licensing@Gateshead.Gov.UK]  
**Sent:** 09 April 2018 15:50  
**To:** Angie Gardner  
**Subject:** RE: Moto Hospitality Ltd

Hi Angie

Please see the attached notice of hearing in relation to the variation application from Moto Hospitality Ltd. A hearing has been arranged for Tuesday 24<sup>th</sup> April 2018 at 1.30pm at Gateshead Civic Centre.

This hearing has been arranged in case a mediation meeting cannot be arranged or if a meeting goes ahead but is unsuccessful. I was wondering whether you had heard back from your client yet as to whether they wished to attend a mediation meeting?

I look forward to hearing back from you.

Kind regards

Rebecca Sparrow  
Licensing Officer  
Development & Public Protection

: Direct Line 0191 433 3178

: Ext 3178

<mailto:rebeccasparrow@gateshead.gov.uk>

Gateshead Council Website: [www.gateshead.gov.uk](http://www.gateshead.gov.uk)

In the interests of the environment, only print this email if absolutely necessary.

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**From:** Angie Gardner [<mailto:A.Gardner@popall.co.uk>]

**Sent:** 05 April 2018 13:55

**To:** CE Licensing^

**Subject:** RE: Moto Hospitality Ltd

Hi Rebecca

I will be speaking to my client regarding the representations. I have sent a separate email to John regarding his rep as I had not had previous sight of this email (albeit I was on holiday for the last week and half).

I will come back to you with a response as soon as possible.

Thanks

Angie Gardner | Paralegal

**Poppleston Allen**

E: [A.Gardner@popall.co.uk](mailto:A.Gardner@popall.co.uk) | T: 0115 9349 157 | M: 07967 642 424 | W: [www.popall.co.uk](http://www.popall.co.uk)

Nottingham Office: 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS



## Announcing Virtual Pub

You can now learn how to spot and solve common licensing problems with this simple free training video.



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**From:** CE Licensing^ [<mailto:Licensing@Gateshead.Gov.UK>]

**Sent:** 05 April 2018 10:55

**To:** Angie Gardner

**Subject:** Moto Hospitality Ltd

Good Morning Angela

As you aware the last date for representation on your application to vary the premises licence for Moto Hospitality Ltd, A1, Portobello, Birtley, DH3 2SJ was yesterday. Objections were received from the Licensing Authority and Northumbria Police. I have attached these objections for your information.

I think a mediation meeting may assist. Would this be something that your client would be willing to attend? If so, could you provide some dates that you and your client would be available and will try and arrange with the Licensing Authority Responsible Authority Representative and the Police.

I look forward to hearing back from you.

Kind regards

Rebecca Sparrow  
Licensing Officer  
Development & Public Protection

☎ : Direct Line 0191 433 3178  
☎ : Ext 3178  
✉ <mailto:rebeccasparrow@gateshead.gov.uk>  
🌐 Gateshead Council Website: [www.gateshead.gov.uk](http://www.gateshead.gov.uk)

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\*\*\*\*\*

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**STATEMENT OF LICENSING POLICY**

**Licensing Act 2003**

**7 January 2016 - 6 January 2021**

1. Foreword by Councillor John McElroy

- 1.1 The Licensing Act has been in force now for ten years, and has contributed to a significant change in how licensable activities are carried on in the Borough.

In Gateshead, both the licensed trade and its patrons are, on the whole, responsible and sensitive to the needs of the communities in which licensed activities take place.

However, the trend away from drinking in pubs and clubs to consumption of alcohol at home presents a different set of challenges in terms of minimizing the harms that can arise.

There has been an increase in the availability and accessibility of alcohol, and a broadening of the type of premises where it is made available. Consequently, there is now an increased role for the licensing regime to play in safeguarding the most vulnerable members of our society.

The licensing regime is not only about the sale and supply of alcohol – the provision of regulated entertainment and late night refreshment equally present challenges to ensure that crime, disorder and public nuisance are prevented, public safety is promoted and children are protected from harm.

There is no single answer to the challenges we will face in the coming months and years; but the licensing regime is key to giving residents and responsible authorities an opportunity to have their say on important matters that can impact their community, and I would encourage everyone to utilise it to its fullest potential.

2. Strategic Context

- 2.1 The Council's overall vision for Gateshead, as described in Gateshead Strategic Partnership's Community Strategy -- Vision 2030 and the Council's Corporate Plan is:

*"Local people realising their full potential, enjoying the best quality of life in a healthy, equal, safe, prosperous and sustainable Gateshead"*

- 2.2 The licensing of premises plays an important role in realising this vision, contributing significantly to the Economy, Environment, and Health areas contained within Priority 1 of the Corporate Plan, in providing safe and accessible venues that promote healthy lifestyles and contribute to economy of the Borough.
- 2.3 This Policy sets out what this Licensing Authority expects of the people that it authorises to carry out licensable activities in the Borough of Gateshead.
- 2.4 Applicants and licensees are of course expected to be familiar with the relevant legislation and the National Guidance issued by the Home Office, but they are also expected to be familiar with the exigencies of the locality that they operate in. This applies to everyone seeking to carry on licensable activities in the Borough, whether they are a large national chain or a small community premises.

2.5 The promotion of the licensing objectives underpins every decision that the Licensing Authority makes. How the objectives are best promoted can vary from place to place, and depending on the nature and scale of the activities that are to be carried out. This Policy sets out the issues that are of particular relevance or concern within Gateshead, and the approaches that this Licensing Authority would expect responsible licensees to take into account in their operation.

2.6 The Policy links closely with a number of key plans and strategies produced by the Council and its partners, as set out below in the section headed 'Integration with other legislation, policies and guidance'.

### 3. Local context

3.1 Gateshead is located on the southern bank of the river Tyne, opposite Newcastle upon Tyne to the north, and bordering County Durham to the south, Northumberland to the west and South Tyneside/Sunderland to the east. It is a constantly changing borough combining modern facilities with a fascinating heritage. The borough stretches almost 13 miles along the south bank of the river Tyne and covers 55 square miles, making it the largest of the five Tyne and Wear authorities.

3.2 Gateshead is a borough of contrasts. It has a large urban hub centred around the main town centre area in Bridges ward and has a number of smaller urban centres and busy employment areas such as Blaydon, Whickham, Felling and Birtley. However, around two thirds of the borough is rural with numerous small settlements such as Kibblesworth, Sunnyside, Chopwell and High Spenn.

3.3 Built on traditional industries of mining and heavy engineering, the 1930's saw diversification through the development of the Team Valley Trading Estate (TVTE), the first trading estate of its type in the UK. Centrally located for the region the TVTE has become prominent for transport and distribution activities and is the borough's most prestigious employment centre, attracting the highest number of inward commuters to the borough on a daily basis.

3.4 The 1970s saw the decline of many of the region's traditional industries. A high proportion of those who lived in Gateshead worked in these industries, resulting in unemployment and high levels of deprivation and financial/social exclusion, the impact of which is still being felt today. In the 1980's Gateshead saw the development of the MetroCentre, now boasting over two million sq ft of retail and leisure floor space, one of the UK's and Europe's largest shopping centres.

3.5 The urban core, shared with Newcastle, is the focus of regeneration, promoting growth through the digital economy, knowledge-based businesses and cultural-led regeneration. Major initiatives such as the Sage Gateshead, BALTIC Centre for Contemporary Art, Gateshead College and the Gateshead Millennium Bridge have all been developed over recent years.

3.6 Gateshead has a population of around 200,000 living in 90,600 households. The population has reduced by around 13,000 since the 1980's but has grown over the last decade by around 8,000. This growth has been most significant for older age groups with an 11% increase in 45-64 year olds and an 11% increase in those aged 65 and over. In contrast, the number of 0-24 year olds fell slightly by 0.7%

over the decade. Population projections from the Office for National Statistics predict that this ageing population trend will continue into the future, becoming more pronounced as life expectancy continues to increase.

#### Crime and anti-social behaviour in Gateshead

- 3.7 The number of recorded crimes across the Borough that were linked to alcohol has increased year on year, with 1,386 alcohol-related crimes recorded in 2014/15 which was an 11% increase from 2013/14, compared to a 7% increase in all crime.
- 3.8 More than half the alcohol-related crimes in the Borough in 2014/15 were violence against the person, with significant increases particularly in the number of assaults. It is notable that whilst incidents of the most serious violence are still relatively infrequent, they have more than doubled in the last year. There have also been significant increases in the numbers of alcohol-related sexual offences and burglaries in the Borough in that time.
- 3.9 Temporal profiles show that almost half of all alcohol-related crimes in the Borough are reported on Friday late evenings / Saturday early mornings, Saturday late evenings / Sunday early mornings and (to a lesser extent) Sunday late evenings / Monday early mornings.

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- 3.10 Data provided by Northumbria Police enables the Council to identify the most vulnerable locations throughout the Borough in terms of alcohol-related crimes, and to track trends over time. Information about these areas is contained in 'Local Licensing Guidance' documents which are described in further detail below, and will be available from the Council's website and upon request.

#### Public health in Gateshead

- 3.11 In 2012 the Police and Social Responsibility Act 2011 introduced public health as a responsible authority under the Licensing Act 2003.
- 3.12 Public health is "the science and art of promoting and protecting health and well-being, preventing ill-health and prolonging life through the organised efforts of society." The Public Health Outcomes Framework acknowledges that health is influenced not only by lifestyle choices but also by a range of wider determinants, including the physical environment, domestic abuse, violent crime and noise nuisance.
- 3.13 Gateshead Council recognises the impact upon population-level health that alcohol consumption can cause. While the protection of public health is not a discrete licensing objective, it can where appropriate permeate each of the licensing objectives.
- 3.14 Each year Gateshead's Director of Public Health publishes an Annual Report, the most recent at the time of writing being published in October 2014. The report recognises that alcohol is a complex social issue which forms part of our everyday social fabric, is a source of pleasure and enjoyment to many; but is also a potentially addictive substance which is promoted by powerful commercial forces, especially to young people. It highlights the growing evidence of rising alcohol



harm on the health of people in Gateshead, and focusses on approaches to tackling alcohol harm.

3.15 The report identifies, for instance, that:

- Around one in 5 secondary school / higher education students in Gateshead admit to drinking alcohol; and
- The number of alcohol specific hospital admissions for secondary school / higher education students in Gateshead is increasing.

3.16 Public health data enables the Council to identify the most vulnerable locations in the Borough in terms of alcohol-related harm, and to track trends over time. This data can be particularly relevant to the protection of children from harm, and may also assist in the prevention of crime and disorder, public nuisance and to public safety.

#### Local Licensing Guidance

3.17 Different localities within the Borough have different characters, and challenges, both of which can change over time depending on a range of factors. To assist applicants and licensees in their understanding of local issues that they should be cognisant of, from time to time the Council publishes and updates 'Local Licensing Guidance' documents on its website.

3.18 The Local Licensing Guidance provides information about the causes of serious and chronic concern in these localities. The areas covered by the guidance can vary depending on the nature of the problems that are identified, so may relate to the whole of a particular Ward or for instance to street level. The guidance can include a wide range of information that is considered to be relevant to those who seek to carry on licensable activities within the area, for instance:

- The physical environment (including transport, school walking routes, blocks of flats, commercial / residential proximity, etc)
- Existing licensed premises
- Health data (such as hospital admissions for under-18s, ambulance calls for alcohol related reasons)
- Crime and disorder hotspots
- Known areas of congregation
- Local initiatives (such as Pubwatch, Offwatch, Community Alcohol Partnerships etc)
- Local concerns about the promotion of the licensing objectives (including from Ward Members, community leaders, GPs, schools, etc)

3.19 The Local Licensing Guidance will be produced by the Council's Public Health team with the input of Responsible Authorities and other stakeholders as appropriate; and presented to and approved by the Council's full Licensing Committee.

3.20 It is recommended that applicants and licensees have regard to these documents when considering their operating schedule. In particular, where the Local Licensing Guidance identifies measures that it is believed will help to promote the licensing objectives in respect of certain licensable activities due to the issues that have been

identified, if an applicant or licensee chooses not to adopt those measures this may result in representations being made.

#### **4. Legal Context**

- 4.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the Guidance issued by the Home Office under Section 182 of the Act.
- 4.2 The Licensing Authority is responsible for:
- the licensing of licensable activities under the Licensing Act 2003 (The Act)
  - ensuring that those who are authorised under the Act comply with the requirements; and
  - ensuring that only those who are duly authorised to carry out licensable activities do so.
- 4.3 This document sets out the Licensing Authority's policy as to how it will fulfil its obligations and achieve its strategic aims in this respect.
- 4.4 This Policy should be read in conjunction with the Act itself, the Home Office Guidance, and the other policies and guidance that are referred to in this document.
- 4.5 This Licensing Authority regards each of the Licensing Objective to be of equal importance.
- 4.6 This document sets out the policies the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions under the Act, and when addressing non-compliance with the Act itself or any authorisations issued under the Act. The Licensing Authority will consider deviating from the policy on a case by case basis, where it believes it to be appropriate and proportionate in all the relevant circumstances.
- #### **5. Integration with other legislation, policies and guidance**
- 5.1 Anyone who is or who seeks to be authorised under the Act to carry out licensable activities in the Borough of Gateshead should be aware of the other legislation, policies and guidance that may apply to their business. Failure to comply with other legislation and/or regulatory regimes can indicate that a licensee is irresponsible, which may call into question their ability to adequately promote the Licensing Objectives.
- 5.2 Although from the perspective of the business proprietor, there may be an element of crossover between licensing and other regimes, they are separate and are treated as such by the Council.
- 5.3 Applicants and licensees need to be aware of and have regard to:
- Gateshead Strategic Partnership's Community Strategy – Vision 2030
  - the Gateshead Local Plan
  - Substance Misuse Strategy
  - Culture Strategy

- Gateshead Transport Strategy & Tyne & Wear Local Transport Plan
- The Local Government Declaration on Alcohol signed by Gateshead Council in June 2015

5.4 The Licensing Authority will seek to achieve integration with relevant strategies and their aims in its decision making.

#### Human Rights

5.5 The Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 that everyone has the right to respect for their home and private life; and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of their possessions.

#### Equality and Diversity

5.6 Applicants and licensees should be aware of their obligations under the Equality Act 2010 and the characteristics protected by the legislation which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex; and
- Sexual orientation

5.7 It is expected that responsible licensees will be sensitive to the needs of their varied customer base and prepared to make reasonable adjustments to accommodate those needs.

5.8 The Equality Act 2010 also requires the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people with different protected characteristics. Each application will be considered with this in mind.

#### Crime and disorder

5.9 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the Council, Northumbria Police and others to consider crime and disorder reduction in the exercise of all their duties. The reduction of crime and disorder is integral to this Council's approach to the Licensing Act.

### Data protection

- 5.10 The Licensing Authority will process personal information in accordance with the Data Protection Act 1998. The personal details provided by applicants will be held on a database and where the law allows, may be shared with other departments within the Council to update details they hold. The Licensing Authority may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or Audit Commission for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.

### Local Government Declaration on Alcohol

- 5.11 Gateshead Council has signed the Local Government Declaration on Alcohol, and has committed to:

- Promoting the introduction of greater regulations around the price, promotion and availability of alcohol
- Calling for changes to the Licensing Act in favour of local authorities and communities, to enable greater control on the number, density and availability of alcohol according to local requirements
- Putting public health and community safety at the forefront of public policy-making about alcohol
- Making best use of existing licensing powers to ensure effective management of the night-time economy; and
- Raising awareness of the harm caused by alcohol to individuals and our communities.

- 5.12 It is recognised that the regime under the Licensing Act is only one part of the framework needed to achieve these aims; that in terms of alcohol the Act only regulates its sale and supply – not its consumption; and that the regime cannot be utilised where the Council's aims do not pertain to the objectives set out in the Act.

- 5.13 However the licensing regime has proven to be an effective tool in Gateshead for the control of price, promotion and availability of alcohol:

#### **Price**

The sale / supply of cheap alcohol can lead to its over-consumption which in turn can undermine the licensing objectives particularly in respect of the prevention of crime and disorder and the protection of children from harm. This Licensing Authority has imposed and will continue to impose minimum unit price requirements where appropriate to promote the licensing objectives, and as part of a range of measures to tackle identified concerns. For instance, alcohol can be 'cheap' not only due to its price but also due to its strength. Where appropriate this Licensing Authority will also impose conditions to control the sale of certain types of product, such as 'super strength' ciders, spirits, etc.

#### **Promotion**

The Government has imposed certain mandatory conditions to prohibit irresponsible drinks promotions where the consumption is intended to take place on the premises. This Licensing Authority will impose further conditions on licences

where it is appropriate and proportionate to do so, which will depend on the individual circumstances. For instance, conditions can be imposed to prevent promotions which are aimed at young people particularly in the vicinity of schools and other locations attended by children, and promotion of potentially dangerous alcoholic products such as cocktails containing liquid nitrogen. Gateshead Licensing Authority's expectations with respect to the promotion of alcohol in off licensed premises are set out in 8.18 below.

### **Place**

There are a range of measures that can assist in controlling the availability of alcohol in defined localities where there is appropriate evidence to support the restriction. These include:

- Cumulative impact policies
- Night time levy
- Early morning restriction orders

The evidential basis to consider implementing any of these measures in Gateshead has not yet been put forward, however if evidence supports their implementation in the future this will be duly considered.

### Public Space Protection Orders

5.14 The following locations have been designated as alcohol exclusion areas:

- Gateshead
- at all of the Metro stations in the borough
- Birtley
- Whickham
- Ryton
- Winlaton

5.15 This means that within the exclusion zones it is an offence to refuse to comply with the reasonable request of a Police Constable or authorised officer to stop consuming alcohol or to hand over alcohol for confiscation. Licensed premises (and their curtilages) are excluded from the scope of the Orders while licensable activities are authorised to take place.

### Social Responsibility

5.16 The Portman Group has produced a code of practice on the naming, packaging and promotion of alcoholic drinks. Licensees that sell or supply alcohol are expected to have regard to the code of practice as amended from time to time. [http://www.portmangroup.org.uk/docs/default-source/code-of-practice/7609\\_por02\\_code\\_of\\_practice\\_final.pdf](http://www.portmangroup.org.uk/docs/default-source/code-of-practice/7609_por02_code_of_practice_final.pdf)

### Pubwatch

5.17 A Pubwatch scheme has been in existence in the Borough for some time. It is led by Northumbria Police, and provides a forum for licensees to gain support from the Police, the Council and other licensees to tackle the problems associated with

individuals who cause disturbance, disorder, use drugs or use or threaten violence in and around licensed premises. By acting collectively in excluding such people from a number of premises in the area, this means that the problem is not simply moved from one pub to the next. Pubwatch schemes have been found to be effective tools in tackling anti-social behaviour in many areas where the schemes are well run and there is a significant level of participation by licence holders in the borough. The Gateshead Alcohol Harm Reduction Strategy 2013-2015 recognises the importance of the Pubwatch scheme and envisages it being used to share and develop best practice and as a forum for training.

#### Regional and national working

- 5.18 The Licensing Authority participates in regional working through the North East Strategic Licensing Group, which is comprised of representatives of each of the twelve North East Licensing Authorities, and forms part of the North East Public Protection Partnership.
- 5.19 The Licensing Authority also works closely with Balance – the North East Alcohol Office, to achieve an integrated approach across the region and with key partners such as the Police.
- 5.20 From the national perspective, representatives of the Licensing Authority participate in the Local Government Association's Licensing Policy Forum, and the Licensing Special Area of Activity for Lawyers in Local Government.

#### **6. General Principles of the Policy**

- 6.1 Each application will be determined on its merits having regard to this Policy, Guidance under Section 182 of the Act, the Act itself and supporting Regulations.
- 6.2 The Licensing Authority considers:
  - the effective and responsible management of premises
  - instruction, training and supervision of staff; and
  - the adoption of best practice

to be amongst the most important control measures for the achievement of all the licensing objectives. For this reason, the Licensing Authority will expect these elements to be specifically considered and addressed within an applicant's operating schedule.
- 6.3 Applicants who do not clearly demonstrate how they intend to address these issues in their operating schedules should expect their applications to be objected to, including by the Licensing Authority.
- 6.4 Also, licensees whose practice does not meet this expectation may have their licence reviewed, and as above this may be triggered by the Licensing Authority itself.

## 7. Licensing Objectives

- 7.1 Applicants will need to provide evidence to the Licensing Authority that, in respect of each of the four licensing objectives, suitable and sufficient measures, as detailed in their Operating Schedule, will be implemented and maintained, and will be relevant to the individual style and characteristics of their premises and events.

### Prevention of Crime and Disorder

- 7.2 The Licensing Authority will expect to see evidence that the following specific matters that impact on crime and disorder have been addressed in the Operating Schedule of the premises:
- The capability of the person who is in charge to run the premises during trading hours or when Regulated Entertainment is provided to effectively and responsibly manage and supervise the premises, including associated open areas
  - The steps to be taken in the absence of the Designated Premises Supervisor to effectively manage the business.
  - The steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder
  - The measures taken or to be taken to raise staff awareness and discourage and prevent the use or supply of illegal drugs on the premises
  - The features currently in place or planned for physical security at the premises, such as lighting outside the premises
  - The policies that have been determined in respect of adoption of appropriate existing and future best practice guidance (eg Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, etc)
  - Any arrangements which the licence holder proposes to work in partnership with the Council, police and other traders in establishing a method of co-ordinating closing times to prevent crowds emerging from premises at the same time and to prevent migration between premises with different closing times
  - Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder
- 7.3 The extent to which the above matters need to be addressed will be dependent on the individual style, characteristics and location of the premises, and proposed events and activities. In general however, the Licensing Authority will expect more comprehensive measures to be in place at late night entertainment venues or in premises with a history of crime and disorder issues.
- 7.4 In such premises appropriate additional measures taken or to be taken for the prevention of violence or public disorder may include:

- Provision of effective CCTV both within and around premises
- Employment of SIA licensed door staff
- Provision of toughened or plastic glasses
- Procedures for risk assessing drinks promotions and events such as 'happy hours' for the potential to cause crime and disorder and plans for minimising such risks

7.5 The Licensing Authority will have particular regard to representations from the Police in deciding whether the above issues have been adequately addressed. It will not normally grant an application where representations indicate a potential negative impact on crime and disorder, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these concerns.

#### Public Safety

7.6 The Licensing Authority will expect to see that applicants have considered the impact that the following factors may have on public safety:

- The occupancy capacity of the premises
- The age, design and layout of the premises, including means of escape in the event of fire
- The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- Customer profile (eg age, disability)
- The use of special effects such as lasers, pyrotechnics, smoke machines, etc

7.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments
- Effective and responsible management of the premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons



- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of premises and patrons
- Adoption of best practice guidance (eg Guide to Fire Precautions in Existing Places of Entertainment and like premises, The Event Safety Guide, Safety in Pubs published by the BBPA, and the Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by Independent Street Arts Network)
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc pertinent to safety)

#### Prevention of Public Nuisance

- 7.8 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 7.9 The Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas.
- 7.10 The Licensing Authority will expect to see that applicants have considered the impact that the following factors may have on the potential for public nuisance:
- The location of premises and proximity to residential and other noise sensitive premises
  - The hours of opening, particularly between 23:00 and 07:00 hours
  - The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
  - The design and layout of premises and in particular the presence of noise limiting features
  - The occupancy capacity of the premises
  - The availability of public transport
  - 'wind down period' between the end of the licensable activities and closure of the premises, i.e. allowing patrons to remain in the premises for a period after licensable activities have ceased, so that people do not disperse en masse

- last admission time

7.11 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of the premises
  - appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance eg to ensure customers leave quietly
  - operating hours for all or parts (eg garden areas) of premises, including such matters as deliveries
  - adoption of best practice guidance (eg Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Licensed Property: Noise, published by BBPA)
  - installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- 
- management of people, including staff, and traffic (and resulting queues)
  - liaison with public transport providers
  - siting of external lighting including security lighting
  - management arrangements for collection and disposal of litter
  - effective ventilation systems to prevent nuisance from odour

#### Protection of Children from Harm

7.12 The protection of children is an important issue and the licensing regime has a fundamental role in achieving this. The protection of children from harm includes moral, psychological and physical harm and applicants are expected to demonstrate that such factors have been considered in their operating schedules.

7.13 Applicants should expect to receive objections in respect of the protection of children from harm, and licensees should expect their licence to be reviewed, where:

- there have been convictions for serving alcohol to minors or the premises have a reputation for facilitating underage drinking
- there is a known association with drug taking or dealing
- there is a strong element of gambling on the premises
- entertainment of an adult or sexual nature is commonly provided

- 7.14 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or the Licensing Authority.
- 7.15 Anyone intending to provide staff for the supervision of activities for under 18s will be expected to carry out enhanced criminal record checks on all such persons, and to keep a register which should be available to the Police or authorised Council officer on request. Applicants who do not put these measures in place should expect objections to be made to their application.
- 7.16 Where applicants intend to provide any age restricted goods or services it is expected that they will apply the same standards of age verification in respect of all age restricted goods or services, that staff will be regularly trained, and that appropriate records are kept of training and refusals.
- 8. Types of activity that may heighten concern as to the promotion of the licensing objectives**
- 8.1 It has been the experience of this Licensing Authority over the last ten years since the Licensing Act came into force that there are certain types of licensable activity that tend to require a greater degree of control or a particular emphasis on certain control measures in order that the licensing objectives are effectively promoted.

Adult entertainment

- 8.2 The term 'adult entertainment' is not defined in the Licensing Act, but it is taken in this policy to refer to activities and form of entertainment that may be unsuitable for children to participate in or to observe. Common examples of adult entertainment include striptease, lap dancing and other forms of dancing /entertainment with a sexual content. Other types of activity may also be 'adult entertainment' such as the showing of films that have been certified '18', total fighting, mixed martial arts, and demonstrations and participation in activities containing elements of bondage, discipline, domination, submission, sadism and/or masochism. This list is clearly not exhaustive, and the Licensing Authority will consider each application on its merits.
- 8.3 Although adult entertainment is permitted by the Licensing Act, it is necessary that licensees set out details of the activities they intend to take place in their operating schedule, so that the Licensing Authority, responsible bodies and others may take appropriate steps to ensure that the Licensing Objectives are not undermined. As such it is important that applicants complete box 'N' of their application form, and provide as much detail as possible regarding the nature of the proposed activities.
- 8.4 If applicants do not complete box 'N' it is the policy of this Licensing Authority to impose a condition on the licence / certificate (if issued), consistent with the operating schedule, that prohibits adult entertainment at the premises. If licensees / certificate holders are then found to have provided adult entertainment in breach of this condition, they may be prosecuted and/or the licence / certificate may be reviewed which could lead to the imposition of further conditions, suspension or revocation.

- 8.12 Applicants and existing licensees / certificate holders should be aware that the presence of gaming machines in licensed premises is considered to be "adult entertainment" and requires notification to the licensing authority in box "N" of the application form otherwise they will not be permitted, as it is the policy of this licensing authority to add a condition, consistent with the operating schedule of each premises where box "N" is not completed, prohibiting adult entertainment at the premises as set out in guidance note 8 of the respective application forms.

#### Film classification

- 8.13 Where the Licensing Authority is requested to classify a film for exhibition within the Licensing Authority's area, it will do so if the film has not been classified by the British Board of Film Classification, or such classification is not pending.
- 8.14 When an applicant submits a film for classification, they should provide a copy of the film to the Licensing Officer, and should indicate the rating that they consider appropriate. The Licensing Officer shall consult with Northumbria Police and the Local Safeguarding Children Board. The applicant should provide the copy of the film at least 28 days in advance of the proposed screening. If the applicant is unable to provide a copy of the film in DVD format or via a website then they should liaise with the Licensing Officer to arrange for a screening of the film for the relevant bodies as above.
- 8.15 The Licensing Authority shall have regard to any representations received from the Local Safeguarding Children Board and Northumbria Police. The Licensing Authority shall have regard to the classification standards applied by the British Board of Film Classification. The Licensing Authority shall also have regard to (but shall not be bound by) any classification given to the film by another Licensing Authority.
- 8.16 Where a relevant representation is received, the classification of the film shall be determined by a hearing of the Licensing Sub Committee.

#### Alcohol sales

- 8.17 It is expected that applicants will set out in their operating schedule the measures they will take to ensure that a written record is kept of all the names and addresses of persons who are authorised to sell or supply alcohol at all times, and that the written record is made available to Police and/or Council officers immediately upon request.
- 8.18 It is expected that premises licensed for the sale of alcohol for consumption off the premises will adopt responsible marketing practices and concern may be heightened where alcohol is promoted in such a way as to encourage people to drink more than they would ordinarily do and in a manner that doesn't promote the licensing objectives, for example quantity based discount promotions and display and promotion of alcohol products in multiple positions in a premises.
- 8.19 It is expected that applicants who intend to sell or supply alcohol by delivery or collection of prepaid orders will include provision in their operating schedules to set out how they will ensure that they do not:

- serve alcohol to a person who appears to be drunk
- serve alcohol to a person who it is believed will pass it on to persons under 18 years old
- take payment for the alcohol at the place where it is served – sales should be pre-paid only

8.20 It is also expected that applicants will:

- operate an age verification policy of at least a Challenge 25 standard
- only deliver to residential addresses
- only stock delivery vehicles with alcohol that has been pre-ordered
- verify that the person that the alcohol is served to is the person who has ordered it
- only make sales where the purchase price is at least £25 and/or the minimum unit price of the alcohol is not less than £1 per unit

#### Petrol stations / garages

8.21 The Licensing Act prohibits the sale or supply of alcohol from premises used primarily as garages. The Section 182 guidance states that premises are used primarily as a garage if they are used for one or more of the following:

- the retailing of petrol
- the retailing of derv
- the sale of motor vehicles; and
- the maintenance of motor vehicles

8.22 It is expected that applicants for premises licences for premises where any of these activities take place will set out in their operating schedule that they will submit sales data on at least a six monthly basis showing:

- the number of purchases of fuel alone
- the number of purchases of fuel and other goods
- the number of purchases of other goods alone, and
- turnover for each of these type of purchases.

#### Takeaways

8.23 The Licensing Authority will generally not permit the sale of alcohol from 'takeaway' premises that are licensed for late night refreshment, due to the inherent potential for late night alcohol fuelled crime, disorder and anti-social behaviour and the difficulties of addressing such behaviour where the consumption of the alcohol and associated behaviour takes place away from the premises themselves, often in residential areas. Applicants seeking approval to sell alcohol from 'takeaway'

premises will need to clearly demonstrate how they will ensure that their activities will not lead to such problems.

#### Outside areas

8.24 Where premises include an outside area it is expected that the operating schedule will set out how the applicant will address:

- The provision of appropriate bins and other receptacles for litter generated by patrons
- Measures to reduce the amount of noise generated by patrons, particularly late at night. This may include door supervision, closure of outside areas after a particular time, restricting re-admission to the premises after a particular time, etc
- Provision and placement of appropriate street furniture to prevent persons 'spilling out' onto public highway in the vicinity of the premises
- Provision of CCTV covering entrances and exits, external areas, and surrounding public highways

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## 9. Licensing Hours

9.1 It is expected that premises whose primary activity is off licence sales will not normally be open between 23:00 and 07:00 hours. Applicants wishing to operate beyond 23:00 hours will need to demonstrate to the satisfaction of the Licensing Authority, in their operating schedule, that there will be no significant disturbance to members of the public living, working or otherwise engaged in normal activity around the premises concerned. Opening hours beyond 23:00 hours will generally be considered to be more acceptable for premises in commercial or tourist areas with high levels of public transport availability, rather than premises in predominately residential areas.

9.2 When considering applications, in respect of hours of operation, the Licensing Authority will take the following into consideration:

- Whether the premises is located in a predominantly retail or entertainment area
- The nature of the proposed activities to be provided in the premises
- Whether there are any arrangements to ensure adequate availability of hackney carriages and private hire vehicles and appropriate places for picking up and setting down passengers
- Whether there is an appropriate amount of car parking, readily accessible to the premises, and in places where the parking and use of vehicles will not cause demonstrable adverse impact to local residents

- Whether the operating schedule agreed with Council Officers indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance
  - Whether the licensed activity, particularly if located in areas of the highest levels of recorded crime, may result in a reduction or increase in crime or anti-social behaviour
  - Whether the licensed activities are likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it.
  - Whether there will be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area
- 9.3 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally expect the hours during which alcohol is sold to match the normal trading hours during which other sales take place, in order to reduce the potential for disturbance or disorder.

## 10. Operating Schedules

- 10.1 Operating schedules should set out the licensable activities that are intended to be carried out and how it is intended that this happens. Operating schedules should be sufficiently detailed and clear for interested parties and responsible authorities to understand how the applicant or licensee will promote the licensing objectives.
- 10.2 When considering the promotion of the licensing objectives, applicants and licensees should have due regard to the context of the locality that they seek to operate in, and be mindful of any particular concerns that relate to that locality.
- 10.3 For instance, applicants and licensees are expected to have regard to any Local Licensing Guidance in respect of the locality they propose to serve.
- 10.4 Applicants are expected to ensure that their operating schedule enables the Licensing Authority, responsible authorities and interested parties to understand:
- What licensable activities are intended to be carried out
  - When licensable activities will be carried out – i.e. between what hours, on what days and at what times of year
  - When the premises will be open to the public for non-licensed activities
  - Whether alcohol is intended to be sold for consumption off the premises (including where it will be delivered to customers)
  - (Where the sale or supply of alcohol is intended at premises with a Premises Licence) who the Designated Premises Supervisor will be and what his / her address is

- What steps will be taken to promote the Licensing Objectives.
- 10.5 It is recommended that applicants contact responsible authorities when preparing operating schedules to discuss any relevant concerns.
- 11. Designated Premises Supervisor**
- 11.1 Designated Premises Supervisors have an important role to play in ensuring that the measures to promote the licensing objectives that are set out in an operating schedule are put into practice on a day to day basis.
- 11.2 Where there is a requirement for premises to have a Designated Premises Supervisor, it is expected that the person will be a key person related to the premises, so that matters arising can be dealt with as quickly as possible.
- 11.3 It is expected that a Designated Premises Supervisor will have day to day responsibility for running the premises and will be present at the premises at least 50% of the time in a seven day week that the premises are open for the carrying on of licensable activities.
- 11.4 Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Licensing Authority will expect an individual to be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.
- 11.5 Where there are problems associated with the running of a premises that stem from the DPS's performance of that role, they may be removed from the role by the Licensing Sub-Committee.
- 12. Conditions**
- 12.1 Whilst the Licensing Act sets out the regulatory framework that applies to all licensees, conditions can be added to individual licences to prescribe how the licensable activities are to be carried out having regard to all the relevant individual circumstances.
- 12.2 There are three types of condition:
- mandatory conditions imposed by the Secretary of State – applicants and licensees are expected to comply with the relevant mandatory conditions that apply to the activities they carry out, and to be aware that these mandatory conditions change from time to time. The Home Office issued guidance in respect of these mandatory conditions in October 2014:  
  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/350507/2014-08-29\\_MC\\_Guidance\\_v1\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/350507/2014-08-29_MC_Guidance_v1_0.pdf).
  - conditions imposed voluntarily by the applicant / licensee – these conditions will be consistent with the applicant / licensee's operating schedule, although the wording may be amended to ensure clarity and enforceability. Applicants and licensees should note that in line with this Policy, in certain cases the Licensing Authority will assume unless



informed otherwise that applicants are volunteering conditions. For instance, as above where an applicant does not indicate an intention to provide adult entertainment by ticking box 'N' on their application form, it will be assumed that they are volunteering a condition not to provide adult entertainment at the premises; and

- conditions imposed at a hearing – the Licensing Sub-Committee may impose conditions on a licence where it considers it appropriate to do so. Any such conditions will be appropriate to the promotion of the licensing objectives and proportionate to the problems that the Sub-Committee find in relation to the premises.

12.3 The Licensing Authority does not impose 'standard' conditions on licences, but there are certain factors that most premises that carry out certain licensable activities should take into account. A pool of model conditions is set out in Appendix 1, which applicants should consider when preparing their operating schedule.

### 13. When things go wrong

#### Complaints about licensed premises

13.1 The Licensing Authority will investigate complaints about both licensed premises where licensable activities are taking place but not in accordance with the relevant authorisation; and unlicensed premises where licensable activities are taking place without authorisation.

13.2 Complainants will usually, in the first instance, be encouraged to raise the complaint directly with the licensee or business concerned, as this can often be the quickest and most effective way for the person carrying on the licensable activity to understand the negative impact of the activity.

13.3 Where appropriate, the Licensing Authority will initially endeavour to seek a resolution through informal means.

13.4 Where appropriate, the Licensing Authority may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

#### Failing to comply with the Licensing Act

13.5 The Council delivers a wide range of enforcement services, aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The BRDO has published a Regulators' Code, which the Council complies with:

<https://www.gov.uk/government/publications/regulators-code>

The Council will base its enforcement activities around the principles of consistency, transparency and proportionality.

- Exclude a licensable activity from the licence or certificate
- Remove the designated premises supervisor
- Suspend the licence or certificate for a period not exceeding three months
- Revoke the licence or certificate.

13.14 The review process is intended to enable the Licensing Authority to take appropriate timely measures to promote the Licensing Objectives in respect of individual premises. A review can take place even if it would be disproportionate to revoke a licence or certificate, as some lesser measure can be taken, as above.

13.15 Also, because the review process is intended to address the future conduct of the licence holder, a review can take place regardless of any other measures that may be open to the interested party or responsible body. For instance, if a licence holder is found to have sold age restricted products to a minor, it is not necessary for a prosecution (or indeed a successful prosecution) to take place in respect of that sale before a review is brought, as the review would consider the steps appropriate to prevent future underage sales.

#### Summary reviews

13.16 The Police may request a summary review in serious cases of crime and disorder, and in which case within 48 hours of the application the Licensing Authority will consider whether any interim steps are required pending completion of the review process. This may include immediate suspension of the relevant licence.

### **14. Delegation and Decision Making**

- 14.1 The Council has established a Licensing Committee to administer its functions under the Licensing Act 2003. Powers and functions have also been delegated to Licensing Sub-Committees and officers in order to provide a speedy, efficient and cost effective service to all parties involved in the licensing process.
- 14.2 Many of the decisions and functions are largely administrative in nature such as the grant of non-contentious applications, including for example those licences and certificates where no representations have been made. These will be delegated to Council officers. All such matters dealt with by officers will be reported for information to the next Licensing Committee meeting.
- 14.3 Applications where there are relevant representations will be dealt with by the Licensing Committee/Sub-Committee – unless such representations are considered irrelevant, frivolous or vexatious or unless the Licensing Authority, the applicant and everyone who has made representations agrees that a hearing is not necessary (usually after successful mediation).
- 14.4 The table given below sets out the delegation of decisions and functions of the Licensing Committee, Sub-Committees and officers. The various delegations include delegation to impose appropriate conditions.
- 14.5 This scheme of delegations is without prejudice to the right of relevant parties to refer an application to a Licensing Sub-Committee or the full Licensing Committee if considered appropriate in the circumstances of any particular case.

- 14.6 Unless there are compelling reasons to the contrary, the Licensing Authority will require the Licensing Committee or any of its sub-committees to meet in public – although Members can retire into private session to consider their decision. A public announcement of the decision will be made at the end of the hearing together with clear, cogent reasons for the decision having due regard to the Human Rights Act 1998, the four licensing objectives and all other legislation.
- 14.7 The Licensing Committee will be made up of 15 members and Sub-Committees of three who will hear any relevant representations from authorised persons, responsible authorities and interested parties in the form of a hearing.
- 14.8 Where a function is delegated to an officer, that officer will be responsible for liaising between the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to the appropriate conditions. Where objections are made then the officer will once again liaise with the applicant, interested parties and the responsible authorities to see if a 'settlement' is possible to overcome the objections without the need for the matter to go before the Sub-Committee.
- 14.9 The Sub-Committee will determine each case before it on its individual merits. However, in determining the application the Sub-Committee will consider:
- The case and evidence presented by all parties
  - The promotion of the four licensing objectives
  - Guidance issued by Central Government
  - The Licensing Authority's own statement of Licensing Policy

14.10 Delegation of functions:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Consideration of reports to the committee	Six monthly		
Approval of new / updated Local Licensing Guidance	Six monthly		
Application for personal licence		If representation is made	If no representation made
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence / Club Premises Certificate		If a relevant representation made	If no relevant representation is made
Application for a Provisional		If a relevant representation made	If no relevant representation is

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Home Office

**Revised Guidance issued  
under section 182 of the  
Licensing Act 2003**

April 2017

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# 1. Introduction

## The Licensing Act 2003

- 1.1 The Licensing Act 2003 (referred to in this Guidance as the 2003 Act), its explanatory notes and any statutory instruments made under it may be viewed online at [www.legislation.gov.uk](http://www.legislation.gov.uk). The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. However, the Department for Culture, Media and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act (see Chapter 16).

## Licensing objectives and aims

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3 The licensing objectives are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.
- They include:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
  - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
  - encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

## The guidance

- 1.6 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. This revised guidance takes effect as soon as it is published. Where a licence application was made prior to the publication of the revised guidance, it should be processed in accordance with the guidance in effect at the time at which the application was made; the revised guidance does not apply retrospectively. However, all applications received by the licensing authority on or after the date the revised guidance was published should be processed in accordance with the revised guidance.

## Purpose

- 1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

## Legal status

- 1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

## Licensing policies

- 1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.
- 1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

## Licensable activities

- 1.13 For the purposes of the 2003 Act, the following are licensable activities:

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

Further explanation of these terms is provided in Chapter 3.

## Authorisations or permissions

- 1.14 The 2003 Act provides for four different types of authorisation or permission, as follows:
- Premises licence – to use premises for licensable activities.
  - Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
  - Temporary event notice – to carry out licensable activities at a temporary event.
  - Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

## General principles

- 1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.



## Licence conditions – general principles

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
  - must be precise and enforceable;
  - must be unambiguous and clear in what they intend to achieve;
  - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
  - must be tailored to the individual type, location and characteristics of the premises and events concerned;
  - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
  - should not replicate offences set out in the 2003 Act or other legislation;
  - should be proportionate, justifiable and be capable of being met;
  - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
  - should be written in a prescriptive format.

## Each application on its own merits

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

## Additional guidance

- 1.18 From time to time, the Home Office may issue additional supporting guidance to licensing authorities and other persons on the Gov.uk website. This supporting guidance is good practice guidance and should be viewed as indicative and subject to change. Such supporting guidance will broadly reflect but will not be part of the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act. Licensing authorities may wish to refer to, but are under no statutory duty to have regard to such supporting guidance issued by the Home Office.

## Other relevant legislation

1.19 While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016

## 2. The licensing objectives

### Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the

early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

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## **Protection of children from harm**

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible

authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.



- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

### **Offences relating to the sale and supply of alcohol to children**

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

may be no need for door supervision if a bar has been converted into a restaurant. Equally some embedded conditions may no longer apply.

- 8.70 Changes in legislation may invalidate certain conditions. Although the conditions do not have to be removed from the licence, licence holders and licensing authorities may agree that this is desirable to clarify the licence holder's legal obligations. There may also be cases where it is appropriate to revise the wording of a condition that is unclear or unenforceable. This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licence holder to understand and comply with the condition and easier for the licensing authority to enforce it.

### **Full variations process**

- 8.71 Any other changes to the licence or certificate require an application to vary under sections 34 or 84 of the 2003 Act.
- 8.72 Licensing authorities may wish to consider whether there is any likely impact on the promotion of the licensing objectives in deciding whether there is a need for an application to vary in relation to features which are not required to be shown on the plan under section 17 of the 2003 Act, but have nevertheless been included, for example, moveable furniture (altering the position of tables and chairs) or beer gardens (installation of a smoking shelter that will not affect the use of exits or escape routes).
- 8.73 However, it should be noted that a section 34 application cannot be used to vary a licence so as to:
- extend a time limited licence;
  - transfer the licence from one holder to another; or
  - transfer the licence from one premises to another.
- 8.74 If an applicant wishes to make these types of changes to the premises licence, the applicant should make a new premises licence application under section 17 of the 2003 Act; or, to transfer the licence to another holder, an application under section 42 of the 2003 Act.

### **Relaxation of opening hours for local, national and international occasions**

- 8.75 It should normally be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year – such as bank holidays and St. George's or St. Patrick's Day – and to include appropriate opening hours in their operating schedules. Similarly, temporary event notices should be sufficient to cover other events which take place at premises that do not have a premises licence or club certificate.
- 8.76 However, exceptional events of local, national or international significance may arise which could not have been anticipated when the application was first made. In these circumstances, the Secretary of State may make a licensing hours order to allow premises to open for specified, generally extended, hours on these special occasions. This avoids the need for large numbers of applications to vary premises licences and

## 9. Determining applications

### General

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

### Where no representations are made

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

### Where representations are made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

### Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

## **The role of responsible authorities**

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

## Representations from the police

- 9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>5</sup>. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

## Licensing authorities acting as responsible authorities

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing

<sup>5</sup> Elections for Police and Crime Commissioners (PCCs) in all police force areas in England and Wales (except in London, where the Mayor of London has taken on the powers of a PCC in relation to the Metropolitan Police) took place on 15th November 2012. PCCs are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police will remain the named responsible authority under the 2003 Act.

authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

### **Health bodies acting as responsible authorities**

- 9.20 Where a local authority's Director of Public Health in England (DPH)<sup>6</sup> or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may

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<sup>6</sup> This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

## Home Office Immigration Enforcement acting as a responsible authority

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

## Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- ~~9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.~~
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

## Hearings

- 9.31 Regulations governing hearings may be found on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.33 Regulations made under the 2003 Act require that representations must be withdrawn

24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

- 9.34 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
  - the representations (including supporting information) presented by all the parties;
  - this Guidance;
  - its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule.



Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.
- 9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

### **Determining actions that are appropriate for the promotion of the licensing objectives**

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

# 10. Conditions attached to premises licences and club premises certificates

## General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

## Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

## Consistency with steps described in operating schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

## **Imposed conditions**

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

## **Proportionality**

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

## **Naming, packing and promotion in retail premises**

- 10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.
- 10.12 The Portman Group operates, on behalf of the alcohol industry, a 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. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code,

the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

## **Hours of trading**

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

## **The performance of plays**

- 10.16 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play<sup>7</sup> which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

## **Censorship**

- 10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

## **Major festivals and carnivals**

- 10.18 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations

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<sup>7</sup> See chapter 15 for when a performance of a play is licensable.

within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.

- 10.19 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.
- 10.20 Local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name.<sup>8</sup> This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place.<sup>9</sup> Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

## Fixed prices

- 10.21 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions including where they give rise to a significant risk to any one of the four licensing objectives; the mandatory conditions also prohibit the sale of alcohol below the permitted price, as defined in paragraph 10.56.
- 10.22 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

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<sup>8</sup> No licence is required for any entertainment provided by or on behalf of a local authority, see paragraphs 15.16-15.19

<sup>9</sup> The register of public spaces: <https://www.gov.uk/government/publications/licensed-spaces-register>

## **Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)**

- 10.23 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.
- 10.24 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:
- a prescribed capacity;
  - an appropriate ratio of tables and chairs to customers based on the capacity; and
  - a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

## **Mandatory conditions in relation to the supply of alcohol**

- 10.25 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

### **Designated premises supervisor**

- 10.26 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.
- 10.27 The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).
- 10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

## Authorisation by personal licence holders

- 10.29 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.
- 10.30 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.
- 10.31 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.
- 10.32 The following factors should be relevant in considering whether or not an authorisation has been given:
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
  - the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
  - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
  - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 10.33 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.
- 10.34 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.
- 10.35 It must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

## **Arrangements for the mandatory licence conditions**

- 10.36 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory aspirational licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.
- 10.37 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex A of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.
- 10.38 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact that the introduction of the mandatory conditions has had on pre-existing conditions.

## **Irresponsible promotions**

- 10.39 Under this condition, the “responsible person” (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have ensured that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which undermines the licensing objectives.

## **Drinking games**

- 10.40 Drinking games which require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise, are prohibited. For example, this may include organised ‘drink downing’ competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit ‘happy hours’ as long as these are not designed to encourage individuals to drink excessively or rapidly.



## **Large quantities of alcohol for free or a fixed price**

10.41 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or “all you can drink for £10”. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

## **Prizes and rewards**

10.42 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, “Buy one and get two free” and “Buy one cocktail and get a second cocktail for 25p”. This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

## **Posters and flyers**

10.43 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

## **Dispensing alcohol directly into the mouth**

10.44 The responsible person (see paragraph 10.39) must ensure that no alcohol is dispensed directly into the mouth of a customer. For example, this may include drinking games such as the ‘dentist’s chair’ where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers’ mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

## **Free potable water**

10.45 The responsible person (see paragraph 10.39) must ensure that free potable water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply. However, it may be reasonable to expect bottled water to be provided in such circumstances.

## Age verification

- 10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.
- 10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.
- 10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.
- 10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.50 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

## Smaller measures

- 10.51 The responsible person (see paragraph 10.39) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: ½ pint
  - Gin, rum, vodka or whisky: 25ml or 35ml
  - Still wine in a glass: 125ml

## DEPARTMENT FOR TRANSPORT

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*DfT Circular 01/2008*  
 Department for Transport  
 Great Minster House, 76 Marsham Street, London SW1P 4DR

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2 April 2008

## POLICY ON SERVICE AREAS AND OTHER ROADSIDE FACILITIES ON MOTORWAYS AND ALL-PURPOSE TRUNK ROADS IN ENGLAND

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## INTRODUCTION

1. Circular 01/2008 sets out policy on the provision, standards and signing of roadside facilities on the Strategic Road Network (SRN), including motorway service areas (MSAs), motorway rest areas (MRAs), truckstops, and services and lay-bys on all-purpose trunk roads (APTTRs). It also sets out the role of the Highways Agency in relation to such facilities. This supersedes previous guidance contained in Roads Circular 01/94, the MSA Policy Statement of 1998, and Annex J to Circular Roads 04/94 (in respect of the SRN).
2. The provisions described in this policy would all have effect in England only.
3. This policy applies in respect of all signed roadside facilities on the SRN that do not have a planning application registered with the relevant Local Planning Authority (LPA) prior to 2 April 2008. The policy will also apply to the redevelopment of existing roadside facilities that do not have a planning application registered with the LPA prior to this date, when the gross floor area of a facility increases by 50 per cent or more.
4. Additionally, the relevant section of this policy will apply when any specific element of an existing facility is redeveloped, such as parking or toilets.
5. However, it is recognised that constraints on land availability at some existing sites may mean that it is not possible to meet all of the requirements of the policy when redevelopment of the whole site or a given element takes place. In such circumstances, compliance will become a subject of negotiation with the Highways Agency.
6. MSAs and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break of at least 20 minutes every two hours. Drivers of heavy goods vehicles (HGVs) are subject to a regime of statutory breaks, and such facilities offer the opportunity for this.
7. The Government's objective is to encourage greater choice in the provision of service facilities for all road users, thereby encouraging drivers to take breaks more frequently and so reducing the number of fatigue-related accidents. The Government aims to work with the private sector to increase public satisfaction with roadside facilities in terms of their quality and value for money.
8. Operators of both new and existing roadside facilities in England are required to ensure that their sites are fully accessible to all members of the travelling public regardless of ability, race, gender, faith, age or sexual orientation. MSAs and other roadside facilities are required to comply with all existing and future equality legislation.
9. New and existing roadside facilities are subject to the provisions of the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004, which together set the framework under which local planning authorities are to consider applications for such developments. The Secretary of State for Transport is designated as a statutory consultee, and the Highways Agency exercises this function on his or her behalf, giving advice on applications in respect of road safety and traffic

management issues. Power to grant access from the highways to all roadside facilities is given under Section 62 of the Highways Act 1980. The provision of traffic signs for service areas is governed by the Road Traffic Regulation Act 1984.

10. Until 1992, the Department for Transport was responsible for developing MSAs: acquiring land, funding construction and leasing the completed sites to operating companies. Since 1992, government policy has been that the private sector should take the initiative in identifying and acquiring MSA sites and seeking planning consent from local planning authorities. When completed, these MSAs are owned by the private sector rather than the Government. The Government, through the Highways Agency, continues to have an interest in these (new and existing) privately owned sites, in relation to motorway safety and traffic management.
11. Operators of both new and existing MSAs, whether leased from the Government or privately owned, must comply with the requirements of government policy. These provisions are reflected in the Traffic Signs Agreements into which they enter with the Highways Agency. If they do not observe these conditions, action can be taken which could ultimately lead to the closure of sites. However, operators have responsibility for all other operational matters at MSAs, including pricing and staffing levels.
12. The development of roadside facilities on APTRs has traditionally been led by the private sector, with the Highways Agency providing advice on road safety and traffic management issues.

#### **DESTINATION IN ITS OWN RIGHT**

13. MSAs, MRAs, all-purpose trunk road service areas (TRSAs) and on-line truckstops should only provide facilities needed to serve people using the SRN in the course of a journey.
14. The primary function of the SRN is to facilitate long-distance transportation of people and goods. Service areas are signed from the SRN on the basis that they will provide essential services to road users. The potential risk to safety that is created by additional accesses and egresses is balanced by the improvement to safety resulting from refreshed and alert drivers.
15. Government policy is to discourage service areas and other roadside facilities from becoming destinations in their own right. A destination in its own right would be created if drivers were attracted onto the SRN solely to visit the service area. This is likely to involve short, local trips onto the SRN which would not otherwise be taken and might therefore interfere with the safety and flow of long-distance traffic.
16. Allowing a service area to become a destination in its own right can have a negative impact on road safety. Firstly, traffic on the road would increase and junctions would become more congested (and therefore potentially more dangerous). Secondly, increased patronage by local customers might place pressure on capacity at service areas, which could discourage drivers from stopping there to take a break during a long journey.

17. Furthermore, to permit a service area, or similar site, to become a destination for local customers would be contrary to government planning policy on retail and town centres as set out in *Planning Policy Statement 6: Planning for Town Centres*.<sup>1</sup> The consequence of this would be to threaten the viability of businesses in cities, towns or other local centres.
18. For these reasons it is important that the Highways Agency is consulted on any proposal affecting an existing or proposed service area.

## **IMPACT ASSESSMENT**

19. If operators wish to make changes to their sites, they should first seek confirmation from the Highways Agency's Spatial Planning Team (or any successor) that their proposals conform to standards laid down in this circular as well as DfT Circular 02/2007 *Planning and the Strategic Road Network*.<sup>2</sup>
20. To safeguard the interests of all users of the SRN, operators of existing MSAs, MRAs and TRSAs and promoters of new MSAs, MRAs and TRSAs will be required to carry out Impact Assessments in respect of any proposed activity that is not specifically permitted under this policy or in respect of a permitted activity on a scale greater than that allowed for by this policy. Impact Assessments will enable the operator/promoter to detail how an activity will impact upon the SRN and service-area customers. This will allow the Highways Agency to give full consideration to proposed activities and their potential impact on the delivery of policy objectives. This mechanism cannot be applied in respect of activities prohibited by this policy.
21. Impact Assessments will enable the Highways Agency to make informed, evidence-based decisions on the impact these activities will have at facilities on the SRN.
22. Early consultation with the Highways Agency to discuss the scope of the Impact Assessments is encouraged. However, operators will still need to ensure that their proposal is fully compliant with national planning policy and equality legislation and seek planning approval in the normal manner.
23. The Impact Assessment will be evidence-based and its scope should first be agreed with the Highways Agency. As a minimum, operators will be expected to provide:
  - a detailed explanation of what is proposed;
  - a scale plan showing where the proposed facility will be located and its size;
  - an account showing how current activities at the service area will be affected by the proposal (for example, the impact on parking spaces of a coach interchange);
  - an assessment to demonstrate that the proposal would not result in the facility becoming a 'destination in its own right';

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<sup>1</sup> Planning Policy Statement 6 'Planning for Town Centres', can be found online at [www.communities.gov.uk/publications/planningandbuilding/planningpolicystatement11](http://www.communities.gov.uk/publications/planningandbuilding/planningpolicystatement11)  
<sup>2</sup> [www.dft.gov.uk/pgr/regional/strategy/policy/circular207planningandstrategie](http://www.dft.gov.uk/pgr/regional/strategy/policy/circular207planningandstrategie)

- a breakdown of current and forecast customer numbers;
  - a breakdown of any proposed enhancement of facilities (e.g. number of toilets, amount of indoor seating provided);
  - details of the anticipated benefits that the activity will provide to the service area user;
  - details of any potential adverse impact on normal use of the service area;
  - details of measures to mitigate any adverse impacts;
  - details of the monitoring proposed to ensure that the impact of the development is consistent with the Impact Assessment.
24. Operators/promoters will be required to demonstrate that their proposal does not have a potential to generate new vehicle trips on the SRN or, if new trips will be generated, how overall vehicle mileage will be reduced. They must also be able to show that the activity will cause no detriment to the safety or convenience of road users or those wishing to use the essential facilities.
25. If any of the above could occur, the operators will be required to demonstrate how the undesirable effects will be mitigated to the Highways Agency's satisfaction.
26. Proposals that provide overall benefits and otherwise meet with the Highways Agency's approval will be allowed, subject to a licensing regime agreed between the Highways Agency and the operator.
27. This approach cannot be used to attempt to justify activities that are prohibited under this policy.

#### **DETERMINING THE NEED FOR ROADSIDE FACILITIES ON THE STRATEGIC ROAD NETWORK**

28. DfT Circular 02/2007 *Planning and the Strategic Road Network*<sup>3</sup> endorses the Highways Agency's role as a consultee in the planning system. Any roadside facility proposal will need to comply with the policy set out in that Circular. The Highways Agency will provide input to local development frameworks (LDFs), assisting LPAs to consider whether there is sufficient provision of roadside facilities on the SRN by taking account of traffic flows and the need for motorists to stop and take a break at regular intervals. Developers can expect that proposals which are in accordance with the LDF will, in most cases, be granted approval, unless material considerations indicate otherwise.
29. As a statutory consultee to LDFs, the Highways Agency will provide advice to LPAs on a range of issues, including the need for the provision of additional roadside facilities. The Highways Agency will also, when asked, provide input on the need for new roadside facilities to assist in the review of Regional Spatial Strategies.

<sup>3</sup> [www.dft.gov.uk/pgr/regional/strategy/policy/circular207planningandstrategic](http://www.dft.gov.uk/pgr/regional/strategy/policy/circular207planningandstrategic)



30. In assessing any application for a new roadside facility, the Highways Agency will consider the impact of development on the SRN alongside the needs of road users. The Highways Agency will need to be satisfied that the access and egress to the roadside facility can be provided safely, that it conforms to Departmental standards and that it will not have a materially adverse effect on the capacity or performance of the SRN, in addition to considering the potential road safety benefit of a service area in reducing driver fatigue.
31. The Highways Agency will continue to assess the impact of any roadside facility proposal on traffic flow and safety. It may oppose particular developments when the location is considered unsuitable, where, for instance, there are existing capacity or infrastructure constraints. Roadside facility proposals must also be weighed against the achievement of other policy objectives for the SRN. However, the LPA will continue to determine the planning merits of any proposal.

### **ACCESS TO THE STRATEGIC ROAD NETWORK**

32. As outlined in DfT Circular 02/2007, there is a general presumption against additional accesses to the motorway and other routes of strategic national importance other than for *'service areas, facilities for the travelling public, maintenance compounds and, exceptionally, other major transport interchanges'*.
33. Therefore, the Highways Agency will not agree to the provision of accesses to the SRN from private developments for the purpose of service provision other than for facilities that meet the standard range of minimum requirements set out in this circular, nor will it permit the development of activities at service area sites which are unconnected with the immediate needs of the travelling public and which would therefore lead to the site becoming a destination in its own right.
34. LPAs and developers are encouraged to discuss with the Highways Agency at the earliest opportunity any proposals to develop new roadside facilities to extend existing facilities or to sign existing facilities. The Highways Agency is particularly interested in facilities located wholly or partly within 400 metres of the motorway boundary, or developments exceeding 2 hectares in area that include the provision of fuel and refreshments and are situated within 1 kilometre of a motorway junction.

### **CHANGE OF USE OF REDUNDANT ROADSIDE FACILITIES**

35. The Agency will oppose any change in permitted land use in respect of any roadside facility with direct access to the SRN if it ceases to operate. If any alternative use were to be allowed other than one that serves the immediate needs of the travelling public, there is a risk that additional, unnecessary trips might be generated on the network. Through its role in the planning system, the Highways Agency will seek to restrict alternative developments.
36. To prevent sites becoming derelict, the Highways Agency will seek the imposition of planning conditions that require sites to be landscaped, returned to agricultural use or otherwise rendered compatible with the surrounding landscape. All accesses to the SRN will be removed and the former highway boundary restored.

## REAR ACCESS/ACCESS TO OTHER DEVELOPMENTS

37. Under normal circumstances, rear access roads connecting a roadside facility to the local road network will not be acceptable. Where, exceptionally, an access is agreed, the Highways Agency will expect developers to enter into arrangements to ensure its use is restricted to staff, deliveries, emergency services and agents and staff of the Highways Agency acting on behalf of the Secretary of State for Transport. If a connection to the local road network is needed to facilitate deliveries and staff access, the associated service yard and parking area normally should be physically segregated from the main MSA parking areas and circulatory roads by the provision of a permanent vehicular barrier.
38. Access to other developments through roadside facilities is not permitted.
39. All sites should be provided with a secure boundary fence to prevent unauthorised access by pedestrians and/or vehicles from adjacent roads and/or land.

## DESIGN STANDARDS

40. In considering issues affecting the SRN, traffic flow and safety considerations are of great importance. Any access provided direct to the SRN would need to conform fully to the *Design Manual for Roads and Bridges* (DMRB) and any other relevant Departmental standard. At all roadside facilities, it will be particularly important to avoid significant adverse impacts upon the effective functioning of the SRN, such as the risk of congestion or slowing on the main carriageway. Proposals for new roadside facilities should not unduly conflict with meeting the objective of improving road performance through better network management. Advice on these aspects should be sought from the relevant regional office of the Highways Agency.<sup>4</sup>
41. The Government believes that good design should be the aim of all those involved in the development process. Those promoting service-area schemes will therefore be expected to demonstrate that they have taken account of the need for high standards of design in formulating their proposals.
42. In design terms, roadside facilities schemes should:
  - respond sensitively to both the site and its setting, including the existing landscape and other physical features, and take account of the purposes of any designation that may cover the site or the surrounding area; create character and identity within the site by the careful design of spaces and buildings and the relationship between them; and minimise the visual impact of the development on its surroundings;
  - incorporate vehicle accesses and means of circulation that are safe, clear to motorists and minimise vehicle congestion: with this in mind, developers will be required to apply the relevant Departmental standards when designing service area accesses and internal layouts; to submit the resulting proposals for processing through the formal road safety audit procedures set out in the DMRB;

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<sup>4</sup> Relevant contact details may be found at [www.highways.gov.uk](http://www.highways.gov.uk)

- ensure that all traffic signing (including road markings) for drivers using the site complies with the Traffic Signs Regulations and General Directions 2002 (TSRGD);
  - be able to show that the proposal will cause no detriment to the safety or convenience of road users or those wishing to use the facility;
  - achieve building designs that take account of the needs of all users,
  - incorporate buildings that are safe, environmentally friendly and energy efficient so as to maximise sustainability and minimise environmental damage and waste;
  - ensure the sensitive design and siting of lighting schemes with the aim of minimising light pollution and light-spill onto adjacent roads, whilst ensuring that public areas are well lit;
  - in preparing the design for their lorry parking facilities, operators should give due consideration to the need for security, ensuring that there is adequate lighting and taking account of lines of sight from occupied buildings.
43. Future customer demand/capacity should be an early consideration within the design process.
44. Under normal circumstances, a bridge or underpass connecting facilities on opposite sides of a motorway or trunk road will not be permitted.
45. The internal layout of new service areas and proposed amendments to existing layouts must be subjected to a full Road Safety Audit carried out in accordance with the DMRB.
46. The access/egress arrangements for new and redeveloped roadside facilities must accommodate all types of vehicle permitted to enter the site, including abnormal loads (see paragraphs 86 to 88 below).

## **FUNDING OF WORKS**

47. The full cost of any works within the motorway or trunk road boundary (including traffic management), will be met by the developer by means of an agreement with the Secretary of State under Section 278 of the Highways Act 1980.<sup>5</sup>

## **STANDARDS OF FACILITIES**

48. Roadside facility operators should endeavour to provide high-quality facilities at all times. This will instil confidence in road users that, when they stop at a facility, their essential needs will be met. It is in the interests of operators to encourage drivers to use their facilities for as long as they require to rest. By ensuring consistently high standards of hygiene, service, catering, seating and other facilities, operators are likely to increase both customer numbers and lengths of stay. The consequence will be better-rested and more-alert drivers, and this is likely to have a positive impact on road safety.

<sup>5</sup> Guidance on S278 Agreements can be found at [www.dft.gov.uk/pgr/regional/strategy/policy/guidance/section278highwaysact](http://www.dft.gov.uk/pgr/regional/strategy/policy/guidance/section278highwaysact)

49. Roadside facilities can provide an important first impression for visitors to England. Thus it is vital that facilities can offer all road users a clean, safe and welcoming environment in which to rest during the course of their journey.
50. Improved standards at MSAs and MRAs will be promoted through the mechanism of an independent quality award scheme based on a cyclic inspection regime. Participation is voluntary, but the operators are encouraged to take part and assist in defining the framework for the system. However, it is expected that the scheme will include access and other equality issues as a consistent factor.
51. Advice on equality issues should be sought from national access and equality groups. Quality awards based on the outcome of the inspections should be displayed prominently within the amenity building; one 'star' will be the lowest rating possible, as it is necessary to distinguish participating and non-participating sites. Results may also be displayed on sign 2917 of the Traffic Signs Regulations and General Directions (TSRGD) (see Annex A).

### **SPACING OF ROADSIDE FACILITIES ON MOTORWAYS**

52. Policy on the spacing of roadside facilities on motorways needs to balance the road safety benefit of allowing drivers regular access to services with the potential detriment to safety, traffic flow and the environment of development alongside motorways and at motorway junctions.
53. Drivers are encouraged to stop and take a break of at least 20 minutes every two hours. Drivers of HGVs are required by drivers' hours' legislation to take a break at specified intervals. Research has shown that up to 20 per cent of accidents on monotonous roads (especially motorways) are caused by tiredness. However, roadside facilities introduce new on- and off-motorway movements that have their own safety implications, and may disrupt the free flow of traffic.
54. There is also a need to limit development alongside motorways and motorway junctions to mitigate the impact of strategic roads on the environment. This applies particularly, though not exclusively, to open countryside and areas of planning restraint such as National Parks, Areas of Outstanding National Beauty (AONBs), the Green Belt and sites that either are themselves, or may affect, Sites of Special Scientific Interest (SSSIs). Finally, any development accessed from a motorway (including roadside facilities) risks the creation of additional local journeys that would not previously have been made.
55. The existing network of MSAs has evolved around a long-standing spacing criterion of 30 miles. This was based on the premise that drivers should be given the opportunity to stop at intervals of approximately half an hour. However, at peak hours, on congested parts of the network, travel between MSAs can take longer than 30 minutes. Further, 90 km/h (56 mph) speed limiters for HGVs limit the distance they can travel in 30 minutes to a maximum of 28 miles (45 km). Any new application for a core MSA should therefore be considered on the basis of a 28 mile (45 km) distance, or 30 minutes' travelling time,<sup>6</sup> from the previous core MSA, whichever is the lesser.

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<sup>6</sup> Median average inter-peak travelling time.

56. The absolute minimum acceptable distance between facilities on the same route is 12 miles.
57. All existing MSAs, and new facilities that have been registered in the planning systems prior to the date of publication of this document (which subsequently receive planning consent) and any future sites that fill existing gaps in the core network must provide the required features of a site having that status.
58. Where a clear and compelling need and safety case can be demonstrated, applications for an infill service area may be considered. Individual cases will need to be treated on their merits, and it is not possible to prescribe a comprehensive list of the factors which it might be appropriate to consider in every case. There are, nevertheless, a number that are likely to be of importance in virtually all cases. Planning authorities therefore will be expected to have considered at least:
- the distance to adjoining roadside facilities;
  - evidence (such as queuing on the roadside facility approach roads or lack of parking spaces at times of peak demand) that nearby existing roadside facilities are unable to cope with the need for services;
  - evidence of a genuine safety-related need for the proposed facilities (such as, for example, a higher than normal incidence of accidents attributable to driver fatigue);
  - whether the roadside facility is justified by the type and nature of the traffic using the road; the need for services may, for example, be lower on motorways used by high percentages of short-distance or commuter traffic than on those carrying large volumes of long-distance movements.
59. Where infill sites are proposed, the Government's preference will be that they should be located roughly halfway between MSAs, unless it can be shown that an off-centre location is more suitable in either operational, safety or spatial planning terms or in its ability to meet a particular and significant need. The Government will not agree to more than one infill site between any two core MSAs. Where the spacing between two existing MSAs is 40 miles or greater, any infill site that might be permitted will also be designated as a Core site and must provide the required range of facilities (see paragraphs 67 to 71 below).
60. Where the spacing between existing Core sites is less than 40 miles, any infill site that might be permitted may take the form of a Rest Area.
61. Rest Areas will provide some though not necessarily all of the range of facilities of a Core MSA.

#### **PICNIC AREAS AT MSAS AND MRAS**

62. Picnic areas are attractive to many drivers who would like to stop and take a break without leaving the motorway but who prefer to bring their own food rather than purchase it. All new MSAs and MRAs are required to provide picnic areas.

63. Operators of existing core MSAs are encouraged to invest in picnic areas at their own sites. The availability of a picnic area will increase the likelihood that drivers will stop and take a break at the MSA.
64. Provided the criteria set out in paragraphs 65 and 66 are met, MSA operators may indicate the availability of their picnic area to motorway users by the addition of a 'picnic area' symbol to diagram 2919.1 of the TSRGD (normally situated half a mile before the MSA).
65. The picnic area must be equipped with a minimum of ten tables, each with seating for six. Properly covered rubbish bins must also be provided within picnic areas. These are to be regularly emptied to avoid any spillage. Operators are encouraged to provide cover for the picnic area when possible.
66. The picnic areas provided at MSAs and MRAs should be laid out in an attractive setting. If the picnic area is segregated from the amenity building and the main car park by a circulatory carriageway, dedicated parking for motorcycles, cars and caravans/motorhomes as well as toilet facilities shall be provided at 0.1 of the figures set out at Annex B (rounded up) so as to avoid the need for pedestrians to cross the traffic flow.
67. The Highways Agency will work with the operators to increase the quality and availability of picnic area facilities at existing sites.

## **MANDATORY FEATURES OF AND LEVELS OF PROVISION FOR ROADSIDE FACILITIES ON MOTORWAYS**

### **Requirements for motorway service areas**

68. All MSAs (including the network of Core sites defined at paragraph 57 above) must provide as a minimum the following facilities for 24 hours a day, 365 days a year:
  - free parking for up to two hours for all types of vehicle (see Annex B);
  - free toilets and hand-washing facilities for all road users, with no obligation to make a purchase (see Annex C);
  - parent/carer and child facilities containing baby-changing amenities;
  - access to a signed, free, private breastfeeding area;
  - a free picnic area (meeting the criteria set out at paragraphs 65 and 66 above);
  - access to a cash-operated telephone (card phones alone will not suffice);
  - fuel;
  - snacks and hot drinks;

- free play area for children;
  - the site must also comply with all current and future equality legislation.
69. There must also be hot substantial food and hot drinks available between the hours of 6 am and 10 pm.
70. Under the Licensing Act 2003, any premises that provide late-night refreshment (i.e. hot food and drink) between 11.00 pm and 5.00 am for sale to the public require appropriate permission from the local licensing authority.
71. Access must be permitted for up to two hours for those carrying out emergency repairs to broken-down vehicles.
72. Access must be permitted for parties carrying out duties for and on behalf of the Secretary of State for Transport.

### **Requirements for motorway rest areas**

73. A facility designated as a Rest Area must be open for 24 hours a day, 365 days a year and provide the following facilities:
- free parking for up to two hours for all types of vehicle at half the level required for MSAs (see Annex B);
  - free toilets and hand-washing facilities for all road users, with no obligation to make a purchase (see Annex B);
  - parent/carer and child facilities containing baby-changing amenities;
  - access to a signed, free, private breastfeeding area;
  - access to a cash-operated telephone (card phones alone will not suffice);
  - a free picnic area (meeting the criteria set out at paragraphs 64 and 65 above);
  - free play area for children;
  - the site must also comply with all current and future equality legislation.
74. Access must be permitted for up to two hours for those carrying out emergency repairs to broken down vehicles.
75. Other facilities provided would be at the discretion of the operator, but in every case these must be in full compliance with the other requirements of this policy.
76. Access must be provided for parties carrying out duties for and on behalf of the Secretary of State for Transport.

## **LEVELS OF PROVISION AT ROADSIDE FACILITIES ON MOTORWAYS**

### **Parking general requirements**

77. MSAs, and MRAs must provide free short-term parking for all classes of vehicle. Annex B sets out the method for calculating how many parking spaces must be provided for certain classes of vehicle and users at MSAs and MRAs.
78. The operator/designer of the MSA or MRA should reach agreement with the Highways Agency on the most appropriate method of controlling traffic and the layout of parking areas within the site (see 'Design Standards').

### **Parking for disabled travellers**

79. Parking bays for disabled users of all types of vehicle should be located in close proximity to the main entrance of the amenity building. The number of bays dedicated for use by disabled travellers is set out in Annex B.

### **Facilities for motorcyclists**

80. Operators should provide dedicated signed parking spaces for motorcyclists, enabling the rider to secure the bike to a sound structure. They should be located close to the amenity block for security reasons. A number of free lockers should be provided for storage of helmets and clothing, so that riders may rest comfortably. However, a deposit charge may be levied to ensure the return of keys.

### **Parking for caravans, motorhomes and other light vehicles towing trailers**

81. Parking for caravans/motorhomes and other light vehicles towing trailers should not be located within the HGV parking area. A safe walking route from the parking area to the amenity building should be provided. Further, the parking area should not be situated such that manoeuvres cause a safety issue for other customers (see paragraphs 45 and 46). Parking bays should be laid out in a drive-through pattern so that caravan, motorhome and light vehicle trailer towing drivers are not required to reverse to exit.
82. A minimum of two parking bays suitable for caravans/motorhomes and other light vehicles towing trailers should be situated close to the amenity building for the convenience of disabled users of such vehicles (see Annex B).
83. Operators may provide overnight parking facilities for caravans and motorhomes. Facilities for the supply of fresh water, electrical hook-up and the disposal of foul and grey water may also be provided. However, caravans and motorhomes should not be permitted to stay on site for more than a maximum of twelve hours.
84. Operators are also expected to provide parking for vehicles towing all types of trailer (including horseboxes and trailer tents).

### **Coach parking**

85. Coach parking should be segregated from the HGV parking area and a safe walking route to the amenity building should be provided.



### **Provision for abnormal loads**

86. At MSAs, parking facilities suitable to accommodate abnormal-load vehicles should be provided for the purpose of statutory rest breaks or escort handover.
87. The minimum requirement is for the provision of a single bay capable of accommodating abnormal loads that are covered by the Road Vehicles (Authorisation of Special types) (General) Order 2003. This covers loads up to 30 m rigid length, 6.1 m wide and 150,000 kg total weight (maximum 16,500 kg axle weight). An allowance should also be made for a tractor unit for tractor/trailer combinations, so the bay should have a minimum length of at least 47.5 m.
88. However, the promoter of a new MSA should liaise with the Highways Agency's Abnormal Load Team regarding any need for enhanced provision, such as multiple bays or provision for larger 'Special Order' categories of vehicle.

### **HGV parking**

89. In addition to the minimum parking spaces for HGVs, operators are required to provide shower and toilet facilities within the HGV parking area (for numbers see Annex B). A snack bar located within the HGV parking area providing hot food and drinks is permitted. A safe walking route to the amenity building should also be provided.
90. Operators are required to permit self-propelled horse boxes (as opposed to trailers – see paragraph 77) to park in the HGV parking area.

### **Toilets**

91. Annex C indicates how the number of toilets should relate to the number of parking spaces. If an operator believes that the calculation will lead to overprovision of facilities, the Highways Agency will consider requests for derogation from these requirements, based on an impact assessment.
92. The standards laid down in the Charter of the British Toilet Association are commended, and the Highways Agency strongly advises all operators to meet its requirements.

### **Parent/carer and child rooms**

93. Parent and child facilities should be provided at the levels laid down in Annex B.
94. Such facilities should be separate and not combined with toilets. Parent and child facilities must be fully accessible to disabled users.
95. The female parent/carer and child room must contain a screened area with seating, where women who do not wish to breastfeed in public can do so in private. This facility should be clearly signed.
96. However, operators are encouraged to adopt breastfeeding-friendly policies and should consider displaying the international breastfeeding symbol prominently in their amenity buildings.

## **ON-LINE AND JUNCTION SITES**

97. Although an MSA situated at a junction may be signed from the motorway, there is a presumption in favour of on-line sites. Junction MSAs are more likely to generate undesirable trips from the surrounding area if the facilities are attractive to local residents. In addition, sites that are located further away from the motorway network might discourage drivers from stopping to rest. Where drivers do make use of such facilities, there is a need to leave the motorway, negotiate the junction and later rejoin the motorway. All of these manoeuvres increase the risk of accidents occurring and may cause congestion at the junction or exacerbate an existing congestion problem.
98. However, a junction site may be considered in circumstances where it can clearly be demonstrated that the construction of an on-line MSA would have an adverse impact or could not be delivered due to planning, operational or environmental constraints.

## **SIGNING OF ROADSIDE FACILITIES**

### **Signing on road network**

99. Annex A details the criteria for signing all types of roadside facilities on the road network and the signs that should be used.

### **Signing within roadside facilities**

100. All traffic signs and markings within roadside facilities should conform to the standards laid down in the TSRGD 2002 as amended or replaced from time to time.

### **Advertising within roadside facilities on the motorway**

101. Advertisements situated within roadside facilities on motorways that are visible from the motorway are not permitted. This includes advertisements mounted internally or externally on footbridges or connecting road bridges.

## **TRAFFIC INFORMATION POINTS AT MSAS**

102. To help the travelling public make informed travel decisions and plan their onward journeys, MSA operators are encouraged to provide traffic information to customers. Operators are also encouraged to provide sufficient space to support the installation of a Traffic Information Point.
103. Where a Traffic Information Point is installed, the Highways Agency will be happy to advise on its location and size, on a case-by-case basis.

## **RETAIL ACTIVITIES AT MSAS AND MRAS**

### **Retail general requirements**

104. The Government is committed to the principle of discouraging MSAs and MRAs from becoming destinations in their own right. A modest degree of retail development is permitted, so that MSAs and rest areas may serve the needs of road users, but not so

that they attract customers from the local area. Creating a destination in its own right would generate additional trips on the motorway network and may have an adverse impact on local retail trade.

105. The maximum retail sales floorspace permitted at an MSA or MRA is 500 m<sup>2</sup>. Additional areas may be used for retail storage, but there shall be no public access and sales shall not be permitted from these areas. Where an MSAs amenities are split between two distinct sites on either side of the motorway, it will be permitted to have up to 500 m<sup>2</sup> of retail space at each site, provided customers are not required to cross the motorway to reach essential facilities. Where floorspace provision in excess of 250 m<sup>2</sup> per side is proposed, the provisions in paragraphs 106–108 shall apply:
- any existing footbridge or underpass connecting the sites must be taken out of normal public use with a view to removal at an appropriate time;
  - a full range of services (including toilets, and hot substantial meals between 6 am and 10 pm) must be available and open at each site.
106. Trading will not be permitted on bridges connecting two sides of an MSA or MRA.
107. The floorspace restriction is set at a level to allow MSAs and MRAs to provide an adequate range of facilities to serve the travelling public. It has no direct correlation with traffic flows. Therefore, an MSA or MRA situated at a junction and which serves traffic using both carriageways is permitted only 500 m<sup>2</sup> of retail floorspace.
108. Operators are encouraged to provide a range of alternative catering outlets that would increase the choice available to road users.

### **Games area**

109. MSAs and MRAs are permitted, in addition to retail space, a modest games/gaming machine/exercise machine area not exceeding 100 m<sup>2</sup> to provide drivers and passengers with an opportunity to relax during long trips.

### **TOURIST INFORMATION CENTRE**

110. Operators are encouraged to develop and promote tourist information services by participation in the Enjoy England Official Partner programme promoted by Visit Britain. Space should be allocated within MSAs to undertake this activity, which will not be counted against the 500 m<sup>2</sup> retail limit. In order to provide an income stream to support the delivery of this service, an accredited tourist information centre located within an MSA may be accompanied by an additional 50 m<sup>2</sup> of retail floorspace (over and above the 500 m<sup>2</sup> limit as per paragraph 105) for the sale of products originating from the region.
111. Tourist information facilities may also be provided at MRAs.

## **FUEL FORECOURT**

112. The petrol filling station is permitted a retail facility that is limited in scale and genuinely ancillary to the sale of fuel.<sup>7</sup>
113. Operators are encouraged to provide basic safety facilities such as air and water at no cost to customers.
114. Operators are encouraged to provide a wide range of fuels, including LPG and bio-fuels.
115. Operators are expected to provide assistance at pumps for disabled travellers.

## **SALE OF ALCOHOL**

116. There is to be no sale or consumption of alcohol anywhere on the premises of a MSA or MRA.

## **LODGES**

117. Service areas are permitted to provide a lodge offering overnight accommodation for drivers/passengers.
118. When located at an on-line MSA MRA or TRSA, lodges are expected to only serve traffic using the side of the carriageway on which the lodge is sited, unless a dedicated link road to the other side of the facility is provided.
119. The overnight accommodation is to serve road users on the way to their destination, and will not be permitted to become a destination in its own right.<sup>8</sup> The lodge will be allowed to provide dining facilities.
120. There is to be no sale or consumption of alcohol within MSA or MRA lodges.
121. The lodge will be required to provide one parking bay per two lodge bedrooms in addition to the parking provision required for the service facilities.
122. Impact Assessments will be required for any proposal that exceeds the above criteria<sup>9</sup> or where operators seek to deviate from the minimum criteria. Early discussions with the Highways Agency will enable the scope of the Assessment to be agreed.

## **CONFERENCE FACILITIES AND BUSINESS CENTRES AT MSAS**

123. MSAs can offer a sustainable location at which to hold business meetings by reducing the overall distance that delegates need to travel. Operators may therefore be permitted to develop a modest conference facility or business centre at an MSA, where the proposal is supported by an acceptable Impact Assessment.<sup>10</sup> This would need to demonstrate either that no new trips would be generated on the SRN, or, if there would be, that overall vehicle mileage would be reduced.

<sup>7</sup> See Planning Policy Statement 6: Planning for Town Centres  
[www.communities.gov.uk/publications/planningandbuilding/planningpolicystatement11](http://www.communities.gov.uk/publications/planningandbuilding/planningpolicystatement11)

<sup>8</sup> See paragraphs 13–18.

<sup>9</sup> See paragraphs 19–27.

<sup>10</sup> See paragraphs 19–27.

124. Approval could only be granted if the MSA was shown to be an appropriate location for such a facility. It is unlikely that an MSA located close to a major settlement would be granted approval for a conference facility or business centre, as it would be likely to attract business from established centres and draw traffic onto the motorway from the local area.
125. Any conference facility or business centre should have additional parking spaces (approximately 0.75 spaces per delegate) and dedicated toilet facilities in adequate numbers.
126. The Highways Agency will not approve any proposal that would cover a floor area of greater than 200 m<sup>2</sup>.
127. There is to be no sale or consumption of alcohol at conference facilities and business centres.

## **COACH INTERCHANGE/PARK-AND-RIDE/PARK-AND-SHARE AT ROADSIDE FACILITIES**

### **General**

128. The Highways Agency recognises that, because of their location between major settlements, MSAs can in certain circumstances be appropriate locations from which to promote or facilitate alternative sustainable means of travel. The benefit would be a reduction in overall vehicle mileage, leading potentially to reduced congestion and pollution, and improved road safety.
129. The construction/operation of park-and-ride/coach interchange or park-and-share facilities at an MSA or MRA would be subject to the production of an Impact Assessment, approved by the Highways Agency, which demonstrated that there would be an overall reduction in vehicle mileage.

### **Coach interchanges**

130. Coach interchanges allow coach operators to increase the overall efficiency of coach movements. Feeder coaches bring passengers to the interchange, from where they can then be taken to a variety of destinations. By permitting an interchange at an MSA, it might be possible to reduce the need for coaches to leave the motorway to exchange passengers at a facility on the local road network. Provided that no extra trips are likely to be generated, the Highways Agency has no 'in principle' objection to the establishment of this type of facility at an MSA. Proposals will be judged on their merit, based on an Impact Assessment.
131. Any benefits of a coach interchange must be balanced with the needs of other motorway users to stop and take a break. Therefore operators should discuss their proposals with the Highways Agency at the earliest opportunity to agree the scope of the Impact Assessment. If a coach interchange is permitted, the operator will need to provide appropriate infrastructure (for example a parking area, a canopy and additional toilets) to ensure that customer safety and convenience are not compromised. No MSA will be permitted to operate a coach depot or otherwise to become a destination in its own right.

### **Park-and-ride**

132. Park-and-ride schemes have the potential to reduce overall vehicle mileage and/or urban congestion. Where a scheme would link an MSA to a nearby city centre, additional parking spaces (over and above the minimum requirements defined in Annex B) would need to be provided at the MSA to meet demand. The scale of the additional parking would be determined through the Impact Assessment. For this form of park-and-ride, a relatively long car journey would be followed by a short bus ride, contributing to a reduction in the number of vehicles joining the local road network from the SRN.
133. An alternative form of park-and-ride would involve relatively short trips by car prior to a medium- to long-distance coach journey. To reduce the number of short trips on the motorway, wherever possible the car park/drop-off point should be located outside the MSA area and accessed from the local road network, with passengers provided with a safe walkway to board the coach from within the MSA. Operators would be required to demonstrate that this arrangement could not be achieved, before the Highways Agency would give any consideration to allowing the car-park/drop point to be built within the MSA.
134. Any park-and-ride proposal must be supported by an Impact Assessment, the scope of which should be agreed in advance with the Highways Agency. The risk with park-and-ride schemes is that travellers will switch from public transport to the private car for the early stage of their journey. The Impact Assessment will need to demonstrate that this would not occur.

### **Park-and-share**

135. To promote sustainable travel, operators might wish to encourage drivers to park at an MSA and share the remainder of their journey. This would help to reduce overall vehicle mileage. Any park-and-share facility would have to provide long-stay parking in addition to existing minimum parking provision (as defined in Annex B), and there should be no detriment to drivers using the MSA to stop and take a break in the course of their journey. Any park-and-share facility must be agreed with the Highways Agency and will be considered subject to an acceptable Impact Assessment.

### **TRUCKSTOPS SIGNED FROM THE MOTORWAY NETWORK**

136. In order to be signed from the motorway, a truckstop must meet the following criteria:
- Signing should normally be limited to truckstops within 2 miles of the motorway that provide a minimum of 30 HGV parking spaces.
  - Truckstops should provide as minimum facilities: fuel; hot drinks and food; showers; adequate parking to cater for expected demand; free short-term parking (minimum two hours); free flush toilets together with hand-washing facilities of sufficient number to cope with demand, and access to a cash-operated telephone (card phones alone will not suffice).
  - These minimum facilities must be available 24 hours a day every day except Christmas Day, Boxing Day and New Year's Day.

137. Signing will not be provided where, in order to reach the truckstop, HGVs would be required to pass through residential areas.

## **SIGNED SERVICE AREAS ON ALL-PURPOSE TRUNK ROADS (TRSA)**

### **Spacing**

138. There is a clear need at intervals along trunk roads for fuel, parking, toilet and refreshment facilities, including picnic areas. From the point of view of both the safety and convenience of travellers there is advantage in the grouping of such facilities at appropriately sited and spaced locations, without the need (or opportunity) to cross traffic flows or use the local highway to reach them.
139. Half-an-hour's driving time should be regarded as the maximum that any driver should have to travel without the availability of fuel, refreshments, toilets and parking facilities, including parking for HGVs. It is considered that signed service areas should be sited at distances apart of approximately 30 minutes<sup>11</sup> or 14 miles (whichever is the lesser).
140. However, in determining applications for TRSAs, it will be necessary to consider the availability of existing provision nearby which, although not adequate by itself to secure traffic signs, is likely to reduce the overall demand for service facilities. In general, the aim should be to avoid the need for travellers to divert into by-passed communities to reach facilities that they require. Where there are significant barriers to developing new facilities on the trunk road and where there is a clear road safety need for services, it may be appropriate to sign traffic off to existing facilities on bypassed roads.
141. Responsibility for identifying sites, acquiring land, seeking planning permission and developing service areas rests with the private sector. To encourage the provision of services at appropriate intervals, the Highways Agency will seek to identify stretches of trunk road between settlements where there is a clear road safety need for a TRSA and will provide LPAs and developers with this information.

### **Facilities**

142. To be signed from the SRN (see Annex A), the facilities must be:
- open at least between the hours of 8 am and 8 pm every day except Christmas Day, Boxing Day and New Year's Day;
  - limited to a single or two adjoining or interconnected premises;
  - accessed directly from on the road or directly accessible from a junction on the road;
  - the facilities must also comply with all existing and future equality legislation.

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<sup>11</sup> Median average inter-peak travelling time.

143. To be signed from the SRN, the facilities must provide:

- fuel;
- hot drinks and hot food;
- adequate indoor tables and chairs to cater for expected demand (subject to a minimum provision for eight persons);
- free short-term parking (minimum two hours);
- free toilets available to all road users, together with hand-washing facilities in sufficient number to cope with demand;
- parent/carer and child facilities containing baby-changing amenities;
- access to a cash-operated telephone (card phones alone will not suffice);
- two car and caravan/motorhome/light vehicle towing trailer parking spaces.

144. The following criteria will also apply:

- Signing should normally be limited to service areas on 'A' numbered roads.
- Where services are provided on one side of the road only, signing will be limited to the nearside direction of approach unless adequate provision has been made for right-turning vehicles. Where facilities are split between two sites on opposite sides of the road, and connected by a footbridge or subway and with petrol and parking available at both sides, signing from both directions will be permissible.
- Only service areas that are accessed directly from the road or have direct access from a junction on the road can be signed. It is not acceptable to sign drivers *along* a route to remotely located facilities; the road must pass the service area. Where a service area is located at a roundabout, it will be for the traffic authority to decide on which approaches, if any, signs can be provided.
- Direct access to and egress from service areas should be provided either by diverging and merging lanes or other dedicated arrangements in accordance with Department for Transport Technical Document 41. Where flow exceeds 500 vehicles per day, then the appropriate full junction standard should be adopted – see Technical Document 42 or Technical Document 16.

145. Signs will **not** be provided:

- (a) in urban areas – subject to speed restrictions of 40 mph or less – as services are generally frequently available therein;
- (b) where discrimination would occur, ie two or more services establishments of a similar type on the same side of the road located within 1 mile of each other.

146. Operators are also encouraged to provide tourist information points.



147. Under the Licensing Act 2003, any premises that provide late-night refreshment (i.e. hot food and drink) between 11.00 pm and 5.00 am for sale to the public require appropriate permission from the local licensing authority.
148. Operators are encouraged to adopt breastfeeding-friendly policies and should consider displaying the international breastfeeding symbol prominently in their amenity buildings.

#### **LOCAL SERVICES IN BY-PASSED COMMUNITIES**

149. In order to receive signing, qualifying criteria must be met. *All* the following services must be available at least during normal shop opening hours, 9.30 am to 5.30 pm Monday to Saturday (half-day closing excepted), but excluding public holidays throughout the year:
- (a) Adequate public parking and public toilets with hand-washing facilities (both clearly signed within the community); public cash-operated telephone; fuel; refreshments. (Where fuel is not available within the community, but is available on the main road, a special variant of the sign may be authorised by the Highways Agency).
  - (b) The community must be within 3 miles of the main (all-purpose) road from which its services would be signed, and must be the first town or village reached after leaving the road signed with the 'facilities' sign. Adequate confirmatory and return route signing must be provided.
  - (c) The community should not be so large that the provision of a full range of services would reasonably be assumed to be available by the majority of travellers. As a guide, towns with a population of over 10,000 would not normally be signed, but this figure is not to be taken as a rigid criterion.
  - (d) No equivalent (or better) roadside services are available on the main road ahead within the total detour distance plus 1 mile of the local facilities.
  - (e) No detriment to road safety, sound traffic management or local amenity should result from the encouragement of 'facilities-seeking' traffic.
  - (f) Encouragement of traffic is acceptable to the local community as a whole (to be determined by the district council).
  - (g) The cost of providing, erecting and maintaining the signs will normally be borne by local traders likely to benefit from their existence. Promoting local authorities may offer financial assistance.

#### **TRADING FROM LAY-BYS**

150. Lay-bys are provided on all-purpose trunk roads to enable motorists to stop in the course of their journey. This may be to take a brief rest, to use a mobile phone or, in the case of HGV drivers, to comply with drivers' hours regulations. However, lay-bys should not be considered substitutes for full service areas and are not satisfactory locations to rest

for more than a short period. Drivers should be encouraged to use service areas wherever these are available, using lay-bys only when stopping is an urgent necessity or where provision of services is inadequate.

151. Although lay-bys generally do not have any facilities, they are attractive to mobile traders serving refreshments to motorists. However, many lay-bys are unsuitable for this purpose, neither being large enough nor designed to standards that will accommodate the safe movement of a large number of vehicles. The availability of refreshments in lay-bys also has the potential to cause environmental and hygiene problems if traders and customers do not act in a responsible manner. Vehicle overrun damage to kerbs and verges also occurs and adjacent land may be subject to trespass.
152. Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, with the Highways Agency's consent, local authorities may designate stretches of all-purpose trunk road as 'licensed streets' and issue licences to trade in lay-bys. Trading without a licence would be illegal where this provision is applied. The Highways Agency will seek to work proactively with local authorities to identify lay-bys where trading may safely be carried out.
153. It is expected that traders will be required, as a condition of being granted a licence, to provide adequate litter disposal, toilet and hand-washing facilities (that are maintained and kept clean) so as to mitigate the negative environmental and hygiene impacts of their operation. The payment for the issue of a licence is intended to be used to fund a regime of regular inspections of the operation. If facilities are not kept to the required standard or if the presence of the canteen gives rise to environmental, safety, maintenance or operational problems that cannot be resolved, traders may expect to have their licence withdrawn.
154. Licences should be granted only in circumstances where:
  - the lay-by in question is suited in terms of size and layout to accommodate anticipated demand safely;
  - there is no signed service area in close proximity;
  - the products on sale are intended to serve the immediate needs of the road user (i.e. drinks and snacks);
  - the trader undertakes to provide adequate litter disposal and toilet and hand-washing facilities;
  - the lay-by is suitable for the provision of the required facilities or will be adapted to achieve suitability prior to the operation commencing.
155. If the Highways Agency does not agree with the proposal, the local authority will not issue a licence.
156. If traders wish to provide hot food and drink between 11.00 pm and 5.00 am, they must hold appropriate permission from their local licensing authority under the 2003 Licensing Act.

157. A typical layout for a 'trading lay-by' is included in the DMRB and a copy of the drawing is attached at Annex D.

## **SOCIAL AND ENVIRONMENTAL RESPONSIBILITY**

158. The Highways Agency expects operators of roadside facilities to conduct business in a socially and environmentally responsible manner and to act in the best interest of their customers, staff and the wider community. Operators should encourage their customers and staff to behave in an environmentally responsible manner by providing adequate recycling litter bins where appropriate, promoting sustainable waste practices, and ensuring the premises and surrounding environment are clean, safe and secure. Customers should be able to choose from a range of healthy food options, with products sourced from local providers wherever possible.

# ANNEX A: POLICY ON THE DESIGN AND USE OF TRAFFIC SIGNS TO SERVICES AND FACILITIES ON THE STRATEGIC ROAD NETWORK IN ENGLAND

## **A1 INTRODUCTION**

- A1.1 This policy covers the provision of traffic signs to roadside facilities from the Strategic Road Network (SRN) in England. It should always be read in conjunction with the Traffic Sign Regulations and General Directions (TSRGD), S.I.2002 No. 3113, or any succeeding document.
- A1.2 In order to be lawfully placed on or near roads in England, Scotland and Wales, traffic signs must either be prescribed by the TSRGD or be specially authorised by the Secretary of State in accordance with section 65 of the Road Traffic Regulation Act 1984.
- A1.3 This document supersedes the provisions of Annex J to Roads Circular 04/94 (Revision of the TSRGD) in respect of the SRN.
- A1.4 Detailed guidance on the design and use of traffic signs can be obtained in the *Traffic Signs Manual*, which is available from The Stationery Office or on the Department for Transport (DfT) website at [www.dft.gov.uk/roads/signs](http://www.dft.gov.uk/roads/signs). Working drawings for most of the signs described in this annex are also available at this location.
- A1.5 For non-prescribed signs on the SRN or non-prescribed variants to prescribed signs on the SRN, site-specific authorisation must be sought from the Highways Agency, who will act on behalf of the Secretary of State. For other roads, authorisation must be sought from the DfT centrally.

## **A2 MOTORWAY SERVICE AREAS**

### **A2.1 Traffic Signs Agreement**

- A2.1.1 Provided that a proposed motorway service area (MSA) or an existing MSA seeking to upgrade its facilities meets the criteria set out by Circular 01/2008, operators will be required to enter into a Traffic Signs Agreement. Only when such an agreement has been concluded may signing to an MSA be erected on the SRN. Funding for such signing will be secured by means of an agreement under section 278 of the Highways Act 1980.

## A2.2 Sign design and use

### A2.2.1 *Signing from motorways*

A2.2.1.1 At each entry to a motorway (space permitting), there will be a sign to diagram 2918, indicating the distance to the next MSA along that motorway. It should normally follow the route confirmatory sign. This sign is not provided where the MSA is sited before the next junction. If there are no services on the motorway, or on any intersecting motorway, then diagram 2918.1 "No services on motorway" should be used.



Diagram 2918

A2.2.1.2 Only if the motorway intersects another one *before* the next MSA should a different sign, with distances to more than one MSA, be provided. This will then be a variant of diagram 2917, with only one MSA per route (up to a maximum of three routes) and *no* operators' names. A permitted variant allows the legend "No services" to be shown against a particular motorway on this sign.

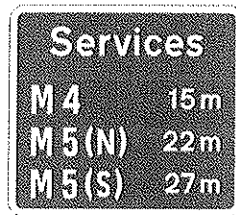


Diagram 2917 variant

A2.2.1.3 On the approach to an on-line MSA, at its simplest, the signing should be as follows:

- 1 mile before a MSA, there should be a sign to diagram 2917;
- half a mile before the MSA, there should be a sign to diagram 2919.1;
- at the start of the diverge into the MSA, there should be a sign to diagram 2920.1; and
- on the exit nosing, there should be a sign to diagram 2921 or 2921.1, depending on the road layout.

No other site-specific signing is permitted, and these standard signs should not be varied, other than as permitted by the TSRGD. For example, the sign at the start of the diverge must *not* include the pictograms indicating the range of services.

A2.2.1.4 Diagram 2917 includes the distance to the next two MSAs and names the operators. Where only one motorway route is shown, the motorway number should be omitted. However, other MSAs reached on other routes can be included if they are the next but one MSA when following a particular route. Where appropriate, "No services" can be substituted next to the motorway number in place of the operator's name and distance. No more than three motorway routes should be indicated on this sign. Where the sign is located on a motorway of four lanes or more, it may be sensible to vary the distance to 2 miles. The results of an independent inspection scheme may also be displayed on this sign.

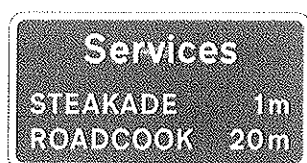


Diagram 2917 – single route

A2.2.1.5 Diagram 2919.1 includes provision for the addition of a header board displaying the operator's name and logo in their house style. Height restrictions apply to this header board, and the width is governed by the width of the main sign below when designed in accordance with the normal design rules. It is not permitted to alter the layout of the main sign to increase the overall width. All lettering on the header board must at least as large as the transport alphabet used on the main sign. Where the petrol price panel is included, the numerals should be the size shown on the DfT working drawings and the display panel should be remote-operated. Where the petrol price panel is omitted, the white petrol pump symbol should be added to the beginning of the top row of symbols. Where the sign is located on a motorway of four lanes or more, it may be sensible to vary the distance to 1½ miles.

A2.2.1.6 All MSAs are required to meet the strict requirements for disabled access laid down in primary legislation; therefore signs to diagram 2919.1 will no longer display the symbol indicating that the MSA is accessible to disabled users. The omission of this symbol has been authorised until such time as it is prescribed. Where appropriate, a symbol denoting the availability of a picnic area (shown on diagram 2305) may be used in its place.

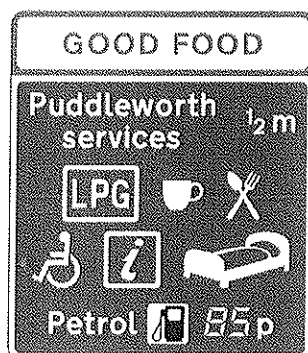


Diagram 2919.1

- A2.2.1.7 Diagram 2920.1 also includes provision for the addition of an operator's header board. As with diagram 2919.1, height restrictions apply to this header board, and the width is governed by the width of the main sign below when designed in accordance with the normal design rules. It is not permitted to alter the layout of the main sign to increase the overall width. All lettering on the header board must be at least as large as the transport alphabet used on the main sign.

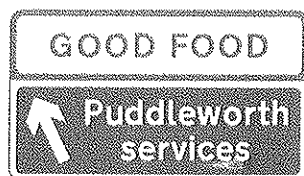


Diagram 2920.1

- A2.2.1.8 On the diverge nosing at the entrance to a MSA, there will normally be a sign to diagram 2921.1. Exceptionally, diagram 2921 might be appropriate. It is not permitted to vary these signs in any way, i.e. neither a header board nor symbols should be included.
- A2.2.1.9 Where the MSA is at a standard junction, the 1 mile sign is replaced by one at 2 miles, the half-mile sign is replaced by one at 1½ miles, and the word "Services" is added below the route number on the standard nose-exit sign to diagram 2910 (with a five-stroke width vertical space between the exit route number and "Services"). Where possible, the destination "Services" should be added to the standard directional signing approaching the junction. However, where this would lead to overload on these signs, a separate sign to diagram 2920.1 should be provided between the half-mile and final ADSs. This should be sited at least 200 metres, and more if possible, from any other directional signing.
- A2.2.1.10 Where the access to an MSA is from a non-motorway route, continuity signing should be provided by means of diagrams 2311.1 and 2311.2, as appropriate. The geographical name may be omitted from these signs, in which case "services" should be varied to "Services".
- A2.2.1.11 In the unlikely event that the MSA is some distance from the motorway, the distances given on the motorway signing should be those to the turn-off for the MSA. It is important not to give the overall distance to the MSA, as this could mislead drivers into passing the junction, seeking a later turn-off for the MSA.

## A2.2.2 *Signing from all-purpose roads*

- A2.2.2.1 The TSRGD now prescribes signs for use on non-motorway roads approaching a local road from which a named MSA is accessed. These indicate the distance and, where required, the direction. Like motorway signs, these are blue background signs with white lettering, but unlike motorway signs they may *not* include either header boards or petrol price panels.

A2.2.2.2 On the approach, a sign to diagram 2310.1 should be used. Signs to diagram 2310.1 must include the geographical name as well as the word "services". This sign is normally provided at half mile, but, where this would interfere with standard directional signing, other distances may be shown. Permitted variants are set out in Schedule 16, item 8, to the TSRGD, and the maximum distance is 2 miles. Note that, unlike the motorway sign to diagram 2919.1, this sign may *not* include a panel showing the price of unleaded petrol. As with signs to diagram 2919.1, signs to diagram 2310.1 will no longer display the symbol indicating that the MSA is accessible to the disabled. The omission of this symbol has been authorised until such time as it is prescribed. On non-trunk roads authorisation for this change is required from DfT. Where appropriate a symbol denoting the availability of a picnic area (shown on diagram 2305) may be used in its place.

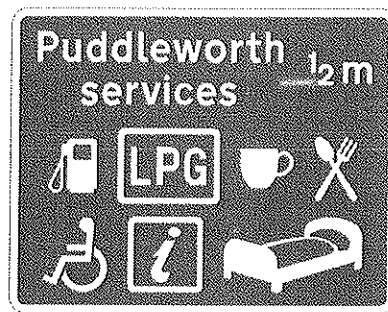


Diagram 2310.1

A2.2.2.3 Continuity signing should be provided in the form of signs to diagram 2311.1 and 2311.2 as appropriate. Alternatively, Schedule 16, item 35 lists those standard directional signs to which a blue panel with the legend "Services" may be added. "Services" may be varied to a geographical name and "services".

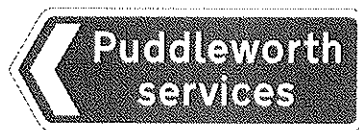


Diagram 2311.1

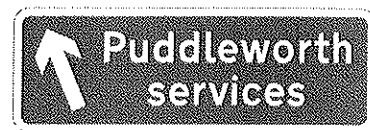


Diagram 2311.2

- A2.2.2.4 Signs to diagram 2330 may be used on all-purpose roads to indicate that there are no services available on a motorway.
- A2.2.2.5 Alternatively, signs to diagram 2917 (without operators' names) may be placed on all-purpose roads near a motorway. They can be particularly helpful on the approaches to a motorway junction, where the distance to the first MSA along one or all of the motorway routes accessed from the junction is greater than drivers would reasonably expect.

### A2.3 Financial arrangements

A2.3.1 Signs to diagrams 2917, 2918 and 2921/ 2921.1 should be erected and maintained at the Highways Agency's expense and will remain the property of the Highways Agency.



- A2.3.2 The faces of diagram 2919.1, diagram 2920.1 and diagram 2310.1 signs must be paid for by the MSA operator and will remain their property and responsibility. The support posts, safety fences and any lighting are the Highways Agency's responsibility but shall be funded by the MSA operator. The MSA operator will pay for any surveys by the Highways Agency's Regional Office to determine the work necessary for the erection of the diagram 2919.1 sign, including in relation to cabling for any remote control of the petrol price display.
- A2.3.3 For signs to diagrams 2919.1 and 2920.1, a commuted sum should be charged to recover costs incurred in maintenance that will be the responsibility of the Highways Agency. This sum should include an allowance for administration and maintenance. The operator should be given an estimate of the costs and be asked to pay in advance. The costs of future replacement of these signs must also be borne by the MSA operator. It will be acceptable for an MSA operator to arrange the manufacture and erection of these signs, provided their contractor is approved by the Highways Agency for working on the motorway and that written agreement from the Highways Agency's Regional Office is provided in advance for the work to be done. For those signs for which the MSA operator is responsible, the operator must sign a Traffic Signs Agreement.
- A2.3.4 All other MSA signs are the financial responsibility of the Highways Agency, which will meet all maintenance and replacement costs. However, where an MSA operator changes its operating name, any costs associated with changes to signs for which the Highways Agency is responsible will be met by the MSA operator provided no other changes are needed to the signs. Operators will also be required to submit a revised signing agreement to reflect changes to the sign permitted. Where changes are required to existing signs to reflect the opening of a new MSA, this cost must be met by the operator of the new facility.

## **A3 MOTORWAY REST AREAS**

### **A3.1 Traffic Signs Agreement**

- A3.1.1 Provided that a proposed motorway rest area meets the criteria set out in Circular 01/2008, operators will be required to enter into a Traffic Signs Agreement. Only when such an agreement has been concluded may signing to a rest area be erected on the trunk road network. This applies to all of the SRN. Funding for such signing will be secured by means of an agreement under section 278 of the Highways Act 1980.
- A3.1.2 Because they do not provide all of the facilities of an MSA (in particular, fuel may not be available) rest areas will not be included on any advance direction signs (ADS) to diagram 2917 or standard signs to diagram 2918 at motorway entries.

## A3.2 Sign design and use

### A3.2.1 Signing from motorways

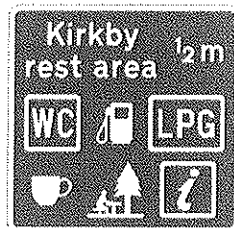
A3.2.1.1 On the approach to an on-line rest area, the signing should be as follows:

- One mile before a rest area, there should be a sign to diagram NP2918.2 (non-prescribed sign). In some circumstances, it may be appropriate to vary the distance on this sign.



Non-prescribed sign NP2918.2

- Half a mile before the rest area, there should be a sign to diagram NP2919.3 (non-prescribed sign) indicating the facilities available at the rest area.



Non-prescribed sign NP2919.3

- This diagram does *not* include provision for a header board to be added. However, it should include the name of the rest area to help driver identification.
  - The pump, LPG fuel, and "i" symbols may be omitted as appropriate. The spoon and fork symbol (denoting restaurant facilities) may be substituted for the cup symbol. The remaining facilities may be shown on a single row.
  - Where a lodge is provided at a rest area, its availability may be indicated by the inclusion of a bed symbol on this diagram. The bed symbol should be shown after the symbols illustrated above.
- At the start of the diverge into the rest area, there should be a sign to diagram NP2920.2 (non-prescribed sign).



Non-prescribed sign NP2920.2

- On the exit nosing, there should be a sign to diagram NP2921.2 or NP2921.3 (non-prescribed signs), depending on the road layout.



Non-prescribed sign NP2921.2



Non-prescribed sign NP2921.3

No other site-specific signing is permitted, and these standard signs should not be varied.

### A3.2.2 Rest areas at junctions

- A3.2.2.1 Where a rest area is located at a motorway junction and the same slip roads are being used by other traffic, special arrangements should be followed to avoid a conflict between the rest area signs and the standard advance direction sign on the approach to the junction.
- A3.2.2.2 Where the rest area is at a standard junction, the 1 mile sign (on diagram NP2918.2 non-prescribed sign) is replaced by one at 2 miles in advance of the junction exit and the half-mile sign (diagram NP 2919.3 non prescribed sign) is replaced by one at 1½ miles. The distances on both signs are changed accordingly.
- A3.2.2.3 At the junction, a nose exit sign to diagram NP2910.2 (non-prescribed sign), which has the words "Rest area" added below the route number on the standard nose-exit sign (with a five-stroke width vertical space between the exit route number and "Rest area").



Non-prescribed sign NP2910.2

- A3.2.2.4 A sign to diagram NP2920.2 (non-prescribed sign), should be provided between the half-mile and final advanced direction sign for the ordinary junction signing. It should be sited at least 200 metres, and more if possible, from any other directional sign. Once on the slip road and on the route to the services, continuity signing using the legend "Rest area" should be provided to direct drivers. These signs should be white on blue throughout, irrespective of the status of the road. Where appropriate, they may be integrated into the advance direction signs.
- A3.2.2.5 Where the access to a rest area is from a non-motorway route, continuity signing should be provided by means of diagrams NP2311.3 and NP2311.4 (non-prescribed signs), as appropriate. The geographical name may be omitted from these signs, in which case "rest area" should be varied to "Rest area".



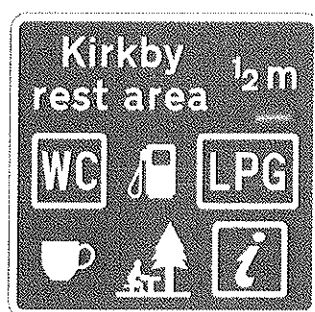
Non-prescribed sign NP2311.3



Non-prescribed sign NP2311.4

### A3.2.3 Signing from all-purpose roads

- A3.2.3.1 Non-prescribed signs may be used on non-motorway roads approaching a local road from which a named rest area is accessed. These indicate the distance and, where required, the direction. Like motorway signs, these are blue background signs with white lettering.
- A3.2.3.2 On the approach, a sign to diagram NP2310.2 (non-prescribed sign) should be used and must include the geographical name as well as the words “rest area”. This sign is normally provided at half-mile, but, where this would interfere with standard directional signing, other distances may be shown. The symbols may be varied as appropriate to the facilities available at the rest area and the maximum distance is 2 miles.



Non-prescribed sign NP2310.2

- A3.2.3.3 Continuity signing should be provided in the form of signs to diagram NP2311.3 and NP2311.4 (non-prescribed signs) as appropriate.
- A3.2.3.4 Alternatively, the words “Rest area” may be added to those standard direction signs identified in Schedule 16, item 35 as being signs to which a blue panel with the legend “Services” may be added. However, such variations are non-prescribed and authorisation will be required. “Rest area” may be varied to a geographical name and “rest area”. On non-trunk roads, authorisation for this is required from DfT.

### A3.3 Financial arrangements

- A3.3.1 Signs to diagram NP2918.2 (non-prescribed sign) should be erected and maintained at the Highways Agency’s expense and will remain the property of the Highways Agency.
- A3.3.2 The faces of diagram NP2919.3 and diagram NP2310.2 signs (non-prescribed signs) must be paid for by the rest area operator and will remain their property and responsibility. The support posts, safety fences and any lighting are the Highways Agency’s responsibility. The rest area operator must also pay for signs to diagram NP2920.2 (non-prescribed sign), but they will be the property of the Highways Agency, who will bear the maintenance costs. The rest area operator will pay for any surveys by the Highways Agency’s Regional Office to determine the work necessary for the erection of the signs to diagram NP2919.3 (non-prescribed sign).

- A3.3.3 For signs to diagrams NP2919.3 and NP2920.2 (non-prescribed signs), a commuted sum should be charged to recover costs incurred. This should include an allowance for administration and maintenance. The operator should be given an estimate of the costs and be asked to pay in advance. The costs of future replacement of these signs must also be borne by the rest-area operator. It will be acceptable for a rest-area operator to arrange the manufacture and erection of these signs, provided their contractor is approved by the Highways Agency for working on the motorway and that written agreement from the Highways Agency's Regional Office is obtained in advance for the work to be done. For those signs for which the rest-area operator is responsible, the operator must sign an Operating Agreement covering the maintenance and replacement.
- A3.3.4 All other rest-area signs are the financial responsibility of the Highways Agency, which will meet all maintenance and replacement costs.

## **A4 MOTORWAY TRUCKSTOPS**

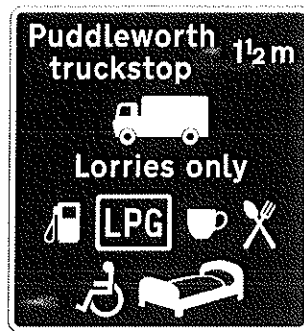
### **A4.1 Traffic Signs Agreement**

- A4.1.1 Since the introduction of the 2002 TSRGD, it has been possible to sign various HGV destinations and routes from motorways using diagram 2929.1. Now, subject to the standards laid out in Circular 01/2008 being met, specialist HGV facilities (generally known as truckstops) can receive signing more akin to standard MSA signing. In light of this change, a non-prescribed sign design has been developed that requires site-specific authorisation.
- A4.1.2 Provided that a truckstop meets the criteria set out in the main body of Circular 01/2008, operators will be required to enter into a Traffic Signs Agreement. Only when such an agreement has been concluded may signing to a truckstop be erected on the SRN. Funding for truckstop signs, as for MSA signs, should be secured by means of an agreement under section 278 of the Highways Act 1980.

### **A4.2 Sign design and use**

- A4.2.1 Truckstops are generally located on the local road network adjacent to a motorway junction. The sequence of signing, therefore, should be as follows:
- One and a half miles before the junction from which the truckstop can be accessed, there should be a sign to diagram NP 2919.2 (non-prescribed sign) indicating the distance to the junction. It is important that it is this distance, rather than the overall distance to the truckstop, that is given, or drivers might pass the turn-off, believing that there was an access further along the motorway. This sign is, as yet, non-prescribed, and must be authorised on a site-specific basis. It is similar in appearance to other services signing,

but, in keeping with the standard convention for HGV route signing, it has a black background with white lettering. No header board is permitted.



Non-prescribed sign NP2919.2

- Between the half-mile and final ADSs for the junction, there should be a sign to diagram 2929, with legend "Puddleworth truckstop" and an inclined arrow. This is a permitted variant of the prescribed sign and does not require site-specific authorisation.



Diagram 2929 for truckstop

- On the motorway slip road, signing may be provided either by a further variant of diagram 2929, or by incorporating a black panel into the standard directional signing. Again, this is permitted by the TSRGD.

A4.2.5 Continuity signing on local roads should be provided either by means of signs to diagrams 2805, 2806 and/or 2806.1, varied as necessary, or by adding black panels to standard directional signing. This, too, is permitted by TSRGD.

#### **A4.3 Financial arrangements for truck stops signed from the motorway**

- A4.3.1 All signs should be erected and maintained at the operator's expense, but will remain the property of the Highways Agency.
- A4.3.2 Where sites do not comply with policy, the operator of the site will be responsible for the costs of removing any signs.

### **A5 SERVICE AREAS ON ALL-PURPOSE ROADS**

#### **A5.1 Traffic Signs Agreement**

- A5.1.1 Provided that a proposed service area or an existing service area seeking to upgrade its facilities meets the criteria set out by Circular 01/2008, operators will be required to enter into a Traffic Signs Agreement. Only

when such an agreement has been concluded may signing to an all-purpose trunk road service area be erected on the SRN. Funding for such signing will be secured by means of an agreement under section 278 of the Highways Act 1980.

## A5.2 Sign design and use

A5.2.1 The TSRGD 2002 introduced a new signing regime for service areas on all-purpose roads. Black and white signs are now prescribed for all service areas other than named MSAs. A deadline of 1 January 2015 has been set for replacing existing green background signs on primary routes.

A5.2.2 In advance of services that are open 24 hours of those days required by the eligibility criteria (laid down in paragraphs 144 and 145 in the main body of this policy), a sign to diagram 2313.1 may be provided. The normal distance is half a mile, but, where this would interfere with standard directional signing, this may be varied in accordance with Schedule 16, item 8. "Services" may be varied to a geographical name and "services". Symbols should be varied according to available facilities, but should always be used in the order shown on the drawings, and must always include the WC, petrol pump and cup or fork and spoon (but not both). If LPG fuel is available, the symbol should be placed after the petrol pump. The "i" symbol may be omitted if no tourist information is available and the bed symbol may be added.

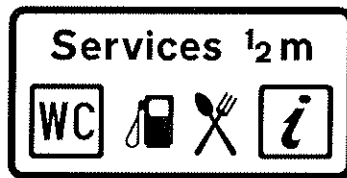


Diagram 2313.1

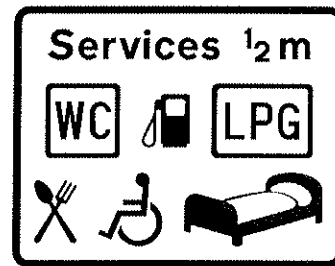


Diagram 2313.1 variant

A5.2.3 Where services are not open 24 hours, the advance signing should be to diagram 2313.3. The lower panel may read either "not 24 hrs" or "Fuel only 24 hrs" as appropriate. Additionally, the same permitted variants apply as for diagram 2313.1.

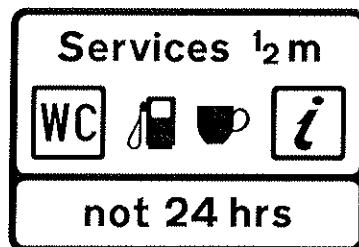


Diagram 2313.3

A5.2.4 Where services are not open to HGVs, the advance signing should be to diagram 2313.5, with the lorry symbol varied to the lorry symbol with the red bar through it, and the words "Lorries only" omitted. Again, the same permitted variants apply as to diagram 2313.1.

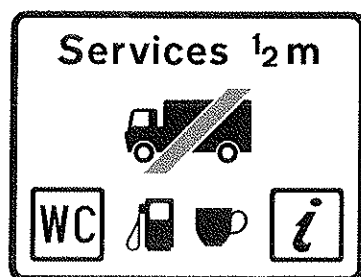


Diagram 2313.5 -- no HGVs

A5.2.5 Where required, final advance direction signs to service areas should be designed to diagrams 2313.2, 2313.4 or 2313.6 as appropriate. These signs may also include the range of symbols shown on the half-mile advance direction signs, and the symbols should be the same on both signs. Signs of this type, incorporating symbols, should only be used where drivers are required to turn off the main road in order to reach services accessed from a minor road. They should not be used as final signs at the entrance to a service area.

A5.2.6 At the entrance to the service area itself, either diagram 2314.1 or diagram 2314.2 should be used, as appropriate for the road layout. Signs to diagram 2314.2 may also be used at slip road nosings. The direction to a service area may also be indicated by adding the destination "Services" to standard directional signing, either directly in the case of non-primary route signs, or in a panel in the case of green primary route signs. Schedule 16, item 35 indicates those sign diagrams to which this permitted variant applies.



Diagram 2314.1



Diagram 2314.2

### A5.3 Financial arrangements

A5.3.1 All signs should be erected and maintained at the operator's expense but will remain the property of the Highways Agency.

## A6 TRUCKSTOPS ON ALL-PURPOSE ROADS

### A6.1 Traffic Signs Agreement

A6.1.1 Provided that a facility meets the criteria set out in the main body of Circular 01/2008, operators will be required to enter into a Traffic Signs Agreement. Only when such an agreement has been concluded may signing to a truckstop be erected on the SRN. Funding for truckstop signs, as for MSA signs, should be secured by means of an agreement under section 278 of the Highways Act 1980.



## A6.2 Full standard services – sign design and use

- A6.2.1 Fully qualifying services that cater only for HGVs should be signed in advance using diagram 2313.5, with symbols varied as appropriate.

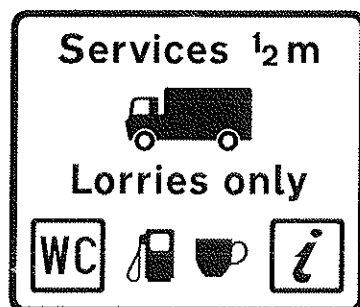


Diagram 2313.5

- A6.2.2 Where required, final advance direction signs to lorry only service areas should be designed to diagram 2313.6, varied to omit the lorry with the red diagonal line and add the lorry symbol plus "Lorries only". These signs may also include the range of symbols shown on the half-mile advance direction signs, and the symbols should be the same on both signs. Signs of this type, incorporating symbols, should only be used where drivers are required to turn off the main road in order to reach services accessed from a minor road. They should not be used as final signs at the entrance to a service area.

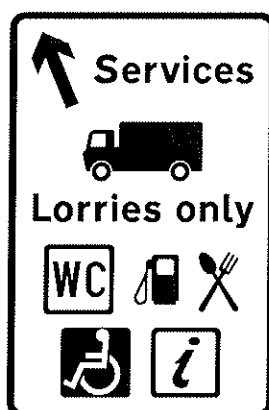


Diagram 2313.6 – lorries only

- A6.2.3 At the entrance to the service area itself, either diagram 2314.1 or diagram 2314.2 should be used, as appropriate for the road layout. Signs to diagram 2314.2 may also be used at slip road nosings. The direction to a service area may also be indicated by adding the destination "Services" to standard directional signing, either directly in the case of non-primary route signs, or in a panel in the case of green primary route signs. Schedule 16, item 35, indicates those sign diagrams to which this permitted variant applies.

### A6.3 Special lorry facilities

A6.3.1 Where facilities are provided for HGVs, but do not meet the signing criteria for all-purpose road services, variants of diagrams 2502, 2505 and 2507 may be used on all-purpose roads. It is for the route manager to decide whether signing is appropriate. However, an HGV driver should not be expected to follow such signs unless overnight parking is available.

A6.3.2 The signs would include the blue “P” symbol plus the black lorry symbol on a white background, with no legend, and certain other permitted symbols where appropriate.

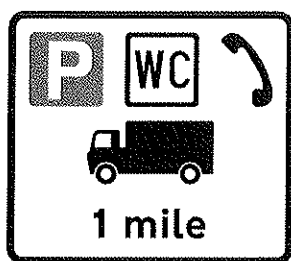


Diagram 2502



Diagram 2505



Diagram 2507

### 6.4 Financial arrangements

A6.4.1 All signs should be erected and maintained at the operator's expense but will remain the property of the Highways Agency.

## 7 LOCAL FACILITIES IN OFF-LINE COMMUNITIES

### 7.1 Restrictions on use

A7.1.1 These signs are for use where a range of basic services are available in a small town or village lying off the main road, which will often but not necessarily be a purpose-built bypass. These signs are *not* to be used on motorways. Neither are they to be used for towns or cities large enough for the traveller to assume that a full range of services is available (see paragraphs 151 and 152 of main policy body).

### 7.2 Sign design and use

A7.2.1 Advance signing to local facilities should be by means of diagram 2308.1. This sign should be positioned so as to avoid last minute manoeuvring by drivers.



Diagram 2308.1

- A7.2.2 The WC, petrol pump and cup symbols should appear on all signs, as these represent the minimum qualifying criteria for signing. The spoon and fork (denoting a restaurant), bed or tourist information "i" symbol shall be omitted where these facilities are not provided.
- A7.2.3 Tourist attraction and camping site/caravan park symbols should **not** be added, as these would make the sign too complicated. These are tourist facilities and should be signed separately in accordance with TD 52/04.
- A7.2.4 Normally, drivers will be able to obtain the name of the community shown on the local facilities sign from the standard directional signing at the junction and on the continuation of the route. However, a flag-type sign to diagram 2309.1 is prescribed for use at any junction on the route where the existing local directional signing is not adequate.



Diagram 2309.1

## A8 LAY-BYS

- A8.1 Lay-bys are an essential element in highway design, giving frequent opportunities for drivers of all types of vehicle to take a short break. Lay-bys are signed by means of an advance sign to diagram 2501, plus a sign at the start of the lay-by to diagram 801.

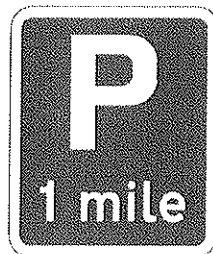


Diagram 2501

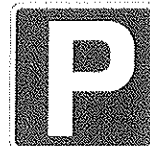


Diagram 801

- A8.2 Where there is a WC and/or telephone in a lay-by, advance signing should be to diagram 2502. The "i" symbol, indicating general information not associated with tourist attractions, may be added. This sign may also be used to indicate a parking area reserved for commercial vehicles, by incorporating the lorry symbol (see paragraph 6.3.2)

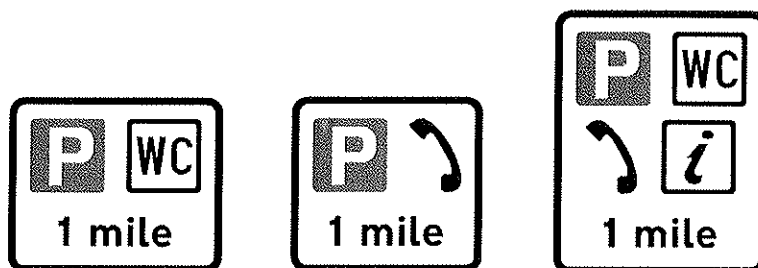


Diagram 2502 variants

## ANNEX B: STANDARDS FOR PARKING AT MOTORWAY SERVICE AREAS AND MOTORWAY REST AREAS

The calculations below set out the requirements for MSAs. The requirement in respect of facilities for MRAs will be half that required for MSAs, and rounded to the higher number where clear division can not be made.

	Calculation <sup>12</sup>	Variable	Notes
<b>Traffic flow (vehicles per day)<sup>13</sup></b>			
Light vehicle		A	Advice on traffic flows is available from the Highways Agency
HGV and coach		B	
<b>No. of parking spaces required<sup>14</sup></b>			
Cars	0.5% of A	C	
HGV	0.5% of B	D	
Abnormal load	Minimum of 1		
Coach	0.1% of B	E	
Coach interchange <sup>15</sup>	No. of bays provided	E1	
Caravan/ motorhome/ vehicle & trailer	0.015% of A	F	
Motorcycle	0.015% of A (where the percentage falls below 10 a minimum of 10 should be provided)	G	Dedicated motorcycle bays for securing bikes
Additional spaces for lodges	One space per 2 bedrooms		

<sup>12</sup> The Highways Agency's Spatial Planning Team can assist with these calculations.

<sup>13</sup> Where the necessary information exists operators may wish to increase the number of parking spaces for particular types of vehicle to recognise the particular demographics of the road served by the facility.

<sup>14</sup> Parking for disabled travellers should be clearly signed at the entrance to the MSA.

<sup>15</sup> Where such a facility has been permitted.

No. of parking spaces required continued		
Spaces for disabled users	5% of C (where the percentage falls below 5 a minute, 5 should be provided)	
Spaces for disabled users caravan/motorhome/vehicle and trailer	5% of F (where the percentage falls below 2 a minute, 2 should be provided)	Located adjacent to the front entrance
Spaces for disabled lodge users	5% of F (where the percentage falls below 2 a minute, 2 should be provided)	

## ANNEX C: STANDARDS FOR TOILETS AT MOTORWAY SERVICE AREAS AND MOTORWAY REST AREAS

The calculations below set out the requirements for MSAs. The requirement in respect of facilities for MRAs will be half that required for MSAs, and rounded to the higher number where clear division can not be made. The variables used are the same as those used in Annex B.

<b>No. of passengers requiring use of toilets</b>		
Light vehicles	$2.3 \times (C+F)$	H
HGV	$1.2 \times D$	I
Coach	$30 \times (E + E1)$	J
<b>Total</b>	$H + I + J$	K

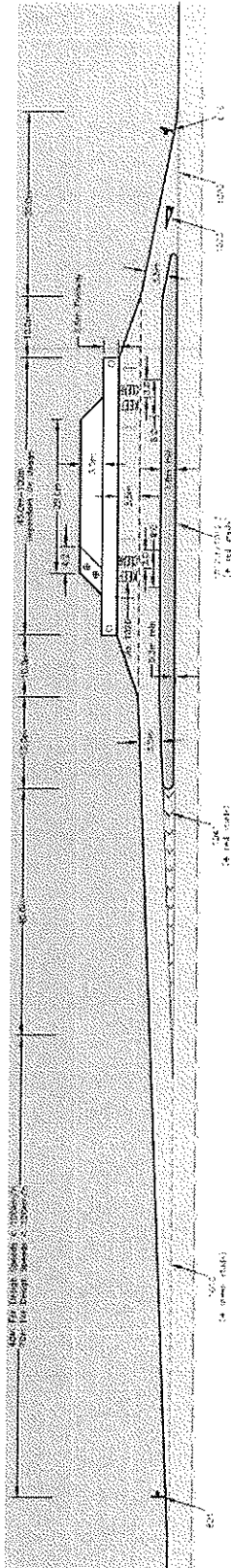
  

<b>No. of toilets required</b>		
Average length of toilet use	3 minutes	
Hourly turnover	$60 \div 3 = 20$	
<b>No. of toilets required</b>	$K \div 20 =$	L
<b>Distribution of toilets and parent/ carer and child room</b>		
Female	$60\% \text{ of } L =$ (minimum of 10)	M
Female and child room	minimum of 2	Located within the female toilet block
Female disabled users	$5\% \text{ of } M =$ (minimum of 2)	N
Male	$40\% \text{ of } L$ Minimum of 10	Two-thirds urinals, one-third WCs
Male and child room Male disabled user	Minimum of 2 Minimum of N	Located within the male toilet block
Disabled user independent unit	Minimum of 1	Independent unit to allow for male/female access

<b>Dedicated facilities for lorry drivers</b>	
Male toilets	1% of I (minimum 2)
Female toilets	1% of I (minimum 2)
Independent disabled user	Minimum of 1
Male showers	Minimum of 2
Female showers	Minimum of 2
Independent disabled user shower	Minimum of 1

# ANNEX D: DESIGN FOR A TRADING LAY-BY

Notes:  
 1. All dimensions are in meters.  
 2. All dimensions are to be maintained.  
 3. All dimensions are to be maintained.  
 4. All dimensions are to be maintained.



Notes:  
 1. All dimensions are in meters.  
 2. All dimensions are to be maintained.  
 3. All dimensions are to be maintained.  
 4. All dimensions are to be maintained.

GEOMETRIC LAYOUT OF LAY-BY WITH VENDOR FACILITIES



## GLOSSARY

ADS	Advance direction signs
AONB	Area of Outstanding Natural Beauty
APTR	All-purpose trunk roads
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges and any subsequent revision.
HGV	Heavy goods vehicle
LPA	Local Planning Authority
MRA	Motorway rest area
MSA	Motorway service area
SRN	Strategic Road Network – network of trunk roads, including motorways, for which the Secretary of State for Transport is the highway authority
SSSI	Site of Special Scientific Interest
TRSA	Trunk road service area
TSRGD	Traffic Signs Regulations and General Directions

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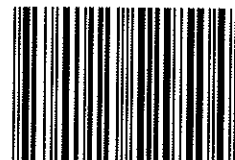
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## DEPARTMENT FOR TRANSPORT

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*DfT Circular 02/2013*

*Department for Transport*

*Great Minster House, 33 Horseferry Road, London SW1P 4DR*

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10 September 2013

# THE STRATEGIC ROAD NETWORK AND THE DELIVERY OF SUSTAINABLE DEVELOPMENT

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## INTRODUCTION

1. The Highways Agency is an executive agency of the Department for Transport and is responsible for operating, maintaining and improving the strategic road network in England on behalf of the Secretary of State for Transport, guided by its core principles of 'safe roads, reliable journeys, informed travellers'.
2. The Highways Agency undertakes this role in the context of wider Government policies and objectives. Operating an effective and efficient strategic road network makes a significant contribution to the delivery of sustainable economic growth, helping to create the conditions that support the realisation of the aspirations of businesses and communities, and is a key deliverable for the Highways Agency in meeting its remit of delivery partner to national economic growth.
3. This document sets out the way in which the Highways Agency will engage with communities and the development industry to deliver sustainable development and, thus, economic growth, whilst safeguarding the primary function and purpose of the strategic road network. It replaces the policy set out in Department for Transport (DfT) Circular 02/2007 Planning and the Strategic Road Network and DfT Circular 01/2008 Policy on Service Areas and other Roadside Facilities on Motorways and All-purpose Trunk Roads in England. Annex A provides additional policy specific to certain types of development, whilst Annex B sets out the requirements for roadside facilities that are eligible for permanent signing from the strategic road network.
4. This policy should be read by local authorities, developers, enterprise partnerships, community groups and others involved in any development proposal which may result in any traffic or other impact on the strategic road network. It should be read in conjunction with the Highways Agency's planning protocol documents<sup>1</sup> which provide advice on working with the Highways Agency, within the parameters of national policy and this policy, to progress their planning proposals in an effective and positive manner.
5. The provisions set out in this document may be updated when appropriate to do so and readers are encouraged to check that they have the latest and true version by reference to the published version on the Department for Transport website.<sup>2</sup> Further, from time to time the Highways Agency will issue advice that seeks to address matters arising from the planning process that have the potential to impact on the strategic road network but which may require some particular consideration. Developers are encouraged to check the Highways Agency website or to contact the Highways Agency for further advice.<sup>3</sup>
6. This Circular is applicable to the whole strategic road network in England, including those roads managed by the Design, Build, Finance and Operate (DBFO) Companies.

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<sup>1</sup> <http://www.highways.gov.uk/publications/planning-protocols-for-planning-and-development/>

<sup>2</sup> <https://www.gov.uk/government/organisations/department-for-transport>

<sup>3</sup> [www.highways.gov.uk](http://www.highways.gov.uk); Highways Agency Information Line (HAIL) [ha\\_info@highways.gsi.gov.uk](mailto:ha_info@highways.gsi.gov.uk), 0300 123 5000; [planningqueries@highways.gsi.gov.uk](mailto:planningqueries@highways.gsi.gov.uk); [roadside\\_facilities@highways.gsi.gov.uk](mailto:roadside_facilities@highways.gsi.gov.uk)

## POLICY AIMS AND APPLICATION

### The strategic road network and economic growth

7. As operator, the Highways Agency supports the economy through the provision of a safe and reliable strategic road network, which allows for the efficient movement of people and goods. Such a network can play a key part in enabling and sustaining economic prosperity and productivity, while also helping support environmental and social aims by contributing to wider sustainability objectives and improved accessibility to key economic and social services.
8. A well-functioning strategic road network enables growth by providing for safe and reliable journeys. This can help reduce business costs by providing certainty, improving access to markets, enabling competition, improving labour mobility, enabling economies of scale, and helping attract inward investment.
9. Development proposals are likely to be acceptable if they can be accommodated within the existing capacity of a section (link or junction) of the strategic road network, or they do not increase demand for use of a section that is already operating at over-capacity levels, taking account of any travel plan, traffic management and/or capacity enhancement measures that may be agreed. However, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
10. However, even where proposals would not result in capacity issues, the Highways Agency's prime consideration will be the continued safe operation of its network.
11. Local authorities and developers will be required to ensure that their proposals comply in all respects with design standards. Where there would be physical changes to the network, schemes must be submitted to road safety, environmental, and non-motorised user audit<sup>4</sup> procedures, as well as any other assessment appropriate to the proposed development. The Design Manual for Roads and Bridges<sup>5</sup> sets out details of the Secretary of State's requirements for access, design, and audit, with which proposals must conform.

---

<sup>4</sup> Non-motorised user audit will consider the needs of pedestrians, cyclists and horse riders, and should give particular consideration to the needs of disabled people.

<sup>5</sup> <http://www.dft.gov.uk/ha/standards/>

## **PLAN MAKING**

### **Interaction with the strategic road network**

12. The preparation and delivery of Local Plans<sup>6</sup> provides an opportunity to identify and support a pattern of development that minimises trip generation at source and encourages the use of sustainable modes of transport, minimises journey lengths for employment, shopping, leisure, education and other activities, and promotes accessibility for all. This can contribute to environmental objectives and also reduce the cost to the economy arising from the environmental, business and social impacts associated with traffic generation and congestion.
13. To make most efficient use of the limited available capacity on the strategic road network, and because additional physical capacity is difficult, costly and takes time to provide, the Highways Agency will engage in the Local Plan process to reduce the potential for creating congestion on the strategic road network.

### **Location of development**

14. In framing its contribution to the development of Local Plans, the Highways Agency's aim will be to influence the scale and patterns of development so that it is planned in a manner which will not compromise the fulfilment of the primary purpose of the strategic road network.
15. In order to develop a robust transport evidence base, the Agency will work with the local authority to understand the transport implications of development options. This will include assessing the cumulative and individual impacts of the Local Plan proposals upon the ability of the road links and junctions affected to accommodate the forecast traffic flows in terms of capacity and safety. Such assessments should be carried out in line with current Department for Transport guidance or on a basis otherwise agreed with the Highways Agency.

### **Promoting sustainable transport solutions through Local Plans**

16. Through the production of Local Plans, development should be promoted at locations that are or can be made sustainable, that allow for uptake of sustainable transport modes and support wider social and health objectives, and which support existing business sectors as well as enabling new growth.
17. The Highways Agency will work with local authorities and developers to identify opportunities to introduce travel plan and demand management measures through the Local Plan. These will be based on existing and proposed patterns of development in a manner that will support sustainable transport choice and retain capacity within the transport network so as to provide for further development in future Plan periods.

---

<sup>6</sup> Each Planning Authority is required to produce a Local Plan in accordance with the provisions of the Town & Country Planning Act 1990 (as amended) taking account of the guidance set out in the National Planning Policy Framework.

## **Capacity enhancement**

18. Capacity enhancements and infrastructure required to deliver strategic growth should be identified at the Local Plan stage, which provides the best opportunity to consider development aspirations alongside the associated strategic infrastructure needs. Enhancements should not normally be considered as fresh proposals at the planning application stage. The Highways Agency will work with strategic delivery bodies to identify infrastructure and access needs at the earliest possible opportunity in order to assess suitability, viability and deliverability of such proposals, including the identification of potential funding arrangements.
19. Where a potential capacity need is identified, this will be considered and weighed alongside environmental and deliverability considerations. Additional capacity may be considered in the context of the Highways Agency's forward programme of works, balancing the needs of motorists and other road users with wider impact on the environment and the local/regional community.

## **Development Orders and Neighbourhood Planning**

20. The Highways Agency will seek to engage with Local Enterprise Partnerships, communities and neighbourhoods in the development of their proposals, applying the principles outlined above.

## **DEVELOPMENT MANAGEMENT**

### **General principles**

21. Where development proposals are consistent with an adopted Local Plan, the Highways Agency does not anticipate the need for engagement in a full assessment process at the planning application stage. In such circumstances, considerations will normally be limited to the agreement of the details of the transport solution, including any necessary mitigation measures, and to ensuring that the transport impacts are included in the overall environmental assessment provided to the local planning authority, rather than the principle of the development itself.
22. However, where proposals are not consistent with the adopted Local Plan then a full assessment of their impact will be necessary, which will be based on the performance and character of the strategic road network as determined by the presumption that the Plan proposals will be fully implemented.
23. The Highways Agency will provide the local planning authority or other relevant consenting body with its assessment of the transport impact, as generally derived from a Transport Assessment or Transport Statement incorporating a Travel Plan as required in the National Planning Policy Framework, produced by the promoter of the development concerned in line with current Department for Transport guidance or on a basis otherwise agreed with the Highways Agency.
24. Where appropriate, conditions may be agreed to offset any unacceptable impacts that may be identified through the assessment process.



## Assessment of development impact

25. The overall forecast demand<sup>7</sup> should be compared to the ability of the existing network to accommodate traffic over a period up to ten years after the date of registration of a planning application or the end of the relevant Local Plan whichever is the greater. This is known as the review period.<sup>8</sup>
26. The Highways Agency expects the promoters of development to put forward initiatives that manage down the traffic impact of proposals to support the promotion of sustainable transport and the development of accessible sites. This is particularly necessary where the potential impact is on sections of the strategic road network that could experience capacity problems in the short or medium term.
27. Where the overall forecast demand at the time of opening of the development<sup>9</sup> can be accommodated by the existing infrastructure, further capacity mitigation will not be sought.

## Travel Plans

28. The preparation and implementation of a robust travel plan that promotes use of sustainable transport modes such as walking, cycling and public transport is an effective means of managing the impact of development on the road network, and reducing the need for major transport infrastructure.
29. The Highways Agency will work with local authorities and developers to identify opportunities to introduce travel plan measures for individual developments and groups of development that will support sustainable transport choice. Such measures contribute to the ongoing effectiveness of the strategic road network in ensuring efficient national and regional connectivity, whilst retaining capacity within the strategic road network so facilitating provision for further development in future Plan periods.
30. By the inclusion of existing development within the provisions of a travel plan associated with new development, it may be possible to free up additional capacity within the road network so that the demand generated by a proposed new development, which would otherwise be unacceptable, can be accommodated.

---

<sup>7</sup> The overall forecast demand will be the existing flow plus traffic likely to be generated by development already committed, plus traffic likely to be generated by the development under consideration, less any reduction arising from any travel plan or demand management measures that are being proposed.

<sup>8</sup> The length of the review period, at the discretion of the Secretary of State for Transport, can be amended for individual cases, where there is a wider political and economic imperative or, for example, where proposals will take a long time to develop fully. This would only be in exceptional circumstance.

<sup>9</sup> The opening of the development shall be taken to be the date at which the development first becomes available for occupation, unless agreed otherwise.

### **Demand management**

31. Demand management involves a range of techniques that can be implemented to minimise traffic generation. There may be circumstances where the implementation of travel plan measures alone would not be sufficient to reduce the traffic demand of an individual development or group of developments to acceptable levels.
32. In such instances the Highways Agency will work with local planning authorities and local highway authorities to determine whether the implementation of traffic management measures could effectively regulate and manage traffic flows so as to make the most effective use of the available capacity on the strategic road network.

### **Capacity enhancement**

33. Only after travel plan and demand management measures have been fully explored and applied will capacity enhancement measures be considered. While capacity enhancements should normally be addressed at the plan-making stage, such measures may be considered at the time when individual planning applications are submitted, subject to the over-riding principle that delivery of the adopted Local Plan proposals should not be compromised.
34. Where insufficient capacity exists to provide for overall forecast demand at the time of opening, the impact of the development will be mitigated to ensure that at that time, the strategic road network is able to accommodate existing and development generated traffic. Any associated mitigation works should be appropriate to the overall connectivity and capacity of any affected part of the strategic road network.
35. These improvements will normally be delivered by means of a funding agreement with the Secretary of State for Transport.
36. Where a development will be brought forward in phases, any mitigation needs will be assessed based on the opening of the final phase. However it may be necessary to implement some mitigation measures in line with the opening of certain phases of development according to the impacts that they generate.

### **ACCESS TO THE STRATEGIC ROAD NETWORK**

37. The creation of new accesses to the strategic road network can impact on its ability to fulfil the function of facilitating the safe and effective movement of goods and people in support of economic growth by compromising traffic movement and flow.
38. In delivering economic growth at local level, it is essential that the wider economic needs of the country are not compromised. New accesses to busy high speed strategic roads lead to more weaving and turning manoeuvres, which in turn create additional risk to safety and reduce the reliability of journeys, resulting in a negative impact on overall national economic activity and performance.

39. Where appropriate, proposals for the creation of new junctions or direct means of access may be identified and developed at the Plan-making stage in circumstances where it can be established that such new infrastructure is essential for the delivery of strategic planned growth.
40. Where the strategic growth test cannot be met there will be no additional junctions with, or direct means of access to, motorways and other routes of near motorway standard<sup>10</sup> other than for the provision of signed roadside facilities for road users (see Annex B), maintenance compounds and, exceptionally, major transport interchanges.
41. Where access is agreed for such development, the Highways Agency will be unable to support any subsequent change in permitted land use that retained the agreed access. Further through access to other developments will not be permitted.
42. Access to motorways and routes of near motorway standard for other types of development will be limited to the use of existing junctions with all-purpose roads. Modifications to existing junctions will be agreed where these do not have an adverse impact on traffic flows and safety. In line with the standards contained in the Design Manual for Roads and Bridges, for safety and operational reasons, direct connections to slip roads and/or connector roads will not be permitted.
43. The Highways Agency will adopt a graduated and less restrictive approach to the formation or intensification of use of access to the remainder of the strategic road network. However, the preference will always be that new development should make use of existing junctions. Where a new junction or direct means of access is agreed, the promoter will be expected to secure all necessary consents, and to fund all related design and construction works.
44. On a trunk road that is not a motorway or a route of near motorway standard, any proposal to change the use of an existing roadside facility for road users will be considered against local conditions and the merits of the individual case.

## **ENVIRONMENTAL IMPACT**

45. In consultation with relevant infrastructure providers, statutory environmental advisors and consenting authorities, developers must ensure all environmental implications associated with their proposals, are adequately assessed and reported so as to ensure that the mitigation of any impact is compliant with prevailing policies and standards. This requirement applies in respect of the environmental impacts arising from the temporary construction works and the permanent transport solution associated with the development, as well as the environmental impact of the existing trunk road upon the development itself.

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<sup>10</sup> Routes of near motorway standard will normally be grade-separated dual carriageway routes benefitting from restricted direct access.

46. Where a likely negative impact on the environment resulting from the proposals occurs outside of a highway boundary as a result of the proposals (for example air quality, visual impacts, artificial light or noise impacts at new housing affected by a road), any required mitigation measures must be located outside of the strategic road network's highway boundary.
47. Developers must ensure adequate environmental information is provided at all stages of the planning process to satisfy the local planning authority and any other consenting authorities that the environmental impacts have been appropriately considered, that measures have been included within the proposals as required by relevant policies or otherwise, as fully as is reasonably possible, and to enable all residual impacts to be taken into account by the local planning authority in the development consent process.
48. Transport assessment undertaken by the promoter of the development should be comprehensive enough to establish the likely environmental impacts, including air quality, light pollution and noise, and to identify the measures to mitigate these impacts.<sup>11</sup> This will enable local authorities to fulfil their remit of considering appropriate environmental impact assessment of development.

#### **PHYSICAL IMPACT OF DEVELOPMENT ON THE STRATEGIC ROAD NETWORK**

49. There may be development proposals that, whilst not within the statutory requirement for a local planning authority to consult the Highways Agency, have the potential for direct or indirect physical impact on the strategic road network or its amenities, or to put users of the road at risk (such as fire hazard; stability of embankments and cuttings; integrity of structures; water run-off; air quality; visibility of traffic signs; etc.). Developers and local authorities are encouraged to identify such potential risks and discuss with the Highways Agency at the earliest opportunity to avoid the possibility of delaying or putting the delivery of their proposals at risk.
50. In order to ensure the integrity of the highway drainage systems, no water run off that may arise due to any change of use will be accepted into the highway drainage systems, and there shall be no new connections into those systems from third party development and drainage systems. Where there is already an existing third party connection the right for connection may be allowed to continue provided that the input of the contributing catchment to the connection remains unaltered.

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<sup>11</sup> Advice and standards for environmental assessment of development affecting trunk roads can be found in the Design Manual for Roads and Bridges at <http://www.dft.gov.uk/ha/standards/dmr/vol11/>

## **ANNEX A: SPECIAL TYPES OF DEVELOPMENT**

### **NOISE FENCES, SCREEN FENCES, ETC**

- A1. For reasons of safety, liability and maintenance, with the sole exception of fences owned and provided by the Highways Agency at its own cost, all noise fences, screening and other structures must be erected on the developers land, and far enough within the developers land to enable maintenance to take place without encroachment onto highway land.

### **ADVERTISEMENTS**

- A2. The Highways Agency will not object to proposals for advertising consent for displays outside of the highway boundary of the strategic road network unless it has specific reason to consider that a hazard to road safety would be a direct consequence of the development. This would include advertisements that are located where particular attention should be given to the driving task, or where they unlawfully incorporate elements of traffic sign design, such as directional arrows. Advertisements within the highway boundary are not permitted. The Highways Agency will remove any unauthorised adverts placed within the highway boundary.

### **GATEWAY STRUCTURES AND PUBLIC ART**

- A3. The siting of gateway structures and public art within the highway boundary of the strategic road network will not be permitted for legal, safety and operational reasons. However, the siting of such features near the strategic road network may be seen as desirable to local authorities and developers. The Highways Agency is keen to support delivery of such proposals where no additional risk to road users is presented.
- A4. Due to the wide variety of design and form that such structures may take, and therefore the scope for the potential impact on safety and operation of the strategic road network, it is not practical to address all possible considerations in this policy. The Highways Agency encourages any promoter of such a proposal that may be near to or impact on the road network to discuss design and delivery proposals at the earliest opportunity.

### **TELECOMMUNICATIONS EQUIPMENT**

- A5. Mobile Network Operators have the right under the Telecommunications Act 1984 to install equipment within the boundary of a highway that is not a protected street (as defined by section 61 of the New Roads and Street Works Act 1991) once they have obtained planning permission where required.
- A6. Such installations must not cause a safety or environmental hazard to any road users, workers, or any third party and it must not interfere in our ability to carry out either routine or structural maintenance. Neither should any harm be caused to the long-term integrity of the highway including pavement, earthworks, structures, drainage works and ancillary equipment. Traffic signs must not be obscured. These factors should be discussed with the relevant Highways Agency's Area Manager prior to any works being undertaken.

- A7. All operations must be carried out without interference to traffic flows.
- To these ends, the Highways Agency requires Mobile Network Operators to obtain technical approval for their installation, and provide a full road safety audit, which must consider the installation of the equipment and its maintenance as well as any static hazard presented. Full details of the registration procedure can be found in the DMRB at [http://www.dft.gov.uk/ha/standards/tech\\_info/](http://www.dft.gov.uk/ha/standards/tech_info/)

## **WIND TUBINES**

### **Location**

- A8. In order to mitigate the risks to the safety of road users arising from structural or mechanical failure, the Highways Agency will seek a minimum setback from the highway boundary of height + 50 metres or height x 1.5, whichever is the lesser.<sup>12</sup>
- A9. The Highways Agency recognises that, in certain circumstances, variation to the above set-back may be considered appropriate, subject to the findings of a site-specific assessment. In particular this may apply where there is a significant difference in elevation between the highway and the proposed turbine location. The proposer would be expected to demonstrate that any relaxation on the suggested set-back distance poses no unacceptable risk. The burden of proof will lie with the proposer.

### **'Icing'**

- A10. Most modern wind turbines will have vibration and/or climate sensitive technology that will shut down the turbine if there is the potential for icing. Where this technology is present there should be no need to consider this issue further. Evidence of this technology on the proposed turbines should be provided.

### **Visual distraction**

- A11. Any potential for visual distraction should be minimised by the provision of a clear, continuous view of the wind turbine(s) that develops over the maximum possible length of approach carriageway.
- A12. Wind turbines should not be located where motorists need to pay particular attention to the driving task, such as the immediate vicinity of road junctions, sharp bends, and crossings for pedestrians, cyclists and horse riders.
- A13. The existing road accident record nearing the vicinity of the proposed wind turbine(s) should be analysed with particular attention being given to accident types. Locations with a history of rear end shunt accidents should be treated with particular caution.

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<sup>12</sup> Subject to over-riding provisions contained in legislation elsewhere, for example those relating to permitted development.

## **Dazzle**

- A14. Most turbines will be constructed with materials that eliminate dazzle, and this should be easy to establish and eliminate as a concern. Evidence of this technology on the proposed turbines should be provided.

## **Access**

- A15. The promoter of a wind farm should prepare a report covering the construction, operation and de-commissioning stages of the development. From this, the acceptability of the proposal should be determined and any mitigating measures should be identified.
- A16. Access to the site for construction, maintenance and de-commissioning should be obtained via the local road network and, normally, there should be no direct connection to the strategic road network.
- A17. Swept path analyses should be provided by the developer for the abnormal load deliveries to the site.

# ANNEX B: ROADSIDE FACILITIES FOR ROAD USERS ON MOTORWAYS AND ALL-PURPOSE TRUNK ROADS IN ENGLAND

## INTRODUCTION

- B1. This annex sets out policy on the provision, standards and eligibility for signing of roadside facilities on the strategic road network, to enable compliance with the Traffic Signs Regulation and General Directions 2002.<sup>13</sup> It replaces Department for Transport (DfT) Circular 1/2008 Policy on Service Areas and other Roadside Facilities on Motorways and All-purpose Trunk Roads in England.
- B2. All such proposals will be considered in the context of the National Planning Policy Framework and, in particular, the statement that it includes regarding the primary function of roadside facilities being to support the safety and welfare of the road user.

## APPLICATION OF POLICY

- B3. This policy applies to all existing signed roadside facilities, and to all proposed signed roadside facilities. It should be noted that the operation of all signed roadside facilities will be the subject of a legal agreement between the Secretary of State and the operator.

## SPACING

- B4. Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements.
- B5. The network of service areas on the strategic road network has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour. However the timing is not prescriptive as at peak hours, on congested parts of the network, travel between service areas may take longer.

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<sup>13</sup> Or any subsequent replacement. To be lawfully placed on the highway all signs (whether permanent or temporary) must either be prescribed by legislation or be specially authorised on behalf of the Secretary of State.



- B6. The Highways Agency therefore recommends that the maximum distance between motorway service areas should be no more than 28 miles. The distance between services can be shorter, but to protect the safety and operation of the network, the access/egress arrangements of facilities must comply with the requirements of the Design Manual for Roads and Bridges<sup>14</sup> including its provisions in respect of junction separation.
- B7. Speed limits on the strategic road network vary and therefore, applying the same principles, the maximum distance between signed services on trunk roads should be the equivalent of 30 minutes driving time. This distance can also be shorter, also subject to compliance with design requirements set out in the Design Manual for Roads and Bridges.
- B8. The distances set out above are considered appropriate for to all parts of the strategic road network and to be in the interests and for the benefit of all road users regardless of traffic flows or route choice. In determining applications for new or improved sites, local planning authorities should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits.

#### **PLANNING AND DEVELOPMENT**

- B9. It is for the private sector to promote and operate service areas that meet the needs of the travelling public. New and existing roadside facilities are subject to the provisions of relevant planning legislation and regulation, which together set the framework within which local planning authorities would consider the planning proposals for such developments.
- B10. As a statutory consultee within the planning system, the Highways Agency continues to have an interest in such proposals and will provide advice to local planning authorities on matters relating to the impact that such proposed developments will have upon the safety and operation of the strategic road network. Local planning authorities and developers are encouraged to discuss with the Highways Agency at the earliest opportunity any proposals to develop new roadside facilities or to alter and/or sign existing sites. All such proposals should be referred to the Highways Agency, Planning & Economic Development, The Cube, 199, Wharfside Street, Birmingham B11RN; [roadside\\_facilities@highways.gsi.gov.uk](mailto:roadside_facilities@highways.gsi.gov.uk)

#### **TRIP GENERATION**

- B11. In circumstances where there is potential for these to become destinations in their own right, the Highways Agency will only support proposals for or within service areas and other roadside facilities if it can be shown that there would be no overall increase in trip mileage, and always provided that there would be no significantly adverse impact on the safety and operation of the strategic road network.

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<sup>14</sup> [http://en.wikipedia.org/wiki/Design\\_Manual\\_for\\_Roads\\_and\\_Bridges](http://en.wikipedia.org/wiki/Design_Manual_for_Roads_and_Bridges)

## **IMPACT OF ROADSIDE FACILITIES ON THE STRATEGIC ROAD NETWORK**

- B12. At all roadside facilities, it is particularly important to avoid adverse impacts upon the effective operation of the strategic road network, such as increasing the risk of congestion or of vehicles slowing or stopping on the main carriageway. Proposals for new roadside facilities will be subject to road safety audit procedures to be undertaken in accordance with the requirements of the Design Manual for Roads and Bridges.

## **LOCATION**

- B13. On-line (between junctions) service areas are considered to be more accessible to road users and as a result are more attractive and conducive to encouraging drivers to stop and take a break. They also avoid the creation of any increase in traffic demand at existing junctions.
- B14. Therefore, in circumstances where competing sites are under consideration, on the assumption that all other factors are equal, the Highways Agency has a preference for new facilities at on-line locations.
- B15. However, in circumstances where an on-line service area cannot be delivered due to planning, safety, operational or environmental constraints, a site sharing a common boundary with the highway at a junction with the strategic road network is to be preferred to the continued absence of facilities.
- B16. An exception to these general location criteria are truckstops located within 2 miles of the strategic road network that otherwise meet the minimum requirements for signing. However signing will not be agreed in circumstances where, in order to reach such a truckstop, HGVs would be required to pass through residential areas.

## **MINIMUM REQUIREMENTS FOR SIGNING**

- B17. The following criteria set out the minimum requirements for the various types of roadside facility that may be eligible for signing from the strategic road network. All facilities accessed from the motorway must be signed for safety reasons and as such all existing or future sites must meet the requirements for signing.

**Table B1: Minimum requirements for the various types of roadside facility that may be eligible for signing from the strategic road network**

Minimum requirements to be eligible for signing M= Mandatory P = Permitted	Motorway		APTR service area *	Truckstops on Motorways	Truckstops signed from SRN #	Truckstops on All-Purpose Trunk roads
	Service Area	Rest Area				
Open 24 hrs a day 365 days a year	M	M	N/A	M	N/A	N/A
Open minimum 12 hours per day between 8am and 8pm every day except Christmas Day, Boxing Day and New Year's Day.	N/A	N/A	M	N/A	M	M
Free parking for up to 2 hours minimum for all vehicles permitted to use the road served by the facility.(see schedule 1)	M	M	M	M	M	M
Free toilets/hand washing facilities with no need to make a purchase.	M	M	M	M	M	M
Shower and washing facilities for HGV drivers, including secure lockers in the shower/washing area.	M	P	P	M	M	M
Fuel	M	P	M	M	P	P
Hot drinks and hot food available at all opening hours for consumption on the premises.	M	P	P	M	P	P
Hot drinks and hot food available 8am to 8pm for consumption on the premises.	N/A	P	M	N/A	M	M
Access to a cash operated telephone.	M	M	M	M	M	M
Use as an operating centre for the purposes of the Goods Vehicles (Licensing of Operators) Act 1995 or the Public Passenger Vehicles Act 1981.	Prohibited	Prohibited	Prohibited	Prohibited	P	P

\* Limited to a single or exceptionally 2 adjoining interconnected premises, accessed directly from the trunk road or directly from a junction on the trunk road.

# See note B16 Location

- B18. Further guidance on the design, authorisation, funding, installation and maintenance of signs is available from the Highways Agency.<sup>15</sup>

### **PARKING CHARGES**

- B19. At all types of site, where a charge is to be levied for parking beyond the mandatory two free hours, the charging regime must be clearly displayed within both the parking areas and the amenity building. Drivers must at all times be afforded the opportunity to pay the charge on the site, before leaving and without the necessity to use a mobile phone. Cash payments must be accepted.

### **PICNIC AREAS**

- B20. Picnic areas will be permitted at all of the above types of facility.
- B21. The provision of a minimum of ten tables, each with seating for six, will allow the inclusion of a 'picnic area' symbol as one of the generic symbols/logos shown on the advanced direction sign to that site.

### **ACCESS TO THE STRATEGIC ROAD NETWORK**

- B22. The availability of other connecting access routes at new sites will be considered on a site by site basis by the relevant local planning authority as part of the planning process. The Highways Agency will provide input as a statutory consultee to the planning process.
- B23. In order to avoid the creation of unofficial road junctions there must be no through connection to the associated motorway or all-purpose trunk road. Where subsidiary accesses may be approved their will be restricted to staff, deliveries, parties carrying out duties for and on behalf of the Secretary of State for Transport, the emergency services, and breakdown recovery and assistance.
- B24. Access to other developments through a roadside facility is not permitted.

### **SIGNING**

- B25. All signing of roadside facilities and signing arrangements within sites must comply with the current Traffic Signs Regulations and General Directions and any other guidance as may be issued from time to time by the Department for Transport or the Highways Agency. Approval must be sought from the Highways Agency's signs specialist for the use of all non prescribed signs. Advice and working drawings may be obtained from [traffic.signs@dft.gsi.gov](mailto:traffic.signs@dft.gsi.gov)

### **MANDATORY PARKING PROVISION**

- B26. Where a site is subject to a pre-existing sealed agreement which specifies the levels of parking provision, this shall continue to apply until such time as the scale and/or scope of on-site activities is extended.

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<sup>15</sup> This will be provided as a guidance note alongside the published circular.

- B27. Where the scale and/or scope of on-site activities is extended, the methodology set out in Schedule 1 shall be used for calculating the numbers of parking spaces by vehicle type that should be provided for the various types of roadside facility. The methodology set out in Schedule 1 will also be used for calculating the levels of parking provision for all new sites promoted after the publication of this policy.
- B28. However, notwithstanding the provisions of the previous two paragraphs, levels of provision may be adjusted to reflect local conditions through a process of site specific negotiation. It will be the responsibility of the site operator to demonstrate that any departure from the requirements of Schedule 1 is appropriate.

### **RETAIL ACTIVITIES**

- B29. The scope and scale of retail activities at roadside facilities is a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies. However, local planning authorities should have regard to the primary function of roadside facilities which is to support the safety and welfare of the road user.

### **HOTELS, CONFERENCE CENTRES AND BUSINESS CENTRES**

- B30. Such development will be a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies.
- B31. As a statutory consultee to such proposals, the Highways Agency will not object to the provision of hotels; conference centres; and business centres at the sites of roadside facilities for motorists unless there would be demonstrable adverse impact on the safety and/or operation of the strategic road network such as a net increase in travel.
- B32. Separate parking must be provided to service such developments so as to avoid any reduction in the general parking provision available to other road users.

### **COACH INTERCHANGES, PARK & RIDE, AND PARK & SHARE**

- B33. Such development will be a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies.
- B34. As a statutory consultee to such proposals, the Highways Agency will take account of the local transport benefits in its response to proposals for coach interchanges; park & rides; and park and share facilities for motorists, and will not object unless there would be demonstrable adverse impact on the safety and/or operation of the strategic road network or the roadside facility in question.. The Highways Agency particularly welcomes proposals that will produce a net reduction of trip mileage.
- B35. Separate parking must be provided to service such activities so as to avoid any reduction in the general parking provision available to other road users.

## **FACILITIES FOR LOW EMISSION VEHICLES**

- B36. Operators of roadside facilities are encouraged to provide refuelling facilities for low emission vehicles, including recharging facilities for plug-in vehicles and other arrangements that meet the needs of emergent low carbon and alternative fuel technologies as appropriate, such as gas refuelling stations. More information can be found at [www.gov.uk/government/organisations/department-for-transport](http://www.gov.uk/government/organisations/department-for-transport).

## **DRIVER AND TOURIST INFORMATION**

- B37. Operators of roadside facilities are encouraged to provide live traffic information services and to make available local, regional and national tourist information.

## **ON-SITE POWER GENERATION AND OTHER SUSTAINABILITY MEASURES**

- B38. Operators are encouraged to introduce measures that reduce the carbon footprint of their sites. However, such measures as may be provided should be compliant with relevant guidance as may be issued from time to time by the Highway's Agency. In this context, operators' attention is drawn to the provisions set out in Annex A regarding wind turbine development.

## **SCHEDULE 1**

Parking requirements for different types of vehicle should be calculated on the basis of the table below, using the most recent complete year data to identify the peak monthly flow, averaging that to find the daily flow and then applying the appropriate formulae:

A = number of cars and light goods vehicles; and

B = number of HGVs and coaches

Advice on obtaining and interpreting traffic flows should be obtained from the Highways Agency

<b>Parking requirements at motorway service areas</b>			
	<b>Calculation<sup>16</sup></b>	<b>Variable</b>	<b>Notes</b>
<b>Traffic flow (Vehicles per day)<sup>17</sup></b>			
Light vehicle		A	Advice on traffic flows is available from the Highways Agency
HGV and coach		B	
<b>No. of parking spaces required<sup>18</sup></b>			
Cars	0.5 % of A	C	
HGV	0.5 % of B	D	
Abnormal load	Minimum of 1		
Coach	0.1 % of B	E	
Coach interchange <sup>19</sup>	No. of bays provided	E1	
Caravan/motorhome/vehicle and trailer	0.015 % of A	F	
Motorcycle	0.015% of A (where the percentage falls below 10 a minimum of 10 should be provided)	G	Dedicated motorcycle bays for securing bikes
Additional spaces for lodges	One space per 2 bedrooms		
Spaces for disabled users	5% of C (where the percentage falls below 5 a min. 5 should be provided)		Located adjacent to the front entrance
Spaces for disabled users caravan/motorhome/ vehicle and trailer	5% of F (where the percentage falls below 2 a min.2 should be provided)		
Spaces for disabled lodge users	min. of 2		

### **Parking requirements at motorway rest areas**

The parking requirements for a motorway rest area are half those required for a motorway service area, rounded up to the higher whole number as necessary.

<sup>16</sup> The Highways Agency's Planning and Economic Development Team can assist with these calculations.

<sup>17</sup> Where the necessary supporting information is available operators may wish to increase the number of parking spaces for particular types of vehicle in recognition of the particular make up of the road users served by the facility.

<sup>18</sup> Parking for disabled travellers should be clearly signed at the entrance to the MSA.

<sup>19</sup> Where such a facility has been permitted.

## Parking requirements at motorway truckstops

The parking requirements for a motorway truckstop are the same as the HGV requirement for a motorway service area. For safety reasons a minimum of 10 parking spaces for cars; 1 space for a car with caravan; and 1 space for a coach should be provided. A minimum of 1 abnormal load space should also be provided.

<b>Parking requirements at trunk road service areas</b>		
	<b>Calculation<sup>20</sup></b>	<b>Notes</b>
<b>No. of parking spaces required<sup>21</sup></b>		
Cars	0.1 % of A	Minimum of 10
HGV	Minimum of 2	
Abnormal load	Minimum of 1	
Coach	Minimum of 1	
Coach interchange <sup>22</sup>	No. of bays provided	
Caravan/motorhome/ vehicle and trailer	Minimum of 2	
Motorcycle	0.015% of A (where the percentage falls below 10 a minimum of 10 should be provided)	
Additional spaces for lodges	One space per 2 bedrooms	
Spaces for disabled users	Minimum of 3	Located adjacent to the front entrance
Spaces for disabled users caravan/motorhome/vehicle and trailer	Minimum of 1	
Spaces for disabled lodge users	Minimum of 2	

<sup>20</sup> The Highways Agency's Planning and Economic Development Team can assist with these calculations.

<sup>21</sup> Parking for disabled travellers should be clearly signed at the entrance to the services.

<sup>22</sup> Where such a facility has been permitted.



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<b>Title:</b> Licensing Act 2003: Consultation on removing the prohibition of the sale of alcohol at motorway service areas  <b>IA No:</b>  <b>Lead department or agency:</b> Home Office  <b>Other departments or agencies:</b> DCMS; DfT; DH	<b>Impact Assessment (IA)</b>		
	Date: 18/07/2012		
	Stage: Consultation		
	Source of intervention: Domestic		
	Type of measure: Primary legislation		
Contact for enquiries: Ann Oldroyd (ann.oldroyd@homeoffice.gsi.gov.uk) / Helen Brewis (helen.brewis@homeoffice.gsi.gov.uk)			

<b>Summary: Intervention and Options</b>	<b>RPC Opinion:</b> RPC Opinion Status
------------------------------------------	----------------------------------------

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?
£10.5	£10.5m	-£1.2m	Yes   Out

**What is the problem under consideration? Why is government intervention necessary?**  
 Under section 176(2) of the Licensing Act 2003 and Department for Transport circular guidance (DfT Circular 01/2008)<sup>1</sup>, the sale or consumption of alcohol is prohibited at Motorway Service Areas (MSAs). This ban covers all premises within MSAs including hotels and lodges providing overnight accommodation within the MSA. The Government is considering whether such central prescription is needed and whether local licensing authorities should be enabled to consider licence applications for premises within MSAs as these applications would still be subject to the existing safeguards of the licensing regime.

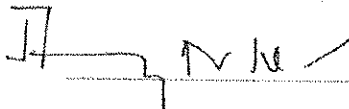
**What are the policy objectives and the intended effects?**  
 To reduce regulation on business and give greater powers to licensing authorities to determine what is appropriate in their local areas.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**  
 The options are:  
 Option 1: Do nothing (retain the blanket prohibition on the sale and consumption of alcohol at MSAs); or  
 Option 2: Remove the blanket prohibition on the sale and consumption of alcohol (both on and off the premises) at MSAs entirely; or  
 Option 3: Remove the prohibition of the sale and consumption of alcohol at MSAs on the premises but only for hotels or lodges which are providing overnight accommodation

<b>Will the policy be reviewed?</b> It will not be reviewed. If applicable, set review date: Month/Year					
Does implementation go beyond minimum EU requirements?				Yes / No / N/A	
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		Micro Yes	< 20 Yes	Small Yes	Medium Yes
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)				Traded:   Non-traded:	

*I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.*

Signed by the responsible Minister: Jeremy Browne MP

 Date: 20-09-12

## Summary: Analysis & Evidence

## Policy Option 2

Description: Remove the blanket prohibition on the sale and consumption of alcohol (both on and off the premises) at MSAs entirely

### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: 20.5	High: Optional	Best Estimate: 20.6

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	0.3	Optional	0.6
Best Estimate	0.2	0.04	0.5

#### Description and scale of key monetised costs by 'main affected groups'

Businesses falling within the scope of this policy would be required to apply for a licence to sell alcohol and pay the appropriate fees. There is also a one-off cost to licensing authorities who would be required to familiarise themselves with the new policy and consider these MSA licence applications (which would be covered by the fees payable to apply for the licence). The total administrative costs to business in applying for new licences are estimated at £0.15m-£0.28m with the cost of an annual fee estimated at £0.04m.

#### Other key non-monetised costs by 'main affected groups'

There is a minor risk of an increase in alcohol related crime and health harms due to increased consumption.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate		2.5	21.1

#### Description and scale of key monetised benefits by 'main affected groups'

The main benefit will be for businesses that wish to sell alcohol within MSAs and will benefit from increased revenue and profit as a result. The estimated monetised benefit to business of option 2 is £2.5m per year.

#### Other key non-monetised benefits by 'main affected groups'

This would result in a benefit to consumers from increased availability of alcohol, particularly those staying at hotels or lodges providing overnight accommodation within MSAs, who will have the option to purchase alcohol.

Key assumptions/sensitivities/risks	3.5
There is a need to explore further the impacts of complete deregulation on the promotion of the licensing objectives at MSAs, particularly regarding public order concerns surrounding the enforcement of legislation prohibiting the consumption of alcohol on vehicles travelling to football matches. It is also not clear based on current evidence whether this policy would have any potential impact on drink driving incidents and this is something which also needs to be explored further during the consultation, as well as the impact on levels of consumption.	

### BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0.1	Benefits: 2.5	Net: 2.4	Yes	OUT

## Summary: Analysis & Evidence

## Policy Option 3

Description: Remove the prohibition of the sale and consumption of alcohol at MSAs for the sale and consumption of alcohol on the premises but only for hotels or lodges which are providing overnight accommodation

### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: 10.4	High: Optional	Best Estimate: 10.5

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	0.1	Optional	0.3
Best Estimate	0.1	0.02	0.2

#### Description and scale of key monetised costs by 'main affected groups'

Hotels or overnight lodges would be required to apply for a licence to sell alcohol and pay the annual fee for doing so. As with option 2 there is also a cost to licensing authorities who would be required to familiarise themselves with the new process and consider licence applications from hotels and lodges (which would be covered by the fees payable to apply for the licence). The total administrative costs to business in applying for new licences are estimated at £0.08m-£0.14m with the cost of an annual fee estimated at £0.02m.

#### Other key non-monetised costs by 'main affected groups'

There is a minor risk of an increase in alcohol related crime and health harms due to increased consumption.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate		1.2	10.7

#### Description and scale of key monetised benefits by 'main affected groups'

The main benefit will be for hotels and lodges providing overnight accommodation within MSAs who wish to sell alcohol for consumption on their premises that will benefit from an increase in revenue and profit as a result of alcohol sales. The estimated monetised benefit to business of option 3 is £1.2m.

#### Other key non-monetised benefits by 'main affected groups'

This would result in a benefit to overnight guests staying at hotels or lodges providing overnight accommodation within MSAs in terms of increasing the availability of alcohol.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
<p>Consideration needs to be given to ensuring that this measure cannot be abused and that only those staying overnight at hotels or lodges can consume alcohol at MSAs. These risks should be managed by the licensing authority through the application of appropriate conditions on the licence, but changes to the statutory guidance could be made to support this. It is also not clear based on current evidence whether this policy would have any potential impact on drink driving incidents or wider impacts on the promotion of the licensing objectives and this is something which also needs to be considered.</p>		

### BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:	In scope of OIOO?	Measure qualifies as
Costs: 0.03	Yes	OUT
Benefits: 1.2		
Net: 1.2		

## Evidence Base (for summary sheets)

### A. Strategic Overview

#### A.1 Background

On 23 March 2012, the Government published its Alcohol Strategy, setting out a range of measures to tackle the issue of excessive alcohol consumption and its associated harms<sup>[1]</sup>. The Alcohol Strategy included a commitment to consult on giving licensing authorities greater freedom to take decisions that reflect the needs of their local community, including, where appropriate, to reduce the burdens of the licensing regime and support local growth. This followed the “hospitality theme” of the Red Tape Challenge, in which members of the public and businesses were invited to suggest regulations that should be scrapped or simplified.

The Government is committed to removing unnecessary regulation and to exploring how it can make the day to day process of licensing as easy as possible for responsible businesses. The consultation on the delivery of the Alcohol Strategy sets out proposals for cutting red tape in the licensing system, including a number of ways in which we wish to reduce the burdens of licensing on local organisations such as community and arts groups and schools, and businesses that are not connected to alcohol-related problems.

Prior to 1992, the Department for Transport had responsibility for developing MSAs: acquiring land, funding construction and leasing the completed sites to operating companies. In 1992 there was a change in government policy to encourage the private sector to acquire MSA sites and seek planning consent from local planning authorities to open MSAs. These MSAs are then owned by the private sector. The sale and consumption of alcohol at motorway service areas (MSAs) is prohibited nationally under section 176(2) of the Licensing Act 2003, for MSAs which are still owned by the Government (and are on land bought by the Secretary of State). Department of Transport circular guidance (DfT Circular 01/2008) places requirements on operators of MSAs (including Government and privately owned MSAs) which are reflected in their Traffic Signs Agreements with the Highways Agency. In effect, these requirements have prohibited the sale of alcohol at MSAs. However, we are aware that there has been mixed application of the Department for Transport guidance. In a small number of cases, premises at MSAs possess licences that include authorisation for alcohol sales. The legislation and guidance covers all premises within MSAs including hotels and lodges providing overnight accommodation within the MSA and supermarkets operating within MSAs.

The Government has committed to reducing regulation on business and giving local authorities greater powers to shape and determine local licensing. There is therefore a case for reducing the amount of central regulation with regards to MSAs and enabling licensing authorities to make decisions on what is appropriate at MSAs within their areas based on local evidence. There is also clearly some inconsistency in how these regulations are currently being applied and amendments would help to ensure clarity on what sales can be permitted at MSAs. However, there are concerns that lifting this ban, and in particular, permitting the sale of alcohol for consumption off the premises at MSAs, may pose public order concerns, particularly around enforcing legislation which prevents consuming alcohol on vehicles travelling to football matches. There is a need to assess during the consultation the wider impacts deregulation may have on the promotion of the licensing objectives at MSAs in particular alcohol-related crime and disorder and drink driving offences. It is not clear from existing evidence what impact this proposal may have

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<sup>[1]</sup> The Alcohol Strategy is available on the Home Office website: <http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/alcohol-strategy>

on drink driving incidents if alcohol is made readily available within MSAs and these issues will be explored further during the public consultation. Any removal of the nationally imposed restriction on the sale of alcohol at MSAs will increase the opportunities to sell alcohol and may therefore have a slight impact on the availability of alcohol and therefore on consumption. Alcohol consumption at harmful levels can, as noted in other impact assessments, in certain circumstances contribute to health harms and other outcomes including alcohol driven crime.

In recent years, an increasing variety of premises types have operated within MSAs such as supermarket shopping facilities and hotels and lodges providing overnight accommodation (a summary of facilities provided at MSAs is provided in annex a). As outlined above, under provisions in the Licensing Act 2003 and Department for Transport guidance) these premises are not normally permitted to sell alcohol. However, as noted above, we are aware that there has been mixed application of the Department for Transport guidance. In a small number of cases, premises at MSAs possess licences that include authorisation for alcohol sales. Information from the Highways Agency suggests that, of approximately 107 current MSAs in England and Wales, this has resulted in at least 12 MSAs now having a licence to sell alcohol. This licence may cover an overnight lodge, off-sales, or a restaurant or refreshment venue.

It is important to note that there will be impacts (both costs and benefits) from the other policies arising from the Government's Alcohol Strategy but for the purpose of this pre-consultation assessment we are appraising the proposals relating to the deregulation of the sale of alcohol at motorway service areas in isolation. Impact assessments will be revised following public consultation to reflect the agreed and combined package of measures being taken forward and any interactions between the policies.

This is a pre-consultation Impact Assessment and is based on the best available evidence at the point of publication. We have set out within the Impact Assessment the areas where we hope to increase our evidence base through the consultation process. Impact estimates (both costs and benefits) therefore remain subject to change.

## **A.2 Groups Affected**

### **Retailers wanting to operate within MSAs**

Option 2 would benefit all retailers wanting to operate within MSAs including supermarket shopping facilities, restaurants and hotels and lodges providing overnight accommodation. These premises would be able to apply for licences to extend their business activities to include the sale of alcohol. Option 3 would specifically benefit hotels and lodges providing overnight accommodation at MSAs as they would be able to apply for licences to extend their business activities to include the sale of alcohol for consumption on their premises. Such accommodation providers have argued that lifting the national ban on the sale of alcohol will increase their attractiveness to potential customers and enable them to better compete with providers of accommodation not on MSA land.

### **Licensing authorities**

Both options would impact upon licensing authorities who would be required to consider licence applications from any businesses wanting to apply for a licence to sell alcohol within MSAs.

### **The public**

Options 2 and 3 would both impact consumers, as they would result in greater availability of alcohol at MSAs.

## **Enforcement bodies**

Both options 2 and 3 would impact upon enforcement bodies, who, in their role as responsible authorities would be required to consider any applications made for licences within MSAs and, where appropriate, make representations regarding the potential impact of granting these applications on the promotion of the licensing objectives. Option 2 may have an additional impact on enforcement bodies if this proposal resulted in a need to more rigorously enforce legislation which prevents consuming alcohol on vehicles travelling to football matches due to the increased availability of alcohol at MSAs and drink driving offences.

### **A.3 Consultation**

#### **Within Government**

Cabinet Committee clearances were gained for the publication of the Alcohol Strategy. These clearances include official and Ministerial level discussions with other Government departments, including the Department of Health, Department for Business, Innovation and Skills, HM Treasury, HM Revenue and Customs, The Department for Culture, Media and Sport, and the Department for Communities and Local Government.

#### **Public Consultation**

This Impact Assessment has been created in advance of a public consultation. This proposal will be consulted on along with other measures set out in the Government's Alcohol Strategy. The consultation will seek feedback on the extent to which these measures will reduce the burden on business and the potential impact these measures may have on the promotion of the licensing objectives.

The Highways Agency commissioned a study in 2008 to explore issues around the sale of alcohol at MSAs. The study focussed on the potential impact of permitting the consumption of alcohol at 'lodges' providing overnight accommodation at MSAs. Feedback was sought from key stakeholders on this proposal. Whilst the Automobile Association (AA), RAC Foundation, British Motorcyclists Federation (BMF) and Institute of Advanced Motorists (IAM) stated that they would be likely to support allowing the sale of alcohol at MSA lodges, there was opposition to this proposal from the Parliamentary Council for Transport Safety, the Association of Chief Police Officers (ACPO), the Association of Industrial Road Safety Officers (AIRSO), the Royal Society for the Prevention of Accidents (RoSPA) and South Yorkshire and North Yorkshire Police. However, a full public consultation has not been conducted on these proposals and further consultation will help to identify the potential impacts on different groups.

## **B. Rationale**

In recent years an increasing variety of premises types have operated within MSAs such as supermarket shopping facilities and hotels and lodges providing overnight accommodation (a summary of facilities provided at MSAs is provided in annex a). As outlined in the background section above, under provisions in the Licensing Act 2003 and Department for Transport guidance, these premises are not normally permitted to sell alcohol. However, as noted above, we are aware that there has been mixed application of the Department for Transport guidance. In a small number of cases, premises at MSAs possess licences that include authorisation for alcohol sales. Information from the Highways Agency suggests that, of approximately 107 current MSAs in England and Wales, this has resulted in at least 12 MSAs now having a licence to sell alcohol. This licence may cover an overnight lodge, off-sales, or a restaurant or refreshment venue.



Both options 2 and 3 would contribute to the Government's overarching commitment to reduce regulation and would be consistent with the drive to give greater control to local authorities to determine approaches to licensing based on local evidence. They would also contribute to burdens on both business and the public sector by clarifying the law and removing the current legal anomaly within the Licensing Act 2003. With options 2 and 3, premises wanting to sell alcohol within a MSA would still be required to apply to the licensing authority for authorisation to do so. The safeguards built into the licensing regime would therefore still apply and in particular licensing authorities will have to consider any relevant representations from the police, the highway authority or any other person before making any determinations in respect of MSAs. Additional safeguards, including the criminal law framework on drink driving and regulations governing HGV drivers, would also still apply.

## **C. Objectives**

The objective of these proposals is to reduce regulation on business and give greater powers to licensing authorities to determine what is appropriate in their local areas in relation to the sale of alcohol at MSAs. While reducing regulation and increasing local flexibility, the aim is to ensure that any proposals are supported by adequate safeguards to address any potential issues which could result from increasing the availability of alcohol at MSAs and ensure the promotion of the licensing objectives<sup>2</sup>.

## **D. Options**

Option 1 Make no changes (retain the blanket prohibition on the sale and consumption of alcohol at MSAs)

Option 2 Remove the blanket prohibition on the sale and consumption of alcohol (both on and off the premises) at MSAs entirely

Option 3 Remove the prohibition of the sale and consumption of alcohol on the premises but only for hotels or lodges which are providing overnight accommodation

## **E. Appraisal (Costs and Benefits)**

### **GENERAL ASSUMPTIONS & DATA**

As there is no official data on facilities available at these MSAs, in order to inform this impact assessment it has been necessary to do more detailed research on MSAs and facilities provided at MSAs. This background research may not include all MSAs, is based on a rapid assessment of evidence and should be treated as indicative. The Highways Agency has reported that there are approximately 107 motorway service areas (MSAs) in England and Wales, of which around 21 are Government-owned. These figures are however approximate and in some cases may include two MSAs in the same location, i.e. where there are separate MSAs on either carriageway.

Background research has been conducted (looking at facilities listed online for 88 MSAs) to provide some indicative evidence to inform this impact assessment (see summary in Annex A). Findings from this research suggested that almost all MSAs have a hotel or lodge providing overnight accommodation. All provide venues for refreshment (with the majority offering multiple refreshment venues) and in most cases this will include one 'eat-

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<sup>2</sup> The four licensing objectives (which all have equal status) are: the prevention of public nuisance; the prevention of crime and disorder; public safety; and the protection of children from harm.

in' refreshment venue or restaurant with seating for customers to eat on the premises, along with additional fast-food establishments. Forty-one premises (47%) have a small supermarket and many also have shops selling sweets, stationery and other small items. These figures have been used to provide indicative estimates of the numbers of different types of premises at MSAs to inform the analysis below. Analysis has been done on the assumption that there are 107 MSAs as this is the figure we have been given by the Highways Agency. Although it has been suggested that approximately 12 of these 107 MSAs already have licences to sell alcohol, we do not have information on whether this includes all premises at the MSA or just some- for example our own research suggests that in these cases alcohol is most likely to be served at a lodge but not at other premises and therefore other types of premises at the MSA may still benefit as a result of deregulation. Given these difficulties, it is therefore considered inappropriate to remove those MSAs we think are currently selling alcohol from the analysis.

### **OPTION 1 – DO NOTHING**

This option involves no change so there are no additional costs or benefits

### **OPTION 2 – Remove the blanket prohibition on the sale and consumption of alcohol (both on and off the premises) at MSAs entirely**

#### **COSTS**

##### **Business:**

If the ban on the sale of alcohol were lifted at MSAs we would expect that the majority (if not all) hotels and lodges at MSAs would apply for authorisation to serve alcohol, along with all the supermarket-type premises. As late night refreshment is a licensable activity under the Licensing Act 2003, all of the 107 MSAs are already thought to possess a licence covering the whole of the MSA area to authorise the provision of late night refreshment. Therefore, in some cases, MSAs may be able to apply for a licence variation to seek authorisation for the sale of alcohol rather than completing a new licence application, if an existing licence was in place. We will explore during the consultation if this would be appropriate or if separate licences may be needed to ensure that the licensing authority has the opportunity to apply appropriate conditions based on the characteristics of each premises. This may also be impacted upon by other proposals in the consultation relating to the provision of late night refreshment.

Assuming that each of the MSAs has at least one hotel or lodge, we estimate that this would affect **107** hotels or lodges and based on existing percentages of supermarket-type premises we expect this to affect **50** supermarket premises. It is unlikely that smaller shops (such as those selling sweets and stationery) and fast-food establishments would start selling alcohol as this would require a significant change to their business model. However, some of the 'eat-in' restaurants may wish to apply for a licence to allow them to sell alcohol with hot meals eaten at the premises. The majority of existing MSAs have at least one of these types of restaurants. However, we do not expect that all would wish to serve alcohol and so have based our estimates on approximately half (**54**) of these premises applying to sell alcohol.

The estimates used in this impact assessment are based on indicative evidence from our own background research on the current situation at MSAs. It might be expected that if the ban on the sale of alcohol at MSAs were lifted, in the longer term, more businesses may wish to start trading and selling alcohol at MSAs. However, the decision to grant a licence still comes down to the licensing authority and it may be that in some cases the licensing authority determines that it would not be appropriate to grant a licence at an MSA, for example, for a bar that could be seen as encouraging drink driving.

The average administrative cost of applying for licences has been estimated as ranging from £482 - £1,070, depending on the complexity of the application<sup>3</sup>. The level of the annual fee would vary based on the size of premises and nature of the business. The average application fee for a premises is estimated at £235.<sup>4</sup> This has been used as the most appropriate estimate in these calculations. Although a MSA is, in its entirety, likely to have a large rateable value, the average individual premises within an MSA can be assumed to be of average rateable value. It gives a total administrative cost of applying for a licence of £717 - £1,305.<sup>5</sup>

Based on 211 expected new applications, this gives total administrative costs to business of **£151,000- £275,000** in the first year. Given that not all applications will be new applications (some may be licence variations as noted above) our best estimate would be at the lower end of this range.

The new applicants will pay an estimated annual fee of £193<sup>6</sup>, which brings an annual cost (from year 2 onwards) of **£40,700**.

There would be additional costs to each premises that decided to apply for an authorisation to sell alcohol in complying with the wider requirements of the licensing regime, including the cost of complying with mandatory and imposed licence conditions, such as the need to have a personal licence holder to authorise the sale of alcohol. It is not possible to quantify these additional costs fully, as they will vary based on the size and nature of the premises and the conditions that are appropriate for the promotion of the licensing objectives in each case.

### **Costs to the public sector:**

There will be a cost to licensing authorities which have MSAs within areas as they will be required to familiarise themselves with any changes to policy around the sale of alcohol at MSAs and consider any guidance issued on the sale of alcohol at MSAs in order to assist them in making informed decisions on any applications lodged for premises at MSAs. Based on the estimated number of MSAs (and as this may include more than one MSA clustered in an area, for example one on either carriageway), we estimate that approximately 60 licensing authorities may have a MSA in their authority area and that it would take a maximum of 15 minutes per licensing official per licensing authority. Based on the average hourly wage<sup>7</sup> for a licensing officer<sup>8</sup> in each licensing authority of £13.60 per hour per hour we estimate one-off familiarisation costs of **£204**. Licensing authorities will also be required to consider any new applications or applications for variations for authorisations to sell alcohol at MSAs (if either option 2 or 3 were adopted) and there would be an administrative cost involved in doing this which is part of the authority conducting usual licensing processes and it is therefore expected that these administrative

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<sup>3</sup> See impact assessment for "Licensing Act 2003: proposals to reduce burdens of licensing on those who sell limited amounts of alcohol as part of a wider service". (2012)

<sup>4</sup> Figures developed using modelled estimates from the 2009-10 licensing stats bulletin [http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/images/research/Licensing\\_Statistical\\_Bulletin\\_2009.pdf](http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/images/research/Licensing_Statistical_Bulletin_2009.pdf) and estimates of the net effect of subsequent fee band shifts provided by the Valuation Office Agency."

<sup>5</sup> Figures developed using modelled estimates from the 2009-10 licensing stats bulletin [http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/images/research/Licensing\\_Statistical\\_Bulletin\\_2009.pdf](http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/images/research/Licensing_Statistical_Bulletin_2009.pdf) and estimates of the net effect of subsequent fee band shifts provided by the Valuation Office Agency."

<sup>6</sup> Figure developed using modelled estimates from the 2009-10 licensing stats bulletin [http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/images/research/Licensing\\_Statistical\\_Bulletin\\_2009.pdf](http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/images/research/Licensing_Statistical_Bulletin_2009.pdf) and estimates of the net effect of subsequent fee band shifts provided by the Valuation Office Agency."

<sup>7</sup> See Annex C to the Health and CIPS Impact Assessment

<sup>8</sup> This is the median hourly wage for local government administrative occupations (licensing officers) and business and public service associate professionals (Trading Standards Officers). Data was obtained from the 2011 Annual Survey of Hours and Earnings. <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-256648>

costs would be covered by the licence fee. We will consider this more as part of the forthcoming consultation.

The revenue from fees is not included as a benefit to licensing authorities as it is expected that this revenue will cover the cost of processing the applications.

Licensing authorities may want to communicate these policies to key contacts in their area, in addition to any national communication via the Home Office website. The cost of doing so is expected to be covered by the fees charged and have therefore not been quantified in this Impact Assessment.

### **Increased crime and health costs:**

As set out below, there is a **general risk of increased health harms and crime** as a result of Option 2. In summary, we think this risk is small and mitigated by the characteristics of the measure and MSAs. As also explained below, it is not possible to quantify this at this stage though we consider this further during the consultation process.

Like all the other deregulatory measures on which we are consulting, the proposal at Option 2 is aimed primarily at reducing bureaucratic burdens on business and others. In this it is fundamentally different from other proposals in the Alcohol Strategy aimed at reducing the harms caused by excessive alcohol consumption.

That said, with any deregulatory measure, there is a general risk of increased health harms and crime and disorder because the increase opportunities for and ease of selling alcohol. We recognise that Option 2 on MSAs will result in increased opportunities for businesses (including shops, restaurants and overnight accommodation) to sell alcohol at MSAs, subject to the decisions of licensing authorities to grant premises licences to do so - decisions that are based on crime and disorder considerations. Increased availability is likely to lead to an increase in the overall consumption of alcohol, though the extent of this will depend on how consumers or the industry respond to this change. High levels of alcohol consumption are associated with both crime, particularly violent crime, and ill health<sup>[1]</sup>.

We have considered how to estimate or model this possibility. There is no data on the typical consumption associated with MSAs (given that there is a national ban on sales) so we cannot quantify this. However, since the number of affected premises estimated is very low, we believe that the associated increase in consumption would also be small. There are only 107 MSAs in England and Wales. Even if 211 additional licences were granted as suggested above, that would be less than one tenth of one percent of the number of licensed premises in England and Wales (216,200 based on 2009/10 figures).

Even if an estimate of the consumption effect were made, we do not consider that there is an appropriate mechanism with which to translate this into alcohol related harm costs. We considered the use of the the model developed by the Sheffield School of Health and Related Research ("SchARR model"), which has been developed specifically to explore the impact of alcohol control policies, such as pricing, on alcohol consumption and harms, although it is able to deal with factors such as outlet density. However, we have concluded that it does not lend itself to the small scale and uncertain nature of this measure. And we believe that the average effect that would be modelled by the SchARR model would not be representative of the true impact, given the types of premises that would be affected (see Mitigation sub-section below).

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<sup>[1]</sup> See the Home Office's impact assessments on minimum unit pricing and ban on multi-buy promotions for a summary of the evidence.

We are carrying out a technical consultation with licensing authorities and key partners and will seek to gather evidence on the likely impact of this proposal. This will be used to inform any final stage Impact Assessment.

*Mitigation.* We also believe that the risk of increased consumption leading to general crime and disorder and health harms resulting from the increased availability of alcohol at MSAs is mitigated by the fact that the type of premises affected at MSAs are not those typically associated with high levels of consumption of alcohol or crime and disorder or health harms. MSAs are not "destination venues" or part of local town centre night-time economies; they are set apart. In recent years, there has been a deregulation of the type of businesses that can operate at MSAs, including supermarket facilities. If Option 2 was to go ahead, in making their decisions on new licence applications, licensing authorities would be bound to take into account any representations received from the police and others and make their decisions in accordance with the statutory licensing objectives, including the prevention of crime and disorder.

Other than the general health and crime risks associated with the increased availability, we have considered whether there are **specific crime and disorder risks** associated with the sale of alcohol at MSAs, as noted below. They include: (1) the potential for increasing drink driving; (2) the danger of offering encouragement to commit the offences under the Sporting Events (Control of Alcohol) Act 1985, which prevent the carrying and consumption of alcohol or being drunk on motor vehicles travelling to football matches. Alcohol does not tend to be made available in MSAs in other EU states. If the national prohibition was removed, other safeguards would still apply, including the framework of criminal offences relating to drink driving and regulations governing HGV drivers for example. On the sporting events travel offences, operational police evidence suggests that these are well observed. The Police already liaise with operators of official (club or supporters' club run) coaches ahead of matches and are aware of their timings, sometimes providing police escort according to risk. There were three arrests across England and Wales during 2010/11 for these offences. As noted below, we would need to explore further with the police the impact on enforcement costs.

## **BENEFITS**

### **Business:**

#### **Increased revenue/ profit**

The ONS estimated total expenditure on Alcohol in England and Wales to be £37.44bn<sup>9</sup> per annum. For the 216,200 licensed premises<sup>10</sup> this gives an average revenue of £173,000 per licensed premises. If the ban on the sale of alcohol at MSAs were lifted, rather than increasing consumption of alcohol, consumers may transfer where they are purchasing their alcohol from other outlets to MSA outlets. For example, rather than purchasing alcohol before starting their journey, or from an outlet such as a supermarket or off-licence at the end of their journey, they may purchase the alcohol at an MSA outlet as it is more convenient. If alcohol were sold at lodges or restaurants at MSAs, customers may choose to stay and eat and drink at the MSA, rather than going to an alternative site away from the MSA lodge which does serve alcohol. As it is not clear to what extent this transfer would occur, we have included a transfer rate for profits here of 50 per cent, although we will explore during the consultation whether this is an appropriate estimate. Our best estimate of the share of revenue which represents profits to businesses is taken from

<sup>9</sup> Total consumer expenditure on alcohol in the UK in 2010 was £42.07bn (ONS figures). Nielsen (2008) estimate that 89% of this expenditure was in England and Wales.

<sup>10</sup> Alcohol, Entertainment and Late Night Refreshment Licensing Bulletin for England and Wales, September 2010

Morningstar financial data<sup>11</sup>. This suggests that the average net margin for the alcohol industry is 13.42%. Therefore for the purposes of this assessment we have assumed that the annual profits obtained through possession a premises licence is £23,240.

**Table 1: Benefits to business: annual increases in revenue and profits**

	Potential number of new licences	Revenue as a result of new licences	Profit as a result of new licences	Total impact on business*
Hotels/ overnight lodges	107	£18.5m	£2.5m	£1.2m
Off-trade premises	50	£8.7m	£1.2m	£0.6m
Restaurants	54	£9.4m	£1.3m	£0.6m
<b>Totals</b>	211	£36.5m	£4.9m	£2.5m

\* Profit as a result of new licences excluding 50% profit transfer rate.

### Net Effect

The estimated net effect is an average benefit of £2.4m per year. This includes the one-off cost of familiarisation for LAs; the cost to business of the application fee; the annual licence fee; and the benefits to business from profits for alcohol sales.

### ONE-IN-ONE-OUT (OIOO)

Option 2 has an impact on business and is therefore in scope for “One in One Out”.

### COSTS (INs)

The estimated annual costs to business based on administrative costs of making applications or applications for licence variations to sell alcohol at MSAs are **£0.05m-£0.06m on average**.

### BENEFITS (OUTs)

Benefits to business in terms of increased GVA as a result of new licences (taking into account a 50% transfer of profits) are estimated to be **£2.5m per year**.

### NET

Based on our best estimate option 2 would result in an average net out (over 10 years) of £2.5m - £0.05m = **£2.4m per year**.

### **OPTION 3 – Remove the prohibition of the sale and consumption of alcohol at MSAs on the premises but only for hotels or lodges which are providing overnight accommodation**

### **COSTS**

**Business:**

**Administrative costs:**

<sup>11</sup> www.morningstar.co.uk

The average administrative cost of applying for licences has been estimated as ranging from £482 - £1,070, depending on the complexity of the application<sup>12</sup>. The level of the annual fee would vary based on the size of premises and nature of the business. The average application fee for a premises is estimated at £235 and has been used as the most appropriate estimate in these calculations as, although an MSA is, in its entirety, likely to have a large rateable value, the average individual premises within an MSA can be assumed to be of average rateable value. This gives a total administrative cost of applying for a licence of £717 - £1,305.

Using these assumptions, if the prohibition of the sale of consumption of alcohol at MSAs was lifted, but only for overnight hotels and lodges, we would expect all lodges (107) to apply for a licence, resulting in administrative costs of **£77,000 - £140,000**.

The new applicants will pay an estimated annual fee of £193, which brings an annual cost (from year 2 onwards) of **£20,700**.

There would be additional costs to each premises that decided to apply for an authorisation to sell alcohol in complying with the wider requirements of the licensing regime, including the cost of complying with mandatory and imposed licence conditions, such as the need to have a personal licence holder to authorise the sale of alcohol. It is not possible to fully quantify these additional costs as they will vary based on the size and nature of the premises and the conditions that are appropriate for the promotion of the licensing objectives in each case.

#### **Costs to the public sector:**

As with option 2, there will be a cost to licensing authorities which have MSAs within their areas as they will be required to familiarise themselves with any changes to policy around the sale of alcohol at MSAs and consider any guidance issued. We estimate that approximately 60 licensing authorities may have a MSA in their authority area and that it would take a maximum of 15 minutes per licensing official per licensing authority. Based on an hourly wage for a licensing officer of £13.60<sup>13</sup> per hour we estimate one-off familiarisation costs of **£204**. Licensing authorities will also be required to consider any new applications or applications for variations for authorisations to sell alcohol at hotels or lodges at MSAs (if option 3 were adopted). There would be an administrative cost involved in doing this which it is expected would be covered by licence fees. We will consider this more as part of the forthcoming consultation and update as necessary in any final Impact Assessment.

The revenue from fees is not included as a benefit to licensing authorities as it is expected that this revenue will cover the cost of processing the applications.

Licensing authorities may want to communicate these policies to key contacts in their area in addition to any national communication via the Home Office website. The cost of doing so is expected to be covered by the fees charged and have therefore not been quantified in this Impact Assessment.

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<sup>12</sup> See impact assessment for "Licensing Act 2003: proposals to reduce burdens of licensing on those who sell limited amounts of alcohol as part of a wider service". (2012)

<sup>13</sup> This is the median hourly wage for local government administrative occupations (licensing officers) Data was obtained from the 2011 Annual Survey of Hours and Earnings. <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-256648>  
All figures have been up-rated by 21% for non-labour costs.

## Increased crime and health costs

As with Option 2 above, there is a **general risk of increased health harms and crime** as a result of Option 3. In summary, we think this risk is small and mitigated by the characteristics of the measure and the nature of MSA lodges. As also explained below, it is not possible to quantify this at this stage though we will consider this further during the consultation process.

Like all the other deregulatory measures on which we are consulting, the proposal at Option 3 is aimed primarily at reducing bureaucratic burdens on business and others. In this respect, it is fundamentally different from other proposals in the Alcohol Strategy aimed at reducing the harms caused by excessive alcohol consumption.

That said, as with any deregulatory measure, there is a general risk of increased health harms and crime and disorder because the increased opportunities for and ease of selling alcohol. We recognise that Option 3 on MSAs will result in new opportunities for MSA lodges or other businesses providing overnight accommodation to sell alcohol, subject to licensing authority decisions to grant a premises licence. This could lead to an increase in the overall consumption of alcohol, although to a lesser extent than with Option 2 because it is limited to “on-trade” sales of alcohol at overnight accommodation. The extent of the increase will also depend on how consumers or the industry respond to this change, although lodges (we estimate that there are 107 in England and Wales) have been lobbying for this change on the grounds that the current prohibition puts them at a competitive disadvantage compared with other overnight accommodation not at MSAs.

High levels of alcohol consumption are associated with both crime, particularly violent crime, and ill health<sup>14</sup>.

We have considered how to estimate or model this possibility. There is no data on the typical consumption associated with MSAs (given that there is a national ban on sales) so we cannot quantify this. However, since the number of affected premises estimated is very low, we believe that the associated increase in consumption would also be small. Even if 107 additional premises licences were granted as suggested above, that would be less than one tenth of one percent of the number of licensed premises in England and Wales (216,200 based on 2009/10 figures).

Even if an estimate of the consumption effect were made, we do not consider that there is an appropriate mechanism with which to translate this into alcohol related harm costs. We considered the use of the model developed by the Sheffield School of Health and Related Research (“SchHARR model”), which has been developed specifically to explore the impact of alcohol control policies, such as pricing, on alcohol consumption and harms, although it is able to deal with factors such as outlet density. However, we have concluded that it does not lend itself to the small scale nature of the measure that this MSA proposal and, in addition, there are too many unknown variables (including how many MSA lodges would ultimately seek a licence to sell alcohol at MSA; how many licensing authorities would exercise their discretion to grant them; and how both the public and industry would respond to this).

We are carrying out a technical consultation with licensing authorities and key partners and will seek to gather evidence on the likely impact of this proposal. This will be used to inform any final stage IA.

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<sup>14</sup> See the Home Office’s impact assessments on minimum unit pricing and ban on multi-buy promotions for a summary of the evidence.



We believe that the risk of increased consumption leading to crime and disorder and health harms resulting from the increased availability of alcohol is mitigated by the fact that MSA lodges are not the type of premises associated with high levels of consumption of alcohol or crime and disorder or health harms. A Highways Agency study in 2008 concluded that: "there was no evidence that lodges have a role as a local pub with many people arriving late in the day, bringing their own alcohol with them and generally viewing the overnight stay as a convenient break in the journey rather than a pleasurable experience for its own sake."<sup>15</sup> If Option 3, were to go ahead, in making their decisions on new licence applications, licensing authorities would be bound to take into account any representations received from the police and others and make their decisions in accordance with the statutory licensing objectives, including the prevention of crime and disorder.

Other than the general health and crime risks associated with the increased availability, there is a specific crime and disorder risk associated with the sale of alcohol at MSAs in relation to drink driving. If the national prohibition was removed, other safeguards would still apply, including the framework of criminal offences relating to drink driving and regulations governing HGV drivers for example. The Highways Agency report did not find evidence of increased drink driving. As noted below, we would need to explore further with the police the impact on enforcement costs.

## **BENEFITS**

### **Business:**

#### **Increased revenue/ profit**

Based on the assumptions set out in relation to option 2 above, if option 3 were adopted and 107 licences were granted for the sale of alcohol at lodges or hotels providing overnight accommodation at MSAs, the expected revenue would be £18.5m and expected profit would be £2.5m. Taking into account a 50% transfer of profit this results in a total benefit to business of £1.2m per year.

#### **Net Effect**

The estimated net effect is an average benefit of £1.2m per year. This includes the one-off cost of familiarisation for LAs; the cost to business of the application fee; the annual licence fee; and the benefits to business from profits for alcohol sales.

## **ONE-IN-ONE-OUT (OIOO)**

Option 3 has an impact on business and is therefore in scope for "one in one out".

## COSTS (INs)

The estimated annual costs to business based on administrative costs of making applications or applications for licence variations to sell alcohol at lodges or hotels at MSAs are **£0.03m on average**.

## BENEFITS (OUTs)

Benefits to business in terms of increased GVA as a result of new licences for lodges and hotels selling alcohol at MSAs (allowing for a 50% transfer of profit) are estimated to be **£1.2m per year**.

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<sup>15</sup> Task 442 (387): Roadside Facilities Project – Sale of Alcohol at Motorway Service Lodges (Capita Symonds for the Highways Agency), 2008

## NET

Based on our best estimate, Option 3 would result in a net out of £1.2m - £0.03m= **£1.2m per year.**

## **F. Risks**

Concerns have been raised previously that deregulation of the prohibition of alcohol sales at MSAs may pose public order concerns, particularly around enforcing legislation which prevents consuming alcohol on vehicles travelling to football matches, and also in relation to increasing the opportunity for and sending dangerous messages about drink driving.

There is a potential risk with option 2 that this may increase the chance of people consuming alcohol on vehicles travelling to football matches. There was 1 arrest during the 2009/10 season, and 3 arrests during the 2010/11 season for offences under section 1 or 1A of the Sporting Events (Control of Alcohol etc.) Act 1985. These are offences of possession of alcohol, intoxication, and allowing possession or consumption of alcohol on a vehicle travelling to and from a regulated match. However, the low number of offences and further anecdotal evidence suggests that this legislation is currently well observed and coach operators usually operate responsibly in this regard. We will explore the extent of this risk further with the police.

There has been no conclusive evidence on the potential impact of the sale of alcohol at MSAs on drink driving offences or accidents on adjacent motorways. Analysis was undertaken as part of a study commissioned by the Highways Agency in 2008.<sup>16</sup> This suggested that the average percentage of accidents with positive breath tests on motorways adjacent to MSAs with licensed premises was slightly above the national average, whereas on motorways with MSAs without licensed premises this figure was slightly below the national average. However, these figures were not statistically significant, were based on a very small number of MSAs with licensed premises (6 out of 67) and did not demonstrate clear cause and effect between accidents and those drinking at licensed premises at MSAs. Therefore no clear conclusions can be drawn from this analysis.

There may also be concerns regarding increases in drink driving if MSAs were permitted to serve alcohol and while there is no research to suggest that this policy would have a negative impact on drink driving offences and accidents we will explore these further and consult with key partners who may be able to provide further evidence on this during the consultation. Additional enforcement costs have not been included in this impact assessment as it is not clear whether there would be any additional enforcement costs as a result of these measures. We will explore this issue further during the consultation.

The extent to which new licences are granted at MSAs as a result of either option 2 or option 3 would be dependent on local licensing authorities, who would still have to determine what action is appropriate for the promotion of the licensing objectives in their own areas.

As this would be a new area for licensing authorities to consider, the statutory guidance (issued under section 182 of the Licensing Act 2003) would need to be amended to ensure that licensing authorities have sufficient advice on issues affecting the high speed motorway network which should be taken into account when determining any applications in relation to MSAs.

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<sup>16</sup> Roadside Facilities Project- Sale of Alcohol at Motorway Service Area Lodges (2008), unpublished research produced for the Highways Agency

## G. Enforcement

As set out in section F there are risks that Option 2 in particular may lead to an increase in offences for consuming alcohol on vehicles travelling to football matches, requiring increased enforcement of this offence. We will also consider the potential for increased need for enforcement of drink driving offences if either Option 2 or 3 were introduced. We will consult with the police and other enforcement bodies during the consultation to enable us to better assess this impact.

## H. Summary and Recommendations

The table below outlines the costs and benefits of the proposed changes.

Option	Costs	Benefits
2	Monetised £0.5m (PV, best estimate)	Monetised £21.1m (PV, best estimate)
	Familiarisation and administrative costs of new applications, possible increase in crime and health harms.	Increased profit as a result of alcohol sales
3	Monetised £0.2m (PV, best estimate)	Monetised £10.7m (PV, best estimate)
	Familiarisation and administrative costs of new applications, possible increase in crime and health harms.	Increased profit as a result of alcohol sales

As this is a consultation stage impact assessment there is not a preferred option at this stage. We will explore the potential impact of both policy 2 and policy 3 during the consultation, in particular looking at the potential reduced burden on business and the potential impact on the promotion of the licensing objectives. This will include consideration of whether these proposals could impact upon drink-driving incidents or wider alcohol-related harms. However, for illustrative purposes we have selected option 3 as the preferred option as on the basis of current evidence there are likely to be fewer potential risks on the promotion of the licensing objectives with this option. However, any potential risks will be explored further during the consultation to enable us to make an informed decision on a preferred option.

## I. Implementation

The Government would implement option 2 or 3 through legislative changes to the Licensing Act 2003. This would mean the policy receives Parliamentary scrutiny and an implementation timetable would be subject to the necessary Parliamentary procedures.

## J. Monitoring and Evaluation

The duty to review all new policies after a minimum of five years would apply to this policy.

## K. Feedback

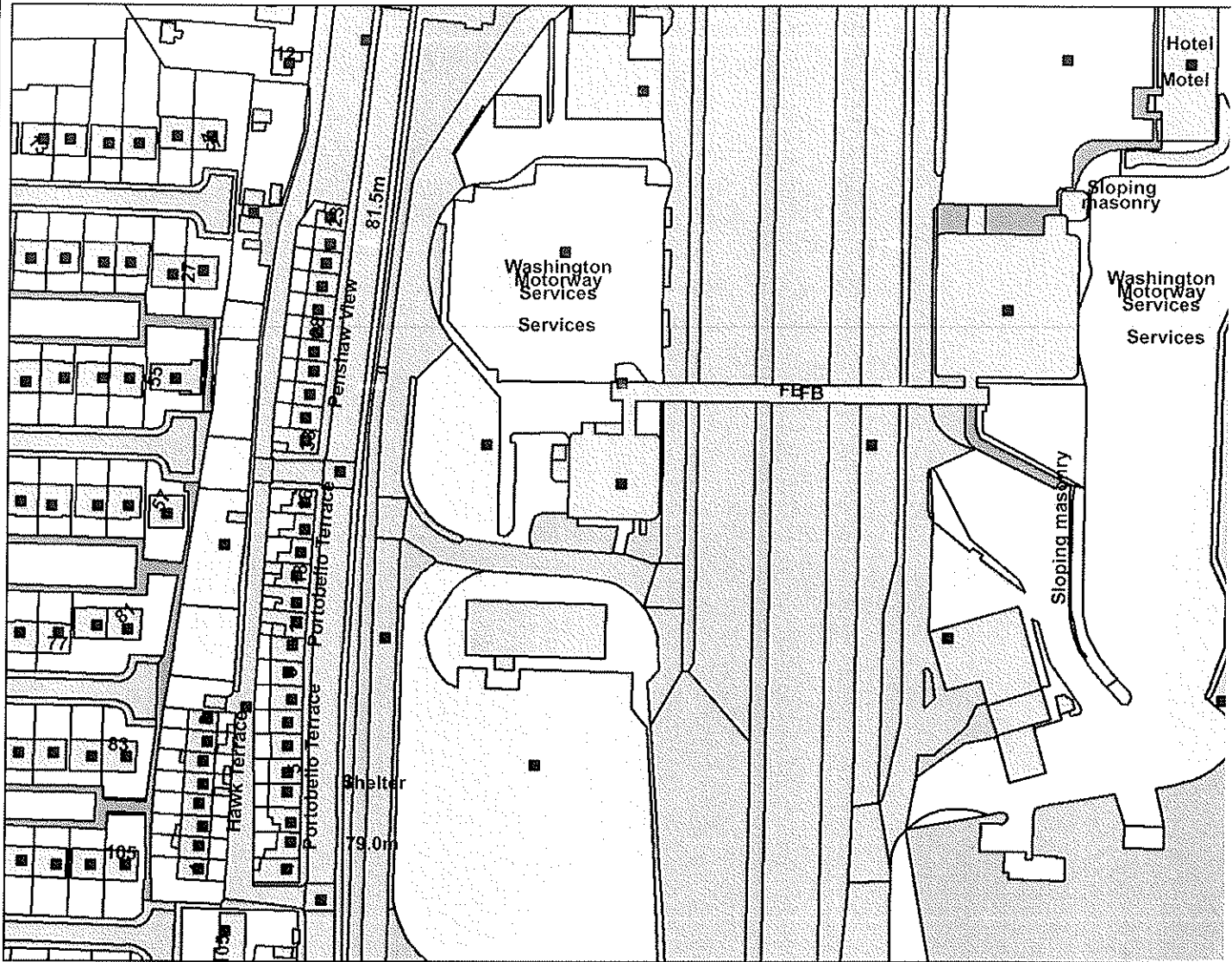
Feedback is being sought during the consultation on the potential of these proposals to reduce burdens on business and the potential impact of these proposals on the promotion of the licensing objectives. Specifically we will seek feedback from licensing authorities, the licensed trade and enforcement bodies on whom these proposals would have an impact.

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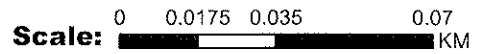


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Organisation	Gateshead Council
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Comments	Not Set
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