



STATEMENT OF LICENSING POLICY

Licensing Act 2003

7 January 2021 - 6 January 2026

- 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

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.
- 8.5 Applicants and licence / certificate holders are advised to consider the nature of the activities they wish to take place at their premises in line with the guidance notes to box 'N' of the application form.

Sex-related entertainment

- 8.6 In 2010 Gateshead Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of the regulation of sex entertainment venues and implemented a policy regarding the regulation of these venues.

- 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.

- 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.

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 Statement		If a relevant representation made	If no relevant representation is made
Application to vary Premises Licence / Club Premises Certificate		If a relevant representation made	If no relevant representation is made
Application to vary Designated Premises Supervisor		If a Police objection	All other cases

Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Application for interim authorities		If a police Objection	All other cases
Application to review Premises Licence / Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to make representation on behalf of Licensing Authority			All cases
Determination of objection to a Temporary Event Notice		All cases	
Classification of films for exhibition where BBFC has not classified		If a relevant representation made	If no relevant representation is made

15. Consultation and Review

- 15.1 This Policy will come into effect on 7 January 2016 and will remain in force for not more than five years. During that time it will be subject to periodic reviews and further consultation.