

LICENSING POLICY

in relation to

THE LICENSING ACT 2003

(Proposed amendments are highlighted in red)

DRAFT

Introduction

1. Darlington Borough Council is a Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late-night refreshment. Conditions can be attached to licences only to ensure the following:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
2. These are known as the “Licensing Objectives” and are the only matters which can be considered when determining an application. The Council’s decision-making ability is constrained by either the provisions of the Act and/or Regulations made under the Act. The Council is also required to have regard to guidance from the Secretary of State but may, if it considers it appropriate, deviate from the guidance where there are good, justified reasons. The Policy must not ignore or be inconsistent with the provisions of the Licensing Act 2003. In determining its Policy, the Council will give appropriate weight to the views of those it has consulted.
3. The Licensing Act 2003 also supports a number of other key aims and purposes.

These include:

- a) Providing the Police and the Council with powers to effectively manage and police the night-time economy and act against any premises that are causing problems;
- b) Protecting residents and visitors to Darlington from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- c) Recognising the important role which pubs and other licensed premises play in the local economy by reducing, where possible, the regulatory burden on businesses and supporting responsible premises;
- d) Providing a regulatory framework for alcohol which enables the Council to make and enforce appropriate decisions about the most appropriate licensing strategies for the borough of Darlington; and
- e) Encouraging greater involvement in licensing decisions by residents, providing an opportunity in respect of licensing decisions which may affect them.

In addition, this Policy also aims to:

- promote more responsible attitudes to alcohol and responsible drinking;
 - raise awareness of alcohol related health issues;
 - protect children and residents from the negative impact of alcohol;
 - reduce the rate of alcohol related crime and disorder and anti-social behaviour;
 - promote a responsible licensed trade
4. The Licensing Act requires every Council to prepare and publish a Licensing Policy statement from January 2005, and to review and republish every five years (during this five-year period the Council will keep the Policy under review and in the event of any amendment will first consult on and then publish any revision). This Policy will first take effect from 1 October 2026.
 5. This Policy relates to licensable activities as defined in the Act, and follows guidance issued by the Secretary of State. It seeks to provide clarity and guidance on the approach adopted by the Licensing Authority and on the matters that will normally be taken into account when making decisions on licensing applications.
 6. The Council, when publishing or revising this Policy Statement, will seek to achieve proper integration with policies affecting local crime prevention, community safety, planning, transport, tourism, equality and diversity, cultural strategies and other plans introduced for the management of the Town Centre for the evening and night-time economy. There will be regular liaison meetings between the Police, the Licensing Section, and other relevant partners to ensure people are dispersed from the Town Centre quickly and safely, and to avoid concentrations that lead to disorder and disturbance.
 7. The Licensing Act 2003 requires the Council to consult with:
 - The Police
 - The Fire Service
 - Representatives of licence holders
 - Local businesses and their representatives
 - Local residents and their representatives
 8. In developing this Policy the Council has had regard to the provisions of the European Convention on Human Rights in that everyone has the right to respect for their home and private life and that every person is entitled to the peaceful enjoyment of their possessions (including a licence). The Human Rights Act 1998 makes it unlawful for the Council to act in a way that is incompatible with a Convention right. Consequently, an aim of this Policy and

the decision-making processes of the Council is to ensure that a licensing decision does not cause a breach of a convention right. The Council has also taken into account the provisions of the Crime and Disorder Act 1998 regarding the likely effect of the exercise of its functions on crime and disorder in the Darlington area, and is committed to doing all it can to prevent crime and disorder.

9. The Council is required to disclose information regarding licence applications in accordance with the Freedom of Information Act. Further information relating to this Act and the rights of individuals can be found on the Council's website.
10. With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at ensuring timely, efficient and effective decision-making.
11. A table setting out how the Licensing Authority intends to deal with the various licensing applications is attached at **Appendix C**.
12. Separate guidance on the procedures to be followed by applicants and objectors will be available from the Council's Licensing Section on request.

Profile of Darlington

13. Darlington is a medium-sized town with a total population of over 107,000 (Census figure 2021). The River Tees and North Yorkshire lie to the south, the Teesside conurbation to the east, County Durham to the north and rural Teesside to the west. There are excellent communication links, with a principal station on the East Coast mainline, the A1(M) Motorway, and Teesside International Airport.
14. The late-night economy of the Borough is principally centred around the town centre where a number of entertainment premises, pubs and takeaway establishments are situated. Darlington's plan is to merge the day and night-time economy to create a vibrant evening economy. These activities will support the Borough's cultural diversity and contribute to its overall economy.
15. Darlington has Purple Flag status, an accreditation similar to the Green Flag award for parks and the Blue Flag for beaches. It allows members of the public to quickly identify town & city centres that offer an entertaining, diverse, safe and enjoyable night out.

The Impact of Alcohol on Darlington

16. Darlington, in common with many areas of the Northeast, experiences the impact of alcohol-related harm on health services, communities and partner agencies. Alcohol misuse can contribute to crime and disorder, anti-social behaviour, public nuisance, domestic abuse and poor health outcomes. The Licensing Authority recognises the positive contribution that licensed premises make to the local economy and will seek to balance these benefits with the need to promote the licensing objectives and reduce alcohol-related harm through effective partnership working and proportionate licensing.
17. The long-term evidence suggests that fewer people are drinking alcohol regularly and pub attendance has generally declined, although pubs remain an important part of the UK social scene.
18. It is clear that the impact of Covid-19 has had a significant impact on the hospitality industry, along with conflicts around the world, which have increased energy costs for everyone. Alcohol consumption has continued to take place with increased off-sales, particularly from supermarkets and home deliveries. This deviation from drinking alcohol within a regulated environment has resulted in increased drinking at home, where there is little regulation.
19. Young adults (aged 18-34) are more likely to drink at home first and go out in town later in the evening, often spending less in the venues. Whilst there are strict controls for licensed premises, drinking in the home is much harder to regulate.
20. Under the current Licensing law, health is not a separate licensing objective and is only relevant where it relates to one of the existing licensing objectives. The Council is therefore not permitted to take health issues into account when carrying out its licensing functions. However, the Council wishes to make it clear that the Director of Public Health may play an important role in providing informed comment on any decision to introduce a cumulative impact area.
21. In addition, there is an important role for the Director of Public Health in respect of making representations in reviews of premises licences, particularly where there is evidence of underage drinking.

Scope of the Policy

22. The Licensing Activities specified in the Licensing Act 2003, which are covered by this Policy, include:
 - The retail sale of alcohol (including current “On” and “Off” Licences).
 - Supply of hot food or drink from a premises from 23.00 to 05.00 hours.
 - Supply of alcohol or provision of regulated entertainment to club members.

- Provision of entertainment listed below (known as regulated entertainment) to the public, to club members or with a view to profit.
- Film exhibitions.
- Performances of a play.
- Indoor sporting events.
- A boxing or wrestling entertainment.
- Live music performances.
- Playing of recorded music.
- Dance performances.
- Provision of facilities for making music.
- Provision of dancing facilities.
- Circuses (for which a Temporary Event Notice would be required).

(nb incidental music is not deemed to be a licensable activity)

23. The Act also covers:

- The licensing of individuals for the retail sale of alcohol ("Personal Licences").
- The licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late-night refreshment ("Premises Licences").
- The supply of alcohol or the provision of regulated entertainment to certain clubs ("Club Premises Certificates").
- The permitting of certain licensable activities on a temporary basis "Temporary Event Notices or TENs)

24. The Legislative Reform (Entertainment Licensing) Order 2014 changed the licensing requirements in respect of regulated entertainment so that a licence is no longer required for the following types of entertainment in specific places and before specific sized audiences, provided that the entertainment detailed takes place between the hours of 08.00 and 23.00 hours.

Activity	Audience Limit	Exemption applies to: -
Plays	500	All premises
Films	500	Community premises only
Indoor Sports	1000	All premises

Boxing and Wrestling	1000	Greco-Roman OR freestyle wrestling
Live Music	500 for amplified music No limit for unamplified	Alcohol licensed premises OR Workplaces OR Places of Worship OR Local Authority premises ** OR Schools OR Hospitals All premises
Recorded Music	500	Alcohol licensed premises OR Workplaces OR Places of Worship OR Local authority premises OR Schools OR hospitals
Performance of Dance	500	All Premises

** This exemption may not always apply & the advice of the Licensing Authority should be sought for any event on Council premises.

25. The following activities are examples of entertainment which is not licensable (regardless of when it happens or the size of audience): -

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education - teaching students to perform music or to dance;
- the demonstration of a product - for example, a guitar - in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing or similar (including any live music or playing of recorded music as an integral part of a performance of Morris dancing, or similar activity.)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film - an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy;
- Provision of entertainment facilities (e.g. dance floors)

Travelling circuses will be exempt in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 8 am and 11 pm on the same day, with no audience limit.

26. The Policy relates to new applications, renewals where applicable, transfers and variations of licences and certificates, including where applicable, temporary premises licences. It will also include review of licences and certificates. Such a review could lead to the revocation of a licence or certificate (in general a reference in this Policy to a licence will include a club premises certificate). All references to "Licensing Authority" refer to Darlington Borough Council's Licensing Authority.
27. The Council will encourage and promote a broad spectrum of entertainment and, in particular, live music, dancing and theatre. The Council recognises that performances of traditional music and dance are of immense value in developing cultural diversity and promoting vibrant communities. The Council will therefore seek to licence public spaces, where appropriate, to provide for a diverse range of entertainment.

National Licensing Policy Framework

28. This Authority will have regard to the National Licensing Policy Framework for the hospitality and leisure sectors, published by the Home Office and the Department for Business and Trade in November 2025. The Framework provides a non-statutory strategic guidance for the operation of a modern, proportionate and enabling licensing system, alongside the Licensing Act 2003 and statutory guidance issued under section 182 of that Act.
29. The Framework reaffirms the importance of the four statutory licensing objectives while recognising the wider role that hospitality, leisure and cultural businesses play in supporting economic growth, regeneration, community wellbeing and vibrant high streets. In line with the Framework, this Authority will seek to ensure that licensing is predictable, transparent and evidence-led, and that licences are granted on the terms sought except where restrictions are necessary and proportionate for the promotion of the licensing objectives.
30. When determining applications, setting conditions and reviewing licences, the Authority will take a risk-based and proportionate approach, avoiding blanket conditions and unnecessary duplication with other regulatory regimes. Responsible operators will be supported to demonstrate how they manage risks to the licensing objectives to a reasonably practicable level, and low-risk compliant premises will generally be subject to a lighter-touch approach.

Licensing Objectives

31. In carrying out its licensing functions, the Council is required to promote the licensing objectives set out in the Act. The Council attaches equal weight to these objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

32. To achieve these objectives, the Licensing Authority will use its full range of powers and engage all relevant stakeholders, including the Council's Planning, Community Safety and Environmental Health Services, Director of Public Health, Child Protection, Trading Standards, Transport Providers, Police, the Fire Authority, local businesses, community representatives and local people.

Personal Licences

33. The Licensing Authority recognises it has very little discretion in the granting of Personal Licences. Provided that an applicant is over eighteen years of age, has a relevant qualification, and has no relevant criminal convictions, the application will be granted. If an applicant has a relevant unspent conviction, only the Police can oppose the application on the grounds that the Crime Prevention objective would be undermined. If the Police object, a hearing must be held (without an objection, the application must be granted).

34. In the event of an objection, the Licensing Authority will only grant a licence if it is satisfied that to do so will be in the interests of the crime prevention objective. When making such a decision, the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) were committed, and any mitigating circumstances will be considered.

35. The prevention of crime and disorder is both an objective of the Licensing Act 2003 and a responsibility of the Licensing Authority under the Crime and Disorder Act 1998. A person holding a Personal Licence should not only be properly qualified but also someone who will assist in preventing crime. Granting a licence to a known criminal could undermine rather than promote the crime prevention objective.

36. If a personal licence holder is prosecuted by the Council for, and subsequently convicted of a relevant offence, particularly in relation to underage sales, the Magistrates' Court will be invited, by the Council, to consider removing or suspending the personal licence.

37. If the licensing authority later becomes aware of a relevant conviction, it can review the matter and decide to revoke the personal licence or suspend it for up to six months, even if the court did not deal with the licence at the time of conviction.
38. The licensing sub-committee is likely to take a dim view of a licence holder who not only committed a relevant offence but also failed to comply with a statutory duty to notify the court, as this can reflect on their suitability to hold a licence and undermines the crime and disorder licensing objective.
39. Although there is no requirement to renew a Personal Licence, licensees must still notify the Council of any change of address, any convictions, etc.

Designated Premises Supervisor (DPS)

40. A DPS must be a Personal Licence Holder and is a key figure in the management of licensed premises. They are expected to be present at the venue for a significant proportion of time, especially at peak trading.
41. This places responsibility on the DPS to be on site and actively involved in the management of the venue. Where they want to be DPS at more than one premises they need to evidence that they are involved in the management of each site.

Premises Licences and Club Premises Certificates

42. In many cases, it may be helpful to all concerned for applicants and/or their advisers to discuss with Licensing Authority Officers the draft operating schedule before it is formally submitted. This will help ensure it properly addresses all issues of concern to the Licensing Authority (see the glossary of terms regarding “grandfather rights” for current licensees).
43. Applicants for Premises Licences will be expected to address the licensing objectives. It may be helpful to consider Local Crime Prevention Strategies, Planning and Transportation Policies, and Tourism and Cultural Strategies when determining their operating schedule.
44. The Licensing Authority will expect the operating schedule to have regard to the nature of the area in which the premises are located, the type of premises, the licensable activities to be provided, the hours of operation, the impact on the locality and the needs of the local community.

45. In this respect, the Licensing Authority will expect the applicant to demonstrate how the premises will be a “good neighbour” both to residents and other venues and businesses. The applicant will be required to demonstrate they have satisfactorily addressed each of the licensing objectives as part of any application to vary the operation of the premises.

The Impact of Licensable Activities

46. When considering whether a licensable activity should be approved, the Licensing Authority will, if relevant representations are received, assess the likelihood of it contributing to unacceptable adverse impact in terms of crime and disorder and public nuisance, in particular to local residents and businesses.

47. Applicants should therefore consider the following when making an application:

- a) The proposed hours and days of operation, and how often an activity occurs.
- b) The location of the premises, particularly in relation to residential properties and such places as hospitals, hospices and places of worship.
- c) The number and type of current and future customers.
- d) The means of access and egress to the premises which should have public access on principal pedestrian routes.
- e) The availability of public transport for patrons arriving at and leaving the premises compared to the anticipated level of private transport usage.
- f) The likely effect of car parking demand on both principal roads and residential streets and the impact this may have on local residents and emergency access.
- g) The need for the provision of portable toilet facilities outside of the premises.
- h) The cumulative impact of licensed premises within the area and the scope for mitigating such impact.
- i) Waste disposal arrangements, including bin storage and the collection and containment of litter from the vicinity of the premises.
- j) Public nuisance caused by unauthorised advertising and flyposting

and, in considering any application from premises which are currently licensed, the Licensing Authority will, if relevant representations are received, take into account any evidence of:

- k) Past demonstrable adverse impact from the activity, particularly on local residents and businesses; or
- l) If adverse impact has been caused, that appropriate measures have been agreed and put into place to address any future adverse impact. If measures are to be put into effect, or

alternatively, if there has been insufficient time to assess their usefulness, a licence may be granted for a limited period only.

48. To achieve the licensing objective of preventing public nuisance, the Licensing Authority, in considering the likelihood of adverse impact, will consider, among other matters:

- The precise nature of the activity, particularly in reference to entertainment, as this may impact in terms of the age of patrons and their behaviour.
- Noise levels and type of noise, which may be acceptable during daytime hours but may have a greater impact at times when ambient noise levels are much lower.
- The impact of patrons arriving, queuing and exiting, which should take place on main pedestrian routes rather than through residential areas.
- The impact of other sources of nuisance from smells, smoke, refuse storage, vermin and other similar causes of nuisance.

NB: Where steps can be taken to mitigate adverse impacts, and those steps are reliable, practical, and robust, an activity may be licensed.

49. The Licensing Authority will focus on matters within the control of the individual licensee and the steps they can take to achieve the licensing objectives.

50. In making its decisions, the Licensing Authority accepts the difficulties that licence holders face in preventing anti-social behaviour once patrons are beyond the direct control of the licensee. However, the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly behave in an anti-social way which impacts on local residents and/or businesses.

51. The Licensing Authority recognises the Council's responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder. The aim of this Policy, therefore, is to achieve a balanced approach to these difficult issues.

Shadow Licence

52. This Licensing Authority recognises that separate premises licences may be held in respect of the same premises, commonly referred to as "shadow licences". Such arrangements can provide business continuity and protect legitimate commercial interests where premises are occupied by tenants or managed by third parties. Applications for shadow licences will be determined on their individual merits and in accordance with the Licensing Act 2003 and the promotion of the licensing objectives.

53. The existence of a shadow licence may lead to confusion as to which licence is being used at the premises at any given time, and we expect to be informed in writing in advance of the licence in use.

54. The existence of a shadow licence may undermine the sanctions available to respond to a review application where a shadow licence exists for the same premises. Where an application to review a licence for premises where a shadow licence exists, consideration should be given, if it is appropriate for the promotion of the licensing objectives, to make an application to review the shadow licence at the same time.

Other Licensing Controls

55. The Government has asked that Policy Statements should include other mechanisms that are available for addressing the issue of patrons behaving badly away from licensed premises, such as:

- a) Planning controls.
- b) Positive measures to create a safe and clean Town Centre environment in partnership with local businesses, transport operators and the Council.
- c) Powers of Local Authorities to apply for Public Space Protection Orders (PSPO) for areas where alcohol consumption in public is causing problems
- d) Police enforcement of law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices.
- e) The prosecution of any Personal Licence Holder or member of staff who is selling alcohol to children and/or people who are drunk.
- f) Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
- g) The power of the Police, other Responsible Authority or a local resident or business to seek a review (and possible revocation) of the licence or certificate in question.

56. For a variety of reasons, many of these mechanisms may be of limited effectiveness and value in dealing with anti-social behaviour away from licensed premises. The Licensing Authority will therefore consider the grant of a licence very carefully in the event of receiving relevant representations, particularly when the hours sought extend well into the following morning. It should be noted, however, that the Licensing Act 2003 is NOT the primary mechanism for the general control of nuisance and anti-social behaviour once individuals are away from licensed premises and therefore beyond the direct control of the licensee or premises concerned.

Prevention of Nuisance

57. Many parts of this section are directly relevant to the Licensing Objective on the prevention of Crime and Disorder and should be cross-referenced accordingly.
58. The Licensing Authority must strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance, nuisance and loss of amenity to local residents. Consequently, in certain sensitive areas or appropriate cases, the Licensing Authority may, on receipt of relevant representations, limit the number of licensed premises and/or restrict the hours of operation. Each application will be considered on its merits, having regard to all available evidence, including information within the application itself.
59. The Government's view is that longer licensing hours should be encouraged in the interests of avoiding a concentration of disturbance while ensuring that nuisance is minimised to local residents. They believe that shops and public houses should generally be permitted to sell alcohol during their intended opening hours, encouraging providers to offer a range of entertainment during those hours and to promote live music, dancing and theatre for the wider cultural benefit of the community.
60. The Licensing Authority acknowledges this view but also considers it is self-evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2 am than at 11 pm.
61. The Licensing Authority will normally, on the receipt of relevant representations, require a closing time of 11 pm for licensed premises in predominantly residential areas. Hours of 12 am and beyond will normally be more appropriate for premises located:
- In predominantly commercial areas, such as the Town Centre.

- Where there is a high level of accessibility to public transport services.
- Where there is an appropriate amount of car parking, readily accessible to the premises.
- The operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance.
- Later closing times, i.e. beyond 2 am, will normally be more appropriate where it can be demonstrated that, in addition to the above:
- The licensed activities would not be likely to cause adverse impact, especially on local occupiers, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it.
- There will not be any increase in the cumulative adverse impact from these or similar activities on an adjacent residential area.
- The activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets or on roads.

62. This part of the Policy dealing with opening hours is based on a broad distinction between the approach to be taken in certain predominantly commercial areas such as parts of the Town Centre and the rest of the Borough.

63. Any activity involving public entertainment or eating or drinking on the premises has the potential to adversely impact the surrounding area due to noise, smells, or congestion on the highway. It may be exacerbated by noisy patrons leaving, littering, or taking up on-street car parking spaces needed by residents. The impact of noise from these activities, especially patrons departing on foot or in cars, is particularly intrusive at night, when ambient noise levels are much lower.

64. Consuming alcohol on the street and/or people who are drunk can cause anti-social behaviour, disorder and be a nuisance to visitors, businesses, and residents. Licence holders can play an important part in minimising this by restricting street drinkers' access to alcohol. This licensing authority expects licence holders to engage positively with partners should issues arise.

65. Parts of this Borough are very sensitive to the impact of licensed activities because they are either residential in character or close to residential areas. Many shopping areas are close to residential areas, including housing above commercial premises. The impact of traffic and parking related to licensed premises can be considerable. Even when a majority of patrons arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already many licensed premises. The impact may be felt by local residents, who may be prevented from parking close to their homes and by increased traffic danger in residential streets.
66. However, some commercial areas in the Borough, particularly the Town Centre, may be more suitable locations for licensed activities, especially those with late opening hours or which attract significant numbers of people. In the Town Centre, more patrons are likely to travel by public transport, and licensable activities may help bring vitality to the area after normal shopping hours. Ambient noise levels are also likely to be higher in the evening, particularly when compared with residential areas, so additional noise may be less of a problem.
67. Nevertheless, late at night, the impact of licensed activities is more likely to be objectionable to residents living within or close to a licensed activity. The ambient noise level is lower, so noise disturbance from activities becomes more probable.
68. Persons who visit entertainment venues, which open beyond the provision of the main public transport services, are more likely to use taxis or private cars, or seek to park in residential streets close to the activity. This Policy allows later closing times if it can be shown that there will be no adverse impact.
69. This part of the Policy is concerned with whether a proposal is appropriate in a location with particular regard to the impact on any residential areas. In those parts of the Borough, which are predominantly residential, it is anticipated that, in the event of receipt of relevant representations, the normal hours of opening of new licensed activities would be encouraged to be a maximum of 11 pm.
70. Opening hours from midnight and beyond are more likely to be considered acceptable, in principle, for premises in commercial areas with high levels of public transport accessibility. However, in all cases, following the receipt of relevant representations, the granting of a licence will still depend on the impact of an activity, particularly on local residents. It is necessary to consider, amongst other things, the potential impact of noise and vibration, litter, parking, patron movement, crowds and queuing, and whether any impact is particularly unacceptable late at night.
71. The Authority considers that the use of standard framework hours may unnecessarily restrict well-managed premises or create an expectation that particular hours should automatically be granted. The Licensing Authority will therefore determine each application

on a case-by-case basis, taking into account the nature of the premises, the characteristics of the locality, the operating schedule, any representations received, and the likely impact on the licensing objectives.

72. Where evidence indicates that the operation of a premises at particular times is likely to undermine one or more of the licensing objectives, the Authority may impose conditions, restrict hours or take such other steps as are appropriate and proportionate.

Saturation and Cumulative Effect

73. The Licensing Authority recognises that the cumulative effect of licensed premises may result in an increase in the number of people either walking through or congregating in streets, or cause adverse effects on amenity, and this in turn may have a number of undesirable consequences, for example:

- An increase in crime against both property and persons.
- An increase in noise causing disturbance to residents.
- Traffic congestion and/or parking difficulties.
- Littering and fouling.

74. In considering a Saturation Policy, the Licensing Authority will take into account:

- The Character of the surrounding area.
- The potential and real impact of the licence on the surrounding area, both individually and cumulatively with existing licences.
- Any evidence of crime and disorder in the area, provided by the Police
- The nature and character of the proposed operation.
- Any other relevant considerations.

75. Where there is evidence that a particular area of the Borough is suffering adverse effects arising from a concentration of licensed premises, or that residential areas are under stress, this will be taken into account in determining any further applications or variations to existing licences for premises within the area identified.

76. The onus will be on those making relevant representations to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed. The Licensing Authority may consider a specific Saturation Policy if this proves necessary.

77. The Licensing Authority, in considering whether to adopt a special Saturation Policy, will take the following steps:

- Consider any serious and chronic concern from a responsible authority or representatives from residents or local businesses concerning nuisance and/or disorder.
- Assess the causes.
- Where it can be demonstrated that disorder and nuisance are arising as a result of patrons of licensed premises, identify the area from which problems are arising and the boundaries of that area
- Consult with all concerned.
- Where appropriate, adopt and publish a Special Policy about future licence applications from that area.

78. At the present time, the Licensing Authority has not designated any Saturation Areas within the Borough. If, in future, the Licensing Authority designates any such areas, the Licensing Policy will be revised and advertised, current licence holders will be informed, and new applicants will be advised on their initial enquiry. Any such Policy would be subject to regular review.

Staggered Closing Times

79. In areas containing a number of licensed premises, the Policy of the Licensing Authority will be to encourage licensees to stagger their closing times. Where voluntary agreements cannot be obtained, or are unsuccessful, and problems of nuisance for local residents or businesses arise, the Licensing Authority will, if representations are made, consider whether it is appropriate to limit the hours of individual licensed premises. This will be particularly the case in areas deemed noise sensitive.

80. The aim of this Policy is to minimise disturbance and strain on transport systems and public nuisance. One of the aims of the new licensing regime was to prevent the mass exodus of patrons at 11 pm or 2 am that occurred under the pre-2003 legislation. Fixed licensing hours were abolished in favour of hours tailored to individual premises. However, the same cumulative effect referred to earlier may arise when the closing times of several licensed premises coincide.

Noise Nuisance

81. The Licensing Authority will expect the operating schedule to effectively address the assessments made to minimise noise disturbance, both inside the premises and as patrons

leave the premises. Operating schedules must also outline the measures required to prevent nuisance to patrons, local residents, and local businesses.

82. One of the greatest causes of annoyance to residents trying to sleep is the noise, including music, emanating from licensed premises. Such noise might preclude the grant of a licence, or, if one has already been granted, its review with a view to possible revocation. It might also lead to a Noise Abatement Notice being issued under the Environmental Protection Act 1990 and related environmental legislation, subject to evidence and circumstances. Responsible applicants and licensees will want to avoid the need for such action, as they will wish to comply with the licensing objective of preventing public nuisance.
83. In addition, residents are frequently disturbed when patrons leave entertainment venues in the early hours of the morning. While licence holders cannot be held solely responsible for the behaviour of their patrons after they have left the premises, they have a duty to put in place such measures that will assist in the quieter exiting and dispersal of such patrons.
84. Patrons leaving premises late at night may be less inhibited in their behaviour and unaware of the noise they are creating. This is particularly the case when patrons have been exposed to high sound levels on the premises, prompting them to shout to be heard. Upon leaving the premises, there may be a tendency to continue shouting, which may cause further disturbance, particularly to local residents.
85. The Licensing Authority will expect the applicant to propose practical steps to prevent nuisance or disturbance to local residents. In relation to noise from within the building, the Licensing Authority will expect the applicant to have carried out a thorough acoustic assessment to ascertain the impact of any sound escaping from the licensed premises. This noise could relate not only to music but also to fixed plant equipment or to patrons themselves. If there is sound escape, the Licensing Authority will expect this to have been addressed in practical ways such as:
- Working with the Council's Environmental Health team to establish a suitable noise management scheme.
 - Keeping doors and windows closed and providing adequate alternative ventilation.
 - Reducing sound levels and installing a sound-limiting device to prevent sound from exceeding the appropriate level.
 - Installing and maintaining soundproofing measures to contain sound and vibration.
 - Providing quieter areas for patrons.
 - In the event of beer gardens or similar outdoor areas, ensure that amplified music is not relayed to such areas and that these areas are properly screened.

86. The Licensing Authority will expect popular venues that attract queues to implement a system to avoid disturbance to residents. This can sometimes be achieved simply by ensuring the queue faces away from any residential accommodation.
87. Excessive noise and/or disorder require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. This action can also help stop drug dealers from passing on drugs during the queuing process, but the prime purpose is to prevent noise and disturbance. Door Supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities – where necessary, they should be adequately supervised.
88. In terms of patrons leaving the premises, particularly late at night or early in the morning, the Licensing Authority will expect the applicant to have considered including in the operating schedule such practical steps as:
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
 - At appropriate times, making announcements to the same effect.
 - Instructing door staff to ask customers leaving the premises to leave the area quietly.
 - Reducing the volume of music towards the end of the evening and having in place arrangements for playing quieter, more soothing music as the evening winds down.
 - Availability of licensed taxis, private hire vehicles or public transport to take patrons from the premises.
 - In appropriate cases, requiring Door Supervisors or a Manager to patrol nearby streets to assess for themselves whether there is a problem and how best to deal with it.
 - Banning from the premises people who often leave in a noisy fashion.
 - Increasing outside lighting levels without causing collateral intrusion.
 - Installing outside CCTV systems.
 - Where there is a private forecourt, preventing patrons from using it for eating and drinking etc after a specified time.

NB This list is not exhaustive

Smoking Areas

89. The legislation prohibiting smoking in public areas has resulted in an increase in outdoor seating/smoking areas at licensed premises. Smoking shelters may require planning permission, and advice should also be sought on the requirement to ensure that any structure is less than 50% enclosed.
90. When providing a smoking area outside the premises, the premises licence holder should consider the potential impact of patrons on local residents, particularly regarding noise

nuisance. When identifying suitable areas for smoking, the premises licence holder should consider the following steps to reduce such nuisance:

- prohibiting alcohol from being consumed in these areas;
- locating the smoking area away from any noise-sensitive premises;
- managing the smoking area to ensure noise is kept to a minimum and discourage patrons from spending long periods of time in the smoking area.
- arranging regular cleaning and emptying of smoking receptacles throughout operational times and also at the end of trading.

Littering

91. Promotional flyers, advertising leaflets, etc should be collected at regular intervals by the licensee or representative, and deposited in the premises' own waste bins. At the end of each evening, staff should patrol the vicinity, collect all discarded flyers within a 20-metre radius of the premises and deposit them in the premises' own waste bins. Where promotional material is distributed away from the premises concerned, the same principle applies; however, at the end of the evening, staff must return to the distribution site(s), collect all relevant discarded promotional material and return it to their own premises.

Public Safety

92. The Licensing Authority will expect the premises to be constructed and maintained to the highest possible safety standards. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation and, where appropriate, the Best Practice guidance (Yellow Book) used by building professionals.
93. The Licensing Authority expects applicants and licence holders to comply with all relevant fire safety and building safety legislation. Following the Building Safety Act 2022, it is a legal requirement for all businesses to have a recorded Fire Risk Assessment (FRA). Failure to produce this on request may result in representations from the Fire and Rescue Service.
94. When addressing public safety, an applicant must demonstrate that factors affecting public safety standards have been considered. These may include:
- The occupancy capacity of the premises.
 - The age, design and layout of the premises, including means of escape in the event of a 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 (e.g. age, disability).
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

95. 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 premises and/or activities:

- Suitable and sufficient risk assessments.
- Effective and responsible management of premises.
- Provision of a sufficient number of people employed or engaged to secure the safety of the patrons and the premises.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- Adoption of best practice guidance
- Provision of effective digital CCTV in and around the 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.

Crime and Disorder

96. This section should be read in conjunction with the section on Prevention of Nuisance, with which it is directly cross-referenced.

Martyns Law

97. National Counter Terrorism Security Office guidance - As part of organising an event, it is important to consider security. To help event/security managers, the National Counter Terrorism Security Office have issued guidance on increasing the protection of crowded places from a terrorist attack:

Gov.uk: national counter terrorism security office

Gov.uk: crowded places guidance

Gov.uk: travel industry training staff to deal with terrorist incidents

98. The Terrorism (Protection of Premises) Act 2025, also known as Martyn's Law, has been developed to ensure public premises and events are better prepared for terrorist attacks, requiring organisers to take reasonable and practicable steps, which vary according to their capacity, to mitigate the impact of a terrorist attack and reduce physical harm. We would expect all licensees to comply with any requirements set out within the Act and to follow all guidance issued by the regulator.

Illegal Working and Organised Crime

99. Illegal working must be recognised not only as a compliance issue, but as a significant safeguarding and criminal justice concern. It also gives businesses a competitive advantage over those who comply with regulations, thereby undermining local economies.

100. There are clear and evidence-based links between illegal working and:

- Modern slavery and human trafficking
- Labour exploitation and debt bondage
- Organised criminal networks and money laundering

101. Licensing has a vital role to play in identifying and disrupting exploitation, and there are clear expectations that premises will:

- Operate lawfully
- Demonstrate competent management
- Identify and act upon safeguarding risks

102. Licensing will work in partnership to support early identification and intervention where illegal working is believed to be happening. A zero-tolerance approach will be taken where criminality is identified, using licensing powers to decisively refuse, review, or revoke licences.

103. Preventing Illegal Working Guidance for Licensees is in **Appendix E**

Drink and needle spiking

104. Drink spiking is when someone deposits drugs or alcohol into a person's drink without their knowledge or consent. It can include placing alcohol into a non-alcoholic drink, adding extra alcohol to an alcoholic drink or slipping prescription or illegal drugs (such as

tranquillisers, amphetamines or GHB—also called liquid ecstasy) into an alcoholic or non-alcoholic drink. It can be difficult to tell whether a drink has been spiked, as substances used for spiking usually have no taste, odour, or colour.

105. Needle spiking (sometimes referred to as injection spiking) is where someone covertly injects, with a hypodermic needle, or other form of administration e.g., a combi-pen), a victim with a substance.
106. Spiking, whether it be by adding to a person's drink or an injection, is an offence under section 24 of the Offences Against the Person Act 1861 (administer poison or other noxious substance with the intent to injure, aggrieve or annoy a person).
107. The Council understands that many licensed premises work incredibly hard to ensure that their customers can enjoy a night out safely and deter perpetrators. Nevertheless, we also consider that more could and should be done to prevent and report spiking incidents. We recommend that licence holders consider the production of a drug (including Spiking) protocol or policy for their premises, which may include, for example:
- Education provided to staff to spot the signs of both potential vulnerable victims and those who are potentially suffering the effects of spiking
 - Refusing entry to anyone who is showing signs of drug use and contacting the emergency services when appropriate
 - Ensuring that staff are trained in drug awareness, so they know how to recognise the effects of drug use and know when medical attention is required
 - Provide staff with awareness of forensic handling of evidence (securing any glasses and drinks used by potential victims and/or suspects) and securing other evidence, such as CCTV
 - Consideration of offering anti-drink spiking products to customers
 - Reporting suspected or actual spiking incidents to the police immediately
 - Regularly check CCTV to ensure it is in good working order and reliable.
 - Promote campaigns - particularly #Spikeaware through visual, well-placed posters and other literature within their premises, with a clear zero tolerance approach
 - Consider purchasing preventative tools to highlight commitment to prevent incidents of drink spiking. For example, bottle top protectors, the purchase and application of screening kits can be used to test drinks for key substances
 - Review policies to ensure a safeguarding approach is taken in respect of all incidents related to spiking and embed a culture of "believe, reassure and request assistance" for those making reports
 - Ensure people in the premises know how and where to report suspected spiking and unwanted sexual harassment
 - Consider having a "safe zone" where potentially vulnerable victims can be looked after by staff until alternative help or transport home can be provided
 - Reporting of incidents to the police and working with local licensing teams to further help support reducing spiking risks. Supporting and protecting the victim. It is important to remember that the victim is a potential crime scene. Whilst the victim's safety and security

must be the primary consideration, thought should always be given to potentially available evidence.

108. Key points to consider include:

- Injuries or puncture wounds, as these areas may hold evidential forensic opportunities. Where possible, avoid contact with these areas of the victim's body and consider if the area can be protected by the victim's clothing, and prevent the victim from washing or cleaning these areas if possible.
- Consensual contact areas – as above, if the likely perpetrator has been in contact with the victim prior to the spiking, prevent washing or cleaning of these areas. (These are likely to be areas of exposed skin, such as the face, neck, or hands.)
- Drink – if the victim is still in possession of their drink, keep it secure. Consider placing it in an unused, clean container (e.g. a sealable sandwich bag). Place the bag containing the glass in a secure location and prevent it from spilling. Where possible, wear latex gloves and handle the glass by the least obvious areas (e.g., the very bottom of the glass), which will help prevent contamination or loss of evidence.
- Where possible, ask the victim to provide a urine specimen in a suitable sample pot.
- Do not ask the victim questions about the perpetrator. If a member of staff believes they can identify the perpetrator, make sure they tell the police immediately. Wherever possible, one member of staff should deal with the victim to ensure continuity of evidence and provide reassurance. Remember, every contact leaves a trace; the perpetrator may have forensic evidence from the victim on their person and may still be in possession of articles used to spike the victim. If you believe you know who the perpetrator is and they are still on the premises/in the area, do not confront them; instead, make sure the police are aware when you call.
- If you can identify the perpetrator, consider securing any glass/bottle they may have used. (Only do this if the glass/bottle is no longer in the possession of the potential perpetrator.) As with the victim's glass, secure this in an unused, clean bag (a sealable sandwich bag is ideal). Do not mix the victim's and suspects' glasses; place them in separate bags. A different person should deal with each glass, and they should not come into contact with each other during the process.
- Secure CCTV of the perpetrator entering/leaving the premises and any footage of the perpetrator and victim together within the premises.
- Consider how the perpetrator has paid for entry or drinks. Is this via a credit/debit card? If so, can you identify the payment times?
- National resources: Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

109. Even in the absence of a specific protocol or policy on spiking, all licensed premises should ensure that all reports of spiking are acted upon and that all alleged spiking incidents are recorded and reported to the police. It is important and helpful for the prevention and detection of spiking incidents if personnel at licensed premises can:

- Obtain full details of the affected person reporting the incident, including a description of what they are wearing, as officers will want to track them on CCTV
- Provide as detailed a description of the suspected perpetrator as possible, if known, including clothing
- Provide an approximate time of the incident and the location within the premises where they believe it occurred
- Secure the drinking vessel(s) that are suspected of containing the 'drug' so they can be tested at a later time
- Seize any drinking vessel that the suspect may have been using
- Ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends who will look after them, offering assistance if needed, and providing a safe space for the customer
- Ensure appropriate training is provided to relevant members of staff
- Review searching procedures and amend as necessary, as well as reviewing how often toilets are inspected, where victims of spiking may be found
- Premises should also review the functionality of any CCTV and ensure it is not obscured
- Consider providing information (such as posters) regarding drink spiking on the premises
- Consider if it would be useful to provide anti-spiking bottle stoppers and protective drink covers. It may also be helpful to see if drug testing kits have been made available in your area by the police or council

110. The Council also recommends that licence holders and authorised clubs take into consideration the Home Office report, Understanding and Tackling Spiking, published on 19th December 2023, available at the link below.

<https://www.gov.uk/government/publications/understanding-and-tacklingspiking/report-understanding-and-tackling-spiking-accessible>

111. The Council will consider placing additional conditions on licences to safeguard patrons against spiking, noting that such conditions must be both proportionate and enforceable. We will also use our powers to impose conditions or revoke premises licences, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents

Gambling on licensing premises

112. Whilst the regulation of gambling activities falls primarily within the remit of the Gambling Act 2005 and the Gambling Commission, the Authority acknowledges that alcohol-licensed premises and qualifying clubs may provide gaming machines and other forms of low-level gaming. Applicants, premises licence holders and club certificate holders are encouraged to adopt appropriate measures to minimise the risk of gambling-related harm and to support vulnerable persons who may be at risk.

Illicit Goods

113. The Licensing Authority is committed to supporting the prevention of crime and disorder and expects all licensed premises to operate lawfully in relation to the purchase, storage and sale of goods. The sale or possession of illicit goods, including counterfeit alcohol, counterfeit tobacco, illegal vapes, non-duty paid products and other unlawfully traded items, may be viewed as evidence of poor management and criminal activity.
114. Licence holders are expected to undertake appropriate due diligence on suppliers, maintain accurate purchase records and cooperate with enforcement agencies.
115. Where illicit goods are discovered on licensed premises, the Licensing Authority may consider this matter when determining applications, reviews, or enforcement action, with a view to promoting the licensing objectives.
116. The Licensing Authority will work in partnership with Trading Standards, HM Revenue & Customs, the Police and other responsible authorities to identify and tackle the sale of illicit goods from licensed premises. Evidence of such activity may result in a review of the premises licence or other appropriate enforcement action.

Sexual Harassment

117. This Licensing Authority recognises that sexual harassment, sexual misconduct, predatory behaviour, drink spiking, violence against women and girls and other forms of unwanted behaviour can occur on licensed premises. Licence holders are expected to adopt effective safeguarding measures, train staff appropriately, maintain reporting procedures and work with responsible authorities to prevent and respond to such incidents. Failure to adequately manage these risks may be relevant when considering a review of a premises for the promotion of the licensing objectives, particularly prevention of crime and disorder and public safety.

Late Night Levy

118. The Police Reform and Social Responsibility Act 2011 allows Councils to introduce a Late Night Levy (LNL), an additional cost on all premises authorised to sell or supply alcohol between 12 midnight and 6 am.
119. The 2011 Act states that in deciding whether to introduce a LNL, the Licensing Authority must consider two matters:

- a) The costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6 am; and
- b) Having regard to those costs, the desirability of raising revenue to be applied in accordance with the Act.

120. An LNL applies only to premises licensed for the sale or supply of alcohol and is a way of generating income to cover the cost of policing the late-night economy. It can only be introduced by the Local Authority, and if it is introduced, it can apply to the entire Local Authority district or to a specific geographical area.

121. The time that the levy applies can be from any period between 12 midnight and 6 am that is specified by the Council (e.g. if the levy applies from 12 midnight, then all premises licensed for alcohol sales or supply after 12 midnight in a designated area will be required to pay the levy) and will apply to all premises that are licensed to sell or supply alcohol during the levy hours.

122. The Council is entitled to deduct the cost of introducing and administering the LNL from the total amount received. It must pay at least 70% of the net amount to the Police and/or the Police Crime Commissioner and may retain the remaining net 30% to use it for:

- the reduction or prevention of crime and disorder,
- the promotion of public safety,
- the reduction or prevention of public nuisance,
- the cleaning of any highway maintainable at the public expense (other than a trunk road which is a special road) within the Borough or any land within the Borough to which the public are entitled or permitted to have access with or without payment and which is open to the air.

123. The way that the Licensing Authority may address the issues of alcohol related crime and disorder between midnight and 6 am could include initiatives such as:

- Providing Taxi Marshals
- Improving CCTV provision
- Use of Street Volunteers
- Street cleaning
- Enforcement initiatives
- Personal safety initiatives
- Providing temporary public conveniences

124. At the present time, the Licensing Authority has decided there is not sufficient evidence to support the introduction of a Late Night Levy. If in future the Licensing Authority receives representations from the police and does decide to consider the introduction of the LNL it will be subject to full consultation with all interested persons/parties and will be widely advertised.

Early Morning Restriction Orders (EMROs)

125. The Police Reform and Social Responsibility Act 2011 also introduced a power to make Early Morning alcohol Restriction Orders if a licensing authority considers it appropriate for the promotion of the licensing objectives. This provision would mean that alcohol could not be sold or supplied during the period specified in the order. This period would begin no earlier than 12 midnight and cease no later than 6 am (except for New Year's Eve) and would apply not only to premises licences/club premises certificates but also to Temporary Event Notices (TENs). It can also apply to specific premises, specific areas, and specific periods or days.
126. EMROs were created to address recurring problems in a district such as:
- major problems in respect of alcohol-related crime and disorder in a specific area at specific times;
 - serious public nuisance; or
 - other instances of alcohol-related anti-social behaviour not directly attributable to specific premises
127. When considering whether an EMRO is appropriate, the Licensing Authority must balance the potential burden on businesses against the benefits of promoting the licensing objectives.
128. At present, the Licensing Act 2003 provides for the review of an individual premises when it is appropriate to promote the 4 licensing objectives. Reviews can be called for by any of the Responsible Authorities and also by "other persons".
129. In addition, there are a range of other measures that could be utilised, such as:
- encouraging business-led best practice schemes such as Pub Watch;
 - planning controls;
 - additional CCTV, taxi marshals, street pastors, etc;
 - additional police enforcement of alcohol-related disorder and anti-social behaviour, including the issue of fixed penalty notices
 - police closure powers conferred under the Licensing Act 2003

130. Before an EMRO can be introduced, the Licensing Authority requires firm evidence of alcohol-related disorder and associated anti-social behaviour. This may come from information such as the number of reviews of premises licences in a specific area and the level of complaints about crime and disorder there. The Licensing Authority also needs to consider the impact the EMRO would have on the late-night economy and whether the problems are so great that targeting individual premises (e.g., through licence reviews) would be ineffective.

131. At the present time, the Licensing Authority has decided there is insufficient evidence to support the introduction of an Early Morning Restriction Order. If, in future, the Licensing Authority receives representations from the police and decides to consider introducing the EMRO, it will be subject to full consultation with all interested persons/parties and will be widely advertised.

Steps to be taken by Licensees to Address Crime and Disorder Issues

132. Prevention of crime and disorder is both an objective of the Licensing Act 2003 and a responsibility of the Licensing Authority under the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective in the operating schedule. The factors that impact crime and disorder may include:

- Underage drinking.
- Drunkenness on premises.
- Public drunkenness.
- Drugs.
- Violent behaviour.
- Anti-social behaviour.

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

- Effective and responsible management of premises.
- Training and supervision of staff.
- Adoption of best practice guidance
- Acceptance of accredited means of age identification eg DVLA photo driving licence or 'proof of age' cards.
- *Provision of effective digital CCTV in and around premises.
- Employment of Security Industry Authority licensed door-staff.
- Provision of plastic or shatter-resistant glasses.

- Provision of secure deposit boxes for confiscated items.
- Procedures for assessing risk associated with promotions and events such as “happy hours” for the potential to cause crime and disorder, and plans for minimising such risks.
- Measures to prevent the use or supply of illegal drugs.
- Preventing theft of alcohol by careful product placement and using appropriate security measures. This will include taking a proactive, risk-based approach to address crime and perpetrators on the premises.
- Employment of licensed door supervisors and other appropriately trained staff.
- Installation of non-retrievable bottle bins at exits and ensuring that patrons do not leave with bottles or glasses (on licensed sales).
- Provision of litter bins and other security measures, such as lighting, outside the premises.
- Membership of Darlington ‘Pubwatch’ scheme.

*The provision of good quality, colour, digital CCTV can be an extremely effective deterrent and a useful tool in detecting crime and disorder. It is expected that premises will adhere to police requirements regarding the location of cameras, the quality of footage, the retention period, and the method of transmission to the police/licensing authority.

134. The Licensing Authority will expect the operating plan to include a risk assessment of the use of door staff, including the actual need for such a service and the ratio of such personnel to patrons based on the premises' capacity.

135. It is important that there is an accountable, responsible person present at all times when alcohol is being sold. The Licensing Authority will normally require a Personal Licence holder to be on the premises at all times when alcohol is being sold. This is to ensure that alcohol is not sold to persons who have had too much to drink and to ensure that alcohol is only sold to persons over the age of 18 years. In terms of crime and disorder, there is a need for an identified person with whom the Licensing Authority and Police can discuss any problems/issues arising from the licensable activities offered on the premises.

Minimum Unit Pricing of Alcohol

136. The Licensing Authority will expect Applicants to demonstrate in their operating schedule that the pricing of alcohol products sold on their premises will not negatively impact the licensing objectives. This is to minimise the level of crime and disorder related to excessive drinking due to concerns that discounting of alcoholic drinks and sales promotions may encourage the increased consumption of large quantities of alcohol.

137. The mandatory conditions address irresponsible drink promotions in on-licence premises. However, they do not completely address the impact of cheap alcohol being sold at off-licence premises.

138. At present, the Council does not intend to introduce conditions requiring a minimum unit price for alcohol, as this is seen as a nationwide issue and is more properly addressed by Central Government.

139. In addition, all conditions need to be appropriate, clear, unambiguous, and enforceable. It is currently virtually impossible to enforce a minimum unit price, as the Council would be heavily reliant on the trade and manufacturers for information that may subsequently be used against it. If the national picture changes, however, the Council will revisit and review this part of its policy.

Drugs

140. The Licensing Authority will normally expect all licensees of venues that offer alcohol and entertainment to provide and implement a written Drugs Policy. This must be included in the operating schedule.

141. The Licensing Authority recognises that drug use is not something that is relevant to all licensed premises. Many entertainment venues can, however, be popular with drug users and suppliers. The production of a drugs Policy (advice on writing a Policy is available from the Licensing Authority) combined with the effective professional management of a venue will assist in keeping incidents of drug abuse to a minimum. The Licensing Authority will normally expect all licensees who provide entertainment alongside retail alcohol sales to comply with current Home Office Guidelines. These include:

- The provision of free drinking quality (potable) water in public areas, e.g. the bar area, and not in toilets.
- The installation of a drug deposit box in all licensed premises providing entertainment beyond 11 pm
- A drugs register to record confiscated drugs and drug deposits
- Fully qualified first aiders at all premises which provide entertainment beyond 11pm
- The provision of cooler, quieter areas for patrons

Tables and Chairs outside the Premises

142. The placing of tables and chairs on the highway requires a Pavement Café Licence issued by the Council. In the case of tables and chairs on private land, the Licensing Authority will expect the applicant to advise of arrangements (including hours of operation) to minimise nuisance as part of the operating plan.

143. It can encourage a continental-style café culture. However, late at night, these tables and chairs can contribute to noise and public order problems as they may encourage patrons and passers-by to loiter rather than disperse.

Protection of Children from Harm

144. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from physical, moral or psychological harm, relevant to the individual style and characteristics of their premises and events. This will allow the licensee flexibility to ensure that, where appropriate, licensed premises are child-friendly and adequately protected.

145. The Protection of Children from Harm is a key licensing objective. Nevertheless, the Licensing Authority will not normally impose conditions that require or prohibit the admission of children to any premises, as it believes this should remain a matter of the licence holder's discretion. The Licensing Authority has taken account of the view that the use of licensed premises by children should be encouraged. However, where necessary, it will impose conditions designed to protect children.

146. Examples of premises where the introduction of additional controls is likely to be necessary are:

- Where there have been convictions for serving alcohol to minors or a reputation for underage drinking.
- Where there is a known association with drug taking or dealing.
- Where there is a strong element of gambling on the premises.
- Where entertainment of an adult or sexual nature is provided.
- Where the supply of alcohol for consumption on the premises is the exclusive and primary purpose of the premises.
- For the protection of children from exposure to tobacco smoke.

147. In such circumstances, it may be necessary to impose a complete prohibition; this would be done only rarely. The Licensing Authority would normally be more likely to impose requirements such as:

- Limitations on the hours when children may be present
- Proof of age arrangements for alcohol sales.

- Age limitations below 18 (e.g. considering requiring all persons under 14 years to leave premises before 9 pm and persons between 14 years and under 18 years to leave before 11 pm).
- Limitations or exclusions when certain activities are taking place.
- Requirements for accompanying adults.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature, performances of hypnotism etc).
- Limitation on the permits of premises to which children might be given access.
- Protection of children from exposure to tobacco smoke.

Events for under 18 only

- 148.** These events are considered to be high risk by this Licensing Authority and require special consideration. Police and Licensing must be informed of any under 18 events at least 28 days in advance. Such notification should be from the premises licence holder or the DPS. They would be held accountable should the event undermine any of the licensing objectives. There is an expectation for the premises to work with Responsible Authorities and comply with the latest guidance, an example of which is at **Appendix F**

Sex Related Activities

149. The Policing and Crime Act 2009 introduced a new category of sex establishment, namely a “sexual entertainment venue” (SEV). This empowered Local Authorities to properly regulate lap dancing venues and similar establishments. Darlington Council has adopted the legislative powers.
150. Premises that offer lap dancing, table dancing, pole dancing, striptease, and similar relevant entertainment are now required to obtain an SEV licence from the Council. This licence is in addition to a premises licence under the 2003 Act, which will still be required for the sale of alcohol, late-night refreshment, and other regulated entertainment.
151. The SEV licence will be subject to a range of conditions specifically designed to address issues such as protecting children from harm.
152. A venue will be exempt from the requirement to obtain a SEV licence if entertainment of a sexual nature is provided on no more than 11 occasions in any 12-month period; if such occasions last less than 24 hours and are at least one month apart.

Stage Hypnotism

153. Stage hypnotism raises concern in relation to the safety of the public and also the protection of children from harm. This form of entertainment has been widely debated, with allegations that it can cause long-term harm to participants. The Licensing Authority will require notification, in writing, 8 weeks prior to any performance of Stage Hypnotism. Where consent is given for this type of entertainment, the Council will impose conditions designed to ensure the safety of the audience and, in particular, to prevent children from being admitted to or participating in such activities.

154. Conditions, which the Council may include:

- Membership or approval from a Stage Hypnotists professional body.
- The provision of Public Liability Insurance of not less than £5,000,000 by the Stage hypnotist.
- The presence, throughout the performance, of persons with appropriate medical training
- No person under the age of 18 years to be hypnotised.
- No one under the influence of hypnosis to be permitted to leave the room in which hypnotism is taking place.
- Mass hypnotism of audience not to be carried out.
- All hypnotised subjects to be free of hypnotic influences when leaving premises.
- No indecent acts or acts which are offensive or cause concern to the public to be performed. (This would include the consumption of certain substances and acts of levitation/suspension of subjects.)

155. In relation to performances of stage hypnotism, the Licensing Authority would seek to prohibit all children under the age of 18 years.

Film Exhibitions

156. Where the exhibition of films is permitted, the Licensing Authority will require compliance with the British Board of Film Classification (BBFC) age restrictions for the films to be exhibited. Only in exceptional cases will the Licensing Authority grant variations of this general rule, and only with appropriate safeguards.

157. In relation to specialist Film Festivals & other occasions where it is desired to show films not classified by the BBFC, the Licensing Authority will, provided adequate notice has been given, classify the films concerned. To ensure consistency and protect children, the Council will follow the BBFC guidelines.

158. The Licensing Authority may, on a case-by-case basis, charge a fee for film classification in addition to the licence fee, taking into account officer time and administrative costs.

Packaging and Promotion of Alcoholic Drinks

159. The Licensing Authority supports and promotes the Portman Group Code of Practice relating to the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure, among other things, that alcoholic drinks promotions are responsible and targeted only at persons over the age of 18 years.

Conditions

160. Venue operators seeking premises licences and club premises certificates may volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority concerned, these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises may be imposed by the Licensing Authority in these circumstances.
161. Applicants for premises licences and club premises certificates will be required to copy details of their applications to the Body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm and is recognised by the Licensing Authority as being competent to advise it on such matters. The Licensing Authority considers that the competent Body will be the Darlington Safeguarding Partnership.

SUPPLEMENTARY INFORMATION

Applications for Premises Licences

Planning Consent

162. It is anticipated that an applicant will be able to demonstrate that the premises have either an appropriate (in terms of the activity and hours sought) planning consent, or an

appropriate certificate of lawful use or development. Where the planning status of the premises has not been finalised, the onus will be on the applicant to explain why.

163. The Licensing and Planning Committees will keep each other advised of any legal developments and their impact on proposed actions, to ensure that a licensing application will not be a re-run of the planning application and will not cut across decisions taken by the local authority planning committee or following appeals against those decisions.
164. Any premises for which a licence is required must also have an authorised use under town planning legislation. Advice should be sought from the planning department at the earliest opportunity to seek clarity.
165. In general, planning permissions authorise a type of use, whereas licences relate to a particular premises and operator and may only cover a part of the premises. A planning permission is attached to the premises and is usually permanent. Unlike a licence, it cannot normally be reviewed and revoked. Planning permission is also only concerned with the premises and the proposed use and hours. It takes no account of the applicant's suitability.
166. Within certain limits, the activity may change without a new planning permission. Planning permission for an entertainment use, for instance, may cover activities that can have a wide range of impacts in the locality. The precise nature of the impacts of the specific activities proposed by a prospective licence holder must be considered when an application for a licence is made.
167. In some cases, where an application is made for a licence, the town planning use will already be authorised by a previous planning permission or by a long-standing lawful use of the premises. Therefore, a new application for planning permission is often not required. However, three points must be made:
- a) The existing planning permission might, and if recently granted is very likely to, have conditions restricting the use of the premises in some way e.g. the hours of operation. In that case, anybody seeking a licence to operate beyond those hours would first need to obtain a revised planning consent or a relaxation or removal of the condition.
 - b) The existence of a planning permission (or lawful use) where there is no condition on the usage does not mean that a licence for late hours of operation or a particular entertainment would necessarily be appropriate. Similarly, if an existing planning permission includes conditions on the hours of operation, it does not follow that a licence for a particular activity will be granted for the hours specified in the planning permission.

- c) Where a long-standing planning permission has no condition on hours, or where there is lawful use without planning permission, it is likely there has been no rigorous consideration of late night impact during the planning process. Experience within the borough has revealed the importance of these issues and planning permissions are no longer likely to be granted without such constraints.

Agent of Change Principle

168. A party introducing a new development or land use is responsible for managing the impact of that change. Where a new residential, commercial or other noise-sensitive development is proposed near an existing licensed premises, live music venue, pub, club or other established business, the developer should be required to design and implement appropriate mitigation measures to prevent adverse impacts from noise and other activities associated with the existing operation. Conversely, when a new licensed activity is proposed that may affect existing residents or businesses, the operator should be responsible for addressing any resulting impacts.
169. This principle seeks to protect established licensed premises from unreasonable restrictions arising from subsequent development, whilst ensuring that residents and businesses are safeguarded from unacceptable disturbance.

Consultation

170. It is the Policy of the Licensing Authority that anyone affected by an application should be made aware of it and of the opportunity to make representations.
171. The Licensing Authority will carry out the statutory consultation required or permitted by the Act but will also carry out additional, appropriate consultation where necessary to ensure that the widest opportunities possible will be given to those affected by an application to make representations. Such methods may include using the Licensing Authority's website, letters to resident groups, etc.

Determination of Applications

172. In determining a licence application, the Licensing Authority's overriding principle is that each application will be determined on its individual merits, taking into account the law and guidance. In the absence of any objection, the licence will be granted, subject only to any mandatory conditions and those conditions which form part of the operating schedule.

Conditions

173. Licence conditions will be tailored to the individual style and characteristics of the premises and events and only be imposed to meet the licensing objectives. Licence conditions will not be imposed where the Licensing Authority considers that other regulatory regimes provide sufficient protection to the public, e.g., health and safety at work, fire safety legislation, etc.
174. Officers will seek to discuss proposed conditions in advance with the applicant and/or their representative, with the aim of achieving a mutually agreeable level of public protection and fulfilling the licensing objectives. Club Premises Licences will so far as possible reflect local crime prevention strategies.

Community Premises

175. Community Premises include church halls, chapels, and community and village halls that are made available for community benefit most of the time, are accessible to a broad range of persons and sectors of the local community and are used for purposes that benefit the community as a whole.
176. The Management Committee of a Community premises can apply to remove the standard mandatory condition requiring that an individual who must hold a personal licence be named on the Premises Licence as the Designated Premises Supervisor (DPS).
177. The DPS has overall responsibility for the sale of alcohol. The mandatory conditions also require all sales of alcohol to be made or authorised by a person who holds a personal licence. Where such an application is granted, an alternative condition will be placed on the licence stating that all sales of alcohol on such premises must be authorised by the management committee.
178. Where a community premises already has a Premises Licence to sell alcohol but wishes to benefit from the relaxation of the DPS requirements, the management committee should apply by submitting the prescribed form and fee.
179. Where a community premises does not currently have a premises licence, a new Premises Licence application that includes sale of alcohol should be submitted. This should be accompanied by the prescribed form to **disapply** the mandatory condition requiring a DPS.

180. The Licensing Authority must first be satisfied that the premises are operating as community premises. They must then be satisfied that the management committee can ensure alcohol sales are properly supervised.
181. This will include considering the committee structure and how the committee will control alcohol sales if the premises are hired out for a private event. This may involve the committee having a hiring agreement with the hirer that includes a written summary of the hirer's responsibilities under the 2003 Act in relation to the sale of alcohol.
182. Only the police can object to the application to disapply the mandatory condition requiring a DPS, and only in exceptional circumstances where they believe the application will affect the crime and disorder objective. In such a case, they must issue an objection notice, and the licensing authority must then hold a hearing to decide whether to grant the application. The decision can be appealed by either party.

Enforcement

183. In general, for consistency, transparency and proportionality, action will be in accordance with the Licensing Authority's published Enforcement Policy that follows the principles of the Enforcement Concordat.
184. The Licensing Authority will support businesses in complying with the law but takes offences and breaches of licence conditions seriously. Premises will be monitored, and appropriate enforcement action will be taken to ensure compliance. The Licensing Authority will work closely with the Police, Environmental Health and Trading Standards and has established protocols to ensure that high-risk premises receive the highest priority.
185. Enforcement action will be:
- Targeted toward those premises presenting the highest risk
 - Proportional, to the nature and seriousness of the risk those premises present
 - Consistent, so that similar approaches are taken in similar situations
 - Transparent, so those who are subject to enforcement action know what to expect
 - Accountable, so that officers take responsibility for any action taken
186. Licensing officers will investigate all complaints alleging breaches of the Licensing Act 2003 or licence conditions, and act on all reliable intelligence (including from local residents and businesses) with a view to establishing whether offences have been committed. These may include:

- Unauthorised licensable activities or breach of licence conditions
- Permitting disorderly conduct on licensed premises
- Sale of alcohol to children and the consumption of alcohol by children
- Sale of alcohol to a person who is drunk

187. Where the Licensing Authority has evidence of non-compliance with the legislation and/or licence conditions, there are a range of enforcement options including:

- Offering advice /guidance (verbal or written)
- Informal written warnings
- Formal cautions
- Prosecutions
- A review of premises licences where there are problems associated with any of the 4 licensing objectives
- The closure of premises that are experiencing disorder or causing a nuisance

In the case of offences relating to:

- The deliberate and persistent provision of unlicensed activities especially the sale of alcohol and/or
- The breach of licensing conditions resulting in substantial risk to the promotion of the licensing objectives (crime and disorder, public safety, public nuisance or protection of children from harm)
- Persistent underage sales
- The use of licensed premises in connection with organised criminal activity
- Allowing disorderly conduct on licensed premises
- Delivering alcohol to children
- Allowing the sale of alcohol to children

formal action (including, formal cautions, reviews and/or prosecution) will be the most likely approach.

Delegated Authority

188. The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, Sub Committee or, by one or more officers acting in accordance with the scheme of Delegated Authority (see Appendix C).

Off Sales

189. In accordance with Guidance, the Licensing Authority will not normally seek to limit the hours during which alcohol can be sold for consumption off the premises. The Council does, however, expect that a responsible attitude be adopted in relation to the sale of alcohol to and/or for persons under the age of 18 years. Operating schedules should therefore include the following:

- Staff training, particularly in relation to refusal of sales.
- Proof of age requirements.
- Records of refusal of sales.
- Consideration of display of posters advertising the illegality of purchasing alcohol on behalf of persons under 18 years of age

NB this list is not exclusive.

190. Test purchasing exercises will be undertaken in a partnership arrangement between the Council's Trading Standards Service and Durham Constabulary. Sales of alcohol to or on behalf of persons under 18 years of age may result in a request to review a licence with a view to revocation.

191. In addition to the above, the operating schedule should also address issues of anti-social behaviour that may give rise to crime, disorder, and public nuisance. This is particularly the case in relation to groups of youths congregating outside of premises. Measures such as CCTV provision inside and outside the premises, and additional lighting outside the premises, should be considered to address this problem.

Alcohol deliveries

192. This Licensing Authority recognises the increasing role of alcohol deliveries and remote sales within the licensed trade. Applicants proposing to provide alcohol for delivery should demonstrate how they will promote the licensing objectives in relation to the sale, dispatch and delivery of alcohol.

193. The Authority expects applicants to consider matters including age verification, delivery procedures, staff training, prevention of proxy sales, delivery hours, record keeping and the management of any nuisance arising from delivery activities.

194. Where applications include the sale of alcohol for delivery, the Licensing Authority will expect applicants to have appropriate controls in place to ensure that alcohol is not supplied to persons under the age of 18 and that delivery activities do not undermine the licensing objectives. The Authority would also expect operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and that refusal recorded.
195. The Licensing Authority recognises that alcohol may be supplied through online platforms, telephone orders and third-party delivery services. Applicants should ensure that adequate safeguards are in place throughout the sales and delivery process.
196. The responsibility for promoting the licensing objectives remains with the premises licence holder, including where deliveries are undertaken by a third-party contractor. Applicants should demonstrate how age verification, driver training, delivery management and incident reporting arrangements will be maintained.
197. Measures should include:
- A Challenge 25 age verification policy.
 - Training for delivery drivers and staff involved in remote sales.
 - Refusal of deliveries where age cannot be verified.
 - Maintenance of refusals and incident records.
 - Clear procedures to prevent proxy purchasing.
 - Appropriate controls to minimise noise and disturbance associated with deliveries.

Late Night Refreshment Houses

198. All takeaways, including street traders, late-night refreshment houses, and night cafes that operate beyond 11 pm, will be required to apply for a premises licence from the Licensing Authority. In addition, any premises that also wish to sell alcohol as part of the premises licence will need to designate a premises supervisor and ensure that a personal licence holder is normally present on the premises whenever alcohol is sold. The application will be subject to the requirements set out in Appendix A for premises licences.
199. Late-night takeaways can be a public-order “hot spot” when patrons who have attended late-night entertainment premises congregate in their vicinity. The operating schedule for such premises should therefore address such issues as:
- Provision of CCTV both inside and outside of the premises.
 - Additional lighting both inside and outside of the premises.
 - Measures to be taken to reduce littering within the vicinity.
 - Measures to be taken to reduce noise disturbance at the premises and within its vicinity.

NB this list is not exhaustive.

200. Holders of night-time street trading consents for the sale of food will also be required to apply for a premises licence in addition to their street trading consents.

General

201. While the Licensing Authority will make every effort to assist applicants with new legislation, the Council cannot be held responsible for individual applications or operating schedules. All applicants are therefore advised to seek appropriate advice from their legal representatives and/or Trade bodies.

202. Licensees should familiarise themselves with the requirements of the Equalities Act 2010 regarding access to and the provision of services for persons within the protected groups identified by the legislation.

APPENDIX A

MAKING AN APPLICATION

When making an application, the applicant should initially identify any particular issues (having regard to the particular type of premises and/or activities), which are likely to adversely affect the promotion of the 4 Licensing Objectives. Such steps as are required to deal with these identified issues should be included in the operating schedule.

This document aims to inform and advise. It is NOT, however, a detailed interpretation of the legislation and should not be relied on as legal advice by applicants.

PREMISES LICENCES

1. Applications may be made by persons aged 18 years or over who carry out (or propose to do so) a business which involves the use of premises for specific licensable activities. An application must be made on the prescribed form, accompanied by the prescribed fee. The application must also include a plan of the premises (in the prescribed form) and an operating schedule*. If alcohol is to be sold, details must be provided of the designated premises supervisor*. There is a requirement to advertise the application, and this will be covered in the Secretary of State's regulations. Copies of the application will also have to be

sent out to other relevant persons, as described in the regulations.

2. If relevant representations* are made, the Licensing Authority must, if these cannot be overcome, hold a hearing to determine the application. Relevant representations may come from responsible authorities* or other persons*, either of which will be required to notify the Licensing Authority of their concerns, in writing, within a prescribed period of time. After a hearing, the Licensing Authority will decide whether or not to grant the licence. The licence may be granted subject to modified conditions, to ensure the 4 Licensing Objectives are properly promoted. It may be granted with the exclusion of one or more licensable activities. It may be granted subject to the Licensing Authority's refusal to specify a person as a designated premises supervisor, or alternatively the application may be rejected. In each case the Licensing Authority will give reasons for its decision to the applicant, anyone who made a relevant representation and the Chief Constable of Police. Appeals against the Licensing Authority's decision can be made to the Magistrates Courts.
3. If no relevant representations are received, the Licensing Authority must grant the application subject only to any mandatory required conditions and any conditions that are consistent with the operating schedule (for mandatory conditions please refer to Sections 19, 20 and 21 of the Licensing Act 2003).
4. Generally, a Premises Licence will be granted for an indefinite period except when the application is for a specific period unless the licence is suspended or revoked. Applications can be made to vary the licence in much the same way as the original application.

*see glossary of terms for further information

Further guidance will be issued as part of the application pack

PERSONAL LICENCES

Personal Licences are needed to enable alcohol to be sold. An application can be made by a person aged 18 years or over, who possesses a licensing qualification as prescribed in the Regulations, who has not been convicted of any relevant offence (which was committed either in England or Wales) or "foreign" offence (committed outside of England or Wales) which is unspent and who has not forfeited a Personal Licence in the preceding 5 years. The application should be made to the Council in the area where the applicant is normally resident.

Only the Police can object to an application for a Personal Licence. The Licensing Authority will grant a licence for an indefinite period if the Police do not object. In the event of an objection being made, a Hearing will be arranged and the Licensing Authority, after considering all relevant factors, may decide to either grant the application or reject it. If the Licensing Authority decides to reject the application, it will give reasons for its decision to the applicant and the Chief Constable of Police. There is a right of appeal to the Magistrates Courts against a decision of the Licensing Authority.

TEMPORARY EVENTS NOTICES (TENS)

STANDARD TENS

1. A standard Temporary Event Notice (TEN) needs to be submitted when an individual wishes to use a premises, which does not have a Premises Licence, for an event lasting not more than 168 hours and to which the maximum number of people attending will be less than 500.

The Licensing Authority will encourage community events; however, applications for repeated TENs at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation. Each TEN will be considered on a case-by-case basis.

A TEN in the prescribed form must be given to the Licensing Authority along with the prescribed fee at least 10 working days before the event. As this is such a short period of time, the Council will expect that far greater notice is always given unless there is good reason not to do so. A copy of the notice must also be sent, by the applicant, to two of the Responsible Authorities, namely the Police and Environmental Health, who must respond within 2 working days of receipt.

The Licensing Authority will acknowledge receipt of the notice and will await any comments from the two Responsible Authorities. Any Representations will need to demonstrate that the measures are 'appropriate' to uphold the licensing objectives. This is a change from the previous requirement that measures be 'necessary' to promote the licensing objectives. If either Responsible Authority objects to the event and a negotiated agreement cannot be reached, the Licensing Authority will hold a hearing to consider the matter.

If the Licensing Authority accepts the objections, it will issue a counter notice, and the event cannot proceed. This notice must be issued at least 24 hours before the event was due to take place and the Applicant may appeal to the Magistrates Courts. Similarly, if the Licensing Authority decides not to accept the objections, the Police and/or Environmental Health also have the right of appeal to the Magistrates Courts.

2. LATE TENS

A Late Temporary Event Notice (Late TEN) has been introduced which allows for a TEN to be given with only 5 working days' notice, on a limited number of occasions each year. There is no right of appeal if a counter notice is raised against a 'Late TEN'.

3. The Licensing Authority has no option other than to issue a counter notice when:
 - a) The applicant is a Personal Licence holder who has already given the maximum number of Temporary Events Notices (TENS) allowed within the same calendar year.
 - b) The applicant is not a personal licence holder but has already given the maximum number of TENS allowed in that year.
 - c) The maximum number of TENS allowed have been given for the same premises in that year.
- a) TENS are given for events at the same premises, falling on more than 21 days in a year.

Time Limited Licence for Large Events

This section relates to applications for large events that are temporary in nature but cannot be authorised under a temporary event notice (TEN) because of the number of persons attending or

because the event spans more days than permitted by a TEN. Generally, we will consider licensing these events under a time-limited premises licence lasting for the duration of the event.

We advise persons wishing to hold such events to contact the Licensing Team for advice prior to making an application and engagement with the Safety Advisory Group (SAG).

The SAG consists of officers from responsible authorities such as the Police, Environmental Health, Health and Safety teams and the fire authority.

We will invite applicants to present their application and details of their event to the SAG and expect applicants to bring a draft Event Management Plan (EMP) to ensure the event will be run safely with minimum disruption to the environment in terms of nuisance and traffic management.

The SAG does not determine licence applications or impose conditions but will advise applicants how to produce an acceptable EMP for their event.

An EMP is a statement detailing how an event will be organised. It should incorporate a risk assessment, traffic and transport planning, first aid, stewarding, site layout, emergency and evacuation plans, noise management, litter disposal and communication protocols.

We strongly urge applicants to consult the SAG and produce a draft EMP prior to submitting their application. Where a responsible authority considers an EMP is inadequate to promote the licensing objectives, it may make a representation about the application.

We expect applicants to include the following conditions in their operating schedule:

- a) The Licensee shall comply with the event management plan submitted to the licensing authority, and no changes shall be made to the event management plan without the prior written consent of the licensing authority.
- b) The Event shall be run in accordance with the site plan submitted to the licensing authority. No changes shall be made to the site plan without the prior written consent of the licensing authority

This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a premises licence or an application to vary the existing premises licence. Without this approach, any changes made could be unauthorised and result in enforcement action being taken against the event organiser.

APPENDIX B

Glossary of terms

In this Policy, the following are included to explain certain terms used in the Act. In some cases, the definitions below are abbreviations of what is stated in the Licensing Act 2003 or interpretations of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Appointed Days’

The dates on which different provisions of the Act come into force. On the first appointed day applications can be made to Licensing Authorities for the new licences. On the second appointed day, the old law will cease to have effect, all the new licences will come into force, and the responsibilities of the existing Magistrates' court licensing committees will end.

'Appeals'

Appeals against decisions of the licensing authority are to the Magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Licensing Authority's decision. On appeal, a Magistrates' Court may dismiss the appeal; substitute its own decision; remit the case to the licensing authority with directions; and make an order for costs.

'Authorised Officer'

An Officer of the Licensing Authority who is authorised to carry out duties in relation to the Licensing Act 2003; a Fire Inspector; A Health & Safety Inspector; an Environmental Health Officer.

'Closure Order'

Powers that enable the Police and Courts to close premises. The 2003 Act significantly extends the existing powers of the Police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

'Club Premises Certificate'

A licence for a qualifying club to cover the supply of alcohol. It can be granted to members' clubs which comply with specific conditions, e.g. membership rules, are run by club committees, and profits go to members, not an owner, etc. Club Premises Certificates replace registration under the Licensing Act 1964. The law for members' clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate, but it may be withdrawn, surrendered or suspended.

'Conditions'

A Premises Licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. The Secretary of State's Guidance provides: "The only conditions which should be imposed on a premises Licence or Club Premises Certificate are those which are necessary for the promotion of the Licensing Objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder". Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned

'Designated Premises Supervisor'

A person identified on the premises licence as being in day-to-day control of the premises (can be the holder of the premises licence). Any premises where alcohol is sold must have a designated premises supervisor.

‘Interim Authority Notices’

A notice to reinstate a Premises Licence which has lapsed because of the death, incapacity or insolvency of the holder & for which no transfer application has been made.

‘Other Person’

A person who may or may not live in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity; a member of the relevant licensing authority i.e. elected councillors of the licensing authority for the area in which a premises is situated; all of whom are affected by the licensable activities on offer or to be offered at a premises.

‘International Airports and International Ports’

Premises Licences can be issued to the above in areas where the non-travelling public have access. Areas where the non-travelling public are not allowed, known as airside or wharf-side, are not licensable under the 2003 Act.

‘Late Night Refreshment’

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’

- a) The sale by retail of alcohol.
- b) The supply of alcohol by or on behalf of a club, or to the order of a member of the club.
- c) The provision of Regulated Entertainment.
- d) The provision of Late Night Refreshment.

Licensing Objectives’

The objectives set out in the Act are:

- a) The Prevention of Crime and Disorder.
- b) Public safety.
- c) The Prevention of Public Nuisance.
- d) The Protection of Children from Harm.

The Licensing Authority must carry out its functions under the Act with a view to promoting the Licensing Objectives.

‘Mandatory Conditions’

Conditions that the Act requires are imposed on a licence. These include use only of Security Industry Authority-approved persons as door supervisors, requirements not to engage in irresponsible drinks promotions & requirements to abide by the requirements of British Film Board Classifications

‘Objection Notice’

A procedure whereby the Police can object to the grant of a Personal Licence on the grounds that, having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

‘Operating Schedule’

A document containing a statement of the following matters (and any others that may be prescribed):

- a) Steps taken by the Licence holder to tackle the four Licensing Objectives.
- b) The Licensable Activities to be conducted on the premises.
- c) The times during which the Licensable Activities are to take place and any other times when premises are open to the public.
- d) Where the licence is required only for a limited period, that period.
- e) Where the Licensable Activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor.

‘Personal Licence’

A licence granted to an individual which enables that person to supply or authorise the supply of alcohol in accordance with the premises licence.

‘Premises Licence’

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities.

‘Provisional Statement’

A statement issued by the Licensing Authority in relation to premises that are being or about to be constructed or extended for the purpose of being used for one or more licensable activities.

‘Qualifying Club’

Formerly a Registered Members Club. The members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

‘Regulated Entertainment’

- a) A performance of a film.
- b) An exhibition of a film.
- c) An indoor sporting event.
- d) A boxing or wrestling entertainment.

- e) A performance of live music.
- f) Any playing of recorded music.
- g) A performance of dance.

Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance (or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

‘Relevant Offences’

Offences, which may be taken into account when considering an application for a Personal Licence. These are listed in Schedule 4 to the Licensing Act 2003.

‘Relevant Representations’

Comments about the effect/likely effect of either a current premise or the grant of a Premises Licence on the promotion of the 4 Licensing Objectives. These can only be made by a Responsible Authority or an Other Person. In the case of an Other Person these must not be frivolous or vexatious.

‘Responsible Authority’

The Chief Police Officer; Fire Authority, Health & Safety Executive/ Enforcing Authority for Health and Safety, Planning Authority, Council Environmental Health, The Local Safeguarding Children’s Board, the Director of Public Health, the Licensing Authority and other specified authorities. Only these groups can make representations about an application for a Premises Licence.

‘Review of Licence’

An application by a Responsible Authority or Other Person for a Premises Licence to be reviewed based on concerns relating to the 4 Licensing Objectives.

‘Supply of Alcohol’

The retail sale of alcohol or the supply of alcohol by or on behalf of a club to members of the club

‘Temporary Event Notice’

A notice to cover the use of premises for one or more licensable activities during a period not exceeding 96 hours and for less than 500 patrons

‘Transfer’

A procedure where an application can be made to transfer the premises licence to a new name; e.g., if a premises licence holder sells his premises, an application may be made to transfer the premises licence to the new owner.

APPENDIX C

Scheme of Delegation for Licensing Act Functions

Matter to be dealt with	Full Licensing Committee	Licensing Sub-committee	Officers
Application for Personal Licence		If a Police objection	If no relevant representation made
Application for Personal Licence with unspent convictions		If relevant representation made.	If no relevant representation made.
Application for Premises Licence / Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for Provisional Statement		If a relevant representation is made	If no relevant representation made
Application to vary Premises Licence / Club Premises Certificate		If a relevant representation made	If no relevant representation made
Making a representation on behalf of the Licensing authority			Assistant Director Regulatory Services
Application for minor variation			All cases
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	
Initiating a review on behalf of the Licensing Authority			Assistant Director Regulatory Services
Decision on whether a complaint is irrelevant, frivolous, vexatious etc		If referred by an Officer	All other cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police/Environmental Health objection to a Temporary Event Notice		All cases	
Receiving reports on Licences granted	All cases		
Institution of criminal proceedings			Licensing Manager

LIST OF RESPONSIBLE AUTHORITIES

The following are the “Responsible Authorities” for licensing applications made to Darlington Council under the new legislation. Copies of application forms **must** be sent to each Responsible Authority at the same time as the application is made.

1. POLICE Chief Officer of Police Aykley Heads Durham DH1 5TT	2. FIRE AUTHORITY Fire Safety Officer Belmont Business Park Durham DH1 1TW
3. HEALTH & SAFETY Environmental Health Manager Town Hall DARLINGTON. DL1 5QT	4. PLANNING Planning Services Manager Darlington Borough Council Town Hall DARLINGTON. DL1 5QT
5. ENVIRONMENTAL HEALTH Environmental Health Manager Darlington Borough Council Town Hall DARLINGTON DL1 5QT	6. SAFEGUARDING PARTNERSHIP Assistant Director of Social Services Darlington Borough Council Town Hall DARLINGTON DL1 5QT
7. TRADING STANDARDS Trading Standards Manager Darlington Borough Council Town Hall DARLINGTON. DL1 5QT	8. HEALTH Director of Public Health Darlington Borough Council Town Hall DARLINGTON. DL1 5QT
9. THE LICENSING AUTHORITY Darlington Borough Council D Block, Town Hall DARLINGTON. DL1 5QT	IMMIGRATION COMPLIANCE ENFORCEMENT (ICE) Link House Melbourne Street Newcastle upon Tyne NE1 2JQ

Appendix E

Illegal Working Compliance Checklist for Licence Holders

Purpose:

This checklist helps licence holders demonstrate due diligence in preventing illegal working in licensed premises. It should be kept on-site and produced during inspections.

Pre-Employment Checks

- Verify the individual's right to work in the UK before employment starts.
- Check original documents (not photocopies or scans).
- Use the Home Office online right-to-work check where applicable.
- Ensure documents are valid, unaltered, and belong to the person presenting them.

Record Keeping

- Keep clear copies of all right-to-work documents.
- Record the date of the check and the name of the person who carried it out.
- Store records securely for the duration of employment and for at least two years after it ends.

Ongoing Monitoring

- Track expiry dates for visas or work permits and re-check before they lapse.
- Update records promptly if an employee's immigration status changes.

Staff Training

- Train managers and supervisors on right-to-work requirements.
- Keep a record of training sessions and attendance.

Cooperation with Authorities

- Respond promptly to requests from the Licensing Authority, Police, or Home Office.
- Provide requested documents without delay.

Appendix F

Under 18 Event guidance

1. The Police Harm Licensing Unit, DBC Licensing Services and Local Safeguarding Children's Board must be notified of any under 18 events at least 28 days in advance of the event. Such notification should be from the premises licence holder or the DPS. They would be held accountable should the event undermine any of the licensing objectives.
2. The premises must be covered by colour, digital CCTV which meets the requirements and expectations of the Police and council. This equipment is to record whilst the event is being held on the premises; all recordings to be retained for a minimum period of 28 days and to be made available upon request to the Police or authorised officers of the council within a period of 7 days.
3. The operator to ensure that the premises have enough SIA registered security staff and they are employed to meet at least the following minimum ratio: 2 for the first 100 customers, one of which being female, 2 for the second 100 customers and 1 for every 100 customers thereafter. At least one member of security staff being employed as a floorwalker and constantly monitoring patrons for evidence of alcohol or drugs and protecting patrons from unwanted attention or harassment.
4. Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.
5. Where there is normally a bar, ensure that alcohol is not on display and is locked away.
6. Ensuring that there is at least 1 hour between the conclusion of the youth event and the venue opening for the commencement of any adult entertainment.
7. Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.
8. Where alcohol is seized from persons aged under 18, the details to be recorded in a register.
9. Any prior marketing of the event (internet, flyers, posters etc.) to make it clear that no alcohol will be sold to under 18's, nobody who appears to be drunk will be allowed admission to the event and searches will take place to ensure that no alcohol is brought into the venue. Permissible ages for attendance at the event to be printed in prominent writing on any tickets issued for the event.
10. Ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates the level of duty of care expected to be provided.
11. Toilet checks being carried out at regular intervals and records of such checks retained.
12. First aid provision to be available at the premises.
13. Ensure a policy is in place to prevent underage persons leaving and returning to the premises to consume alcohol outside.
14. For events held on a Thursday, Friday or Saturday evening, a terminal hour of no later than 11.00 pm.

15. An area should be designated as a safe space, whereby ill or intoxicated persons, including minors, can be taken to a place of safety for medical treatment or, in the case of minors, until reunited with a parent, guardian or responsible adult.

B Additional Measures expected to be considered for Mixed Age Events

1. All patrons to be given a secure wristband of different colours, differentiating over 18's from under 18's.
2. Only one alcoholic drink to be purchased at any one time by an individual aged over 18 years of age.
3. At least 2 SIA registered security staff acting as floorwalkers to constantly monitor patrons aged under 18 years of age for evidence of alcohol or drugs and to protect patrons from unwanted attention or harassment.
4. Children under 16 years of age should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than 4 such children.
5. All drinks to be served in plastic or polycarbonate glasses. It must be stressed that the above measures are not an exhaustive list, and licensees are encouraged to discuss the management of any such events in detail with the responsible authorities as part of their risk management process.

If English is not your first language and you would like more information about this document, or if you require information in large print or braille or tape, please contact (01325) 388351.

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