

CABINET

Thursday, 28 October 2004

10.00 a.m.

Council Chamber, Council
Offices, Spennymoor

AGENDA and REPORTS

AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

To notify the Chairman of any items that appear in the agenda in which you may have an interest.

3. MINUTES

To confirm as a correct record the Minutes of the meeting held on 14th October 2004. (Pages 1 - 6)

OTHER DECISIONS

ALL PORTFOLIOS

4. SECOND GENERATION LOCAL PUBLIC SERVICE AGREEMENT FOR COUNTY DURHAM

Report of Head of Strategy and Regeneration (Pages 7 - 12)

COMMUNITY SAFETY PORTFOLIO

5. SEDGFIELD BOROUGH CRIME AND DISORDER REDUCTION PARTNERSHIP - POST OF ANTI-SOCIAL BEHAVIOUR REDUCTION CO-ORDINATOR

Report of Director of Neighbourhood Services. (Pages 13 - 14)

ENVIRONMENT PORTFOLIO

6. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Report of Director of Neighbourhood Services. (Pages 15 - 68)

RESOURCE MANAGEMENT

7. ASSET MANAGEMENT: AUTOMATIC BARRIER AT MEMBERS CAR PARK, COUNCIL OFFICES, GREEN LANE, SPENNYMOOR

Joint report of Chief Executive Officer and Director of Resources. (Pages 69 - 72)

MINUTES

8. OVERVIEW & SCRUTINY COMMITTEE 2

Minutes of the meeting held on 14th September 2004. (Pages 73 - 76)

9. ANY OTHER BUSINESS

Lead Members are requested to inform the Chief Executive Officer or the Head of Democratic Services of any items they might wish to raise under this heading by no later than 12 noon on the day preceding the meeting. This will enable the Officers in consultation with the Chairman to determine whether consideration of the matter by the Cabinet is appropriate.

N. Vaulks
Chief Executive Officer

Council Offices
SPENNYMOOR
20th October 2004

Councillor R.S. Fleming (Chairman)

Councillors Mrs. A.M. Armstrong, Mrs. B. Graham, A. Hodgson, M. Iveson, D.A. Newell,
K. Noble, J. Robinson J.P and W. Waters

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact Gillian Garrigan, on Spennymoor 816166 Ext 4240

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Item 3

SEDGEFIELD BOROUGH COUNCIL CABINET

Conference Room 1,
Council Offices,
Spennymoor

Thursday,
14 October 2004

Time: 10.00 a.m.

Present: Councillor R.S. Fleming (Chairman) and
Councillors Mrs. B. Graham, A. Hodgson, D.A. Newell and K. Noble

In Attendance: Councillors Mrs. B.A. Clare, Mrs. K. Conroy, Mrs. J. Croft, V. Crosby, A. Gray, G.C. Gray, D.M. Hancock, J.E. Higgin, J.G. Huntington, M.T.B. Jones, J.M. Khan, B. Meek, J.P. Moran, Mrs. E.M. Paylor, A. Smith and Mrs. C. Sproat

Apologies: Councillors Mrs. A.M. Armstrong, M. Iveson, J. Robinson J.P and W. Waters

CAB.69/04 DECLARATIONS OF INTEREST

It was noted that Councillor R.S. Fleming would be declaring a personal interest in Item No 6 – Quality Parish and Town Council Scheme

CAB.70/04 MINUTES

The Minutes of the meeting held on 30th September 2004 were confirmed as a correct record and signed by the Chairman.

CAB.71/04 COMMITMENT OF NEIGHBOURHOOD RENEWAL FUNDS

The Lead Member for Regeneration presented a report setting out the usage of Neighbourhood Renewal Fund (NRF) monies in the Borough during 2003/04 and identifying the planned use of funds until March 2006. (For copy see file of Minutes)

It was reported that NRF expenditure in 2003/04 of £1.25m had levered in £1.84m in match funding. The resources had been spent on services in the targeted wards to improve the quality of life and life chances of residents in the Borough.

Members noted that NRF funding of £2,347,800 had been identified for the remainder of the programme to support the themed Service Improvement Plans until March 2006.

RESOLVED: *That the Local Strategic Partnership's commitment of Neighbourhood Renewal Funds during 2003/04 and the planned use over 2004 to 2006 be accepted.*

**CAB.72/04 HOUSING LAND CAPITAL RECEIPTS STRATEGY -
NEIGHBOURHOOD RENEWAL SCHEMES: APPOINTMENT OF
CONSULTANTS**

Consideration was given to a report seeking approval to appoint consultants to assist in preparing Neighbourhood Renewal Action Plans for Ferryhill Station, Dean Bank, Ferryhill and the western area of Chilton. (For copy see file of Minutes)

It was explained that the Action Plans would provide a suitable development framework to guide investment decisions and actions on new housing investment, housing improvements, clearance of unfit and surplus to demand properties, environment improvements and the provision or improvement of community facilities such as shops, schools health facilities and community buildings.

- RESOLVED:**
- 1. That suitable experienced consultants be commissioned to assist in preparing Neighbourhood Renewal Action Plans for Ferryhill Station, Dean Bank, Ferryhill and the western area of Chilton.*
 - 2. That the Chief Executive Officer, in consultation with the Leader of the Council, be authorised to approve the Brief for the commission and the appointment of the preferred company on the recommendations of the Project's Steering Group.*

**RECOMMENDED.
TO COUNCIL** *That Councillors K. Noble and W. Waters be appointed to serve on the Project's Steering Group, supported by senior officers from the Chief Executives', Resources and Neighbourhood Services Departments.*

N.B. In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct Councillor R S Fleming declared a personal interest in the following item and did not leave the meeting.

CAB.73/04 QUALITY PARISH AND TOWN COUNCIL SCHEME

Consideration was given to a report which set out the progress made in respect of the Quality Parish and Town Council Scheme and proposed the adoption of a Charter to support positive working relationships with all Parish and Town Councils. (For copy see file of Minutes)

- RESOLVED:**
- 1. That the proposed Charter be supported.*
 - 2. That the proposed Charter be referred to Council for approval.*

3. *That the Charter Working Group develops protocols to ensure that the principles of the Quality Scheme and various aspirations contained in the Charter are achieved.*

CAB.74/04 USE OF CHILTON DEPOT BY DURHAM COUNTY COUNCIL FOR WINTER MAINTENANCE

The Lead Member for Environment presented a report seeking approval for the Council to enter into a partnership arrangement with Durham County Council regarding the use of Chilton depot as a base for winter maintenance activities. (For copy see file of Minutes)

It was explained that the Borough Council had undertaken winter maintenance for a number of years under an agency arrangement, however from the 2004/05 financial year the County Council took back full highway responsibility for the provision and consequently required a base in the Chilton area from which to operate its gritting routes.

- RESOLVED:*
1. *That an agreement between the Borough Council and Durham County Council for the use of Chilton Depot as a base for operations for winter maintenance and for the storage of salt during the year be authorised.*
 2. *That the negotiated annual charges of £4,000 for the area occupied and £2,500 for the shared use of the loader on the site be approved.*
 3. *That the adaptations to security and fencing, to the value of approximately £3,600, be funded by Durham County Council, as a one-off cost.*
 4. *That the partnership approach regarding the development of interim protocols and quid pro quo arrangements to facilitate the overall agreement be approved.*

CAB.75/04 SPENNYMOOR TOWN CENTRE, SHOP IMPROVEMENTS GRANT SCHEME

The Lead Member for Regeneration presented a report seeking approval to introduce a revised Shop Front Improvements Grant Scheme for Spennymoor Town Centre as a means of increasing the grant take up rate and thereby enhancing the vitality of the Town Centre. (For copy see file of Minutes)

It was explained that as the take up of grant assistance under the existing Shop Improvements Grant Scheme for Spennymoor Town Centre had been limited, a review had been undertaken to coincide with the approval by One NorthEast of a major programme of works for the town centre.

The report gave details of the objectives and key elements of proposed

scheme, how it would operate and the resource implications.

RESOLVED: That the revised Spennymoor Town Centre Shop Front Improvements Grant Scheme, as set out in the report, be approved.

CAB.76/04 OVERVIEW & SCRUTINY COMMITTEE 1

Consideration was given to the minutes of the meeting of Overview and Scrutiny Committee 1 held on 31st August 2004. (For copy see file of Minutes)

RESOLVED: That the Committee's recommendations be noted and appropriate action be taken.

CAB.77/04 AREA FORUMS

Consideration was given to the minutes of the following:

- Area 3 Forum - 15th September 2004
- Area 4 Forum - 21st September 2004

(For copies see file of Minutes)

RESOLVED: That the reports be received.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That in accordance with Section 100(a)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraphs 7, 8 and 9 of Schedule 12a of the Act.

**CAB.78/04 FESTIVE ENTERTAINMENT CONTRACT 2005 - 2009
SPENNYMOOR LEISURE CENTRE**

Consideration was given to a report regarding the selection of a partner to deliver the Festive Entertainment Programme at Spennymoor Leisure Centre for the period of 2005 – 2009. (For copy see file of Minutes)

RESOLVED: That the recommendation detailed in the report be adopted.

**CAB.79/04 HOUSING LAND SALE - FORMER NURSERY SITE, BURN LANE,
NEWTON AYCLIFFE**

Consideration was given to a report regarding the sale of 1.10 hectares (2.72 acres) of land at the Former Nursery Site, Burn Lane, Newton Aycliffe for residential development. (For copy see file of Minutes)

RESOLVED: That the recommendation detailed in the report be adopted

CAB.80/04 ASSET MANAGEMENT - HOUSING LAND SALE - RESIDENTIAL HOUSING PLOTS, HIGHLAND GARDENS, SHILDON
Consideration was given to a report regarding the sale of plots of land at Highland Gardens, Shildon. (For copy see file of Minutes)

RESOLVED: That the recommendations detailed in the report be adopted.

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Gillian Garrigan, on Spennymoor 816166 Ext 4240

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Item 4

REPORT TO CABINET

28 OCTOBER 2004

REPORT OF HEAD
OF STRATEGY
AND REGENERATION

All Portfolios

SECOND GENERATION LOCAL PUBLIC SERVICE AGREEMENT FOR COUNTY DURHAM

1 SUMMARY

- 1.1 This report sets out the agreed process for the development of the Second Generation Local Public Service Agreement (LPSA 2) for County Durham, outlines progress to date and details implications for the Council.

2 RECOMMENDATION

- 2.1 It is recommended that Cabinet...

1) Agrees to support the priorities for performance improvement set out in the draft LPSA 2 Strategy for County Durham and that these are taken into account in the Council's Corporate Plan preparation process.

3 LOCAL PUBLIC SERVICE AGREEMENTS

Background

- 3.1 LPSAs are voluntary, official agreements between Unitary or County Councils (plus their partners) and the Government that focus on achieving stretched improvement in key service areas over a three-year period.
- 3.2 LPSAs were designed to facilitate and expedite continuous improvement in service delivery envisioned in the introduction of the duty of best value in the Local Government Act 1999. 'Stretched improvement' refers to improvement in excess of the 2% year on year efficiency savings anticipated by the Act. To achieve this degree of improvement, the Government provides limited "pump-priming" money to initiate change and is willing to negotiate freedoms and flexibilities to allow innovative action. Essentially however, stretched improvement is achieved through prioritising and focusing on key services areas and targets and by working in partnership within and across Local Strategic Partnerships.
- 3.3 If the stretched targets are achieved, the Government pays the authority a Performance Reward Grant (PRG). The PRG is payable for achieving each of the targets and is not dependent on achieving stretched improvement across all the

targets. It is a one-off payment, without any restrictions on its use, although it is expected that it be used to support further service improvements.

Outcomes from the first LPSA for County Durham

- 3.4 Performance targets in the first LPSA for County Durham (2002-2005) relate largely to national PSA targets in the areas of educational attainment, transport, adoption, older people etc. It is anticipated that all stretched targets – except those related to the educational attainment of 14 year olds and of those in the looked after sector – will be achieved at the end of the agreement. As it focused principally on these upper tier services, the LPSA 1 Strategy (2002-2005) was prepared solely by Durham County Council, although Districts were involved in two areas – recycling and cost/efficiency.
- 3.5 Through the LPSA pump priming funding was made available to introduce a recycling scheme throughout the Borough last year and as a result recycling performance has increased from 6.07% in 2001/2002 to 12.00% in 2003/2004. This contributes towards a Countywide stretched target of 17% for this year. The stretched improvement target has already been achieved in cost-efficiency, providing performance does not dip this year.
- 3.6 As a result, the Council anticipates that it will receive £268,075 PRG when the LPSA 1 ends at 31 March 2005. The LPSA 2 (if approved) will commence 1 April, for a three-year period to 31 March 2008.

A Second LPSA for County Durham

- 3.7 Following the success of the first round of LPSAs, the Government is continuing its commitment to LPSAs as one element of a developing partnership between central and local government and its partners to improve public services.
- 3.8 In contrast with LPSA 1, in which the focus was on the delivery of national targets at a local level, under LPSA 2 it is a requirement that proposals to improve key service areas must, in County areas, be developed with the active engagement of District Councils, taking into account CPA findings for all authorities and linking to agreed local priorities identified in all relevant Community Strategies.
- 3.9 The County Council and its partners (including the Council) resolved in February 2004 to apply for LPSA 2. It was agreed that the County Durham Strategic Partnership (CDSP) would be the vehicle for developing and agreeing a LPSA 2 Strategy, to ensure increased emphasis on the County Durham Strategic Vision and partnership working and to allow partners to be involved in setting and achieving targets. It was also agreed that the CDSP would be involved in the allocation of pump priming funding (potentially £1.25m) and in the use of PRG if targets were successfully achieved.
- 3.10 As a result an LPSA Working Group was established in May 2004. Additionally, a smaller Engine group was convened to develop an initial LPSA Strategy. This group, led by the County Council, included Borough Council representation along with officers from District of Easington and Derwentside District Councils and PCT, Police, Fire Authority and Voluntary and Community Sector representation.

- 3.11 Once the ODPM is in receipt of the draft LPSA 2 Strategy for County Durham, negotiations will take place with Government departments between October 2004 and March 2005 to firm up proposals and targets. The agreement will be signed in March to commence from 1 April 2005.

Progress to date

- 3.12 A draft LPSA Strategy was prepared in line with the arrangements set out above and submitted to ODPM by the agreed target date of the end of September 2004. The process involved collaboration, discussion and consultation with a broad range of stakeholders and partners across the County and reference to the following data...
- ❑ County Durham Strategic Vision
 - ❑ Community Strategies produced by each of the 7 LSPs in the County
 - ❑ CPA improvement plans for the County Council and the 7 District Councils
 - ❑ Priorities for improvement identified by the County Council, 7 District Councils and other key public service providers
 - ❑ Performance in relation to Floor Targets
 - ❑ Best Value performance Indicators across the County
- 3.13 The draft Strategy identifies agreed improvement areas (themes), together with outline (quantifiable) indicators that will be measured to gauge improvement, that are firmly based around planned actions agreed by individual LSPs in their Community Strategies and the challenges set out in the County Durham Strategic Vision document. The agreed priorities for improvement are attached at Appendix 1.
- 3.14 The CDSP has proposed that an inclusive partnership approach will be taken in relation to the distribution of the pump-priming funds. An indicative amount of between £50,000 and £120,000 will be available for each priority with multi-agency groups for the four themes established to discuss how the grant is distributed.
- 3.15 Also, the CDSP has agreed a broad framework for the use of PRG, which proposes splitting the grant between the four themes in the draft Strategy plus two additional groups – building community capacity and children and young people – that have a stake in the improvement targets. Sub groups will be established for each of the themes and will consider performance, provide reports and make recommendations on the use and distribution of PRG. The criteria for allocation will include the contribution made by participating partners and the contribution towards achieving Strategic Vision Challenges/key priorities in Community Strategies.

Next steps

- 3.16 A process of negotiation with ODPM and relevant Government departments in respect of targets and stretched improvements is about to commence to reduce the 17 draft priorities to the 12 prescribed by Government and to firm up proposals for each target. Again, the Council – on behalf of the LSP – will be actively engaged in these discussions.
- 3.17 Once agreed with the Government, LPSA 2 will commence from 1 April 2005 and 2004/05 actual performance will act as the baseline position against which performance improvement will be measured.

- 3.18 Alongside the CDSP, and LSPs in the County, the County Council and District Councils must identify how they can support LPSA 2 through their Performance Management Frameworks, Corporate Planning and partnership working in order to secure performance improvements and ensure maximisation of the PRG.
- 3.19 The Council should therefore set out how it will support the achievement of the stretch targets required by LPSA 2 in its emerging Corporate Plan and Medium Term Financial Plan. Pump priming funding could be made available to resource activity to support targets where this is appropriate.

4 RESOURCE IMPLICATIONS

- 4.1 It is expected that RPG amounting to £268,075 will be available to the Council following its successful contribution to LPSA 1 - 50% to be payable in 2005/2006 and 50% in 2006/2007. This must be used 50/50 for revenue and capital purposes in both years.
- 4.2 There are no other restrictions on the use of PRG, although there is an expectation that it will be used to further improve performance in key areas. The grant will be factored into the 2005/2006 Budget Framework and Medium Term Financial Plan. Further reports will be prepared on the potential application of PRG.
- 4.3 A potential £1.25m pump priming money and £12m PRG is available under LPSA2. The Council has been closely involved in the development of the draft LPSA 2 Strategy and links to Council services have been made wherever possible to ensure the Council full participation in as many target areas as possible, maximising the potential benefit from any PRG.

5 CONSULTATIONS

- 5.1 The process of identifying the priority areas for improvement set out in the draft LPSA 2 Strategy involved collaboration, discussion and consultation with a broad range of stakeholders and partners across the County via District LSPs and reference to key strategic documents including the Community Strategies for each District. These documents themselves are based on extensive consultations with local communities and comprehensive community appraisals.

6 OTHER MATERIAL CONSIDERATIONS

- 6.1 Priorities for improvement identified in the draft LPSA 2 Strategy support corporate commitments to sustainability, equality and social inclusion, reducing crime and disorder and children and young people.
- 6.2 The project supports corporate objectives of improved value for money by facilitating improved performance and by maximising income from potential funding streams.
- 6.3 There are clear risk management issues (income, reputation etc.) in relation to the achievement of stretched performance improvement, which is over and above the anticipated level. This should be mitigated by careful planning and investment (where necessary supported by pump priming money) and robust monitoring through the Council's performance management arrangements.

7 OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 There are additional implications for the Council's Overview and Scrutiny Committees.

Contact Officer **Richard Prisk**
Telephone 01388 816166 ext. 4360
Email rprisk@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

- 1 ODPM - LPSA 2G – Building on Success – December 2003
- 2 Durham County Council Cabinet Report – LPSA 2 – September 2004
- 3 Durham County Council - Draft LPSA Strategy for County Durham – September 2004

List of Appendices

- 1 Draft LPSA 2 Strategy for County Durham - Draft areas for improvement

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Theme 1 – Skills and Support for Work

1. Attainment of qualifications to support readiness for work
2. Access to Vocational Courses within the Curriculum
3. Participation in Post-16 Learning
4. Support to People to become Economically Active
5. Increasing Volunteer Activity in the County

Theme 2 – Liveability

6. Improving the Quality of the Local Environment in Selected Communities
7. Helping People to Feel Safer by Addressing Fear of Crime in Selected Areas
8. Homelessness
9. Decent Homes

Theme 3 – Accessibility

10. Improving Access to Information about Local Bus Services
11. Improving Access to Transport in Rural Areas.
12. Improving Patient Access to Health Care

Theme 4 – Well-Being

13. Health of Children and Young People – Increasing Physical Activity
14. Walking for Health
15. Health of Young People – Looked After and Care Leavers
16. Health of Older People
17. Increasing the take-up of social security and tax benefits for carers

Item 5

REPORT TO CABINET

28th October 2004

REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

COMMUNITY SAFETY PORTFOLIO

SEDGEFIELD BOROUGH CRIME & DISORDER REDUCTION PARTNERSHIP POST OF ANTI SOCIAL BEHAVIOUR REDUCTION CO-ORDINATOR

SUMMARY

The Sedgefield Borough Crime & Disorder Reduction Partnership has agreed to the appointment of an Anti Social Behaviour Reduction Co-ordinator on a fixed term contract to March 2006.

The report recommends that Sedgefield Borough Council act as the employing authority for this post. The position may be appropriate for secondment.

RECOMMENDATIONS

The a post of Anti Social Behaviour Reduction Co-ordinator for the Sedgefield Borough CDRP be added to the establishment of Neighbourhood Services Section of the Neighbourhood Services Department at Scale SO2 on a fixed term up to 1st March 2006.

DETAIL

Anti Social behaviour is a key issue facing the Sedgefield Borough Crime & Disorder Reduction Partnership collectively and Sedgefield Borough Council as a constituent member of that partnership.

The status of Anti Social Behaviour within the current Crime & Disorder Reduction Strategy is recognised by the establishment of an specific partner based Anti Social Behaviour Task Group chaired by one of the Police Community Inspectors.

The current audit undertaken to inform the development of the Crime & Disorder Reduction Strategy for 2005 to 2008 confirms Anti Social Behaviour is likely to be a key priority within the emerging strategy. Additionally, the launch by the Police of the Streetsafe initiative gives further emphasis to both joint working and co-ordination of activity around this target area.

Consequently, the Crime & Disorder Reduction Partnership has agreed a fixed term appointment to March, 2006 of an Anti Social Behaviour Reduction Co-ordinator on scale SO2 to develop and co-ordinate implementation of strategies / interventions to tackle ASB by means of prevention, enforcement and resettlement.

The post holder would also hold the designated position in relation to Anti Social Behaviour referred to in the Crime & Disorder Act, 1998, a position previously identified with the Chair of the ASB Task Group.

FINANCIAL IMPLICATIONS

Funding for this post would be met in full from Durham Constabulary Basic Command Unit resources, which are deployed by the Crime & Disorder Reduction Partnership. Adequate resources are available in the current year from slippage in that programme to support the funding of the post in the remainder of 2004 and allocation has been agreed by the Partnership for funding in 2005 and 2006.

CONSULTATION

The proposal was discussed in detail by the Crime & Disorder Reduction Partnership.

Contact Officer: Dennis Scarr
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Email Address: dscarr@sedgefield.gov.uk

Ward(s)

All

Key Decision Validation

Background Papers

1. Report to Sedgefield Borough Crime & Disorder Reduction Partnership.

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Item 6

REPORT TO CABINET

28th OCTOBER 2004

REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES.

PORTFOLIO – Environment

LICENSING ACT 2003 STATEMENT OF LICENSING POLICY

RECOMMENDATIONS

That the Draft Statement of Licencing Policy be considered and that a further report be submitted to Cabinet after the end of the consultation period.

KEY CONTENT

The Licensing Act 2003 transfers responsibility for Liquor Licensing to Local Authorities and replaces existing legislation relating to the licensing of entertainment and provision of late night refreshment.

The Act requires the Licensing Authority to prepare and publish a licensing policy every 3 years.

The licensing policy is an extremely important document and should include in detail how the local authority intends to approach its various licensing duties which must be taken into account when considering any application. Many of the decisions and functions will be purely administrative in nature and statements of licensing policy should underline the principle of delegation in the interests of speed , efficiency and cost-effectiveness.

The Government has recently announced that the Authority's Licensing Policy must be published no later than the 7th January 2005.

Current licence holders will have 6 months from the 7th February 2005, known as the transitional period to submit their applications for premises and personal licences to the Licensing Authority. The licences once granted will however not come into force until a date in November 2005 which has yet to be set by Government.

RESOURCE IMPLICATIONS

The resource implications can only be fully considered once the licence fees have been set by Government .

CONSULTATION

The Licensing Act 2003 requires that the following persons are consulted with regard to the policy.

- The chief officer of police for the area
- The fire authority for the area
- Persons/bodies representative of local holders of premises licences
- Persons/bodies representative of local holders of club premises certificates
- Persons/bodies representative of local holders of personal licences
- Persons/bodies representative of businesses and residents in its area.

The consultation process is will end on the 29th November 2004.

Contact Officer: Neil Smalley
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Ward(s)

All Wards in the Borough

Key Decision Validation

Affects 2 or more wards

Background Papers

The Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003.

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SEDGEFIELD BOROUGH COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

DRAFT

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SEDGEFIELD BOROUGH COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

1. Introduction

- 1.1 Sedgefield Borough has a population of around 88,000 people and is one of 7 local authorities in County Durham. The Borough is a mixture of urban and rural areas and stretches across 52,000 acres. It includes historic villages, small towns and a new town. The east of the Borough is generally rural in character, giving way further north to the villages on the old Durham coalfield. The west is more densely populated with the major towns of Shildon, Spennymoor, Newton Aycliffe and Ferryhill concentrated within a few miles of each other.
- 1.2 There are approximately 300 public houses, private clubs, shops selling alcohol and takeaway food premises distributed throughout the Borough. Local venues such as village, community and school halls also provide many of the locations for cultural activities. There is only one nightclub in the Borough and there are no premises used solely as theatres or cinemas.
- 1.3 The Council has adopted the Community Strategy's ambitions relating "to creating a healthy, prosperous, attractive borough with strong communities" and has recognised the importance of linking its future strategic objectives to these aims together with priorities that relate to community needs and aspirations. It is expected that the implementation of this policy will contribute significantly to the Council's key ambitions.

2. The Licensing Act 2003

- 2.1 In July 2003, the Government gained Royal Assent for the introduction of the Licensing Act 2003.
- 2.2 The Act is the first substantial change to the licensing laws in 90 years and replaces and consolidates earlier legislative controls on key areas of liquor and public entertainment licensing. The Government believes that the new act will serve to modernise social consumption of alcohol and provide a simpler, more transparent and accountable statutory framework for the licensing and control of sales of beers, wines, spirits and associated entertainment.
- 2.3 Responsibility for licensing premises and individuals for licensable activities will move from the Magistrates Court to Local Authorities.

- 2.4 Sedgefield Borough Council (hereinafter referred to as the Council) therefore becomes the Licensing Authority under the Licensing Act 2003 (the 2003 Act) and is responsible for granting premises licences, club premises certificates, temporary events notices, personal licences and provisional statements throughout the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 2.5 Section 5 of the 2003 Act requires the Licensing Authority to prepare and publish a Statement of its Licensing Policy.
- 2.6 This statement of licensing policy has therefore been prepared in accordance with the provisions of the 2003 Act and the Guidance issued by the Secretary of State under Section 177 of the 2003 Act.
- 2.7 The licensing policy has 4 main purposes, these are:
- To reinforce to elected Members on the Licensing Committee and any sub-committee the boundaries and power of the local authority, and to provide them with parameters under which to make their decisions. The committee should be able to test the application against criteria set out in the policy and if necessary add conditions to those set out in the operating schedule.
 - To inform the licence applicants of the parameters under which the authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within an area. (Note however that each case must be examined on an individual basis).
 - To inform residents and businesses of the parameters under which the authority will make licence decisions, and therefore how their needs will be addressed.
 - To support decisions made by the Licensing Authority when these decisions are challenged in a Court of Law.
- 2.8 The policy sets out the manner in which applications for licences, required by the 2003 Act will be considered by the Council. Every application / decision will be considered on its own merits and will take into account all relevant factors.
- 2.9 When considering applications, the Council will have regard to this Policy, Licensing Act 2003, Guidance issued under Section 182 of the Act, the licensing objectives and all supporting legislation.
- 2.10 The Council in adopting this licensing policy, recognises both the need of residents for a safe and healthy environment in which to live and work and the importance of safe and well run entertainment premises to both the local economy and vibrancy of the Borough. It is the Council's wish to facilitate well managed premises with licence holders displaying sensitivity to the impact of premises on local residents

2.11 Before determining this policy the following persons will be consulted:

- The Chief Constable of Durham Constabulary,
- The Chief Fire Officer of County Durham and Darlington Fire and Rescue Service
- Representatives of local holders of premises licenses
- Representatives of local holders of club premises certificates
- Representatives of local holders of personal licenses
- Representatives of businesses and residents in the Borough
- Representatives of local late night take away food businesses
- Elected members of the Borough, Town and Parish Council's.
- Other persons and organisations as deemed appropriate.

Due consideration is given to the views of all those who respond to the consultation process.

The Council will review its Policy every 3 years and as a result of that review, it will undertake consultation with appropriate residents, businesses and licence holders. In addition, this Authority will keep its policy under review between the main 3 yearly periods and it will make revisions as appropriate to support the licensing objectives. Any policy changes or revisions will be subject to consultation in accordance with section 5 of the 2003 Act.

3.0 The Licensing Objectives

3.1 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:

- **the prevention of crime and disorder**
- **public safety**
- **the prevention of public nuisance**
- **the protection of children from harm.**

3.2 Each objective is of equal importance and the Council's policy relating to each of them is given in this Policy. The Council will wherever it believes necessary consider attaching conditions to licences to promote the licensing objectives.

3.3 It is recognised however that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as solving all problems within the community. The Council will work in partnership with neighbouring authorities, the police, local businesses and local people towards the promotion of the above objectives. In this respect the Council will aim to ensure that it integrates its various strategies, including the proposed Alcohol Harm Reduction Strategy, to achieve the licensing objectives in the interest of clarity for applicants and effective determination. The Council notes the Governments recommendation that all Licensing Authorities should

hold regular open meetings at which the community can express how well it feels the licensing objectives are being met.

- 3.4 The Council recognises that licensing law cannot be used to control anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. As a matter of policy, however, the Council expects every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises.
- 3.5 Nothing in this policy will prevent the Local Authority from making application in its own name for the grant of licences. The Council will before any such licence is granted be subject to the same considerations and application of the same scrutiny as any other applicant.
- 3.6 All references to licences in this policy include certificates, temporary event notices or other permissions under the Act.
- 3.7 The policy does not seek to regulate matters which are provided for in other legislation e.g. planning, health and safety, employment rights, fire safety etc.
- 3.8 All relevant representations will be considered during the decision making process, unless they are considered to be frivolous, vexatious or repetitious. Where it is necessary to depart from the Guidance the Council will give its reasons for doing so.

4.0 Council's Policy Relating to the Licensing Objectives

- 4.1 Applicants will have to provide evidence to the Council that, in respect of each of the four licensing objectives, suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events.
- 4.2 The following sections set out the Council's policy relating specifically to each of the four licensing objectives.

5.0 The Prevention of Crime and Disorder

- 5.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment may sometimes if not properly managed become a source of public nuisance generating crime and disorder problems.
- 5.2 The Council will expect applicants to demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business, have been identified and will be implemented and maintained with the intention of preventing crime and disorder in and around the vicinity of their premises.
- 5.3 Applicants are recommended to seek advice from Council licensing officers and the Police, as well as taking into account, as appropriate, any local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and schedules. Conditions attached to licences will reflect those matters outlined in these strategies e.g. procedures to deal with drunken customers, procedures to deal with violence and anti social behaviour in and outside the premises as well as the provision of closed circuit television cameras in certain premises are examples of matters that could be addressed in a crime prevention strategy.
- 5.4 Applicants must in particular consider the impact on crime and disorder of underage drinking, drunkenness on premises, public drunkenness, drugs, violent behaviour and anti social behaviour. The Council considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be among the most important control measures for the achievement of all licensing objectives. The Council will expect that these elements be specifically considered and addressed within an applicants operating schedule.
- 5.5 The operating schedule for premises selling alcohol is required to identify a Designated Premises Supervisor who must also hold a Personal Licence. The Council expects that the designated premises supervisor will be present on the premises on a regular basis.
- 5.6 The issue of the maximum number of people that can attend the premises or an event will be considered by the Council based on the information provided by the applicant and information from any other body in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service.

- 5.7 Applicants will be expected to detail the arrangements that will be put in place to ensure that the permitted number of people attending the premises or event will not be exceeded.
- 5.8 From 13 December 2004 any persons employed at licensed premises to carry out any security activity must be licensed by the Security Industry Authority.
- 5.9 The Council may in certain circumstances impose a condition that licensed door supervisors be employed at certain premises.
- 5.10 In addition to the requirements for the Council to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to consider crime and disorder in its decision making process.

Cumulative impact of licenses on the amenity of particular areas.

- 5.11 Where there is a significant number of licensed premises selling alcohol for consumption on premises concentrated in one area, the cumulative effect of those premises on the promotion of the licensing objectives is something the Council may take into account.
- 5.12 The Council will not however take 'economic need' into account when considering an application, as this is a matter for planning control and the market forces. The Council recognises that the cumulative effect of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder outside and some distance from the premises. The Council wishes to ensure that these problems are minimised.
- 5.13 Representations may be received from a responsible authority e.g. the police or an interested party e.g. a person living/working in the vicinity of the premises, that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. In these circumstances the onus will be on the objector to provide evidence that additional licenses or the variation of licenses will produce the cumulative effect claimed.
- 5.14 When considering such representations the Council will have regard to such matters as the character of the surrounding area and the nature and character of the proposed operation.
- 5.15 The Council will consider representations based on the impact on the promotion of the licensing objectives in the Borough generally in respect of the particular application in front of them. However, the onus to provide evidence to back up any assertion that the addition of

the premises in question would produce the cumulative effect claimed, taking into account that the effect will be different for premises with different styles and characteristics, will be on the objectors.

- 5.16 The Council is not currently aware of any part of the Borough where a concentration of licensed premises is likely to cause a cumulative impact on one or more of the licensing objectives.
- 5.17 The Council will not initiate any specific policy relating to the cumulative impact of premises in a particular area. Such a policy would only be considered following relevant representations from the police or other responsible authority or from interested parties within the vicinity of the premises concerned.
- 5.18 The Council recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.

6. Public Safety

- 6.1 The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.
- 6.2 Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 6.3 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on public safety have been considered. These may include:
- The number of people attending the premises;
 - The condition, design and layout of the premises, including the means of escape in fire;
 - The nature of the activities to be provided, in particular the sale or supply of alcohol and including whether those activities are of a temporary or permanent nature;
 - The hours of operation and hours of opening if different
 - Customer profile (e.g. age, disability etc.);
- 6.4 The Council will consider attaching Conditions to licences and permissions to promote public safety, and these may be drawn from the Model Pool of Conditions (See Appendix 2)

6.5 Applicants are advised to seek advice from Council Officers and the Durham and Darlington Fire and Rescue Service before preparing their plans and schedules.

7. Prevention of Public Nuisance

7.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

7.2 The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. Due regard will be taken on the impact these may have and for a licence to be granted the Council will expect Operating Schedules to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance relevant to the individual style and characteristics of their premises and events.

7.3 Applicants are advised to seek advice from the Council Officers before preparing their plans and schedules.

7.4 The Council will consider attaching Conditions to licences and permissions to prevent public nuisance and these may include conditions drawn from the Model Pool of Conditions (see appendix 4) The extent to which the above matters will need to be addressed will be dependant on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. The Council will expect more comprehensive measures to be in place at late night entertainment venues and premises which have a history of previous nuisance complaints proved against the premises and in particular where statutory notices have been served on the present licensees.

7.5 The Council will not support drinks' promotions that encourage the irresponsible consumption of alcohol, such as binge drinking. If such promotions are held they should be in accordance with industry best practice guides e.g. The Point of Sale Promotions published by the British Beer and Pub Association.

8. Prevention of Harm to Children

Access to Licensed Premises

- 8.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 8.2 While the 2003 Act does not prohibit children from having free access to any licensed premises, the Council recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm.
- 8.3 The Council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that may raise concerns;
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - with 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 commonly provided
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 8.4 The Council will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present
 - Limitations on ages below 18
 - Limitations or exclusion when certain activities are taking place
 - Requirements for an accompanying adult to be present
 - Full exclusion of people under 18 from the premises when certain licensable activities are taking place
- 8.5 The 2003 Act details a number of offences designed to protect children in licensed premises and the Council will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Personal licence holders must contribute to not serving alcohol to children under the age of 18, except in limited conditions allowed by the law by verifying a persons proof of age. Proof of age can be verified by a passport, photocard driving licence, a proof of age scheme card, a citizen card or an official identity card issued by HM Forces or by a European Union country.

- 8.6 No conditions will be imposed requiring that children be admitted to any premises and where no conditions or restrictions are imposed, the issue of access for children remains a matter of discretion for individual licensees or clubs.
- 8.7 The Council commends the use of the Portman Group code of practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

Access to Cinemas

- 8.8 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.
- 8.9 The 2003 Act provides that it is mandatory for licensing authorities to include a condition in all premises licences and club certificates authorising the exhibition of film for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

Children and Public Entertainment

- 8.10 Many children go to see and/or take part in an entertainment arranged especially for them, for example children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.
- 8.11 Where entertainment requiring a licence is specifically presented for children, the Council will require the presence of at least one member of staff for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council expects that those caring for or supervising children to have undergone an appropriate Criminal Record check with the Criminal Records Bureau.
- 8.12 For a licence to be granted, the Council will require the submitted Operating Schedules to satisfactorily address these issues.
- 8.13 The Council will consider attaching Conditions to licences and permissions to prevent harm to children, and these may include Conditions drawn from the Model of Conditions relating to the Protection of Children from Harm (see Appendix 5).

9. Licensing Hours

- 9.1 The Council recognises that longer licensing hours for the sale of alcohol could avoid large numbers of people leaving premises at the same time, which in turn could reduce the potential for disturbance at late night fast food outlets, taxi ranks, minicab offices and other sources of transport.
- 9.2 The Council considers that licensing hours should not inhibit the development of safe and thriving evening and night-time local economies which are important for investment and employment locally and attractive to tourists and visitors alike. The Council considers that providing consumers and the licensed trade with greater choice and flexibility is an important consideration.
- 9.3 Fixed pre determined closing times within designated areas otherwise known as zoning will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the potential for concentrations of disturbance and noise. This would treat residents in one area less favourably than those in another as well as causing the peaks of disorder and disturbance the 2003 Act is trying to avoid.
- 9.4 Restrictions on trading hours will only be considered where necessary to meet the licensing objectives.
- 9.5 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas.
- 9.6 Licensees are not encouraged to apply for 24 hour licences where there is no intention of operating on a 24 hour basis. Where an applicant wishes to apply to extend their current opening hours beyond midnight, the Council will expect their Operating Schedule to detail measures to be taken to ensure the licensing objectives are addressed and that there will be no significant disturbance to members of the public, living, working or otherwise engaged in normal activity in the vicinity of the premises concerned.
- 9.7 The Council will generally consider licensing retail premises to sell alcohol for consumption off the premises at any times they are open for shopping. However, it may consider there are very good reasons for restricting those hours, for example, where police representations made in respect of individual shops which are known to be the focus of disorder and disturbance.

10 Human Rights and Promotion of Racial Equality

10.1 The Human Rights Act 1998 makes it unlawful for a Local authority to act in a way which is incompatible with a right under the European Convention on Human Rights. In carrying out its licensing functions the Council will therefore have particular regard to:

- Article 6 – Right to a fair hearing. In the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 - Right to respect for private and family life.
- Article 1 of the first protocol – Protection of Property. Every person is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence).

10.2 The Council opposes all forms of unlawful and unfair discrimination in all areas of its activities and recognises that it should take the lead on race equality in order to achieve a society that respects people regardless of their race, colour or creed. In this respect the Council has implemented a 'Race Equality Scheme' throughout the Borough.

11 Disability Discrimination Act

11.1 The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees;

- Since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability;
- Since October 1999 reasonable adjustments should be made for disabled people, such as providing extra help or making changes to the way they provide their services; and
- From Oct 2004 reasonable adjustments should be made to the physical features of their premises which are open to the public, such as Licensed Premises, to overcome physical barriers to access.

The Council will take into account this legislation when considering the operation and management of all proposed applications, renewals and variations of conditions.

12 Safer Clubbing – Guidance for licensing authorities, club managers and promoters

- 12.1 For premises which may have problems with drugs, crime and disorder and/or are open late the Council will refer to the guidance given and will expect applicants in their operating schedules to use the strategies outlined in the Home Office Drug Strategy booklet – Safer Clubbing.

13 Integrating Strategies and Avoiding Duplication

- 13.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 13.2 Many of their strategies deal in part with the licensing function and the Council will participate in multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism and cultural strategies and also to obtain information on the effects of this policy on local regulated entertainment.
- 13.3 The Council will arrange for protocols with Durham Police to enable them to report to the Committee responsible for transport matters on the need for the swift and safe dispersal of people from the town center to avoid concentrations, which can produce disorder and disturbance.
- 13.4 The Council recognises the need to avoid so far as possible duplication with other regulatory regimes. Whilst having regard to the planning regime the Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. The Council will endeavour to minimise the burden of legislation on small businesses.
- 13.5 However, some regulations do not cover the unique circumstances of some entertainment and the Council will consider attaching Conditions to premises licenses and club premises certificates where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

14 Live Music, Dancing and Theatre

- 14.1 The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.
- 14.2 The Council will not therefore discourage the promotion of such events but will, when considering applications for such events and the imposition of conditions on licences or certificates carefully balance the cultural needs with the necessity of promoting the licensing objectives.

- 14.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 14.4 Small scale events attracting no more than 499 people at a time and lasting for no more than 96 hours do not require a premise licence. Applicants must however provide advance notice to the Police and the Council and although the law states that a minimum of 10 days notice must be given, organisers of temporary events are strongly advised to give the Council and the Police at least 28 days notice of any such event to enable any issues to be dealt with in a timely manner.

15 Gaming Machines

- 15.1 The Council's existing powers under Section 34 of the Gaming Act 1968 to grant permits for Amusement with Prizes machines (AWP's) in premises that do not sell alcohol have been extended by the Licensing Act 2003 to include AWP's in premises that do sell alcohol. Applicants for permits must be holders of premises licenses authorising the sale for consumption on the premises.
- 15.2 The Council may on application limit the number of AWP's and will require all AWP's to be sited within sight of the bar so that they can be supervised by staff working in the premises.

16. Administration, Exercise and Delegation of Functions

- 16.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee of 15 members to administer them.
- 16.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 16.3 With many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Council Officers. All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting.
- 16.4 Where there are relevant representations, applications will be dealt with by the Licensing Committee of the Council, or by a sub-committee as will any application for review of a licence.

- 16.5 The Table of Delegated Functions (see Appendix 6) sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.
- 16.6 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.
- 16.7 The 2003 Act itself creates a presumption that applications will be granted unless an objection is raised. Where a function is delegated to an officer, that officer will be responsible for liaising between the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to appropriate conditions.
- 16.8 Where objections are made then the licensing officer will liaise with the applicant, interested parties and the responsible authorities to see if a settlement is possible to overcome the objections without the need for the matter to go before the Licensing Committee or Licensing Sub Committee. Only where objections are raised which cannot be resolved will matters be referred to either the Sub Committee or the Full Committee for determination.

Committee/Sub Committee Procedural Requirements.

- 16.9 When it is considered necessary to put an application before the Licensing Committee / Sub Committee, applicants, interested parties and responsible authorities will be asked beforehand to estimate the likely timescale of their presentation or representations. This is to ensure that sufficient time can be allocated to hear the application. In order to accommodate large numbers of hearings the Council may insist on written representations. Wherever possible interested parties will be encouraged to attend the meetings and present their evidence in person.
- 16.10 Licensing Committee hearings are quasi judicial in nature however the Council will try to keep the proceedings as informal as possible. Some degree of formality will however be necessary to ensure that all parties represented are able to express their views openly and fairly and that they receive a fair hearing.
- 16.11 The Committee and sub committees will determine each case before it on its merits and in determining the application the Licensing Committee or sub committee will consider:
- The case and evidence presented to all parties
 - The promotion of the four licensing objectives.
 - Guidance issued by central Government
 - The Council's own Statement of Licensing Policy

- 16.12 Hearings will commence with the Chairperson of the Licensing Committee introducing himself/herself and the other Members and Officers present.
- 16.13 The Chairperson will then ask the applicant, interested parties and the responsible authorities to introduce themselves and any witnesses.
- 16.14 The applicant will be asked present his/her case and to call any witnesses to present evidence.
- 16.15 Responsible Authorities, Interested Parties, Members of the Licensing Committee and Council Officers, in that order, will then be given the opportunity to ask questions at the end of any presentation. Any witnesses giving evidence on behalf of the applicant may also be questioned after giving their evidence.
- 16.16 The Chairperson will then give the responsible authorities and interested parties the opportunity to present their objections. Once completed the applicant, council members and officers will be able to ask questions. When all the evidence has been given the responsible authorities and interested parties will be given the opportunity to sum up their objections in the same order as they presented their cases. The applicant will then be given the opportunity to sum up their case.
- 16.17 Decisions relating to contested licensing applications will always be made by the Committee or sub committees in private. A public announcement of the decision will be made at the end of the hearing together with clear, cogent reasons for the decision. The decision will then be confirmed in writing.
- 16.18 Applicants and those making representations in respect of applications to the Council have a right of appeal to the Magistrates Court against decisions of the Council.
- 16.19 Where the Committee and sub committees determine that it is appropriate to attach conditions to a licence / certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

17. Enforcement

- 17.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. Although annual inspections of premises will not be undertaken as a matter of course the Council will make arrangements to monitor premises.
- 17.2 The Council intends to establish protocols with the police, fire authority and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained.
- 17.3 All enforcement actions taken by the Council will comply with the Council's "Enforcement and Prosecution Policy" and the Government's Enforcement Concordat, which the Council has adopted. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 17.4 The Council, Durham Constabulary and the County Durham and Darlington Fire and Rescue Service will whenever necessary give early warning to license holders of any concerns about problems occurring at premises associated with the licensing objectives.
- 17.5 The 2003 Act provides for a mechanism for reviewing Premises Licences where problems associated with achieving the Licensing objectives occur. The Council will not expect a premises license to be reviewed more than once within any 12 month period on similar grounds except in exceptional circumstances or where it arises following a closure order. Responsible authorities and/or residents requesting a review of a Premises Licence must provide evidence to the Council to substantiate any allegations.
- 17.6 The Council's licensing enforcement officers will investigate complaints and allegations of unlicensed activities and ensure that the conditions related to licensed premises are complied with and will seek to work actively with Durham Constabulary in enforcing licensing legislation.

18 Definitions

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

'Designated Premises Supervisor' means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will

normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder himself (who must also be a Personal Licence holder).

'Interested Party' means any of the following:

- A person living in the vicinity of the premises
- A body representing persons who live in that vicinity
- A person involved in a business in that vicinity
- A body representing persons involved in such a business

'Late Night Refreshment' means the supply of hot food or hot 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' means:-

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- the provision of Regulated Entertainment
- the provision of Late Night Refreshment i.e. the supply of hot food or drink between 11.00 p.m. and 5.00 a.m.

'Licensed Premises' includes club premises and events unless the context otherwise requires.

'Operating Schedule' means a document containing a statement of the following matters (and any others that may be prescribed):-

- the relevant Licensable Activities
- the times at which the Licensable Activities are to take place and any other times when premises are open to the public
- information regarding the person who will be specified in the Premises Licence as the Designated Premises Supervisor
- where the Licensable Activities involve the supply of alcohol, and whether it is for the supply on and/or off the premises
- the steps being taken to promote the Licensing Objectives

'Personal Licence' is a licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned does not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club certificate.. Only the police can object to the grant of a personal licence.

'Premises Licence' is a licence granted by the local authority which authorises the use of any premises, which includes any place or part of premises, for licensable activities described in Section 1 (1) and Schedules 1 and 2 of the 2003 Act.

'Provisional Statement' is a procedure by which the licensing authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

'Regulated Entertainment' means:-

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description falling within the last three of the categories listed above but only where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

'Responsible Authority' means any of the following:-

- the Chief Officer of Police
- the Fire Authority
- the enforcing authority for Health and Safety at Work
- the local planning authority
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- the body representing matters relating to the protection of children from harm

'Temporary Event Notice' means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:-

- duration – they are limited to events lasting for up to 96 hours;
- scale – they cannot involve the presence of more than 499 people at any one time;
- use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used, and

- the number of notices given by an individual within a given period of time a Personal Licence holder is limited to 50 notices in one year, and an other person to five notices in a similar period.

(if these conditions are not fulfilled, the Temporary Event would require a Premises Licence if it were currently unlicensed for the activity involved a full Premises Licence or Club Premises Certificate will be required for the period of the event involved)

19 Licence Conditions

- 19.1 The Council does not propose to implement standard licensing conditions across the board. Where considered appropriate and necessary for the promotion of the Licensing Objectives, the Council will given the circumstances of each individual case consider attaching Conditions drawn from the relevant Model Pools of Conditions set out in Appendices 1 - 5.
- 19.2 Conditions not listed in the pool of model conditions may be specifically tailored to the individual style and characteristics of the particular premises and attached to licences as appropriate.
- 19.3 Applicants may find it useful to refer to the pool of conditions when preparing “operating schedules” and considering what, if any, voluntary measures to be taken by them may contribute to the attainment of the licensing objectives and enhance the suitability of the application.
- 19.4 Licensing conditions may be attached to licences :
- i. In the absence of “relevant representation”, only where such conditions are consistent with the “operating schedule” submitted with the application
 - ii. Where in the opinion of the Licensing Authority valid “relevant representations” exist and then only so far as the authority considers necessary for the promotion of the “licensing conditions”.

Conditions Relating to the Prevention of Crime and Disorder

It should be noted in particular that it is unlawful under the 2003 Act:

- *to sell or supply alcohol to a person who is drunk*
- *to knowingly allow disorderly conduct on licensed premises*
- *for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported.*
- *to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.*

Conditions enforcing these arrangements are therefore unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text pagers

Text pagers connecting premises licence holders, designated premises supervisors managers of premises clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises

Such pagers provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area.

Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

It is recommended that a condition requiring the text/radio pager links to the police should include the following elements:

- A requirement that the text/pager equipment is kept in working order at all times;
- A requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- A requirement that any police instructions/directions are complied with whenever given; and
- A requirement that all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in :

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and

- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety

Bottle bans

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customer carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (**note:** this needs to be carefully worded where off-sales also take place).

In appropriate circumstances, the condition could include exemptions, for example, as follows:

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food

However it should be noted that many women consider drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs in bottles the openings of which may be readily covered. These issues therefore need to be carefully balanced.

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in normal form, can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in accessing whether a condition is necessary. For example, the

use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to

whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Proof of Age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them.

To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of “proof of age” before such sales are made. This should not be limited to recognised “proof of age” cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance issued under section 182 of the Licensing Act 2003), which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.

It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may

be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Standardised conditions should not be attached to premises licences or club premises certificates that promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law.

Conditions tailored to the individual circumstances of particular premises which address irresponsible drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgements may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction as to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of expert legal advice.

In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the licensing authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVD’s)

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVD’s), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such

premises (if not volunteered by the venue operator and following representations on such grounds), which require adherence to;

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

Conditions Relating to Public Safety (including fire safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Annex F. It should also be noted that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org/pages/publications

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Disabled people

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- Disabled people on the premises are made aware of those arrangements.

Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are

provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- All existing doors are easily openable without the use of a key, card, code or similar means;
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- Any removable security fastenings are removed prior to the premises being open to the public;
- All fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors)
- Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and details of such checks are kept in a Log-book.

Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and temporary decorations are not used without the consent of the licensing authority.

Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Access for emergency vehicles is kept clear and free from obstruction.

First Aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Fire safety signs are adequately illuminated.
- Emergency lighting is not be altered;
- Emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions, where necessary, should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Where a ring is involved, it is constructed and supported to the satisfaction of the licensing authority and any material used to form the skirt around the ring is flame-retardant.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England)

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence conditions without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises, how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Special Effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects, which should be considered, include:

- Dry ice machines and cryogenic fog;
- Smoke machines and fog generators;

- Pyrotechnics, including fireworks;
- Real flame;
- Firearms;
- Motor vehicles;
- Strobe lighting;
- Lasers (see HSE Guide The Radiation Safety of lasers used for display [HS(G)95] and BS EN 60825: Safety of laser products);
- Explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Licensing Authority or [inspection by] the Fire Authority.

Conditions Relating to Theatres, Cinemas, Concert Halls and Similar Places (promotion of public safety)

In addition to the points made in Conditions relating to Public Safety there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises used for Closely Seated Audiences

Attendants

(a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 - 100	One
101 – 250	Two
251 - 500	Three
501 - 750	Four
751 -1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

(b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform)

(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

(e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.

(f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and Sitting in Gangways etc

(a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

(b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

(c) In no circumstances shall anyone be permitted to-

- (i) sit in any gangway
- (ii) stand or sit in front of any exit or
- (iii) stand or sit on any staircase including any landings.

Drinks :

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products)
- Explosives and highly flammable substances

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior consent of the licensing authority. Any scenery should be maintained flame-retardant.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for Film Exhibitions

Attendants - premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 - 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants – with a staff alerting system

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1 - 500	Two	One
501 - 1000	Three	Two
1001 - 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

(i) the holder of the premises licence or the manager on duty at the premises;
or

(ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or

(iii) a member of staff whose usual location when on duty is more than 60 metre from the location to which he is required to go on being alerted to an emergency situation.

(c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(d) The staff alerting system shall be maintained in working order.

Minimum Lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable films

No flammable films should be allowed on the premises without the consent of the licensing authority.

Conditions relating to the prevention of public nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is

open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.
- The placing of refuse – such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Conditions Relating to the Protection of Children From Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licences, club premises certificates or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there.

In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

5.1 Access for children to licensed premises - general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm.

Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - Explain their reasons; and
 - Outline, in detail, the steps that they intend to take to protect children from harm on such premises.

- For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children unaccompanied by adults under the age of 12 after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - Explain their reasons; and
 - Outline, in detail, the steps that they intend to take to protect children from harm on such premises.
 - In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there was no need to include, in the schedule, steps the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

5.2 Age Restrictions - specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities, following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary.

Licensing authorities are expected to consider:

- The hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- Types of event or activity in respect of which no age restrictions may be needed, for example:
 - Family entertainment; or
 - Non-alcohol events for young age groups such as under 18s dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;

- During “Happy Hours” or on drinks promotion nights;
- During activities outlined in the first bullet point in the first paragraph above.

5.3 Age Restrictions – Cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- A condition that, where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit, 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- A condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
 - U Universal – suitable for audiences aged four years and over.
 - PG – Parental Guidance. Some scenes may be unsuitable for young children.
 - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
 - 15 – Passed only for viewing by persons aged 15 years and over.
 - 18 – Passed only for viewing by persons aged 18 years and over.
- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification, there shall be, exhibited on screen for at least five seconds, in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- A condition that, when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained."

5.4 Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached.

However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary.

Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Section 3).

5.5 Performances especially for children

Where performances are presented especially for children in theatres and cinemas conditions are anticipated to be needed which require:

- An attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that, on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

5.6 Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements.

However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below :

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

5.7 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point of sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point of sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner, which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

5.8 Proof Of Age Cards

Proof of age cards are discussed under Appendix 1 above in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards, before any sale of alcohol is made, could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance issued under Section 182 of the Licensing Act 2003), which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security and, where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any conditions will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

APPENDIX 6

TABLE OF DELEGATED FUNCTIONS

Matter to be Dealt With	Full Committee	Sub-Committee	Officers
Application for personal licence		If a police objection is made	If no objection is made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate.		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate		If a representation is made	If no representation is made
Application to vary designated personal licence holder		If a Police objection is made	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a Police objection is made	All other cases
Application for interim authority		If a Police objection is made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision of whether a complaint or objection is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police representation to a temporary event notice		All cases	

Comments are invited in writing on this Policy which should be sent to the following Address. The closing date for comments is Monday 29th November 2004.

Sedgefield Borough Council
Neighbourhood Services Department
Council Offices
Spennymoor
Co. Durham
DL16 6JQ.

Should you require further information on licensing issues contact Neil Smalley. Inspection and Licensing Services Manager
01388 816166 extension 4454.

E-mail nsmalley@sedgefield.gov.uk

Other useful information Sources;

Department of Culture, Media and Sport
<http://www.culture.gov.uk>

Local Government Licensing Forum
<http://www.lglf.org>

Information relating to the Licensing Regulations
<http://www.culture.gov.uk/global/consultations/2004+current+consultations/licensing_act.htm>

"You and the new laws" A Publicans Guide to the 2003 Licensing Act. July 2004.
http://www.thepublican.com/news/licensing_guide.html

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Item 7

REPORT TO CABINET

28th OCTOBER 2004

**JOINT REPORT OF CHIEF
EXECUTIVE OFFICER
AND DIRECTOR OF
RESOURCES**

RESOURCE MANAGEMENT PORTFOLIO

ASSET MANAGEMENT – AUTOMATIC BARRIER - MEMBERS CAR PARK, COUNCIL OFFICES, GREEN LANE, SPENNYMOOR

SUMMARY

The purpose of this report is to consider proposals to assist Members of the Council to park their vehicles in the Member's car park through the introduction of an automatic barrier.

RECOMMENDATION

That the Council agrees to appoint North East Automation to install an automatic parking barrier for the sum of £3,838 plus the costs incurred in connecting to a 240v mains supply. (approximately £100).

DETAIL

Members of the Council have been experiencing problems for some time in attempting to park their vehicles in the Members car park on those days when meetings of Council, Cabinet or other Committees are held. This is because there are often a number of unauthorised vehicles parked in the Members car park rather than the main car park.

It is therefore proposed that an automatic barrier be installed at the entrance to the car park for use on those days when meetings involving Council Members are being held.

As the vast majority of meetings are held on a morning it is proposed that the barrier will be lowered on the previous evening and access will only be gained by Members of the Council using access cards. Cards will also be issued to the

limited number of officers who have approval to use the disabled parking places in that area.

It is proposed that the barrier will remain raised at all other times when Member meetings are not taking place to allow overflow parking from the main car park when necessary.

In accordance with the Council's Procurement Policy, 4 companies have been contacted and asked to provide quotations for supplying, installing and commissioning an automatic barrier system. Two companies provided quotations; one in the sum of £3,838 and the other £5,120. The lowest quotation received was from North East Automation and the price includes a 6-metre electro/mechanical barrier access control system with 100 access cards and all necessary groundworks and cabling.

RESOURCE IMPLICATIONS

The cost of £3,838 can be met from the Green Lane Capital Programme Budget.

CONSULTATIONS

None considered necessary.

OTHER MATERIAL CONSIDERATIONS

None.

Contact Officer	John Wilkinson or John Turnbull
Telephone Number	01388 816166 Ext. 4377 or Ext.4392
E-mail address	jwilkinson@sedgefield.gov.uk or jturnbull@sedgefield.gov.uk

Background papers

6th July 2004 Quotation from Tensor plc

19th July 2004 Quotation from North East Automation

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Item 8

SEDGEFIELD BOROUGH COUNCIL

OVERVIEW & SCRUTINY COMMITTEE 2

Conference Room 1,
Council Offices,
Spennymoor

Tuesday, 14
September 2004

Time: 10.00 a.m.

Present: Councillor J.E. Higgin (Chairman) and

Councillors B.F. Avery, J.P., J. Burton, Mrs. J. Croft, M.A. Dalton,
Mrs. E.M. Paylor, G.W. Scott and J. Wayman.

Tenant Representatives

Mrs. M. Blythe and A. McGreggor

In

Attendance: Councillors Mrs. A.M. Armstrong, Mrs. B.A. Clare, V. Crosby, A. Gray,
G.C. Gray, D.M. Hancock, J.M. Khan, B. Meek, G. Morgan and
W. Waters.

Apologies: Councillors T.F. Forrest, Mrs. L. Hovvels, G.M.R. Howe, J.K. Piggott and
T. Ward.

OSC(2).4/04 MINUTES

The Minutes of the meeting held on 29th June, 2004 were confirmed as
a correct record and signed by the Chairman. (For copy see file of
Minutes).

OSC(2).5/04 SUPPORTING INDEPENDENT LIVING

Consideration was given to a report of the Policy Review Group
detailing the outcome of the Review of Supporting Independent Living.
(For copy see file of Minutes).

Members were reminded of the adopted scope and remit, which was:

‘To examine how Sedgefield Borough Council works in Partnership with
Durham County Council and the Health Service to provide
accommodation, care and support for elderly people and other
vulnerable groups within the Borough to support independent living.’

Detailed consideration was given to the main conclusions of the
Review. The Chairman of the Review Group, Councillor J M Khan, and
the Head of Neighbourhood Services were present at the meeting to
answer Members’ questions.

Members raised queries with regard to the lack of private and public
sector bungalows which were available to residents of the Borough. It
was explained that whilst it would be possible for additional bungalow
provision to be considered as part of the Local Planning Framework,
delivery would depend on developers. There was also opportunity for
shared equity schemes which tend to be led by specialist lender

providers.

Members queried whether an Integrated Team could be established at Thurlow Grange Sedgefield. It was explained that Sedgefield Partnership for Services to Vulnerable Adults had agreed to establish 5 locality based Integrated Teams to cover the whole of the Borough. The Team covering Area 3, which included Sedgefield, was based at Trimdon Village and would provide an office based and outreach facility across the area. There were no plans to further devolve provision.

Concern was also raised at the proposed cut in government funding for the Supporting People Grant. It was explained that there had been a cut of 2.5% in the current year, which would rise to 7.5% in future years.

Members were informed however that the Government was planning to spend £5 billion on supporting people nationally over the next few years.

AGREED : That the report be submitted to Cabinet for consideration.

OSC(2).6/04 DURHAM COUNTY COUNCIL HEALTH SCRUTINY SUB COMMITTEE

The Minutes of the meeting held on 5th July, 2004 were noted. (For copy see file of Minutes).

Members queried whether the topic of school meals had been discussed, particularly healthier options. It was explained that the meeting had considered pre school children of 0-5 years of age and so it had not been considered. It was explained that consideration may be given to school meals at a future meeting.

OSC(2).7/04 PROPOSALS FOR FUTURE REVIEW

Members were reminded that Overview and Scrutiny Committee 2 at its meeting held on 29th June, 2004, agreed to review the 'Value of tourism' and 'Cultural facilities within the Borough.'

It was explained that the first meetings had been arranged and the membership agreed.

OSC(2).8/04 SHILDON RUNNING TRACK

Consideration was given to a report of the Director of Leisure Services regarding the Shildon Stadium 2000 (for copy see file of Minutes). Members noted that the stadium had been built with assistance of a Sports for England lottery award of approximately £1 million. The Stadium was linked to Shildon Sunnysdale Leisure Centre and opened in 2000. The report also detailed usage and activities held at the Stadium and included positive comments from a number of groups who used the stadium. The financial performance of the stadium was also included in the report.

Members queried what advertising and promotion of the stadium and events had taken place. The Head of Leisure Services explained that he worked with colleagues from the County Council to ensure that schools were aware of the facility. They also worked together to co-ordinate availability, cost and curriculum. Events held at the Stadium had been advertised and promoted separately.

It was also explained that investigations were currently ongoing to identify whether it would be possible to gain commercial sponsorship for the Stadium. This may result in the renaming of the Stadium for a financial contribution, which would reduce the current subsidy. The renaming could also increase the marketing and promotion.

Members queried whether the music concerts held at the Stadium had been profitable. The Head of Leisure Services explained that the non-sporting events held at the Stadium had been successful in attracting people. Leisure Services were hoping to further develop these type of events to increase the use of the Stadium.

It was queried why the floodlights around the Stadium were left on on an evening when it seemed it was not being used. It was explained that the floodlights were only on if the track was being used or for cleaning purposes.

Concern was expressed as to the long term future of the Leisure Centre and Stadium given that Sunnydale Comprehensive School had been identified for possible closure as part of the County Council's Draft School Organisation Plan. The Head of Leisure Services explained that the land on which the Stadium was built had been leased from the County for 21 years. If the Stadium closed the Council would need to repay the subsidy of £1m received from Sport England. If the school did close options for the development of sporting activities would need to be examined. One option would be for all leisure activities to be relocated to the Stadium.

Members commented that the Council was not in the business of making a profit but to provide facilities and services. The leisure provision, including the Shildon Stadium, was outstanding compared with other authorities.

Following the debate the Chairman asked Members for a concensus view on the operation of the Shildon Stadium 2000.

CONCLUDED: *That the Shildon Stadium 2000 was an excellent facility which should continue to be supported by the Council.*

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Sarah Billingham, Spennymoor 816166, Ext 4240

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