

NORTHUMBERLAND COUNTY COUNCIL STATEMENT OF LICENSING POLICY RESPONSE

Punch Pubs Response

Punch is one of the UK's largest leased pub companies, with around 1300 pubs across the UK. From the spirit of our local community pubs, the energy of our lively city centre hot spots and sports bars, to the warmth and calm of our inviting country inns; our pubs are the heart of all we do.

We are a business of people that love pubs! With a mixed estate of high quality leased, tenanted and retail pubs, our years of experience have enabled us to develop a leading proposition for those wishing to work with us and run a pub business of their own. We provide industry leading, tailored business support to our Publicans and develop market-leading, flexible agreements and retail concepts to suit all aspirations. At the heart of the business is a working relationship between Punch as premises licence holder and the publicans running their own businesses in our pubs.

Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fundraising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards. We strive to ensure that our pubs are not operating irresponsible drinks promotions or serving underage drinkers or those who are intoxicated.

The Punch Buying Club, our online ordering and communications portal, also has a section dedicated to Risk Management providing our Publicans with a wide range of downloadable educational tools, advice and pub-friendly materials, which can be used by pub managers and team members.

As supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we have actively supported Drinkaware's campaigns to help tackle binge drinking amongst 18 to 25 year olds. Responsible retailing forms a key part of our Publican training and we provide clear guidance on current legislation and best practice. We also support industry led initiatives to promote responsible retailing and are active members of industry trade bodies such as British Beer Pub Association (BBPA) and the British Institute of Innkeeping (BII).

We are pleased to be able to contribute to this consultation, we have always prided ourselves with working with Local Authorities and Responsible authorities.

Punch operate over 20 pubs within the Northumberland County Council area

As there are no proposed changes to the policy, we have considered the existing policy and comment on the provisions therein.

RESPONSE

Our response refers to the numbering of paragraphs within the policy. We have included comments relating to the changing needs of operators that have changed significantly in light of recent issues such as the Covid Pandemic, Brexit and general changes in trading patterns and conditions.

Vision statement

We note that the numbering here needs amending in the heading from '1' to '2'.

We would also suggest that the phrase '...well managed entertainment and cultural venues...' is expanded to state: '...well managed entertainment, cultural and community venues...'

5.8 Enforcement

5.8.1 We would suggest that where documents such as the Enforcement Concordat are referred to that links are provided to such documents. This promotes understanding of what licence holders, interested parties as well as enforcement officers can expect from the enforcement process.

6. Links with other council strategies

As with point 5.8 (above) links to the documents, council partnerships and other sources referred to would assist applicants to understand what resources are available and how best to contact them.

6.11 Licensing and planning permission

Agent of Change

Whilst we recognise that the principle is currently being utilised in the context of planning applications, it is equally as important in licensing. We recommend that the licensing policy expressly recognises that developers of new residential developments need to protect their buyers from potential sources of noise disturbance, not expect existing licensed premises to have to adapt their offer to accommodate the new development. In particular, small pubs often rely on live or recorded music, provision of social events and other community based promotions, such as beer festivals, in order to survive and thrive.

We have, unfortunately, seen a rise in complaints and reviews directed at existing premises that have often been at the heart of the community for over a century, from residents moving into new properties nearby. Whilst it is incumbent upon licence holders to promote the licensing objectives, it is iniquitous and arguably a breach of their Article 1, Protocol 1 human right to peaceful enjoyment of property, which includes their premises licence, to have their livelihood threatened and

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sometimes taken away because of poorly designed and constructed residential property built next door.

PART 2: Policy Schedules and Appendices

Schedule 2: Premises licences

2.3 to 2.8 Conditions

Whilst Punch Taverns recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, we have a concern that more and more conditions are being placed on a licence that are then enforced as breaches of the licence in their own right. Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is important that this distinction is recognised in the policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with. We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area.

Punch has always been happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class. This has taken over from a proper analysis of the need for such conditions in the first place.

In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it.

The case of Taylor v Manchester City Council makes it clear that any conditions imposed on a premises licence when it is varied must relate to that application itself and should not stray into other areas that are not part of the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings and often additional expense to applicants seeking to make simple changes to their licence but are then held to ransom by responsible authorities who

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know that operators are unlikely to challenge their right to impose such conditions where the cost would be sent the matter to a hearing.

We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their one area of expertise. This means that they often do not see the wood for the trees. Policies that set out an expectation of long operating schedules or worse, require officers to object to applications unless the applicant applies their standard conditions, place an unnecessary burden on operators without necessarily helping to promote the licensing objectives. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions.

The reason for this is that they expect operators to promote the licensing objectives, not go through the motions of complying with conditions because they have to. Also, licences grandfathered in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than "conditioned licences."

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives. This in turn frees up resources for enforcement against poorly behaving premises and dealing with unlicensed operators.

Appendix A: Licensing Objectives

1. Prevention of Crime and Disorder

The prevention of crime and disorder is a major pillar of licensing legislation. However, we have become increasingly concerned that licensed premises are sometimes being unfairly held to a higher standard when it comes to prevention of crime and disorder than other public premises. For instance, when Police present evidence of crime and disorder in relation to licensed premises, they will often include references to any crime that is associated not just with the premises in terms of its operation as licensed premises but generally. For instance, the Police will often include reference to all calls where those calls have referenced the premises as a local landmark which can include anything from criminal activity from people who have not been customers of the premises, offences in relation to taxis, or general

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disturbance and noise nuisance in a town centre where it cannot be said to be relevant to the premises.

Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves. So, for instance, robberies at residential premises above a licensed premises are sometimes included. We feel it is important that the council recognise in their policy that these are matters that are not relevant to the prevention of crime and disorder licensing objective and that the licensing authority's expectation is that they will only be presented with evidence where it directly relates to the licensable activities being provided within the premises themselves.

CCTV, ID scan & GDPR

One of the most significant changes in recent times has been the change to data protection legislation introduced via GDPR. Whilst the obvious effects of this regulatory change relate to protecting personal data held on behalf of individuals, such as social media, mailing lists, email data bases and various other forms of storage of someone else's data, there are other effects that need to be reflected in licensing policy.

For instance, the requirement for CCTV at a premises licence is not only expensive to install, but we question the value of such systems in terms of crime prevention and detection, especially in smaller community pubs. However, it is now commonplace for police to demand CCTV in almost all premises and to insist upon complicated and demanding CCTV conditions to be added to premises licences. In addition, operators of CCTV systems have to consider the GDPR implications. In particular, anyone who stores data, including CCTV footage of individuals, which is classed as data for the purposes of GDPR, must be responsible for its safe collection, storage, usage and disposal. Handing over CCTV footage to Police officers in the active investigation of a criminal offence, such as a fight, would obviously be a legitimate reason for providing data. However, a condition with a general requirement to hand over CCTV at the behest licensing officer or police officer would arguably breach GDPR were it to be enforced. This means that there are numerous CCTV conditions on licences that would likely, were one to try and enforce them as they are written, cause an operator to breach GDPR.

Similarly, club scan conditions need to be thought about in terms of GDPR and the obligations of the data holder. For instance, the time for which any data is stored and the purpose for storing that data needs to be made clear to people handing over their data. Again conditions that require such data to be handed over at the behest of an officer other than in investigating a criminal offence would in all likelihood breach GDPR.

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We feel therefore that this need to be addressed in the policy in order to ensure that conditions are updated to ensure compliance and that CCTV in particular is not being universally required where there is no real and pressing need for it.

1.3 Drugs

1.3.1 this is a very broad expectation that does not distinguish between types of premises where drugs might be more of an issue, such as nightclubs in comparison with local community pubs or restaurants. We feel that the paragraph would benefit from such as distinction being made to ensure that any expectation set out thereafter is proportionate and appropriate for the type of premises.

3. Prevention of Public Nuisance

The prevention of public nuisance licensing objective is to be widely interpreted, as set out in the Statutory Guidance. However, we often come across conditions imposed on licences, as well as the investigation of complaints that do not relate to public nuisance. For instance, conditions that refer to 'nuisance', rather than 'public nuisance', set a significantly higher barrier- one that was not intended by the Licensing Legislation.

We also see this in terms of enforcement action where often enforcement officers will allege that a nuisance, often a private nuisance, has occurred and demand action under the terms of the premises licence. Clearly this is beyond that which was intended by Parliament and therefore we suggest that your policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition. In particular, we suggest that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing legislation.

Appendix E: Cumulative Impact

4.2: We note that there are no cumulative impact policy areas identified, but that this will be kept under review. We believe that this is a sensible approach.

We understand that there are occasions where Cumulative Impact Policies provide a valuable tool to local authorities in regulating the night time economy. However, our experience is that they can also be an impediment to businesses and the development of a thriving night time economy. Punch, as a promoter of entrepreneurship within our estate of leased pubs understands very well the challenges that small business operator's face when looking to enter a new market or adapt their offer.

Cumulative impact policies can have the effect of dissuading operators from even attempting to get a licence. This unintentionally penalises operators considering smaller more novel applications (simply because of the prohibitive cost), often

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resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy in the CIP. For the same reason, such policies also promote ubiquity and stagnation as the only operators willing to take on the risk and outlay of applying in cumulative impact zones are larger established chains with the financial backing to fight for a licence. Given the plight of the pub market 7 years ago and now the casual dining market, in part because their offers failed to change as the market developed around them, the use of CIPs needs careful oversight.

We re-iterate the points made above in relation to introducing cumulative impact via the back door and would ask that given there is no evidence for cumulative impact areas, these sections need to be carefully considered and where necessary clarified in light of this finding.

Appendix I

We find it helpful where policies contain an up to date list of responsible authorities, email and phone contact details are provided- especially as your policy suggests advanced consultation with officers. Whilst this may be available via the council website, a link in the policy is always extremely welcome.

Other matters we feel the Policy may benefit from addressing

Minor Variations

We would suggest that a little more detail is given in the policy in terms of clarifying for both officers and applicants what might be considered a minor variation. We would propose that the following bullets are added as a list of what minor variations can be used for:

- small changes to the structure or layout of a premises and Changes to layout that do not increase the customer area (beyond a de-minimis increase of, we would suggest, 10%).
- the addition of authorisation for late night refreshment or regulated entertainment (such as performance of plays or film exhibitions);
- small changes to licensing hours (but see below on changes that relate to alcohol);
- changes to hours for sale of alcohol that do not extend licensing hours for the sale or supply of alcohol at any time between 11pm and 7am or increase the amount of time on any day during which alcohol may be sold by retail or supplied;

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- revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

and on occasion they do not even mirror the other. This leads to additional and unnecessary expense for licence holders should such conditions need to be amended.

Tables and chairs outside premises, including garden areas

External areas, especially gardens and enclosed spaces laid out to tables and chairs, are often attractive in their own right, as well as promoting businesses. Where they are on council land, they can be useful sources of revenue for local authorities. We would ask that your policy refers to any tables and chairs policy in place, with links to where application forms can be found on the council website etc. Whilst not strictly related to the Licensing Act 2003, the council policy document is a useful guide to licence holders and the more information that can be provided about ancillary matters, the more likely it is that licence holders and applicants will use this resource.

In terms of gardens, these are often essential to businesses to thrive. Premises that spend time and money making their pub gardens attractive places for customers should not be penalised for increased custom, albeit we recognise that this may cause some additional noise for nearby residents. That being said, this would not ordinarily be considered a public nuisance and therefore undermine the licensing objectives. Of course, where activities take place outside of the ordinary use of such spaces, such as regular regulated entertainment, or use late at night, this can tip over into public nuisance, but again, this would be a balancing act. We would ask that your policy reflect this situation so that all parties recognise that use of pub gardens by customers will not automatically be considered a public nuisance and require enforcement action even if complaints are received from residents.

On and Off-Sales

We have become aware that the definition of on and off-sales has caused some confusion. In particular there appears to be confusion around whether an off-licence is required for customers to take drinks outside of a premises, for instance onto the pavement, and consume their drinks there.

We contend that such a sale is an on-sale. If one considers the nature of the offence of selling alcohol without the appropriate licence, it is clear that the intention is that the person making the sale is the one who would be charged with the offence, rather than, say, the purchaser. Therefore, in selling a drink in an open container for immediate consumption, it cannot be argued that the publican has made anything other than an on-sale. It is inconceivable that the law intended that should this

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person step outside the premises, or indeed take that drink away with him, that this would somehow transform that on-sale to an off-sale. The terms 'on' and 'off' sales originate from the Licensing Act 1964. Analysis of the legislation (by reference to off-sales) demonstrates that all off-sales had to be intended to be sold for consumption away from not only the licensed premises but any land associated with that premises or land immediately adjoining it for them to be considered an off sale. The intention was to ensure that in a situation where a seller makes an on-sale, that on-sale does not become an off-sale simply by means of it being consumed in the immediate environment of the premises, such as an unlicensed garden or on the pavement outside the pub.

As such, we feel that this needs to be clarified in the policy. We would propose a statement along the following lines:-

"On and off-sales are defined by reference to the intention of the seller at the time of sale. A sale in an open container for immediate consumption at the premises is an on-sale. This extends to where the person who has purchased the drink at the bar and then consumes it either in a pub garden or on the pavement immediately outside the premises.

An off-sale is a sale designed for consumption away from the premises and its immediate environs. This will usually be in a sealed container such as a bottle or can and the seller when selling that drink had no intention for the purchaser to remain at the premises to consume it".

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Fw: Licences

Licensing01 <licensing01@northumberland.gov.uk>

Wed 26-Jan-22 8:50 AM

To: Heather Gebbie <Heather.Gebbie@northumberland.gov.uk>

②

From: Willy Browne-Swinburne

Sent: 21 October 2021 4:44 PM

To: Licensing01 <licensing01@northumberland.gov.uk>

Cc: Capheaton Hall Estate Office

Subject: Licences

Dear Sirs

In response to your request for comment regarding potential changes to the current system we would only suggest one thing.

As we offer a very limited number of weddings in a season the flat fee for a licence is unfair. Some years we may only do one or two weddings and yet still get charged the same as a business that does 100.

Could a sliding scale or price per wedding be considered?

Yours Faithfully

William Browne-Swinburne

Sent from my iPhone

Fw: Statement of Licensing policy consultation.

Licensing01 <licensing01@northumberland.gov.uk>

Wed 26-Jan-22 8:47 AM

To: Heather Gebbie <Heather.Gebbie@northumberland.gov.uk>

③

Licensing Team
Business Compliance & Public Safety Unit
Housing and Public Protection Service
Northumberland County Council
Stakeford Depot
East View
Stakeford
NE62 5TR

E: licensing01@northumberland.gov.uk

T: 07909 736614 / 07790 986527

From:

Sent: 25 October 2021 1:38 PM

To: Licensing01 <licensing01@northumberland.gov.uk>

Cc: Laura Elliott <laura.elliott@northumberland.gov.uk>; 'steven' <steven@northumberlandpride.org.uk>

Subject: RE: Statement of Licensing policy consultation.

Thanks Laura,

I have no comments or issues to raise.

Many Thanks

Darren
Darren Irvine-Duffy (he/him)
Northumberland Pride

Email:

Tel:

Mobile:

Website: www.northumberlandpride.org.uk

Text 'NLANDP' to 70085 to donate £3 which supports LGBT+ communities across Northumberland. This costs £3 plus a std rate msg.

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From: Licensing01 <licensing01@northumberland.gov.uk>

Sent: 21 October 2021 16:42

Subject: Statement of Licensing policy consultation.

Dear Sir / Madam

Following the decision of the Licensing Committee in 2020 to defer the consultation on the Statement of Licensing policy, we are now seeking views/comments from all consultees.

There are no proposed changes or amendments to be made to our current policy that was approved by Council on the 1st July 2015, as no key changes or issues have been identified, however you are invited to make any comments as you feel necessary for consideration of the Licensing Committee.

The Council seeks the views of any person or body likely to be affected by or has an interest in these matters and are seeking comments to the policy from 23rd October to the 19th November 2021.

The Statement of Licensing policy is available to view on the council's website: <https://www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Business/Licences%20and%20permits/Statement-of-Licensing-Policy-2015.pdf>

Should you wish to comment on the policy, please forward your comments by email to licensing01@northumberland.gov.uk or in writing to Licensing Manager, Housing and Public Protection Service, Stakeford Depot, East View, Stakeford, Northumberland, NE62 5TR no later than 12 noon on 19th November 2021.

Should you wish to discuss any of these matters, please contact Laura Elliott at laura.elliott@northumberland.gov.uk or Heather Gebbie at heather.gebbie@northumberland.gov.uk

Kind Regards,
Laura

Licensing Team
Business Compliance & Public Safety Unit
Housing and Public Protection Service
Northumberland County Council
Stakeford Depot
East View
Stakeford
NE62 5TR

T: 0345 600 6400

E: licensing01@northumberland.gov.uk

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Fw: Comment on Statement of Licensing policy document

Licensing01 <licensing01@northumberland.gov.uk>

Wed 26-Jan-22 8:51 AM

To: Heather Gebbie <Heather.Gebbie@northumberland.gov.uk>

④

From: Chris Hughes

Sent: 30 October 2021 4:42 PM

To: Licensing01 <licensing01@northumberland.gov.uk>

Subject: Comment on Statement of Licensing policy document

I am responding to your email below as a member of Wallington Demesne Parish Council.

Having read the Statement of Licensing on the NCC website and noted one of your policy statements in regard to protecting the public and local residents in respect of new licensing applications then I did expect to see a further reference to advising the relevant Parish Council of applications. That does not appear anywhere although obtaining feedback from a Parish Council is an ideal way for a Licensing Committee to be able to quickly assess public opinion when considering an application.

I am not aware of any formal or informal process that takes place in respect of the above therefore can some consideration be given to including consultation being include into the document before finalisation.

My details follow if you would like to discuss this suggestion.

Mr Chris Hughes

From: Licensing01 <licensing01@northumberland.gov.uk>

Sent: 21 October 2021 16:14

Subject: Statement of Licensing policy consultation.

Dear Sir / Madam

Following the decision of the Licensing Committee in 2020 to defer the consultation on the Statement of Licensing policy, we are now seeking views/comments from all consultees.

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Should you wish to discuss any of these matters, please contact Laura Elliott at laura.elliott@northumberland.gov.uk or Heather Gebbie at heather.gebbie@northumberland.gov.uk

Kind Regards,
Laura

Licensing Team
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Housing and Public Protection Service
Northumberland County Council
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Stakeford
NE62 5TR

T: 0345 600 6400

E: licensing01@northumberland.gov.uk

Re: Statement of Licensing policy consultation.

Ord Parish Council

Thu 11/11/21 10:04 PM

To: Licensing01 <licensing01@northumberland.gov.uk>

5

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Dear Sir/Madam

Ord Parish Council would like Parish Councils should be consulted on all Licensing Applications within their Parish as they have local knowledge, and they are consulted on planning applications to gain local knowledge.

Thank you

Isabel Hunter
Parish Clerk
Ord Parish Council
Tel:
Mobile:

On Thu, 21 Oct 2021 at 16:14, Licensing01 <licensing01@northumberland.gov.uk> wrote:

Dear Sir / Madam

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Should you wish to discuss any of these matters, please contact Laura Elliott at laura.elliott@northumberland.gov.uk or Heather Gebbie at heather.gebbie@northumberland.gov.uk

Kind Regards,
Laura

Licensing Team
Business Compliance & Public Safety Unit
Housing and Public Protection Service
Northumberland County Council
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T: 0345 600 6400

E: licensing01@northumberland.gov.uk

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 Northumberland County Council Stay Home

Fw: Statement of Licensing policy consultation.

Licensing01 <licensing01@northumberland.gov.uk>

Wed 26-Jan-22 8:48 AM

To: Heather Gebbie <Heather.Gebbie@northumberland.gov.uk>

6

From: Karon Hadfield

Sent: 14 November 2021 10:36 AM

To: Licensing01 <licensing01@northumberland.gov.uk>

Subject: Re: Statement of Licensing policy consultation.

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Dear Licensing Team

Thank you for the opportunity to comment on Northumberland County Council's (NCC) Statement of Licensing policy during the current consultation process.

Warkworth Parish Council wish to make the following comments (see below) for consideration of the Licensing Team and NCC's Licensing Committee.

As you may be aware, drink spiking (putting alcohol or drugs into someone's drink without permission) has featured prominently as a matter of concern for the public over recent weeks and months. Drinks spiked with alcohol or drugs can make a person dangerously vulnerable to robbery, assault and rape. As such, spiking drinks is a serious crime which carries a maximum 10-year sentence.

Within the document, NCC -the Licensing Authority – states that it wants businesses to "operate responsibly and safely to ensure our residents live in decent neighbourhoods and have a good quality of life" (Page 4, Section 1, 2.1, of the Statement of Licensing Policy). Public Safety is a key priority for all public agencies and the Licensed Trade, and as such, it would seem fitting to include a statement about drink spiking within the redraft of the policy (perhaps-although not exclusively-within Part 2, Appendix B which is on Page 26).

In relation to drink spiking, it would be appropriate to expect all license holders to adhere to and promote the statutory licensing objective of always securing public safety. The focus should be on safeguarding customers, particularly women, at night.

There are several practical things Licensees can do. These include:

- displaying notices and signs in pubs and premises which remind customers not to leave their drinks unattended and not to accept drinks from people who are unknown to the customer;
- staff training on drink spiking, its dangers, and how to provide assistance to customers who are dizzy, disorientated or intoxicated;
- monitoring anyone acting suspiciously around unattended drinks;
- providing stopper devices such as lids which can be put on drinking vessels.

There are obvious links to other areas of the statement and of other council strategies. These include Drugs Strategy, Alcohol Strategy, Pubwatch, and provisions under Health and Well Being and Public Health.

Regards

Karon Hadfield

Parish Clerk & Responsible Financial Officer

Warkworth Parish Council

Tel:

Website:

On Thu, Oct 21, 2021 at 4:14 PM Licensing01 <licensing01@northumberland.gov.uk> wrote:

Dear Sir / Madam

Following the decision of the Licensing Committee in 2020 to defer the consultation on the Statement of Licensing policy, we are now seeking views/comments from all consultees.

There are no proposed changes or amendments to be made to our current policy that was approved by Council on the 1st July 2015, as no key changes or issues have been identified, however you are invited to make any comments as you feel necessary for consideration of the Licensing Committee.

The Council seeks the views of any person or body likely to be affected by or has an interest in these matters and are seeking comments to the policy from 23rd October to the 19th November 2021.

The Statement of Licensing policy is available to view on the council's website: <https://www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Business/Licences%20and%20permits/Statement-of-Licensing-Policy-2015.pdf>

Should you wish to comment on the policy, please forward your comments by email to licensing01@northumberland.gov.uk or in writing to Licensing Manager, Housing and Public Protection Service, Stakeford Depot, East View, Stakeford, Northumberland, NE62 5TR no later than 12 noon on 19th November 2021.

Should you wish to discuss any of these matters, please contact Laura Elliott at laura.elliott@northumberland.gov.uk or Heather Gebbie at heather.gebbie@northumberland.gov.uk

Kind Regards,
Laura

Licensing Team
Business Compliance & Public Safety Unit
Housing and Public Protection Service
Northumberland County Council
Stakeford Depot
East View
Stakeford
NE62 5TR

T: 0345 600 6400

E: licensing01@northumberland.gov.uk

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SAVE LIVES

CORONAVIRUS
STAY ALERT
TO STAY SAFE

- Keep a safe distance from others
- Stay home as much as possible
- Keep washing your hands regularly

UK Government

NHS

Northumberland
County Council

Fw: Statement of Licensing policy consultation.

Licensing01 <licensing01@northumberland.gov.uk>

Wed 26-Jan-22 8:48 AM

To: Heather Gebbie <Heather.Gebbie@northumberland.gov.uk>

7

From: Vicki Smith

Sent: 15 November 2021 12:25 PM

To: Licensing01 <licensing01@northumberland.gov.uk>

Subject: Re: Statement of Licensing policy consultation.

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Thank you for the opportunity to comment.

The existing policy seems to encompass all the desired elements however it is important that it is checked/ amended to take into account the Covid 19 regulations allowing greater use of outdoor premises/ pavements.

Thank you

Vicki Smith

Town Clerk & Responsible Financial Officer

Amble Town Council | Fourways 2 | 6 Dilston Terrace | Amble | Northumberland | NE65 0DT

Website: www.amble.gov.uk

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On Thu, 21 Oct 2021 at 16:13, Licensing01 <licensing01@northumberland.gov.uk> wrote:

Dear Sir / Madam

Following the decision of the Licensing Committee in 2020 to defer the consultation on the Statement of Licensing policy, we are now seeking views/comments from all consultees.

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Should you wish to discuss any of these matters, please contact Laura Elliott at laura.elliott@northumberland.gov.uk or Heather Gebbie at heather.gebbie@northumberland.gov.uk

Kind Regards,
Laura

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Balance response to Northumberland Statement of Licensing Policy Review November 2021

We welcome the opportunity to review the Statement of Licensing Policy for Northumberland County Council.

In summary we feel there is a missed opportunity to highlight strongly within the updated policy the importance of protecting public health through reducing alcohol harm. The policy would benefit from including reference to: the local alcohol strategy; the commissioning of Balance to lead an evidence-based collaborative alcohol programme on behalf of its funders; Northumberland's participation in forums including the Champions Network and the Crime and Disorder Forum, and the local authority's commitment to the vision of an Alcohol Free Childhood (AFC).

Local authorities need to address alcohol harm and licensing processes have a key role to play.

The context in which we consume alcohol has changed significantly over recent years, with massive shifts in levels of consumption, availability and pricing. Since the 1950s, the average annual intake of alcohol per adult in the UK has risen and this comes hand in hand with wider availability which strategic documents, such as the local Statement of Licensing Policy, are instrumental in addressing.

In the past, alcohol sales were confined to off-licenses, pubs and clubs. However, today, alcohol is available 24 hours a day, seven days a week and 365 days of the year in localities across the North East including Northumberland and often in diverse and untraditional locations such as petrol stations, florists and soft play areas, as well as through services which deliver alcohol straight to your front door.

At the same time, alcohol has become much more affordable – 74% more so since 1987¹. These shifts have contributed to a striking increase in alcohol harms across the North East as a whole, which suffers from some of the highest rates of alcohol-related hospital admissions, mortality and morbidity. In 2020, the region had the worst year on record for alcohol related deaths. Liver disease has soared 400% since the 1970s and alcohol is now the leading risk factor for ill-health, early mortality and disability among people aged 15 to 49 in England.

Evidence suggests that, along with increasing prices, controlling availability is one of the most effective mechanisms for reducing alcohol-related harm. For instance,

¹ <https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-alcohol/2020/part-7>

experience from Australia has shown that implementing licensing restrictions such as earlier closing times alongside a package of preventative measures can have a positive impact at a local level, both from a point of view of reducing crime, creating a more vibrant night-time economy and building public support for restrictions on the availability of alcohol.

Furthermore, a recent study² in England demonstrated for the first time the positive effects that can be achieved through local level licensing interventions with positive outcomes following the closure of a large town centre pub and club with a nightclub in the basement following a licensing committee review; the closure of a co-located restaurant and nightclub following review, and the introduction of new local licensing guidance and increased inspections in a city centre.

The study concluded that the impact of local alcohol policy, even at the level of individual premises, can be evaluated and, more importantly, that local government actions such as closure or restriction of venues and licensing can have a positive impact on health and crime in the immediate surrounding area.

We would encourage Northumberland to include a statement outlining the council's strategic commitments to addressing alcohol related harm and to providing children with an Alcohol Free Childhood.

It is vital that such commitments are included in the finalised SLP given that the document will provide the context against which licensing decisions are made as well as being a key channel for those involved in the process to access relevant information.

In particular, we recommend inclusion of the following information:

- local statistics on alcohol harm
- the evidence base around availability and its impact on alcohol-related harm
- specific reference to the Chief Medical Officer's guidelines that an alcohol free childhood until the age of 18 is the healthiest and best option and that, for young people in Northumberland who do drink alcohol, the implications could be life changing.

We encourage reference to the toolkit from Balance to support an alcohol free childhood approach within local licensing frameworks³ which contains a briefing for partners and five recommendations on implementing an AFC approach to local licensing processes. The toolkit was presented to the Northumberland Drugs and Alcohol Strategy Group in March 2021.

² <http://www.ias.org.uk/Blog/Evaluating-the-effect-of-individual-alcohol-licensing-decisions-on-local-health-and-crime.aspx>

³ https://khub.net/group/alcohol-free-childhood-north-east/group-forum/-/message_boards/category/469499996 (log in required - email info@fresh-balance.co.uk to request access)

Among the recommendations are specific measures that can be adopted by licensed premises to support an AFC and which could be framed within the SLP. These include the following, some of which have already been incorporated into North East local authority SLPs:

- Consideration to be given to the placement of alcohol products within retailers to avoid excessive promotion and to create a distance between alcohol products and products aimed at children
- In locations close to schools or other children-focused premises, the licensed premises will not display any external alcohol advertising – for example pavement boards or shop windows
- Off licences to have clear visibility through the shop window so that staff can clearly observe if alcohol purchased by adults is then provided to young people through proxy purchasing
- An agreement not to sell marketed 'alcohol free' drinks to under 18s
- The mandating of Challenge 25 proof of age schemes to show commitment to the prevention of underage sales
- On licensed premises e.g. in restaurants, restricting alcohol consumption to those aged 18 or over, regardless of whether they are accompanied by an adult and eating a meal
- Licensees to display point of sale information highlighting CMO guidelines for children and young people and pregnant women
- Licensed premises to have 'alcohol free' spaces set aside for families.

Furthermore, the local authority could adopt the following policies to demonstrate its commitment to an alcohol free childhood:

- Events aimed primarily at families – particularly those organised by the local authority – will not be granted licenses for the sale of alcohol or, at the least and in relation to non-council events only, that alcohol sales would be confined to a small area of the event site
- Licences would not be granted for places frequented mainly by children and aimed at meeting their needs (e.g. soft play areas).

We would be very happy to facilitate discussions between Northumberland and other local authorities where measures such as those outlined above have already been implemented.

We also strongly encourage Northumberland to use this review as an opportunity to protect its alcohol licensing policies from the interests of the alcohol industry.

The sole aim of the industry is to increase its profits by increasing its customer base which often includes the need to attract young people as consumers. As such, we specifically recommend removal of the reference to the Portman Group's 'Code of

Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.’ Evidence shows there are serious flaws with allowing the alcohol industry to regulate itself on marketing and other measures, compounded by the continued failure of members of the Portman Group to comply with Government recommendations on alcohol labelling

As well as the local and regional perspective, it would also be useful to outline Northumberland’s intention to protect the most vulnerable children in the community e.g. through highlighting the UN Charter on the Rights of the Child, which states that all children should be protected from materials and information injurious to health.

We trust that these comments are helpful in the review of the current policy and that they enable Northumberland to put in place an up-to-date and fit-for-purpose licensing framework that can address the harms of alcohol in in synergy with the council’s commitments to improving public health.

We are happy to discuss any of the points raised above in more detail. Please contact