



North Tyneside Council

Council

To All Members of the Council

Wednesday, 13 September 2023

You are hereby summoned to attend the Meeting of the Council of the Borough of North Tyneside to be held in **Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY at 6.00 pm on Thursday, 21 September 2023** for the transaction of the following business.

Agenda

Page(s)

Item

1. **Apologies**
2. **To receive any Declarations of Interest**

You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.

Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.

You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matter appearing on the agenda.

3. **Minutes of the meeting held on 20 July 2023**

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If you need us to do anything differently (reasonable adjustments) to help you access our services, including providing this information in another language or format, please contact democraticsupport@northtyneside.gov.uk.

<u>Agenda Item</u>	<u>Page(s)</u>
4. Motions	23 – 28
Six valid Motions on Notice, signed by at least three Members of the Council, have been received for consideration at this meeting.	
5. Review of the North Tyneside Statement of Licensing Policy	29 – 132
Council to consider the final proposals for the formal approval of the revised Policy.	
6. Review of Allocation of Seats to Political Groups	133 – 140
Council is requested to review the allocation of seats to political groups following notification of the formation of a new political group, the Community Independent Group.	
7. Chair's Announcements	
To receive any announcements by the Chair of Council.	
8. Elected Mayor's Announcements	
To receive any announcements by the Elected Mayor.	
9. Questions by Members of the Council	141
One valid question on notice have been received for a response at this meeting.	

Yours faithfully



Chief Executive

Local Government Act 1972

Borough of North Tyneside

Thursday, 20 July 2023

At the meeting of the Council of the Borough of North Tyneside duly convened and held on Thursday, 20 July 2023 at 6.00 pm in Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY at which a quorum of Members were present, that is to say: -

Present

Councillor B Burdis (Chair)
N Redfearn (Elected Mayor)

Councillor L Bones	Councillor C Burdis
Councillor S Burtenshaw	Councillor K Clark
Councillor D Cox	Councillor S Cox
Councillor N Craven	Councillor J Cruddas
Councillor E Darke	Councillor C Davis
Councillor D Drummond	Councillor P Earley
Councillor S Graham	Councillor I Grayson
Councillor M Hall	Councillor T Hallway
Councillor J Harrison	Councillor A Holdsworth
Councillor V Jamieson	Councillor C Johnson
Councillor H Johnson	Councillor J Johnsson
Councillor C Johnston	Councillor J Kirwin
Councillor G Madden	Councillor L Marshall
Councillor I McAlpine	Councillor P McIntyre
Councillor A McMullen	Councillor J Montague
Councillor J Mudzingwa	Councillor T Mulvenna
Councillor M Murphy	Councillor T Neira
Councillor A Newman	Councillor P Oliver
Councillor R O'Keefe	Councillor J O'Shea
Councillor E Parker-Leonard	Councillor S Phillips
Councillor B Pickard	Councillor W Samuel
Councillor O Scargill	Councillor J Shaw

Councillor A Spowart
Councillor J Walker

Councillor M Thirlaway
Councillor J Wallace

Apologies: Councillor L Arkley, Councillor L Bartoli, Councillor G Bell, Councillor L Bell, Councillor M Fox, Councillor Janet Hunter, Councillor John Hunter, Councillor F Lott, Councillor W Lott and Councillor M Wilson

C20/23 Minute Silence

A minute's silence was observed in respect of the passing of former Councillor Oswald Burt, who had represented North Shields Ward from 1988 – 1995.

C21/23 Public Questions

1. Question to the Elected Mayor from Mr Appleby of Cullercoats

In May, Capita Plc was subject to a major data breach, the second this year.

Can you confirm what exposure the council, it's employees, residents and other stakeholders have suffered due to breaches at Capita (in this or any previous incident), and what known losses or damages have been incurred?

As one of the Councils key contractors, this is obviously something of great concern, and represents an on-going risk. Can you confirm what is the extent of data Capita manages on the council's behalf, either directly or via partners or intermediaries (such as pension funds), and whether the council is satisfied that existing contractual and technical safeguards are sufficient?

Councillor A McMullen responded on behalf of the Elected Mayor as follows:

The Authority takes cyber security extremely seriously.

When the IT team learned of the incident, immediate action was taken to minimise exposure to any risk, both for the Authority's own data or of any customer data we hold. I am pleased to confirm that there has been no data loss or damage as a result of this or any other incident.

The Authority was made aware of the Capita data breach through several

sources. Whilst information was being sought from Capita, the police and the National Cyber Security Centre (NCSC), the decision was taken to switch off all technical connections and isolate any systems involving Capita.

This did cause temporary disruption to some services, however these were all restored within 3 days. However, this was only done after assurances had been provided from Capita and the NCSC that cyber-incident had been contained.

Following the incident, reassurances were sought from Capita about the potential impact of the data breach on North Tyneside Council and our customers. The Authority has received written assurance from Capita's Managing Director for Local Public Services, Paul Abraham, that the attack was limited to 4% of Capita's servers and none of these servers are used to provide any services to North Tyneside Council, therefore the Authority's data is not at risk from this incident.

The Authority has been informed that a detailed forensic analysis is in progress for the servers that have been impacted and that we will be notified if this does highlight any new risk to Authority data.

2. Question to the Elected Mayor from Mr Steele of Tynemouth

As part of my concerns about NTC's progress towards making North Tyneside carbon net-zero by 2030 can you tell me what policies, procedures and training the council has in place to prevent vehicles (particularly council vehicles) from idling (to improve air quality) and pavement parking (to improve active travel)?

Councillor S Graham responded on behalf of the Elected Mayor as follows:

We have 400 vehicles in the Council's fleet; 16 vehicles are now electric and 6 are hybrid. We are moving to replace diesel vehicles at the end of their economically useful life, and we will replace these with electric models where available. It is important to understand that up to half of the carbon footprint of a vehicle's life is generated in its construction, so it is important environmentally to use vehicles to the end of their economic life. We have recently installed additional electric vehicle charge points at our Killingworth depot to support the change from diesel to electric. Naturally this change from diesel to electric helps both our Carbon Net-Zero 2030 ambitions and air quality.

We have delivered specific training to our team that includes instructions on both idling and not parking on pavements. However, due to the nature of some of the services that the Council delivers, for example kerbside waste collections, some vehicles will idle but we work hard to keep this to a minimum.

Regarding air quality, I am pleased to report that North Tyneside has good air quality with nitrogen dioxide annual mean concentrations well below the UK air quality objectives and we have campaigned to discourage engine idling as part of the Council's "Go Smarter" programme.

The Council has published an ambitious Carbon Net-Zero 2030 Action Plan and is making good progress in delivering it. The Borough's carbon footprint is down by almost half and the carbon footprint of the Council's operations is down by over a half. The action plan is currently being refreshed and will be presented to September Cabinet, alongside an update on performance with key highlights.

Thank you once again for your question.

Mr Steele asked the following supplementary question:

What steps could a member of the public take if they do come across vehicles idling, especially Council vehicles?

Councillor S Graham responded as follows:

I would encourage the public to take a photograph of any incidents and send this to the Council's customer First Centre, with information about the time and location of the incident, so this can be fully investigated to find out why and if action can be taken. For example, it may be that it is a vehicle emptying bins on the prom and the engine must be left running to allow the machinery needed to lift the bins to be used.

C22/23 To receive any Declarations of Interest

Declarations of interest were reported as follows:

Councillor I Grayson – Registered Interest – Item 5 Motion 1 – Member of the Board

of the Teacher's Building Society. Cllr Grayson indicated that he would leave the meeting for this item.

C23/23 Minutes of the meeting held on 18 May 2023 (Annual Meeting)

Resolved that the minutes of the Annual Council meeting held on 18 May 2023 be taken as read, confirmed and signed by the Chair.

C24/23 Minutes of the meeting held on 18 May 2023 (Extraordinary Meetings)

Resolved that the minutes of the Extraordinary Council meeting held on 18 May 2023 be taken as read, confirmed and signed by the Chair.

C25/23 Motion1

(Councillor I Grayson left the meeting at this point)

It was moved by Councillor W Samuel and seconded by Councillor C Johnson that:

Council notes that the increase in interest rates is causing severe difficulties for many of our residents. With an estimated 6.5 million households across the country to be impacted by the Tory mortgage penalty by 2025. As fixed rate mortgages come to an end, many are having to take out new mortgages with people across North Tyneside facing on average a £2000 increase per year. Those living in the private rented sector are also facing a significant increase with the average rent being 12-15% higher than this time last year and rent has increased on average for 13 consecutive quarters.

It is disappointing that banks and building societies are failing to assist borrowers who are struggling to meet their mortgage costs by offering payment holidays, longer repayment terms and interest only products. At the same time, they are failing to offer savers similar rises in interest rates as those they impose on borrowers.

We note that the Government have sought to agree a voluntary framework to address this, but Council believes this approach falls short of what is required.

Council asks the Elected Mayor to write to the Prime Minister:

- To express the dismay of the residents of North Tyneside at his refusal to legislate to require banks and building societies to assist borrowers and avoid repossession of homes and spiralling increase in costs due to a Conservative made cost of living crisis.
- To call for the Prime Minister to immediately bring forward policy to tackle the tory mortgage penalty and to end the crisis in the private rented sector.

The motion, on being put to the meeting, was approved by 42 votes to 2 votes.

C26/23 Motion 2

It was moved by Councillor Erin Parker-Leonard and seconded by Councillor J Mudzingwa that:

North Tyneside council is proud to be a safe and welcoming workspace. We always strive to create a workspace where everyone is free to be themselves and continue to try and support the LGBTQ+ community to feel safe at work. We want to continue to transform the workplace culture to make it a more welcoming, diverse, and inclusive space for everyone.

North Tyneside Council's Pride Network have stated that this year pride has been particularly important, given the rise both nationally and internationally in anti-LGBT+ rhetoric and violence.

We call upon the Elected Mayor to:

- Explore the feasibility of taking part in Stonewalls Workplace Equality Index
- Explore the feasibility of NTC becoming a Stonewall Diversity Champion

The motion, on being put to the meeting, was approved by 48 votes to 2 votes.

C27/23 Motion 3

It was moved by Councillor I McAlpine and seconded by Councillor L Bones that:

St Mary's lighthouse

St Mary's lighthouse is one of the Borough's most iconic landmarks, visible along much of the North East coast and from towns across North Tyneside and Northumberland. It brings tourism to the area and forms a hub for vital marine conservation activities.

The lighthouse has been a muse to many an artist and photographer and is so iconic that it adorns much of the council's own publicity.

Sadly, in recent years, the exterior has been deteriorated by the elements, placing a noticeable dark shadow on the north side and a blot on North Tyneside's coastal landscape. Residents and tourists now frequently mention the faded and stained condition of the landmark, disappointed that more is not being actively done to maintain its beauty.

In 2018 a 2.1 million refurbishment proposal was approved by the planning committee, to be funded by the Heritage Lottery Fund. Sadly, the bid for the funds was declined later that year, with the council committing to explore other options to carry out the repairs.

To safeguard the lighthouse's future and to preserve the beauty of our coastal horizon, Council asks the mayor to commit to:

1. Publish options looked at so far to secure alternative funding for the refurbishment proposal.
2. Confirm it is still the Council's intention to perform these (or other) refurbishment works to safeguard the future of the site.
3. In the interim, commit to painting of the Lighthouse to restore its appearance and that of our coastal horizon.

An amendment was moved by Councillor C Johnson and seconded by Councillor J O'Shea as follows:

Delete the following wording at paragraph 3

"and a blot on North Tyneside's coastal landscape. Residents and tourists now frequently mention the faded and stained condition of the landmark, disappointed that more is not being actively done to maintain its beauty".

And the 3rd bullet point

3. In the interim, commit to painting of the Lighthouse to restore its appearance and that of our coastal horizon.

Add a new paragraph 4 as follows:

In 2017 the Heritage Lottery Fund (HLF) confirmed funding for the site to be fully refurbished, unfortunately the planning committee rejected the planning application.

And a new Bullet point 3 as follows:

3. Reconfirm the Mayor and Cabinet's commitment to include the repainting in next year's budget proposals. As doing it in year would require borrowing outside what is already allocated in the Authority's budget which would lead to additional borrowing costs £100,000 per year for the next decade whilst considering it in the budget for next year would not come with additional borrowing costs.

The amended motion therefore read:

St Mary's Lighthouse

St Mary's lighthouse is one of the Borough's most iconic landmarks, visible along much of the North East coast and from towns across North Tyneside and Northumberland. It brings tourism to the area and forms a hub for vital marine conservation activities.

The lighthouse has been a muse to many an artist and photographer and is so iconic that it adorns much of the council's own publicity.

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To safeguard the lighthouse's future and to preserve the beauty of our coastal horizon, Council asks the mayor to:

1. Publish options looked at so far to secure alternative funding for the refurbishment proposal.
2. Confirm it is still the Council's intention to perform these (or other) refurbishment works to safeguard the future of the site.
3. Reconfirm the Mayor and Cabinet's commitment to include the repainting in next year's budget proposals. As doing it in year would require borrowing outside what is already allocated in the Authority's budget which would lead to additional borrowing costs £100,000 per year for the next decade whilst considering it in the budget for next year would not come with additional borrowing costs.

The amendment, on being put to the meeting, was approved unanimously.

The substantive motion, on being put to the meeting, was approved unanimously.

C28/23 Motion 4

It was moved by Councillor J Johnsson and seconded by Councillor L Bones that:

Review and Update of the Tree Management Policy for Improved Balance between Residents' Needs and Tree Maintenance

Council recognises the invaluable contribution that trees make to our Borough, including their role in shaping the landscape, providing habitats for wildlife, and playing an essential role in the ecosystem to combat climate change.

However, residents have raised numerous concerns regarding the reactive nature of maintenance of trees by the Council. Many trees within our Borough, particularly in residential areas, exhibit disproportionate size and proximity to residential properties, resulting in significant problems. These issues include the obstruction of light and heat, excessive leaf fall blocking drains and gullies, and property damage caused by falling branches.

The Council's current Tree Management Policy places an imbalanced emphasis on the needs of these problematic trees, with insufficient consideration for the welfare and interests of residents residing in close proximity to them. In order to ensure that residents' concerns are adequately considered in decision-making processes, it is necessary to review the existing policy. This new approach will aim to enhance the aesthetic appeal of our area, minimise property repairs, reduce insurance claims, and significantly improve the quality of life for many residents.

Therefore, the Council asks the Mayor to establish a cross-party working group to review the Tree Management Policy. The purpose of this review is to strike a better balance between the needs of our residents and the maintenance of trees within our Borough. The group should be asked to propose practical measures, including routine pruning practices, to proactively address tree-related issues before they escalate.

By working with residents, we can develop a policy that better aligns with their needs and expectations, while acknowledging the importance of trees in our Borough.

An amendment was moved by Councillor H Johnson and seconded by Councillor C Johnson as follows:

Delete the wording at paragraph 2

However, residents have raised numerous concerns regarding the reactive nature of maintenance of trees by the Council. Many trees within our Borough, particularly in residential areas, exhibit disproportionate size and proximity to residential properties, resulting in significant problems. These issues include the obstruction of light and heat, excessive leaf fall blocking drains and gullies, and property damage caused by falling branches.

Delete the wording at paragraph 4 as follows:

establish a cross-party working group to review the Tree Management Policy

Delete the wording at paragraph 6 as follows:

The group should be asked to

Add wording at paragraph 3

In certain instances

Add bullet points as follows

- Undertake a review of the council's current tree management policy
- Refer the policy to the cross party Green Sub-Committee for consideration before it goes to Cabinet.

The amended motion therefore read:

Review and Update of the Tree Management Policy for Improved Balance between Residents' Needs and Tree Maintenance

Council recognises the invaluable contribution that trees make to our Borough, including their role in shaping the landscape, providing habitats for wildlife, and playing an essential role in the ecosystem to combat climate change.

In certain instances, the Council's current Tree Management Policy places an imbalanced emphasis on the needs of these problematic trees, with insufficient consideration for the welfare and interests of residents residing in close proximity to them. In order to ensure that residents' concerns are adequately considered in decision-making processes, it is necessary to review the existing policy. This new approach will aim to enhance the aesthetic appeal of our area, minimise property repairs, reduce insurance claims, and significantly improve the quality of life for many residents.

Therefore, the Council asks the Mayor to;

- Undertake a review of the council's current tree management policy
- Refer the policy to the cross party Green Sub-Committee for consideration before it goes to Cabinet.

The purpose of this review is to strike a better balance between the needs of our residents and the maintenance of trees within our Borough and to propose practical measures, including routine pruning practices, to proactively address tree-related issues before they escalate.

By working with residents, we can develop a policy that better aligns with their needs and expectations, while acknowledging the importance of trees in our

Borough.

The amendment, on being put to the meeting, was approved unanimously.

The substantive motion, on being put to the meeting, was approved unanimously.

C29/23 Motion 5

It was moved by Councillor O Scargill and seconded by Councillor L Bones that:

Drones to tackle anti-social behaviour

Dangerous motorbike riding is a real issue in many of our estates. Unfortunately, the nature of this means it can be very difficult for Police to catch and identify perpetrators. We need to utilise new technology to help stop this happening.

Council notes that drones have been used by Police forces across the country to help stop dangerous motorbike riding.

Council asks the Mayor to give the community protection team the resources to purchase drones and training for this purpose, helping stop dangerous motorbikes and anti-social behaviour.

An amendment was moved by Councillor K Clark and seconded as follows:

Delete the following wording at paragraph:
in many of our estates.

Add the following wording at paragraph 1
both locally and nationally

Add new paragraphs 3 and 4 as follows:

Council notes that lots of North Tyneside is directly under Airport regulations and it may not always be possible to use drones in these areas.

Council notes the 1200 officers in the Northumbria Police cut by the Conservative

Government since 2010.

Add the following wording in paragraph 3:
explore the practicality

add new paragraphs at 7 and 8 as follows:

Council believes Northumbria Police would be best placed to use drones to tackle anti-social behaviour as opposed to the Council.

Council asks the Mayor to write to the Home Secretary urging them to provide the funding for Northumbria Police to restore all officers lost to cuts since the Conservative Government came in to power.

The amended motion therefore read as follows:

Drones to tackle anti-social behaviour

Dangerous motorbike riding is a real issue both locally and nationally in many of our estates.

Unfortunately, the nature of this means it can be very difficult for Police to catch and identify perpetrators. We need to utilise new technology to help stop this happening.

Council notes that lots of North Tyneside is directly under Airport regulations and it may not always be possible to use drones in these areas.

Council notes the 1200 officers in the Northumbria Police cut by the Conservative Government since 2010.

Council notes that drones have been used by Police forces across the country to help stop dangerous motorbike riding.

Council asks the Mayor to explore the practicality of giving the community protection team the resources to purchase drones and training for this purpose, helping stop dangerous motorbikes and anti-social behaviour.

Council believes Northumbria Police would be best placed to use drones to tackle

anti-social behaviour as opposed to the Council.

Council asks the Mayor to write to the Home Secretary urging them to provide the funding for Northumbria Police to restore all officers lost to cuts since the Conservative Government came in to power.

The amendment, on being put to the meeting, was approved by 43 votes to 7 votes.

The substantive motion, on being put to the meeting, was approved by 43 votes to 2 votes.

C30/23 Request for Dispensation pursuant to Section 85 of the Local Government Act 1972

Council received a report that sought approval for a dispensation in respect of Councillor John Hunter under section 85(1) of the Local Government Act 1972, based on medical grounds.

It was moved by the Elected Mayor and seconded by the Councillor Carl Johnson that:

Council agrees to grant a dispensation for Councillor John Hunter pursuant to Section 85(1) of the Local Government Act 1972, for a period up to and included 31 January 2024, and approves Councillor John Hunter's non-attendance at meetings of the Authority in that period on medical grounds, and

Council agreed that the best wishes of the Council to be conveyed to Councillor John Hunter at this time.

The motion, on being put to the meeting, was approved unanimously.

C31/23 Chair's Announcements

The Chair announced a number of events he had attended since being elected Chair these being:

Wildside Urban forest School, Shiremoor
Citizen Ceremony

Northumberland and North Tyneside Scout Camp
The Falklands War Ceremony
Armed Forces Day
The Sea Cadets 80th year celebrations
Muriel Greens Ceremony of Alderwoman
Shiremoor and District Childrens Gala
Opening Boots, Silverlink new Hearing Care and
the presentation of certificates to graduates of the 2 Matters Awards.

C32/23 Elected Mayor's Announcements

The Mayor stated that many people were experiencing difficult times due to issues like the cost of living crisis and highlighted some of the ongoing work to help support residents and to make sure that they have access to good quality services.

This included:

- North Tyneside Primary School Based Initial Teacher Training SCITT being judged as Outstanding in May 23.
- Ready for School Nursery was also judged to be Outstanding during June 23.
- The Working Well North Tyneside pilot in North Shields had attracted over 3500 visitors since November 2022. With another facility planned for Wallsend. This had given residents of North Tyneside an opportunity to be interviewed and to be offered training and help they need to get into work.
- The service was recognised in the most recent Ofsted Inspection with an overall grading of 'Good' for the service Employment & Skills.
- North Tyneside Adult Learning Service was judged to be Good in June 23, with a rating of outstanding in Adult learning programmes, Provision for learners with high needs, Leadership and management and Behaviour and attitudes.

The Mayor commended staff for doing an excellent job in providing these services in North Tyneside.

C33/23 Questions by Members of the Council

1. Question to the Elected Mayor by Councillor J Wallace

"Healthy Start Grants are available to some pregnant women and some families with children under 4 years old, to enable them to buy additional healthy food such as milk, fruit and vegetables, and to get free vitamins, all of which contribute to a healthier lifestyle with long term benefits.

The take up in England is around 66% but much higher in Scotland.

Can the Elected Mayor tell me what steps the Council has taken to encourage applications for these grants in North Tyneside?"

Councillor K Clark responded as follows:

Thank you for raising such an important question. The national Healthy Start Scheme is a lifeline for eligible pregnant women and families with children under 4, providing access to good food: fruit, vegetables, milk and vitamins which are so important to give children the best start in life at a time when families are increasingly struggling to put food on the table.

The latest data for North Tyneside shows that uptake of the NHS Healthy Start scheme is 66% as of June 2023. This figure is similar to the overall uptake of Healthy Start in England, as noted in Councillor Wallace's question.

The Council is committed, along with our NHS and local voluntary and community sector partners, to increasing the uptake of Healthy Start, as part of our joint approach to ensuring every child has the best start in life. We know that during those very early years, a nutritious diet is essential for growth and development.

The Council's Director of Public Health has recently led the development of an action plan with partners that is focused on raising awareness of the Healthy Start Scheme among our residents and a range of frontline workers to encourage all eligible families to apply. The Council promotes the Healthy Start scheme through a variety of ways including:

- Our health visitors provide Healthy Start vitamins and talk to families at all

key contacts about the Healthy Start scheme and provide practical support for those eligible to apply.

- We deliver bite size training sessions to a range of frontline staff so that they have the knowledge to talk to families about Healthy Start and can offer practical help with completing online forms.
- We display Health Start promotional material on the Council's website, social media and our family hubs and customer first centres;
- The poverty partnership network has raised awareness of the scheme and we have shared promotional materials to encourage of take up with families on low income through the Bay Food Bank and the Bread-and-Butter initiative; We anticipate that rates of take up will increase over the coming months as partners work together to deliver the action plan.

Councillor J Wallace asked the following supplementary question:

Whilst I note the steps taken, it is disappointing that the take-up is still only at two thirds of those eligible. What follow up steps are being taken to encourage people to take advantage of the scheme?

Councillor K Clark responded as follows:

As you have outlined, we are currently on level with the national picture. Of course we wish to increase that number hence the action plan that is in place which contains all the elements I have outlined. That plan is being implemented and we expect that uptake will increase due to this positive action.

2. Question to the Elected Mayor by Councillor M Thirlaway

At least 100 people in North Tyneside were denied a vote during the local elections in North Tyneside with potentially many more put off from turning up to the polling stations in the first place. Does the Elected Mayor agree with me that central government should be making it easier for people to vote legally and that compulsory photographic identification at polling stations is unnecessary, undemocratic, and amounts to voter suppression, especially in more deprived area?

The Elected Mayor responded as follows:

I agree that any change that could act as a barrier to people voting is a concern. I know there are arguments both for and against voter id, but I do have concerns that this was a solution to a problem that did not exist – nationally, cases of voter fraud have been extremely rare.

Thankfully, our elections staff did everything they could to make it as easy as possible for people to vote – this included the preparation before the election and on the day itself. Some of this additional activity was funded nationally.

However, you will also remember that this Chamber agreed to send a letter to all households to reinforce the local and national advertising campaigns that we had in place. This was not funded nationally and came at a cost of about £40,000 from North Tyneside budgets – but we agreed that as local democracy is so important, it was necessary.

Our electorate is made up of just under 157,000 people. 69% of the electorate is eligible to vote at a polling station, with the remaining 31% having registered for a postal vote.

That means 108,000 people were eligible to vote at a polling station. Our records show that 261 electors applied for a ballot paper but were initially refused because they could not show the required Voter ID. Of those, 161 returned with valid photographic identification and were issued with a ballot paper.

It is too early to say definitively whether this impacted disproportionately on deprived communities, but I share your concern that this could be the case. We also don't know how many voters were put off from even attempting to vote in the first place.

So, in conclusion, whilst 99.5% of those voters who attended a polling station did vote – meaning our process was still valid – at least 100 residents missed out on their right to vote.

Councillor Thirlaway asked the following supplementary question:

Will the Elected Mayor write to the Prime Minister and ask him to repeal compulsory photographic identification at polling stations and to scrap his proposed reforms due in the autumn, and will she share the response with all members?

The Elected Mayor responded as follows:

I certainly will and thank you Cllr Thirlaway.

2. Question to the Elected Mayor by Councillor L Bones

In September 2022 Council passed a motion asking the Mayor to invite the PCC to give an update on progress on her policing priorities annually to Full Council, and take questions from members on the update. This is the last meeting before a year will have passed without an annual update and opportunity to scrutinise the PCC. Can the Mayor confirm whether Ms McGuinness has been invited and declined or hasn't been invited in the first place?

Councillor C Johnson responded as follows:

Thank you for your question Councillor Bones.

I can confirm that I did indeed write to Kim McGuinness, the Northumbria Police and Crime Commissioner on 30 September 2022, following the motion, to invite her to provide an update on progress with her policing priorities to full Council.

Although this was planned to be at this Council meeting it has had to be postponed due to the Police and Crime Commissioner having to undergo surgery on her hand following an accident.

The Police and Crime Commissioner does want to attend this meeting in person and not send a substitute, which is why we have delayed this.

I do hope that the Police and Crime Commissioner will have recovered in time to attend the next Council meeting on 21 September 2023.

In the meantime, I am sure you will join me in wishing her a speedy recovery.

Councillor L Bones asked the following supplementary question:

Can the Deputy Mayor please confirm that the Police and Crime Commissioner will attend the meeting in September should she be well enough, and will she take questions from Members?

Councillor C Johnson responded as follows:

The Police and Crime Commissioning will be attending the next meeting in September, providing she recovers from her surgery and is well enough.

North Tyneside Council Report to Council 21 September 2023

Title: Motions

Notice has been received of the following motions from Members of the Council to be put to the Council meeting.

Motion 1 signed by Councillors Cath Davis, Gary Madden and Michelle Fox

“North Tyneside Council notes that:

The decision of Cabinet to proceed with the creation of a North East Combined Mayoral Authority.

The North of Tyne Combined Authority Mayor, Jamie Driscoll, and Cabinet delivered on their pledge to deliver this devolution deal.

Council believes that:

The approach of the North of Tyne Combined Authority Mayor and Cabinet in working collaboratively with people from all backgrounds has been welcome.

The creation of a North East Mayoral Combined Authority (NEMCA) can unlock the potential of the people of the North East through continuing collaborative working and innovative solutions to the challenges in our region.

Council resolves to:

Write to the North of Tyne Combined Authority Mayor, Jamie Driscoll, and Cabinet commending them for the work that they have undertaken on behalf of the people of the North of Tyne.”

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

Motion 2 signed by Councillors Willie Samuel, Debbie Cox and Julie Cruddas

Council notes that there are an increasingly wide range of concerns around the NHS directly impacting our residents. After 13 years of Conservative Government outcomes for our residents are increasingly concerning.

Council recently set up the cross-party emergency task and finish group to examine the effectiveness of emergency care, but the issue goes much wider than this. The Government's decision to remove targets for cancer diagnosis and treatment presumably because said targets were not being met is a worrying example of this trend.

Council therefore agrees to widen the remit of the task and finish group to look at all aspects of healthcare provision and policy which impacts on the workload of the NHS emergency response services and the effectiveness of that response.

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

Motion 3 signed by Councillors Hannah Johnson, Carl Johnson and Matthew Thirlaway

Council welcomes the recent announcement by the Mayor and Cabinet that we are investing further in our estates with the neat streets campaign.

This is a welcome significant investment in staff and financial resources to further improve our area it will see new staff, vehicles and equipment deployed across North Tyneside, with a special focus on keeping housing estates, open spaces, town centres and the coastline neat and tidy.

Council calls upon the Mayor to write to all political groups on North Tyneside Council urging them to include this funding in their budget proposals for next year.

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

Motion 4 signed by Councillors Sandra Graham, Eddie Darke and Debbie Cox

North Tyneside council unanimously voted to declare a Climate Emergency. The council has also since created a net zero action plan and is making sound progress against it.

The Tyne & Wear Local Government Pension Scheme, holds investments in fossil fuel focussed companies.

North Tyneside council calls upon the mayor and our representatives on the pensions committee to

- Urge the pensions committee to reconsider its current investment in companies planning to increase extraction.
- explore shortening the timeframe for total divestment from fossil fuels.

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

Motion 5 signed by Councillors Olly Scargill, Chris Johnston and Liam Bones

Road Safety

From speeding problems to road markings, we take seriously the complaints we receive from residents about dangerous driving, unsafe roads, and the often inadequate response to these problems.

It is regrettable that the Council's response to road safety issues can be too slow or defeatist – particularly when councillors are told that there is no problem because 'the average driver does not speed' or because 'there has not been a fatal accident'.

Council asks the Mayor to bring forward a speeding prevention plan, which includes:

- Change the way speeding problem areas are identified, moving away from the average to a system which reflects a mix of incidents numbers, police concerns, resident complaints, councillor reports and maximum speeds recorded
- Develop a strategy for dealing with anti-social driving outside of sociable hours
- Improve the way that Council logs and reports upon residents' speeding complaints and to frequently communicate this data to Northumbria Police
- Work more closely with the police on the installation of 20mph zones to ensure these can be effectively enforced
- Work with Northumbria Police to establish Community Speed Watch schemes in problem areas
- Introduce a system for councillors to request urgent junction protections be installed in areas of their wards where poor visibility is hazardous
- Prioritise the re-painting of faded junction lines over other road markings where the faded junction lines present a danger to drivers' safety

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

Motion 6 signed by Councillors I McAlpine, Liam Bones and Olly Scargill

Motion title: Pets as prizes

North Tyneside is privileged to hold a great many funfairs and similar events. In decades past it was considered the norm to win a goldfish or other small animal when in attendance. Contemporary views on animal welfare recognise the problems with unexpectedly handing out small animals to residents, who may be unprepared for the commitment that caring for them entails. Currently, North Tyneside strongly discourages this practice but has no formal provision in place to ban it outright on Council land.

Issuing pets as prizes is now widely acknowledged to be cruel and anachronistic. Above all else, the methods of their interim holding and transportation cause significant trauma to the animals and in some circumstances their death.

The RSPCA campaign actively on this issue with clear guidance, and this motion asks North Tyneside to join more than 50 other Local Authorities in prohibiting this practice at a local level. It is right for every resident to look after small animals if they wish to do so, but with the proper handover and aftercare available from proper pet distributors.

This council asks the Mayor to:

1. Immediately prohibit the practice of giving out pets as prizes.
2. Introduce appropriate measures to communicate, and enforce this, prior to the summer 2024 season.

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

North Tyneside Council

Report to Council

Members

Date: 21 September 2023

Title: Review of North Tyneside Council's Statement of Licensing Policy 2023 – 2028

Portfolio(s): Public Health and Wellbeing

Cabinet Member(s): Cllr K Clark

Report from Service Area: Regeneration and Economic Development
Responsible Officer: John Sparkes Director of (Tel: (0191)643
Regeneration and Economic 6091)
Development
Wards affected: All

PART 1

1.1 Executive Summary:

Local authorities are required by the Licensing Act 2003 (“the Act”) to publish a Statement of Licensing Policy and to revise the Policy at least every five years. The Statement of Licensing Policy provides guidance as to how the Authority will exercise its functions under the Act. The Policy has proved to be a vital part of the licensing of alcohol and entertainment activities.

This report presents to Council the final proposals for the formal approval of the revised Policy.

1.2 Recommendation(s):

It is recommended that Council:

- (1) Approve the draft revised Statement of Licensing Policy attached at Appendix 1 to this report, including the delegation scheme included in the Policy.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 21 July 2023.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2021 – 2025 Our North Tyneside Plan:

A secure North Tyneside:

- We will tackle health and socio-economic inequalities across the borough including through our Poverty Intervention Fund to tackle food poverty.

A thriving North Tyneside

- We will bring more good quality jobs to North Tyneside – by helping local businesses to sustain and grow, making it attractive for new businesses to set up or relocate in the borough.

1.5 Information

1.5.1 The Licensing Act 2003 (“the Act”) places the responsibility for licensing the sale and supply of alcohol, the provision of regulated entertainment (previously referred to as public entertainment), and the provision of late-night refreshment with the Authority as a Licensing Authority.

1.5.2 Any licensing function undertaken by the Authority is the responsibility of full Council, including the approval of the Statement of Licensing Policy.

- 1.5.3 In carrying out its licensing functions under the Act, full Council, through its Licensing Committee, Sub-Committees or officers must do so with a view to promoting the four licensing objectives: -
- a) The prevention of crime and disorder;
 - b) Public safety;
 - c) The prevention of public nuisance; and
 - d) The protection of children from harm.
- 1.5.4 Section 5 of the Act requires the Authority to prepare and publish a Statement of Licensing Policy every five years after undertaking the necessary consultation. There is a requirement for the Authority to keep the Policy under review and make revisions to it when considered appropriate.
- 1.5.5 Whenever the Licensing Committee, a Licensing Sub-Committee or officers are exercising a function under the Act, they must have regard not only to the Statutory Guidance issued by the Secretary of State but also to the Authority's Statement of Licensing Policy.
- 1.5.6 Cumulative Impact Assessment

In April 2018 section 5A of the Act came into force as a result of the Policing and Crime Act 2017. This section permits a Licensing Authority to publish a "Cumulative Impact Assessment" stating that the Licensing Authority considers that the number of premises licenses and club premises certificates in one or more parts of the Borough is such that it is likely that granting any further licences or club premises certificates in that area, or areas, would be inconsistent with the promotion of the licensing objectives.

The concept of cumulative impact is a recognition that the number of licensed premises or clubs concentrated in one area can result in problems such as public nuisance, crime and disorder or anti-social behaviour at or near licensed premises. Such problems may occur because of a large number of people being concentrated in a particular area.

Section 5A of the Act requires any Cumulative Impact Assessment to set out the evidence that the Authority has relied upon for arriving at the opinion that issuing further premises licences or club premises certificates would undermine the licensing objectives.

On 11 October 2021 this Authority published a Cumulative Impact Assessment. The Authority is required, when revising its Statement of Licensing Policy, to have regard to the Cumulative Impact Assessment and for the Policy to summarise the contents of the Cumulative Impact Assessment. Section 14 of the Statement of Licensing Policy deals with the Cumulative Impact Assessment and Policy and how the Assessment has influenced the formulation of the Policy. The Assessment demonstrated an evidential basis to justify creating a rebuttable presumption against granting Premises Licence applications, or variations of existing licences, in relation to alcohol led licensed premises (where alcohol is consumed on the premises) within areas of Whitley Bay and Tynemouth as specified in the Assessment.

1.5.7 Revised Statement of Licensing Policy

An officer working group was established to review the Policy since it's last revision in 2018 and to provide an updated document prior to a period of public engagement. The draft revised Policy includes the following changes:

- Addition of Chapter 3 – role of Public Health as a Responsible Authority
- Updated Temporary Event limitations.
- Addition of information about responses to the threat of terrorism
- Addition of glossary at Appendix 1
- Addition of reference to spiking
- Addition of supporting information re alcohol harms at Appendix 5.

It also has regard to the updated Cumulative Impact Assessment (Chapter 14) following the publication of an updated Cumulative Impact Assessment on 11 October 2021.

1.5.8 Public Engagement

The Statement of Licensing Policy was prepared having regard to the Secretary of State's statutory guidance and was the subject of a 6-week period of engagement in line with the Cabinet Office guidance on public consultations. As is required by the Act, the consultees have included the Chief Officer of Police, the Fire and Rescue Authority, Director of Public Health, representatives, and holders of Premises Licences and Club Premises Certificates issued by the Authority, representatives of personal licence holders, representatives of residents and businesses in the Borough as well as Councillors. An online survey was available for respondents and the draft Policy was available for inspection on the Authority's website as well as Council offices during the consultation period. A list of the consultees is appended to the Policy at Appendix 2.

In total 12 responses were received, 9 via the survey and 3 written responses. A summary of the responses is attached at Appendix 2 of the report.

Officers met with a representative Member from Political Groups to consider the responses received. The summary document includes the suggestions made and the draft Policy has been updated to reflect the proposed amendments to the Policy in consideration of the responses received where considered appropriate to do so. The draft Policy is attached Appendix 1.

1.6 **Decision options:**

The following decision options are available for consideration by Council:

Option 1

To adopt the draft updated Statement of Licensing Policy including the delegation scheme contained in the Statement.

Option 2

Not to adopt the draft updated Statement of Licensing Policy but with amendments to it as Council sees fit.

Option 3

Not to adopt the draft updated Statement of Licensing Policy but with amendments to it as Council sees fit.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

By adopting the draft Statement of Licensing Policy, the Authority will be in a position to publish the same and ensure that the Authority, as a Licensing Authority, has a Policy in force which reflects the updated legislation and proposed changes including having regard to the Cumulative Impact Assessment published by the Authority in October 2021.

If Council decides that the Statement of Licensing Policy should be amended then, if the proposed amendments are fundamental changes, it may be necessary to consult on those proposed changes before they can be introduced into the Policy. It may therefore be necessary to adopt the Policy in its current form but for it to be amended after a further period of consultation.

If the Policy is not approved by Council, then the existing Policy will effectively cease to have effect on 22 November 2023 when the Policy will be over 5 years old. Section 5 of the 2003 Act is clear that a Statement of Licensing Policy can only remain in place for a 5-year period. If the Policy is not reviewed and no further Policy published by the Authority, it will be operating outside the Act and will not have a Statement of Licensing Policy to refer to when determining applications for licences or certificates. This will make the Authority vulnerable to legal challenge by those seeking licences or certificates.

1.8 Appendices:

Appendix 1: Draft Statement of Licensing Policy

Appendix 2: Summary of consultation responses

1.9 Contact officers:

Joanne Lee, Head of Public Protection, (0191) 643 6901

Stephanie Graham, Senior Licensing Officer, (0191) 643 6969

David Dunford, Senior Business Partner, (0191) 643 7027

John Barton, Manager Regulatory, Legal Services (0191) 643 5354

1.10 Background information:

- 1) [Licensing Act 2003](#)
- 2) [S182 Guidance Licensing Act 2003](#)
- 3) Equality Impact Assessment
northtynesideintranet.moderngov.co.uk/ecSDDisplay.aspx?NAME=SD362&Test=yes&Id=362&RPID=1755819#

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications directly arising from the report. The costs of preparing the Policy and the associated consultation arrangements can be met from existing revenue budgets.

2.2 Legal

The Authority is required to produce and publish a Statement of Licensing Policy under the Licensing Act 2003. This statement must be reviewed, and if necessary revised, at least every five years.

The Statement of Licensing Policy is a statutory requirement and without such a Policy the Authority as Licensing Authority could not properly undertake its statutory duties under the 2003 Act.

As the Authority has published a Cumulative Impact Assessment, the Assessment must be considered when reviewing the Statement of Licensing Policy and the fact that the Assessment has been made that the Authority is of the opinion that in specified areas of the Borough, granting further licences or variations of licences relating to alcohol led licensed premises will undermine the licensing objectives.

The determination of the Statement of Licensing Policy is a matter for full Council and section 7(2)(a) of the Licensing Act 2003 is clear that such a determination is reserved to full Council.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation took place with Cabinet Members, Members, and service areas.

Officers met with a representative of each Party to consider the responses received to the engagement exercise. The draft Policy was updated accordingly.

2.3.2 External Consultation/Engagement

As outlined in section 1.5.8 of the report, an engagement process took place over a six-week period via an online survey. In total 12 responses were received from a mixed range of respondents.

2.4 Human rights

There are aspects of the administration of the Licensing Act 2003 that may impact on the human rights of individuals residing in the Borough and licence holders. Article 8 of the European Convention of Human Rights entitles a person to the right to enjoy a private and family life.

The decisions made by the Licensing Committee/Sub-Committees and officers can have implications under the Human Rights Act 1998. Decisions of the Authority as Licensing Authority could be said to interfere with the property of the licence holder (a licence, or its goodwill, is classed as property) and also impact on the rights of parties to a family and private life. However, these rights are qualified rights, and those rights can be interfered with if such interference is permitted in law. Any party who wishes to make representations in relation to a licensing matter has the right to express their views without interference and any person appearing before a Committee/Sub-Committee will be afforded an opportunity to a fair hearing.

There is also an appeal process available to those aggrieved by a decision of a licensing Committee or Sub-Committee.

Article 6 of the European Convention also entitles an individual to a fair hearing. Any individual appearing before a licensing sub-committee will be given an opportunity to express their views as provided by the Act.

Article 1 of the First Protocol entitles a person to the peaceful enjoyment of his possessions. A possession may include the goodwill that such a Licence would generate. However, balanced against that is the ability of the Licensing Authority to enforce such laws under the Act as is necessary to control the use of such property, including a licence.

2.5 Equalities and diversity

The Policy has been drafted having regard to the Authority's Public Sector Equality Duty. An Equality Impact Assessment was undertaken to inform the consultation process and has now been updated to assess the potential impact of the Policy. The consultation process ensured that all persons, groups and organisations had an opportunity to participate in the consultation of the draft Policy, including those with protected characteristics.

Individual decisions taken under the Policy were also be taken with due regard to the Public Sector Equality Duty

2.6 Risk management

There are no risk management implications directly arising from this report. Risks associated with delivery of the Authority's Public Protection function are monitored via the Public Health risk arrangements.

2.7 Crime and disorder

The prevention of crime and disorder is one of the licensing objectives that may be engaged when dealing with a licensing application. It is a requirement under the Licensing Act 2003 and subordinate Regulations that the Police are forwarded a copy of an application for a licence or certificate so that the Police are able to scrutinise the application and make representations in relation to the application insofar as the prevention of crime and disorder licensing objective is concerned.

2.8 Environment and sustainability

There are no direct implications for environment and sustainability arising from this report.

PART 3 - SIGN OFF

- Chief Executive x
- Director(s) of Service x
- Mayor/Cabinet Member(s) x
- Chief Finance Officer x
- Monitoring Officer x
- Assistant Chief Executive x

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North Tyneside Statement of Licensing Policy

2023 – 2028



North
Tyneside
Council

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Executive Summary

This Statement of Licensing Policy has been prepared in accordance with Section 5 of the Licensing Act 2003 and with regard to the Cumulative Impact Assessment published by the Authority on 11 October 2021. The Policy provides guidance to Responsible Authorities and other persons on the approach that the Authority will take on licensing matters. Its purpose is to guide officers and members in reaching decisions, and it sets out the matters that will normally be taken into account in determining applications.

Any decision taken by the Authority in regard to the determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The Policy covers the licensable activities as specified in the Act which are:

- Sale by retail or supply of alcohol
- Regulated entertainment
- Late night refreshment

The Policy also has regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003.

The Authority has the ability to grant licences for premises and certificates for club premises. It also grants Personal Licences and accepts Temporary Event Notices.

The Licensing Act 2003 aims to provide greater choice and flexibility for the licensed trade and the public. It seeks to improve prosperity through employment, tourism and culture and balance the rights of leisure seekers against those of neighbouring residents. It provides for blending in the

Policy to meet other government and local needs such as reducing crime and disorder.

Applicants for Premises Licences should be aware of the expectations of the Authority as the licensing authority and those of the Responsible Authorities, as to the steps that are considered appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps, they propose to take to promote the licensing objectives.

Local people and Members of the Authority have had an opportunity to have their say and their opinion heard through public consultation on this Policy and can make representations about applications for Premises Licences, Club Premises Certificates and variations of existing licences and certificates. Individuals can also request a review of licences or certificates for problem premises.

The Policy includes a link to the Cumulative Impact Assessment published by the Authority which seeks to limit the number of alcohol lead licensed premises in areas of the Borough because of evidence produced that shows that the number and density of this type of licensed premises are having a cumulative impact and are leading to problems that that undermine the licensing objectives.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Authority and Police. This Policy describes the Authority's enforcement principles and the principles underpinning the right of review of a licence or certificate.

For more information please contact:

Licensing
Killingworth Site
Harvey Combe, Killingworth
Newcastle upon Tyne
NE12 6QQ

Liquor.licensing@northtyneside.gov.uk

1. The purpose and scope of the Licensing Policy

1. Introduction

1.1 North Tyneside Council (the Authority) is the licensing authority under the Licensing Act 2003 for the Borough of North Tyneside. As such the Authority is responsible for the licensing of 'licensable activities' under the Act. This document sets out the policies that the Authority will apply when making decisions about applications for the licensable activities which are:

- The retail sale of alcohol
- The supply of alcohol to members of registered clubs
- The provision of regulated entertainment
- The provision of hot food or hot drink between 11 pm and 5 am. (known as "late night refreshment")

The Licensing Policy

1.2 The Act requires that the Authority carry out its various licensing functions so as to promote the following four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

The 2003 Act further requires that the Authority publish this 'Statement of Licensing Policy' which sets out what the Authority will do to promote the licensing objectives when discharging its licensing functions under the Act.

Each of the four licensing objectives are of equal importance. This document sets out the policies the Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Authority will, where it believes

appropriate, consider attaching conditions to licences to promote those objectives as appropriate.

1.3 This Policy shall apply in respect of applications, renewals, transfers, variations, and reviews of the following licences created under the Act as set out in more detail at section 6:

- Premises licences
- Club premises certificates
- Personal licences

1.4 This Policy shall also apply in relation to Temporary Event Notices.

1.5 This Policy took effect on [xxxxxxx] when it replaced the earlier policy document dated 22 November 2018. This Policy will be in force for a maximum of 5 years, but the Authority will keep this Policy under review and will consult on any proposed revisions within this period.

1.6 In order to achieve the licensing objectives the Authority will actively promote partnership working. This will include working with other local authorities, the Police, fire service, local businesses, local people, and those involved with child protection. The Authority recognises that co-operation and partnership remain the best means of promoting the licensing objectives.

1.7 The Authority understands the need to protect children from sexual exploitation when undertaking its licensing functions.

1.8 When exercising this Policy, the Authority will have regard to the statutory principles of good regulation and the need for regulatory activities to be carried out in a way that are transparent, consistent, accountable, proportionate, and targeted only at cases that require action in accordance with the principles set out in the Regulator's Code published in accordance with the Legislative and Regulatory Reform Act 2006.

2. North Tyneside

Area and Impact

- 2.1 North Tyneside is one of five metropolitan districts that comprise the County of Tyne and Wear. It covers an area of 8,367 hectares and has a population of around 209,000 which is expected to increase by 4.56% by 2030. North Tyneside has met the challenge of regional decline and deprivation by rebuilding and stabilising communities. New high-tech industries have been attracted to the area and shipbuilding and the marine industry have made a partial revival. There are around 100,048 households in the Borough.
- 2.2 Within the Northeast, there are almost 8,000 premises which are licensed to sell alcohol and it is the region with one of the highest outlet densities in England. The late-night economy of North Tyneside is principally centred around the Whitley Bay and Tynemouth areas where a number of late-night establishments are situated. Activity is also centred on restaurants, pubs, and takeaway establishments in areas such as North Shields and Wallsend. These activities support the cultural diversity of the Borough and contribute to its economy. However, they may also have a negative impact in some areas where late night noise and crime and disorder can affect residents.
- 2.3 Each area of the Borough has its own character and challenges. Applicants are expected to demonstrate knowledge of their local area when describing the steps, they intend to take to promote the licensing objectives.

3. Public Health in North Tyneside

3.1 Alcohol is a key public health issue, and the Licensing Authority recognises the impact that it can have on the health of North Tyneside's population.

3.2 Alcohol-related harm relates both to the volume of alcohol consumed and the frequency of drinking. Within North Tyneside, there are lower levels of abstinence and higher levels of binge drinking and hazardous drinking compared to the Northeast and England.

3.3 The rate of hospital admissions related to alcohol for both adults and young people in North Tyneside is considerably higher than the Northeast and England average.

Public Health as a Responsible Authority

3.4 The Authority recognises that there is no specific licensing objective that is related directly to public health. This means that in exercising its licensing functions, the Authority can only do so in order to promote the four licensing objectives as set out by the Licensing Act 2003 and the consideration of health is only relevant when it relates to one of those objectives.

3.5 As the Director of Public Health is a Responsible Authority under the Licensing Act 2003, the Director can make representations about new licence/certificate applications or variations to existing licences/certificates and can also request a review of an existing licence/certificate. The Director of Public Health can make representations based on any of the four licensing objectives but is most likely to make representations that relate to the licensing objectives concerned with public safety and the protection of children from harm.

3.6 The Director of Public Health will support the sharing of health information with Responsible Authorities where it relates to at least one of the four licensing objectives: the prevention of crime and

disorder, public safety, the prevention of public nuisance and the protection of children from harm.

4. Consultation

4.1 In reviewing its Statement of Licensing Policy the Authority has taken into account the views of:

- Northumbria Police
- Tyne and Wear Fire and Rescue Service
- Public Health Authority
- Local Health Board
- Holders of Premises and Personal Licences and Club Premises Certificates, and any representative bodies of these
- Local businesses, residents, and any representative bodies of these.

4.2 The Authority also consulted with tourism organisations, performers, unions, Drug Action Team, Planning Services, Community Safety, Tyne and Wear Passenger Transport Executive, the North Tyneside Safeguarding Children Partnership, Director of Public Health, and other organisations.

A full list of those consulted in preparing this Policy is set out in Appendix 2. The views of all of these persons and bodies will be given appropriate weight in determining this Policy.

4.3 A 6-week consultation took place between 12 June 2023 and 23 July 2023 and the Authority followed best practice on consultation as set out by the Government Consultation Principles.

4.4 Publication of the Policy was advertised on the Authority's website, local newspapers as well as by way of Notices at public libraries.

4.5 The Policy was approved by full Council on xxx and was published via the Authority's website on xx.

5. Administration, Exercise and Delegation of Functions

- 5.1 Under the Licensing Act 2003 the Authority has responsibility for a wide range of licensing decisions and functions and has established a Licensing Committee to administer most of them.
- 5.2 Appreciating the need to provide a speedy, efficient, and cost-effective service to all parties involved in the licensing process, the Licensing Committee delegates certain decisions and functions and has established a number of Sub-Committees to deal with determining individual applications.
- 5.3 Further, with many of the decisions and functions being administrative in nature, the grant of non-contentious applications, including for example those licences and certificates where no representations have been made, are delegated to the Authority's licensing officers. All matters dealt with by officers will be reported for information and comment to the annual Licensing Committee meeting.
- 5.4 The table shown at Appendix 1 sets out the current scheme of delegation of decision-making and functions to the Licensing Committee, Sub-Committees, and officers.
- 5.5 This form of delegation will be without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee to the Full Committee, if considered appropriate in the circumstances of a particular case.

Licensing Committee

- 5.6 The Authority's Licensing Committee is comprised of a membership of 12 Councillors. The Committee will be responsible for the discharge by the licensing authority of its licensing functions under the Act.

Hearings

- 5.7 A Licensing Sub-Committee of three Councillors will sit to hear every application where representations have been received from other persons and responsible authorities unless the parties and the Authority have agreed to dispense with a hearing as appropriate. Ward Councillors will not sit on a Sub-Committee involving an application in their ward. The hearings will generally be open to members of the public.
- 5.8 Where a Councillor who is a member of the Licensing Committee or a Licensing Sub-Committee is making or has made representations on behalf of other persons, in the interests of good governance they will disclose an interest and disqualify themselves from any involvement in the decision-making process affecting the licensing application in question.
- 5.9 Licensing hearings will usually take place in public unless a Licensing Committee/Sub-Committee licensing excludes the public from all or part of a hearing if it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

6. General Principles

Integrating Strategies and Avoiding Duplication

- 6.1 In accordance with the Secretary of State's Guidance the Authority will, in exercising its licensing functions, seek as far as possible to avoid duplication with other existing regulatory regimes.
- 6.2 However, some regulations do not cover the unique circumstances of particular premises. The Authority will consider attaching conditions to Premises Licences and Club Premises Certificates if relevant representations are made, where these are appropriate for the promotion of the licensing objectives and are not already provided for in any other legislation.
- 6.3 Arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist and cultural economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.
- 6.4 The Authority has a duty under Article 8 of the European Convention on Human Rights not to breach the qualified rights of its residents to respect for their private and family life. The Authority acknowledges the right of businesses in the Borough to operate, and this consideration must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.
- 6.5 The Authority has both tourism and cultural strategies in place, which have been taken into consideration in the drafting of this Statement. The Authority will consider the needs of the local tourist economy and the cultural strategy for the area in considering licensing applications.
- 6.6 The Authority has a recent tradition of holding festivals of live music, dancing, and theatre to benefit the wider community and to aid

social inclusion. These events are enjoyed by local residents as well as by the wider community and provide an opportunity in particular for children to learn about and enjoy different cultural activities. When considering licensing applications in connection with these events the Authority will carefully balance the potential for limited disturbance in the nearby neighbourhoods with the wider benefits to the community.

Partnership Working

6.7 The Authority will work in partnership with the following agencies and individuals to promote the licensing objectives:

- Police authority
- Fire authority
- Planning authorities
- Environmental health
- Director of Public Health
- Crime and Disorder Reduction Partnerships
- Town centre managers
- Local businesses
- Agencies involved in child protection.
- Local residents
- North of Tyne Combined Authority as the Integrated Transport Authority
- The North Tyneside Safeguarding Children Partnership.

6.8 The Authority will consider any relevant protocols made with the Police under the Crime and Disorder Act 1998. The Police have the right to make representations on licence applications and reviews of licences and make reference to relevant strategies.

6.9 The Authority encourages licensee membership in local Pub Watch schemes.

Related Legislation and Strategies

- 6.10 There are a number of other local and national policies, strategies, responsibilities, and guidance documents which have been taken into account in drafting this Policy.
- 6.11 This Policy will also be integrated with local crime prevention, planning, transport, tourism, equality and cultural strategies, and any other plans introduced for the management of the borough and night-time economy. The Authority will work in partnership with the agencies referred to in paragraph 6.7 above and through joint working and cross reporting the Authority will ensure that this Policy integrates with the policies of its partner agencies.
- 6.12 The Authority has given due regard to the content of the Government's National Alcohol Strategy and National Drug Strategy when preparing this Statement. The Authority will have regard to the upcoming North Tyneside Alcohol Strategy and North Tyneside Drug Strategy which refer to alcohol-related crime and disorder, drug-related crime and disorder and other relevant issues.
- 6.13 The Authority will fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 when carrying out licensing functions under the Licensing Act 2003 and will do all it can to reasonably prevent crime and disorder and the misuse of alcohol and drugs in the Borough of North Tyneside.
- 6.14 The Policy reflects the aims of Our North Tyneside Plan and in particular Our People, Our places, Our Economy, and Our Partners
- 6.15 North Tyneside's Health and Wellbeing Board's strategy 'Equally Well: A healthier, fairer future for North Tyneside' has also been considered when preparing this Statement. This takes a life course approach to improving the health and wellbeing of our population and tackling health inequalities.

- 6.16 The Authority on receipt of applications for Premises Licences and Personal Licences will ensure that the applicant is entitled to work in the United Kingdom by the production of documentation set out in legislation.

Complaints against Licensed Premises

- 6.17 The Authority will investigate all valid complaints about licensed premises and will endeavour to seek a resolution through mediation.
- 6.18 The Authority will only investigate complaints under this Policy if they relate to one or more of the licensing objectives.
- 6.19 Where considered appropriate, the Authority may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

Fees

- 6.20 The level of fees to be charged by the Authority for exercising its licensing functions will be set in accordance with regulations or other legislation relating to fee setting. Licensing officers can provide details of the level of fees on request.

Enforcement

- 6.21 Prior to the grant of a Premises Licence or a Club Premises Certificate the Police and any authorised person as defined by the Act may at any reasonable time enter the premises to which the application relates to assess the effect of the grant of the licence or certificate on the licensing objectives.
- 6.22 Once premises are licensed it is essential that they are maintained and operated to ensure the continued promotion of the licensing objectives, compliance with the Act and any conditions attached to the licence. The Authority will make arrangements to risk assess licensed premises and take appropriate enforcement action.

- 6.23 A Police Enforcement Protocol has been established between Northumbria Police, Tyne and Wear Fire and Rescue Service and the local authorities within Tyne & Wear and Northumberland. These agencies will assist to co-ordinate and maximise the effect of inspection and enforcement under the Act. This protocol will provide for the targeting of resources towards problem and high-risk premises and activities requiring greater attention, while providing a lighter touch in respect of low-risk premises that are well operated.
- 6.24 The Authority will risk-rate all premises and any inspection will be on the following basis:

Type of premises	Frequency of inspections*
High risk (e.g., night-clubs, pubs,	Once a year
Medium risk (e.g., restaurants, clubs, cinemas, theatres, indoor sports events,)	Every 18 months
Low risk (e.g., premises providing late night refreshment, off-licences supermarkets	Every 2 years
Temporary event notices	Dependent on the circumstances

*This column only gives an indication of the likely frequency of inspections. The frequency may be altered depending on factors such as the Authority's confidence in the management of the premises, the number of complaints received and any other relevant factor(s).

- 6.25 Inspections will be carried out through co-ordination between the Authority and other authorised persons as defined by the Act.

Licensing Hours

- 6.26 The Authority recognises that flexible licensing hours for licensable activities may reduce the number of people leaving premises at the same time, which in turn could reduce friction that can lead to disorder and disturbance at late-night fast-food outlets, taxi ranks, private hire offices and other means of transport.

- 6.27 The Authority will determine the terminal hour for the supply of alcohol in areas where an Early Morning Restriction Order (EMRO) is in place.
- 6.28 The Authority will deal with the issue of licensing hours having due regard to the individual merits of each application and will give paramount consideration to the licensing objectives when considering hours of opening. The Authority is aware that there is no general presumption in favour of lengthening licensing hours under the Licensing Act 2003. If relevant representations are received consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas or are close to noise-sensitive premises.
- 6.29 Following a relevant representation, the Authority may limit the hours when children (persons under 18 years) may be present on licensed premises.
- 6.30 The four licensing objectives will be the paramount considerations at all times and the Authority will always consider the individual merits of a case.

Staff Training

- 6.31 The Authority recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol undertake regular training programmes to raise and ensure continued awareness of their responsibilities under the Act and in particular the offences contained within the Act, such as the sale of alcohol to children.

Excessive Consumption of Alcohol

- 6.32 The Authority is aware of the link between the supply of alcohol and irresponsible drinks promotions and the possibility of resultant

incidents of alcohol related crime and disorder and the implications for public safety, public nuisance, and the risk of harm to children.

- 6.33 The Authority also recognises the impact that excessive, or binge drinking can have on public health and of the positive action that can result from the promotion of the licensing objectives. The Authority as Local Authority will use the powers contained within the Act to ensure that operators' promotional activities do not undermine the licensing objectives.
- 6.34 Any licensed premises that participate in irresponsible drinks promotions will be breaching the mandatory licence/certificate conditions and will be dealt with in accordance with the North Tyneside Council Enforcement Policy.

Equal Treatment

- 6.35 As an employer and service provider the Authority is working towards ensuring equality of opportunity and treatment in employment and service delivery and the Authority is aware of its duties under Section 149 of the Equality Act 2010 when discharging its licensing functions, including when determining individual applications.

To achieve this duty the Licensing Authority will consult on and monitor the impact of this Policy to ensure that those making applications receive equal treatment and that when decisions are made by the Authority, consideration will be given to any equality or diversity issues.

Licences

7.1 When considering any application under the Act the Authority will have regard to:

- The Licensing Act 2003 and the four licensing objectives.
- Government guidance issued under Section 182 of the Licensing Act 2003
- The supporting Regulations
- This Statement of Licensing Policy
- The Regulators' Code under the Legislative and Regulatory Reform Act 2006
- The Equality Act 2010
- The Immigration Act 2016

7.2 Nothing in this Policy will:

- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits, and/or
- Override the right of any person to make relevant representations on any application, or to seek a review of a licence or certificate where they are permitted to do so under the Act.

7.3 The Authority will not accept any application that is incomplete or fails to satisfy the requirements of the Act or any regulations made under it. Any such incomplete application will be returned with an explanation of why it is incomplete.

Planning

7.4 The use of premises for the sale or supply of alcohol, regulated entertainment and late-night refreshment is subject to planning control. Any such use will require planning permission or must otherwise be lawful under planning legislation.

7.5 The planning and licensing regimes involve the consideration of different (albeit related) matters. Licensing committees/sub

committees are not bound by decisions made by planning committee and vice versa.

- 7.6 When as a condition of planning permission, a terminal hour has been set for the use of the premises that is different to the permitted licensing hours, the applicant must observe whichever is the earliest closing time. Premises operating in breach of their planning permission will be liable for prosecution under planning law.

Licences

- 7.7 The Act creates four types of authorisations as follows:

Personal Licences

- 7.8 A Personal Licence is granted to an individual and authorises the supply of alcohol in accordance with a Premises Licence.
- 7.9 The Authority must grant an application for a Personal Licence if the criteria set down by the Act are satisfied.
- 7.10 If the Applicant has relevant previous convictions, and the Police are satisfied that granting the licence would undermine the crime prevention objective, the Police may make representations to the Authority.
- 7.11 The Authority will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.
- 7.12 The Authority may suspend a Personal Licence for a period not exceeding six months or revoke the licence if the licence holder has been convicted of any relevant offence or foreign offence, or required to pay an immigration penalty.

Premises Licences

- 7.13 A Premises Licence is required for any premises where it is intended that a licensable activity (as set out at Section 1.1 above) should take place (unless the activity has been authorised by the Club Premises Certificate or Temporary Event Notice procedure: see below).
- 7.14 Applications for a new licence need to be accompanied by an operating schedule which should set out the steps that the Applicant will take to promote the licensing objectives.
- 7.15 When completing the operating schedule, Applicants are expected to have regard to this Statement of Licensing Policy. They must also be aware of the expectations of the Authority and the Responsible Authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps, they propose to take to promote the licensing,
- 7.16 An operating schedule should include enough information to enable any Responsible Authority or other person to assess whether the steps the Applicant proposes to take to promote the licensing objectives are satisfactory and so as to enable a licensing officer to convert the proposed steps into meaningful licence/certificate conditions that are consistent with the operating schedule should no relevant representations be made by Responsible Authorities or other persons.
- 7.17 Any applicant who wishes to provide alcohol delivery services from the premises should include this information within their operating schedule. This will enable the licensing authority to properly consider what conditions are appropriate.
- 7.18 Whilst Applicants are not required to seek the views of the Responsible Authorities before formally submitting an application they may find that contacting the Responsible Authorities is a useful source of advice on local issues that should be taking into consideration when making an application. The Authority would

encourage cooperation between Applicants, Responsible Authorities and, where appropriate, local residents and businesses before Applications are submitted to minimise any areas of dispute.

7.19 When setting out the steps they propose to take to promote the licensing objectives, applicants are expected to obtain sufficient information to enable them to demonstrate that they understand:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate.
- Any risk posed to the local area by the applicant's proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

7.20 The Authority expects that operating schedules will be specific to the premises subject to the application rather than in general or standard terms.

7.21 Information that applicants may want to consider is publicly available at:

- The Crime Mapping website
- Neighbourhood Statistics website
- Websites or publications of the local responsible authorities
- Websites or publications by local voluntary schemes and initiatives and
- On-line mapping tools

7.22 If an Applicant does not demonstrate that they have had a regard to the local characteristics of the area in which a premises is situated and have a sufficient understanding of the local area in their operating schedule it is more likely that representations will be made by Responsible Authorities or local residents/businesses in relation to their application.

- 7.23 It is therefore expected that each Applicant will undertake an assessment of the area in which the premises are situated and in particular if the premises are situated in a Cumulative Impact Assessment area that the Applicant addresses in their application why they consider their application is an exception to the Cumulative Impact Assessment.
- 7.24 See Section 13 of this Policy for a summary of the Cumulative Impact Assessment and the areas in the Borough to which the Assessment applies.

Club Premises Certificates

- 7.25 A Club Premises Certificate is required for the supply of alcohol or the provision of regulated entertainment by certain members' clubs as defined in the Act. These certificates are operated in the same manner as Premises Licences, except that under a Club Premises Certificate there is no requirement for a designated premises supervisor or a Personal Licence holder for the supply of alcohol.
- 7.26 Applications for a Club Premises Certificate must be accompanied by an operating schedule and the same considerations that apply in relation to the information that should be included in an operating schedule for a Premises Licence will apply to an application for a Club Premises Certificate.

Temporary Event Notices

- 7.27 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities are not authorised by the Authority by way of licence or certificate. Instead, a person wishing to hold an event at which such activities are proposed to be carried on, known as a "premises user", simply gives notice to the Authority of the event (a "Temporary Event Notice" or TEN).

7.28 Temporary Event Notices are subject to various limitations. These are concerned with:

- The number of times a premises user may give TEN – 50 times in a calendar year for a Personal Licence holder and 5 times in a calendar year for other people).
- The number of times a premises user may give a late TEN – 10 times in a calendar year for a Personal Licence holder and 2 times in a calendar year for other people). Late TEN's count towards the total number of permitted TEN's.
- The number of times a TEN may be given for any particular premises (15 times in a calendar year).
- The maximum duration of an event authorised by a TEN is 168 hours (7 days).
- The maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year).
- The maximum number of people attending the event at any one time (fewer than 500 including any staff and any other persons); and
- The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

7.29 The most important aspect of the system of Temporary Event Notices is that no permission is required for these events from the Authority. Only the Police or Environmental Health Team may intervene to seek to prevent such an event from taking place or modify the arrangements for such an event.

7.30 The Authority will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

7.31 There are two types of TEN: a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event.

- 7.32 A Personal Licence Holder can give a late TEN up to 10 times in a calendar year whilst other persons can give a late TEN twice per calendar year.
- 7.33 The Authority encourages notice providers to give the earliest possible notice of events likely to take place.
- 7.34 The Act provides that the Police or the Environmental Health Department may issue an objection notice because they believe the event would undermine the one or more of the licensing objectives set out in the Act. The Police or Environmental Health Department must issue an objection notice within 3 working days of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by the Authority at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN is cancelled and licensable activities are not authorised.
- 7.35 Applications for Premise Licences, Club Premise Certificates or Temporary Event Notices can be made online via the North Tyneside Council Website.

Variations to Premises Licences or Club Premises Certificates

- 7.36 If the holder of a Premises Licence or Club Premises Certificate wishes to amend a Licence or Certificate, rather than apply for a new Licence or Certificate they can apply for the variation of the Licence or Certificate. The type of variation application that needs to be made will depend on the nature of the proposed variation.
- 7.37 There are simplified processes for making applications, or notifying changes, in the following cases:
- A change of the name or address of someone named in the Licence.
 - An application to vary the licence to specify a new individual as the Designated Premises Supervisor.

- Request to be removed as the Designated Premises Supervisor.
- An application by a Licence holder in relation to community premises authorised to sell alcohol to remove the usual mandatory conditions set out in the Licensing Act 2003 Act concerning the supervision of alcohol sales by a Personal Licence Holder and the need for a Designated Premises Supervisor who holds a Personal Licence; and
- An application for minor variation of a Premises Licence or Club Premises Certificate.

Minor Variations of Premises Licences or Club Premises Certificates

- 7.38 If the holder of a Premises Licence or Club Premises Certificate considers that a proposed variation of a Licence or Certificate cannot impact adversely on the licensing objectives, a variation using the simplified “minor variations” process could be applied for.
- 7.39 Examples of when a “minor variation” could be applied for include (but are not limited to) the following: –
- Minor changes to the layout of a premises or club premises.
 - Amendment and removal of conditions in agreement with the appropriate Responsible Authorities.
 - Small adjustments to the licensing hours (but not including an increase to the hours for the supply of alcohol); and
 - Removal of out of date, irrelevant or unenforceable Licence or Certificate conditions or the addition of volunteered conditions.
- 7.40 As with the full variation process, the test to be applied when determining a minor variation application is whether the proposed variation could adversely impact on the licensing objectives.
- 7.41 Applicants are advised to contact the Licensing Authority to discuss the appropriateness of the use of the “minor variation” process before submitting such an application.

8. Representations

- 8.1 A Responsible Authority or other person (such as local residents or businesses) may make a relevant representation in relation to applications under the Act.
- 8.2 A relevant representation is one that relates to the promotion of one or more of the licensing objectives. A relevant representation can be in favour of an application or against an application.
- 8.3 In relation to other persons' representations if such a representation is considered to be frivolous or vexatious by the Authority then it may be rejected.
- 8.4 Members of the public who submit a representation in relation to an application need to be aware that their personal details will be made available to the Applicant. If this is an issue, they may contact a local representative such as a Councillor or body who can speak on their behalf such as a residents' association. They may also consider approaching a Responsible Authority with details of how they consider that the licensing objectives are being undermined so that the Responsible Authority can make representations if appropriate and justified. Representations, duly redacted, so as to remove all personal information, will also generally be made available on the Authority's website.
- 8.5 Anonymous representations will not be accepted as relevant representations.

The Authority as a Responsible Authority

- 8.6 The Authority as a Responsible Authority will not act as a Responsible Authority on behalf of other parties (for example local residents, local councillors, or community groups) although there may be occasions when the Licensing Authority does so. This is because such parties can make representations or Applications in their own right, and it is reasonable for the Licensing Authority to expect them to make such applications or representations should they wish to do so. If such

parties however fail to take action and the Licensing Authority is aware of relevant grounds to make a representation it may choose to do so in its capacity as a Responsible Authority.

- 8.7 In cases where the Authority is also acting as a Responsible Authority, the Authority will allocate different licensing officers within the Authority to ensure a proper separation of responsibilities. The officer advising the Licensing Committee/Sub-Committee will be a different individual to the officer who is acting for the Authority in its capacity as Responsible Authority. The officer acting for the Authority in its capacity as Responsible Authority will not be involved in the licensing decision process and will not discuss the merits of the case with those officers or Councillors involved in the decision-making process. Any communication that there has to be between such officers will remain professional and will be consistent with communication with other Responsible Authorities.

9. Conditions

- 9.1 After relevant representations have been received, the Authority will only attach conditions to Premises Licences and Club Premises Certificates which it considers appropriate for the promotion of the licensing objectives. This Policy refers to pools of standard conditions that can be used when considering Applications. The Authority will take note of these conditions but will only attach conditions to licences and certificates that are appropriate and proportionate for the promotion of the licensing objectives and tailored to the individual circumstances of the premises and events concerned. The pool of model conditions that the Authority may use (whether in the form set out, or as adapted to particular premises) are attached at Appendix 4. The conditions are included in the Policy so that Applicants may have regard to them when completing their operating schedule.
- 9.2 An Applicant may volunteer a prohibition or restriction in the operating schedule which accompanies their application to grant a Premises Licence or Club Premises Certificate, because their own risk assessment has determined such prohibition or restriction to be appropriate. Such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such.
- 9.3 In addition, the Authority will attach the appropriate mandatory condition(s) under the Act to the Premises Licence or Club Premises Certificate.
- 9.4 The Authority will ensure that conditions, so far as possible, reflect local crime prevention strategies.

10. Reviews

- 10.1 Where possible and appropriate the Authority will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 10.2 If one or more of the licensing objectives are not being met and a Responsible Authority or other person can provide evidence to that effect, the Authority will consider a request for a review of a Premises Licence or Club Premises Certificate.
- 10.3 Under the Act, any Responsible Authority or other person including Councillors can apply to the Authority for a review of the Premises Licence or Club Premises Certificate for particular premises in the Authority's area. Once a licence/certificate has been issued, it lasts for the life of the business or qualifying club. A review of the licence/certificate may be requested if concerns with the premises arise at any time after it has been granted or varied. The review is a process whereby the Licensing Committee or Sub Committee will look at the existing licence/certificate and decide whether it is appropriate to modify the conditions on the licence, exclude a licensable activity from the licence/certificate, remove the designated premise supervisor (in the case of a licence), suspend the licence/certificate for up to 3 months or revoke the licence/certificate.
- 10.4 In respect of other persons no more than one review will be normally permitted by any one person within a 12-month period on similar grounds except in exceptional circumstances. Applications for reviews from other persons may be rejected if the grounds for seeking a review are considered to be frivolous, vexatious, or repetitious. This does not apply to Responsible Authorities who may bring a review at any stage.

Appeals

- 10.5 Where a party to a hearing is aggrieved by a decision of the Committee or Sub-Committee there is a right of appeal. This appeal

must be lodged with the Magistrates Court within a period of 21 days from the date that the Authority notified the applicant of its decision in writing.

- 10.6 In respect of Personal Licences, appeals must be made to the Magistrates Court in the area where the licence was issued. Appeals in relation to other licences or certificates must be made to the Magistrates Court where the premise is situated, or event takes place.

Live Music, Dancing and Theatre

- 10.7 The Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing, and theatre, for the wider cultural benefit of the community. It will monitor the impact of licensing on regulated entertainment, particularly music and dancing.
- 10.8 It will seek to balance the needs of the wider community, local community and commercial premises and activities, against the needs of those who may be adversely affected by those activities.
- 10.9 The Authority will impose conditions in relation to licensed premises as it considers appropriate to prevent unnecessary noise and disturbance to local residents where it has the power to do so. This may include restrictions on times when music or other licensable activities may take place and imposition of technical restrictions on sound levels at such premises. However, the Authority will consider the proportionality of such conditions against the type, scale and community value of the event concerned.
- 10.10 The Authority recognises the amendments made to regulated entertainment as a result of the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 whereby certain aspects of live music, recorded music, the performance of plays, indoor sporting events and performance of dance are no longer licensable activities.

Live music remains licensable:

- Where a performance of live music – whether amplified or unamplified – takes place other than between 08:00 and 23:00 on any day.
- Where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late-night refreshment.
- Where a performance of amplified live music takes place at relevant licensed premises, at a time when those premises are not open for the purposes of being used for the supply of alcohol for consumption on the premises.
- Where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people or
- Where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a Premises Licence or certificate as a result of a licence review.

The performance of a play remains licensable:

- Where the performance takes place other than between 8am and 11pm
- Where the play is performed to more than 500 persons

An indoor sporting event remains licensable:

- Where the event takes place other than between 8am and 11pm
- The event takes place in front of more than 1000 persons.

A performance of dance remains licensable:

- Where the performance takes place other than between 8am and 11pm
- The dance is performed to more than 500 persons.

- The performance of dance is 'relevant entertainment' within the meaning of paragraph 2A of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

10.11 Applicants are encouraged to contact the licensing team if further clarification is required.

Adult Entertainment

10.12 Not all premises where there are displays of nudity will fall within the definition of a "sexual entertainment venue".

10.13 Where a premises is a sexual entertainment venue within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 it will be required to obtain an appropriate sex establishment licence as the Authority has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

10.14 If it is intended that adult entertainment will take place at a premises that is not classed as a sexual entertainment venue, but the premises are the subject of an application for a Premises Licence or Club Premises Certificate, the Applicant will be required to state in the application form that such entertainment will take place at the premises. If such entertainment is to take place then the Authority will expect the Applicant to have given particular regard to the licensing objectives concerned with the protection of children from harm and the prevention of crime and disorder in their operating schedule.

11. Licensing Objectives

Prevention of Crime and Disorder

- 11.1 In considering any licensing applications before it, the Authority shall have regard to Section 17 of the Crime and Disorder Act 1998 which requires a local authority to do all that it reasonably can to prevent crime and disorder and the misuse of drugs in its locality.
- 11.2 The Authority is committed to further improving the quality of life for the people of North Tyneside by continuing to reduce crime and the fear of crime. When addressing the issue of crime in their operating schedule, the Applicant should demonstrate that those factors which impact on crime and disorder have been considered. Crime and disorder can take the form of:
- Drunkenness/disorderly conduct on the premises or, in the case of outdoor events, in public places
 - Fights at appropriately licensed late-night refreshment premises
 - Use of drugs
 - Spiking
 - Anti-social or violent behaviour
 - Underage drinking
 - Lewd behaviour.

Licensees should recognise that visitors to licensed premises may be the perpetrators or the victims of crime. Therefore, any risk assessment provided with an operating schedule should aim to protect visitors from criminal acts.

- 11.3 Where the licensable activity includes the sale of alcohol the licensed premises must have a 'designated premises supervisor' who holds a Personal Licence.
- 11.4 The following are examples of control measures that Applicants may need to take account of in their operating schedule, having regard to the location of the premises and the particular type of premises and/or activities:

- The installation of evidential quality CCTV both inside and outside the premises to deter disorder, underage drinking and drug use.
- The provision of an appropriate number of Security Industry Authority licensed door supervisors
- The provision of search facilities/measures and metal detection to exclude items that could be used as weapons and the use and supply of illegal drugs.
- Participation in local pub watch schemes.
- Requirement for proof of age cards
- Avoidance of irresponsible alcohol promotions
- Design and layout of premises
- Admissions policies
- Use of plastic or toughened glass
- Offering anti-spiking products to customers
- Reporting any suspected or actual spiking to the police and Licensing Authority
- Responsible server training
- Prevention of glass leaving the premises
- Requirement for photographic identification if a customer appears to be under 21 or 25 years consisting of passport, photographic driving licence or identification card carrying a 'Pass' logo and hologram.

This list is not exhaustive. It gives some examples and there may be other measures that a licensee can take to prevent crime and disorder, which will be appropriate as a condition for a particular licence. Applicants are referred to the Model Pool of Conditions at Appendix 4 for further examples.

11.5 In addition to the above, in discharging its responsibilities under the Licensing Act 2003, the Authority shall have regard to other relevant legislation and initiatives and including:

- Its powers under the Anti-Social Behaviour Act 2003 to control disorderly conduct and anti-social behaviour.
- Planning controls
- Its powers to make a Public Spaces Protection Order restricting the public consumption of alcohol.

- The use of environmental protection legislation to take enforcement action on noise nuisance such as the Environmental Protection Act 1990 and Noise Act 1996
- The use of town centre CCTV to prevent crime and disorder.
- Review of licences/certificate conditions on application by the Police, responsible authorities, interested parties.
- Prosecution of licence holders and others in connection with any relevant licensing offence
- Police powers under the Licensing Act 2003, including the power to confiscate alcohol and to close premises on the grounds of disorder or excessive noise.
- Police and Weights and Measure Authority powers under the Violent Crime Reduction Act 2006 to close premises or bring a prosecution against those who persistently sell alcohol to children.
- Health Act 2006 in relation to smoking in public places.
- Policing and Crime Act 2009
- Criminal Justice and Police Act 2001
- Violent Crime Reduction Act 2006
- The Police Reform and Social Responsibility Act 2011
- Ant-Social Behaviour, Crime and Policing Act 2014.

Other government and local strategies

- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- North Tyneside Council's Enforcement Policy
- Compliance Code
- Safer North Tyneside Strategy
- Crime & Disorder Reduction Strategy
- Cultural and Tourism Strategies including promotion of live music and community events.
- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Transport Plan
- National and local Pubwatch schemes
- National Drug Strategy – From harm to hope: A 10-year drugs plan to cut crime and save lives (2022)

- Northeast Local Government Declaration on Alcohol
- North Tyneside Alcohol Strategy
- North Tyneside Drug Strategy
- Purple Flag (ATCM)
- Safer Socialising
- The Government's Alcohol Strategy 2012.

Public Safety

- 11.6 Public safety relates to the physical safety of individuals rather than public health. The Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with regard to public safety. Licensees, as providers of premises for the sale of alcohol, regulated entertainment, or late-night refreshment, must be able to demonstrate that they have considered and put into effect measures to protect members of the public and staff.
- 11.7 Where an Applicant identifies a public safety issue which is not covered by existing legislation, the Applicant should identify in their operating schedule the steps that will be taken to ensure public safety. Depending on the individual style and characteristics of the premises and/or events the following may be of relevance:
- The occupancy capacity of the premises
 - The condition, design, and layout of the premises, including means of escape in the event of fire.
 - The nature of the licensable activities to be provided.
 - Customer profile
 - The use of special effects such as lasers, smoke machines, pyrotechnics etc
 - The number of people that can safely be accommodated at the premises having regard, in particular, to floor area, means of escape and crowd management.
 - The means by which public and staff are to be protected from excessive noise in accordance with the Act.

- The number of people employed or engaged to secure the safety of everyone attending the premises or event.
- Arrangements to ensure that litter or refuse generated by the activity does not create a fire hazard.

The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events, and activities.

11.8 The Authority expects full compliance with Health and Safety and Fire Safety legislation. A commitment to higher standards than that provided for in such legislation would be welcomed.

11.9 The Authority will take advice from its own technical officers, Tyne and Wear Fire and Rescue Service and the Police to determine if the proposals are sufficient to ensure the safety of the public. It will not normally grant an application for a licence or variation of a licence where representations are made by one of the above-mentioned bodies expressing serious concern regarding public safety unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

11.10 Prior to the determination of a licensing application, it is recommended that the Authority has sight of such certificates as is appropriate to ensure the safety of the premises. These include:

- Electrical inspection report certificate
- Fire alarm test inspection report
- Emergency lighting inspection and test report
- Fire-fighting equipment.

Where such certificates are not provided, this may cause representations to be made by the health and safety authority or fire and rescue service, leading to unnecessary hearings and delay. The Authority recognises that it should not seek to impose fire safety conditions where the Regulatory Reform (Fire Safety) Order 2005 would apply. Under this Order premises must carry out a Fire Risk Assessment. The assessment must include a record of the

significant findings and be reviewed on a regular basis. The assessment must be available for inspection by Enforcement Officers on request.

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

- Suitable and sufficient risk assessments. If a risk assessment has been carried out applicants are encouraged to provide copies to the licensing authority prior to the determination of the application.
- Effective and responsible management of premises
- Appropriate instruction, training, and supervision of those employed or engaged to secure the safety of the premises and patrons.
- Implementation of appropriate crowd management measures.

This list is not exhaustive and other measures may be available to address compliance with this objective.

Working to prevent the threat of terrorism.

11.12 Terror attacks have previously been targeted at bars, pubs, and nightclubs in the UK. All licensed premises are expected to have regard to the National Counter Terrorism Security Office (NaCTSO) publication 'Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs' and to comply with any legislation aimed at the protection of such premises.

11.13 The Authority expects that steps are taken to ensure that all people employed at licensed premises are aware of the obligations on the premises management. It is recommended that applicants consider the guidance and training found at [ProtectUK | Home](#)

11.14 Actions expected include:

- Risk assessments are undertaken and include consideration of the risk of a terrorist attack.
- The venue has procedures and relevant training in place, and staff are clear about what to do if the public report suspicious activity or unusual behaviour to them, staff understand how to identify suspicious behaviour and know the response procedure to a terrorism event.

Prevention of Public Nuisance

- 11.15 The Authority recognises that licensed premises have a significant potential to adversely impact on communities through public nuisance that may arise from their operation. The Authority wishes to maintain residential amenity whilst recognising the valuable cultural, social, and business role that such premises can provide.
- 11.16 When addressing public nuisance, the Applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Any steps required to deal with these identified issues should be included in the applicant's operating schedule.
- 11.17 It is suggested that the measures described in the operating schedule could relate to one or more of the following:
- Noise transmission and escape
 - Noise associated with patrons awaiting entry to or leaving the premises.
 - Noise from car parking and taxi facilities
 - Light pollution
 - Use of outside areas for the consumption of alcohol
 - The promotion of responsible behaviour
 - Litter
 - Notices being displayed at exits and other circulatory areas requesting patrons to behave in a certain manner.
 - Doors and Windows kept closed except for access/egress or in emergency during the performance of musical entertainment.

11.18 The following are examples of control measures that applicants may need to take account of to prevent nuisance:

- Ensuring that live and recorded music is not played after a certain time.
- Soundproofing or other control measures to prevent noise escaping from premises.
- Signs asking people to queue, leave premises quietly, and not slam car doors, as appropriate.
- Supervision of queues, in particular directing them to form away from residential premises and discouraging rowdy behaviour.

This list is not exhaustive and there may be other measures that a licensee can take to prevent nuisance arising.

11.19 The Authority would encourage licensees to consider winding down periods, during which alcohol service ceases (to be replaced with, for example, food and soft drinks or coffee), music and lighting are changed, and announcements are made encouraging customers to leave quietly.

11.20 The Authority may deal with public nuisance and similar issues as follows:

- It may serve an abatement notice in respect of any statutory nuisance (including noise, the emission of smells etc). Failure to comply with such a notice is a criminal offence.
- It may prosecute where queues cause obstruction of the footpath.
- It may seek to control the deposit of litter through litter abatement notices, street litter control notices or fixed penalty notices.

This list is not exhaustive and other measures may be available to address compliance with this objective.

11.21 Public Nuisance is not defined in the Licensing Act 2003. What amounts to 'public nuisance' will be considered on a case-by-case basis. Generally speaking, however, the nuisance in question would

need to be sufficiently widespread and sufficiently indiscriminate for it to amount to public nuisance and will usually affect more than one person.

Protection of Children from Harm

- 11.22 The protection of children from harm is a paramount consideration when determining licensing applications. The Act provides specific protection for children from the sale or provision of alcohol and regulated entertainment.
- 11.23 There is clear advice from the Chief Medical Officer that for children and young people, an alcohol-free childhood until the age of 18 is the healthiest and best option. The Licensing Authority supports the promotion of an 'Alcohol Free Childhood', including within licensed premises.
- 11.24 The Licensing Act forbids the sale of alcohol to persons under 18 years. Compliance of this will help to reduce alcohol-related health problems in young people.
- 11.25 The Licensing Act makes it an offence to permit children under the age of 16 years who are not accompanied by an adult into licensed premises which are used exclusively or primarily for the supply of alcohol for consumption on the premises.
- 11.26 It is an offence under the Act to permit children under 16 years who are not accompanied by an adult in any premises supplying alcohol for consumption between the hours of midnight and 5am. (Outside of these hours children under 16 may be admitted to licensed premises where alcohol consumption is not the exclusive or primary activity, for example hotels, cinemas).
- 11.27 The Licensing Act allows for accompanied children to have greater access to licensed premises, subject to the licensee's discretion and any conditions attached to the licence.

- 11.28 The Authority will consider the relevant issues in each application to ensure children **and other vulnerable persons** are protected from being harmed or exploited by licensing activities, this includes the need to protect children from sexual exploitation.
- 11.29 Protecting children from harm is one of the most important things Local Authorities do. However Local Authorities cannot stamp out child sexual exploitation without the help of the wider community. Raising awareness of this type of abuse is essential to preventing it and stopping it as early as possible when it does happen.
- 11.30 If someone suspects a child or young person is in immediate danger then they should contact the police and tell them of their concerns by telephoning 999. If a child or young person is not in immediate danger call 101.

Signs to look out for include:

- Adults who appear secretive or are trying to hide the fact that they are with a young person.
 - Adults befriending young people, including buying them food and drinks.
 - Young people being picked up and taken to hotels, particularly at odd times of the day and night.
 - Adults who frequently come into premises with different young people
 - Young people who, although with peers, look uncomfortable or under duress.
- 11.31 When addressing the protection of children objective, the Applicant should initially identify any particular issues (having regard to the particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included in the applicant's operating schedule. Operating schedules may also include details of when it is proposed children will have access to the premises.

11.32 In the case of particular premises, factors which may give rise to particular concern in respect of the promotion of this objective include the following circumstances:

- Where there have been convictions for serving alcohol to children or where the premises has a reputation for underage drinking
- Where there is a known association with drug use or drug 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
- Unsuitable premises including consideration of premises frequented mainly by children.

11.33 The Authority believes that a complete prohibition on children in licensed premises will be rare. However, if, after receiving relevant representations, it is considered appropriate in order to protect children from moral, psychological or physical harm, the following restrictions may be considered:

- Limitations on the hours when children may be present.
- Age limitations (under 18 years)
- Limitations or exclusions of children when certain activities are taking place, for example drinks promotions and happy hours.
- A requirement for an accompanying adult/parental supervision
- Measures to ensure children do not purchase, acquire, or consume alcohol.
- Measures to ensure children are not exposed to incidences of violence or disorder.
- Proof of age schemes including 'Challenge 25'.
- Displaying point of sale information highlighting that underage drinking constitutes an offence in law and that customers may be required to provide proof of their age to a member of staff.
- Responsible product placement
- Stipulation of the number of adult staff required to control children and assure their safety while in a licensed premises.

This list is not exhaustive and other measures may be available to address compliance with this objective.

- 11.34 In the case of cinemas or other premises where films are exhibited, the Authority will expect licensees to impose conditions so that children who have not reached the prescribed age will be prevented from viewing age restricted films, classified by the British Board of Film Classification or the Authority itself.
- 11.35 The name and address of the body competent to advise the Authority on the child protection objective is North Tyneside Safeguarding Children Partnership.

12. Early Morning Alcohol Restriction Orders (EMRO)

- 12.1 The power conferred on licensing authorities to make, vary, or revoke an EMRO is set out in section 172A to 172E of the Licensing Act 2003.
- 12.2 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 12.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 12.4 An EMRO:
- Applies to the supply of alcohol authorised by Premises Licences, Club Premises Certificate and Temporary Event Notices.
 - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week.
 - Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event).
 - Applies to the whole or any part of the licensing authority's area.
 - Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year).
 - Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
 - Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

EMRO Request

- 12.5 It is expected that the need for an EMRO may be identified by a number of different organisations. For example, the request for an

EMRO may originate at a resident's association. It may come via the Responsible Authorities Group. It is likely that more than one organisation may be involved in the process.

12.6 It is anticipated that the request would be referred to the Licensing Committee where an initial decision will be taken if it is appropriate to consult on the introduction of an EMRO. Members would be supplied with evidence of the issues being experienced in the area in support of the request for consideration of the introduction of an EMRO. The Licensing Committee will decide if, on the strength of the evidence provided at that time, that it is appropriate to consult on the introduction of an EMRO. It may however decide that further work needs to be undertaken before the consultation process commences or decide that other measures would be more effective in dealing with the problems identified or that licence holders should engage with the authorities in an attempt to rectify matters before the request is considered further.

12.7 Once the Licensing Committee is satisfied that an EMRO may be appropriate to address the issues in an area, and all other measures have been tried and failed to address these issues, the formal process of considering an EMRO will begin. The design of the EMRO will include:

- The days (and periods on those days) on which the EMRO would apply.
- The area to which the EMRO would apply.
- The period for which the EMRO would apply.
- The date from which the proposed EMRO would apply.

Consultation

12.8 The proposed EMRO will be advertised for at least 42 days. The proposal will be published on the Authority's website and in a local newspaper. A notice will be sent to all affected people in the area who hold a Premises Licence or Club Premises Certificate, or people who use TENs or who hold a provisional statement. A notice will be

displayed in the area and sent to responsible authorities and adjacent licensing authorities.

- 12.9 Anyone affected by the EMRO has 42 days in which to make a representation on any aspect of the EMRO design. If relevant representations are received then a hearing will be held to consider them. If there are a number of representations, the licensing authority may consider whether to hold the hearing over several days. The hearing will be commenced within 30 working days of the end of the notice period.
- 12.10 As a result of the hearing the licensing authority has three options:
- To decide that the proposed EMRO is appropriate for promotion of the licensing objectives.
 - To decide that the proposed EMRO is not appropriate and therefore the process should be ended.
 - To decide that the proposed EMRO should be modified. In this case it may be necessary to advertise again.
- 12.11 A decision to make, vary or revoke an EMRO is a decision for full Council. The Licensing Committee/Sub-Committee or officer may undertake the preliminary steps and the Licensing Committee may make a recommendation to full Council to make, vary or revoke an EMRO.

Evidence

- 12.12 The level of evidence the licensing committee will consider supporting an EMRO could include:
- Police evidence of reported alcohol related crime
 - Local crime and disorder statistics, crime hotspots and statistics on anti-social behaviour offences
 - Nuisance statistics compiled from complaints made to Environmental Health, particularly in relation to noise, odour and litter.
 - Residents' questionnaires

- Data gathered from complaints made to the Licensing Authority on matters which affect the licensing objectives.
- Evidence from residents' organisations, ward members and other representatives of people living in a specific area.
- Evidence obtained during the public consultation and associated public meetings.

12.13 In addition, the Section 182 guidance suggests other sources of evidence such as health related statistics, for example alcohol-related emergency attendances and hospital admissions can also be considered.

12.14 This evidence should, in part be provided by the organisation or groups who are proposing an EMRO should be made.

Formal Decision

12.15 Once the Licensing Committee is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination will be put to full Council for its final decision. Once the EMRO is made, the Authority will send a notice to all affected persons and make it available for 28 days on the website.

12.16 A variation or a revocation of an order will follow the same process. However, an order could be applied for a specified time and in this case the order ceases to apply on the final day.

12.17 Once an EMRO is in place, the licensing authority will update this policy as soon as possible to include reference to the EMRO in this section.

12.18 There are currently no EMROs in place in the Borough.

13. Late Night Levy

- 13.1 The Authority can introduce a Late-Night Levy across the Borough by virtue of section 125 of the Police and Social Responsibility Act 2011. The levy will empower the Authority to charge licence/certificate holders that supply alcohol late into the night for the extra enforcement costs that can be created for the police and the Licensing Authority by late night trading. Any such levy would apply to all licensed premises supplying alcohol between midnight and 6.00am except for any category of premises exempted by the Licensing Authority.
- 13.2 The police will receive at least 70% of the revenue generated by a Late-Night Levy with the Licensing Authority receiving the remaining 30%.
- 13.3 Before a Late-Night Levy can be introduced, the Licensing Authority will need to have consulted with the police and licence/certificate holders in the Borough supplying alcohol after midnight in accordance with the appropriate Regulations.
- 13.4 There is currently no Late-Night Levy in this Borough.

14. Cumulative Impact Assessment and Policy

- 14.1 On 11 October 2021 the Authority published a Cumulative Impact Assessment. This Policy should be read in conjunction with the Cumulative Impact Assessment.
- 14.2 When revising this Policy, the Authority, as it must do, has had regard to the Cumulative Impact Assessment.
- 14.3 In summary, the Cumulative Impact Assessment has demonstrated that there is an evidential basis to justify creating a rebuttable presumption against granting Premises Licence applications, or variations of existing licences, in relation to alcohol led licensed premises (where alcohol is consumed on the premises) within areas of Whitley Bay and Tynemouth referred to in the Assessment and shown on the maps forming part of the Assessment.
- 14.4 The Cumulative Impact Assessment concluded that the cumulative impact areas in Whitley Bay and Tynemouth account for a disproportionate amount of crime and anti-social behaviour, including violent crime and alcohol-related anti-social behaviour which impacts on the resources needed to police the areas due to the Night-time Economy.
- 14.5 The Cumulative Impact Assessment can be found here - <https://my.northtyneside.gov.uk/category/1119/statement-licensing-policy-and-cumulative-impact-assessment>

Cumulative Impact Policy

- 14.6 Having had regard to the Cumulative Impact Assessment and the evidence produced therein, this Policy creates a rebuttable presumption that an application for a Premises Licence, or the variation of existing licences, in the areas referred to in the Cumulative Impact Assessment that relate to alcohol led licensed premises will be refused. This means that:

- An applicant wishing to obtain a new Premises Licence, or seeking to vary an existing licence, must demonstrate within their application that there is likely to be no negative cumulative impact on one or more of the licensing objectives should their application for a licence, or variation of an existing licence, be granted.
- On receipt of an application for a Premises Licence or the or the variation of an existing licence in the areas referred to in the Cumulative Impact Assessment, the Authority will properly consider the application and the relevant representations received. Those applications that are considered to be unlikely to add to the cumulative impact on the licensing objectives may be granted.
- The Cumulative Impact Policy does not relieve the responsible authorities and other persons (such as local residents) from the need to make relevant representations before the Authority can lawfully refuse an application for a Premises Licence or variation of an existing licence in the areas referred to in the Cumulative Impact Assessment. If no representations are received by the Authority, it will be legal obliged to grant the licence or variation of the licence.

14.7 The Cumulative Impact Policy is not absolute, and any application received for a Premises Licence, or the variation of an existing licence, within the areas referred to in the Cumulative Impact Assessment will be properly considered. If it is believed that the premises are unlikely to add to the cumulative impact an application may be granted and the presumption against granting a Licence, or a variation thereof duly rebutted.

14.8 The Authority welcomes the introduction of well operated, high quality licensed premises in the Borough, including the areas referred to in the Cumulative Impact Assessment that will enhance diversity in terms of licensed premises and will add to the economic vitality of the Borough. The Authority on the other hand is aware that large capacity “vertical drinking” premises that are used primarily or

exclusively for the sale and consumption of alcohol and have little or no seating for patrons can have a significant impact on the likelihood of crime and disorder. Such establishments are not therefore likely to be granted a licence in the areas referred to in the Cumulative Impact Assessment.

- 14.9 The fact that the Cumulative Impact Assessment is referred to in this Policy and that all persons are advised to read both the Policy and the Cumulative Impact Assessment demonstrates that the Authority has had regard to the Assessment when revising this Policy.
- 14.10 The Cumulative Impact Policy will not be used as a ground for revoking a Premises Licence.

15. Contact Information

Contact and Applications

For further information on this Statement of Licensing Policy as well as information about the application process please contact:

Licensing Team
Killingworth Site
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6QQ

The Licensing Section can be contacted via the details below:

Telephone: (0191) 643 2175

E-mail address: liquor.licensing@northtyneside.gov.uk

Web: <http://www.northtyneside.gov.uk>

Appendix 1 - Glossary

This glossary explains the key terms used in the policy statement. The terms are all defined in the Licensing Act 2003 and guidance.

Term	Definition
Authorised Persons	Bodies empowered to carry out inspection and enforcement roles under the Licensing Act 2003.
British Board of Film Classification (BBFC)	The national body responsible for the classification of cinema films and videos
Club Premises Certificate	Authorising a qualifying club to carry out regulated activities under the Licensing Act 2003.
Councillor	An elected member of the Council
Cumulative Impact Assessment	Area that the Licensing Authority has defined in its policy statement as having a saturation of licensed premises and that the cumulative impact of any additional licensed premises could adversely on the statutory licensing objectives.
Designated Premises Supervisor (DPS)	This will normally be the person who has day to day responsibility for the running of the premises. Every Premises Licence that authorises the sale of alcohol is required under the Licensing Act 2003 to specify a DPS who must hold a Personal Licence. The only exception is for community premises which have made a successful application to the licensing authority to be exempt from that requirement.
Expediated/summary review	A chief officer of police can apply for an expediated/summary review of a premise licence because of serious crime and/or serious disorder under S.53A of the Licensing Act 2003.
Irresponsible Promotions	Promotions that encourage the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading/contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.

Late-night Refreshment	The provision of hot food or hot drink to the public for consumption on or off the premises between 11 pm and 5 am or the supply of hot food or hot drink to any persons between those hours to which the public has access.
Licensing Authority	The body responsible for licensing under the Licensing Act 2003, in this case, North Tyneside Council.
Minor Variation	Applications made under S.41A or S.86A of the Licensing Act 2003 to make low risk changes to the terms of a Premises Licence or Club Premises Certificate.
Off-sales	The sale by retail of alcohol for consumption off the premises.
On-sales	The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.
Operating Schedule	The part of the application form for a Premises Licence or Club Premises Certificate where the applicant describes in detail about how they propose to operate the premises when carrying on licensable activities. The operating schedule will also be incorporated into the licence or certificate itself.
Other Persons	Any individual, body, or business likely to be affected by the granting of Premises Licence or Club Premises Certificate applications. Other persons may submit relevant representations to the relevant licensing authority and may seek a review of the Premises Licence or Club Premises Certificate.
Personal Licence	Authorises an individual to sell or supply alcohol or authorise the sale or supply of alcohol in accordance with a Premises License under the Licensing Act 2003.
Premises Licence	Authorises the use of premises for 'licensable activities'

Relevant Representations	Representations which are about the likely effect of the grant of the Premises Licence or Club Premises Certificate applications on the promotion of the licensing objectives, that are made by a responsible authority or other person within the period prescribed under the Licensing Act 2003.
Responsible Authority	Public bodies that must be notified of certain Premises Licence or Club Premises Certificate applications and are entitled to make representations to the licensing authority.
Review	Following the grant of a Premises Licence or Club Premises Certificate a responsible authority or other person may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
Temporary Event Notice (TEN)	A notice under S.100 of the Licensing Act 2003 used to authorise relatively small-scale licensable activities, subject to certain criteria and limits.

Appendix 2 – Scheme of Delegation of decision-making and functions

The Licensing Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how it is proposed licensing decisions will be made.

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub Committee	Officers
Application for/renewal of Personal Licence		If a police objection	If no objection made
Application for Premises Licence/ Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application to vary Designated Personal Licence holder		If a police objection	All other cases
Request to be removed as Designated Personal Licence holder			All cases
Application for transfer of Premises Licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate (including summary review brought by the police)		All cases	
Consideration as to whether to take interim steps following a summary review by police		All cases	

Decision on whether a representation is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a Temporary Event Notice		All cases	
Acknowledgement of a Temporary Event Notice			All cases
Issue of Counter Notice in relation to a Temporary Event Notice where permitted limits are exceeded			All cases
Issue of Counter Notice in relation to a Temporary Event Notice following a police objection		All cases	
Determine application for a Minor Variation			All cases
Determination of whether to revoke or suspend a Personal Licence		All cases	
All licensing functions under the Licensing Act 2003 except those not capable of such delegation			All cases
Determining if it is appropriate for a proposed EMRO to be consulted on and considering any relevant representations received during the consultation period and thereafter making a recommendation to Council to make an EMRO	All cases		

Appendix 3 - Consultations

Those parties consulted during the formulation of this Policy included:

Northumbria Police

Tyne and Wear Fire Service

Members

MP's

Local residents and businesses

Licence and Certificate holders

Director of Public Health

Children's Services

Responsible Authorities

Tourism organisations

Planning Authority

Tyne and Wear Passenger Transport Executive.

Appendix 4 – Licensing Act 2003

LICENSING ACT 2003

POOL OF MODEL CONDITIONS

Notes: –

- (i) These conditions shall be read in conjunction with the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003.”
 - (ii) The conditions shall not be regarded as “standard conditions” which are to be automatically imposed in all cases. They are designed to provide a range of possible conditions which may need to be attached to Premises Licences and Club Premises Certificates following a relevant representation depending upon differing situations. The wording of the conditions may need to be modified to suit a particular premises and situations.
 - (iii) This is not an exhaustive or exclusive list of conditions. Additional conditions may be drafted and attached to Premises Licences/Club Premises Certificates to meet individual circumstances.
 - (iv) Individuals preparing operating schedules are at liberty to use these conditions or volunteer any other measures(s) to promote the licensing objectives.
 - (v) When incorporated into a Premises Licence or Club Premises Certificate, any condition becomes enforceable under the law and a breach of such a condition could give rise to prosecution and/or a review of the licence or certificate.
-

CONDITIONS
RELATING TO THE PREVENTION OF CRIME AND DISORDER

1. The licensee, that is the person in whose name the Premises Licence is issued, shall ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the Licence and for preventing crime and disorder.

(Note. Staffing requirements may vary dependent upon the size and nature of the premises and the licensable activities taking place, and as specified in the "operating schedule".)

2. There shall be provided at the premises text and/or radio pager equipment to be operated in conjunction and in liaison with the Police.
3. The text and/or pager system shall be capable of sending and receiving messages to and from the local Police, and other Licensees, designated premises supervisors, door supervisors, managers, and club operators, incorporated into any joint and mutually beneficial scheme operating in the area.
4. The text and/or pager system shall be maintained in good working order at all times when the premises are being used for a licensable activity.
5. The text and/or pager system shall be activated, made available to, and monitored by the designated premises supervisor or a responsible member of staff at all times when the premises are being used for a licensable activity.
6. The Licensee, designated premises supervisor or other person having responsibility for monitoring the text and/or pager system provided under the provisions of condition 3 shall comply with any instructions or directions received through the system from the Police.

7. The Licensee, designated premises supervisor or other responsible person shall use the text and/or pager system provided under the provisions of condition 3 to notify and report any incident of crime and disorder to the Police as soon as practically possible, in accordance with agreed protocols.
8. The Licensee and designated premises supervisor shall ensure that:

(either)

- At all times the premises are open for any licensable activity

(or)

- Between and on (days) when the premises are open for a licensable activity

There are employed at the premises: -

(either) An appropriate number

(or)

- 'X' number

of door supervisors (as defined in the Private Security Industry Act 2001).

9. Door supervisors should be stationed in such numbers and in such positions as detailed on the attached schedule and approved plan of the premises.
10. Door supervisors may be male or female, but where physical searching of a patron is to be undertaken, such searching must be undertaken by staff of the same sex as the patron.
11. Door supervisors shall be provided with 'two-way' radios or similar systems capable of ensuring continuous communication between each other at all times that the premises is open for a licensable activity.

12. Door supervisors shall wear clothing of the same style, type, and colour, which may be appropriate to the nature of the venue, but which will ensure they are clearly distinguishable and identifiable as door supervisors having regard to the events and activities taking place at the licensed premises.
13. The Licensee shall ensure that on each day that door supervisors are engaged for duty at the premises, their details (names and licence numbers) are recorded in an appropriate book kept at the premises. In conjunction with this record book, the licensee shall also keep an incident book. This record book and incident book must be available for inspection by the Police or an Authorised Officer at all times when the premises are open.
14. Glass bottles containing beverages of any kind shall not be left in the possession of any patrons after service and following the discharge of the contents into an appropriate glass or drinking vessel.
15. Glass bottles containing wine may be sold for consumption with a meal taken at a table, by customers who are seated in an area set aside exclusively for patrons taking table meals.
16. No persons carrying open or sealed glass bottles shall be admitted to the premises at any time that the premises are open for any licensable activity.
17. One pint and half pint capacity drinking glasses and highball (tumbler) drinking glasses in which drinks are served shall be of strengthened glass (tempered glassware) or of a material whereby, in the event of breakage, the glass will fragment with no sharp edges being left. Alternatively, drinks may be served in non-glassware drinking vessels (e.g., plastic, polystyrene, waxed paper).

(Note. Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use.)

18. No glass drinking vessels or glass bottles shall be permitted (*in the areas described in the attached schedule and delineated on the approved plan*).
19. No alcoholic drinks may be consumed in the (areas described in the attached schedule) (following areas) and delineated on the approved plan.
20. No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

(Note. This condition shall not apply to patrons who have purchased beverages for consumption off the premises (within the curtilage of the premises' licensed area or in the area covered by a Pavement Café Licence) with the express consent of the Licensee, designated premises supervisor or responsible person.)

21. There shall be no off sales of alcoholic drinks except for consumption in an area which is covered by a "Pavement Café Licence".
22. No alcoholic drinks shall be sold or supplied for consumption off the premises.
23. Alcoholic drinks will only be sold or supplied for consumption on the premises (and there shall be no off sales).
24. There shall be no sales of alcoholic drinks for consumption off the premises on any day when a "first class" football match is being played at St. James Park/Stadium of Light.
25. There shall be no sales of alcoholic drinks for consumption off the premises on any day when an event is taking place, subject to notification in writing from the Licensing Authority (in conjunction with Northumbria Police) at least seven days prior to the event.

(Note. Examples of when such a notice may be given might be if a major outdoor event (sporting or otherwise) or a parade is

scheduled to take place in an area of the local authority, and where it is considered that alcohol off-sales in that area might give rise to or add to potential crime and disorder problems).

26. The maximum number of persons permitted on the premises at any one time shall not exceed persons.
27. The number of persons permitted to assemble on the premises on the same occasion shall at no time exceed the permitted number(s) specified on the Premises Licence.
28. The maximum number of persons permitted in each of the following areas at any one time shall not exceed: -
 - (a)
 - (b)
 - (c)
 - etc.,but at no time shall the total number of persons on the premises as a whole exceed persons.
29. The Licensee and designated premises supervisor shall ensure that there are effective management arrangements in place to enable them to know how many persons there are in the premises at all times when the premises are open for a licensable activity.
30. The maximum number of persons permitted to assemble on the licensed premises, or relevant part of the licensed premises, shall be indicated by a fixed notice bearing the words "Maximum Occupancy" with letters and numbers not less than 20 mm high, conspicuously sited at each relevant part of the premises and at the reception point.
31. Seating for no less than persons shall be provided in the premises at all times the premises are in operation.

32. Seating shall be provided for all customers and alcohol shall only be served to those customers who are seated at tables by way of waiter or waitress service only.
33. Except in the area identified and delineated (e.g., hatched, coloured green) on the deposited plan, alcoholic drinks shall only be sold or supplied to, and consumed by, persons seated at a table, by way of waiter or waitress service, save that: -
 - (a) No more than (number) persons may stand in the area identified and delineated (e.g., coloured blue) at any one time, and
 - (b) A person may take a drink from the area marked (e.g., coloured green) and sit in the area marked (e.g., coloured blue).
34. All members of staff at the premises including Door Supervisors shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo or Her Majesties Forces Identity Card.
35. A suitably worded sign of sufficient size and clarity shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.
36. The Licensee shall not advertise, promote or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.
37. A conspicuous notice shall be displayed on or immediately outside the premises adjacent to the entrance to the premises which gives details of times when the premises are permitted to be open for any licensable activity.

38. A conspicuous notice shall be displayed on or immediately outside the premises, adjacent to the entrance to the premises which gives details of any restrictions relating to the admission of children to the premises.
39. Suitably phrased, clear and conspicuous notices, shall be displayed near the entrance to the premises and in other appropriate locations such as sanitary conveniences advising patrons:
- i) of any risk of theft or possibility of other criminal activity.
and/or
 - ii) to exercise care with their personal possessions to prevent theft.
and/or
 - iii) how to report any incidents of theft or other criminal activity.
40. All signs required under these conditions shall comply with those conditions, shall be placed in accordance with those conditions and be illuminated or positioned in well-lighted locations.
41. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that:
- The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally, and points of sale.
 - The CCTV system is able to capture clear images permitting identification of individuals.
 - The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
 - The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 30 days.
 - The CCTV system is capable of constantly generating an accurate date and time.
 - The CCTV system is fitted with security functions to prevent recordings being tampered with e.g., password protection.

42. There will be members of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority made in accordance with the General Data Protection Act 2018 (or any replacement legislation).
43. All members of staff responsible for the sale of alcohol will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor.
44. All members of staff responsible for the sale of alcohol will receive refresher training at least [every 6 months/ 1 year] as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation). Such training will be provided by the Designated Premises Supervisor.

CONDITIONS
RELATING TO PUBLIC SAFETY

45. When disabled people are present, adequate arrangements shall exist to enable their safe evacuation in the event of an emergency. Staff shall be aware of disabilities and react according to a pre-determined plan. Guidance has been published by the Government which will assist the responsible person with planning and implementing their evacuation plan.
46. All escape routes and exits shall be kept unobstructed and in good order, with non-slippery and even surfaces, free of trip hazards and clearly identified.
47. All exit doors whenever the premises are occupied shall be easily openable in the case of an emergency, without the use of a key, card, code, or similar means. Panic bolts shall not be secured with chains, padlocks, or other locking devices when the Licensed Premises are being used for the purposes of the licence. Arrangements must be

made to ensure that security-fastening devices are displayed in a prominent position under management control when the premises are open to the public.

48. All exit doors shall be regularly checked to ensure that they function satisfactorily, and a record of the check kept on the premises.
49. All fire doors shall be maintained effectively, self-closing and shall not be held open other than by approved devices. Rising butt hinges do not constitute a self-closing device for the purposes of this condition.
50. Fire resistant doors to ducts, service shafts, and cupboards shall be kept locked shut to prevent unauthorised access.
51. The edges of steps and stairs shall be conspicuous. Mats, matting, carpets, and other floor coverings shall be secured to the surface they cover and shall be so maintained.
52. Safety checks shall be carried out daily before the admission of the public. These shall correspond with the risk assessment and the conditions of the licence.
53. A written record of all periodic tests, examinations, inspections, staff training and results referred to herein shall be made in a logbook. The logbook shall be kept on the premises at all times and shall be available for examination by authorised officers of the Council, Northumbria Police and by officers of Tyne and Wear Fire and Rescue Service.
54. All licensed premises shall have a means of giving warning to persons in the event of an outbreak of fire or other emergency. Where determined by the risk assessment that a mains electrical fire alarm is required, this shall be designed to and installed in accordance with British Standard 5839-Part 1 Current Standard. Activation of the fire alarm shall operate an electronically linked automatic cut off switch to silence any amplified music. This device

shall not infringe compliance of the system with the appropriate British Standard.

55. Firefighting equipment shall be provided in the licensed premises in accordance with the risk assessment with staff suitably trained as necessary.
56. Curtains and drapes shall be adequately supported and shall not be hung across stairs, stairways, or gangways. Curtains and drapes may be hung over doors but shall be so hung as to draw easily and slide freely. All curtains and drapes shall be hung so that they do not come into contact with the floor, and do not conceal notices. All curtains and drapes shall either be inherently flameproof or shall be treated to be flameproof.
57. Upholstered seating shall meet on a continual basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and ignition source 5 when tested in accordance with BS 5852:2006 or equivalent standard.
58. Prior advice shall be sought from the Licensing Authority before temporary decorations are used, and the risk assessment amended accordingly.
59. Notices detailing the actions to be taken in the event of fire or other emergency, including how to summon the fire brigade, shall be prominently displayed, and protected from damage and deterioration.
60. The Licensee must instruct all members of staff and competent attendants in the protection of the premises from fire, the use of firefighting equipment, the action to be taken in the event of a fire and the method of summoning the fire brigade.
61. Where there is an outbreak of fire, however slight, the responsible person shall raise the alarm, evacuate the building, and call the fire brigade. Following the incident, the responsible person shall ensure that the details are recorded in a Fire Logbook. Any remedial work

necessary to restore fire precautions to their original standard shall be completed with systems fully functional prior to re-admittance of the public.

62. The responsible person shall notify the Licensing Authority 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.
63. Access to the premises for emergency vehicles shall be kept clear and free from obstruction.
64. Adequate and appropriate equipment and materials shall be provided for enabling first aid to be rendered to members of the public if they are injured or become ill whilst at the licensed premises.
65. At least one suitably trained first aider per 500 people shall be on duty at all times when the public are present up to the first 3,000 persons, and then one per 1,000 for the remainder.
66. If, having regard to the nature of the premises, the number of persons visiting it and the location of the premises, it would be adequate and appropriate to do so, then instead of a person for rendering first aid there shall be a person appointed to take charge of the situation relating to an injured or ill member of the public and the first aid equipment and facilities.
67. All areas including circulation areas and exit routes shall be adequately illuminated whenever the premises are being used for the purpose of this licence. Such lighting shall be maintained in working order.
68. Fire safety signs must be illuminated in accordance with BS5266 Part 1 (Current Edition).
69. Emergency lighting shall be provided in accordance with BS5266 (Current Edition), or an equivalent standard approved by the Licensing Authority.

70. Emergency lighting shall not be altered without prior consent of the Licensing Authority.
71. The emergency lighting system shall be checked to ensure it is operating correctly before the admission of the public, members, or guests.
72. In the event of the failure of normal lighting arrangements shall be in place to ensure that the public, members, or guests leave the premises immediately.
73. An investigation into any failure of the system shall be carried out to ascertain whether it is safe for persons to remain in the premises when only the emergency lighting is operating.
74. Emergency lighting installations shall comply with BS 5266 or equivalent standard.
75. Temporary electrical wiring and distribution systems shall not be provided without notification to the licensing authority at least ten days before commencement of the work and prior inspection by a suitably qualified electrician. Premises shall not be opened to the public until the work is deemed satisfactory by the above parties.
76. Where it is not possible to give ten days' notification to the licensing authority of provision of temporary electrical wiring and distribution systems, the work shall be undertaken by competent, qualified persons.
77. Temporary electrical wiring and distribution systems shall comply with the recommendations of BS7671 or where applicable BS7909.
78. All temporary electrical wiring and distribution systems shall be inspected and certified by a competent person before they are put to use.

79. An appropriately qualified medical practitioner shall be present throughout any sports entertainment involving boxing, wrestling, judo, karate or similar.
80. Where a ring is constructed for the purposes of boxing, wrestling or similar sports, it must be constructed by a competent person, and inspected by a Building Control Officer of the Council (at the cost of the applicant). Any material used to form the skirt around the ring must be flame retardant.
81. At any wrestling or other entertainment of a similar nature, members of the public shall not occupy any seat within 2.5 metres of the ring.
82. Any Licensee wishing to hold a 'Total Fighting' event on the licensed premises shall first apply to the Council for a variation of this licence and in the event that such application is granted, shall comply with any additional conditions that may be imposed. The term 'Total Fighting' shall include any 'full contact' martial arts involving the combined codes of judo, karate and ju-jitsu, judo, sombo and Olympic wrestling or any other mixed martial arts.
83. At water sports entertainment, staff adequately trained in rescue and life safety procedures shall be stationed and remain within the vicinity of the water at all material times.
84. No alterations shall be made to the premises which make it impossible to comply with an existing licence condition without first seeking a variation of the Premises Licence proposing the deletion of the condition in question. The applicant will need to propose a new operating schedule reflecting the proposed alteration to the premises and how he or she intends to take alternative steps to promote the public safety objective and amend the risk assessment accordingly.

CONDITIONS
RELATING TO PUBLIC SAFETY IN THEATRES, CINEMAS,
CONCERT HALLS AND SIMILAR PLACES

85. The number of attendants on each floor in a closely seated auditorium shall 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)	

86. 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 the floor or auditorium where they are on duty.
87. All attendants shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
88. 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.
89. No article shall be attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.
90. 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.

91. Sitting on floors shall not be permitted except where authorised in the Premises Licence or Club Premises Certificate.
92. Waiting or standing shall not be permitted except in areas designated in the Premises Licence or Club Premises Certificate.
93. In no circumstances shall anyone be permitted to –
 - Sit in any gangway.
 - Stand or sit in front of any exit; or
 - Stand or sit on any staircase including any landings.
94. 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 containers.
95. Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.
96. Any special effects or mechanical installation shall be arranged and stored to minimise any risk to the safety of the audience, the performers, and staff.
97. Except with the prior written approval of the Council, and subject to any conditions which may be attached to such approval, no special effects shall be used on the premises.

Special 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 Display Laser Installations [HS(G)95]; Lasers, Festival and Entertainment

Lighting Code: The Institution of Lighting Engineers 1995 and BS EN 60825: Safety of Laser Products)

- Explosives and highly flammable substances.
98. In the case of any other special effects with safety implications prior notification shall be given in writing to the Licensing Authority at least 10 days before the event with details as to their use to enable the authority to consider if further inspection by the Fire Authority is necessary. It may be required that staff trained in fire prevention and extinction be present during any such performance.
99. Any scenery shall be maintained flame-retardant. Where a safety curtain is provided, it shall be arranged 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.
100. Where a risk assessment requires a sprinkler or drencher, all safety curtains incorporating a drencher and all smoke ventilators and sprinklers (where fitted) shall be maintained unobstructed and in good working order.
101. Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium shall be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.
102. All ceilings in those parts of the premises to which the audience are admitted shall be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings shall be forwarded by the licensee to the licensing authority.
103. Where the potential audience exceeds 250 all seats in the auditorium shall, 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.

104. Where premises used for film exhibitions are not equipped with a staff alerting system the number of attendants present shall 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	2
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

105. Where premises used for film exhibitions are equipped with a staff alerting system the number of attendants present shall 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 other 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

106. Staff shall not be considered as being available to assist in the event of an emergency if they are: -

- The holder of the Premises Licence or the manager on duty at the premises; or
- A member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- A member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

107. Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and shall keep under observation all parts of the premises to which the audience have access.
108. The staff alerting system shall be maintained in working order and be in operation at all times the premises are in use.
109. The level of lighting in the auditorium shall 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).
110. No flammable films shall be allowed on the premises without the prior notification to the licensing authority/fire authority.

CONDITIONS
RELATING TO PUBLIC NUISANCE

111. Noise and vibration shall not be audible outside the premises.
112. Windows, doors, and fire escapes shall remain closed during proposed entertainment events within the premises.
113. Noise generated by amplified music shall be controlled by a noise limiting device set at a level determined by the Local Authority Environmental Health Officer, such level being confirmed in writing to the Licensee.
114. Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Local Authority Environmental Health Officer.
115. The lobby doors at the premises shall be kept closed except for access and egress. Door staff shall supervise to ensure that the doors are maintained closed as far as possible when public entertainment is taking place.

116. The use of fireworks and pyrotechnics is restricted to the hours of to
117. Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
118. Lighting associated with activities of entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
119. Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity so as not to cause nuisance to neighbouring or adjoining properties.
120. Suitable ventilation and extraction systems shall be provided to eliminate noxious odours. Such systems shall be maintained on a regular basis.
121. Premises shall enter into a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of the agreement.
122. Empty bottles shall be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally bottles shall be removed from the public area on a frequent basis and transferred to the skip. It is recommended that transfer to an external skip shall not be undertaken after 11.00pm to minimise noise disturbance to adjoining properties.
123. Premises shall provide clear and legible notices displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, and discouraging the sounding of car horns.

124. The premises' Personal Licence holder, designated premises supervisor and door supervisor shall monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

Note: Any existing licence conditions attached to a licence/certificate before deregulatory changes were made to the Licensing Act 2003 relating to what was previously classed as "regulated entertainment" under the Act will cease to have affect. However, conditions that relate to non-licensable activities can be attached to a licence following a review of the licence/certificate.

CONDITIONS
RELATING TO THE PREVENTION OF HARM TO CHILDREN

125. Children under 18 years will not be allowed access to the premises.
126. Children under 12 unaccompanied by an adult over 18 shall not be admitted to the premises after 11 pm.
127. Where the Licensing Authority classifies films for the admission of children under 18 years:
- a) Any film must be submitted to the Licensing Authority for classification at least 28 days before it is to be shown.
 - b) The Premises Licence holder or Club Premises Certificate holder must adhere to the age restriction imposed.
128. Only films that have been classified by the British Board of Film Classification as U, PG, 12A, 15 or 18 or as classified by any other body designated under section 4 of the Video Recordings Act 1984, or as otherwise classified by the Licensing Authority, may be exhibited on the premises. The Premises Licence holder or Club Premises Certificate holder must adhere to the age restriction in accordance with the following classification:
- "U" Universal - means suitable for audiences aged 4 years and over.

- “PG” Parental Guidance - means films some scenes may be unsuitable for young children.
- “12A” - means only for viewing by persons aged 12 years or older or persons under 12 years when accompanied by an adult.
- “15” - means only for viewing by persons aged 15 years and over.
- “18” - means films passed only for viewing by persons aged 18 years and over.
- Immediately before the exhibition of a film there must be exhibited on screen for at least 5 seconds a representation or written statement of the film’s classification in such a manner as can be easily read by all persons attending the entertainment. This requirement also applies to a trailer advertising any film.

129. Where a film is to be shown that has been classified as 12A, 15 or 18 the licence holder must cause a notice to be displayed, in a conspicuous position, at the entrance to the premises or room in which the film is to be shown reading:

PERSONS UNDER THE AGE OF [insert as appropriate] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

This notice must refer to the oldest age restriction where films of different categories are included in one programme.

130. Children under the age of 18 years shall not have access to the premises (or specified part thereof) during any time when an activity, entertainment, or service of an adult and/or sexual nature is provided. For the purposes of this condition entertainment of an adult or sexual nature includes but is not limited to performances involving feigned violence or horrific incidents, entertainment involving strong, foul, offensive or abusive language, nudity, striptease (sometimes referred to as exotic dancing), lap dancing, table dancing, pole dancing, feigned or actual sexual acts or fetishism, or which is likely to offend against good taste or decency, or any other entertainment of a similar nature.

131. Entertainment provided wholly or mainly for unaccompanied children shall have:
- At least one attendant per 10 children or part thereof, who must be on duty in the area(s) occupied by the children and stationed in the vicinity of each exit and at the head of each stairway.
 - Attendants must wear distinctive clothing or suitable armbands.
 - Attendants must be present throughout the entertainment and while the audience is entering and leaving the building.
132. The licensee shall ensure that all staff employed to supervise children have been properly vetted and have no convictions that would make them unsuitable to supervise children.
133. The Children (Performances and Activities) (England) Regulations 2014 SI 2014 No. 3309 regulates the performance of children in shows. An adult must always supervise a child or children. There must be one supervisory adult for every 12 children. The show venue must be large enough to safely accommodate the child or children backstage. All chaperones and production crew must receive the fire instruction procedures applicable to the venue prior to the arrival of the child or children. The adverse effects of special effects upon the health and safety of any child or children must also be considered.
134. Compliance with the appropriate Retailer Alert Bulletins is required.
135. All members of staff responsible for the sale of alcohol at the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, photographic driving licence, proof of age card carrying a 'Pass' logo and hologram or a military identification card showing a date of birth. If no such evidence is produced the sale will be refused.

136. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date detailing all challenges made to customers as to their age and the reason for any refusal recorded in the register. The register will be made available for inspection immediately on the request of representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).

Appendix 5 - Local and National Alcohol Information and Support

If a staff member or visitor of a licensed premise has concerns regarding an individual's alcohol use, there are a number of support services within North Tyneside or at a national level that the individual can be signposted to.

The list of information, support and training packages is available on the North Tyneside Council website at:

<https://my.northtyneside.gov.uk/category/598/alcohol>

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Appendix 2 – Summary of Responses

Ref	Name	Do you agree or disagree with the proposed content?	Reasons	Officer comments
1	Anon	Agree	Not provided	Noted
2	Anon	Agree	No further comments	Noted
3	Anon	Neither agree or disagree	Not provided	Noted
4	Anon	Neither agree or disagree	Not provided	Noted
5	Anon	Neither agree of disagree	Whilst I carefully read the executive summary and most of the proposed content. I did not review the current policy.	Noted
6	Anon	Disagree	Can you not find a better way to spend money rather than a pointless exercise to find out you already waste money	It is a Statutory Requirement to have a Policy that is reviewed at least every 5 years.
7	Anon	Neither agree or	Not provided	Noted

		disagree		
8	Anon	Agree	No more bars in Whitley Bay	Noted
9	Anon	Agree	No bars in Whitley Bay close to residential areas	Noted
10	Balance		Agree with Policy and requests for additional areas concerning alcohol free childhood, references to Balance, restrictions on the sale and placement of alcohol. Removal of reference to alcohol industry funded Portman Group.	Further signposting to Balance and key strategies to be included via links at Appendix 5. Any restrictions or policies restricting sale or placement of alcohol to be considered on individual applications merits. Reference to Portman Group to be removed.
11	Director of Public Health		Agree with Policy and welcome new Public Health chapter, glossary and inclusion of alcohol related health harms. Welcome signposting via new Appendix 5. Request for inclusion of data re alcohol consumption, signposting to training packages and responsible product placement	Further signposting to key strategies, evidence of alcohol harms, data and training to be included via links at Appendix 5. Any restrictions or placement of alcohol to be considered on individual applications merits. Accessibility of Policy considered via EIA. Reference to Portman Group to be removed.
12	NTSCP		Amendments provided to Chapter 11 – Protecting children from harm.	Chapter amended to take account of suggested changes.

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North Tyneside Council Report to Council Date: 21 September 2023

Title: Review of Allocation of Seats to Political Groups

Portfolio(s): Elected Mayor Law and Democracy	Cabinet Member(s): Dame Norma Redfearn DBE
-----------------------------------------------------	-----------------------------------------------

Responsible Officer: Stephen Ballantyne, Head of Law and Monitoring Officer Tel: (0191) 643 5329

Wards affected: All

PART 1

1.1 Executive Summary:

Council is requested to review the allocation of seats to political groups and, where considered appropriate or necessary, the memberships of Committees and Sub-Committees and/or the appointment of Chairs and Deputy Chairs to Committees and Sub-Committees following notification of the formation of a new political group, the Community Independent Group.

1.2 Recommendation(s):

It is recommended that Council:

- (1) approves the revised allocations of seats to political groups as shown in the Appendix to this report;
- (2) agrees that the Leaders of the political groups will inform the Monitoring Officer of their respective group's nominations of Members to each of the Committees and Sub-Committees of the Authority by 12 noon on Friday 22 September 2023;

- (3) considers any changes to the appointment of Chairs and Deputy Chairs to the Council's Committees and Sub-Committees; and
- (4) authorises the Head of Law to implement any necessary and consequential actions to affect the change in political balance of the Authority as detailed in the report.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 18 August 2023.

1.4 Council Plan and Policy Framework

This report has no direct relevance to the 'Our North Tyneside Plan 2021-2025' priorities.

1.5 Information:

1.5.1 Background

1.5.2 Council at its Annual Meeting on 18 May 2023 agreed the structure of committees for the 2023/24 municipal year, allocated seats to political groups based political proportionality, determined the Chairs and Deputy Chairs of the Council's Committees and Sub-Committees and appointed members to Committees and Sub-Committees.

1.5.3 On 28 July 2023, the Head of Law, as Monitoring Officer, received notification of the formation of a new political group called the 'Community Independent Group' comprising of Councillor C Davis, Councillor G Madden, Councillor V Jamieson and Councillor M Fox, with Councillor Cath Davis being the Group Leader and Cllr Madden as the Deputy Group Leader.

1.5.4 The notification of a new political group, coming over one month after the previous review of seat allocations, triggers a review of the representation of the different political groups on politically balanced committees under regulation 17 of The Local Government (Committees and Political Groups) Regulations 1990.

Review of the allocation of seats to political groups

- 1.5.5 Council has a duty to allocate seats on its Committees and Sub-Committees to political groups in accordance with the principles of political proportionality which are set out in the Local Government and Housing Act 1989. The principles require that: -
- Where there is more than one political group, not all seats are allocated to the same political group;
 - The majority of seats are allocated to the group with the majority on full Council;
 - When considering all seats available for allocation the total of those given to each group should match their representation on full Council overall;
 - The number of seats on each individual committee allocated to groups should match their representation on the Council overall.
- 1.5.6 The principles of political proportionality and the process of allocating seats to groups has been applied. Council is asked to approve the revised allocation of seats to political groups shown in Appendix 1.
- 1.5.7 The Council composition is 47 Labour Group members (excluding the Elected Mayor), 7 Conservative Group members, 2 Independent Group members and 4 Community Independent members.
- 1.5.8 The Authority's Constitution is clear that full Council will decide the allocation of seats to political groups in accordance with the political balance rules outlined above. Full Council can receive nominations of Members to serve on each Committee or Sub-Committee, or as is being recommended at paragraph 1.2 above, request Group Leaders to provide the names of their nominees to the Head of Law (as Monitoring Officer) by 12 noon the following day of the Council meeting.
- 1.5.9 Section 16(1) of the Local Government and Housing Act 1989 requires that, where a group has expressed its wishes as to the names of members to fill its allocated seats, full Council is under a duty to give effect to those group wishes.

Review of the appointments of Chairs and Deputy Chairs

1.5.10 As detailed above, the Annual Council Meeting determined the appointment of Chairs and Deputy Chairs to the Council's Committees and Sub-Committees as follows:

	Committee/Sub Committee	Chair	Deputy Chair
1.	Overview and Scrutiny Co-ordination and Finance Committee	Jim Montague	Debbie Cox
2.	Caring Sub-Committee	Jane Shaw	Michelle Fox
3.	Family Friendly Sub-Committee	Erin Parker-Leonard	Pat Oliver
4.	Green Sub Committee	Martin Murphy	Margaret Hall
5.	Secure Sub-Committee	Andy Newman	Rebecca O'Keefe
6.	Thriving Sub-Committee	Matt Wilson	Joan Walker
7.	Health and Wellbeing Board	Karen Clark	John O'Shea
8.	Licensing Committee	Matthew Thirlaway	Wendy Lott
9.	Planning Committee	Willie Samuel	Julie Cruddas
10.	Regulation and Review Committee	Davey Drummond	Tommy Mulvenna
11.	Standards Committee	Frank Lott	Tracy Hallway

1.5.11 The Council may, if it considers it appropriate, following the reallocation of seats to political groups, review and amend the appointments of Chair and Deputy Chairs of Committees and Sub-Committees.

1.5.12 Council is requested to note that if more than one nomination is received for a change to any positions detailed above a vote will be held with the nominee receiving the highest number of votes being appointed to the position.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

To agree to the recommendations set out in paragraph 1.2 above.

Option 2

Not to agree to the recommendations in paragraph 1.2 above.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The Authority has a legal obligation to conduct a review of the representation of the different political groups on politically balanced committees and in doing so apply the principles set out in the Local Government and Housing Act 1989. If full Council does not agree to the re-allocation of seats following the establishment of the Community Independent Group, it will not be acting in accordance with its legal obligation to do so.

1.8 Appendices:

Appendix: Allocation of Seats to the Political Groups.

1.9 Contact officers:

Stephen Ballantyne, Head of Law and Monitoring Officer, tel. (0191) 643 5329

Allison Mitchell, Head of Governance tel (0191) 643 5720

David G Dunford, Senior Business Partner, Strategic Finance, tel 0191 643 7027

John Barton, Team Leader, Corporate and Regulatory Team, Legal Services, tel (0191) 643 5354.

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) Local Government and Housing Act 1989

(2) The Local Government (Committees and Political Groups) Regulations 1990.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications arising from this report.

2.2 Legal

As stated in the report, the allocation of seats on politically balanced committees is governed by the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990. The Authority's duty, through full Council, is to appoint Members to Committees in accordance with the principles of political proportionality and the wishes of the political groups.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The senior Management Team and Group Leaders have been consulted on the need to undertake a review of the allocation of seats following the establishment of a new political group.

2.3.2 External Consultation/Engagement

No such consultation is required and has therefore not been undertaken.

2.4 Human rights

There are no human rights implications arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity implications arising from this report.

2.6 Risk management

There are no risks arising from this report. There is a risk that if Council does not re-allocate seats based on the new political balance of full Council it will be failing in its legal obligations to do so.

2.7 Crime and disorder

There are no crime and disorder implications arising from this report.

2.8 Environment and sustainability

There are no environmental and sustainability implications arising from this report.

PART 3 – SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X

Appendix 1 – Allocation of Seats to Political Groups

The allocation of seats on committees/sub committees to political groups represented on the Council be as follows, and the Monitoring Officer be informed of nominations of members to each committee/sub-committee by 12 noon on Friday 22 September 2023.

Council Composition	Total Seats	Labour	Conservative	Independent	Community Independents
		47	7	2	4
Ordinary Committees					
Appointment and Disciplinary Committee	7	6	1	0	0
Audit Committee	7	6	1	0	0
Licensing Committee	12	9	1	1	1
Overview and Scrutiny Co-ordination and Finance Committee	15	11	2	1	1
Planning Committee	11	9	1	0	1
Regulation and Review Committee	12	9	1	1	1
Standards Committee	9	7	1	0	1
Total	73	58	7	3	5
Sub-Committees					
Caring Sub-committee	12	9	1	1	1
Family Friendly Sub-committee	12	9	1	1	1
Thriving Sub-committee	12	9	1	1	1
Green Sub-committee	12	9	1	1	1
Secure Sub-committee	12	9	2	0	1

North Tyneside Council Report to Council 21 September 2023

Title: Questions by Members of the Council

Notice has been received of the following questions from Members of the Council to be put to the Council meeting.

1. Question to the Elected Mayor by Councillor Matthew Thirlaway

As a North Shields area councillor, I welcome the recent opening of the Transport hub and town Square which follows the Howard Street and Northumberland Square developments, can the Mayor provide an update on North Shields regeneration?

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