

**Title: Council Motion 16
March 2023 – Get me
home safely campaign**

North Tyneside Council Report to Licensing Committee Date: 12 July 2023

Report Author: John Sparkes
Director of Regeneration and Economic
Development

Wards affected: All

PART 1

1.1 Purpose:

The purpose of this report is to provide Committee with details of the Council Motion dated 16 March 2023 and to consider the options available in response to this Motion.

1.2 Recommendation

It is recommended that the Committee:

- a) Consider the Motion dated 16 March 2023 and the response to this Motion.

2.0 Background Information

2.1 Council Motion

2.1.1 The following Motion was agreed at Council on 16 March 2023:

That shift work is becoming increasingly common in many industries and often includes late night working, often working after most public transport has finished for the evening.

Many shift workers are increasingly worried about their safety travelling to and from work at night.

The work our Police and Crime Commissioner has done into trying to address residents' concerns with safety. Including the safer transport app, attracting funding from the Government and investment into the multi-agency security team.

North Tyneside Council believes:

Unite the unions Get Me Home Safely campaign, which calls on employers to take all reasonable steps to ensure workers can get home safely from work at night, is greatly needed and should be supported.

The weakness of enforcement of the law against sexual assault, including up-skirting on public transport is appalling and only 2% of victims go on to report sexual harassment on public transport.

North Tyneside council:

Asks the Licensing committee to explore the possibility of putting a condition in place on licensed premises which requires them when opening late to provide free and safe transport home for their staff.

Calls upon the Mayor to write to NEXUS and the private bus operators to introduce more late night services to get shift workers to and from work.

Write to the Government to ask them to extend the £2 fare offer for buses beyond the end of June and to also provide funding to allow metro to continue the £2 offer which Tyne and Wear councils funded for the first 3 months of the year.

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

2.1.2 This Committee will note that the specific action for Committee is as follows:

North Tyneside Council:

Asks the Licensing committee to explore the possibility of putting a condition in place on licensed premises which requires them when opening late to provide free and safe transport home for their staff.

2.2 Conditions on Premises Licences

2.2.1 Current position

Currently there are no conditions attached to any existing premises licences or club premises certificates requiring operators when opening late to provide free and safe transport home for their staff.

2.2.2 Legislation and Guidance

Premises licences and club premises certificates are granted under the Licensing Act 2003 which provides for conditions to be attached to a licence or certificate via three routes:

- mandatory conditions prescribed by the Secretary of State set out in either the Licensing Act 2003 Act or secondary legislation.
- voluntarily conditions offered by the applicant as part of their application for a licence/certificate or
- conditions imposed by a Sub-Committee of the Licensing Committee when considered appropriate and proportionate on the evidence following a Licensing Hearing.

There are currently no mandatory licence/certificate conditions imposed by the 2003 Act or other legislation requiring a condition to be added to a licence regarding the transport of staff home. To date, no applicant has ever offered such a licence/certificate condition of this type as part of their application.

Adding a standard licence/standard condition requiring provision to be made about the transportation of staff home in the evenings could prove challenging for the following reasons:

1. The Licensing Act 2003 requires notice to be given for each licence/certificate application made to the Authority. That notice informs the public and responsible authorities that an application has been made and spells out the terms of the licence/certificate being applied for. The public and responsible authorities (e.g. police, trading standards, environmental health) have 28 days in which to make representations about the application. The receipt of a valid representation will (nearly always) trigger a hearing before a Licensing Sub-Committee. It requires a representation to be made for the Authority's discretion to be engaged in relation to any application.
2. If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or members of the public, the Authority **must** grant the application, subject **only** to conditions that are consistent with the application and the relevant mandatory conditions. An application that does not offer a condition relating to the safe transportation home of staff cannot be imposed by the Authority because its discretion has not been engaged.
3. If there is a representation made in relation to an application that results in a licensing hearing then the Authority's discretion is engaged through a licensing Sub-Committee considering each individual application on its merits and has to make a decision based on the Authority's duty to make a decision that promotes the licensing objectives – the prevention of crime and disorder, the protection of children from harm, public safety and the prevention of public nuisance.
4. The statutory guidance that is published under the Licensing Act 2003 which must be considered alongside the Authority's Statement of Licensing Policy makes it clear that each application must be considered on a case-by-case basis and that Licensing Authorities should not adopt standardised licence/certificate conditions. The Guidance also states that any licence/certificate conditions imposed on licences must be tailored to the individual type, location and characteristics of the premises/club in question. Any condition that is imposed by the Authority must be considered appropriate and proportionate for the promotion of the licensing objectives.
5. An applicant can challenge any licence condition that is imposed on appeal to the Magistrates' Court.

This motion was tabled as an Early Day Motion on 26 May 2022, with 30 MP's supporting the campaign. There is no other information regarding the progress of this Motion through parliament. This would be the appropriate route should changes to the Licensing Act 2003 be made.

2.4 **Statement of Licensing Policy**

Licence holders may wish to voluntarily implement the recommendations of the campaign. In order to highlight the campaign to licence holders and applicants, reference to the campaign can be considered to be included within the Authority's Statement of Licensing Policy which is currently under consultation.

3.0 **Decision Options**

3.1 The options available to Committee are:

Option 1

- a) Note the restrictions on licences and consider a recommendation that the campaign be highlighted in the Statement of Licensing Policy.

Option 2

- a) Request officers to undertake further work on this matter.

Option 1 is the recommended option.

4.0 **Appendices:**

There are no appendixes to this report.

5.0 **Contact Officers:**

5.1 Joanne Lee, Public Protection Manager, Tel: 643 6901
Stephanie Graham, Senior Licensing Officer, Tel: 643 6969

6.0 **Background Information:**

6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report:

[Minutes Council meeting 16 March 2023](#)
[North Tyneside Council Statement of Licensing Policy.](#)
[The Licensing Act 2003](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications for the Council arising from this report.

2.2 Legal

2.2.1 Legislative Framework

The Licensing Act 2003 provides for when conditions can be added to a licence as detailed in section 2.2.2 of this report.

2.3 Consultation/Community Engagement:

A comprehensive 6 week public consultation exercise of the Statement of Licensing Policy is currently underway and will conclude on 23 July 2023.

2.4 Human Rights:

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights. Any decisions therefore made in relation to a licence application need to be fully considered. An individual also has the right to a fair hearing under Article 6 of the European Convention of Human Rights. The proposed procedure will assist in ensuring that a fair hearing does take place.

2.5 Equalities and Diversity:

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

2.6 Risk Management:

There are no significant risk management implications to the Council arising from this report.

2.7 Crime and Disorder:

It is not considered that there are any crime and disorder implications arising from this report. The police receive copies of applications made under the Licensing Act 2003 and are invited to make representations if they so wish.

2.8 Environment and Sustainability:

It is not considered that there are any environment and sustainability implications arising from this report.

