



# PREMISES LICENCES ON LOCAL AUTHORITY LAND

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# LICENSING ACT 2003.





**24th November 2005**

- End of old licensing regimes as under the control of Magistrates Courts.
  - New premises licenses and club premises certificates given effect.
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# LICENSING ACT 2003

- Requires each Licensing Authority to carry out its duties with a view to promoting the 4 licensing objectives.

1. The prevention of crime and disorder 
2. Public safety 
3. The prevention of public nuisance 
4. The protection of children from harm 



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# GUIDANCE FROM THE DCMS

## □ Section 182 Guidance

- 7.78 In addition in the context of festivals and carnivals, local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name. This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place. Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give a performance in these places, although they would still require the permission of the local authority to put on the event. Care should be exercised to ensure that there is no confusion between the role of enforcing licensing legislation, which falls to the licensing authority and the role of providing advice and assistance to festival and carnival organisers from other parts of the local authority.
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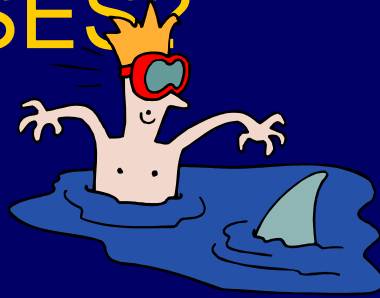
# THE NEW LICENSING REGIME

- ❑ Closes the loopholes and inadequacies of the Licensing Act 1964.
  - ❑ Creates an uniform and consistent approach to Licensing across various activities. These include
    - ❑ Retail Supply of alcohol
    - ❑ Regulated Entertainment and
    - ❑ Late Night Refreshment. Hot food and drink 23.00 – 05.00.
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# WHAT ARE THE LIKELY DANGERS WITHIN LICENSED PREMISES?



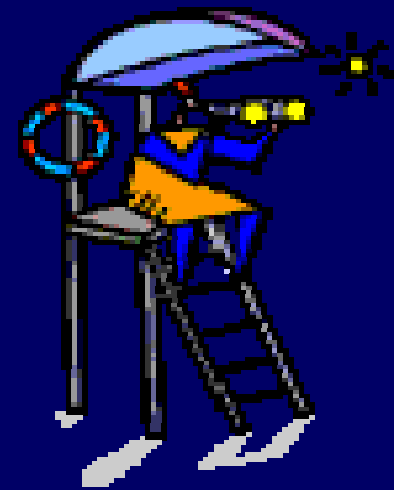
- ❑ Crime and Disorder. Police involvement.
  - ❑ Public Safety. Fire Service involvement
  - ❑ Nuisance. Noise. Environmental Pollution involvement.
  - ❑ Protection of Children from Harm. Children's Safeguarding Board
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# FOLLOWING REPRESENTATIONS – WHAT CAN LICENSING AUTHORITY DO?

- Having considered any representations they will be able to impose necessary conditions on the licence to provide the fullest possible safeguards to the general public.

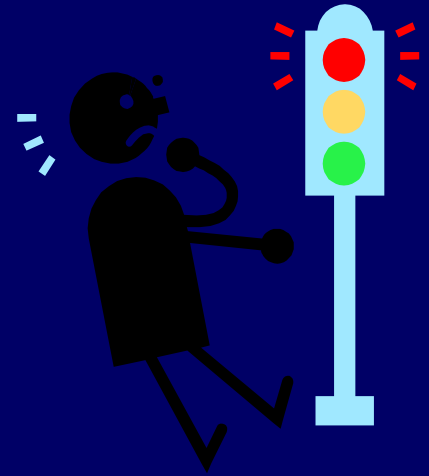


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# WHAT RESTRICTIONS CAN BE PLACED ON A PREMISES LICENCE

- The restrictions placed on a Premises Licence will vary according to the individual circumstances of the premises and any representations made by responsible authorities and interested parties and in all cases will be subject to the test of being necessary for the promotion of any of the licensing objectives.





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# THE APPROACH IN NEWCASTLE

- ❑ City Council determined to seek Premises Licences from the Licensing Authority for various parcels of land across the City.
  - ❑ Applications for Premises Licences were submitted and the statutory consultation processes were undertaken. Newspaper Advertisements and Blue Notices.
  - ❑ After Representations received various Applications were heard before Members of the Hearings of Licensing Sub Committees.
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# CASE STUDY 1

- **THE TOWN MOOR**
  - The Town Moor is one of the features that make Newcastle special, with around 400ha of open space providing a green heart to the City. It has a history as pasture land dating back to the 12th century, its land tenure and use is regulated by its own Act of Parliament.
  - The common ownership of the Town Moor, where the land is vested in the City Council and herbage rights are held by the City Freemen, has been largely successful in maintaining the integrity of the Moor as the City expanded and developed around it.
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# APPLICATION

- ❑ Alcohol. Mondays to Mondays: 11.00 to 23.00. With exception of a Showman's Bar at "The Hoppings" 22.00 to 02.00.
  - ❑ Regulated Entertainment. Mondays to Mondays: 11.00 to 23.30.
  - ❑ Maximum of 4 Events per year.
  - ❑ Typically. "The Hoppings" & Circuses.
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# REPRESENTATIONS

- **Town Moor.** 11 representations received from residents and 1 from a Ward Councillor.
  - “Is this taking “Party City” to new extremes? Or more likely is this a lazy approach by the council officials to get a blanket licence to allow a rave on the Town Moor”.
  - “It seems strange that the Council is applying to itself for the Licence!! Will it reject it’s own application !!!! Not very democratic”.
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# CASE STUDY 2

## □ JESMOND DENE

- Jesmond Dene is considered to be a unique resource for the people of Newcastle. It is a narrow wooded valley that follows the river Ouseburn between South Gosforth and Jesmond Vale. This provides an important wildlife corridor right into the centre of Newcastle. There is a spectacular mix of native and exotic trees, and the Dene is home to a lot of wildlife. The Dene stretches for over three kilometres and has many areas of tranquillity.
  - Jesmond Dene provides strong historical links with 19th Century industrial development and landscape design – Lord Armstrong's influence being very apparent. There is also a large network of paths and bridges throughout.
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# APPLICATION

- ❑ Alcohol. Initially applied for but dropped from Application.
  - ❑ Regulated Entertainment. Mondays to Mondays. 11.00 to 22.30.
  - ❑ Maximum of 6 events a year.
  - ❑ Typically. “Shakespeare in the Park” and the “Jes Fest”.
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# REPRESENTATIONS

- **Jesmond Dene.** 35 representations received from residents and 1 from local business.
  - “It is an area of safe peace and quiet. This proposal as it stands creates a 24/7 drinking and all year round Glastonbury pop festival’ facility”.
  - “What this licence application would do if granted would change the character of the Dene forever.”
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# PREMISES LICENCES FOR LAND

- Some 23 Premises Licences for land across the City have been now Granted.
  - These include: Spillers Quay, Gosforth Park, Blakelaw Park, Town Moor, Exhibition Park, Jesmond Dene, City Stadium, Heaton Park, Paddy Freemans Park, Iris Brickfields, Blue Carpet, Greys Monument, Blackfriars Green, Stowell Street.
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# CONDITIONS ON PREMISES LICENCES

- The person, body or organisation responsible for the provision of the licensable activity on the land shall carry out the event in accordance with the current Safer Events Policy as agreed by the Local Resilience Forum and the “Event Safety Guide” issued by the Health and Safety Executive, or as may otherwise be agreed in writing by the Head of Public Health and Environmental Protection or such other senior officer nominated by him for this purpose.
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# CONDITIONS ON PREMISES LICENCES

- No “licensable activity” as defined in Section 1 Licensing Act 2003 shall be permitted on the land without the prior written consent of the Licensing Authority. Any such written consent (with any detailed conditions) shall be issued by the Head of Public Health and Environmental Protection.
  - No licensable activity as defined in Section 1 of the Licensing Act 2003 shall be permitted on the land without the prior written agreement of the Local Authority as land owner, which shall be in the form of a land licence if appropriate.
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# CONDITIONS ON PREMISES LICENCES

- The person, body or organisation responsible for the provision of the licensable activity on the land shall carry out all prior consultation as required by the Licensing Authority.
  - The consent of the Licensing Authority will not be issued unless and until the Licensing Authority is satisfied that:-
    - all the requirements of the Licensing Authority have been satisfactorily met,
    - The Licensing Objectives have been fully and properly addressed, and
    - All appropriate fees have been paid.
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# TEMPORARY EVENT NOTICES

- ❑ Licensing Act allows for Temporary Event Notices for a period not exceeding 96 Hours without need for a Premises Licence.
  - ❑ No permission required from Licensing Authority and generally only Police can raise concerns.
  - ❑ Maximum number of persons attending event will be 499.
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# EVENT ADVISOR: MAIN RESPONSIBILITIES

- ❑ To act as a first point of contact for enquiries relating to hosting events in the City
  - ❑ To offer advice and support where needed
  - ❑ To work closely with other council directorates
  - ❑ To work closely with outside agencies
  - ❑ To attend Safety Advisory Group meetings
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# EVENTS HELD ON COUNCIL LAND

- ❑ Council licensing our own land under Licensing Act 2003.
  - ❑ Application for consent to use Council land form
  - ❑ Where do I get one from?
  - ❑ Who should fill it in?
  - ❑ When should it be sent to the Council?
  - ❑ Where should it be sent?
  - ❑ Who else should it go to, and why?
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# PROCESS

- ❑ If the activities are licensable then Licensing Officers will get in touch with the applicant
  - ❑ Preliminary Safety Advisory Group will be set up to assess the safety and suitability of the event on particular site
  - ❑ The event organiser will be expected to produce a draft Event Manual for consideration BEFORE the SAG is arranged
  - ❑ Other relevant Council Officers will be notified e.g. Property Services, Food Safety etc.
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# NON LICENSABLE EVENTS

- ❑ Most events will be covered under Licensing Act 2003 e.g. live music, dancing etc.
  - ❑ Events which may not be covered include firework displays, fun runs etc.
  - ❑ Still required to address health & safety issues.
  - ❑ Likely to still require at least a preliminary safety advisory group meeting.
  - ❑ Produce an event manual.
  - ❑ Still require to obtain permission for use of Council Land
  - ❑ Event Advisor's role will be to offer advice to the event organiser.
  - ❑ Licensing Officers will offer advice when requested.
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# SUPPORT INFORMATION

- ❑ Event pack prepared.
  - ❑ Contents include general advice, health & safety advice, information on risk assessments, blank application form to use council land and contact details for relevant Council Officers and outside agencies
  - ❑ Available for anyone to use
  - ❑ Available from Event Advisor
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# WEBSITE

- Contains basic information for event organisers, including request for event pack, application for consent to use Council Land Form and contact details of relevant Council Departments
  - Links to other sites: Police, Fire Service, Health & Safety Executive, Food Safety, Fairtrade, Cityeye and NewcastleGateshead Initiative
  - [www.newcastle.gov.uk](http://www.newcastle.gov.uk)
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# CONCLUSIONS

- ❑ Legislation and Guidance from the DCMS has made us focus on licensing Council Land.
  - ❑ Carefully consider implications and what is required on the land by the Application.
  - ❑ Event organisers will have to get permission to use the land via land licence and application for consent to use Council Land form (covering licensable activities) – otherwise event is illegal!!
  - ❑ Event organiser can either be Council Officer or External organisation – either need permissions!
  - ❑ Relevant divisions must be given sufficient prior notice e.g. at least 3 months
  - ❑ Event pack.
  - ❑ Website live.
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