Response Comments

The Guiding Principles (page2)

Principle 7 - The fewer the better – we don’t necessarily agree with this as an overarching principle. Some licences will require many conditions. The key point is to impose only those conditions which are necessary, and this is already stated as principle 1. Given that principle 4 is to avoid duplication of conditions, surely it should apply to these principles?

Paragraph 50 - Care need to be taken regarding references to SAGs. They are non-statutory, non-uniform bodies which can operate in significantly different ways. Their remit can be extremely wide and therefore recommendations they make may well fall outside of the licensing objectives. For example our own SAG considers issues relating to litter, waste collection, and road closure and highways matters. They do not necessarily recommend legal minimums but rather encourage best practice and therefore legally mandating their requirements via the licensing process may be seen as disproportionate.

Alcohol (page5)

Condition 10 – What about half drunk bottles of wine? These are a frequently accepted exception to the “no open alcohol” condition.

Condition 13 – What is the point of this condition? The requirement is to submit a risk assessment but there is no power of approval / veto if the police are not happy.

Alcohol (Restaurant) (page5)

Condition 14 - This seems to go too far in restricting what can be done in a restaurant. Why must the premises only operate as a restaurant with seated customers? This goes to the use of the premises beyond the licensable activity in question. Why would we want to restrict takeaways? This is not a licensable activity (obviously excepting late night refreshment which is a separate issue – this is an alcohol condition). The condition should be edited down to (IV) only, removing (1), (11) and (111).

Condition 15 – With a view to having as few conditions as possible, surely condition 15 is excessive and could be incorporated into condition 14, so that condition 14, with the addition of the waitress element, would read “alcohol must not be sold, supplied or consumed on the premises otherwise than by waiter or waitress service to persons who are taking substantial table meals…etc.”

Boxing or Wrestling or indoor sports (page6)
Condition 16 – What about standing spectators? Can they stand within the specified distance?

Records (page 16)

The only addition that we would have to this consultation is with regard to conditions requested if a licensed premise is found to be selling illicit alcohol by Trading Standards. The suite of conditions that have been requested in the past is for the Premises Licence Holder to add the following conditions by way of a minor variation:

1. The Premises Licence Holder & any other persons responsible for the purchase stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2. The premises licence holder shall inform Northumberland County Council if they are approached by door-to-door sellers of alcoholic beverages that is not part of a legitimate business.

3. The premises licence holder shall ensure that all receipts for goods bought include the following details:

   (a) Seller’s name & address
   (b) Sellers Company details
   (c) Sellers VAT details
   (d) Vehicle registration details
   (e) Date of transaction
   (f) Date of transaction
   (g) Date of delivery (if different)
   (h) Quantity purchased/delivered

4. Legible copies of the document referred to in 3. Above shall be retained on the premises and made available to officers of Northumberland County Council on request.

5. The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

6. Where the trader becomes aware that any alcohol may not have had the duty paid on it, or may be counterfeit or stolen they shall inform the police or trading standards immediately.

(* It would be interesting to get the views of the authors of the consultation on these conditions.)

Noise (page 23)

Conditions 23 - Whilst the comments relating to the legal problems associated with inaudibility are recognised we do not believe that the approach suggested by paragraph 23 is a useful or effective one. The comparison of noise levels measured
with entertainment occurring compared with previously measures background levels mirrors that advocated in British Standard 4142 which specifically highlights it is not suitable for the assessment of entertainment noise.

Additionally, measurement of this kind are extremely time consuming and are based on the assumption that appropriate conditions can be obtained for both sets of measurements. This may well not be the case as it likely that there will be other noise sources present (other music, traffic noise and noise from the public) when measurements need to be taken. This may significantly slow down or even prevent an investigation of noise nuisance from the premises as it will require specialist staff, specialist equipment and conditions which are conducive to taking noise measurements of this kind. An analogous approach was advocated by the Noise Act 1996 and proved extremely unpopular.

Additionally, it is unlikely that the average license holder will understand a condition framed in this degree of technical language and therefore difficult for license holders to effectively monitor, appreciate or react to the situation.

The assessment of nuisance (which is effectively what the Act seeks to prevent) is rarely undertaken using a quantitative approach. Rather Officers witness the noise and assess it from the “reasonable person” perspective. This is fast, efficient and easily understood by none technical staff, the public and license holders, it does not require equipment and the human ear can easily distinguish between other noise sources and the one of interest.

**Conditions 24 & 25** - Although useful approaches the conditions as written only cover the installation not the operation or maintenance for example. Also a stipulation that the arrangements should not be changed without the prior written approval of the Licensing Authority. It should be noted that automatic door closers on newer buildings operate relatively slowly to allow wheelchair users time to enter/leave and therefore they can be a rather poor source of sound containment.

Another common problem especially on smaller venues is the opening of fire doors as a form of supplementary natural ventilation. Conditions which require the opening of fire doors to interrupt the power supply to acoustic systems can be useful.

**Conditions 26** - The shutting of doors and windows although an obvious and intuitive measure can be ineffective if it viewed in isolation without sufficient regard being had to ventilation. Many smaller venues do not benefit from air conditioning or forced air ventilation and thus conditions which require all sources of natural ventilation to be closed often can result in high temperature and humidity levels especially in warmer weather and when at high occupancy levels. The inappropriate use of this kind of condition can simply replace one kind of problem with another.

**Condition 27** - Although noise limiting devices can prove effective in fixed sound system such as a venue’s own PA they can be more problematic when live
musicians bring their own PA, mixing desk, monitors etch which are not compactable with the limited in-house system. Where necessary conditions should state that all amplified music must be subject to the limiting device.