

LICENSING COMMITTEE

10 JUNE 2021

VERTICAL DRINKING AND LICENSED PREMISES

1.0 Purpose of Report

- 1.1 To update Members on the policy and controls with regard to vertical drinking controls in licensed premises and whether the Statement of Licensing Policy requires a review.

2.0 Background

- 2.1 At the last meeting of the Licensing Committee a query was raised as to the controls in place within the current licensing policy to control vertical drinking in establishments across Newark & Sherwood.
- 2.2 Vertical drinking is a term that has come into use to refer to the practice of drinking standing up in a crowded public bar. Standing whilst drinking has been shown to lead to more unrest and violence when compared to drinking when sat down. When the Licensing Act 2003 was introduced there were concerns expressed about how these establishments would be effectively controlled. The licence objective that is important here is that of preventing crime and disorder.
- 2.3 Applications to the Licensing Authority are governed by legislation which sets out what should be included within an application. This is supplemented by two additional key documents.
- 2.4 The first of these is the statutory guidance issued by the Home Office. There is very clear guidance within this document as to what needs to be included.

A written application for a premises licence must be made in the prescribed form to the relevant licensing authority and be copied to each of the appropriate responsible authorities.

The application must be accompanied by:

- *the required fee (details of fees may be viewed on the GOV.UK website);*
- *an operating schedule (see below);*
- *a plan of the premises in a prescribed form; and*
- *if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor (DPS).*

Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is "clear and legible in all material respects", i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

- 2.5 There is no specific mention in the guidance on vertical drinking establishments.
- 2.6 The second key document is the Newark & Sherwood Statement of Licensing Policy. The current version was approved by full Council and has been in place since January 2019.
- 2.6 Policy 2 of the Statement sets out the matters that will be taken into account when considering applications. It is shown below.

POLICY 2

When preparing or considering applications, applicants, Responsible Authorities, other persons and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of, any conditions which may be offered or imposed on any resulting licence, certificate or permission:

- (i) The nature of the area within which the premises are situated.*
- (ii) The precise nature, type and frequency of the proposed activities.*
- (iii) Any measures proposed by the applicant in the Operating Schedule.*
- (iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.*
- (v) Means of access to and exit from the premises.*
- (vi) The provision and availability of adequate seating and the restriction of standing areas.*
- (vii) Noise from the premises or people visiting the premises*
- (viii) The potential cumulative impact (see below).*
- (ix) Other means and resources available to mitigate any impact.*
- (xi) Such other matters as may be relevant to the application.*

- 2.7 Members will note that at point (vi) there is a specific mention 'adequate seating and the restriction of standing areas'.
- 2.8 This is additionally supported by the local guidance that has been produced that sets out in some detail the requirement to submit a plan and as to what should be shown on the plan. An extract from the guidance is attached as **Appendix 1**. Again it can be noted that there is specific mention of the requirement for the plan to show

Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment

- 2.9 Whilst this is only guidance to support the application process Officers would seek additional details on any application if the venue could be considered to be promoting vertical drinking.
- 2.10 Officers have looked at Statements of Licensing Policy from other local authorities and very few have specific references to vertical drinking.

- 2.11 Officers are of the opinion that the current policy and guidance that is in place offers the correct level of control to ensure that premises seeking licences have the necessary support but also that the appropriate checks and balances are in place to ensure that premises do not pose a risk of not promoting the licencing objective of crime and disorder.
- 2.12 The level of crime and disorder specifically associated with named venues is low. In the past few years only two venues across Newark & Sherwood have given rise to violent disorder. Both of these venues are now closed.
- 2.13 The licence review process is in place to address areas of concern and this has been used by both residents and the Police to seek a review of local premises when they are considered to be in breach of the licensing objectives.

3.0 RECOMMENDATION

Members are asked to note the controls in place with regard to vertical drinking establishments

Background Papers - Nil

For further information please contact Alan Batty on Extension 5467.

Matthew Finch
Director – Communities & Environment