

Statement

of Licensing Policy

LICENSING



2004-2005
Benefits Administration



Blackpool Council
BUILDING A BETTER COMMUNITY FOR ALL

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INTRODUCTION

The Licensing Act 2003 provides an opportunity to introduce flexibility, entrepreneurial activity and consumer choice into what has hitherto been an inflexible, restrictive and prescriptive regime. The modernisation process presents business and the community with the opportunity to contribute to the new licensing regime operated by the Council and to work with the Authority to reduce crime and disorder, improve public safety, prevent public nuisance and protect children.

The new licensed trade will consist of premises that provide entertainment, or alcohol, or late night hot food. Nationally this sector represents a multi-billion pound industry, and in Blackpool is the largest trading sector in the resort. Our policy will establish how the Local Authority, business and the community will work together to improve the town scene, reduce alcohol related crime and disorder and preserve public safety.

The Council recognizes the importance of the retail and hospitality trade to the prosperity and success of the resort and is committed to the promotion, support and development of the town's principal 'industry'.

This statement of licensing policy has been drawn up in accordance with section 5 of the Licensing Act 2003.

We will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children, and will not allow the views of vocal minorities to predominate over the general interests of the community.

We will only attach licence conditions that are reasonable, proportionate and strictly necessary for the promotion of the licensing objectives.

The policy will provide guidance to applicants, objectors and interested residents on the approach that the Licensing Authority will take in terms of licensing. Its purpose will be to guide officers and members in reaching decisions, and it will set out the matters that will normally be taken into account in determining applications. In addition the policy document will seek to provide clear and transparent guidance for applicants, residents and other occupiers of property and investors, to enable them to make plans to move to or invest in the Borough with confidence.

Part 1 of this document sets out the objectives of the new licensing system, how the licensing Authority will administer the system, the way in which the Authority's decisions can be challenged and how the Authority will regularly review its policy.

Part 2 describes the principles, which will be followed when considering licensing applications, and provides guidance for applicants.

PART 1

1.1 Introduction

The Licensing Act 2003 creates four new types of licence:

- Personal Licences
- Premises Licences
- Club Premises Certificates
- Temporary Event Notices

Every application for one of these licences must be considered having regard solely to the Licensing Objectives described below as well as the Secretary of State's Guidance and this policy.

1.2 Licensing Objectives

In carrying out its licensing functions the Authority will promote the licensing objectives set out in the Act. These are:

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

Each objective is of equal importance. It is important to note that there are no other licensing objectives.

Need is a question of commercial demand, and is not a matter for the licensing committee to take into account when discharging its licensing functions.

1.3 Scope of the Policy

The licensing policy will apply to the following "licensable activities":

- The retail sale of alcohol
- The supply of alcohol to club members
- The Provision of regulated entertainment
 - 1 An exhibition of a film
 - 2 A performance of a play
 - 3 An indoor sporting event
 - 4 A boxing or wrestling entertainment
 - 5 A performance of live music
 - 6 Any playing of recorded music
 - 7 A performance of a dance
 - 8 Entertainment similar to 5 or 7 above
- The provision of late night refreshment (This means the supply of hot food or drink to members of the public for consumption on or off the premises between 11.00 p.m. and 5.00 a.m.)

The Act provides for certain exemptions relating to the playing of music and/or incidental recorded music. The Licensing Authority will provide guidance for applicants in relation to the statutory exemptions.

The Licensing Authority provides advice on whether or not activities are licensable through its website www.blackpool.gov.uk, or by calling 01253 478343.

1.4 The Licensing Committee

A Council Committee must consider any application, which is the subject of an objection. The Licensing Committee will consist of 15 Councillors. Whilst the full Committee may hear applications it is envisaged that hearings will take place before a sub-committee, consisting of three members of the Licensing Committee.

Ward Councillors will not sit on a licensing sub-committee involving an event or premises application within their ward.

A Code of Practice or Guidance for Councillors on the conduct of hearings, declarations of interest and procedural issues will be published and promoted among the members of the Licensing Committee to provide 'best practice' in administration of the Act. The Code of Practice will be published on the Council's website www.blackpool.gov.uk and copies can be examined at the Licensing Service offices.

1.5 Delegation of Powers

It is normal practice in routine, uncontested decisions for the Council to authorise a senior officer to deal with the matter on their behalf. In this way the Authority can discharge its functions in an efficient manner and avoid delay to business development and entrepreneurial activity. The administrative systems, the licence service and procedures will be subject to programmed review and powers will wherever possible be delegated to officers and licensing panels.

The following table sets out the delegated functions:-

| Matter to be dealt with | Full Committee / Sub Committee | Officer Delegation The Head of Legal and Democratic Services |
|--|---------------------------------------|---|
| Application for personal licence and Application for personal licence with relevant unspent convictions | If a police representation made | If no police representation made |
| Application for premises licence/club premises certificate | If a relevant representation made | If no representation made |
| Application for provisional statement | If a relevant representation made | If no representation made |
| Application to vary premises licence/club premises certificate | If a relevant representation made | If no representation made |

| Matter to be dealt with | Full Committee / Sub Committee | Officer Delegation The Head of Legal and Democratic Services |
|---|---------------------------------|---|
| Application to vary designated personal licence holder | If a police representation made | All other cases |
| Request to be removed as designated personal licence holder | | All cases |
| Application for transfer of premises licence | If a police representation made | All other cases |
| Applications for interim Authorities | If a police representation made | All other cases |
| Application to review premises licence/ club premises certificate | All cases | |
| Decision on whether a complaint is irrelevant frivolous vexatious etc | | All cases |
| Decision to object when local Authority is a consultee and not the lead Authority | | Head of Environmental Services – All cases |
| Determination of a police representation to a temporary event notice | All cases | |

Any reference to a delegation to the Head of Legal and Democratic Services should be read as including exercise of that power by the Principal Solicitor (Licensing).

Any reference to a delegation to the Head of Environmental Services should be read as including exercise of that power by the Public Protection Manager.

Hearings will normally be conducted by a sub-committee and will only be taken before a full committee where required by the Act etc or by agreement with the applicant to expedite the matter for consideration.

1.6 Hearings

A hearing will be arranged to deal with any applications that have attracted relevant objections from a Responsible Authority or an interested party and cannot be dealt with under delegated powers. The Licensing Authority will seek to resolve the objections by means of agreement between the applicant and the interested parties and/or Responsible Authorities by actively seeking responses to each other's submissions. Discussion between parties should minimise the number of hearings and speed the application process. This consultation is referred to elsewhere in this document as 'mediation'.

Hearings will be held during business hours at the earliest possible date coincidental with the requirements of natural justice and the licensing panel will conduct a quasi-judicial consideration of the application, objections and representations.

A legal advisor, an advocate or a friend can represent applicants and/or objectors or they may choose to represent themselves. The Licensing Authority will endeavour to assist applicants in preparing for and participating in a hearing.

Whilst the committee and panels will usually meet in public they do have power to hear certain applications in private. A public announcement of the decision will be made at the end of the hearing. The decision determined by the committee or panel will be accompanied with clear reasons for the decision, having regard to the Human Rights Act 1998, the four licensing objectives, the Licensing Authority's policy and the Secretary of State's Guidance and all other relevant legislation.

Each case will be determined on its individual merits

Necessary and proportionate conditions may be attached to licences when a relevant representation is received. A list of standard conditions will be maintained and will be published. Any condition may be drawn from the list, or be based upon such a condition or may be devised having regard to the particular circumstances of the application and the physical characteristics of the premises as detailed in the application.

Any condition attached to a licence will be related to one or more of the licensing objectives, and will be focused on matters within the control of the individual licensees and others in possession of relevant authorisations.

Conditions will not relate to matters, which are the subject of imposition or enforcement under other statutes. The Licensing Authority will not impose conditions, which duplicate the requirements of other regulatory regimes.

1.7 Appeals

The Licensing Authority will address the rationale for its decision with regard to the licensing objectives, its statement of licensing policy and the guidance issued by the Secretary of State under Section 182.

Following a hearing, the Licensing Authority will notify the applicant and other parties of their decision and any conditions, which they have imposed in relation to matters identified in the objection. There is a right of appeal against the decision and conditions. An appeal must be lodged with the Justices Chief Executive of the Magistrates' Court within a period of 21 days.

On determining an Appeal the court may:

- Dismiss the Appeal
- Substitute for the decision any other decision which could have been made by the Licensing Authority
- Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court.

As soon as the determination of the Magistrates Courts has been promulgated, the Licensing Authority must not delay its implementation and necessary action will be taken forthwith unless ordered by a higher Court to suspend such action (for example, as a result of a judicial review). The Act provides for no further Appeal against the determination of the Magistrates Courts.

1.8 Review of Licenses

If one or more of the licensing objectives are not being satisfied, the Licensing Authority will consider a request for a review of a premises licence or club premises certificate made in the appropriate form.

Save for exceptional circumstances it will be unusual for the Licensing Authority to consider more than one review of a premises licence or club premises certificate in any period of twelve months.

Whenever a closure order has been made in respect of licensed premises a review must be undertaken.

Requests for reviews may be rejected if the grounds are, in the opinion of the Head of Legal and Democratic Services, frivolous, vexatious or repetitive.

Any review of a licence will take place before the licensing committee or one of its sub-committees.

1.9 Enforcement

The Council observes the enforcement concordat and the Licensing Authority will expect both the Licensing Service and the Environmental Services Divisions to operate in accordance with published Enforcement Policies.

A Protocol has been agreed with Lancashire Constabulary, Lancashire Fire and Rescue Service and Environmental Services Division to co-ordinate and maximise the effect of enforcement and educational activity associated with the Act.

The Protocol and Enforcement Policies which are published on the Council's website www.blackpool.gov.uk reflect an inspection regime which supports well managed and maintained premises and targets inspections and enforcement to problem and high-risk premises.

The Enforcement Concordat is published on the Licensing Service website which can be viewed at www.blackpool.gov.uk or by visiting the Licensing Service office.

Part 2

2.1 Personal Licences

A personal licence is granted to an individual and authorises the holder to make or authorise the supply of alcohol.

The Licensing Authority **MUST** grant the application for a personal licence if the criteria set down by the Act are satisfied.

Only the Police may make representations as to why a personal licence should not be granted. 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 object.

The Committee will consider: -

- The seriousness and relevance of the conviction(s)
- The period that has elapsed since the offence(s) were committed
- Any mitigating circumstances

The Committee will expect the applicant to demonstrate that any risk to the community is so diminished that it is appropriate to grant the application. If it is not so persuaded, the application will be refused.

Transitional Arrangements

The holders of existing justices' licenses can apply for new personal licenses during the transitional period starting on 7th February 2005. Only representations by the Police will be considered and, in most cases, the Police are not expected to object to applications to convert existing justices licenses to personal licenses.

2.2 Premises Licences and Club Premises Certificates

A "premises licence" is required for any premises where it is intended that a licensable activity should take place.

The Licensing Authority **MUST** grant the application for a premises licence if the criteria set down by the Act are satisfied unless objections (representations) are received from a Responsible Authority or an interested party.

Where an application is for a new licence or for a variation of an existing licence, they need to be accompanied by an Operating Schedule. This should be prepared having regard to the characteristics of the business, the nature of the area within which the premises are situated, the licensable activity for which approval is being sought and the content of this policy.

The application should identify the means by which the applicant intends to satisfy the licensing objectives such as the precautions and practices, which will be in place to avoid nuisance, disorder and crime arising from licensable activities. The guiding principles set out in parts 2.3 to 2.6 of this policy are indicative of the Licensing Authority's considered view.

Transitional Arrangements

Holders of existing licenses or owners of premises or others with the consent of such holders may apply to convert their licenses into new premises licenses. They must do so within six months from 7th February 2005. The same applies to registered members clubs.

The Police are not expected to object to applications to convert existing justice's licenses to premise licenses (or club registrations to club premises certificates) during the transition process unless circumstances described in the Act make such an objection necessary.

Objections are only likely where breaches of the licence conditions or failures to satisfy undertakings to the licensing justices have been detected since the last renewal of the justices' licence or circumstances have given rise to concerns about the crime prevention objective.

The Licensing Authority is determined that the transition process will be smooth and efficient. The staff of the Licensing Service will seek to minimise difficulties for the licensed trade by providing information and assistance before, during and after the transition period.

Applicants will not be granted if the applicant has ceased to hold the existing licence prior to determination of the application.

2.3 The Prevention of Public Nuisance – Guiding Principles

The applicant should identify the means by which nuisance to local residents/businesses/visitors will be prevented. A service information leaflet is available which identifies examples of sensible measures to reduce public nuisance. The leaflet is published on our website www.blackpool.gov.uk or can be obtained from the Licensing Service Office.

Where the following matters are associated with the licensable activity it is recommended that the measures described in the application relate to:

- Noise transmission and escape
- Noise associated with patrons awaiting entry to or leaving the premises
- Noise from the car parking and 'taxi' facilities provided at the premises
- Light pollution
- Use of outside areas for the consumption of alcohol

In considering applications, the Responsible Authority will require evidence that the likelihood of public nuisance has been addressed in the operating schedule for the premises. In particular the operating schedule should, where appropriate, identify:

- The measures to prevent noise and vibration escaping from the premises having regard to the location of premises and their proximity to residential and other noise-sensitive premises (e.g. hospitals, hospices and places of worship). Nuisance can arise from music, ventilation equipment noise and human voices, whether or not they are amplified.
- The proposals for the management and supervision of the premises and associated open

areas which must minimise unreasonable disturbance by customers and staff arriving or departing from the premises or the delivery of goods and services.

- The Licensing Authority recognises the benefits of patrons enjoying outside facilities at a licensed premise. However, the use of outside areas can potentially cause public nuisance particularly during quieter periods of the day when background noise has diminished and it is anticipated that the Responsible Authority may on occasions request that the operating plan should address measures such as restricting the use of parts of the premises e.g. garden areas.
- The suitability of chosen opening hours for all or part (e.g. garden areas) of the premises.
- Measures taken to control exceptional light to ensure that it does not give rise to problems to residents in the vicinity.
- Measures to deal with drunkenness, such as controlling entry to the premises by someone who has consumed too much alcohol.
- Arrangements for the collection and disposal of litter particularly associated with takeaway premises.
- 'Last admission time' policy, and proposals to assist with the orderly dispersal of customers from the premises.

NOTES:

1. The Licensing Authority recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and therefore beyond the direct control of the individual, club or business holding the licence.

The extent to which matters need to be addressed will be dependent on:

- The nature of the area where the premises are situated,
- The type of premises concerned,
- The licensable activities to be provided,
- Operational procedures
- Needs of the local community.

In general, however, the Licensing Authority will expect more comprehensive measures to be in place at late-night entertainment venues in premises with a history of public nuisance issues, or in premises situated in densely residential areas and the following notes are of particular relevance to such premises.

2. Where representations / objections are made by one of the Responsible Authorities expressing serious concern regarding the potential for public nuisance, the Licensing Authority would encourage mediation between the parties. If an agreement cannot be reached, the Licensing Committee will, if it determines that the representations are justified, impose such conditions necessary to meet the objections. If conditions cannot meet the representations / objections, the Licensing Committee may refuse the application.
3. Where applicable applicants should have regard to the “Good Practice Guide on the Control of Noise from Pubs and Clubs” produced by the Institute of Acoustics or similar relevant advice and guidance. This can be obtained at www.ioa.org.uk.
4. Where the escape of noise can be reasonably anticipated the Responsible Authority is likely to expect the applicant to have carried out appropriate tests. Noise could relate not only to music but also from air handling equipment or from patrons.

If there is sound leakage the Responsible Authority will no doubt expect this to have been addressed in practical ways such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation or, if necessary, air-conditioning.
- Reducing sound levels and installing a sound-limiting device to prevent sound exceeding the appropriate level.
- Installing soundproofing measures to contain sound and vibration.

5. In premises where patrons leave the premises particularly late at night or early in the morning the Responsible Authority may often expect the applicant to have included in the operating schedule such practical steps as:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
- Instructing door staff to ask customers leaving the premises to leave the area quietly.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Improving the availability of licensed taxis or private-hire cars to take patrons from the premises for example by allowing access to parking areas or permitting the installation of 'free phones'.
- In appropriate cases door staff monitoring nearby streets (through CCTV if necessary) to assess for themselves whether there is a problem associated with the licensed premises and how best to deal with it.
- Refusing entry to the premises of people who regularly leave in a noisy manner.
- The supervision of any queues formed at the premises late in the evening so as to keep noise and disturbance to a minimum.

6. The Licensing Authority will encourage the use of simple cost-effective initiatives to reduce public nuisance and in considering an application the Licensing Authority will take into account previous noise and nuisance complaints.

2.4 The Protection of Public Safety – Guiding Principles

The Licensing 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 respect to public safety. Licensees, as providers of premises for the sale of alcohol or regulated entertainment, must be able to demonstrate that they have considered and put into effect measures to protect members of the public as well as persons employed or resident in neighbouring premises.

The Responsible Authorities will no doubt expect full compliance with the Health and Safety and Fire Safety legislation and where appropriate for larger premises written risk assessments and a demonstration of the means by which the applicant will establish the use of 'reasonable precautions' and 'due diligence' might demonstrate to the Responsible Authority a considered approach to public safety.

The Licensing Authority will ensure that advice and information leaflets are provided to applicants. The Responsible Authority will normally be the 'Occupational Health and Safety Team, Blackpool Borough Council, Environmental Services Division, 125 Albert Road, Blackpool, FY1 4PW and the Lancashire Fire and Rescue Service, Forest Gate, Blackpool.

In considering applications, it is likely that the Responsible Authorities will expect evidence that where appropriate having regard to the nature of both the premises and the licensable activity the following matters have been addressed in the operating schedule:

- The condition, design and layout of the premises, including the means of escape in case of fire and the means of access for emergency service vehicles and personnel
- The nature of the activities to be provided, in particular the sale or supply of alcohol and including whether those activities are of a temporary or permanent nature

- The number of people that can safely be accommodated at the premises; having regard, in particular, to floor area and means of escape and crowd management
- The anticipated customer profile (e.g. age, disability etc)
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc
- The number of people employed or engaged to secure the safety of everyone attending the premises or event
- The measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
- The means by which public and staff are to be protected from excessive noise
- Arrangements to ensure that litter, or refuse generated by the activity of premises, does not create a fire hazard
- Implementation of appropriate crowd management measures
- An undertaking not to erect 'A' boards or similar obstructions on the footway
- The means by which the number of persons to be permitted to resort to the premises has been determined and the measures to be employed to ensure that the determined number will not be exceeded.

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

Where representations are made by one of the Responsible Authorities expressing concern regarding public safety, the Licensing Authority would encourage mediation between the parties. If an agreement cannot be reached, the Licensing Committee will, if it determines that the representations are justified, impose such conditions necessary to meet the objections. If conditions cannot meet the representations, the Licensing Committee may refuse the application.

It is anticipated that the Responsible Authority will wish to examine such certificates as may be necessary to ensure the safety of the premises. These may include:

- The operations log to be used on the premises
- Electrical inspection report certificate
- Fire alarm test inspection report
- Emergency lighting inspection and test report
- Fire-fighting equipment
- Flame retardant properties of materials certificate (new premises or new upholstery)

- Gas safety certificate
- Ceiling certificate in the case of cinemas

Applicants should be aware that the grant of a licence or the variation of a licence without conditions that relate to such certificates does not imply that the Responsible Authorities may not enforce compliance with these other regulations at any time before, during or after the licensing process. It simply means that those other regulations have not been duplicated in the form of licence conditions. The Responsible Authorities have a duty to pay particular attention to compliance with other regulations in licensed premises of all kinds during the period of this policy.

Responsible Authorities may seek the use of licensed door supervisors, to control access to and egress from the premises and in particular controlling any capacity on the premises licence. In particular they may identify the need for doorstaff to assist ambulance personnel in gaining access to casualties on the premises and facilitating the removal of patients to the emergency vehicle.

The Licensing Authority will normally rely on the Lancashire Fire and Rescue Service to determine an appropriate maximum capacity, for events or premises.

2.5 Prevention of Crime and Disorder – Guiding Principles

The prevention of crime and disorder is a vital element in ensuring the quality of life in a community and an important aspect of a successful and vibrant local economy. The link between the consumption of alcohol and crime and disorder is well recognised and documented and the Council is committed to working with the community and partner agencies to address this. Lancashire Constabulary has identified 40% of violent crime to be alcohol related and that 70% of assaults occur around pubs and clubs.

In addition, the Authority will have regard to the Government's Alcohol Harm Reduction Strategy. The national cost of alcohol abuse is calculated to represent £20.1 billion pounds per year and an effective licensing policy represents an opportunity to address this situation. The powers available within the Act and associated legislation such as the Anti-Social Behaviour Act 2003 and the Crime and Disorder Act 2001 are seen to provide a complementary approach to addressing alcohol related problems in the resort by means of this policy, the antisocial behaviour and the crime and disorder strategy.

The tourism and entertainment industry in Blackpool is a major contributor to the economy. The Licensing Authority recognises its duty is to protect the substantial residential population in the area, to ensure that regulated entertainment can be enjoyed safely and to balance these objectives with the legitimate expectations of commercial operators.

In considering applications, the Licensing Authority will require evidence that the prevention of crime and disorder has been addressed in the Operating Schedule.

When addressing crime and disorder issues, it is important for the applicant to demonstrate that, where appropriate, measures to prevent the following have been considered: -

- Underage drinking

- Drunkenness on premises
- Use of drugs
- Violent behaviour
- Anti-social behaviour

In particular, it is anticipated that the Responsible Authority will need to be satisfied that where relevant

- Appropriate instruction, training and supervision will be given to employees and door staff to prevent and/or deal with incidents of crime and disorder.
- Action will be taken to prevent the use or supply of illegal drugs on the premises, and to ensure that staff, are properly trained in relation to drug issues.
- The physical security systems at the premises, such as external lighting and CCTV are appropriate.
- The means to prevent potential disorder if outside areas become a focal point for patrons to congregate as they are leaving the premises particularly after closing time.

The Licensing Authority will support and promote initiatives, which are believed to address crime and disorder, public nuisance and public safety concerns associated with licensed premises and for example commends Portman Group Code of Practice on naming, packaging and promoting alcoholic drinks.

Best practice in premises within the resort, which are dedicated to late night entertainment, will be exemplified by 'Nightsafe' which is an initiative to combat crime and disorder associated with the late night entertainment sector. 'Nightsafe' includes the following elements:-

- Proof of age scheme
- Door staff registration
- 'Radio Link'
- Cutting edge (including bottle bans, plastic containers, toughened glass and bottle bins)
- Safer clubbing (see 2.7.4)
- Taxi watch
- Operations Aslan and Arrival
- Licensee Forum
- Drinking in the street orders
- Street trading orders
- CCTV and public address systems in licensed premises

- CCTV and public address systems in the street
- Reduction in 'Binge Drinking' associated with drinks promotion
- Education campaigns associated with alcohol, crime and disorder
- Underage drinking initiative
- Dispersal policies

The Authority and the Lancashire Constabulary have produced a service information leaflet, which describes the individual elements in 'Nightsafe'. A commitment in the operating schedule to fully support and participate in the "Nightsafe" activities, which are relevant to the premises will be regarded as a positive approach by an applicant.

Where representations are made by one of the Responsible Authorities expressing serious concern regarding the potential for crime and disorder, the Licensing Authority would encourage mediation between the parties. If an agreement cannot be reached, the Licensing Committee will, if it determines that the representations are justified, impose such conditions necessary to meet the objections. If conditions cannot meet the representations, the Licensing Committee may refuse the application.

In the very few instances where in the past enforcement action has been taken in relation to licensing laws, or licence conditions, it is anticipated that the Responsible Authority (Police) will expect applicants to detail management changes, or any other measures, which have been taken to prevent further non-compliance. Applications are likely to be refused where there are significant outstanding issues such as a failure to implement corrective measures or a continuing failure to fully comply with licence conditions.

The Licensing Authority will have regard to the Local Crime Prevention Strategy and, where appropriate and relevant, will attach conditions to underpin that strategy.

2.6 Protection of Children – Guiding Principles

Whilst supporting H.M. Government's beliefs that the admission of children to licensed premises should be encouraged the Authority recognises that their duty is to protect children from harm. The Authority recognises that the admission of children should, in normal circumstances be at the discretion of the licence holder, but will in certain circumstances be obliged to impose conditions to protect children.

The Licensing Authority will not impose any condition, which requires the admission of children to premises.

Where appropriate when having regard to the use of the premises the operating schedule should specify the particular measures proposed to protect children from harm. It is anticipated that the Responsible Authorities will have a particular interest in identifying: -

- The arrangements to prevent children acquiring or consuming alcohol and the use of 'proof of age' checks by staff
- The steps to prevent children being exposed to drugs, drug taking or drug dealing
- The arrangements to prevent children being exposed to gambling

- The measures to prevent children being exposed to activities of an adult or sexual nature
- The measures to prevent children being exposed to incidents of violence or disorder
- The steps to prevent children purchasing cigarettes from vending machines
- The training arrangements relating to protecting children from harm
- The means to ensure that any persons employed on the licensed premises to supervise children are suitable
- In premises where there are AWP (Amusement with Prizes) machines, the measures to prevent access by children. For example all machines could be located within sight of the bar staff

The cinema industry provides a valuable resource for children's entertainment. The Authority will seek to protect children attending exhibition of films and expects an intention to operate to the age restriction of the British Board of Film Classification, (BBFC) to be included in the operating schedule and to be observed by the licence holder.

It is expected that any arrangements to exhibit specialist films, which have not been classified by the BBFC should be specified in the operating schedules.

The operating schedule for any premises where performances or entertainments are provided specifically for children should specify arrangements for their safety and in particular for their access and egress, and where children are present at an event as entertainers then arrangements should be included in the operating schedule which describe appropriate adult supervision.

The Authority will apply appropriate controls up to and including revocation of licences whenever children are exposed to actual or potential harm. In particular the Authority will regulate the admission of children to premises, which are known to be associated with drug taking or dealing.

Premises providing entertainment of an adult or sexual nature are not considered a suitable venue for the admission of children except when they are being used for other purposes and there is no evidence of the adult or sexual entertainment displayed.

Where necessary if the Responsible Authorities concerns are not adequately addressed in the operating schedule the Licensing Authority will protect children by using an appropriate range of measures including one or more of the following: -

- Limitation of hours when children may be present
- Imposing minimum age limits for admission
- Limitations or exclusion when certain activities are taking place
- Requirements for accompanying adults

- Full exclusion of under 18's from the premises when licensable activities are taking place

The Authority will not attach conditions on a licence that require the admission of children to licensed premises.

2.7 Other Considerations

2.7.1 Designated Premises Supervisors

The Licensing Authority expects the designated premises supervisor to be the first point of contact for the Responsible Authorities and to be an individual who is sufficiently empowered and able to carry out the policies and practices of the operators of the licensed premises. The Licensing Authority recognises that in some retail premises that the designated premises supervisor may be, for example, an area manager controlling a number of small outlets.

2.7.2 Operating Hours

The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol are important to ensure that concentrations of customers leaving premises simultaneously are avoided. HM Government want to ensure that licensing hours should not inhibit the development of thriving evening and night-time local economies which are important for investment and local employment and are attractive to domestic and international tourists while providing consumers with greater choice and flexibility.

Shops, stores and supermarkets will normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are very good reasons for restricting those hours.

In particular the Authority will not set fixed trading hours within a designated area but will expect applicants to have regard to the nature of their locality and the need to avoid public nuisance when identifying hours of trading.

Similarly the Authority will not seek to allocate specific closing times to various classes of premises as they recognise the advantages of natural dispersal of patrons.

The Licensing Authority recognises the benefit of a flexible approach to shop trading hours to provide facilities in response to special events in the area.

2.7.3 Striptease (and other sex-related or erotic performances)

The provision of striptease and similar licensable activities may present an enhanced risk of the licensing objectives being compromised by disorder, exposure of children to harm or public safety hazards arising from inadequate supervision of the audience.

The Authority supports the guidelines produced by the Blackpool Licensees Forum relating to the conduct of striptease (etc) and expects applicants to demonstrate, in their operating plans, how they propose to meet the standards set out in the guidelines or otherwise ensure that the licensing objectives are not compromised.

In considering the location of premises licensed for entertainment of a sex-related nature should have regard to the use of neighbouring premises such as places of worship or education. In particular the Authority does not believe that a location near premises to which a significant number of children may resort can be considered suitable.

Similarly the Authority will require that the proposed external appearance of the premises should be clearly described/illustrated within the Operating Schedule. Applicants are expected to agree that no external advertising will be displayed other than with the approval of the Authority and to make that clear in the Operating Schedule.

2.7.4 “Safer Clubbing”

The Authority has implemented the recommendations of the Home Office in relation to drug safety, which are contained in the publication ‘Safer Clubbing’, and conditions relating to this matter were imposed by agreement with the trade on the resorts places of public entertainment. Safer Clubbing assists in identifying the premises where it is appropriate to apply the document.

In those premises where ‘Safer Clubbing’ is of particular relevance the Responsible Authority will expect Operating Schedules to include appropriate proposals in relation to compliance with safer clubbing guidance. For example an applicant for a premises licence for a new night club would be expected to make proposals which correspond with the current public entertainment licence conditions. Existing night club operators will have those conditions applied automatically on conversion of their current licences to a new premises licence.

It is anticipated that applicants will in particular address the means by which they will arrange and deliver suitable training for licence holders and staff and will consult the Responsible Authority on whether or not it is appropriate to hold or obtain the British Institute of Inn keeping Awards Body – National Certificate for Licensees – Drug Awareness.

2.7.5 Planning Permission

The Licensing Authority believe that effective co-ordination of the licensing and planning regimes is essential and is determined that licensing committee hearings will not involve a ‘re-run’ of the planning process. The Authority will not make decisions, which are contrary to previous planning decisions.

Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Existing planning permissions may be subject to conditions, for example on hours of opening and applicants should ensure that the licence application complies with such conditions.

An application may be considered notwithstanding the planning status of the premises not being finalised for example when a provisional statement is sought.

2.7.6 Integration of Proposals with Local Strategies

A variety of local strategies and plans may be relevant when preparing an operating plan and will be taken into account by the Licensing Authority.

In particular, applicants may wish to have regard to the local Authority strategies relating to crime and disorder, antisocial behaviour, local transport, tourism, culture and sport.

The Licensing Authority will seek to integrate within their policy with other policies of the local Authority and in particular will: -

- (a) have regard to the Local Transport Plan;
- (b) exchange information with the Director Of Tourism and Portfolio Holder for Tourism on a regular (not less than 6 months) basis to ensure both functions are aware of developments in the others sphere of activity;
- (c) encourage and promote a broad range of entertainment, in particular live music and dancing and theatre;
- (d) seek to facilitate wider cultural benefits, in particular for children;
- (e) establish a policy of seeking premise licences for public open spaces;
- (f) seek the provision of high quality customer services for those resorting to places of leisure and entertainment and in particular, will seek ongoing improvement to public transport, public cleansing and the local infrastructure.

The Licensing Authority recognises that the Race Relations Act as amended by the Race Relations (Amendment) Act 2000 places a legal obligation on Public Authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Licensing Authority will have regard to this responsibility when imposing conditions on licences so as to ensure that they could not directly or indirectly lead to discrimination against any racial groups.

The Licensing Authority will be appraised on a regular basis (not less than 6 monthly) of the local employment situation and the need for new investment and employment in the resort.

2.7.7 Zoning

The Authority does not support the principle that specified terminal hours should apply in particular areas and fully supports the principle of flexibility.

2.7.8 Cumulative Impact

The number, type and density of premises selling alcohol in a particular area can lead to serious problems of nuisance or disorder. Such problems may well arise both within and outside the area where these licensed premises are situated. The cumulative effect of the capacity of all the premises in an area upon the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider.

The Licensing Authority recognises that the Town Centre and the Promenade are areas where the behaviour of the customers of all the premises taken together has a greater impact than normal. The Authority anticipates representations from a Responsible Authority or interested party that new licences in these locations will, having regard to the cumulative impact, prejudice the promotion of the licensing objectives.

In such circumstances the Licensing Authority will consider whether the granting of any further licences would undermine one or more of the licensing objectives and may refuse an application on this basis. The onus in such circumstances will be on the objector, to provide evidence to show that the grant of a licence would produce the alleged cumulative impact.

The Authority has not adopted a special policy of refusing licences because any particular area is already saturated with certain types of licensed premises.

The Authority will always consider the individual merits of each application and will have regard to the style and characteristics of the premises and the impacts or benefits they will bring to the local community.

2.7.9 Petrol Forecourts

Convenience stores located on petrol forecourts are a special case under the Act and the ability to sell alcohol is related to the intensity of use for forecourt shopping as opposed to garage use. The Licensing Authority wishes to encourage a diversity of opportunity in retailing and convenience shopping.

2.7.10 Casinos and Bingo Clubs

Casinos and Bingo Clubs merit special mention as they will be subject to a dual licensing regime. Gaming licensing is the responsibility of the Magistrates. Furthermore, Casinos and Bingo Clubs are regulated by the Gaming Board for Great Britain.

Casinos and Bingo Clubs may only operate as private clubs where participation in the gaming is restricted to members and their bona fide guests.

The principal purpose of Casinos and Bingo Clubs is gaming and the sale of alcohol is incidental and may only be made to members and their bona fide guests.

The Gaming Licensing Committee will, have approved entertainment at Casinos and Bingo Clubs, and the Licensing Authority will not duplicate conditions relating to such entertainment, as the Authority believes the matters addressed by the licensing objectives should have been considered by that committee.

Casinos and Bingo clubs will normally be free to provide alcohol for consumption on the premises at any time when the premises are open for gaming unless there are very good reasons for restricting those hours.

The Licensing Authority recognises that prior to the anticipated implementation of the gambling Bill that the Magistrates can: -

- (a) Impose such restrictions on the hours gaming may take place as may appear necessary to prevent disturbance or annoyance to occupiers of premises in the vicinity,

- (b) In the case of Casinos limit the purposes other than gaming for which the premises may be used,
- (c) Refuse to renew an annual application for a gaming licence if the applicant is not a fit and proper person.

Similarly the licensing Authority recognises that the Gaming Board for Great Britain may:

- (i) Cancel a Certificate of Consent; and
- (ii) Consider any failure to comply with industry guidelines when assessing whether Gaming Licence holders have acted in a fit and proper manner.

2.7.11 Late Night Refreshments

The Licensing Authority recognises that the Act will apply to premises such as night cafes and take-away food outlets that are not currently subject to licensing requirements for example street stalls or vehicles from which hot food and drink is sold.

The Act has sought to address the potential for disorder and disturbance and it is anticipated that the Responsible Authorities will give due regard to the potential effects of the application and the means by which applicants intend to address potential problems. The provision of late night refreshment as a secondary activity in premises licensed for other purposes (e.g. cinemas, public houses, casinos and bingo halls) should not give rise to significant additional conditions on those licenses.

There are many existing premises such as public houses, restaurants and night-clubs where the sale of alcohol is supposed to be ancillary to the provision of a substantial meal. Licence holders should note that the sale of late night refreshment is in itself a licensable activity that should be licensed by means of a variation submitted along with the conversion application for the sale of alcohol.

Alternatively, those nightclubs and public houses may wish to dispense with the obligation to sell hot food and may at conversion seek a variation of their licence to sell alcohol to remove the 'special hours' condition.

2.7.12 Live music, Performance and Entertainment

The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. We are aware of the need to avoid measures as far as possible that deter live music, dancing and theatre for example by imposing indirect costs of a disproportionate nature.

We will monitor the impact of licensing on regulated entertainment in the Borough, particularly on live music and dancing. If there is evidence that licensing requirements deter such activities, we will consider how to prevent it, and if necessary will change this policy. The Arts Development officer, Equity, the Musicians Union and the live music forum will be consulted as part of the monitoring process.

The Council is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. We wish to encourage them for the benefit of all.

The Council may seek in its own name premises licenses for appropriate public spaces within the Borough. This will make it easier for people to organise suitable cultural events.

We will consider any request for permission to use such public spaces for cultural activities.

2.8 Provisional Statements

Where premises are being constructed, extended, or otherwise altered and are to be used for one or more licensable activities, a person over 18 years of age with an interest in the property may apply for a provisional statement.

Applications for a provisional statement will be dealt with in a similar manner to applications for a premises licence.

If the person subsequently applies for a premises licence for those premises, representations will not be considered if:

- they were taken into account when the provisional statement was granted and there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises, or
- given the information in the application for the provisional statement the person objecting could have made the same, or substantially the same, representations about the application but had failed to do so without reasonable excuse.

The licence will not become effective until a date stipulated by the Licensing Authority.

2.9 Temporary Event Notices

Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the temporary event notice procedure. Typical examples of temporary events are village fetes, music festivals, recitals or amateur dramatic productions. Nevertheless, depending on the nature and location of such events, these can have serious crime and disorder implications.

Temporary events are events where a licensable activity (see 2.3) is to take place at unlicensed premises for no longer than 72 hours and where no more than 499 people will attend. A personal licence holder can be responsible for up to 50 temporary events a year and non-licensed persons will be able to hold 5 such events. No more than 12 temporary events may be held at any one location in a particular year.

Many of those who give temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example those acting on behalf of charities, community and voluntary groups, schools, churches and hospitals all of which may stage public events to raise funds at which licensable activities will take place. The Licensing Authority will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for these groups.

The Licensing Authority recommends that at least 28 days notice be given to hold such events, to allow it to help organizers to plan their events safely. Any longer period than this may mean that organizers do not have all the details available at the time of submitting the notice and any lesser time means that planning may be rushed and haphazard. The law states that at least 10 working days notice must be given but the less time that is given will increase the likelihood of a police objection to the Notice on crime and disorder grounds.

The most important aspects of the system of temporary event notices are that only the police may intervene on crime and disorder grounds to prevent such an event or modify the arrangements for such an event. The Licensing Authority's role is to ensure that the limits on the number of notices that may be given by an individual or the number of events that may be held at a particular location have not been exceeded.

In the event of a relevant representation from the police, regarding temporary event notices, the Licensing Authority will hold a hearing at the earliest practicable opportunity, in accordance with the regulations before the event is due to take place.

Conditions will not be attached for any purpose other than satisfying the crime and disorder licensing objectives.

3.1 POLICY REVIEW

The policy takes effect on 7th January 2005 and will remain in force for not more than three years. It will be subject to periodic reviews and further consultation.

The Licensing Authority is required to review its licensing policy statement every three years and will, in doing so, take into account the views of: -

- Lancashire Police
- Lancashire Fire and Rescue Service
- Holders of premises and personal licences and club premises certificates
- Local businesses, residents and representatives of these bodies

It may however, review the policy at any time within those three years should it consider it appropriate to do so.

A process of on-going review will be incorporated into the business of the licensing committee and the licensing sub-committees.

Any amendments to the Act, the Regulations or Guidance from the Secretary of State will be scrutinised as part of the review process.

Any changes to the policy will be the subject of the consultation process described in the Secretary of State's guidance.

To ensure our services are accessible to all, documents prepared by Blackpool Council are available in large print, Braille, on audio-cassette or computer disk upon request.

**We can also provide help for British Sign Language users and provide information in other languages.
Please ask for details.**