

BLACKPOOL COUNCIL

Statement of Licensing Policy

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PART 1

1.1 Introduction

This statement of licensing policy deals with the following types of licence/notice issued under the Licensing Act 2003:

- Personal Licence
- Premises licence
- Club Premises Certificate
- Temporary Event Notice

Each application will be determined on its own merits, although in reaching a determination, the licensing authority will have regard to the licensing objectives, the Secretary of State's guidance and this statement of policy.

The purpose of this policy is to set out the approach that the licensing authority intends to take when carrying out its functions under the Act. The policy does not seek to explain the various application processes – separate guidance and advice is available on request from the licensing service and from its web site.

1.2 Licensing Objectives

In carrying out its licensing functions, the authority will promote the licensing objectives set out in the Act:

- Prevention of Crime and Disorder
- Protection of Public Safety
- Prevention of Public Nuisance
- Protection of children from harm.

Each objective is of equal importance.

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 Licensable activities

- The retail sale of alcohol for consumption on or off the premises

- The supply of alcohol to club members
- The provision of regulated entertainment –
 - An exhibition of a film
 - A performance of a play
 - An indoor sporting event
 - A boxing or wrestling entertainment
 - A performance of live music
 - Playing of recorded music
 - A performance of a dance
 - Entertainment similar to that listed above
 - The provision of late night refreshment

The licensing service will be able to provide advice on whether or not activities are licensable through its website www.blackpool.gov.uk or by calling 01253 478572.

1.4 Licensing Committee

The Licensing Committee will consist of 15 Councillors. Whilst the full Committee may hear applications, hearings will ordinarily take place before a panel consisting of three members of the full Committee.

The chair of the licensing committee will be elected at the annual meeting of the licensing committee. The chair of the panel will be elected at each meeting of the panel.

Councillors will not sit on a licensing panel involving an event or premises application within their ward.

The authority's licensing officers will deal with all licence applications where either no representations have been received, or where representations had been received, but were subsequently withdrawn. A schedule of delegations can be found at Appendix A.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made objectively and not on the basis of any particular judgement. Where representations are rejected, the person making the representation will be given written reasons.

The licensing authority will ensure that members and officers are appropriately trained to carry out their duties under the Act and in accordance with the Council's Constitution. No member of the Council shall sit upon the Licensing Committee or Licensing Panel unless they have received appropriate training.

1.5 Integration of proposals with local strategies

A variety of local strategies and plans may be relevant when preparing an application 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 & disorder, anti-social behaviour, local transport, tourism, culture and sport.

The licensing authority will seek to integrate their policy with other policies of the local authority and in particular will:

- Have regard to the local transport plan
- Exchange information with the Director of Tourism on a regular basis (not less than six months) to ensure both functions are aware of developments in the others sphere of activity
- Encourage and promote a broad range of entertainment, in particular live music, dancing and theatre.
- Seek to facilitate wider cultural benefits, in particular for children
- Establish a policy of seeking premises licences for public open spaces
- See 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 Health Act 2006 prohibits smoking in enclosed public spaces. The majority of premises licence holders will be affected by this legislation (unless the premises licence wholly covers an area not deemed to be enclosed). Applicants for new licences as well as existing licence holders should make themselves aware of the legislation and ensure compliance with it.

The licensing authority has a duty under Section 17 Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

1.6 Planning

The licensing authority believes 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 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 the provisional statement is sought.

1.7 Anti-Social Behaviour

The licensing authority believes that licensing decisions can be a key factor in the control of anti-social behaviour. Whilst accepting that it will not use licensing conditions to control anti-social behaviour by individuals once they are away from the licensable premises or place, and beyond the direct control of the premises licence holder, it does as a matter of policy expect every holder of a licence issued under this Act to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action. Any conditions attached to licences will be within the control of the individual licence holder and others in possession of relevant authorisations, and will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

1.8 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 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 change this policy.

1.9 Film classification

The British Board of Film Classification (BBFC) and the licensing authority are the classification bodies for films that are shown in the town. In the majority of cases the BBFC classifies films on behalf of the licensing authority however the licensing authority can be requested to classify a film that has not been classified by the BBFC. It is also possible for the distributor of a film to appeal to the licensing authority against a decision of the BBFC. It should be noted that any classification issued by the licensing authority will only apply to films shown in the Borough of Blackpool.

Requests for a local authority classification should be made no later than 28 days prior to the proposed showing of the film. The request should be accompanied by a full copy of the film and the appropriate fee.

The film will be viewed by a panel of three members of the licensing committee who will issue a certificate in accordance with the guidelines shown at Appendix D

1.10 Representations

Representations may be received from responsible authorities and interested parties.

1.11 Mediation

Where an application has been made and representations have been received, the Authority would encourage mediation between the parties. If an agreement can be reached, the need for a hearing can be dispensed with.

The licensing service will facilitate mediation meetings on request.

1.12 Hearings

Hearings will be held during business hours at the earliest possible date

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.

1.13 Decision

Ordinarily, the licensing panel will reach a decision and notify the parties accordingly immediately. A written notice of decision will be sent to all parties within 5 working days. Reasons for reaching the decision will be given in each case.

1.14 Appeals

A party aggrieved with the decision of the licensing panel has the right of appeal to the Magistrates' Court. Any appeal must be lodged within 21 days.

In determining an appeal the court may:

- Dismiss the appeal
- Substitute for the decision any other decision which could have been made by the licensing committee
- Remit the case back to the licensing committee to dispose of in connection with the direction of the Court.

1.15 Enforcement

The Council observes the enforcement concordat and the Licensing Authority will expect both the Licensing Service and Environmental Services division to operate in accordance with published enforcement policies. The Council further recognises the Hampton principles of inspection and enforcement:

- No inspection should take place without a reason

- Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection.

To support well-managed and well-maintained premises, a risk-based approach will be adopted to ensure that low risk premises and responsible operators are permitted to trade with the minimum level of inspection. Resources will be more appropriately directed to high risk and problem premises.

PART 2

Personal Licences

2.1 General

A personal licence is granted to an individual and permits the holder to make or authorise the supply of alcohol at premises subject to a premises licence. The licensing authority recommends, for the avoidance of doubt that authorisations to serve alcohol should be made in writing naming the person so authorised.

The requirements for an application are that the applicant:

- Must be aged 18 or over
- Possess a licensing qualification accredited by the Secretary of State
- Must not have forfeited a personal licence within 5 years of the application
- Has paid the appropriate fee
- Has submitted a criminality check

If the applicant for a personal licence can satisfy the Authority that they have passed an accredited qualification and have no relevant convictions, then the application **MUST** be granted.

If the Criminal Records Bureau check reveals relevant convictions, the application will be forwarded to the Police for their consideration. If the Police are of the opinion that granting the licence would undermine the crime prevention objective, they may make a representation.

Where the Police have issued an objection notice the licensing panel will normally refuse the application for a personal licence unless there are exceptional and compelling circumstances.

In reaching a decision, the panel will consider:

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

Personal licences are valid for ten years unless surrendered, suspended, revoked or declared forfeit.

2.2 Designated Premises Supervisor

Every premises licensed for the sale of alcohol must have one personal licence holder specified as Designated Premises Supervisor. This will

normally be the person with day-to-day responsibility for running the premises.

The licensing authority recognises that there is no requirement for the DPS to be at the premises at all times that it carries out licensable activities, and it will not seek to achieve this by way of conditions, however the licensing authority does expect that the Designated Premises Supervisor or appointed person in control of the premises who has a personal licence will be on site in all Town Centre venues between the hours of 20:00 hrs – terminal hour on a Thursday, Friday, Saturday & Sunday. Additionally in busy town centre premises, it would be considered good management practice to ensure that a personal licence holder is available at all hours that the premises is open to the public. Depending on the nature of the premises, it may be sufficient for the personal licence holder to be contactable by telephone; in other cases it will be good practice for a personal licence holder to be physically on the premises.

A designated premises supervisor may supervise more than one premises, however they must be able to ensure that all four licensing objectives are properly promoted and that each premises complies with licensing law and licence conditions.

PART 3 Premises licences and Club Premises Certificates

3.1 General

A premise licence authorises the holder to carry out licensable activities during the hours permitted and subject to the conditions endorsed on the licence. Unless it has been requested for a limited period only, a premises licence has effect until it lapses, is revoked or surrendered.

A club premises certificate can be issued to a qualifying club and will permit the supply of alcohol to members and bona fide guests as well as the provision of regulated entertainment.

3.2 Training

The Licensing Authority advocate that the BII Level I in Responsible Retailing would be a good starting point for all staff engaged in the sale of alcohol. The courses are relatively affordable and provide an excellent means of being able to demonstrate due diligence should an unlawful sale take place.

Other training recommended would be the Council's Compliance Course which gives retailers an insight into all compliance issues such as Fire Safety, Health & Safety, licensing and associated regulations; the course is pitched at management and assistant manager level. Details of the course are available by contacting 01253-478315.

Additional supporting material – The Licensing Authority have created a Licensing Manual which provides examples of training and other helpful guidance documents, electronic versions of this manual are available for £10.00 through the Licensing Service.

3.3 Applications

Any person/business holding or seeking to hold a licence must be aware of the Licensing Objectives and should ensure that the premises operate (will operate) with a view to upholding these objectives.

Applicants for a new licence or a variation of an existing licence must, as part of the application form, complete the operating schedule. This schedule identifies the means by which the applicant intends to satisfy the licensing objectives.

Applicants should be aware that whilst the contents of the operating schedule should adequately reflect how the business will be operated, the

steps contained in it should be realistic and within the control of the applicant and management of the premises. This is important because, if an application is successful, the contents of this operating schedule will be translated into conditions on the licence. Licence conditions are enforceable in law and it is a criminal offence to fail to comply with them.

Failure to adequately complete the operating schedule may result in representations being made and the requirement for a hearing. Appendix B provides suggestions on what can be included in operating schedules.

If no representations are received in respect of an application, the licensing authority is obliged to grant the application.

3.4 Plans

There is no requirement for plans to be professionally drawn, however they should be clear, easy to read and must contain all the prescribed information.

Plans should normally be drawn on the scale 1:100, but the licensing authority has discretion to accept plans drawn to an alternative scale. Alternative scale plans will normally be accepted as long as the plans contain all the prescribed information, and are clear and easy to read. Advice should be sought from the licensing service if there is any doubt as to the suitability of existing plans.

Outside areas – Although consumption of alcohol is not a licensable activity, if the plan does not show outside areas such as beer gardens or similar, then any premises licence authorising the sale of alcohol for consumption on the premises only would not authorise the use of such areas.

3.5 Operating Hours

Flexible licensing hours may reduce crime & disorder and anti-social behaviour by allowing for a more gradual dispersal of customers. There is, however, no general presumption in favour of lengthening licensing hours and each application will be determined on its own merits.

One aim of the Licensing Act 2003 is to permit the gradual dispersal of customers from premises, rather than have all premises closing at the same time. It cannot be assumed that because rival operators are able to trade until a specified hour, the new application (or variation application) will be granted on the same terms – if this were allowed to happen the result would be that the historical problems that occurred at 11.20pm and 02.00am would still occur, just at a later hour. Responsible Authorities and

licensing panels (in the event of a hearing) will carefully consider the proposed opening hours and the likely impact on the area.

The four licensing objectives will be given paramount consideration at all times.

Applicants are encouraged to include in their operating schedule not only the standard hours during which they wish to carry on licensable activities, but also special occasions such as bank holidays when they may wish to trade for an additional hour or two. Catering for these types of occasion will reduce the need to make variation applications.

Applicants are reminded that there are no longer any special provisions to cater for New Year's Eve; therefore if applicants wish to take advantage of longer trading hours over this period, the operating schedule should be endorsed accordingly.

Shops, stores and supermarkets will normally be free to provide sales of alcohol for consumption on the premises at any time the retail outlet is open for shopping unless there is good reason for restricting this. Similarly casinos will ordinarily be able to provide sales of alcohol for consumption on the premises at all times that it is open for the provision of gaming.

3.6 Outside Areas

The prohibition on smoking in enclosed public spaces has increased the demand for outside areas. Applicants are reminded that whilst they can be a valuable addition to the business, they can cause increased nuisance and disorder for residents. Operating schedules should detail how noise nuisance and disorder will be dealt with.

3.7 Adult entertainment

Applicants for new licences or variations of existing licences must also indicate the nature of any adult entertainment to be carried out on the premises.

Where this section contains no information, it will be assumed that there are no intentions to allow such activities and the licensing authority will impose a condition to that effect.

Blackpool Council is in the process of adopting legislation which will permit them to issue sex entertainment venue licences. Until these provisions are fully implemented the following will apply to all premises where adult entertainment is to be offered. Following implementation, the following will

continue to apply to those premises which will not require licensing under the new regime.

The licensing authority is concerned about the proliferation of lap dancing and other similar establishments on the Promenade and in the Town Centre in general. It is considered that the quantity of these establishments, together with the nature of some of the external advertising at the premises is having a negative impact on the family tourist trade that the authority is trying to promote.

One of the licensing authority's duties under the Licensing Act 2003 is to protect children from harm. It is the authority's view that this cannot be done without restricting the number of such premises, especially on the Promenade and within the Town Centre - areas many young children frequent. It will accordingly be the policy of this authority not to grant any more licences permitting adult entertainment in this area.

As a result of the policy detailed above, any applications for new (and variations of existing licences) will be carefully examined and the responsible authorities will expect a clear explanation in the operating schedule of the proposed signage, publicity, and external advertising and display materials. Explicit material should not be visible while signage relating to the nature of the entertainment and the exclusion of children should be prominent and conspicuous.

If premises are to be licensed for entertainment of a sex related nature they should be located having regard to the use of neighbouring premises such as places of worship or education. The Licensing Authority does not believe that a location near premises where a significant number of children may resort can be considered suitable.

Blackpool Council has produced guidelines on the provision of striptease and other erotic performance:

- No persons under the age of 18 years of age will be admitted to premises where an approved performance is taking place.
- Premises used for an approved performance will be equipped with a closed circuit television system installed and maintained to the satisfaction of the Chief Constable. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with accurate time and date markings. Tape recordings shall be made immediately available to an authorised officer of the council or a police officer.
- Premises used for an approved performance will be equipped with a means of controlling the number of persons admitted to the premises and / or assembling in the performance area to the

satisfaction of the Chief Officer of the Lancashire Fire and Rescue Service.

- No performance shall involve physical contact between the performer(s) and any other person.
- No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982) and performers shall at all times wear a g-string or similar clothing on the appropriate part of the body.
- Performers shall not be the subject of any advertising involving the distribution of leaflets, promotion by canvassers or by touting.
- Neither the licensee, performer(s) nor any person concerned with the licensed premises or the entertainment shall encourage or permit others to encourage the audience to throw money to or otherwise give gratuities to the performers.

NOTE: This provision shall not apply to premises approved for pole dancing or table dancing.

The licensing authority would expect that CCTV should cover all performance areas in the premises including those areas set aside for private dances/performances.

3.8 Security

The Licensing Act 2003, creates a mandatory condition regarding door supervision, the Act states at Section 21(i) where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

The Licensing Authority recognise that good security plans and provision can prevent crime and assist in the fight against young people unlawfully gaining entry or accessing alcohol.

The Licensing Authority recommends that at least one member of door staff working on individual premises is studying towards or has successfully achieved Level 2 NVQ in Providing Security Services. The course is government funded and is anticipated to increase the levels of professionalism. Premises Licence Holders should look to individuals with such a qualification to manage the security on the premises and cascade down to other door supervisor's good quality working practices.

The role of security is the "shop window" of a premises and members of security teams interface directly with residents, visitors and agencies and the impression they leave can have a positive or negative effect.

The Licensing Authority want the experience of revellers and customers to be a safe, enjoyable and positive one and the security teams play an important ambassadorial role for the night time economy and for Blackpool as a resort.

Details on the NVQ qualification are available through Blackpool & Fylde College Telephone No. 01253 504190.

The Private Security Industry Act 2001 requires all persons engaged in a security activity to wear their security badge. In order for this requirement to be easily and safely met the Licensing Authority recommend that all door staff engaged in a security activity wear a purpose made high visibility armband which enables security badges to be clearly displayed. The armband also provides an element of high visibility which should benefit customers, other staff working on the premises and local enforcement agencies. The armbands are available at cost price by contacting 01253 478493.

The armband requirement does not replace or amend any condition on a premises licence that requires door supervisors working on the external door to wear a high visibility jacket.

3.9 Provisional Statements

Where premises are being or are about to be constructed for the purpose of being used for one or more licensable activities or are being or about to be extended or otherwise altered for that purpose, a person may apply for a provisional statement.

An application for a provisional statement must be accompanied by a schedule setting out those details required by Section 29 of the Act on the prescribed form.

Applications for provisional statements will be dealt with in a similar manner as applications for premises licences.

3.10 Cumulative Impact

3.10.1 General

The number, type and density of premises selling alcohol in a particular area can lead to serious problems of nuisance or disorder. In these circumstances the impact of the premises taken as a whole can be far greater than that arising from individual premises. In most cases it would be impossible to identify an individual premises as being the sole cause or major contributing factor.

The potential impact on the promotion of the licensing objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact”. This is not to be confused with “need” for premises in an area, which the licensing committee cannot take into account when determining applications. The cumulative impact of all the premises in an area upon the promotion of the licensing objectives is a proper matter for the licensing authority to consider.

3.10.2 Town Centre Saturation Area

The licensing authority has for some years, recognised that the town centre and promenade area identified in Appendix C, is an area where the behaviour of customers of all the premises taken together has a greater impact than normal on the crime and disorder objective. The licensing authority is now of the opinion that this area is suffering from cumulative impact, and designates it as the **Town Centre Saturation Area** in respect of premises licensed for the sale or supply of alcohol.

This policy will apply to applications including the sale or supply of alcohol for:

- New premises licences
- New club premises certificates
- Provisional statements
- Variations to existing licences (where the modifications are directly relevant to the issue of cumulative impact, for example, increases in hours or capacity)

The effect of the policy is to create a rebuttable presumption that applications listed above will be refused. To rebut this presumption, an applicant would be expected to show through the operating schedule, and where appropriate, with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced. The licensing authority will expect the operating schedule to include detailed proposals dealing with the seating provision for customers (what percentage of proposed capacity will be seated), the provision of food, the type and style of entertainment to be offered.

This policy does not act as an absolute prohibition on the granting of new licences.

Despite the adoption of such a policy, **if no representations are received, the application must be granted in terms consistent with the operating schedule.**

3.10.3 Off-Licence Saturation Policy

On 21st January 2009 the Council approved the creation of a saturation area covering the wards of Bloomfield, Claremont, Talbot and Victoria. This policy is to apply to applications for permission to sell alcohol for consumption off the premises.

The effect of the policy is to create a rebuttable presumption that applications listed above will be refused. To rebut this presumption, an applicant would be expected to show through the operating schedule, and where appropriate, with supporting evidence, that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on the granting of new licences.

Applicants for licences within the off-licence saturation area will be expected to cover the issues detailed below in their operating schedule. Failure to do so may result in the refusal of the application:

- Details of proof of age scheme to be implemented and proposals for staff training
- Percentage of premises to be used for the sale of alcohol, including details of other items to be sold
- The applicant's policy on the sale of low value/high alcohol products and any drinks discounting that would be adopted.

Despite the adoption of such a policy, **if no representations are received, the application must be granted in terms consistent with the operating schedule.**

3.10.4 Review

The need for this policy will be subject to periodic review. The committee will consider saturation policies for other areas if appropriate evidence can be made available.

3.10.5 Applications outside of the designated area:

Representations on cumulative impact may be made in respect of applications for premises licences outside of the designated area. If such representations are successful, the licensing authority may choose to consult as to whether that particular area should be designated as an area of cumulative impact.

Where Responsible Authorities or Interested Parties seek to establish that an application should be refused on the grounds that it would result in (or further contribute to) cumulative impact, they should:

- Identify the boundaries of the area

- Identify the licensing objective(s) being undermined,
- Provide full details and evidence to show the manner and extent to which the licensing objective(s) are being, or will be undermined,
- Provide evidence that the problems are being caused by patrons of licensed premises in the area.

When considering such representations, the licensing committee will have particular regard to:

- The nature of the proposed application – including licensable activities, hours, and occupancy
- Measures proposed by the applicant in the operating schedule to mitigate or prevent adverse impact on the licensing objectives (including the proposed hours of operation)
- The proximity of the premises to others in the area, licensed for similar activities
- The occupancy figures of existing premises in the area concerned,
- The operational hours of existing licensed premises in the area concerned,
- The nature of licensed activities in the area,
- Whether the proposed premises will be a direct replacement for others in the area no longer licensed,
- Whether conditions would be effective in addressing the issue of cumulative impact.

3.11 Reviews of premises licence/club premises certificate

3.11.1 General

Any interested party/responsible authority may request a review of the premises licence. Any request must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. Requests for review must be made in accordance with the regulatory requirements.

The licensing authority will disregard any representations considered repetitive, frivolous or vexatious.

The licensing authority will view particularly seriously applications for the review of any premises licence where it involves the:

- Underage purchase and consumption of alcohol
- Continuous breaches or contraventions licence conditions
- Where serious risks to public safety have been identified and the management is unable or unwilling to correct those
- Where serious risks to children have been identified

- Not operating the premises according to the agreed operating schedule
- Use of licensed premises for the sale and distribution of illegal drugs/firearms
- Where the police are frequently called to attend incidents of disorder

When dealing with premises brought to a review, the licensing authority will adopt the yellow card/red card system promoted by the Government. The intention is that problem premises will be identified at an early stage and enforcement agencies will be encouraged to seek reviews when local intelligence suggests that individual premises are selling to children, causing other crime problems or causing noise nuisance.

As a first review hearing, responsible authorities will be encouraged to propose a package of new conditions to be added to the licence designed to combat the identified problem. This package will be supplemented where appropriate by:

- Removal of the designated premises supervisor,
- Suspension of the licence for up to 3 months,
- Restriction on trading hours
- A clear warning that a further review will give rise to a presumption of revocation.

The aim of the review is to put the premises on probation, putting them on notice that further breaches will mean a second intervention where revocation of the licence will be considered.

The licensing authority retain the right to revoke the licence at the first review hearing where they feel that such action is necessary to promote the licensing objectives.

3.11.2 Underage sales

The licensing authority is concerned about the availability of alcohol to persons under the age of 18 within the area. Aside from the obvious health problems, and the enhanced chances of teenage pregnancy, the community suffers from anti social behaviour caused by excessive consumption of alcohol by young people. In order to reduce the risk of underage sales in premises, staff training will be an essential part of the preventative measures licence holders will be expected to take. Details of training recommended by the Licensing Authority can be found at 3.2.

The licensing committee will view very seriously premises reviewed due to under age sales and although each review application will be determined on its own merits, licence holders will be expected to explain how the

sales took place, and what measures have been put in place to minimise the risk of such sales taking place again.

3.11.3 Reviews in connection with crime

Where reviews are brought in connection with crime not directly connected to licensable activities, the local authority's role is not to determine the guilt or innocence of any individual. The Secretary of State's guidance issued under section 182 Licensing Act 2003 reminds the local authority that its role is to ensure that the crime prevention objective is promoted.

Where a review follows a conviction, the licensing authority will not go behind the findings of the Court instead the conviction will be treated as undisputed evidence.

The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

PART 4

Temporary Event Notices

One-off events where fewer than 500 people will be present at any one time will, not normally be required to be subject of a premises licence. Instead organisers may serve a temporary event notice to the Police and Licensing Authority. One temporary event may cover a period of up to 96 hours.

A personal licence holder may serve up to 50 temporary event notices a year; otherwise the limit is 5 per year. No more than 12 temporary event notices covering not more than 15 days may be submitted in respect of any one premises per calendar year.

Only the police may make representations on the grounds of crime and disorder. If such a representation is received, a hearing will be held and if the panel are satisfied that the event would undermine the crime and disorder objective, they may issue a counter notice to prevent licensable activities taking place at the event. There is the right of appeal against the issue of a counter notice to the Magistrates' Court.

A temporary event notice must be served on the police and licensing authority not less than 10 working days before the event is due to take place. The licensing authority does however recommend that a minimum of 28 days notice be given to allow for sufficient time to resolve issues in the event that the Police make representations. If the minimum notice of 10 working days is given, and representations result in a counter notice being issued, it is unlikely that there would be sufficient time for an appeal to be heard by the Magistrates' Court.

The licensing authority will advise other responsible authorities of temporary event notices served so that they may address any issues of concern under their own regulatory powers.

PART 5

Policy review

This policy takes effect on 7th January 2011 and will remain in force for not more than three years. It will be subject to periodic reviews and further consultation/

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

- Lancashire Constabulary
- Lancashire Fire and Rescue Service
- Holders of premises 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.

Any amendments to the Act, 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.

Appendix A – Delegation of powers

The following table sets out the delegated functions. Any reference to the Head of Legal and Democratic Services should be read as including exercise of that power by the Principal Solicitor (Licensing)

Matter to be dealt with	Full Committee/Panel	Officer Delegation
Application for personal licence	If a police representation made	If no police representation made
Application for premises licence/club premises certificate	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application for a provisional statement	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application to vary premises licence/club premises certificate	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application for a minor variation		All cases
Application to vary Designated Premises Supervisor	If a police representation made (and not withdrawn)	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application to transfer premises licence	If a police representation made (and not withdrawn)	All other cases
Application for interim authority	If a police representation made (and not withdrawn)	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant, frivolous or vexatious		All cases
Decision to make a representation when local authority is a consultee and not the lead authority		Assistant Director-Enforcement and Quality Standards

Determination of a police representation in respect of a temporary event notice	All cases	
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Appendix B

Measures to promote the licensing objectives

The licensing authority recognises that licence holders know their own premises and customers better than anyone else and because of this they are in the best position to know how the licensing objectives can be met.

This appendix provides guidance on matters that could be taken into account when formulating an operating schedule. This list is not exhaustive and there is no requirement for applicants to address each and every issue in the operating schedule, although, the licensing authority would expect an applicant to address all relevant issues.

Applicants should be aware that if the operating schedule fails to sufficiently address the licensing objectives, the application is likely to attract representations, which could lead to the licensing authority refusing to grant the licence, modifying the licensable activities, or imposing conditions of its own to ensure that the licensing objectives are met.

Applicants are reminded that measures contained in the operating schedule should be both practicable and achievable. If the application is granted these measures will be converted into licence conditions – failure to comply with licence conditions is a criminal offence, and may result in a review of the licence.

Prevention of Crime and Disorder – Guiding Principles

The council will consider the content of any application with respect to the following matters:

- 1) The adequacy of measures proposed to prevent crime and disorder and the history of any previous relevant enforcement action particularly in relation to the use of the premises for:
 - a) The sale and distribution of Controlled Drugs and the laundering of the proceeds of drugs crime;
 - b) The sale and distribution of illegal firearms;
 - c) The evasion of copyright in respect of pirated films and music;
 - d) The under-age purchase and consumption of alcohol;
 - e) Prostitution or for the sale of unlawful pornography;
 - f) Use by organised groups of paedophiles to groom children;
 - g) The base for the organisation of criminal activity;
 - h) The organisation of racist activity or the promotion of racist attacks;
 - i) Unlawful gaming, gambling and betting;
 - j) The sale of smuggled tobacco and alcohol.

2) The measures the applicant has taken or proposes to take to prevent:

- a) Underage drinking
- b) Drunkenness on premises
- c) Smoking on premises
- d) Use/Supply of drugs
- e) Violent behaviour
- f) Anti-social behaviour

For example

- ☐ Entry and search procedures
- ☐ Demonstration of a positive commitment to cooperation with the Licensing Authority and the Police
- ☐ Good, adequate and useful CCTV which is continually monitored and the recordings are retained for 28 days
- ☐ The employment of specified numbers of registered door supervisors for security duties
- ☐ The use of plastic bottles and glasses
- ☐ Effective communications by means of text or radio pagers or other means to enable instant contact with local police, CCTV Monitoring Room or between licensed premises in a locality to warn of situations of disorder or potential disorder.
- ☐ Alcohol sales will end before the premises themselves are closed to aid gradual dispersal
- ☐ Not taking part in heavily 'discounted drinking' promotions.
- ☐ Displaying information, for example, encouraging only responsible drinking, and the risks of drink driving and promoting the benefits of designating a driver for the evening.
- ☐ Reducing the risk of excessive alcohol consumption by providing and promoting reasonably priced soft drinks and making free water available at all bars.
- ☐ Staff training
- ☐ Good external lighting
- ☐ A commitment to fully support and participate in the "Nightsafe" scheme (an initiative to combat crime and disorder associated with the late night entertainment sector) see leaflet

3) The likelihood of any violence, public disorder or policing problems arising if a licence was granted.

4) The outcomes of consultations held by the applicant, in respect of their application and submitted operating schedule, with Lancashire Constabulary including any recommendations made by the Constabulary.

The Protection of Public Safety – Guiding Principles

The council will consider the content of any application with respect to the following matters:

- a) 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
- b) 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
- c) 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
- d) The anticipated customer profile (e.g. age, disability etc)
- e) The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc
- f) The number of people employed or engaged to secure the safety of everyone attending the premises or event
- g) 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
- h) The means by which public and staff are to be protected from excessive noise
- i) Arrangements to ensure that litter, or refuse generated by the activity of premises, does not create a fire hazard
- j) Implementation of appropriate crowd management measures
- k) An undertaking not to erect 'A' boards or similar obstructions on the footway
- l) 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.

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:

- a) Electrical inspection report certificate
- b) Fire alarm test inspection report
- c) Emergency lighting inspection and test report
- d) Fire-fighting equipment
- e) Flame retardant properties of materials certificate (new premises or new upholstery)
- f) Gas safety certificate
- g) Ceiling certificate in the case of cinemas

The Prevention of Public Nuisance – Guiding Principles

The council will consider the content of any application with respect to the following matters:

- 1) The adequacy of measures proposed to deal with the **potential for nuisance** and in particular, the steps taken by, or proposals of the applicant to prevent:
 - a) Noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices.
 - b) Disturbance from light arising from security devices, flood lighting, advertising lighting or any special effect lighting.
 - c) Noxious fumes causing nuisance to occupants of nearby premises or land.
 - d) Disturbance by patrons arriving at, or leaving the premises, or in the vicinity of the premises.
 - e) Queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises or otherwise manage the queue to prevent disturbance or obstruction.
 - f) Disturbance by patrons using the outside areas for the consumption of alcohol and/or smoking
 - g) Build up of litter, particularly associated with takeaway premises.

For example

- ❑ 'Last admission time' policy and proposals to assist with the orderly dispersal of customers from the premises.
- ❑ 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.
- ❑ 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
- ❑ Recruiting SIA (Security Industry Authority) licensed door supervision staff from a reputable company

Protection of Children – Guiding Principles

The adequacy of measures proposed to protect children from harm and in Particular, the steps taken by, or proposals of the applicant to protect children:

- a) Where there have been convictions of the current staff at the premises for serving alcohol to minors, or premises with a reputation for under age drinking.
- b) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- c) Where there is a known association with drug taking or dealing.
- d) Where there is a strong element of gambling on the premises (e.g. jackpot machines).
- e) Where entertainment or services of an adult or sexual nature are commonly provided.
- f) Where, in the case of premises giving film exhibitions, the arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.
- g) Where children are employed without a work permit issued by Blackpool Council

1) The council will consider the content of any application with respect to the following matters:

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

- d) The measures to prevent children being exposed to activities of an adult or sexual nature
- e) The measures to prevent children being exposed to incidents of violence or disorder
- f) The steps to prevent children purchasing cigarettes from vending machines
- g) The training arrangements relating to protecting children from harm
- h) The means to ensure that any persons employed on the licensed premises to supervise children are suitable
- i) 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

For example

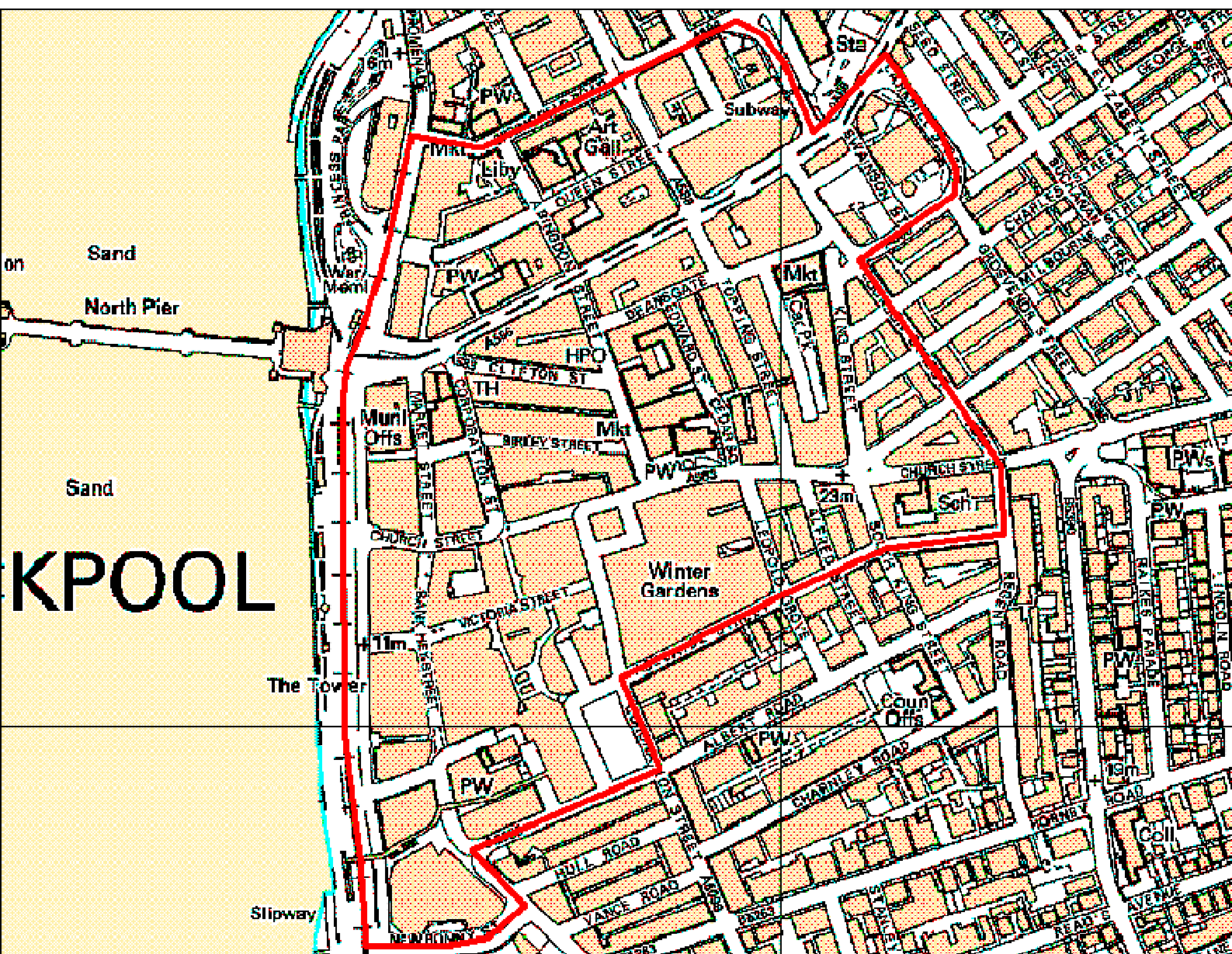
- Limitation of hours when children may be present
 - Imposing minimum age limits for admission
 - Limitations or exclusion when certain activities are taking place
 - Requirements for accompanying adults
 - Full exclusion of under 18's from the premises when licensable activities are taking place
- 2) 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
 - 3) 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.
 - 4) 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.
 - 5) 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.

6) 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

Appendix C

Area covered by cumulative impact policy



Appendix D Film Classification Guidelines

The British Board of Film Classification (BBFC) sets down the following basic principles:

1. Adults should be free to choose what they see, providing that it remains within the law and is not potentially harmful to society;
2. Works should be allowed to reach the widest audience that is appropriate for their theme and treatment; and
3. The context in which something (e.g. sex or violence) is presented is central to the question of its acceptability

U – Universal

It is impossible to predict what might upset any particular child. A “U” film should be suitable for audiences aged four years and over. U films should be set within a positive moral framework and should offer reassuring counterbalances to any violence, threat or horror.

Discrimination

No discriminatory language or behaviour unless clearly disapproved of.

Drugs

No references to illegal drugs or drug misuse unless they are infrequent and innocuous or there is a clear educational purpose or anti-drug message suitable for young children.

Horror

Scary sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring

Imitable behaviour

No potentially dangerous behaviour which young children are likely to copy. No emphasis on realistic or easily accessible weapons.

Language

Infrequent use of only very mild bad language

Nudity

Occasional natural nudity, with no sexual context

Sex

Mild sexual behaviour (e.g. kissing) and references only (e.g. to “making love”)

Theme

While problematic themes may be present, their treatment must be sensitive and appropriate for young children

Violence

Mild violence only. Occasional mild threat or menace only

PG – Parental Guidance

General viewing but some scenes may be unsuitable for young children.

Unaccompanied children of any age may watch. A “PG” film should not disturb a child aged around eight or older. However parents are advised to consider whether the content may upset younger or more sensitive children.

Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of or in an educational or historical context. Discrimination by a character with which children can readily identify is unlikely to be acceptable.

Drugs

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

Horror

Frightening sequences should not be prolonged or intense. Fantasy settings may be a mitigating factor.

Imitable behaviour

No detail of potentially dangerous behaviour which young children are likely to copy. No glamorisation of realistic or easily accessible weapons.

Language

Mild bad language only.

Nudity

Natural nudity, with no sexual context

Sex

Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

Theme

Where more serious issues are featured (for example domestic violence) nothing in their treatment should condone unacceptable behaviour

Violence

Moderate violence without detail, may be allowed, if justified by its context (e.g. history, comedy or fantasy).

12A

Suitable for 12 years and over. No-one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. Films classified as 12A are not recommended for children below 12. An adult may take a younger child if, in their judgement, the film is suitable for that particular child. In such circumstances responsibility for allowing a child under 12 to view lies with the accompanying adult.

Discrimination

Discriminatory language or behaviour must not be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.

Drugs

Any misuse of drugs must be infrequent and should not be glamorised or give instructional detail.

Horror

Moderate physical and psychological threat may be permitted, provided disturbing sequences are not frequent or sustained.

Imitable behaviour

Dangerous behaviour (for example hanging, suicide and self-harming) should not dwell on detail which could be copied or appear pain or harm free. Easily accessible weapons should not be glamorised.

Language

Moderate language is allowed The use of strong language (for example, "fuck") must be infrequent.

Nudity

Nudity is allowed, but in a sexual context must be brief and discreet.

Sex

Sexual activity may be briefly and discreetly portrayed. Sex references should not go beyond what is suitable for young teenagers. Frequent crude references are unlikely to be acceptable.

Theme

Mature themes are acceptable, but their treatment must be suitable for young teenagers.

Violence

Moderate violence is allowed but should not dwell on detail. There should be no emphasis on injuries or blood but occasional gory moments may be permitted if justified by the context. Sexual violence may only be implied or briefly and discreetly indicated, and must have a strong contextual justification.

15

Suitable only for 15 years and over.

Discrimination

The work as a whole must not endorse discriminatory language or abuse.

Drugs

Drug taking may be shown but the film as a whole must not promote or encourage drug misuse. The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

Horror

Strong threat and menace are permitted unless sadistic or sexualised.

Imitable behaviour

Dangerous behaviour (for example hanging, suicide and self-harming) should not dwell on detail which could be copied. Easily accessible weapons should not be glamorised.

Language

There may be frequent use of strong language (for example “fuck”). The strongest terms (for example “cunt”) may be acceptable if justified by the context. Aggressive or repeated use of the strongest language is unlikely to be acceptable.

Nudity

Nudity may be allowed in a sexual context but without strong detail. There are no constraints on nudity in a non-sexual or educational context.

Sex

Sexual activity may be portrayed but without strong detail. There may be strong verbal references to sexual behaviour.

Theme

No theme is prohibited, provided the treatment is appropriate to 15 year olds.

Violence

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic or sexualised violence is unlikely to be acceptable. There may be detailed verbal references to sexual violence but any portrayal of sexual violence must be discreet and have a strong contextual justification.

18

Suitable only for adults

In line with the consistent findings of the BBFC's public consultations and the Human Rights Act 1998, at 18 the BBFC's guideline concerns will not normally override the principle that adults should be free to choose their own entertainment, within the law. Exceptions are most likely in the following areas:

- Where the material is in breach of the criminal law, or has been created through the commission of a criminal offence.
- Where material or treatment appears to the BBFC to risk harm to individuals or through their behaviour to society – e.g. any detailed portrayal of violent or dangerous acts or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sexual or sexualised violence which might, for example, eroticise or endorse sexual assault.
- Where there are more explicit images of sexual activity which cannot be justified by context. Such images may be appropriate in "R18" works, and in "sex works" (see below) and would normally be confined to that category.

In the case of video works (including video games) which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

Sex education at '18'

Where sex material genuinely seeks to inform and educate in matters such as human sexuality, safer sex and health, explicit images of sexual activity may be permitted.

Sex works at '18'

Sex works are works whose primary purpose is sexual arousal or stimulation. Sex works containing only material which may be simulated are generally passed '18'. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the 'R18' category. Material which is unacceptable in a sex work at 'R18' is also unacceptable in a sex work at '18'