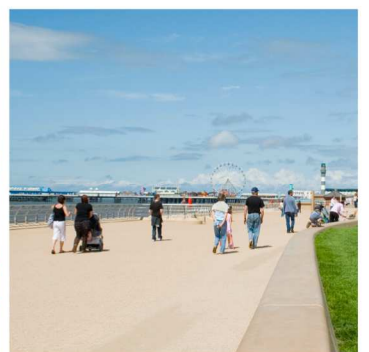
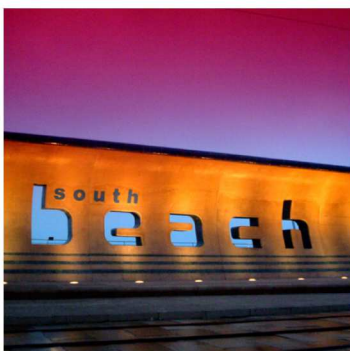


# STATEMENT OF LICENSING POLICY

Blackpool Council



# Statement of Licensing Policy

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# Statement of Licensing Policy

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## **Purpose and Scope of Policy**

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

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. This policy does not seek to explain the various application processes – separate guidance and advice is available on request from the Licensing Service.

The Licensing Act 2003 regulates the following 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
- The provision of late night refreshment

The licensing service will be able to provide advice on whether or not the activities are licensable.

## **Fundamental Principles**

In carrying out its licensing functions, the authority will promote the four licensing objectives:

- Prevention of Crime and Disorder
- Protection of Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm.

Each objective is of equal importance.

Nothing in this policy undermines the right of any person to apply for permission under this act or override the right of any person to make

representations on an application or to seek a review of a licence or certificate where permitted by the Act.

Each application will be determined on its own merits, although in reaching a decision, the licensing authority will have regard to the licensing objectives, the Secretary of State's Guidance issued under Section 182 Licensing Act 2003 and this statement of policy.

## **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 Chairman of the licensing committee will be elected at the first meeting of the licensing committee in each Municipal Year.

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

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 on the licensing committee or licensing panel unless they have received appropriate training.

## **Delegations**

The authority's licensing officers will deal with all licence applications where either no representations have been received, or where representations have been received, but have been 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 judgment. Where representations are rejected written reasons will be given

# Statement of Licensing Policy

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## Duplication

Licensed premises are subject to other regulatory regimes. Where control measures are already in place under, for example The Health and Safety at Work Act 1974 or the Regulatory Reform (Fire Safety) Order 2005 conditions duplicating these measures will not be imposed on the licence.

Where it can be demonstrated that measures that exceed the requirements of the other regime are appropriate for the promotion of the licensing objectives, these measures can be imposed as a condition on a licence.

## Strategies and Partnership Working

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 and disorder, anti-social behaviour, local transport, tourism, culture and sport.

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.

## Equal Opportunities

The Equality Act 2010 places a legal obligation on the licensing authority to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity; and foster good relations between persons with different protected characteristics.

## Live Music Act 2012

This Act is designed to encourage more performances of live music. The following activities are no longer licensable:

- Amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises

- Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- Unamplified live music between 8am and 11pm in all venues
- The provision of entertainment facilities

Conditions on existing licences relating to live music are suspended between 8am and 11pm but these conditions can be re-instated or new ones added following a review.

If there is any doubt whether a performance will be considered to be live music or not, organisers are encouraged to check with the licensing service.

## Planning

The licensing authority believes that effective co-ordination of the licensing and planning regimes is essential and is determined that licensing panel hearings will not involve a re-run of the planning process.

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 property not being finalised for example when a provisional statement is sought.

## Licensing Hours

The Secretary of State recognises that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas.

Whilst the licensing authority accepts that flexible licensing hours may reduce crime, disorder and anti-social behaviour by allowing for a more gradual



# Statement of Licensing Policy

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dispersal of customers, experience shows that in the town centre area especially, the majority of new entrants request opening hours to match competitors. This has moved the problems previously experienced historically at 11pm to 2/3am in the morning. The increased reliance on the emergency services in the early hours of the morning is impacting on the service provision for the rest of the town. For this reason, applicants should note that applications for licences past 3am are more likely to attract representations than applications with closing times of 3am or earlier.

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.

There is no automatic special provision for New Years Eve, therefore if applicants wish to take advantage of longer trading hours over this period this should be included in the operating schedule.

## 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 licensed 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.

## Applications

Any person/business holding or seeking a licence must be aware of the licensing objectives. They 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 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 the 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.

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

## Representations

Representations may be made by responsible authorities and other persons.

## Responsible Authorities

A full list of responsible authorities is available on request from the licensing service

# Statement of Licensing Policy

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## The licensing authority as a responsible authority

Although the licensing authority is a responsible authority in its own right, it expects that other parties such as local residents, Councillors or community groups should make representations in their own right when they are reasonably able to do so rather than rely on the licensing authority to make representations for them. Similarly it expects other responsible authorities to make representations within their own area of expertise.

## 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.

## 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**

## Conditions

Appropriate and proportionate conditions may be attached to licences when a relevant representation is received. Conditions will be devised having regard to the particular circumstances of the application and the physical characteristics of the premises as detailed in the application.

Conditions will be:

- Clear
- Enforceable
- Evidenced
- Proportionate
- Relevant
- Expressed in language capable of being understood by those expected to comply with them.

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.

## 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.

# Statement of Licensing Policy

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## 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.

## 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.

## 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.

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.

## Children

The authority will not seek to limit the access of children to any premises unless it is necessary for the

prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licence holder.

## Adult Entertainment

Applicants for new licences or variations of existing licences must also indicate the nature of any adult entertainment to be carried out at 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 has adopted Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 which means that venues proposing to provide sexual entertainment must apply for a sexual entertainment venue licence in addition to the premises licence under the Licensing Act 2003.

There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that

does allow premises to offer sexual entertainment no more than 11 times a year and no more frequently than monthly. Where operators intend to take advantage of this exemption, the licensing authority expects a clear explanation in the operating schedule of the proposed signage, publicity and external advertising/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.

The licensing authority would expect to see the following measures offered in the operating schedule:

- No persons under 18 years of age will be admitted to premises where a performance of adult entertainment is taking place
- No performance shall involve physical contact between the performer(s) and any other person



# Statement of Licensing Policy

- 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
- CCTV should cover all performance areas in the premises including all those areas set aside for private dances/performances.

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

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. Premises licence holders should look to individuals with such a qualification to manage the security on the premises and cascade down good quality working practices to other door supervisors.

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.

## Cumulative Impact

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 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.

## Town Centre Saturation Area

The licensing authority has for some years recognised that the Town Centre and Promenade is an area where the behaviour of customers of all the premises taken together has a greater impact than normal on the licensing objectives. For this reason the town centre saturation area was created.

# Statement of Licensing Policy

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Following a review of the saturation area, whilst there are still problems of crime, disorder and anti-social behaviour in the Town Centre it is now deemed appropriate to reduce the area covered by the saturation policy. This means that a large area of the town will become free of the burden of the saturation policy with a view to encouraging trade and development. Those areas currently attracting significant resourcing from the Police and other responsible authorities are the areas CIZ 1 and CIZ2 shown in appendix C. This will form the basis of the new town centre saturation area.

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.**

## Off-Licence Saturation Policy

On 21<sup>st</sup> 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**

# Statement of Licensing Policy

**granted in terms consistent with the operating schedule.**

## 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.

## 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.

## 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

# Statement of Licensing Policy

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.

## Reviews

### 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

# Statement of Licensing Policy

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such action is necessary to promote the licensing objectives.

## 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.

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.

## 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.

## Suspension of licence for non-payment of annual fee

The licensing authority must suspend a premises licence or club premises certificate where the annual fee has become due and has not been paid.

Reminders are sent to licence holders a minimum of four weeks before the annual fee becomes due. The notice details the date the fee becomes due and the date the licence will be suspended for non payment. The notice will be sent to the correspondence address held for the licence holder. In the event of non-payment attempts will be made to contact the licence holder by telephone before the licence has been suspended. It is essential that the licence holder ensures that the licensing service hold current contact details.

Once a licence has been suspended, the Police and other responsible authorities will be notified of the suspension by email. Confirmation of the suspension will be sent by post to the licence holder.

In the event the licence holder owes more than one year's annual fee for premises, it is the policy of this Council to apply any payment received to the oldest outstanding annual fee. The licence will be suspended unless all outstanding annual fees have been paid. Payments following licence suspension must be by cash or credit/card. Payment by cheque will not be accepted on a suspended licence.

# Statement of Licensing Policy

## 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	If a police representation	



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premises licence	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		Head of Quality Standards–all cases
Determination of a police representation in respect of a temporary event notice	All cases	

# Statement of Licensing Policy

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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;

# Statement of Licensing Policy

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- 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.
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# Statement of Licensing Policy

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- 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

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- 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

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## 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.
  - h)

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.



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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

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- 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

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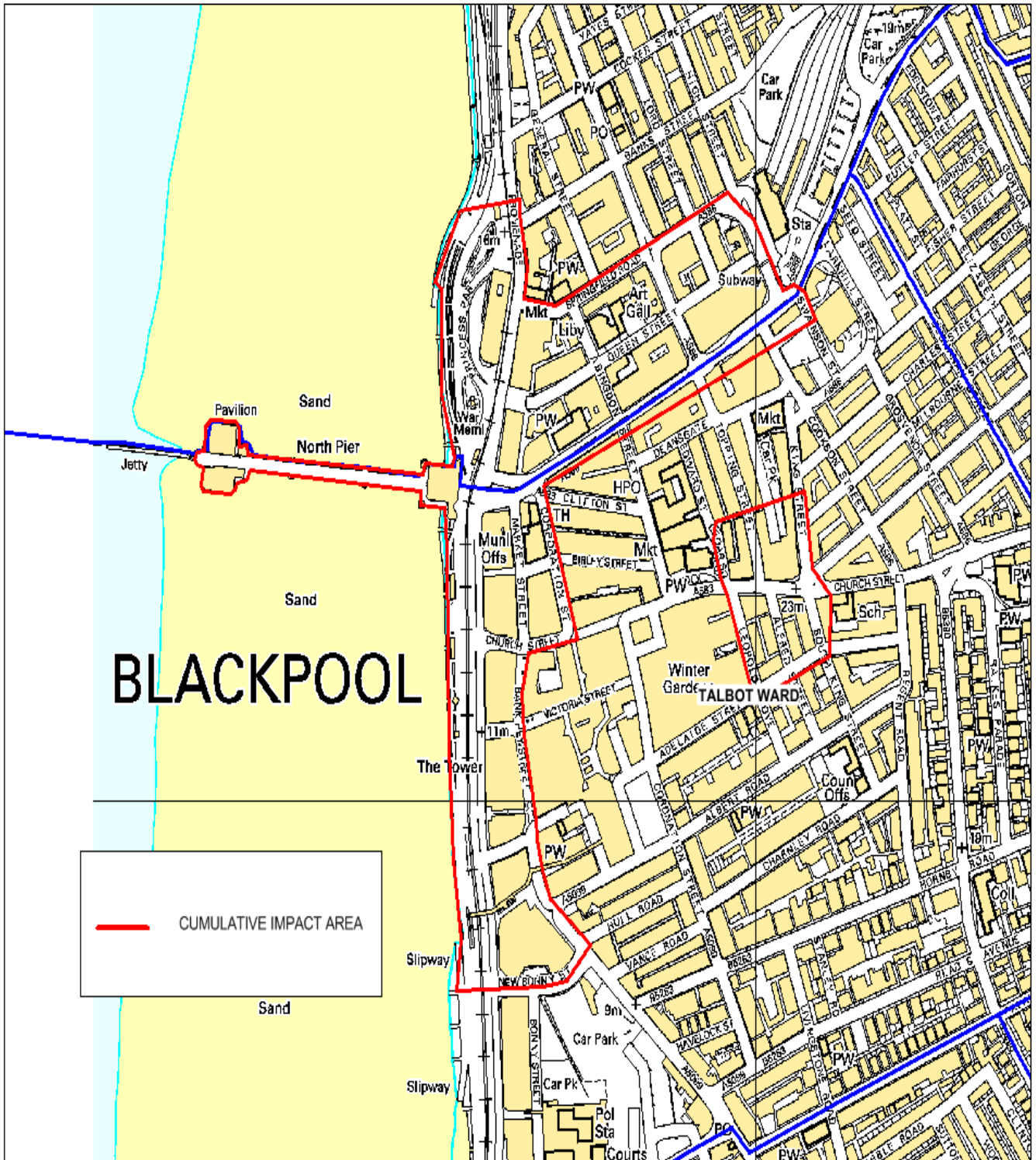
- 4) been classified by the BBFC should be specified in the operating schedules.
- 5) The operating schedule for any premises where performances or entertainments are provided specifically for children should specify arrangements for their safety and in particular for their access and egress, and where children are present at an event as entertainers then arrangements should be included in the operating schedule which describe appropriate adult supervision.
- 6) 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.
- 7) 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

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Appendix C

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## Statement of Licensing Policy

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