

# Blackpool Council

22 May 2015

To: Councillors Brown, G Coleman, Cox, Cross, Humphreys, Hunter, Hutton, Maycock, Mitchell, Owen, Roberts, Ryan, Scott, Singleton and L Taylor

The above members are requested to attend the:

## LICENSING COMMITTEE

Wednesday, 3 June 2015 at 6.00 pm  
in Committee Room A, Town Hall, Blackpool

### A G E N D A

#### **1 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

#### **2 MINUTES OF THE LAST MEETING HELD ON 12TH DECEMBER 2014** (Pages 1 - 2)

To agree the minutes of the last meeting held on 12<sup>th</sup> December 2014 as a true and correct record.

#### **3 FORMATION OF A PUBLIC PROTECTION SUB-COMMITTEE** (Pages 3 - 6)

Following the annual meeting of the Council, to consider whether the Committee wishes to form a Public Protection Sub-Committee.

#### **4 REVIEW OF STATEMENT OF LICENSING POLICY** (Pages 7 - 74)

To consider the attached report on the Review of the Statement of Licensing Policy.

**5 REVIEW OF LICENSING POLICIES** (Pages 75 - 140)

To receive a report on proposals for reviewing the Statement of Gambling Policy and Hackney Carriage and Private Hire Policy.

**6 LICENSING SERVICE UPDATE** (Pages 141 - 144)

To receive an update on the work of the Licensing Service.

**7 ENFORCEMENT UPDATE** (Pages 145 - 148)

To receive an update on the work of the multi-agency Licensing Enforcement Team.

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail [lennox.beattie@blackpool.gov.uk](mailto:lennox.beattie@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

### **Present:**

Councillor Hutton (in the Chair)

Councillors

G Coleman	Doherty	Mrs Jackson	Ryan
Cox	Green	M Mitchell	Smith
Mrs Delves	Hunter	O'Hara	Mrs Taylor

### **In Attendance:**

Lennox Beattie, Executive and Regulatory Manager

Sharon Davies, Head of Licensing Service

Mark Marshall, Licensing Health and Safety Enforcement Manager

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 MINUTES OF THE LAST MEETING HELD ON 26TH JUNE 2014**

Resolved:

That the minutes of the meeting held on the 26<sup>th</sup> June 2014 be approved and signed by the Chairman as a correct record.

### **3 NIGHT TIME ECONOMY WORKING GROUP INTERIM REPORT**

The Committee considered the interim report of the Night Time Economy Working Group.

It noted as outlined in the report the Working Group had not been able to report back fully within the previously agreed timescales so had submitted an interim report and it was the intention now to issue the final report in February.

The Committee held a discussion on the key issues identified and agreed to further explore them when the final report was issued.

**Resolved:**

To note the contents of the interim report of the Night Time Economy Working Group.

### **4 REVIEW OF STATEMENT OF LICENSING POLICY**

The Committee considered a draft statement of Licensing Policy.

Mrs Davies introduced the draft policy and explained that the draft policy had been developed taking into account good practice from other local authorities. Key proposed changes included the highlighting of good practice, the introduction of a framework of

## MINUTES OF LICENSING COMMITTEE MEETING - TUESDAY, 16 DECEMBER 2014

hours, the extension of the town centre saturation area to cover take aways and a confirmation that the saturation policy will only be overridden in exceptional circumstances.

The Committee noted that the policy had a number of requirements for statutory consultation and also agreed that in line with the Secretary of State's guidance as wide a consultation as possible should take place.

### **Resolved:**

To approve the content of the draft policy for consultation and authorise a 12 week consultation period on the draft policy.

### **Chairman**

(The meeting ended at 10.35am)

Any queries regarding these minutes, please contact:  
Lennox Beattie Executive and Regulatory Manager  
Tel: 01253 477157  
E-mail: [lennox.beattie@blackpool.gov.uk](mailto:lennox.beattie@blackpool.gov.uk)

<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Regulatory Services
<b>Date of Meeting</b>	3 <sup>rd</sup> June 2015

## FORMATION OF A PUBLIC PROTECTION SUB-COMMITTEE

### 1.0 Purpose of the report:

1.1 Members are requested to consider the constitution of a Public Protection Sub-Committee for the forthcoming Municipal Year.

### 2.0 Recommendation(s):

2.1 To agree to the constitution of a politically balanced Public Protection Sub-Committee with a membership of 7 (5 Labour and 2 Conservative).

2.2 Subject to the approval of 2.1 above, to note the membership of the proposed Sub-Committee as informed by the Group Leaders as follows: Councillors G Coleman, Hutton, Owen, Singleton, L Taylor, Cox and Robertson BEM.

2.3 That the functions assigned to the Public Protection Sub-Committee continue to be those as set out in Part 3 of the Council's Constitution.

2.4 To consider whether or not to appoint at this meeting, the Chairman and Vice-Chairman of the Public Protection Sub-Committee.

### 3.0 Reasons for recommendation(s):

3.1 Following the confirmation of the Committee structure at the Council meeting on the 22<sup>nd</sup> May 2015, if the Licensing Committee wishes to delegate functions to a Public Protection Sub-Committee such a body needs to be created.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not to create a Public Protection Sub-Committee which would mean that all the functions previously delegated would remain the responsibility of the Licensing Committee.

**4.0 Council Priority:**

4.1 The relevant Council Priority is “Create safer communities and reduce crime and anti-social behaviour”

**5.0 Background Information**

5.1 The Council at its meeting on 22<sup>nd</sup> May 2015 recommended the constitution of a politically balanced Public Protection Sub-Committee with a membership of 7(5 Labour and 2 Conservative). The functions assigned to the Sub-Committee are as set out in Part 3 of the Council’s Constitution. The Council will also be asked to recommend that the Sub-Committee continues to meet on a monthly basis. The functions of the Licensing Committee under the Licensing Act 2003 would continue to be discharged by panels consisting of 3 members of the Licensing Committee. Members are reminded that these Panels are appointed as required by the Head of Democratic Governance.

5.2 If the Committee agrees to the creation of a Public Protection Sub-Committee, it should also consider whether it wishes to appoint a Chairman and Vice-Chairman at this meeting or to leave the appointments for consideration by the Sub-Committee itself.

5.3 Does the information submitted include any exempt information? No

**5.4 List of Appendices:**

None

**6.0 Legal considerations:**

6.1 This Committee was reconstituted at the meeting of the Council on 22<sup>nd</sup> May 2015 and as such the Public Protection Sub-Committee has to be reconstituted for this Municipal Year, in order for it to carry out its duties.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Internal/ External Consultation undertaken:**

11.1 None

**12.0 Background papers:**

12.1 None

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<b>Report to:</b>	<b>Licensing Committee</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting:</b>	3 <sup>rd</sup> June 2015

## REVIEW OF STATEMENT OF LICENSING POLICY

### 1.0 Purpose of the report:

1.1 To consider the proposed statement of licensing policy.

### 2.0 Recommendation(s):

2.1 The Committee is recommended to approve the content of the proposed policy and recommend it for approval to the Executive for recommendation to Council.

### 3.0 Reasons for recommendation(s):

3.1 In December 2014, the Licensing Committee approved a period of consultation on a revised Statement of Licensing Policy. The consultation is now complete and the results are before the Committee for its consideration.

3.2a	Is the recommendation contrary to a plan or strategy adopted or approved by the Council?	No, If approved the revised Statement of Licensing Policy will replace the existing one.
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3.2b	Is the recommendation in accordance with the Council's approved budget?	No
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3.3 Other alternative options to be considered:

The Committee may make alterations to the proposed policy before it is considered by the Executive and Council.

#### **4.0 Council Priority:**

4.1 The relevant Council Priorities are:

- Safeguard and protect the most vulnerable
- Encourage responsible entrepreneurship for the benefit of our communities
- Create safer communities and reduce crime and anti-social behaviour

#### **5.0 Background Information**

5.1 The Council, as Licensing Authority, is required by statute to produce and publish a Statement of Licensing Policy which sets out how it intends to exercise its functions under the Licensing Act 2003. The last full review of the policy took place in 2012 although amendments to the Town Centre Saturation Policy were made in 2013.

5.2 One of the areas of feedback from the Licensing Committee's hearing into the proposed Early Morning Alcohol Restriction Order in February 2014 was that better use could be made of existing legislation to deal with alcohol related problems in the night time economy. A review of good practice relating to licensing policies from other Authorities was undertaken which informed the development of the draft policy. Informal consultation took place with the Night Time Economy Working Group and the Responsible Authorities. The main changes to the draft policy were:

- Highlighting good practice by way of key messages
- The introduction of a framework of hours for licensed premises
- Extending the Town Centre Saturation Area to cover takeaway premises
- Confirming that the saturation policy will only be overridden in genuinely exceptional circumstances.

5.3 The Licensing Committee at its meeting on 16<sup>th</sup> December 2014 approved a formal period of consultation as required by the legislation.

5.4 Consultation took place between the 18<sup>th</sup> December 2014 and 12<sup>th</sup> March 2015. The consultation was advertised using social media and the draft policy document was available on the Council's website. In addition the following were asked for their comments on the draft policy:

- The Responsible Authorities (The Police, Fire and Rescue, the Licensing Authority, Environmental Protection, Health and Safety, Planning, Public Health, Social Services and Weights and Measures.)
- Persons/bodies representative of local premises licence holders
- Persons/bodies representative of local club premises certificate holders
- Persons/bodies representative of local personal licence holders; and

- Persons/bodies representative of businesses and residents in its area.

5.5 Comments on the draft policy were received from:

- The Council's Director of Public Health.
- LR Law on behalf of Lancashire Constabulary and the Licensing Authority.
- The property partnership.

5.6 The Head of Licensing Services will report in more detail on the consultation responses but in the main the amendments proposed in these responses were incorporated when preparing the proposed policy at Appendix 4a. The only exception to this is the request to extend the area covered by the town centre saturation area as this would require a further period of consultation.

5.7 Does the information submitted include any exempt information? No

5.8 **List of Appendices:**

Appendix 4a: Consultation responses.

Appendix 4b: Proposed Statement of Licensing Policy.

6.0 **Legal considerations:**

6.1 The statement of licensing policy must be approved by Council before it can take effect.

7.0 **Human Resources considerations:**

7.1 None

8.0 **Equalities considerations:**

8.1 None

9.0 **Financial considerations:**

9.1 None

10.0 **Risk management considerations:**

10.1 The proposed statement of licensing policy will it is envisaged support the licensing objectives and strengthen the enforcement of the objectives.

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

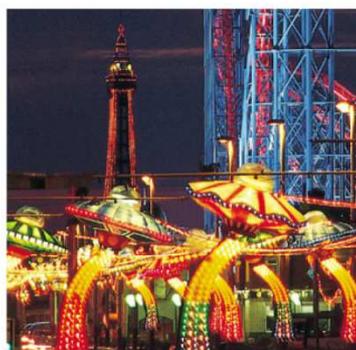
12.1 Formal consultation with licence holders, responsible authorities and other interested parties took place between 18<sup>th</sup> December 2014 and 12<sup>th</sup> March 2015.

**13.0 Background papers:**

13.1 None

# Statement of Licensing Policy 2015-2019

Blackpool Council



# Statement of Licensing Policy

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## Contents

<b>1. Purpose and scope of the Licensing Policy</b>	<b>03</b>
<b>2. Blackpool Profile</b>	<b>04</b>
<b>3. The Licensing Process</b>	<b>07</b>
• Making an application	07
• Representations	08
• Responsible Authorities	09
• The decision making process	09
• Determining applications	10
• Conditions	10
• Appeals	11
<b>4. Policies to consider before submitting an application</b>	<b>11</b>
• The operating schedule	11
• Designated Public Places Order	13
• Encouraging diversity	14
• Licensing Hours	14
• Off Licences	15
• Cumulative Impact	16
• Town Centre Saturation Area	17
• Off-Licence Saturation Area	18
• Saturation Policy Review	19
• Large Scale Events	19
• Alcohol Deliveries	19
• Age verification policies	19
• Children	19
• Adult Entertainment	20
• Outside Areas	21
• Takeaways/Late Night Refreshment	21
<b>5. Temporary Event Notices</b>	<b>21</b>
<b>6. Enforcement and Reviews</b>	<b>23</b>
<b>7. Personal Licences</b>	<b>25</b>
<b>8. Appendix A – Scheme of Delegations</b>	<b>27</b>
<b>9. Appendix B – Maps of saturation areas</b>	<b>29</b>

# Statement of Licensing Policy

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## 1 Purpose and Scope of the Licensing Policy

### 1.1 Introduction

The Licensing Act 2003 requires every licensing authority to publish a 'statement of licensing policy' every five years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only used if relevant representations are made.

The Policy covers regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Nothing in this Policy will prevent a person applying for a variety of permissions under the Act. The policy covers the following licensable activities:

- retail sales of alcohol
- supply of alcohol by or on behalf of a club
- provision of regulated entertainment
- provision of late night refreshment (hot food and drink at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises)

The policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State. We must carry out our licensing role with a view to promoting the four licensing objectives:

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

We must also have regard to this Statement of Licensing Policy and any statutory guidance issued by the Secretary of State. That does not mean that we have to follow the policy and guidance to the letter. We can depart from it if we have properly considered it and taken it into account but still consider that we have good reason to do so.

### 1.2 Duration and Review

This policy takes effect on XXXXX and will remain in force for a period not exceeding five years. During this time the policy will be subject to regular review and will be updated and modified as necessary to take into account amongst other things changes in licensing legislation.

# Statement of Licensing Policy

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## 2 Blackpool Profile

### 2.1 Blackpool and its people

- 2.1.1 Blackpool is England's largest and most popular seaside resort attracting more than 10 million visitors a year. Located in the North West of England and on the Fylde Coast Peninsula, Blackpool covers an area of around 35km<sup>2</sup>, with 11.2km (7 miles) of seafront. Intensely urban and compact in form, it is characterised at its heart by the Resort Core, an area of some 5km<sup>2</sup> and the adjoining Town Centre. Elsewhere, Blackpool is predominantly residential in character, largely built up to its boundaries, with the few remaining areas of open land located in the south and east of the town. The predominantly rural areas of Wyre and Fylde are located on the northern/eastern edge and eastern/southern edge of the Borough boundary respectively.
- 2.1.2 The town is built on tourism and whilst Blackpool remains at the heart of the UK tourism and visitor economy, it has experienced a significant decline in visitor numbers from the 1980s onwards; a consequence of growing affluence, enhanced consumer choice and the perceived obsolescence of the town's visitor offer. Three decades of resort decline has led to an underperforming economy and high levels of deprivation.
- 2.1.3 Blackpool has a resident population of 142,000. Each year there are approximately 1,700 births and 1,900 deaths amongst the resident population. The population of Blackpool has considerable amount of transience, including movement in and out of the town, as well as movement within the town.
- 2.1.4 Blackpool has a vibrant night-time economy and like many UK towns and cities, that economy centres around entertainment premises licensed to sell alcohol. There are 130 on-licensed premises in a compact town centre, an area of approximately one square mile, making it the highest density of licensed premises outside the West End of London. A total of 1,900 licensed premises exist in the entire town: approximately one for every 72 residents.
- 2.1.5 The health of people in Blackpool is generally worse than the England average and there are marked inequalities both between Blackpool and the national average and within the town itself. Life expectancy for men in Blackpool is the lowest in the country at 73.6 years and third lowest in the country for females at 79.4 years (England averages of 78.6 for men and 82.6 for women).
- 2.1.6 There is considerable variation within Blackpool where life expectancy is 12.8 years lower for men and 8.1 years lower for women in the most deprived areas than the least deprived areas of the town. Although the overall trend shows life expectancy to be improving, it is not improving

# Statement of Licensing Policy

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as fast in Blackpool as it is elsewhere and the gap between Blackpool and the national average is widening

- 2.1.7 Not only do people in Blackpool live shorter lives, but they also spend a smaller proportion of their lifespan in good health and without disability and in the most deprived areas of the town disability-free life expectancy is around 50 years. One of the main causes of shorter life expectancy in Blackpool is alcohol related diseases.

## 2.2 Blackpool and the impact of Alcohol: Key Facts

- 2.2.1 Alcohol misuse in the northwest region of England is the worst in the UK, and Blackpool has high levels of alcohol related harm (health, disorder, violence) for the size of the population. The health and wellbeing of the community and local services are strained. The alcohol industry brings some economic prosperity through employment, yet paradoxically 105,000 working days a year are lost in Blackpool due to alcohol misuse, at an estimated cost upwards of £10.5mn per year.
- 2.2.2 Blackpool has widespread deprivation within the central wards of the town and it is here that alcohol related early death and illness are the highest. A combination of poor quality housing, lack of appealing employment and low aspiration within the resident population makes alcohol a convenient pastime. Of the 180 off-licence premises (50% higher than the national average), half are in five of the six most deprived wards of the town. Alcohol related domestic abuse is concentrated in these central wards and southern residential areas of the town.

## 2.3 Blackpool's Approach to Tackling Alcohol Problems

- 2.3.1 This statement of Licensing Policy is only one document which by promoting the licensing objectives helps to impact on alcohol in Blackpool. An extract from the Council Plan 2013 – 2015 below, shows the impact alcohol has on Blackpool:

*“Blackpool has some of the worst levels of alcohol related harm in the country, with an estimated 28% of Blackpool's residents drinking to hazardous or harmful levels and over 4,500 alcohol-related admissions to hospital amongst Blackpool residents each year.”*

The Council plan aims to implement the 2013-16 Alcohol Strategy, including evaluating the legislation available to control the sale of alcohol and train frontline public sector workers on how to identify and give advice to people with alcohol related issues.

## Statement of Licensing Policy

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2.3.2 The **2013 Blackpool Joint Health and Well Being Strategy** states as follows in relation to the harm that alcohol does in the town:

*“Alcohol is a factor in 14% of all crimes in the town, 36% of violent crimes and 77% of domestic violence incidents. An estimated 28% (40,000) Blackpool residents, drink to hazardous or harmful levels. The combined cost to health and social care services in the town is estimated to be £22.7 million per year in addition to the estimated £38.8 million per year associated with the costs of licensing and addressing crime.”*

2.3.3 It also states in relation to crime and anti-social behavior:

*“Blackpool has a higher crime rate compared to Lancashire, the North West and England. Bloomfield, Claremont and Talbot wards have three times the number of crimes per 1000 population than the Lancashire average and double the Blackpool average.*

*Within 2011, violent crime has reduced by 8.8% compared to 2010. However, 47.0% of all violent crime and 53.0% of alcohol related violent crime is concentrated in Bloomfield, Claremont and Talbot wards.”*

The Strategy is seeking to improve outcomes and reduce inequalities through every stage in people’s lives. It is designed to enable local commissioners to plan and commission integrated services that meet the needs of the whole community, in particular for the most vulnerable individuals and the groups with the worst health outcomes. Consultation was carried out through a combination of stakeholder meetings, focus groups, public events and online questionnaires. In terms of affecting healthy lifestyles, alcohol was identified as the most important influencing factor.

2.3.4 **The Blackpool Alcohol Strategy** has a vision that by 2016 Blackpool will be a safer, healthier, and enjoyable place to live, work and visit free of excess alcohol harm. Its aim is to reduce alcohol related mortality and increase Blackpool’s average life expectancy. The objectives identified in the strategy were as follows:

- Reduce alcohol related ill health (Target: Reduction of 5% in alcohol specific hospital admissions);
- Reduce alcohol related anti-social behaviour and crime;
- Improve Blackpool’s cultural attitude to alcohol, providing a safe, enjoyable and sustainable environment for visitors and residents to improve the town’s economy;
- Provide a safe alcohol-free environment for children and empower young people to make informed decisions in relation to alcohol. (Target: delay the average age of first drink to 16).

# Statement of Licensing Policy

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2.3.5 **The Blackpool Alcohol Strategy** has a vision that by 2016 Blackpool will be a safer, healthier, and enjoyable place to live, work and visit free of excess alcohol harm. Its aim is to reduce alcohol related mortality and increase Blackpool's average life expectancy. The objectives identified in the strategy were as follows:

- Reduce alcohol related ill health (Target: Reduction of 5% in alcohol specific hospital admissions);
- Reduce alcohol related anti-social behaviour and crime;
- Improve Blackpool's cultural attitude to alcohol, providing a safe, enjoyable and sustainable environment for visitors and residents to improve the town's economy;
- Provide a safe alcohol-free environment for children and empower young people to make informed decisions in relation to alcohol. (Target: delay the average age of first drink to 16).

2.3.6 The **Blackpool Community Safety Plan 2012 – 2015**, addresses alcohol and crime and disorder as two of its priorities and also focuses on the links between them. The plan seeks to look at ways to address the availability of alcohol and the culture built around it. Measures put forward include extensive training of employees and the public to de-normalise the culture of accepting drunkenness and the humour around alcohol, acting firmly following alcohol offences to ensure the population are awareness that alcohol related offences will not be tolerated and seeking press coverage of convictions.

## 3 The Licensing Process

### 3.1 Making an application

3.1.1 This policy sets out the authority's expectations with regards to applications. Whilst applicants are not obliged to meet these expectations it is more likely that responsible authorities and other parties will make representations if they do not.

3.1.2 Application forms are prescribed by the Act and Regulations. These forms together with guidance notes and further advice can be obtained from the Licensing Service or from [www.blackpool.gov.uk/](http://www.blackpool.gov.uk/)

# Statement of Licensing Policy

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- 3.1.3 To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 Licensing Act 2003 and relevant guidance published by the licensing authority.

**Key Message**

*Applicants are encouraged to seek advice from the licensing authority and responsible authorities before submitting an application*

*Failure to comply with the statutory requirements may result in an application or notice being invalid/rejected*

## 3.2 Representations

- 3.2.1 Where the licensing authority receives an application for a new licence or a variation to an existing licence, the responsible authorities, local residents and businesses have 28 days to make representations about the application. Representations can be positive as well as negative. Current applications can be viewed at the licensing office or online at [www.blackpool.gov.uk](http://www.blackpool.gov.uk)
- 3.2.2 The authority can only take relevant representations into account when considering an application. To be relevant a representation must be about the likely effect of the premises licence on the promotion of the licensing objectives;
- 3.2.3 Where relevant representations are made, the following factors will normally be taken into account:
- The style of operations, the number of customers and profile of customers expected to attend the premises
  - The location of the premises and its proximity to noise sensitive properties
  - The proposed hours of operation
  - The transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses
  - The proposed methods for the dispersal of customers
  - The scope for mitigating any impact
  - The extent to which the applicant has offered conditions to mitigate the impact

# Statement of Licensing Policy

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- How often the activity occurs

3.2.4 Members of the public who wish to submit a representation need to be aware that their personal details will be made available to the applicant. If this is an issue, they may contact their ward Councillor or other locally recognised body such as a resident's association about submitting a representation on their behalf. The Council is not able to accept anonymous representations.

## 3.3 Responsible authorities

3.3.1 Although the licensing authority is a responsible authority in its own right, it expects 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.

3.3.2 Public Health. The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health is not yet a licensing objective but Public Health is a responsible authority under the Licensing Act, and the licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

3.3.3 The body recognised by the licensing authority for the purpose of advising on matters relating to children is the local Safeguarding Children Board

## 3.4 The decision making process

3.4.1 Decisions under the Licensing Act 2003 will be taken by either the Licensing Committee, a panel of the Licensing Committee or by officers acting under delegated authority. Appendix A sets out how the Authority intends to delegate its licensing functions.

## Statement of Licensing Policy

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- 3.4.2 The Licensing Committee consists 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.
- 3.4.3 Councillors will not sit on a licensing panel involving an event or premises within their ward.
- 3.4.4 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.

### 3.5 Determining Applications

- 3.5.1 If no relevant representations are received then the application will be granted administratively. The licensing authority has no discretion to refuse the application or to alter/add to the conditions offered through the operating schedule.
- 3.5.2 Where relevant representations are made a hearing will be held before a panel made up of three members of the licensing committee. Hearings will be held during business hours at the earliest possible date.
- 3.5.3 Where an application has been made and representations have been received, the authority would encourage discussions between the parties to see if agreements can be reached so that the need for a hearing can be dispensed with.
- 3.5.4 Whilst the panels meet in public, they do have the power to hear certain applications in private.

### 3.6 Conditions

- 3.6.1 Appropriate and proportionate conditions may be attached to licences when at relevant representation has been 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.

# Statement of Licensing Policy

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3.6.2 Any condition attached to the licence will be related to one or more of the licensing objectives and will be focused on matters within the control of the individual licence holders and others with relevant authorisations.

3.6.3 Conditions that duplicate controls in other regulatory regimes will not be imposed wherever possible.

## 3.7 Appeals

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

3.7.2 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.

## 4. Policies to consider before submitting an application

### 4.1 The operating schedule

#### **Key Message**

*Using the operating schedule, applicants must demonstrate how high standards of management will be achieved. Where the operating schedule does not include sufficient detail there is an increased likelihood that representations will be made.*

4.1.1 The authority wishes to encourage high quality, well managed premises. The operating schedule should describe how these high management standards will be achieved. In particular applicants will be expected to demonstrate:

- Knowledge of best practice

## Statement of Licensing Policy

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- That they understand the legal requirements of operating a licensed business
- Knowledge and understanding of the licensing objectives, relevant parts of the licensing policy, and their responsibilities under the Licensing Act 2003

- 4.1.2 The operating schedule must include all of the information necessary to enable the licensing authority, responsible authorities and members of the public to assess whether the steps outlined for the promotion of the licensing objectives are sufficient. This will mean that applicants will need to complete their own risk assessments on their businesses. Where the operating schedule does not provide enough detail, there is an increased likelihood that representations will be made.
- 4.1.3 Applicants are not required to seek the views of responsible authorities before submitting their applications however they may find them a useful source of expert advice about the local issues that should be taken into consideration when making an application. Discussions with the responsible authorities, and where relevant local residents, before applications are submitted may minimise disputes during the application process.
- 4.1.4 The authority will expect that the completed operating schedule is specific to the premises subject to the application and the licensable activities to be carried out rather than containing general or standard terms

### ***Key Message***

Applicants are expected to demonstrate knowledge of the local area in which they propose to operate and an understanding of the problems and issues in that area.

- 4.1.5 For an applicant to assess what steps are appropriate for the promotion of the licensing objectives, they must first understand the area in which they intend to operate. By way of example the controls required in an area suffering from a high level of deprivation, alcohol dependency and street drinking may be completely different to those required in other areas. Applicants are expected to make their own enquiries and demonstrate how they have considered the following in the operating schedule:
- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate;

# Statement of Licensing Policy

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- Any risk posed to the local area by the proposed licensable activities; and
- Any local initiatives (for example local crime reduction initiatives or voluntary schemes which may help mitigate potential risks)

4.1.6 Applicants are also encouraged to access Local Alcohol Health Profiles information available via <http://lape.org.uk> which provides a picture of the levels of alcohol harm in the local area. Applicants are also encouraged to look at the Blackpool Joint Strategic Needs Assessment available via <http://blackpooljsna.org.uk> which provides a broader outlook on community issues in Blackpool. Applicants are to consider this information when making their application, demonstrating their understanding of their local community and how their new premises may impact on this. Applicants are encouraged to look at 'examples of good practice' where consideration of the information has been put into action. Examples of good practice include;

- Removing the promotion of alcohol messages – for example, in the name of the premise
- Adverts or promotions for alcohol should not appeal to young people
- Promoting and advertising 'alcohol harm-reduction' messages – for example, in the provision of posters within the premises
- Providing the opportunity for staff to be trained in Alcohol Identification and Brief Advice
- Restrict the sale of strong beer and cider and the sale of single cans or bottles of beer and cider. Such sales can contribute to anti-social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.

4.1.7 If relevant representations are made the Council will only grant the hours of use proposed where the operating schedule and any risk assessments adequately demonstrate that:

- The applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for
- The potential effect on the licensing objectives is not significant
- The operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses

4.1.8 Where appropriate the authority may consider imposing controls on products sold where representations indicate localised problems. This could include a ban on selling super-strength beer lager and cider, or single cans as part of a package to deal with identified problems.

## 4.2 Designated Public Places Orders (DPPO)/Public Space Protection Order

4.2.1 The authority supports the use of DPPOs and the new power to make a public space protection order as a tool to prevent alcohol related crime and disorder in the streets. The authority expects

# Statement of Licensing Policy

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premises that operate in areas where DPPOs have been implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behaviour

## 4.3 Encouraging diversity

### **Key Message**

*Applications for premises with mixed use including food and entertainment which cater for families and older adults are encouraged.*

- 4.3.1 The Licensing Authority recognises that creating a vibrant night time economy is important for Blackpool's development. Key to this is ensuring that the area appeals to a wide group of people including families and older adults who may not wish to frequent premises where the main, if not only attraction is the consumption of alcohol.
- 4.3.2 Applications for premises whose predominant offer is vertical drinking are not encouraged, but if applications are made for such premises, it is expected that the operating schedule will demonstrate robust arrangements for promoting the licensing objectives.

## 4.4 Licensing Hours

- 4.4.1 Whilst the licensing authority accepts that flexible licensing hours may reduce crime, disorder and anti-social behaviour by allowing for a more gradual dispersal of customers, experience shows that in the town centre especially, the majority of new entrants request opening hours to match competitors. This together is having the effect of moving problems of nuisance and anti-social behaviour into the early hours of the morning to such an extent that it is having an adverse impact on people arriving in the town centre for work or for leisure. The licensing authority wishes to promote a clean-up period between the night time economy closing and the town re-opening for daytime activities. Problems are also being experienced with early commencement hours for the sale of alcohol – this is especially the case with off-licence premises.

## Statement of Licensing Policy

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4.4.2 The Authority proposes to introduce a framework of core hours for licensable activities at premises:

Premises Type	Commencement hour for sale of alcohol	Terminal hour
Off-licence	10.00 am	23.00 pm
Restaurant	10.00 am	01.00 am
Other on-licenced premises	10.00 am	02.00 am
Takeaway	n/a	02.00 am

4.4.3 This framework will apply to applications for new premises licences and to applications for variations to extend the hours for licensable activities (earlier and later in the case of the sale of alcohol). Applicants are advised not to exceed these core hours when submitting a licence application in order to avoid representations.

4.4.4 Existing premises will not be affected by this framework unless there are good reasons for imposing restrictions following a review.

4.4.5 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 occasions will reduce the need to make variation applications.

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

4.4.7 Applicants should note that there is no guarantee that an application will be granted if the hours of trading fall within this framework. In similar terms an application will not automatically be rejected because the proposed hours of trading fall outside of the framework. All applications will be considered on their individual merits.

### 4.5 Off-licences

4.5.1 In recent years there has been a large increase in the number of premises licensed to sell alcohol for consumption off the premises only. At the same time visits to public houses have decreased and those who do visit town centre establishments appear to be pre-loading on cheaper alcohol

## Statement of Licensing Policy

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from off-licences so that they are intoxicated to some degree before they arrive at their destination. Residents often complain about the availability of alcohol through off-licences due to the increased issues of crime, disorder and public nuisance they experience. Other complaints are that it encourages street drinking and can provide easy access to alcohol by children.

- 4.5.2 As in all cases, it is for the applicant to determine what steps are appropriate for the promotion of the licensing objectives as these will vary from premises to premises and will also depend on location. Steps that might be considered include:

**CCTV/security** – the operating schedule should identify which systems will be in place to promote the licensing objectives. As a minimum, the CCTV system should retain images for 30 days and should provide a clear head and shoulder shot of each person entering the premises and the till or bar area.

**Display area** – will alcohol be displayed in a fixed specified area, if so the area should be identified on a plan. It is however the authority's view that alcohol displays **should not** be located:

- At the entrance/exit points
- In aisles which interfere with customer flow
- At or near checkouts (unless the alcohol is only available from behind the counter)
- In close proximity to products which are attractive to children, such as sweets and children's magazines

**Availability/Price** – suggested measures to deter street drinkers might include:

- Not selling beers or ciders with over 7% abv
- Not allowing self-service of these products
- Restricting single can sales
- Preventing sales on credit

### 4.6 Cumulative Impact

- 4.6.1 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.
- 4.6.2 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 which the licensing committee cannot take into account when determining applications.

# Statement of Licensing Policy

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## 4.7 Town Centre Saturation Area

- 4.7.1 The licensing authority has for some years recognised that the Town Centre and Promenade is an area where the behaviour of customers of all of the premises taken together has a greater impact than normal on the licensing objectives. For this reason the town centre saturation area was created.
- 4.7.2 The town centre saturation area was last reviewed in 2013 when as a result, a large part of the town was removed from the scope of the policy to leave only those areas which currently require significant resourcing from the Police and other responsible authorities.
- 4.7.3 Due to concerns about crime & disorder and anti-social behaviour arising from the number of takeaways in the area, the town centre saturation area is to be extended to include applications for late night refreshment.
- 4.7.4 The area covered by the town centre saturation area is shown in Appendix B.
- 4.7.5 The policy will apply to applications including the sale or supply of alcohol on the premises and the provision of late night refreshment 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, extension of trading hours or capacity).
- 4.7.6 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 expects that applications covered by this policy will be discussed with the responsible authorities in advance of submission. Applications should include detailed proposals dealing with the seating provision for customers (what percentage of proposed trading area will be seated), the provision of food, the type and style of entertainment to be offered. Premises which intend to primarily offer vertical drinking are unlikely to be able to rebut the presumption of refusal.
- 4.7.7 This policy does not act as an absolute prohibition on the granting of new licences however the policy will only be overridden in genuinely exceptional cases where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it.

## Statement of Licensing Policy

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- 4.7.8 An application is not likely to be classed as exceptional merely on the ground that the premises have been or will be operated within the terms of its licence or that they are/will be well managed. This is to be expected of any application.
- 4.7.9 Despite the adoption of such a policy, **if no representations are received, the application must be granted in terms consistent with the operating schedule.**

### 4.8 Off-licence saturation policy

- 4.8.1 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 any new licence application seeking permission to sell alcohol for consumption off the premises and any variation to an existing off-licence within these wards
- 4.8.2 The effect of the policy is to create a rebuttable presumption that any 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 in the area.
- 4.8.3 This policy does not act as an absolute prohibition on the granting of new off-licences however, the policy will only be overridden in genuinely exceptional cases where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it.
- 4.8.4 An application is not likely to be classed as exceptional merely on the ground that the premises have been or will be operated within the terms of its licence or that they are/will be well managed. This is to be expected of any application.
- 4.8.5 Despite the adoption of such a policy, **if no representations are received, the application must be granted in terms consistent with the operating schedule.**

**Key Message:**

*This policy will only be overridden in genuinely exceptional circumstances where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it.*

# Statement of Licensing Policy

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## 4.9 Saturation Policy Review

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

## 4.10 Large Scale Events

4.10.1 Existing licensed premises which intend to run one-off large scale events (and particularly dance events) are encouraged to consult with the responsible authorities and the Safety Advisory Group well in advance of the event taking place, to ensure that the event does not undermine the licensing objectives.

## 4.11 Alcohol deliveries

4.11.1 Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- The person they are selling alcohol to is over 18
- That alcohol is only delivered to a person over 18
- That a clear document trail of the order process from order to delivery is maintained (with times and signatures ) and available for inspection by an authorised officer
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

## 4.12 Age verification policies

4.12.1 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

## 4.13 Children

4.13.1 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

# Statement of Licensing Policy

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discretion of the licence holder. Applicants should note however that greater scrutiny will be given to applications that propose to permit children to remain on premises after 22.00 hours.

## 4.14 Adult Entertainment

- 4.14.1 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.
- 4.14.2 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.
- 4.14.3 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that does permit 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.
- 4.14.4 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 when a performance of adult entertainment is taking place
  - 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 other similar clothing on the appropriate part of the body
  - CCTV should cover all performance areas in the premises including those areas set aside for private dances/performances.

# Statement of Licensing Policy

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## 4.15 Outside areas

- 4.15.1 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.
- 4.15.2 Although consumption of alcohol is not a licensable activity, if the plan does not show outside area such as beer gardens or similar, then any premises licence authorising the sale of alcohol on the premises only would not authorise the use of such areas.

## 4.16 Takeaways/Late Night Refreshment

- 4.16.1 Problems are caused by takeaways playing loud music during their trading hours and particularly in the early hours of the morning, to attract passing custom. Loud music can cause a nuisance and can disturb visitors to the town and residents living nearby. Whilst the licensing authority accepts that such music may be “ancillary” to the licensable activity, premises are advised not to install external speakers and/or play loud music at a level which could constitute a nuisance. Conditions restricting outside speakers and/or music above background level would be viewed favourably when applications are submitted for premises offering late night refreshment.

## 5 Temporary Event Notices

### 5.1 General

- 5.1.1 The system of permitted temporary activities is intended to be a light touch process. Instead of applying for an authorisation, a person wishing to hold an event gives notice to the licensing authority they propose to carry out licensable activities.
- 5.1.2 Temporary Event Notices are subject to various limitations:
- The number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
  - The number of times a TEN may be given for any particular premises (12 times in a calendar year);
  - The maximum duration of an event authorised by a TEN is 168 hours ( seven days);
  - The maximum total duration of the events authorised by TENS in relation to individual premises (21 day in a calendar year);
  - The maximum people attending at any one time (fewer than 500); and

# Statement of Licensing Policy

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- The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours)

5.1.3 Proposed activities that exceed these limits will require a premises licence or club premises certificate.

5.1.4 Premises users should note that an event beginning before midnight and continuing into the next day counts as two days towards the 21day limit.

## 5.2 Standards TENs

5.2.1 A standard TEN must be given no later than ten working days before the event to which it relates.

5.2.2 Where the Police or Environmental Health object to the TEN the applicant can agree to modify the TEN. If no agreement is reached, a hearing will be arranged before a panel of the licensing committee. Following the hearing the panel may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead.

5.2.3 Conditions can only be applied to a TEN:

- If the Police or EHA have objected to the TEN;
- If that objection has not been withdrawn;
- There is a licence or certificate in relation to at least one part of the premises in respect of which the TEN is given;
- And the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions

### Key Message

Applicants are encouraged to give the earliest possible notice of events to allow for proper consideration of the event.

# Statement of Licensing Policy

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## 5.3 Late TENs

- 5.3.1 A late TEN may be given up to five working days but no earlier than nine working days before the event is due to take place.
- 5.3.2 Where the Police or environmental protection object to a late TEN, there is no provision for a hearing and the authority must serve a counter notice to prevent the event going ahead.

## 6 ENFORCEMENT AND REVIEWS

### 6.1 Enforcement

- 6.1.1 The licensing authority will act in accordance with its enforcement policy and will use such enforcement actions and statutory powers as are appropriate in each case.
- 6.1.2 Compliance with the licensing objectives will be monitored through inspections. 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 directed towards high risk and problem premises.

### 6.2 Reviews

- 6.2.1 Any interested party/responsible authority may request a review of a premises licence/club premises certificate. Any request for a review must relate to particular premises for which a premises licence/club premises certificate is in existence and must be relevant to the promotion of the licensing objectives. Any request for a review must be made in accordance with the regulatory requirements.
- 6.2.2 The licensing authority will disregard any representations considered repetitive, frivolous or vexatious.
- 6.2.3 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 of 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

## Statement of Licensing Policy

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- 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

6.2.4 When dealing with premises brought to review, the licensing authority will adopt a yellow card/red card system in appropriate cases. 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.

6.2.5 At 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. The package will be supplemented, where appropriate, by:

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

6.2.6 The aim of a first review is generally 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.

6.2.7 The licensing authority do 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.

### 6.3 Reviews in connection with underage sales

6.3.1 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 under-age sales in premises, staff training will be an essential part of the preventative measures licence holders will be expected to take.

6.3.2 The licensing committee will view very seriously premises reviewed due to under-age sales and although each review 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 in the future.

# Statement of Licensing Policy

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## 6.4 Reviews in connection with crime

- 6.4.1 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 authority that its role is to ensure that the crime prevention objective is promoted.
- 6.4.2 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.
- 6.4.3 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.

## 7 Personal licences

### 7.1 General

- 7.1.1 Every supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence. For clarification a personal licence doesn't need to be present at all times that alcohol is being sold, but if any sales are made when a personal licence holder is not present, they must have been authorised by somebody who holds a personal licence. The Council does however recommend that authorisations are made in writing to ensure that those authorised are clear what their legal responsibilities are.

### 7.2 Applications

- 7.2.1 A personal licence must be granted where the applicant:
- Is 18 or over,
  - Possesses a licensing qualification
  - Has not had a licence forfeited in the last five years, and
  - Has not been convicted of a relevant offence.
- 7.2.2 An application for a personal licence must be made on the prescribed form. This must be submitted to the licensing service together with the fee, evidence of qualification, criminal bureau certificate and photographs.

## Statement of Licensing Policy

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- 7.2.3 Where the application discloses relevant unspent convictions, the application will be sent to the police for comment. If the police object on the crime and disorder objective a hearing will be held.
- 7.2.4 At a hearing a panel of the licensing committee will consider whether the granting of the licence would undermine the crime prevention objective. The panel will consider the seriousness of the conviction(s), the time that has elapsed since the offence(s) were committed and any mitigating circumstances. Applications will normally be refused unless there are exceptional and compelling circumstances which justify grant.

# Statement of Licensing Policy

## Appendix A

The following table sets out the delegated functions. Any reference to the Director of Governance and Regulatory Services should be read as including exercise of that power by the Head of Licensing Services

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

## Statement of Licensing Policy

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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

## Appendix B – Town Centre Saturation Area



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Sharon Davies  
Head of Licensing Services  
Blackpool Council

**BY E-MAIL sharon.davies@blackpool.gov.uk**

Your Ref:

Our Ref: ROW/LAN001-69

Date: 23<sup>rd</sup> February 2015

Dear Sharon

**Re: Draft Statement of Licensing Policy 2015-2019**

As you will be aware, I have been jointly instructed by the licensing authority and Lancashire Constabulary to submit representations in relation to the Council's draft Licensing Policy.

A copy of the proposed re-drafted version is attached to this letter and could I please highlight the proposed revisions to the following sections of the Policy:-

4.4.1 – wording revised to seek a close-down period between the night time and daytime economy

4.4.2 – revision to acceptable "core" hours for licensable activities

4.4.3 – revisions to CCTV, display area and availability/price wording

4.7.4 – revision to map of Saturation Area to remove Syndicate area and take in an extended area (revised map attached)

4.1.6 – 4.8 – proposal to split the wording of the Saturation Policy into separate on and off licence wording. Plan of Bloomfield, Claremont, Talbot and Victoria wards requested to be included in Policy

4.8.3 – remove wording so as not to weaken the presumption of refusal for off-licence applications in these wards

4.10 – revision to wording for large scale events

4.15 – wording specific to takeaways playing loud music

In addition, it has been suggested that the general wording of the Policy might seek to encourage applications around the Winter Gardens/St John's Square areas – street café type premises, restaurants and bars (other than vertical drinking bars). Would the Council consider amending the Policy wording to encourage applications in these areas?

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Richard Williams', with a stylized flourish at the end.

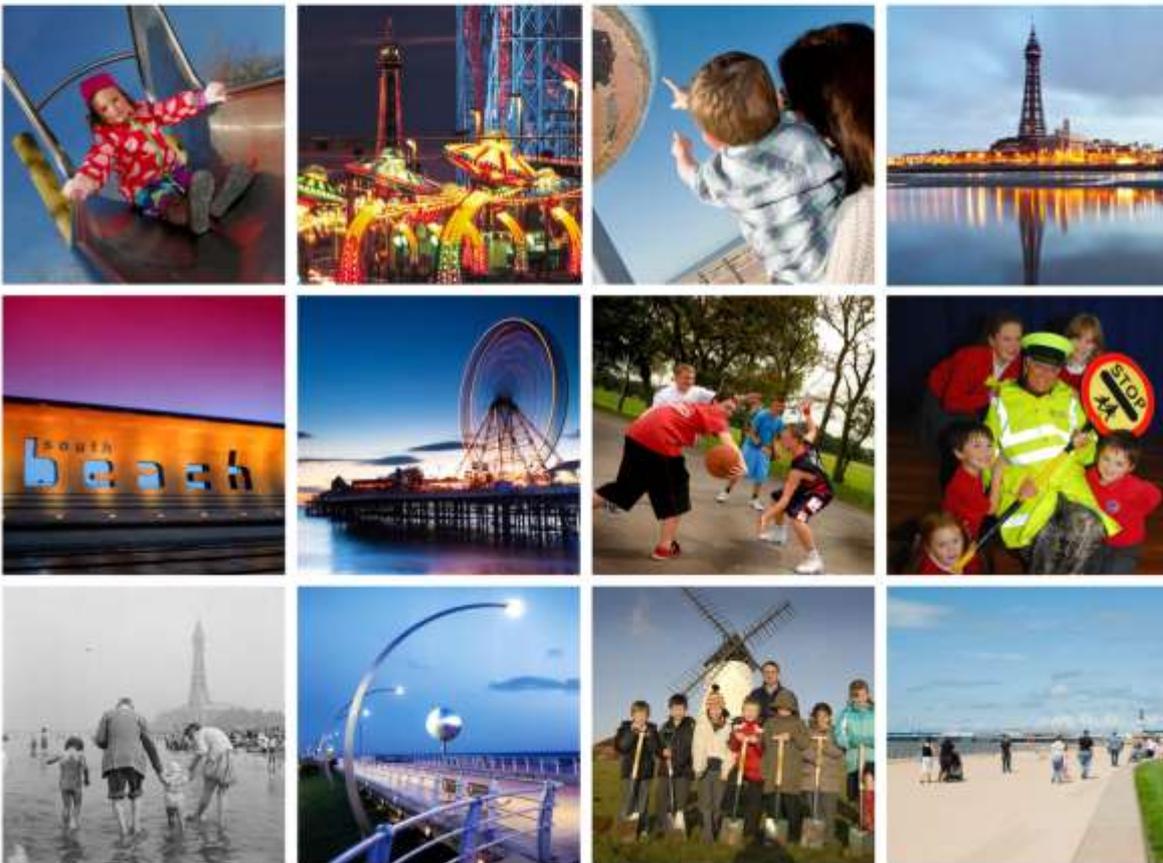
**Richard Williams**  
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# Draft Statement of Licensing Policy 2015-2019

Blackpool Council



# Draft Statement of Licensing Policy

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## Contents

1. Purpose and scope of the Licensing Policy	03
2. Blackpool Profile	04
3. The Licensing Process	07
• Making an application	07
• Representations	08
• Responsible Authorities	09
• The decision making process	09
• Determining applications	10
• Conditions	10
• Appeals	10
•	
4. Policies to consider before submitting an application	11
• The operating schedule	11
• Designated Public Places Order	12
• Encouraging diversity	13
• Licensing Hours	14
• Off Licences	15
• Cumulative Impact	15
• Town Centre Saturation Area	16
• Off-Licence Saturation Area	18
• Saturation Policy Review	18
• Alcohol Deliveries	18
• Age verification policies	18
• Children	19
• Adult Entertainment	19
• Outside Areas	19
5. Temporary Event Notices	20
6. Enforcement and Reviews	21
7. Personal Licences	24
8. Appendix A – Scheme of Delegations	25
9. Appendix B – Map of town centre saturation areas	27

# Draft Statement of Licensing Policy

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## 1 Purpose and Scope of the Licensing Policy

### 1.1 Introduction

The Licensing Act 2003 requires every licensing authority to publish a 'statement of licensing policy' every five years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only used if relevant representations are made.

The Policy covers regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Nothing in this Policy will prevent a person applying for a variety of permissions under the Act. The policy covers the following licensable activities:

- retail sales of alcohol
- supply of alcohol by or on behalf of a club
- provision of regulated entertainment
- provision of late night refreshment (hot food and drink at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises)

The policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State. We must carry out our licensing role with a view to promoting the four licensing objectives:

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

We must also have regard to this Statement of Licensing Policy and any statutory guidance issued by the Secretary of State. That does not mean that we have to follow the policy and guidance to the letter. We can depart from it if we have properly considered it and taken it into account but still consider that we have good reason to do so.

### 1.2 Duration and Review

This policy takes effect on XXXXX and will remain in force for a period not exceeding five years. During this time the policy will be subject to regular review and will be updated and modified as necessary to take into account amongst other things changes in licensing legislation.

# Draft Statement of Licensing Policy

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## 2 Blackpool Profile

### 2.1 Blackpool and its people

- 2.1.1 Blackpool is England's largest and most popular seaside resort attracting more than 10 million visitors a year. Located in the North West of England and on the Fylde Coast Peninsula, Blackpool covers an area of around 35km<sup>2</sup>, with 11.2km (7 miles) of seafront. Intensely urban and compact in form, it is characterised at its heart by the Resort Core, an area of some 5km<sup>2</sup> and the adjoining Town Centre. Elsewhere, Blackpool is predominantly residential in character, largely built up to its boundaries, with the few remaining areas of open land located in the south and east of the town. The predominantly rural areas of Wyre and Fylde are located on the northern/eastern edge and eastern/southern edge of the Borough boundary respectively.
- 2.1.2 The town is built on tourism and whilst Blackpool remains at the heart of the UK tourism and visitor economy, it has experienced a significant decline in visitor numbers from the 1980s onwards; a consequence of growing affluence, enhanced consumer choice and the perceived obsolescence of the town's visitor offer. Three decades of resort decline has led to an underperforming economy and high levels of deprivation.
- 2.1.3 Blackpool has a resident population of 142,000. Each year there are approximately 1,700 births and 1,900 deaths amongst the resident population. The population of Blackpool has considerable amount of transience, including movement in and out of the town, as well as movement within the town.
- 2.1.4 Blackpool has a vibrant night-time economy and like many UK towns and cities, that economy centres around entertainment premises licensed to sell alcohol. There are 130 on-licensed premises in a compact town centre, an area of approximately one square mile, making it the highest density of licensed premises outside the West End of London. A total of 1,900 licensed premises exist in the entire town: approximately one for every 72 residents.
- 2.1.5 The health of people in Blackpool is generally worse than the England average and there are marked inequalities both between Blackpool and the national average and within the town itself. Life expectancy for men in Blackpool is the lowest in the country at 73.6 years and third lowest in the country for females at 79.4 years (England averages of 78.6 for men and 82.6 for women).
- 2.1.6 There is considerable variation within Blackpool where life expectancy is 12.8 years lower for men and 8.1 years lower for women in the most deprived areas than the least deprived areas of the town. Although the overall trend shows life expectancy to be improving, it is not improving

## Draft Statement of Licensing Policy

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as fast in Blackpool as it is elsewhere and the gap between Blackpool and the national average is widening

- 2.1.7 Not only do people in Blackpool live shorter lives, but they also spend a smaller proportion of their lifespan in good health and without disability and in the most deprived areas of the town disability-free life expectancy is around 50 years. One of the main causes of shorter life expectancy in Blackpool is alcohol related diseases.

### 2.2 Blackpool and the impact of Alcohol: Key Facts

- 2.2.1 Alcohol misuse in the northwest region of England is the worst in the UK, and Blackpool has high levels of alcohol related harm (health, disorder, violence) for the size of the population. The health and wellbeing of the community and local services are strained. The alcohol industry brings some economic prosperity through employment, yet paradoxically 105,000 working days a year are lost in Blackpool due to alcohol misuse, at an estimated cost upwards of £10.5mn per year.
- 2.2.2 Blackpool has widespread deprivation within the central wards of the town and it is here that alcohol related early death and illness are the highest. A combination of poor quality housing, lack of appealing employment and low aspiration within the resident population makes alcohol a convenient pastime. Of the 180 off-licence premises (50% higher than the national average), half are in five of the six most deprived wards of the town. Alcohol related domestic abuse is concentrated in these central wards and southern residential areas of the town.

### 2.3 Blackpool's Approach to Tackling Alcohol Problems

- 2.3.1 This statement of Licensing Policy is only one document which by promoting the licensing objectives helps to impact on alcohol in Blackpool. An extract from the Council Plan 2013 – 2015 below, shows the impact alcohol has on Blackpool:

*"Blackpool has some of the worst levels of alcohol related harm in the country, with an estimated 28% of Blackpool's residents drinking to hazardous or harmful levels and over 4,500 alcohol-related admissions to hospital amongst Blackpool residents each year."*

The Council plan aims to implement the 2013-16 Alcohol Strategy, including evaluating the legislation available to control the sale of alcohol and train frontline public sector workers on how to identify and give advice to people with alcohol related issues.

## Draft Statement of Licensing Policy

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2.3.2 The **2013 Blackpool Joint Health and Well Being Strategy** states as follows in relation to the harm that alcohol does in the town:

*“Alcohol is a factor in 14% of all crimes in the town, 36% of violent crimes and 77% of domestic violence incidents. An estimated 28% (40,000) Blackpool residents, drink to hazardous or harmful levels. The combined cost to health and social care services in the town is estimated to be £22.7 million per year in addition to the estimated £38.8 million per year associated with the costs of licensing and addressing crime.”*

2.3.3 It also states in relation to crime and anti-social behavior:

*“Blackpool has a higher crime rate compared to Lancashire, the North West and England. Bloomfield, Claremont and Talbot wards have three times the number of crimes per 1000 population than the Lancashire average and double the Blackpool average.*

*Within 2011, violent crime has reduced by 8.8% compared to 2010. However, 47.0% of all violent crime and 53.0% of alcohol related violent crime is concentrated in Bloomfield, Claremont and Talbot wards.”*

The Strategy is seeking to improve outcomes and reduce inequalities through every stage in people’s lives. It is designed to enable local commissioners to plan and commission integrated services that meet the needs of the whole community, in particular for the most vulnerable individuals and the groups with the worst health outcomes. Consultation was carried out through a combination of stakeholder meetings, focus groups, public events and online questionnaires. In terms of affecting healthy lifestyles, alcohol was identified as the most important influencing factor.

2.3.4 **The Blackpool Alcohol Strategy** has a vision that by 2016 Blackpool will be a safer, healthier, and enjoyable place to live, work and visit free of excess alcohol harm. Its aim is to reduce alcohol related mortality and increase Blackpool’s average life expectancy. The objectives identified in the strategy were as follows:

- Reduce alcohol related ill health (Target: Reduction of 5% in alcohol specific hospital admissions);
- Reduce alcohol related anti-social behaviour and crime;
- Improve Blackpool’s cultural attitude to alcohol, providing a safe, enjoyable and sustainable environment for visitors and residents to improve the town’s economy;
- Provide a safe alcohol-free environment for children and empower young people to make informed decisions in relation to alcohol. (Target: delay the average age of first drink to 16).

## Draft Statement of Licensing Policy

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- Provide a safe alcohol-free environment for children and empower young people to make informed decisions in relation to alcohol. (Target: delay the average age of first drink to 16).

2.3.6 The **Blackpool Community Safety Plan 2012 – 2015**, addresses alcohol and crime and disorder as two of its priorities and also focuses on the links between them. The plan seeks to look at ways to address the availability of alcohol and the culture built around it. Measures put forward include extensive training of employees and the public to de-normalise the culture of accepting drunkenness and the humour around alcohol, acting firmly following alcohol offences to ensure the population are awareness that alcohol related offences will not be tolerated and seeking press coverage of convictions.

### 3 The Licensing Process

#### 3.1 Making an application

3.1.1 This policy sets out the authority's expectations with regards to applications. Whilst applicants are not obliged to meet these expectations it is more likely that responsible authorities and other parties will make representations if they do not.

3.1.2 Application forms are prescribed by the Act and Regulations. These forms together with guidance notes and further advice can be obtained from the Licensing Service or from [www.blackpool.gov.uk/](http://www.blackpool.gov.uk/)

3.1.3 To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 Licensing Act 2003 and relevant guidance published by the licensing authority.

## Draft Statement of Licensing Policy

### **Key Message**

*Applicants are encouraged to seek advice from the licensing authority and responsible authorities before submitting an application*

*Failure to comply with the statutory requirements may result in an application or notice being invalid/rejected*

### 3.2 Representations

- 3.2.1 Where the licensing authority receives an application for a new licence or a variation to an existing licence, the responsible authorities, local residents and businesses have 28 days to make representations about the application. Representations can be positive as well as negative. Current applications can be viewed at the licensing office or online at [www.blackpool.gov.uk](http://www.blackpool.gov.uk)
- 3.2.2 The authority can only take relevant representations into account when considering an application. To be relevant a representation must be about the likely effect of the premises licence on the promotion of the licensing objectives;
- 3.2.3 Where relevant representations are made, the following factors will normally be taken into account:
- The style of operations, the number of customers and profile of customers expected to attend the premises
  - The location of the premises and its proximity to noise sensitive properties
  - The proposed hours of operation
  - The transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses
  - The proposed methods for the dispersal of customers
  - The scope for mitigating any impact
  - The extent to which the applicant has offered conditions to mitigate the impact
  - How often the activity occurs
- 3.2.4 Members of the public who wish to submit a representation need to be aware that their personal details will be made available to the applicant. If this is an issue, they may contact their

## Draft Statement of Licensing Policy

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ward Councillor or other locally recognised body such as a resident's association about submitting a representation on their behalf. The Council is not able to accept anonymous representations.

### 3.3 Responsible authorities

- 3.3.1 Although the licensing authority is a responsible authority in its own right, it expects 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.
- 3.3.2 Public Health. The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health is not yet a licensing objective but Public Health is a responsible authority under the Licensing Act, and the licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

### 3.4 The decision making process

- 3.4.1 Decisions under the Licensing Act 2003 will be taken by either the Licensing Committee, a panel of the Licensing Committee or by officers acting under delegated authority. Appendix A sets out how the Authority intends to delegate its licensing functions.
- 3.4.2 The Licensing Committee consists 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.
- 3.4.3 Councillors will not sit on a licensing panel involving an event or premises within their ward.
- 3.4.4 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

## Draft Statement of Licensing Policy

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

### **3.5 Determining Applications**

- 3.5.1 If no relevant representations are received then the application will be granted administratively. The licensing authority has no discretion to refuse the application or to alter/add to the conditions offered through the operating schedule.
- 3.5.2 Where relevant representations are made a hearing will be held before a panel made up of three members of the licensing committee. Hearings will be held during business hours at the earliest possible date.
- 3.5.3 Where an application has been made and representations have been received, the authority would encourage discussions between the parties to see if agreements can be reached so that the need for a hearing can be dispensed with.
- 3.5.4 Whilst the panels meet in public, they do have the power to hear certain applications in private.

### **3.6 Conditions**

- 3.6.1 Appropriate and proportionate conditions may be attached to licences when at relevant representation has been 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.
- 3.6.2 Any condition attached to the licence will be related to one or more of the licensing objectives and will be focused on matters within the control of the individual licence holders and others with relevant authorisations.
- 3.6.3 Conditions that duplicate controls in other regulatory regimes will not be imposed wherever possible.

### **3.7 Appeals**

- 3.7.1 A party aggrieved by the decision of the licensing authority has the right of appeal to the Magistrates' Court. Any appeal must be lodged within 21 days of the decision.
- 3.7.2 In determining an appeal the Court may:
  - Dismiss the appeal

## Draft Statement of Licensing Policy

- 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.

### 4. Policies to consider before submitting an application

#### 4.1 The operating schedule

##### **Key Message**

*Using the operating schedule, applicants must demonstrate how high standards of management will be achieved. Where the operating schedule does not include sufficient detail there is an increased likelihood that representations will be made.*

4.1.1 The authority wishes to encourage high quality, well managed premises. The operating schedule should describe how these high management standards will be achieved. In particular applicants will be expected to demonstrate:

- Knowledge of best practice
- That they understand the legal requirements of operating a licensed business
- Knowledge and understanding of the licensing objectives, relevant parts of the licensing policy, and their responsibilities under the Licensing Act 2003

4.1.2 The operating schedule must include all of the information necessary to enable the licensing authority, responsible authorities and members of the public to assess whether the steps outlined for the promotion of the licensing objectives are sufficient. This will mean that applicants will need to complete their own risk assessments on their businesses. Where the operating schedule does not provide enough detail, there is an increased likelihood that representations will be made.

4.1.3 Applicants are not required to seek the views of responsible authorities before submitting their applications however they may find them a useful source of expert advice about the local issues that should be taken into consideration when making an application.

## Draft Statement of Licensing Policy

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- 4.1.4 The authority will expect that the completed operating schedule is specific to the premises subject to the application and the licensable activities to be carried out rather than containing general or standard terms

### **Key Message**

Applicants are expected to demonstrate knowledge of the local area in which they propose to operate and an understanding of the problems and issues in that area.

- 4.1.5 For an applicant to assess what steps are appropriate for the promotion of the licensing objectives, they must first understand the area in which they intend to operate. By way of example the controls required in an area suffering from a high level of deprivation, alcohol dependency and street drinking may be completely different to those required in other areas.
- 4.1.6 If relevant representations are made the Council will only grant the hours of use proposed where the operating schedule and any risk assessments adequately demonstrate that:
- The applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for
  - The potential effect on the licensing objectives is not significant
  - The operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses
- 4.1.7 Where appropriate the authority may consider imposing controls on products sold where representations indicate localised problems. This could include a ban on selling super-strength beer lager and cider, or single cans as part of a package to deal with identified problems.

## **4.2 Designated Public Places Orders (DPPO)/Public Space Protection Order**

- 4.2.1 The authority supports the use of DPPOs and the new power to make a public space protection order as a tool to prevent alcohol related crime and disorder in the streets. The authority expects premises that operate in areas where DPPOs have been implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behaviour

## Draft Statement of Licensing Policy

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### 4.3 Encouraging diversity

#### **Key Message**

*Applications for premises with mixed use including food and entertainment which cater for families and older adults are encouraged.*

- 4.3.1 The Licensing Authority recognises that creating a vibrant night time economy is important for Blackpool's development. Key to this is ensuring that the area appeals to a wide group of people including families and older adults who may not wish to frequent premises where the main, if not only attraction is the consumption of alcohol.
- 4.3.2 Applications for premises whose predominant offer is vertical drinking are not encouraged, but if applications are made for such premises, it is expected that the operating schedule will demonstrate robust arrangements for promoting the licensing objectives.

### 4.4 Licensing Hours

- 4.4.1 Whilst the licensing authority accepts that flexible licensing hours may reduce crime, disorder and anti-social behaviour by allowing for a more gradual dispersal of customers, experience shows that in the town centre especially, the majority of new entrants request opening hours to match competitors. This together is having the effect of moving problems of nuisance and anti-social behaviour into the early hours of the morning to such an extent that it is having an adverse impact on people arriving in the town centre for work or for leisure. The licensing authority wishes to promote a clean-up period between the night time economy closing and the town re-opening for daytime activities. Problems are also being experienced with early commencement hours for the sale of alcohol – this is especially the case with off-licence premises.

## Draft Statement of Licensing Policy

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4.4.2 The Authority proposes to introduce a framework of core hours for licensable activities at premises:

Premises Type	Commencement hour for sale of alcohol	Terminal hour
Off-licence	10.00 am	23.00 pm
Restaurant	10.00 am	01.00 am
Other on-licensed premises	10.00 am	02.00 am
Takeaway	n/a	02.00 am

4.4.3 This framework will apply to applications for new premises licences and to applications for variations to extend the hours for licensable activities (earlier and later in the case of the sale of alcohol). Applicants are advised not to exceed these core hours when submitting a licence application in order to avoid representations.

4.4.4 Existing premises will not be affected by this framework unless there are good reasons for imposing restrictions following a review.

4.4.5 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 occasions will reduce the need to make variation applications.

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

4.4.7 Applicants should note that there is no guarantee that an application will be granted if the hours of trading fall within this framework. In similar terms an application will not automatically be rejected because the proposed hours of trading fall outside of the framework. All applications will be considered on their individual merits.

### 4.5 Off-licences

4.5.1 In recent years there has been a large increase in the number of premises licensed to sell alcohol for consumption off the premises only. At the same time visits to public houses have decreased and those who do visit town centre establishments appear to be pre-loading on cheaper alcohol

## Draft Statement of Licensing Policy

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from off-licences so that they are intoxicated to some degree before they arrive at their destination. Residents often complain about the availability of alcohol through off-licences due to the increased issues of crime, disorder and public nuisance they experience. Other complaints are that it encourages street drinking and can provide easy access to alcohol by children.

4.5.2 As in all cases, it is for the applicant to determine what steps are appropriate for the promotion of the licensing objectives as these will vary from premises to premises and will also depend on location. Steps that might be considered include:

**CCTV/security** – the operating schedule should identify which systems will be in place to promote the licensing objectives. As a minimum, the CCTV system should retain images for 30 days and should provide a clear head and shoulder shot of each person entering the premises and the till or bar area.

**Display area** – will alcohol be displayed in a fixed specified area, if so the area should be identified on a plan. It is however the authority's view that alcohol displays **should not** be located:

- At the entrance/exit points
- In aisles which interfere with customer flow
- At or near checkouts (unless the alcohol is only available from behind the counter)
- In close proximity to products which are attractive to children, such as sweets and children's magazines

**Availability/Price** – suggested measures to deter street drinkers might include:

- Not selling beers or ciders with over 7% abv
- Not allowing self-service of these products
- Restricting single can sales
- Preventing sales on credit

### 4.6 Cumulative Impact

4.6.1 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.

4.6.2 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 which the licensing committee cannot take into account when determining applications.

## Draft Statement of Licensing Policy

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### 4.7 Town Centre Saturation Area

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

4.7.2 The town centre saturation area was last reviewed in 2013 when as a result, a large part of the town was removed from the scope of the policy to leave only those areas which currently require~~attract~~ significant resourcing from the Police and other responsible authorities.

4.7.3 Due to concerns about crime & disorder and anti-social behaviour arising from the number of takeaways in the area, the town centre saturation area is to be extended to include applications for late night refreshment.

4.7.4 The area covered by the town centre saturation area is shown in Appendix B.

[NB – see re-drawn map – Police and LA suggest revising area to remove Syndicate area and adding new area between Queen Street and Springfield Road to cover the takeaways etc on Dickson Road, opposite Funny Girls (Hot Stuff, Mario’s, Maharaja etc)]

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#### On-licence and late night refreshment Saturation Policy

4.7.5 The policy will apply to applications including the sale or supply of alcohol on the premises and the provision of late night refreshment 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~~extension of trading -hours or capacity).

4.7.6 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 expects that applications covered by this policy will be discussed with the responsible authorities in advance of submission. Applications should include detailed proposals dealing with the seating provision for customers (what percentage of proposed ~~capacity~~trading area will be seated), the provision of food, the type and style of entertainment to be offered. Premises which

## Draft Statement of Licensing Policy

intend to primarily offer vertical drinking are unlikely to be able to rebut the presumption of refusal.

- 4.7.7 This policy does not act as an absolute prohibition on the granting of new licences however the policy will only be overridden in genuinely exceptional cases where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it.
- 4.7.8 An application is not likely to be classed as exceptional merely on the ground that the premises have been or will be operated within the terms of its licence or that they are/will be well managed. This is to be expected of any application.
- 4.7.9 Despite the adoption of such a policy, **if no representations are received, the application must be granted in terms consistent with the operating schedule.**

### 4.8 Off-licence saturation policy

[NB include plan of these areas]

- 4.8.1 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 any new licence application seeking applications for permission to sell alcohol for consumption off the premises and for any variations to an existing off-licence within these wards existing licences.
- 4.8.2 The effect of the policy is to create a rebuttable presumption that any 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 in the area. This policy does not act as an absolute prohibition on the granting of new licences.
- 4.8.3 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 will be adopted.

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## Draft Statement of Licensing Policy

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- 4.8.4 This policy does not act as an absolute prohibition on the granting of new off-licences however, the policy will only be overridden in genuinely exceptional cases where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it.
- 4.8.5 An application is not likely to be classed as exceptional merely on the ground that the premises have been or will be operated within the terms of its licence or that they are/will be well managed. This is to be expected of any application.
- 4.8.6 Despite the adoption of such a policy, **if no representations are received, the application must be granted in terms consistent with the operating schedule.**

**Key Message:**

*This policy will only be overridden in genuinely exceptional circumstances where the applicant can demonstrate that the granting of the application will not undermine the policy and the reasons for it.*

### 4.9 Saturation Policy Review

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

#### 4.10 Large Scale Events

- 4.10.1 Existing licensed premises which intend to run one-off large scale events (and particularly dance events) are encouraged to consult with the responsible authorities and the Safety Advisory Group well in advance of the event taking place, to ensure that the event does not undermine the licensing objectives.

#### 4.10 Alcohol deliveries

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## Draft Statement of Licensing Policy

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4.10.1 Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- The person they are selling alcohol to is over 18
- That alcohol is only delivered to a person over 18
- That a clear document trail of the order process from order to delivery is maintained (with times and signatures ) and available for inspection by an authorised officer
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

### 4.11 Age verification policies

4.11.1 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

### 4.12 Children

4.12.1 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. Applicants should note however that greater scrutiny will be given to applications that propose to permit children to remain on premises after 22.00 hours.

### 4.13 Adult Entertainment

4.13.1 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.

4.13.2 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.

## Draft Statement of Licensing Policy

4.13.3 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that does permit 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.

4.13.4 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 when a performance of adult entertainment is taking place
- 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 other similar clothing on the appropriate part of the body
- CCTV should cover all performance areas in the premises including those areas set aside for private dances/performances.

### 4.14 Outside areas

4.14.1 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.

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

### 4.15 Takeaways/Late Night Refreshment

4.15.1 Problems are caused by takeaways playing loud music during their trading hours and particularly in the early hours of the morning, to attract passing custom. Loud music can cause a nuisance and can disturb visitors to the town and residents living nearby. Whilst the licensing authority accepts that such music may be "ancillary" to the licensable activity, premises are advised not to install external speakers and/or play loud music at a level which could constitute a nuisance.

## Draft Statement of Licensing Policy

Conditions restricting outside speakers and/or music above background level would be viewed favourably when applications are submitted for premises offering late night refreshment.

### 5 Temporary Event Notices

#### 5.1 General

5.1.1 The system of permitted temporary activities is intended to be a light touch process. Instead of applying for an authorisation, a person wishing to hold an event gives notice to the licensing authority they propose to carry out licensable activities.

5.1.2 Temporary Event Notices are subject to various limitations:

- The number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
- The number of times a TEN may be given for any particular premises (12 times in a calendar year);
- The maximum duration of an event authorised by a TEN is 168 hours ( seven days);
- The maximum total duration of the events authorised by TENS in relation to individual premises (21 day in a calendar year);
- The maximum people attending at any one time (fewer than 500); and
- The minimum period between events authorised under separate TENS in relation to the same premises (not including withdrawn TENS) by the same premises user (24 hours)

5.1.3 Proposed activities that exceed these limits will require a premises licence or club premises certificate.

5.1.4 Premises users should note that an event beginning before midnight and continuing into the next day counts as two days towards the 21day limit.

#### 5.2 Standards TENS

5.2.1 A standard TEN must be given no later than ten working days before the event to which it relates.

5.2.2 Where the Police or Environmental Health object to the TEN the applicant can agree to modify the TEN. If no agreement is reached, a hearing will be arranged before a panel of the licensing committee. Following the hearing the panel may decide to impose conditions where there is an

## Draft Statement of Licensing Policy

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existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead.

### 5.2.3 Conditions can only be applied to a TEN:

- If the Police or EHA have objected to the TEN;
- If that objection has not been withdrawn;
- There is a licence or certificate in relation to at least one part of the premises in respect of which the TEN is given;
- And the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions

#### **Key Message**

Applicants are encouraged to give the earliest possible notice of events to allow for proper consideration of the event.

### 5.3 Late TENs

5.3.1 A late TEN may be given up to five working days but no earlier than nine working days before the event is due to take place.

5.3.2 Where the Police or environmental protection object to a late TEN, there is no provision for a hearing and the authority must serve a counter notice to prevent the event going ahead.

## 6 ENFORCEMENT AND REVIEWS

### 6.1 Enforcement

6.1.1 The licensing authority will act in accordance with its enforcement policy and will use such enforcement actions and statutory powers as are appropriate in each case.

6.1.2 Compliance with the licensing objectives will be monitored through inspections. 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 directed towards high risk and problem premises.

## Draft Statement of Licensing Policy

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### 6.2 Reviews

- 6.2.1 Any interested party/responsible authority may request a review of a premises licence/club premises certificate. Any request for a review must relate to particular premises for which a premises licence/club premises certificate is in existence and must be relevant to the promotion of the licensing objectives. Any request for a review must be made in accordance with the regulatory requirements.
- 6.2.2 The licensing authority will disregard any representations considered repetitive, frivolous or vexatious.
- 6.2.3 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 of 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
- 6.2.4 When dealing with premises brought to review, the licensing authority will adopt a yellow card/red card system in appropriate cases. 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.
- 6.2.5 At 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. The package will be supplemented, where appropriate, by:
- Removal of the designated premises supervisor
  - Suspension of the licence for up to three months
  - Restrictions on trading hours
  - A clear warning that a further review will give rise to a presumption of revocation
- 6.2.6 The aim of a first review is generally 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.

## Draft Statement of Licensing Policy

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6.2.7 The licensing authority do 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.

### 6.3 Reviews in connection with underage sales

6.3.1 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 under-age sales in premises, staff training will be an essential part of the preventative measures licence holders will be expected to take.

6.3.2 The licensing committee will view very seriously premises reviewed due to under-age sales and although each review 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 in the future.

### 6.4 Reviews in connection with crime

6.4.1 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 authority that its role is to ensure that the crime prevention objective is promoted.

6.4.2 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.

6.4.3 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.

## 7 Personal licences

### 7.1 General

## Draft Statement of Licensing Policy

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7.1.1 Every supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence. For clarification a personal licence doesn't need to be present at all times that alcohol is being sold, but if any sales are made when a personal licence holder is not present, they must have been authorised by somebody who holds a personal licence. The Council does however recommend that authorisations are made in writing to ensure that those authorised are clear what their legal responsibilities are.

### 7.2 Applications

7.2.1 A personal licence must be granted where the applicant:

- Is 18 or over,
- Possesses a licensing qualification
- Has not had a licence forfeited in the last five years, and
- Has not been convicted of a relevant offence.

7.2.2 An application for a personal licence must be made on the prescribed form. This must be submitted to the licensing service together with the fee, evidence of qualification, criminal bureau certificate and photographs.

7.2.3 Where the application discloses relevant unspent convictions, the application will be sent to the police for comment. If the police object on the crime and disorder objective a hearing will be held.

7.2.4 At a hearing a panel of the licensing committee will consider whether the granting of the licence would undermine the crime prevention objective. The panel will consider the seriousness of the conviction(s), the time that has elapsed since the offence(s) were committed and any mitigating circumstances. Applications will normally be refused unless there are exceptional and compelling circumstances which justify grant.

## Appendix A

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 Head of Licensing Services

## Draft Statement of Licensing Policy

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

## Draft Statement of Licensing Policy

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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	

## Appendix B

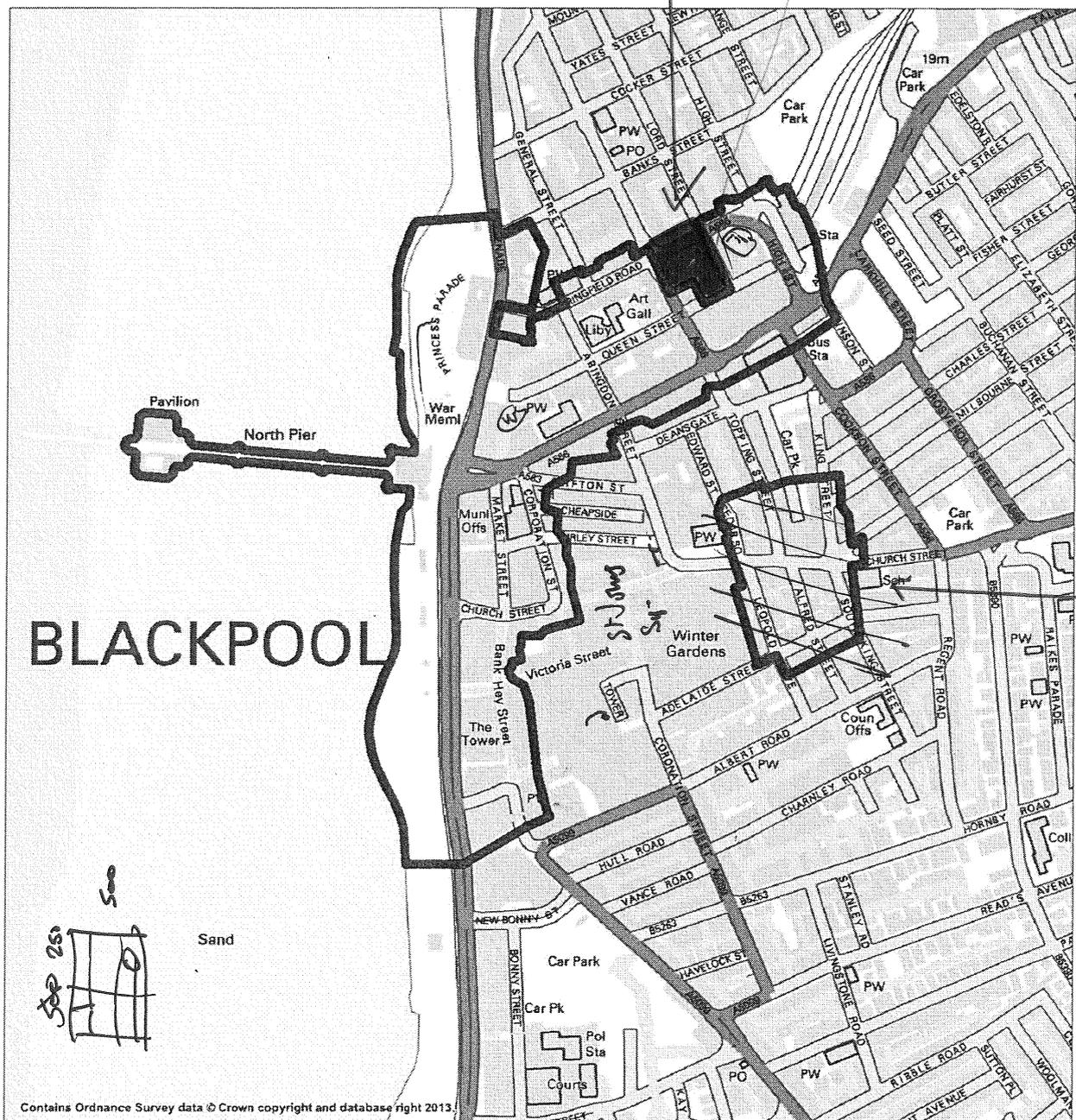
## Draft Statement of Licensing Policy



# Draft Statement of Licensing Policy

ADD AREA.  
2 x 1/2 hours

## Appendix B



### **Under 4.1.1**

Knowledge of best practice

- Do we need to be clearer on what is best practice and give some examples? What does this mean for the applicant?

### **Under 4.1.3**

Can we expand to include;

The authority encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

Applicants should make their own enquiries and demonstrate how they have considered the following in their operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate.
- Any risk posed to the local area by the applicants' proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes such as local taxi-marshalling schemes, street pastors and other schemes, which may help mitigate potential risks.

Applicants are also encouraged to access Local Alcohol Health Profiles information available via <http://lape.org.uk> which provides a picture of the levels of alcohol harm in the local area. Applicants are also encouraged to look at the Blackpool Joint Strategic Needs Assessment available via <http://blackpooljsna.org.uk> which provides a broader outlook on community issues in Blackpool. Applicants are to consider this information when making their application, demonstrating their understanding of their local community and how their new premises may impact on this. Applicants are encouraged to look at 'examples of good practice' where consideration of the information has been put into action.

Examples of good practice include;

Removing the promotion of alcohol messages – for example, in the name of the premise

Adverts or promotions for alcohol should not appeal to young people.

Promoting and advertising 'alcohol harm-reduction' messages – for example, in the provision of posters within the premise

Providing the opportunity for staff to be trained in Alcohol Identification and Brief Advice

Restrict the sale of strong beer and cider above 5.5% ABV and the sale of single cans or bottles of beer and cider. Such sales can contribute to anti-social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.

# The Property Partnership

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21<sup>st</sup> February 2015

Blackpool Council,  
Municipal Buildings,  
P.O. Box 4,  
Blackpool,  
FY1 1NA.

24 FEB 2015

For the attn. S. Davies,  
Head of Licensing Services

Dear Sirs,

## Draft Statement of Policy under the Licensing Act 2003

We confirm receipt of your letter of 18<sup>th</sup> December 2014 on the above.

As we are now retired and the business operated on lease, the writer is holding the Late Night Refreshment License for transfer to a new Tenant. However, having run similar businesses within (or just outside) the current "Cumulative Impact Area" for over 30 years and still living in this area, we forward the following comments on the document "Statement of Licensing Policy" for your consideration.

### Page 5 – Live Music Act 2012

While the basic principle is OK, presumably this does not allow the license holders to infringe any alcohol sale, noise levels or public nuisance laws and regulations.

### Page 5/6 – Licensing Hours

Last year it was rumoured that Blackpool Council were to impose a 3 am limit on the normal closing time for public houses and clubs and that there had been a considerable amount of local opposition which resulted in the proposal being dropped. Our reading of this section is that the proposal has been re-instated with all normal closing times after 3 am being strenuously objected to and only special occasion extensions of one or two hours duration applied for at the time of the original application allowed.

While we are sure that this situation will again be strongly opposed by some License or proposed License holders within the town, we will accept this providing that the same rules apply to everyone with no privileged exceptions.

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2, Dickson Road, Blackpool, Lancashire, FY1 2AA.

Telephone (01253) 291230

E-mail: [admin@caterplus-blackpool.co.uk](mailto:admin@caterplus-blackpool.co.uk)

Page 8 – Children

We assume that this clause is as a result of the attempt to persuade more tourist families to come to the town which can only be encouraged. However, the presumption of free access for children to premises, no matter how controlled, has problems and the following should be considered:-

- 1) 21<sup>st</sup> century tourist families do not move around the town together and the younger members tend to “do their own thing”.
- 2) The comment above in 1) about tourist families is also applicable to Blackpool families where the younger members are often either encouraged to leave the home for a period (our experience has shown that this is usually at weekends) or just go out with friends at any time of the day or night.
- 3) Unsupervised children and young people are a problem for all businesses as they are generally noisy and mischievous and require considerable manpower. It should be noted that unsuitable adults responsible for these children tend to make the situation worse.
- 4) Refusal of entry at the discretion of the establishment management is not generally accepted without considerable protest especially by young people.
- 5) In premises with licenses to sell alcohol, the family friendly establishment and the drinkers' pub are generally not found at the same site. Care should be taken not to discourage the customers Blackpool now has before sufficient others are persuaded to come here.

Overall Comments

With the exception of the points raised above, the Draft Statement generally contains all the conditions, exclusions, requirements, etc. expected and most of the items are already in normal practice for current Licensees.

Yours faithfully,



A. J. Lowndes

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2, Dickson Road, Blackpool, Lancashire, FY1 2AA.

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E-mail: [admin@caterplus-blackpool.co.uk](mailto:admin@caterplus-blackpool.co.uk)

<b>Report to:</b>	<b>Licensing Committee</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Service
<b>Date of Meeting</b>	3 <sup>rd</sup> June 2015

## REVIEW OF LICENSING POLICIES

### 1.0 Purpose of the report:

- 1.1 To make the Committee aware of the reasons for reviewing the Statement of Gambling Policy and the proposed new format of the policy.
- 1.2 To seek the Committee's views on reviewing the existing Hackney Carriage and Private Hire Policy.

### 2.0 Recommendation(s):

- 2.1 The Committee is requested to note the procedure for reviewing the Statement of Gambling Policy and approve the review of the hackney carriage and private hire policy.

### 3.0 Reasons for recommendation(s):

- 3.1 A review of the gambling policy is required by legislation and the Head of Licensing Service is of the opinion that the Hackney Carriage and Private Hire Policy should be reviewed in the light of the Rotherham report.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

### 3.3 Other alternative options to be considered:

The Council is required by legislation to review and refresh the statement of gambling policy. The Licensing Committee could decide not to review the Hackney Carriage and Private Hire policy.

#### **4.0 Council Priority:**

4.1 The relevant Council Priorities are:

- Safeguard and protect the most vulnerable
- Create safer communities and reduce crime and anti-social behaviour.

#### **5.0 Background Information**

##### **5.1 Gambling Act 2005**

Under section 349 Gambling Act 2005 (the Act), licensing authorities are required to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act. These policies must be reviewed every three years. The Council's existing policy only has effect until 30<sup>th</sup> January 2016. To ensure that a revised policy is in place for 31<sup>st</sup> January 2016, the Committee must start the process of reviewing and consulting on a policy.

5.2 The process for agreeing a revised statement of policy is as follows:

1. A policy will be drafted taking into consideration the advice given to local authorities by the Gambling Commission.
2. This document will be brought to the Licensing Committee for approval to consult.
3. Formal consultation will take place ( a period of 2-12 weeks depending on the nature of the changes made).
4. The original draft will be reconsidered taking into account any representations received.
5. A proposed policy will be prepared and brought before the Licensing Committee for consideration before it is placed before the Council for approval.
6. The policy must then be published at least four weeks prior to it coming into effect (i.e. no later than 3<sup>rd</sup> January 2016). The authority is required to place a notice in the newspaper advertising the fact that the new policy has been published.

5.3 Until recently it was considered that the policy should be a high level strategic document. To this end the Local Government Association/LACORS produced a template statement for authorities to adopt. Most local authority gambling policies, including Blackpool's were based on this template. Recent changes made to the Licence Conditions and Codes of Practice issued by the Gambling Commission have given authorities the scope to develop a policy which reflects local needs and issues. The Gambling Commission also has a duty to provide guidance to licensing authorities on the manner in which they exercise their functions under the Act. The revised guidance currently subject to consultation states that "the statement of

licensing policy is a very important part of the architecture of local gambling regulation and it is expected that licensing authorities will use it to set out the local issues, priorities and risks that inform and underpin its approach to local regulation”

- 5.4 Whilst this is now an opportunity for the Council to develop a policy reflects local issues, data and risk, the policy cannot create new requirements for applicants outside of the Act and cannot override the right of any person to make an application or representations. By way of example the policy cannot be used to limit the number of machines in betting offices as the entitlements are fixed by legislation.
- 5.5 The Local Government Association has published a guidance note to assist in the development of policies. A copy is attached at Appendix 5a. The intention is to draft a revised policy taking into account the content of this guidance note and the draft guidance to local authorities from the Gambling Commission. This revised policy will be brought to a Licensing Committee in July 2015.
- 5.6 **Hackney Carriage and Private Hire Policy**  
Unlike the Gambling Policy, the Hackney Carriage and Private Hire Policy is not a statutory policy. This means that there is no requirement for the Council to adopt one, although it is good practice to do so as it sets out the Council’s approach to issuing licences and enforcement. Decisions made in accordance with the policy are more likely to be upheld in the event of an appeal.
- 5.7 The current policy has been in existence since 2010 and whilst informal discussions have been on-going with the trade over the last few months about possible amendments, it is felt that a full review of the policy is required in the light of recent cases for example, Rotherham, which have received national publicity.
- 5.8 In February 2015, the Casey Report into Child Sexual Exploitation was published. That report devoted two chapters to taxi licensing and the involvement of taxis in Child Sexual Exploitation. A recent Serious Case Review from Oxford also highlighted the involvement of taxi drivers in Child Sexual Exploitation – on this occasion they were not the perpetrators, however they were used to take young people to places where they were then abused. These reports highlight the importance of ensuring that only suitable people are licensed as drivers and that those who are licensed receive appropriate training on safeguarding issues.
- 5.9 Taking into account these recent cases and the fact that the existing policy was approved in 2010 (copy attached at Appendix 5b), it is suggested that it is an appropriate time to conduct a full review of the Hackney Carriage and Private Hire Licensing Policy.
- 5.10 Does the information submitted include any exempt information? No

**5.11 List of Appendices:**

Appendix 5a – Guidance note from Local Government Association  
Appendix 5b- Existing Hackney Carriage and Private Hire Licensing  
Policy

**6.0 Legal considerations:**

6.1 The Council is under a duty to revise the statement of policy and principles under the Gambling Act 2005 and publish the new policy 28 days before it takes effect on 31<sup>st</sup> January 2016.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None at this stage. The costs of consulting with interested parties will be met from the licensing budget.

**10.0 Risk management considerations:**

10.1 A review of the Hackney Carriage and Private Hire Policy will seek to strengthen the current policy and reduce the risk of taxi drivers being associated with the issues identified in Rotherham and Oxford.

**11.0 Ethical considerations:**

11.1 The Council has a value of being accountable and the revision of these two policies will ensure the Council's policies are up to date and effective, following consultation with stakeholders, improving the accountability in how the Council delivers these services.

**12.0 Internal/ External Consultation undertaken:**

12.1 Officers from the Council's Licensing Enforcement and Safeguarding teams will be consulted when drafting the proposed policies. Full consultation will take place

internally and externally when the draft policies are approved for consultation.

**13.0 Background papers:**

13.1 Report of Inspection of Rotherham Metropolitan Borough Council February 2015

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**May 2015**

***This guidance note is taken from the draft LGA councillor handbook on gambling regulation. The full handbook will be available shortly; this section is being published now to assist licensing officers as they revise their existing statements.***

## The licensing authority statement of principles

Under section 349 of the Act, licensing authorities are required to prepare a statement of principles that they propose to apply in relation to their regulatory responsibilities in gambling. Statements of principles typically run for a period of three years, although there is nothing to prevent an authority from updating its statement more frequently if it wishes to.

In previous years, the LGA / LACORS produced a template statement of principles for licensing authorities to adopt. However, following changes to the licensing conditions and codes of practice, reflected in the updated guidance to licensing authorities published in March 2015, we have produced the guidance below to assist licensing authorities in reviewing and considering their statements.

### **Objective and purpose**

The objective of the statement of principles is to provide a vision for the local area and a statement of intent that guides practice: licensing authorities must have regard to their statement when carrying out their licensing functions. The statement cannot create new requirements for applicants outside of the Act, and cannot override the right of any person to make an application under the Act, make representations or seek a review of a licence. However, it can invite people and operators in particular to consider local issues and set out how they can contribute towards positively addressing them.

The updated licence conditions and codes of practice have significant implications for the statement of principles. The **requirement for operators to prepare local risk assessments in relation to all their premises from April 2016 means that licensing authorities will need to set out their expectations of operators' risk assessments, ideally in their statements**. This provides a real opportunity for councils to reflect local needs and issues in their gambling policies, in a similar way to licensing policy statements prepared under the Licensing Act 2003.

Most licensing authorities will not experience the same volume of applications in gambling as they do in other areas of licensing, but the issues of betting shop clustering and concern over FOBTs have shown that gambling generates extremely strong feeling. While licensing authorities may not have the power to refuse new applications or limit FOBT machines, developing detailed and robust statements of principles that reflect local circumstances will enable them to shape local gambling regulation as much as possible. A statement that reflects local circumstances and risks can help operators to better understand and proactively mitigate the risks to the licensing objectives.

Conversely, as in other areas of licensing, if an authority's statement of principles does not cover a specific issue, it will be in a significantly weaker position if it is ever challenged on a decision on that issue. It is always better to pre-empt legal challenge through a comprehensive statement of principles, and setting out a position in the

statement should encourage an applicant to work with the council and community from the start to develop an application that will add to the local area, rather than detract from it.

The significant changes to the LCCP in 2015 offer scope for authorities to develop statements of principles that are more closely tailored to their local circumstances. The Gambling Commission recognise that in some places, developing more localised statements of principles will be an iterative process that takes place over time, as different information and more tools (for example, from the Westminster / Manchester research into local gambling related harm which is due to conclude in September 2015) become available. Licensing authorities that have made relatively minor changes to their existing statements in 2015 may consider more comprehensive updates ahead of the statutory deadline for the next update of the statement (in most cases, 2019).

### Process

In developing their statements, the Act requires licensing authorities to consult with:

- local police
- those representing the interests of gambling businesses in their localities,
- people likely to be affected by it (or those who represent them).

Authorities may also wish to consult with:

- organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, such as public and mental health teams, and advocacy organisations (such as the Citizen's Advice Bureau and trade unions)
- local businesses
- other tiers of local government (where they exist)
- responsible authorities.

Cabinet office guidance on public consultations<sup>1</sup> state that the time required for a public consultation *'will depend on the nature and impact of the proposal (for example, the diversity of interested parties or the complexity of the issue, or even external events), and might typically vary between two and 12 weeks.'*

Licensing authorities should look at the views submitted by consultees and consider carefully whether they should be taken into account in finalising their statements. A licensing authority should always be able to give reasons for the decisions it has made following consultation. However, they should ensure that they only consider matters within the scope of the Guidance, Act and Codes of Practice. Even if there is a large response regarding a certain issue, an authority may be unable to deal with the issue under the Gambling Act, although there may be other options for addressing issues raised (eg planning).

Given the requirement to undertake a consultation when the statement of principles is amended, authorities may wish to consider separating their statements into distinct

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<sup>1</sup> Cabinet Office 2013:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/255180/Consultation-Principles-Oct-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf)

segments (possibly by sector). This would ensure that they need only consult on the section they propose to amend, rather than on the full statement, if changes need to be made.

Licensing authorities are required to publish their statements four weeks prior to them coming into effect, ie on or by 3 January 2016 if the statement takes effect on 31 January 2016. Licensing authorities are required to publish a notice advertising the publication of the statement on or before it comes into effect.

## Key issues for the statement of principles

### Legal requirements

Licensing authorities are required to include within their statements a number of points set out in statutory regulations:

- setting out the three licensing objectives that the statement is intended to uphold
- a commitment to upholding the statutory aim to permit gambling
- a description of the geographical area to which the statement applies (typically a plan of the area)
- a list of those consulted in preparing the statement
- the principles the licensing authority will apply in designating a competent body to advise it about the protection of children from harm and, if already determined, who this body is. In most places, this will be the Local Safeguarding Children Board.
- the principles the licensing authority will apply in determining whether someone is an interested party for the purposes of premises licences or applications for them
- the principles to be applied in relation to exchanging information with the Gambling Commission or other bodies with whom licensing authorities are authorised to share information under the Act
- the principles to be applied in exercising inspection functions and instigating criminal proceedings (see 'enforcement approach' below).

If the licensing authority has agreed a 'no casino' resolution, this should be included within the statement, alongside details of how (ie by full council) and when the decision was reached.

### Local area profiles

The updated guidance for licensing authorities recommends that, like operators, licensing authorities complete and map their own assessment of local risks and concerns by developing local area profiles to help shape their statements (although there is no requirement to do this). In simple terms, the objective of the profiles is to set out what your area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing authority and operators.

Licensing authorities may wish to include local area profiles within their statements. Alternatively, they could reference the implications of local area profiles for their regulatory approach in the statement, but maintain the actual profiles separately. **This would enable the profiles to be updated without the need to re-consult on amending the full statement of principles.**

Some councils have expressed concern about whether they have access to information about local risks, or whether there are any local gambling risks to be addressed at all. It may therefore be helpful to start from simple principles, and expect that for many authorities these profiles will develop over a period of time.

As stated, the aim of local area profiles is to build up a picture of the locality, and in particular the elements of it that could be impacted by gambling premises. This profile might therefore include reference to:

- schools, sixth form colleges, youth centres etc, with reference to the potential risk of under-age gambling
- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- religious buildings
- any known information about issues with problem gambling
- the surrounding night time economy, and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises
- the socio-economic makeup of the area
- the density of different types of gambling premises in certain locations
- specific types of gambling premises in the local area (eg, seaside resorts may typically have more arcades or FECs).

**Crucially, local councillors know and understand their areas as well as anyone, and are well-placed to contribute to the development of local area profiles.** The Gambling Commission also recommend engaging with responsible authorities and other organisations that can help build up a profile of both actual and potential local risks in developing local area profiles. This includes organisations involved in public health, mental health, housing, education, welfare groups and community safety partnerships, and organisations such as Gamcare or equivalent local support organisations.

One issue to consider is whether there is a need to differentiate different parts of the licensing authority area in drawing up local area profiles, depending on the size and nature of the area.

A smaller authority may take the view that there are no reasons to distinguish one part of the borough from any other. In contrast, larger areas may wish to differentiate the area into segments or zones with different characteristics and risks, enabling them to outline different expectations for applications or operators based in each. For example, a larger licensing authority that has a specific geographic area with a higher density or specific type of gambling premises may wish to differentiate this from the rest of the borough. Similarly, smaller authorities may also find this approach suitable, for example if there is a busier town centre and surrounding rural area with a very different profile.

In March 2015, Westminster and Manchester councils launched a piece of research aimed at better understanding the issue of gambling related harm and local area vulnerability to it. The research is considering different risk factors related to

gambling, with the intention of developing a tool that helps the councils map these to the local area and shape their statements of policy. The research is expected to conclude in September 2015, and the LGA (which has part funded the research) will help disseminate the findings and tools from the research to other licensing authorities, who may subsequently want to use these to develop their local area profiles.

### **Expectations of operators**

Local area profiles will help the authority to develop its expectations of existing operators and new applicants in the licensing authority area. The statement of principles is the key tool for setting this out clearly, so that operators are clear what is expected of them.

### ***Risk assessments***

As an example, the statement of principles is an **opportunity for a licensing authority to set out its expectations of the local risk assessments that operators must now undertake** in respect of all gambling premises.

Operators are required to take into account the licensing authority's statement of principles in developing their risk assessments, so authorities should therefore specifically outline the issues they expects operators to cover within their risk assessments. Operators are not automatically required to share their risk assessments with licensing authorities except when they are applying for a new premises licence or to vary an existing one. However, the Gambling Commission is advising them operators to do so. Authorities may use the statement of principles to clarify whether or not and how regularly they expect to receive a copy of each premises' risk assessment.

Authorities will wish to ensure that the risk assessment covers the following broad headings:

- reference to any specific local risks (linked to the local area profile)
- how the operator proposes to mitigate these risks
- how the operator will monitor specific risks

The statement should also set out if the licensing authority has any specific expectations of risk assessments for different types of premises. This will be linked to broader expectations of operators (linked to activity and location), as set out below.

### ***Applications and variations***

The statement should also set out the licensing authority's expectations of new applications and the issues the authority will take into account in considering applications for new licences, permits or variations in different sectors or parts of the borough, depending on the risks associated with each.

This should include the information that the authority would expected to see as part of any such application, for example minimum standards for a plan and layout of the premises. It could also include a list of required information about staffing arrangements in the premises, or the security features that will be put in place.

Depending on the local area profile, authorities may wish to invite information at application stage about premises' intended participation in local business schemes (eg, if there is a BID) or other specific schemes such as Betwatch, if this in place.

Similarly, authorities could invite applicants to outline specifically how individual premises will be implementing the various voluntary codes of practice that different sectors have developed, as well as the measures mandated in the licensing conditions and codes of practice.

**The key point is that the statement is an opportunity to clarify your expectations of businesses in relation to new applications, reducing the input and resources required at the time an application is submitted.**

***Sector / area specific expectations***

The statement should be used to set out the licensing authority's expectations of operators of different types of premises, or (if relevant) of premises in different parts of the licensing authority area. If there are particular risks associated with certain premises due to the facilities offered or their location, it is legitimate for the statement to set out upfront how it expects operators and premises to address this.

**Local licensing guidance - South Leeds alcohol premises**

South Leeds is an area of deprivation, with increasing numbers of outlets to buy alcohol, but a decline in the number of pubs. NHS Leeds (as was) and the local community officers had increasing concerns about the availability of alcohol in the area, along with an increase in street drinking, and generalized disorder. The publication of the Joint Strategic Needs Assessment highlighted a disparity in the life expectancy of residents in the area in comparison with other areas in Leeds and the national average. Alcohol misuse is known to be a possible contributory factor for a lowered life expectancy.

The council's South Leeds area team formed the multi-agency South Leeds Alcohol Group with the objective of reducing the health harms in the area which were linked with alcohol. The group consisted of the police, health, community safety, treatment services, planning, environmental health and licensing. The group met monthly to look at a number of approaches. The availability of alcohol was seen as key, but there were not enough on-licensed premises to warrant a cumulative impact policy. The group looked at alternative options and looked towards licensing as a solution.

In 2012, changes to statutory guidance on the Licensing Act enabled councils to require operators to have regard for the local area when making their application. The group therefore developed Local Licensing Guidance specifically for postcode areas of LS10 and LS11 (also known as Inner South Leeds), which has a population of approx. 82,000. The guidance has helped premises ensure that they are able to identify and include appropriate control measures in their applications. Of the 5 applications received since the development of the guidance that didn't include appropriate control measures, the Health and the Licensing Authority have negotiated with 4 premises who subsequently agreed to include additional control measures and a further application was withdrawn prior to hearing. The control measures included matters such as the positioning of alcohol within the store and agreement to display health information.

Similar approaches in gambling could include:

- Under-age sales

- If a premises is based near a school or college, the measures might be required to manage a higher risk of attempted under-age sales.
- If the premises is a FEC or UFEC, expectations for how the premises will manage the risk of children and young people understanding different types of machine and / or seeking to access
- Security issues
  - Staffing requirements, if the premises is open late, or located in an area with a busy night time economy or record of crime / anti-social behaviour.
  - Whether alcohol is permitted, eg in a premises on a seaside pier.
  - Requirement for CCTV, magilocks, door chimes, alarms etc if there is a history of security incidents in the premises.
- Signage
  - For example, language requirements if there is a diverse local community where English may not be the first language.
  - Clear identification of different types of machine (eg gaming or skill machines) and / or prizes in premises where these may vary.
- Staff issues
  - Training requirements on particular issues relevant to the premises or area, eg on different types of machine in a FEC / UFEC.

Another option is operator / premises participation in local schemes or industry best practice schemes (eg Safebet Alliance) designed to promote best practice and tackle any issues. In the alcohol licensed trade, schemes such as PubWatch, Best Bar None etc are common practice. This is far less common in relation to gambling, but may also have a role to play in some areas. Authorities could consider this as a default approach in specific areas, or as a first stage enforcement approach in areas where there are particular issues.

In relation to both existing operators and new applicants, the authority may wish to use the statement to outline a set of model licence conditions that operators could adopt if the local area profiles and risk assessments indicate it is necessary. The Gambling Commission's guidance to licensing authorities includes a helpful set of sample premises licence conditions arranged by security; anti-social behaviour; underage controls; player protection controls. These are listed at Annex 2.

### **Enforcement approach**

Licensing authorities are required to set out in their statement the 'principles that they will apply in exercising their inspection function and instigating criminal proceedings' (that is, their approach to enforcement). As a minimum, the statement should outline the authority's intended approach in relation to:

- information sharing and targeting activity
- inspection activity and visits
- dealing with non-compliance by premises
- tackling illegal gambling.

It should be noted that in setting out its approach to inspection and enforcement, the authority will also be providing an outline of the basis for its fee structure.

As in other areas of regulatory services, in developing their enforcement strategy, **authorities should adopt a 'better regulation' approach** that recognises the

requirements of the statutory regulator's code<sup>2</sup> and applies the principles of proportionality and transparency, particularly in terms of consultation and engagement with regulated businesses.

The Gambling Commission is keen for licensing authorities to foster a partnership approach to local regulation through working jointly with local businesses to tackle issues linked to gambling premises. The LGA – Association of British Bookmakers Framework for local partnership working on betting shops<sup>3</sup> outlines this type of approach to partnership working between councils and the industry.

#### **LGA-ABB framework for partnership working**

The framework recognises that, despite the different opinions held by councils and the industry about the statutory aim to permit, there is a mutual interest in ensuring that local problems linked to betting shops are addressed. It also recognised that a partnership approach is likely to be more effective in resolving issues. This could include ward councillors; council licensing teams and community safety teams; police licensing and community officers; betting shop managers and betting shop area managers, as well as town centre managers, representatives of the wider business community and other stakeholders listed above.

There are different approaches that local areas can take for partnership working:

**Ealing council** set up a Betwatch scheme following concerns raised by local residents and councillors about the proliferation of 13 betting shops in Southall town centre and associated crime and disorder and antisocial behaviour. In a single year, there were 89 allegations of crime where a gambling premises was named as the location of the incident in Southall. The Betwatch group drew up action plans for tackling the issues, as well as test purchase failures in 3 of the premises, and a 'Ban by one, ban by all' approach was introduced. Following the creation of the Betwatch scheme, crime within gambling premises decreased by more than 50 per cent on 2011 levels, alongside a significant reduction in public order offences and criminal damage incidents. Additionally, further underage test purchases took place in 2012 with no failures reported.

When concerns were raised about anti-social behaviour and crime associated with bookmakers on Deptford High St, **Lewisham Council** involved bookmakers in the development of two general business initiatives – the Deptford High Street Charter and Lewisham Borough Businesses Against Crime initiative. Alongside this, individual bookmakers made changes in order to address the problems of anti-social behaviour in and around their premises, including installing external CCTV and signs highlighting that the area is under surveillance; making amendments to remove places where street drinkers would often congregate; setting up new CCTV systems within stores which are regularly monitored; introducing banning orders against some problem individuals; and changing management and staff. This work resulted in a reduction of incidents in and around the bookmakers. Following the work, a local Betwatch scheme has been established.

**Medway council** worked with the Association of British Bookmakers and major operators to

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

<sup>3</sup> [http://www.local.gov.uk/documents/10180/6869714/L14-708++LGA-ABB+framework+for+local+partnership+working\\_08.pdf/29a0d2de-9cb5-4209-8544-d4c651c84470](http://www.local.gov.uk/documents/10180/6869714/L14-708++LGA-ABB+framework+for+local+partnership+working_08.pdf/29a0d2de-9cb5-4209-8544-d4c651c84470)

agree a voluntary agreement relating to the promotion of responsible gambling in Medway. Launched in December 2015, the agreement committed all parties to establishing a cross-operator self-exclusion pilot scheme within the Medway area; to developing a reporting of crime protocol in collaboration with the Medway Community Safety Partnership and Kent Police; and to adopting the industry voluntary code on safety and security – the 'Safe Bet Alliance'.

A number of councils have now signed **primary authority agreements with some of the largest gambling operators covering the issue of age verification**.<sup>4</sup> As with any other area, licensing authorities should therefore have regard to the plan agreed between the company and primary authority in developing their own programmes of activity and inspection. However, the primary authority relationship provides a useful mechanism to feedback general concerns about a particular operator, as the primary authority will have regular contact at senior levels with the operator: authorities should seek to reflect this in their enforcement approach.

### ***Information sharing***

To help target their enforcement activity and resources, authorities could use their statements to request that operators / premises share relevant information with them, for example about test purchasing results (subject to the terms of primary authority agreements) or about incidents in premises, which managers are likely to be required to report to head office. A licensing authority might seek information about numbers of self-excluded gamblers to help it develop its understanding about the risk of problem gambling in its area.

This type of information would help the authority to get a clearer picture of which premises may be experiencing issues, meaning that they can structure their inspection and enforcement activity appropriately.

### ***Inspection activity and visits***

The statement should set out the activity the authority intends to undertake as part of its standard (that is, pre-planned) inspection activity, and the issues it will be looking at when it does visit. This will ensure that operators know what to expect in terms of the frequency and nature of licensing authority visits.

The Gambling Commission, working with the Leicester, Rutland and Leicestershire Licensing Forum and Leicestershire Local Economic Partnership, has developed a range of templates to help authorities when they visit gambling premises: <http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Licensing-authorities-inspection.aspx> Compliance is made easier by making the regulations easier to understand and explain, and the Commission is encouraging authorities to make use of the templates.

The issues that licensing authorities may cover during their visits may include:

- details of training policies and training undertaken by staff
- records of refusals to serve / admit on age grounds
- records of any relevant incidents in or outside the premises, eg anti-social behaviour

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<sup>4</sup> The primary authority register is available to search at:  
<https://primaryauthorityregister.info/par/index.php/publicregister>

- approach to managing self-exclusion and numbers of people currently self-excluded
- involvement / impact of any work in local schemes or partnership working with other local businesses
  
- reviewing paperwork relating to the purchase of games from licensed manufacturers
- interviews with staff members
- confirming that appropriate signage is in place.

***Dealing with non-compliance / risks to the licensing objectives***

The statement should outline the steps the authority will take where there are reports of non-compliance, or there have been serious incidents linked to a premises. Authorities should make clear when and how they would expect to work with operators to try to resolve or address problems, and when an issue is so serious that it would expect to move immediately to initiate some form of enforcement action.

Authorities may wish to specifically cover:

- Dealing with test purchase failures. For example, the authority might require a premises to undertake certain measures to address this and undergo a follow-up test within a specified amount of time. A second failure would be expected to lead to enforcement action.
- Dealing with complaints from residents or neighbours. For example, an authority might have an established process to implement when it receives complaints about specific premises.
- Dealing with anti-social behaviour issues. For example, if an authority becomes aware that a premises is becoming associated with anti-social behaviour issues, it might in the first instance seek to work with the premises to address these through voluntary measures. If this is not successful in resolving the issues, the authority might then consider introducing conditions on the premises licence, or using other tools as appropriate.

The section on enforcement should the tools that licensing authorities will consider using to address issues that may be associated with gambling premises, often linked to alcohol and/or anti-social behaviour. Licensing authorities have the option under the Act to review, vary or impose conditions on a premises licence, but in practice these might not be the most effective tools to use to tackle problems linked to anti-social behaviour. Instead, tools specifically designed to reduce anti-social behaviour<sup>5</sup>, such as dispersal powers, community protection notices or new public space protection orders, may have more of an impact. In very, very rare instances, where a premises is being used or likely to be used to commit nuisance or disorder and working with the operator had failed to address this, a closure notice may also be served.

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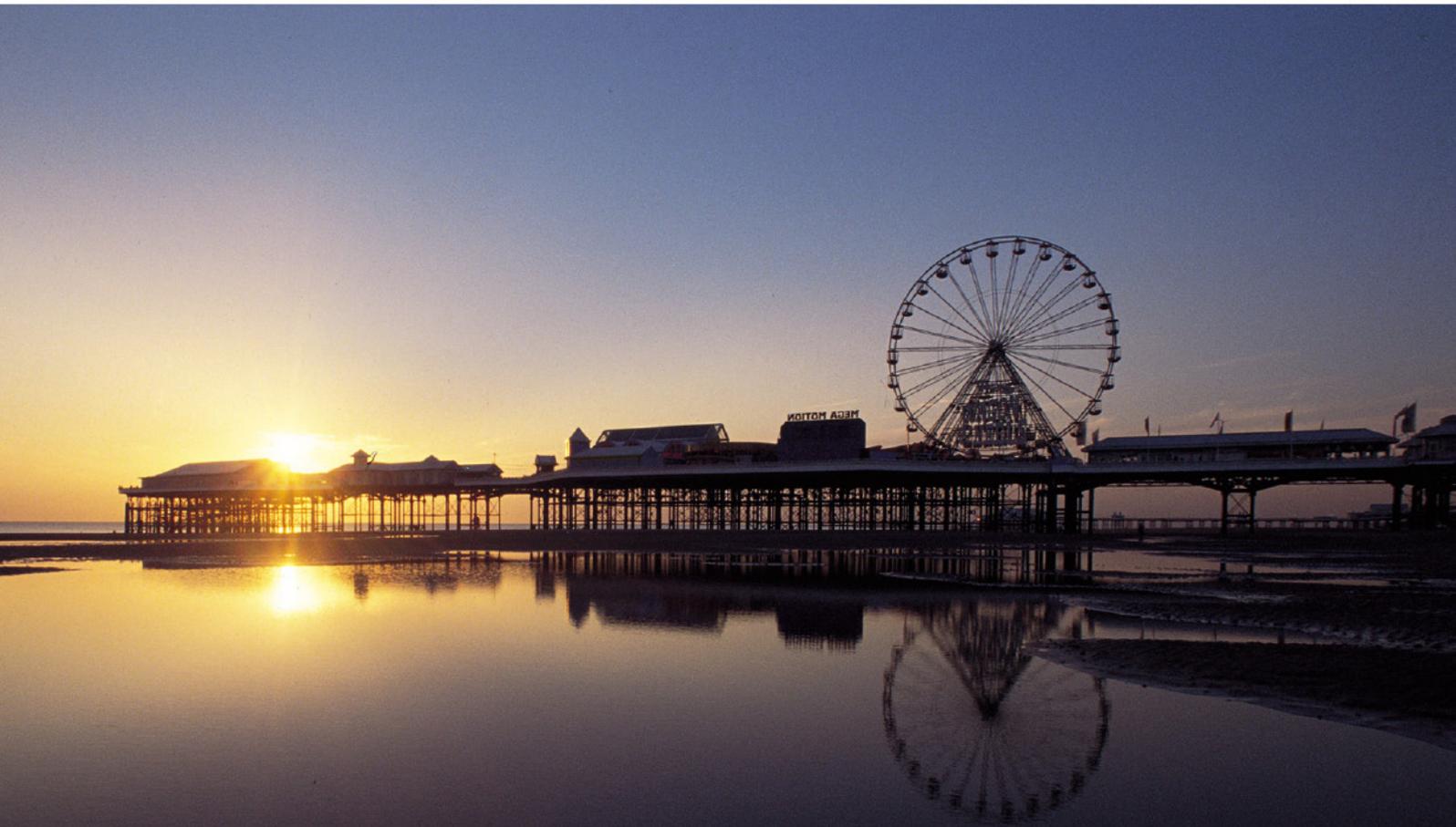
<sup>5</sup> See Home Office guidance on ASB powers:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2.pdf)

***Tackling illegal gambling***

The enforcement approach could also set out the authority's approach to illegal gambling, including how the authority intends to monitor the risk of illegal gambling or respond to any information linked to this risk.



# Licensing Service



## Hackney Carriage & Private Hire Licensing Policy

*“A great place to visit,  
a better place to live.”*

Page 93  
LS/D/400/6/2



**Blackpool Council**  
BUILDING A BETTER COMMUNITY FOR ALL

# CONTENTS

<b>Section</b>		<b>Page No.</b>
	Executive Summary of Main Proposals	<b>3</b>
<b>1</b>	Introduction	<b>4</b>
<b>2</b>	Vehicles - (Hackney Carriage & Private Hire)	<b>6</b>
<b>3</b>	Drivers – (Hackney Carriage & Private Hire)	<b>13</b>
<b>4</b>	Disciplinary and Enforcement Measures	<b>18</b>
<b>5</b>	Delegated Powers	<b>19</b>
<b>6</b>	Private Hire Operators	<b>19</b>
<b>7</b>	Fares	<b>21</b>
<b>8</b>	Fees	<b>21</b>
<b>9</b>	Taxi Ranks	<b>22</b>
<b>10</b>	Training	<b>22</b>

## **LIST OF APPENDICES**

Appendix A	Vehicle Specifications
Appendix B	Exceptional Quality Policy
Appendix C	Application Procedures – Vehicles and Drivers
Appendix D	Drivers - Private Hire Driver's Conditions
Appendix E	Drivers – Code of good Conduct
Appendix F	Drivers - Dress Code
Appendix G	Private Hire Operators - Licence Conditions
Appendix H	Taxi Sharing Scheme

## EXECUTIVE SUMMARY OF MAIN PROPOSALS

The original policy came into force in November 2007. Since that date the policy has been subject to constant review by the licensing service.

The main changes in this amended policy are to:

- Clarify the authority's position on accessible vehicles
- Introduce a separate age policy for saloon vehicles
- Introduce a Class 2 medical for all drivers
- Confirm the need for new drivers to undertake either the Btec or other Council approved qualification before they can be licensed.
- Clarify the relevance of convictions and cautions when determining applications
- Introduce the option of a three year driver's licence
- Clarify the conditions imposed on a private hire driver's licence
- Amend the conditions on a private hire operator's licence
- Confirm that certificates of compliance will be available from 1<sup>st</sup> January 2010.

# 1 INTRODUCTION

## 1.1 Powers and Duties

- 1.1.1 The Local Government (Miscellaneous Provisions) Act 1976, as amended, places on Blackpool Council as the Licensing Authority (the "Authority") the duty to carry out its licensing functions in respect of hackney carriage (taxis) and private hire vehicles.

## 1.2 Objectives

- 1.2.1 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

In setting out its policy, the Authority seeks to promote the following objectives:

- (i) The protection of public health and safety;
- (ii) The establishment of a professional and respected hackney carriage and private hire trade;
- (iii) Access to an efficient and effective public transport service;
- (iv) The protection of the environment.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Authority's wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.

- 1.2.2 When considering each of the policies detailed in this document we have endeavoured to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public. In accordance with the guidance, when considering each policy, the following question has been asked:

**"Whether those costs are really commensurate with the benefits a policy is meant to achieve".**

## 1.3 Best Practice Guidance

In formulating this policy, advice contained in the Taxi And Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport has been taken into account.

## 1.4 Status

- 1.4.1 In exercising its discretion in carrying out its regulatory functions, the Authority will have regard to this policy document and the objectives set out above.

- 1.4.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy, clear and compelling reasons will be given for so doing.



## **1.5 Implementation**

- 1.5.1 This policy takes effect on 1<sup>st</sup> June 2010 and the Authority expects licence-holders to comply with its terms immediately unless otherwise specified.

## **1.6 Licensing Profile**

The Authority currently licences 256 hackney carriages, 44 Landaus and approximately 450 private hire vehicles as well as 25 private hire operators. It has 699 drivers licensed to drive hackney carriages and 828 licensed for private hire.

## 2 VEHICLES – (Hackney Carriage & Private Hire)

### 2.1 Limitation of Numbers

2.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis if the Local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply), which is unmet. In the event of a challenge to a decision to refuse a licence, it would, therefore, have to be established that the authority had reasonably been satisfied that there was no significant unmet demand.

2.1.2



The Authority, to determine whether there is any unmet demand employs The Halcrow Group, to undertake surveys at 3 yearly intervals. The last review took place in October 2009, which indicated no unmet demand.

The number of hackney carriage licences will continue to be restricted to 256 together with 44 landaus.

### 2.2 Specifications and Conditions

2.2.1 Local authorities have a wide range of discretion over the types of vehicle that they can licence as taxis or private hire vehicles.

2.2.2 The Best Practice Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are however encouraged to make use of the “type approval” rules within any specifications they determine.

2.2.3 The Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriage and private hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous. Appendix A sets out the minimum standards, which apply to all licensed vehicles.

2.2.4 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Purpose-built vehicles are amongst those, which a local authority will licence as hackney carriages.

2.2.5 The Authority maintains a current list of approved vehicles, which is regularly updated. If a vehicle does not appear on the list, please contact licensing enforcement who will give further guidance and assistance. In the event of a dispute, the final decision rests with the Public Protection Sub-Committee.

## 2.3 Accessibility

2.3.1 The Authority currently licences 256 hackney carriages, **180** of which are wheelchair accessible. The authority is committed to maintaining a mainly accessible fleet and has no plans to implement a policy that all hackney carriages should be wheelchair accessible. The Government in early 2009 consulted on accessibility proposals and the Authority understands that further information will be available in due course. Until further information becomes available, the Authority intends to encourage the purchase of accessible vehicles, in part by its age policy detailed below. Any changes to the existing policy will result in additional consultation

2.3.2 Any purpose built Hackney Carriage must be equipped with appropriate ramps and supports/securing straps to ensure wheelchairs are securely and safely positioned in the vehicle before any vehicle commences its journey. The specified equipment must be used at all times whilst conveying wheelchair passengers.



2.3.3 There is a rebuttable presumption that all Hackney Carriage Drivers will accept a hiring from either a wheelchair user or a person defined as disabled within the definition of s1 of the Disability Discrimination Act 1995. The exception to this is if the driver can demonstrate a reasonable excuse not to accept a hiring. Practical examples will include a valid medical exemption certificate which relates to the driver refusing the hiring.

2.3.4 Since 2001 licensed taxi drivers have been under a duty to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Failure to comply with this duty is an offence. Drivers with medical conditions aggravated by exposure to dogs may apply to the Authority for exemption on medical grounds

## **2.4 Maximum Age of Vehicles**

2.4.1 The Department of Transport Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. The licensing authority has regard to the objectives set out in paragraph 1.2 above and considers that a policy on the age of vehicles can assist in their promotion. Further see paragraph 2.5 below with regard to a greater frequency of testing for older vehicles.

2.4.2 Local licensing authorities are also advised to consider how far their vehicle licensing policies can and should support any local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels.

2.4.3 A further government report suggests that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European wide emission limits are having on improving air quality. In private cars these standards are introduced for new vehicles as follows:

Euro 1 Technology – became mandatory for new cars from 1993 (light goods vehicles 1994)

Euro II Technology – became mandatory for new cars from 1997 (light goods vehicles from 1998)

Euro III Technology - became mandatory for new cars from 2001 (light goods vehicles from 2002)

Euro IV Technology - became mandatory for new vehicles in 2006

Air quality improvements are clearly hampered through the length of time it takes for vehicles to be retired. As an example, even with a maximum vehicle lifetime of 15 years, vehicles only began to meet the minimum Euro I standard from 2008.

2.4.4 Consideration needs to be given as to whether, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and, in particular, whether it would be appropriate to shorten the period of time from when new standards are introduced to when full fleet compliance with those standards is achieved. Any introduction of emissions standards would, however, need to be phased, to ensure that operating profits were maintained. This would mean, not only following the adoption dates for Euro standards, but also introducing strict retirement dates for vehicles that fail to meet the latest standards. It is proposed that the pit test be extended to include testing the vehicle's emissions.

2.4.5 A further important consideration for the Authority is the difference between the purpose built/wheelchair accessible vehicle and the saloon/non-wheelchair accessible vehicle which make up a significant proportion of the hackney fleet and the majority of the private hire fleet. Generally saloon vehicles are not constructed to undertake the high level of mileage, in contrast to purpose built vehicles. A 10 year old saloon is not as likely to be in as good condition mechanically and from the point of view of the customer experience as a purpose built vehicle. Purpose built vehicles have been developed to withstand the mileage undertaken by the hackney carriage trade and as a result are more expensive to purchase. These

vehicles are instantly recognisable as hackney carriage vehicles and allow the authority to maintain a hackney fleet with a high proportion of wheelchair accessible vehicles. The authority are committed to ensuring that a high proportion of both hackney and private hire fleets are wheelchair accessible For this reason a differing age limit is applied in respect of purpose built/wheelchair accessible vehicles.

2.4.6 Whilst the Authority is committed to reducing the overall age of the fleet, we acknowledge the improvements the age policy has already achieved and recognise that in present economic climate it may not be the best time to place unnecessary financial burdens on the trade.

2.4.7 Applications for the grant/renewal of hackney carriage or private hire vehicle licence will be subject to the maximum age limits detailed below:

Year	Purpose built/wheelchair accessible	Non-wheelchair accessible
2010	14	14
2011	13	12
2013	12	10

2.4.8 The exceptional quality policy (see Appendix B) details the standards to be reached by a vehicle if it is to continue to be licensed beyond the maximum age limit. In addition to meeting emissions standards, vehicles are required to meet minimum standards with regard to the condition of both the interior and exterior of the vehicle.

## 2.5 Vehicle Testing

2.5.1 Hackney carriage and private hire vehicles will be tested in accordance with the table below. Certificates of Compliance are issued to vehicles who meet the required standard.

1 –5 years old	1 inspection per year
5 – 10 years old	2 inspections per year
Over 10 years of age	3 inspections per year

2.5.2 Vehicle testing arrangements are currently exclusively through the Authority’s vehicle inspection facility.

## 2.6 Signage and Advertising

2.6.1 Within the Blackpool area, hackney vehicles are required to display plates on both the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. All hackney vehicles, except for minibuses, transits, people carrier type vehicles and those with built-in roof signs, should carry illuminated roof-mounted signs indicating that they are a taxi. Minibuses, transits and people carrier type vehicles which do not have roof signs, will have to display the single word “Taxi” on the front and rear of the vehicle. In order to differentiate between the two types of licensed vehicle, private hire vehicles will not be able to carry roof-mounted signs of any kind or any references to the words “Taxi” or “Hackney”.

2.6.2 It is essential that members of the public should be able to easily identify the difference between a hackney carriage and a private hire vehicle. Private hire vehicles will display signs indicating that they must be pre-booked.

- 2.6.3 Every licensed hackney and private hire vehicle must display a “How Am I Driving?” plate clearly visible to the rear of the vehicle. The plate will display the telephone number 0800 0730628. This number is linked to the Authority’s Public Protection Section who will record and investigate any complaints made.

“How Am I Driving?” plates will be provided by the Authority’s Licensing Service.

- 2.6.4 Some advertising, generally limited to the proprietor’s company name, logo and telephone number along with details of fare scales or discounts charged by the owner/proprietor will be allowed on vehicles but that the size and position of such information be strictly controlled with such advertising being kept to a minimum on private hire vehicles with more latitude being allowed for hackneys.

## **2.7 Taxi Sharing Scheme**

- 2.7.1 This Scheme, detailed fully in Appendix H, permits shared use of a hackney carriage at a set fare per passenger along designated popular routes provided the consent of each sharing passenger is obtained prior to the commencement of the journey.

## **2.8 Security/CCTV**

- 2.8.1 The hackney and private hire trade provide a valuable public service especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protecting the driver from unjustified complaints.



- 2.8.2 It is not proposed that such measures such as CCTV and Safety Shields should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The hackney carriage and private hire trades are, however, encouraged to consider the installation of CCTV and Safety Shields in their vehicles on a voluntary basis. The Licensing Authority have been sourcing funding for the installation of both CCTV systems and safety shields, vehicle owners interested in having these items installed should contact the licensing department.

## **2.9 Application Procedures**

- 2.9.1 The application procedures for hackney carriage or private hire vehicle licences are set out in Appendix C

## **2.10 Consideration of Applications**

- 2.10.1 The Authority will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

## 2.11 Grant and Renewal of Licences

- 2.11.1 Hackney carriage or private hire vehicle licences will be granted for a one-year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.
- 2.11.2 Application forms, appropriate fees, and supporting documentation, as set out in Appendix C, must be submitted at least 7 days prior to the expiry of the previous licence. Failure to apply 7 days in advance may mean that the vehicle cannot be used once the current licence has expired.
- 2.11.3 To assist owners who wish to be able to change vehicles half way through the licence period, they will be able to transfer the un-expired portion of the annual licence from one vehicle to another, however, the new vehicle must continue to be tested in accordance with the current procedure.

## 2.12 Environmental Considerations

2.12.1



Appendix A makes it clear that LPG conversions to vehicles are perfectly acceptable. The policy proposed at 2.4.3 above will, furthermore, assist in this respect by ensuring that older and therefore less efficient vehicles will no longer be licensed.

## 2.13 Stretched Limousines

2.13.1



In accordance with the guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their merits. Imported stretched limousine type vehicles:

- are granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;
- authorised as prestige type private hire vehicles; and
- are approved for licensing as private hire vehicles subject to the additional conditions detailed in the separate policy document;

## 2.14 Funeral Vehicles

- 2.14.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

**2.15 Wedding Vehicles**

2.15.1 A vehicle does not need to be licensed while it is being used in connection with a wedding.

Written certification from the Authority of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.



### **3 DRIVERS**

#### **3.1 Parallel Procedures**

- 3.1.1 The statutory and practical criteria and qualifications for a private hire driver are broadly identical to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire and hackney carriage drivers.

#### **3.2 Licences**

- 3.2.1 Separate driver's licences must be held in respect of hackney carriage and private hire vehicles.
- 3.2.2 Drivers have the option of applying for either a one year or three year licence subject to the CRB and medical cycle being aligned with the licence renewal. This option will not be available to drivers subject to annual CRBs. The Public Protection Sub-Committee will also retain discretion to remove driver's ability to apply for a three year licence.

#### **3.3 Age and Experience**

- 3.3.1 A licence to drive a hackney carriage or private hire vehicle will not be granted to a person who is under 18 years of age there is no upper age limit. In addition, a licence will not be granted to anyone over 18 who have not held a full driving licence for a period of one year.

#### **3.4 Topographical Knowledge (Driver Knowledge Tests)**

- 3.4.1 Hackney carriage drivers clearly need a good working knowledge of the area for which they are licensed, because hackney carriages can be hired immediately, directly with the driver, at ranks or on the street. The Authority also considers it necessary for private hire drivers to know the area.
- 3.4.2 In order to determine fitness to hold a licence, new applicants are required to undertake a written test as to their knowledge of the local geography. This also tests the applicant's knowledge of customer care and the byelaws. Previously licensed drivers, they will not be required to pass the knowledge test if they have been licensed by Blackpool Council as a hackney carriage or private hire driver within the preceding three years.

The procedures in relation to the above are set out in Appendix C.

#### **3.5 Driving Proficiency and Qualifications**

- 3.5.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for taxi drivers. Some authorities require the above-mentioned DSA test or some further driving test to be taken.
- 3.5.2 The Authority believes that the standard car-driving test provides sufficient evidence of driving competency for the drivers of hackney carriage and private hire vehicles in this area. It is considered that introducing a requirement that drivers pass the specific DSA test or indeed any other competency qualification would not produce benefits, which are commensurate with the costs involved.

### 3.6 Medical Fitness

3.6.1 The Authority is of the opinion that it is appropriate for licensed drivers to be subject to more stringent medical standards than those applicable to normal care drivers because:

- They carry members of the public who expect a safe journey
- They are on the road for longer hours than the most car drivers
- They have to assist disabled passengers and handle luggage.



3.6.2 The DVLA recommend that hackney carriage and private hire vehicle drivers should be subject to the Group 2 medical standards applicable to applicants for licences to drive buses and lorries therefore with effect from 1<sup>st</sup> September 2010 new applicants and existing drivers applying for renewal will be required to satisfy this medical standard.

Existing drivers not able to meet this requirement will be entitled to address the Public Protection Sub-Committee in person and provide any necessary medical evidence to satisfy the Sub-Committee of their fitness to drive a hackney carriage or private hire vehicle.

3.6.3 Existing licence holders of 65 and over must be examined annually. Drivers aged less than 65 yrs of age must undergo a medical every 3 years. Holders of current PSV and/or HGV Licences, where the holder is able to produce proof of current medical examination, will not be required to undergo a further medical examination.

3.6.4 Licence holders must advise the Authority of any deterioration in their health that may affect their driving capabilities.

3.6.5 Where there is any doubt as to the medical fitness of the Applicant, the Authority may require the Applicant to undergo and pay for a further medical examination by a Doctor appointed by the Authority.

3.6.6 Where there remains any doubt about the fitness of any applicant, the Public Protection Sub Committee will review the medical evidence and make any final decision in light of the medical evidence available.

3.6.7 On renewal no licence will be issued until medical clearance (if required) has been established.

### **3.7 Criminal Record Bureau (CRB) Disclosures**

3.7.1 A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Criminal Records Bureau is required as these disclosures include details of spent convictions and police cautions.

3.7.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences. They are required to disclose all convictions, including those that would normally be regarded as spent. Applicants will be required to confirm by signing a declaration that either they have no convictions, or that they have disclosed all convictions.

In addition applicants are required to disclose any pending criminal matters which would include but is not limited to offences which are currently subject of Court proceedings, or for which the applicant is on police bail.

3.7.3 Before an application for a driver's licence will be considered, the applicant must provide a current (less than 3 months old) Enhanced CRB Disclosure of criminal convictions or a certificate of good conduct from the relevant embassy in the case of an overseas applicant.

3.7.4 CRB checks will be required once in every three-year period. The Public Protection Sub-Committee has the discretion to require annual CRB checks. The Authority is an approved Criminal Records Bureau body; therefore, applicants can deal with the Criminal Records Bureau through the Authority and will be charged an appropriate fee.

3.7.5 Licensed drivers are obliged to notify the Authority without delay of any criminal convictions. Any breach of this requirement will immediately become the subject of a disciplinary hearing before the Public Protection Sub-Committee.

3.7.6 The Authority is bound by rules of confidentiality, and will not divulge information obtained to any third parties. The Applicant for a CRB disclosure will be sent a separate disclosure report to their home address, while the Authority will also receive a copy of the report.

### **3.8 Relevance of Convictions and Cautions**

3.8.1 In relation to previous convictions and formal cautions, the Authority will have regard to the following:

- (i) Whether the convictions are spent or unspent;
- (ii) The class of the offences;
- (iii) The age of the offences;
- (iv) The apparent seriousness, as gauged by the penalty.

3.8.2 Where an applicant's CRB check discloses an unspent conviction, the application will be referred to the Public Protection Sub-Committee for determination.

Where cautions or spent convictions are disclosed, each case will be viewed on its merits when deciding whether a referral to the Public Protection Sub-Committee for determination is necessary

3.8.3 The overriding test is whether the applicant is fit and proper.

### **3.9 Application Procedure**

- 3.9.1 An application for a hackney carriage or private hire driver's licence must be made on the specified application form. The application procedure is set out in Appendix C.

### **3.10 Grant and Renewal of Licences**

- 3.10.1 Application forms, appropriate fees, and supporting documentation, as set out in Appendix C, must be submitted at least 7 days prior to the expiry of the previous licence. Failure to apply 7 days in advance may mean that the applicant will be unable to drive once the current licence has expired.

Once the licence has expired, renewal applications cannot be accepted and all applications will be treated as "new". Applications submitted less than 28 days after expiry will be able to rely on existing medical and CRB clearance (if in date) however, applicants should note that they will be unable to drive until the licence and badge have been issued to them – this may take a few days.

Applications received more than 28 days after the expiry of the licence will be treated as full new applications and new CRB and Medical clearance will be required before the new licence will be granted.

- 3.10.2 Applicants for renewal of a hackney carriage or private hire driver's licence are required to provide a current (less than 3 months old) enhanced criminal record check from the Criminal Records Bureau every third year. Applicants who are aged 65 or over must provide evidence of their medical fitness to hold a licence upon renewal each year.
- 3.10.3 No licences will be issued or renewed unless medical clearance has been established.

### **3.11 Conditions of Licence**

- 3.11.1 The Authority is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence as are considered necessary.
- 3.11.2 Private hire drivers are subject to the conditions in Appendix D.
- 3.11.3 Hackney carriage drivers are subject to the Blackpool Borough Council Hackney Carriage Byelaws.

### **3.12 Arrest and/or Convictions during period of licence**

- 3.12.1 Drivers, who are convicted of any criminal or motoring offence during the currency of their hackney or private hire driver's licence, must disclose the conviction and the penalty involved to the Authority within seven days. For these purposes, a fixed penalty motoring offence amounts to a conviction. In addition drivers are required to disclose any pending criminal matters which would include but is not limited to offences which are currently subject of Court proceedings, or for which



the driver is on police bail.

- 3.12.2 Any breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences, which may come to light following complaints, enforcement action or investigations should be dealt with by the Public Protection Sub-Committee

### **3.13 Code of Good Conduct**

- 3.13.1 Adopting a Code of Good Conduct for hackney carriage and private hire drivers serves to promote the Authority's licensing objectives in respect of the hackney carriage and private hire trades.

- 3.13.2 The standards expected of licensed drivers are set out in the Code of Good conduct, included in this policy document at Appendix E, and should be read in conjunction with the other statutory and policy requirements set out in this document.

### **3.14 Driver's Dress Code**

- 3.14.1 Anything that serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed. The code is to be found at appendix F.

## 4 DISCIPLINARY AND ENFORCEMENT MEASURES

### 4.1 Enforcement

- 4.1.1 Blackpool Council's Quality Standards Enforcement Policy will ensure that the Authority's enforcement effort is reasonable, transparent and well directed.

### 4.2 Disciplinary Hearings

- 4.2.1 Disciplinary matters may be referred to the Authority's Public Protection Sub Committee. One of the functions of this Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence, and to take the action appropriate to the circumstances.



### 4.3 Range of Powers

#### 4.3.1 Issuing of Warnings

Warnings may be issued either by the Public Protection Sub-Committee or by the Principal Solicitor or Licensing Solicitor in consultation with the Chair or Vice Chair of the Public Protection Sub-Committee

#### 4.3.2 Suspension

##### (i) Vehicles

Vehicles can be suspended in accordance with section 68 of the Local Government (Miscellaneous Provisions) Act 1976 if an officer is not satisfied as to the fitness of a vehicle. The Principal Solicitor or Licensing Solicitor in the event the licensing service cannot be satisfied that the vehicle is suitably covered by insurance. A suspension will always be given in writing.

##### (ii) Drivers

The Authority may exercise its discretion to suspend the operation of a driver's licence for a specified period. The PPC are mainly responsible for any suspension of licence. An immediate suspension can only be taken by either the Principal Solicitor or Licensing Solicitor in consultation with the Chair or Vice Chair of the Public Protection Sub-Committee. The matter must then be referred to the PPC for consideration.

#### 4.3.3 **Revocation**

Where a licence holder has been referred to the Public Protection Sub-Committee, the Committee may order the revocation or suspension of the licence.

#### 4.3.4 **Refusal to Renew**

As an alternative to revocation, the Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

#### 4.3.5 **Prosecution**

The Authority will prosecute in accordance with the Quality Standards Enforcement Policy.

## **5 DELEGATED POWERS**

### **5.1 Public Protection Sub-Committee**

5.1.1 The Public Protection Sub-Committee of the Authority is responsible for the management of the hackney carriage and Private Hire licensing regime in the district, along with the formulation and review of its policy in this regard.

### **5.2 Officer Delegation**

5.2.1 The Principal Solicitor or Licensing Solicitor in consultation with the Chair or Vice Chair of the Public Protection Sub-Committee may:

- Issue warning letters on behalf of the Public Protection Sub-Committee;
- Suspend hackney carriage or private hire drivers licence with immediate effect

5.2.2 The Principal Solicitor or Licensing Solicitor may suspend a hackney carriage or private hire vehicle licence with immediate effect when they cannot be satisfied that the vehicle is suitably insured.

## **6 PRIVATE HIRE OPERATORS**

### **6.1 Requirements & Obligations**

6.1.1 A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

6.1.2 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the

applicant is a fit and proper person to hold an operator's licence. In the case of a company, the Authority must be satisfied that all company directors/secretary are fit and proper.

## **6.2 Criminal Record Checks**

6.2.1 Private hire operators are not exceptions in respect of the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. A Basic Disclosure from the Criminal Records Bureau or a certificate of good conduct from the relevant embassy for



overseas applicants are, nevertheless, seen as appropriate. A reference, covering for example the applicant's financial record, as well as or instead of the checks outlined above is also seen as useful.

6.2.2 Before an application for a private hire operator's licence will be considered and every three years thereafter, the applicant (In the case of a company, all directors/secretary) must provide a current (less than 3 months old) Basic CRB Disclosure of criminal convictions or a certificate of good conduct from the relevant embassy in the case of an overseas applicant unless the applicant is already a driver licensed by this authority.

## **6.3 Conditions**

- 6.3.1 The Authority has power to impose such conditions on an operator's licence, as it considers reasonably necessary.
- 6.3.2 The conditions set out in Appendix G are considered to be reasonably necessary.

## **6.4 Insurance**

6.4.1 The private hire operator is required to produce to the Licensing Service an appropriate certificate of public liability insurance for their premises.

## **6.5 Licence Duration**

- 6.5.1 Applicants may apply for a private hire operators licence for either a one year or three-year period, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances
- 6.5.2 Application forms for renewal appropriate fees, and supporting documentation, must be submitted at least 7 days prior to the expiry of the previous licence. Failure to apply 7 days in advance may mean that the applicant will be unable to operate once the current licence has expired.

## **6.6 Address from which an Operator may operate**

6.6.1 Upon grant of an operator's licence, the Authority will specify the address from which the operator may operate. The operator must notify the Authority in writing of any change of his/her address, (whether this is a home address or the address from he/she operates) during the period of the

licence, within 7 days of such change, taking place.

## **6.7 Bases outside the Blackpool Council Area**

- 6.7.1 The Authority will not grant an operator's licence for an operator with an operating base that is outside the Authority's area. This is to ensure that proper regulation and enforcement measures may be taken by the Authority and is in no way intended to be a restraint of trade.

# **7 FARES**

## **7.1 General**

### **7.1.1**



Taxi fares, set by a Local Authority, are a maximum, and can be negotiated downwards by the hirer. Licensing authorities have the power to set taxi fares for journeys within their area.. When determining the level of fares consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at the times it is needed.

- 7.1.2 These regulations do not apply to private hire vehicles. However where a meter is fitted in a private hire vehicle, the rate cannot exceed that set by the Authority in respect of hackney carriages.

- 7.1.3 Out of Borough journeys can be negotiated prior to the commencement of the journey in both private hire vehicles and hackney carriages.

## **7.2 Table of Fares**

- 7.2.1 A table of authorised maximum fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

## **7.3 Review**

- 7.3.1 Fares rates are currently, normally only reviewed by the Authority following representations from the trade or from a particular sector of the trade.

## **7.4 Receipts**

- 7.4.1 A hackney carriage driver must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

# **8 FEES**

## **8.1 Fee Structure**

- 8.1.1 The legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and

administering the control and supervision of hackney carriages and private hire vehicles.

## **8.2 Payments**

8.2.1 Fees for licences, or vehicle inspections must be made payable to Blackpool Council.

## **8.3 Payment Refunds and Transfers**

8.3.1 The appropriate fee must be paid when the application is submitted and that a charge will be levied to cover the administrative costs associated with the transfer of a vehicle. In the case of vehicle licences, where licence holder's surrender their licence prior to their expiry date. The Authority does not make any refunds in respect of the unexpired portions of the licence fees.

# **9 TAXI RANKS**

## **9.1 Appointed Ranks**

9.1.1 A booklet including the ranks and byelaws is available upon request.

# **10 TRAINING**

10.1 All existing drivers must have taken a Council approved qualification on or before 1<sup>st</sup> January 2011. Please contact the Licensing Service for details.

10.2 With effect from 1<sup>st</sup> January 2011, all new applicants must, before being granted a drivers licence, undertake a Council approved qualification.

## **APPENDIX A**

### **VEHICLES - SPECIFICATIONS**

#### **1 GENERAL**

1.1 All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle (hackney or private hire). This is in addition to all requirements of the road traffic legislation, which relates to all motor vehicles. All hackney carriage vehicles will also be subject to the requirements of the byelaws made in respect of hackney carriages in so far as they relate to vehicles.

1.2 All vehicles shall have an appropriate "type approval" which is either a :-

- i) European Whole Vehicle Type approval;
- ii) British National Type approval; or
- iii) British Single Vehicle Approval.

It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.

1.3 All vehicles shall be capable of carrying not less than 4 passengers, be fitted with a right hand drive (special conditions apply to stretched limousines) and shall have an engine size not less than 1298cc.

Applications for specialist or novelty vehicles will be considered on merit.

Tuk Tuks or similar vehicles may be licensed for private hire use to carry two or three passengers.

1.4 All vehicles shall comply with all construction and use/type approval requirements applicable to it. The maximum permitted length is 18 ft. The maximum permitted weight is 3500 kg

1.5 All vehicles shall be either a purpose built taxi, or a 4-door saloon or 5-door estate/ multi-passenger vehicle, except that a private hire vehicle shall not be of the London Taxi type.

1.6 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.

1.7 Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.

1.8 All vehicles shall at all times be maintained in sound and roadworthy condition and serviced according to the manufacturer's recommendations.

#### **2 DOORS**

2.1 All saloons, estates or purpose built taxi vehicles shall have at least 4 side-opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors. There must be a minimum of 54 inches width between door handles.

- 2.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.
- 2.3 All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

### **3 INTERIOR DIMENSIONS**

- 3.1 Height Inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort. 34 inches minimum is recommended.
- 3.2 Knee Space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort. There must be at least 7 inches between the back of the front seat and the front of the next row of rearward seats.

### **4 SEATS**

- 4.1 Access to every passenger seat must be unobstructed and be easily accessible to passengers and without the need for more than one passenger to move. Mini buses and MPVs that are unable to comply with this requirement may still be approved at the discretion of the Authority.
- 4.2 Passenger seats must be at least 16 inches, or the metric equivalent, wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 34 inches headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.
- 4.3 In relation to the carriage of child passengers under 3 years of age in the front seat, an appropriate child restraint **MUST** be worn. Where a child passenger is between 3-11 years old an adult seat belt must be worn if an appropriate child restraint is not available.

### **5 SEAT BELTS**

- 5.1 All vehicles must be fitted with fully operational rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

### **6 PASSENGER CAPACITY**

- 6.1 The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to previously.

### **7 MODIFICATIONS**

- 7.1 No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly the approval of the Licensing Office, at any time while the licence is in force. It is unlikely that anything, not of the manufacturer's specification, will be authorised.

## **8 LICENCE PLATES AND STICKERS**

- 8.1 Except as provided at 8.4 below, at all times while the vehicle is being used as a hackney or private hire vehicle there shall be securely fixed to the front and rear of the vehicle the appropriate vehicle licence plates supplied by the Authority.
- 8.2 The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the vehicle licence plates referred to above. (For these purposes children (of any age) are counted as one person).
- 8.3 At all times while the vehicle is being used as either a hackney carriage or private hire vehicle there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the licence disc, which identifies the vehicle as either a private hire or hackney carriage vehicle. On this will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.
- 8.4 Every licensed hackney and private hire vehicle must display a "How Am I Driving?" plate clearly visible to the rear of the vehicle. The plate will display the telephone number 0800 0730628. This number is linked to the Authority's Public Protection Section who will record and investigate any complaints made.
- 8.5 Provided that they have received express written consent from the Authority, limousines and other professionally chauffeured vehicles may, in certain circumstances, not be required to display the external vehicle licence plates but must comply with the requirements of 8.3 above in respect of displaying the internal licence disc.

## **9 SIGNAGE**

### **9 Hackney Vehicle Markings**

- 9.1.1 Hackney carriage vehicles, other than minibuses, transits, people carrier type vehicles and those with built-in roof signs, must be fitted with an illuminated external sign on and above the roof of the vehicle showing the word "TAXI" on the side facing the front and the name of the company, or its telephone number, or "TAXI", or any combination of the three on the side facing towards the rear of the vehicle. The roof sign and lettering shall be of an appropriate size to enable it to be read clearly from a distance of 14 metres.
- 9.1.2 The roof sign must be centrally mounted on the vehicle roof and be adequately secured either directly to the roof or mounted on a single roof bar and secured by bolts, straps, or clamps. Magnetic or suction fittings alone are not considered suitable without additional means of fixing.
- 9.1.3 On purpose built vehicles, with built-in roof signs, the roof light must be turned off when the fare meter is in use.
- 9.1.4 Minibuses, transits and people carrier type vehicles which are not fitted with an appropriate roof sign, as indicated above, shall have the word "Taxi" in letters of between 25cm and 30 cm in height displayed on the front and rear of the vehicles so that they can be clearly identified as a hackney carriage vehicle.

## 10 Private Hire Vehicle markings

- 10.1.1 The only signage permitted on a private hire vehicle is self-adhesive identification signs with a small company logo as approved or supplied by the Authority, indicating that " Not insured unless pre - booked " must be affixed to the drivers' door and front passenger door panels of the vehicle. These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle is licensed as a private hire vehicle.
- 10.1.2 A private hire vehicle must not carry any roof sign or any markings that might give the impression that it is a hackney carriage.

## 11 ADVERTISING ETC

- 11.1 Subject to the following provisions of this section, a sign must be affixed to the outside or inside of the vehicle indicating that smoking is prohibited in the vehicle or requesting passengers to refrain from smoking inside the vehicle.
- 11.2 No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.
- 11.3 **Hackney Carriages**

All proposed advertising must be approved by the Licensing Service

- (i) For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of 15 cm and may be displayed on either the sides of the vehicle, front and rear wings, doors or on the bonnet or the rear of the vehicle
- (ii) For minibuses, transits and people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 25 cm and may be displayed on either side of the vehicle, front and rear wings, doors or on the rear of the vehicle. In addition, the single word "Taxi", to a maximum height of 30 cm, may be placed on the front and rear of the vehicle.
- (iii) Any advertising may include details of current fare scales or discounts charged by the owner/proprietor.
- (iv) No advertising will be permitted that obscures the windows of any vehicle.

### 11.4 Private Hire Vehicles

- (i) No signs whatsoever, other than the identification signs approved or supplied by the Council must be affixed to the drivers' door and front passenger door panels of the vehicle.
- (ii) Any advertising on the vehicle must be restricted to the name, logo or insignia, telephone number, free-phone number, fax number, E-mail address or Web site of the owner or operator of the vehicle. Advertising of other businesses or products or services is **not** permitted on private hire vehicles and no art works, slogans or other displays of any kind are permitted

## **12 METERS**

### **12.1 Hackney carriages**

- 12.1.1 A calendar-controlled taximeter must be fitted in the headlining of all purpose built hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure and easily visible to passengers.
- 12.1.2 The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances during the pit test, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. The taximeter must be sealed by the Authority.
- 12.1.3 If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the licensing department so that arrangements for resealing may be made.

### **12.2 Private Hire**

- 12.2.1 All Private hire vehicles fitted with a calendar-controlled taximeter must be tested, approved and sealed by the Authority and must not exceed the current set fares.

## **13 TRAILERS**

- 13.1 Trailers may only be used with the prior approval of the Authority and subject to the following requirements:
  - (i) Trailers can only be used in connection with private hire bookings and cannot be used for plying for hire on a rank;
  - (ii) The trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
  - (iii) The vehicle insurance must include cover for towing a trailer;
  - (iv) Trailers must not be left unattended anywhere on the highway;
  - (v) The speed restrictions applicable to trailers must be observed at all times;
  - (vi) A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
  - (vii) Trailers must be approved by the Authority.
  - (viii) Trailers must undergo the Authority's inspection and licensing regime
  - (ix) Trailers must display an identification plate as specified by the Authority.

## **14 DISABILITY ACCESS**

- 14.1 In the case of vehicles, which are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. The only exceptions being when hydraulic lifting platforms are fitted to the vehicle.

- 14.2 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:
- (i) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
  - (ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
  - (iii) A suitable restraint must be available for the occupant of a wheelchair. Such restraint must be used whenever carrying a wheelchair bound passenger
  - (iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
  - (v) Ramps and lifts must be securely stored in the vehicle before it may move off.
- 14.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.
- 14.4 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.
- 14.5 Subject to the provisions of section 11 above, a sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided that the vehicle has been manufactured or properly adapted for that purpose.

## **15 CONVERSIONS/VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)**

- 15.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered safe
- 15.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.
- 15.3 All fuel must be capable of being replenished from the exterior of the vehicle

## **16 TINTED WINDOWS**

- 16.1 The windows or windscreen of any vehicle shall not have been treated so that less than 75% of light is transmitted through it, unless the following criteria can be met:
- (i) The vehicle is licensed only for private hire purposes and
  - (ii) The vehicle is a stretched limousine or prestige type vehicle and
  - (iii) The vehicle will not be engaged at all in any contract for the carriage of school children or based around the carriage of children/young persons
  - (iv) The Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.

## **17 CHANGES**

- 17.1 Any change affecting this vehicle licence must be notified within 14 days of such change, to the Licensing Service.
- 17.2 When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Licensing Service, in writing, before such change takes place. Failure to do so is likely to result in the refusal to renew the licence.

## **18 UNAUTHORISED USE**

- 18.1 The proprietor of a private hire vehicle or hackney carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current private hire or hackney carriage driver's licence, as appropriate, issued by the Authority.

## **19 ACCIDENT REPORTING**

- 19.1 If any licensed vehicle is involved in an accident, this must be reported to the Licensing Service within 72 hours of the event.
- 19.2 Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. An Authorised Officer may suspend the use of a licensed vehicle until it is suitably repaired.
- 19.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
- (i) the damage to, or defect in, the vehicle has been reported;
  - (ii) application is made in the usual way for a change of vehicle (albeit temporarily);
  - (iii) the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes;
  - (iv) the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

## **20 MISCELLANEOUS**

- 20.1 The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose whatsoever.

## **21 DISPENSATION/ VARIATION**

- 21.1 The Authority may in exceptional circumstances by way of special condition dispense with or vary any of the requirements/conditions set out herein.

## APPENDIX B

### Exceptional Quality Policy

Vehicles must meet minimum emissions standards with reference to the year of manufacture as detailed in paragraph 2.4.3 of this policy.

1. The vehicle must pass the initial pit test – vehicles with four or fewer faults (excluding consumables – see guidance notes) will be permitted to undertake the necessary repairs and submit for a re-test; vehicles with five or more faults will fail and will not be permitted a re-test; and
2. The vehicle must meet the full exterior and interior specification detailed below (each point listed below would constitute one defect). Vehicles with five or fewer defects as detailed below will be permitted to undertake necessary repairs and submit for a re-test. Vehicles with six or more defects will fail, and will not be permitted a re-test.

### Exterior

- All bodywork to be clean and sound, free from rust, corrosion, dents, scrapes or significant scratches or loose panels.
- All paintwork must be in good condition when the vehicle is viewed in normal light conditions
- All wheel trims to be fitted according to the manufacturer's specification and all matched
- Door or wing mirrors to be in good condition. 2 wing mirrors and an interior mirror are required.
- Front and rear registration plates to be clean, clear, unbroken and conform to the relevant legislation. Hinging rear number plates must be maintained so that the number plate is visible at all times.
- Front and rear bumpers to have no rust, corrosion, dents, cracks or scrapes and be securely fitted. End caps must be fitted
- Mud flaps, if fitted should be maintained
- No broken, cracked or missing glass or surrounds on all front and rear lights where fitted and must display the correct colour
- Radiator grills should be secure and the original specification
- Windscreen and rear screen wiper arms should be in good condition and rust free and properly fitted
- All door locks and boot locks fitted to be in working order
- All doors should be easily opened and in good working order
- All door handles should be properly fitted easily operated and of original specification
- A spare wheel which conforms to legal requirements must be carried and securely fitted along with the relevant jack and wheel brace
- All tyres to conform to legal requirements
- All road wheels to be clean and free from significant marks or damage
- Vehicle to have a current MOT certificate or certificate of compliance
- Evidence of servicing and maintenance over the last twelve months must be produced.

## Interior

- ❑ All seats to be manufacturer's original design, should match, be securely fitted with no holes or tears,
- ❑ All seat belts should be clean, in good working order. There must be sufficient seatbelts to cover every licensed seat. All anchorage point covers should be properly fitted and match original trim
- ❑ All panels should be clean and match original trim
- ❑ Fitted carpets should be of original specification, securely fitted with no rips or holes
- ❑ All instruments and accessories should be fitted securely, match trim and be in good working order.
- ❑ Headlining to be clean with no holes or tears (unless repaired )
- ❑ All windows to operate correctly and easily
- ❑ Brake, clutch and accelerator pedal rubbers to be fitted and in good condition
- ❑ The inside of the vehicle should be free from any trailing or loose wires
- ❑ The boot and/or luggage space should be clean and tidy with an unstained carpet or cover to manufacturer's specification
- ❑ If a hatchback, the boot cover must be original with both lifting straps fitted. A cargo guard should be fitted in estate vehicles
- ❑ Gear lever gaiters, if fitted, should be in good condition
- ❑ All lights should be in working order with appropriate covers securely fitted
- ❑ Window locks, handles where provided by the manufacturer to be in working order
- ❑ Heated rear screen to be in proper working order.
- ❑ Ramps, if fitted must be in good working order.

### Guidance notes

**Mot items** – Any individual fault which would cause the vehicle to fail the standard MOT test will count as one fault. For example a leaking brake cylinder and a bald tyre are **2 faults**.

**Interior and exterior faults** – as a general rule, each defect identified during the inspection will count as one fault, however multiple faults of an identical nature will count as one fault. For example – holes in two seats will count as one fault. Similarly, dents found on two separate panels will count as one fault.

**Fixing** – all trim should be present, correctly aligned and fixed in accordance with the manufacturer's specification.

**Poor Workmanship** – repairs should be carried out to a high standard. Defects resulting from poor preparation or poor application of a paint finish are likely to result in the vehicle not reaching the required standard. Such defects may include runs, dust in the paint, orbital sander marks, poor paint coverage and overspray.

**Gloss Finish** – Paintwork should have a gloss finish over the whole vehicle. Where the paintwork has begun to fade due to age and the effects of ultraviolet degradation over large areas of the vehicle, where it cannot be returned to an acceptable gloss level by the use of cutting compounds refinishing may be required.

**Replacement panels** – vehicles which have been damaged and had replacement panels fitted are acceptable as hackney carriage and private hire vehicles provided that

- The repairs have been carried out to a high standard
- The replacement panel has been fitted to the vehicle manufacturer's specification using approved fittings, and
- The replacement panel has been correctly aligned, level with all adjacent panels. The gaps between panels should be uniform and similar to those between original panels.

### **Appeals**

Where a proprietor is aggrieved by the decision of a vehicle tester concerning the standard of the vehicle, the initial appeal shall be to the mechanics supervisor. In the event that the proprietor remains aggrieved, a further appeal will lie with the manager of the Authority's vehicle inspection unit.

Further details of the appeals process are available on request.

### **Definition of consumables**

The following items will not be counted as faults, but should be rectified as soon as reasonably practicable:

- Light bulbs not working
- No fire extinguisher
- No fare card on display
- Absence of vehicle signage
- A missing licence plate
- Taxi meter not operating correctly

## APPENDIX C

### 1. Application Procedures – Vehicles

- 1.1 When presenting an application, the following documents must accompany the application form-
- (i) **Registration Document** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s));
  - (ii) **Insurance Certificate** (if a cover note, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note.
  - (iii) **MOT Certificate /Certificate of Compliance**
- 1.2 Appointments can be arranged for a vehicle to be tested following application being made to the Licensing Department.
- 1.3 Prior to submitting the vehicle for testing, owners must ensure that the vehicle is in good condition, i.e., mechanically sound, bodywork in a satisfactory condition and the engine and full chassis steam cleaned if necessary.
- 1.4 Owners of vehicles will be subject to a retest fee in respect of vehicles that have to be re-submitted for a second inspection test on the grounds of mechanical/M.O.T. related failures.
- 1.5 The full retest fee will be charged to drivers/owners who fail to attend for inspections/ re-inspections.
- 1.6 When a vehicle is successfully tested it should be licensed at the Licensing Offices as soon as practicable.

### 2. Application procedures - Drivers

- 2.1 When presenting an application, the following documents must accompany the application form –
- (i) DVLA driving licence
  - (ii) Advanced Check Mandate
  - (iii) Criminal Records Bureau Form
- 2.2 Before being granted a licence you will need to produce evidence of medical suitability

### 3. New Driver Tests

#### 3.1 Introduction

- 3.1.2 Applicants for new drivers' licences are required to undergo a written test, by appointment, as part of the process of satisfying the Authority that they are suitable persons to hold such a licence.

- ❑ Applicants will be tested on their knowledge of the Blackpool Borough area's geography, by recording the shortest routes between locations in the area, the start and finish of prominent streets, the locations of major hotels, surgeries, hospitals, clubs and schools. Questions will include Customer Care, Highway Code and taxi/private hire law
- ❑ 45 minutes are allowed to take a 40 question written examination.
- ❑ 4 attempts are permitted before the application is refused
- ❑ In the event of 4 failures the application will be refused and a period of 1 year must elapse before further application is permitted.
- ❑ A fee is charged for each attempt.

#### **4. The consideration of applications**

- 4.1 Upon receipt of a completed application form, an officer of the Licensing Service shall consider the application, unless there are details, which are missing from the application form, or the supporting documents are incomplete. Where the application is incomplete, it shall not be considered until all the missing details or documents are supplied.
- 4.2 If satisfied, from the information available, that the applicant is a fit and proper person to hold a hackney carriage and private hire licence, the officer has the delegated power to grant the application.
- 4.3 Successful applicants will be notified in writing and issued with the appropriate licence. Those who are granted drivers' licences shall be issued with a drivers' badge, which shall remain the property of the Authority and must be surrendered when the driver ceases employment as a driver.
- 4.4 Where the Licensing Officer is not satisfied, on the information before him/her, that the applicant should be granted a licence, the matter must be referred to the Public Protection Sub-Committee. The applicant will be advised of the date, time and venue of the Committee at which the application will be considered.
- 4.5 At the Public Protection Sub Committee meeting, the Sub-Committee members will receive a report from the Senior Licensing Officer, hear representations from the applicant and may ask any questions before deciding upon whether a licence should be granted. The applicant will be told of the outcome immediately and this will be confirmed in writing within 7 days.
- 4.6 Unsuccessful applicants will be informed of their right to appeal to the Magistrates' Court within 21 days of being notified of the decision.

## APPENDIX D

### PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

1. In the event of the licence holder being convicted of an offence of whatever kind during the currency of the licence, he shall forthwith notify the Council in writing of the conviction, giving such particulars of the time and place of the conviction, the nature of the charge and the penalty imposed, together with such further information concerning the offence as the Council may require.

2. The licence holder, whilst acting as driver of a private hire vehicle, which is hired, shall not permit or suffer any person to be carried in or upon such vehicle during such hire without the express consent of the person hiring the same.

3. The licence holder, whilst acting as driver of a private hire vehicle shall not by any means encourage people to hire the vehicle.

4. The licence holder, whilst acting as driver of a private hire vehicle, shall be clean and respectable in his dress and person, shall behave in an orderly manner, shall conduct himself with civility and propriety towards every person hiring or being conveyed in the vehicle, shall take all reasonable precautions to ensure the safety of the persons conveyed in or entering or alighting from the vehicle and shall comply with every reasonable requirement of any person hiring or being conveyed in the vehicle.

5. The licence holder who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

6. The licence holder shall not convey in a private hire vehicle any greater number of persons than the number of persons specified in the licence granted by the Council in respect of the vehicle.

7. The licence holder, whilst acting as the driver of a private hire vehicle shall when requested by any person hiring the vehicle:

- Convey a reasonable quantity of luggage;
- Afford reasonable assistance in loading and unloading;
- Afford reasonable assistance in removing any luggage to or from the entrance of any house, station or place at which he may take up or set down such person.

8. The licence holder when acting as the driver of a private hire vehicle shall immediately, after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein and carry it as soon as possible and in any event within 48 hours to the nearest Police Station and leave it in the custody of an authorised officer on his giving a receipt for it.

9. If the licence holder acts as the driver of a private hire vehicle fitted with a taximeter then (unless the hirer expresses at the commencement of the journey his desire to engage by time) he shall bring the machinery of the taximeter into action at the commencement of the journey and neither he nor the proprietor or operator of the vehicle shall be entitled to demand or take a fare greater than that fixed by the Council in connection with the hire of hackney carriages.

Notwithstanding the above, in the event of a journey commencing in, but ending outside the Blackpool Borough there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected.

## **APPENDIX E**

### **CODE OF GOOD CONDUCT FOR LICENSED DRIVERS**

This Code of Good Conduct should be read in conjunction with the other statutory and policy requirements set out in this document.

#### **1 Responsibility to the Trade**

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence and the Authority's Hackney Carriage and Private Hire Licensing Policy and the hackney carriage byelaws;
- (c) behaving in a civil, orderly and responsible manner at all times.

#### **2 Responsibility to Clients**

Licence holders shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking pre-booked hiring;
- (d) assist, where necessary, passengers into and out of vehicles;
- (e) offer passengers reasonable assistance with luggage.
- (f) All hackney and private hire vehicles will be smoke-free areas at all times. This includes occasions when no passengers are being carried.

#### **3 Responsibility to Residents**

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) not sound the vehicle's horn illegally;
- (b) keep the volume of radio/music system to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in or near to the vehicle.

At private hire offices a licence holder shall:

- (a) not undertake servicing or repairs of vehicles;
- (b) not allow their radio/music system to cause disturbance to residents of the neighbourhood;
- (c) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

#### **4 General**

Drivers shall:

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers;
- (c) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not smoke at any time when inside the vehicle;
- (f) not consume alcohol\* immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive while having misused legal or illegal drugs;
- (h) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours;
- (i) not eat in the vehicle in the presence of customers

**\* ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT**

## **APPENDIX F**

### **DRESS CODE FOR LICENSED DRIVERS**

The Authority is committed to encouraging the professional image of the trade. The Authority considers that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade.

The Authority does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

#### **Acceptable Standards of Dress within this code**

##### **(1) Tops**

- ❖ Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- ❖ Shirts or blouses can be worn with a tie or open-necked.

##### **(2) Trousers/Shorts/Skirts**

- ❖ Trousers may be either full length or shorts.
- ❖ Shorts should be tailored.
- ❖ It is recommended that female drivers do not wear short skirts for personal safety reasons.

##### **(3) Footwear**

- ❖ Footwear should fit around the heel of the foot. (Safety shoes with protected toecaps are recommended.)

#### **Unacceptable Standards of Dress within this Code**

The following are deemed to be unacceptable:

- ❖ Bare chests
- ❖ Clothing or footwear which is unclean or damaged
- ❖ Clothing printed with words, logos or graphics, which might offend
- ❖ Sports shirts e.g. football, rugby or cricket tops or track suits
- ❖ Studs or sharp-edged clothing
- ❖ Beach-type footwear (e.g. flip-flops or mules)
- ❖ Sports shorts

## **APPENDIX G**

### **PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS**

#### **1 Records**

Records, which must be kept by operators, under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively for a period of 2 years.

##### **1.1 Bookings**

Prior to each journey, the operator shall enter the following particulars of every booking of a private hire vehicle accepted, pursuant to section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976, containing the following particulars, namely: -

- the date of the booking
- the name of the hirer
- the time of pick-up
- the address of the point of pick-up
- the time at which a driver was allocated to the booking
- the plate number (or other identification) of the vehicle allocated

##### **1.2 Vehicles**

The operator shall keep records of the particulars of all private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely: -

- type, Make, Model, Colour and Engine Size of Vehicles
- the year when the vehicle was first licensed for private hire
- vehicle Registration Numbers
- the number of seats for passengers
- owners
- a copy of a current insurance certificate
- whether a meter is fitted
- Private Hire Vehicle Plate Numbers
- A copy of the Private Hire Vehicle licence

##### **1.3 Drivers**

The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely: -

- details as to the drivers of the vehicles, and their call signs
- details of when any new driver begins service
- details of when any driver's service ceases
- details of any change of address of any driver in service
- if he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties, details of that information
- expiry dates of driver's badges and vehicle licences
- a copy of the Private Hire drivers licence

- a copy of the DVLA licence (both card and counterpart)

All records must be maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorised officer.

## **2 Change of Address, etc**

The operator shall notify the Authority in writing of any change affecting this licence including change of address (including any address from which he operates or otherwise conducts his business), which takes place during the currency of the licence. Such notice shall be given within 14 days of the change to the Licensing Officer.

## **3 Disclosure of Convictions**

The operator shall, within 7 days of conviction, notify the Licensing Service in writing of any conviction or fixed penalty imposed on him during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receives a conviction or fixed penalty.

## **4 Insurance**

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

## **APPENDIX H**

### **Taxi Sharing**

Blackpool Council, in exercise of the powers conferred by Section 10 (4) of the Transport Act 1985 and having obtained the consents and carried out the consultations required by the Taxis (Schemes for Hire at Separate Fares) Regulations 1986, hereby resolve to make the following scheme.

#### Citation and Commencement

This scheme may be cited as the Blackpool Borough Council (Taxi Hire at Separate Fares) Scheme 1990.

#### Interpretation

In this scheme, unless the context otherwise requires: -

“the Act” means the Transport Act 1985;

“the Council” means the Blackpool Borough Council;

“taxi” means a vehicle licensed by the Council under Section 37 of the Town Police Clauses Act 1847;

“authorised place” has the meaning given by Section 10 (5) of the Act;

“designated area” means the Borough of Blackpool;

“exclusive service” means a service other than at separate fares; and

“shared service” means at separate fares.

#### Application

Any taxi licensed by the Council to play for hire in the designated area may at the option of the holder of the licence be used for the carriage of passengers at separate fares under the terms of this scheme.

#### Authorised Places

The places listed in Schedule 1 to this scheme are authorised places at the times and for the journeys indicated in that Schedule.

#### Signs on Vehicles

There should be displayed on any taxi available for hire under the terms of this scheme at an authorised place (in addition to any other sign, mark or notice which is required to be displayed on the taxi) a notice containing the sign described in Schedule 2 to this scheme.

#### Fares

The fare payable by each passenger for a journey made under this scheme shall be calculated in accordance with Schedule 3 to this scheme.

The fare table specified in Schedule 4 to this scheme shall be displayed in a manner that is clearly legible to passengers, in any vehicle standing for hire or hired under this scheme.

### Operation

A taxi shall be available for hire under this scheme when it is standing at an authorised place and displaying the sign specified in paragraph 5 hereof.

If: -

- a) a person at any time seeks to hire for an exclusive service a taxi available for hire under this scheme; and
- b) the driver and a person seeking a shared service are not waiting for another person to accept the hiring; and
- c) the driver accepts the hiring although not required to do so, then the taxi shall thereupon cease to be available for hire under this scheme until the expiry of that hiring.

If a person seeks to hire for a shared service a taxi available for hire under this scheme and the driver is unable to find at least three other persons to share the hiring within a reasonable time then, no fare shall be payable and, subject to paragraph 9 of this scheme, the driver shall be free to seek an alternative hiring, provided that the driver and that person may continue to wait for another person to offer to share the taxi for so long as they both agree to do so.

Before a taxi has left an authorised place for the purpose of a shared service, any person may decide not to be carried as a passenger by him.

The driver shall not refuse to carry luggage in his taxi provided that the luggage can be accepted safely within the luggage compartment of the taxi having regard to the luggage of other passengers.

The driver shall determine the route taken by the taxi and the order in which passengers are set down, but he shall not unreasonably prolong the journey of any passenger.

## SCHEDULE 2: SIGNS ON VEHICLES

The notice referred to in paragraph 5 of the scheme shall be in the following terms: -

“AVAILABLE FOR SHARED HIRE”

The fare to be charged to each person shall be in accordance with the following table: -

## SCHEDULE 3: FARES

### FARE TABLE FOR SHARED SERVICES

START OF JOURNEY	DESTINATION	FARE (PER PERSON)
Pricebusters	Blackpool Zoo	£1.20
Pricebusters	Stanley Park	£1.20
Blackpool Pleasure Beach	Blackpool Tower	£1.20
Promenade (immediately south of Adelaide Street)	Blackpool Pleasure Beach	£1.20
Blackpool Zoo	Pricebusters	£1.20
Stanley Park	Pricebusters	£1.20
South Pier	Blackpool Tower	£1.20
Promenade (Waterloo Road)	Blackpool Tower	£1.20
Promenade (Alexandra Road)	Blackpool Tower	£1.20
Promenade (Woodfield Road)	Blackpool Tower	£1.20
Promenade (St Chad's Road)	Blackpool Tower	£1.20
Promenade (Barton Avenue)	Blackpool Tower	£1.20
Promenade (Manchester Square)	Blackpool Tower	£1.20
Promenade (Foxhall)	Blackpool Tower	£1.20
Central Pier	Blackpool Tower	£1.20
Promenade (Uncle Tom's Cabin)	Blackpool Tower	£1.20

Promenade (Wilshaw Road)	Blackpool Tower	£1.20
Gynn Square	Blackpool Tower	£1.20
Promenade (Pembroke Hotel)	Blackpool Tower	£1.20
Blackpool Tower	South Pier	£1.20
Blackpool Tower	Waterloo Road	£1.20
Blackpool Tower	Alexandra Road	£1.20
Blackpool Tower	Woodfield Road	£1.20
Blackpool Tower	St Chad's Road	£1.20
Blackpool Tower	Barton Avenue	£1.20
Blackpool Tower	Manchester Square	£1.20
Blackpool Tower	Foxhall	£1.20
Blackpool Tower	Central Pier	£1.20
Blackpool Tower	Uncle Tom's Cabin	£1.20
Blackpool Tower	Wilshaw Road	£1.20
Blackpool Tower	Gynn Square	£1.20
Blackpool Tower	Pembroke Hotel	£1.20

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<b>Report to:</b>	<b>Licensing Committee</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Service
<b>Date of Meeting:</b>	3 <sup>rd</sup> June 2015

## LICENSING SERVICE UPDATE

### 1.0 Purpose of the report:

1.1 To update the Committee on the details of licences applied for, dealt with and appealed in the period 1<sup>st</sup> January to 20<sup>th</sup> May 2015

### 2.0 Recommendation(s):

2.1 To note the update on licences considered, dealt with and appealed.

### 3.0 Reasons for recommendation(s):

3.1 One of the responsibilities of the Committee is to receive reports on the work of the Licensing Service.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None

### 4.0 Council Priority:

4.1 The relevant Council Priorities are:

- Expand and promote our tourism, arts, heritage and cultural offer
- Create safer communities and reduce crime and anti-social behaviour

## 5.0 Background Information

5.1 During the period 1<sup>st</sup> January to 20<sup>th</sup> May 2015, the Licensing Service received 18 applications for new Premises Licences. The following were granted administratively as no objections were received:

- Tiger Bills, 525 Ocean Boulevard
- Tyldesley Conservative Club, Palmer Avenue
- German Sausage House, Cedar Square
- Papa'z, 184-186 Dickson Road
- Food Lounge, 22 Market Street
- Hauze, 28-30 Talbot Road
- Cardoh Lodge Hotel, 21 Hull Road
- Amaro Restaurant, 109 Church Street

5.2 The following applications were considered by a Licensing Panel and refused

- Koziolk, 271a Church Street
- Maryport Marras, 18 York Street
- Whistle Stop Number 1, 80 Sherbourne Road
- Foxhall News and Booze, 60 Foxhall Road
- Loasu Food and Wine, 168-170 Ashfield Road
- 113-117 Egerton Road

5.3 The following applications are being processed

- Bolton News, 90-92 Bolton Street – representations received hearing scheduled for 11<sup>th</sup> June 2015
- Premier Store, 168-170 Ashfield Road – representations received hearing scheduled for 17<sup>th</sup> June 2015
- Thistle Dhu, 31-33 Bairstow Street – representations received
- Holmlea Hotel – last date for representations 29<sup>th</sup> May 2015
- Prezzo, 19-23 Victoria Street – last date for representations 3<sup>rd</sup> June 2015
- Sundaes, 3 Cedar Square – last date for representations 10<sup>th</sup> June 2015
- Moray House Hotel, 28 Withnell Road – last date for representations 12<sup>th</sup> June 2015
- Cosmos Supermarket, 62-64 Ashfield Road – last date for representations 15<sup>th</sup> June 2015
- Off-licence, 13 Clifton Street – last date for representations 15<sup>th</sup> June 2015

5.4 The following applications to review a premises licence have been received:

- Abingdon News, Stall 13 Abingdon Market – revoked
- Polish Shop, 239 Dickson Road – revoked
- 12 Central Drive – licence suspended 14 days
- Pizza Luigi, 3a Dickson Road – hours reduced to 3 am
- Los Gringos – revoked

- Al Goucha – hours reduced to 4am
- Ali's takeaway – hearing scheduled for 2<sup>nd</sup> June 2015

5.5 During the same period, the Licensing Service also received 7 variation applications, 16 minor variation applications, 100 changes of Designated Premises Supervisor, 63 transfers of Premises Licences, 50 Temporary Event Notices and 22 Late Temporary Event Notices.

5.6 There are two appeals currently before the Magistrates' Court

- Abingdon News – appeal against revocation following review
- Pizza Luigi – appeal against reduction of hours following review

5.7 Does the information submitted include any exempt information? No

5.8 **List of Appendices:**

None

6.0 **Legal considerations:**

6.1 None

7.0 **Human Resources considerations:**

7.1 None

8.0 **Equalities considerations:**

8.1 None

9.0 **Financial considerations:**

9.1 None

10.0 **Risk management considerations:**

10.1 None

11.0 **Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

<b>Report to:</b>	<b>Licensing Committee</b>
<b>Relevant Officer:</b>	Mark Marshall, Licensing/ Health and Safety Enforcement Manager
<b>Date of Meeting</b>	3 <sup>rd</sup> June 2015

## ENFORCEMENT UPDATE

### 1.0 Purpose of the report:

1.1 To update the Committee on the activities of the multi-agency Licensing Enforcement Team.

### 2.0 Recommendation(s):

2.1 To note the update on enforcement activities.

### 3.0 Reasons for recommendation(s):

3.1 One of the responsibilities of the Committee is to receive reports on the work of the enforcement team.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None

### 4.0 Council Priority:

4.1 The relevant Council Priorities are:

- Expand and promote our tourism, arts, heritage and cultural offer
- Create safer communities and reduce crime and anti-social behaviour

### 5.0 Background Information

- 5.1 A verbal report will update the Committee on the work of the Licensing Enforcement Team.
- 5.2 Does the information submitted include any exempt information? No
- 5.3 **List of Appendices:**  
None
- 6.0 **Legal considerations:**  
6.1 None
- 7.0 **Human Resources considerations:**  
7.1 None
- 8.0 **Equalities considerations:**  
8.1 None
- 9.0 **Financial considerations:**  
9.1 None
- 10.0 **Risk management considerations:**  
10.1 None
- 11.0 **Ethical considerations:**  
11.1 None
- 12.0 **Internal/ External Consultation undertaken:**  
12.1 None
- 13.0 **Background papers:**

13.1 None

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