

Blackpool Council

4 September 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

Tuesday, 15 September 2015 at 6.00 pm
in Committee Room A, Town Hall, Blackpool, FY1 1GB

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 3RD JUNE 2015 (Pages 1 - 4)

To agree the minutes of the last meeting held on 3rd June 2015 as a true and correct record.

3 REVISED STATEMENT OF POLICY- GAMBLING ACT 2005 (Pages 5 - 30)

To determine the process for reviewing the Council's Statement of Licensing Policy under the Gambling Act 2005.

4 NIGHT TIME ECONOMY WORKING GROUP INTERIM REPORT (Pages 31 - 46)

To consider the interim report of the Night Time Economy Working Group.

5 LICENSING SERVICE UPDATE

(Pages 47 - 50)

To update the Committee on the details of licences applied for, dealt with and appealed in the period 21st May 2015 to 21st August 2015.

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

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor Hutton (in the Chair)

Councillors

Brown	Humphreys	Owen	L Taylor
G Coleman	Hunter	Roberts	
Cox	Maycock	Ryan	
Cross	Mitchell	Scott	

In Attendance:

Lennox Beattie, Executive and Regulatory Manager

Sharon Davies, Head of Licensing Service

Mark Marshall, Licensing Health and Safety Enforcement Manager

Mark Towers, Director of Governance and Regulatory Services

1 DECLARATIONS OF INTEREST

Councillor G Coleman declared a personal interest in respect of Item 5, Review of Licensing Policy, the nature of the interest being that he held a Hackney Carriage Driver's Licence.

2 MINUTES OF THE LAST MEETING HELD ON 12TH DECEMBER 2014

Resolved:

That the minutes of the last meeting held on the 12th December 2014 be approved and signed by the Chairman as a correct record.

3 FORMATION OF A PUBLIC PROTECTION SUB-COMMITTEE

The Committee considered the formation of Public Protection Sub-Committee for the forthcoming Municipal Year.

Resolved:

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. To note the membership of the proposed Sub-Committee as informed by the Group Leaders as follows: Councillors Hutton, Mitchell, Owen, Singleton, L Taylor, Cox and Robertson BEM.

MINUTES OF LICENSING COMMITTEE MEETING - WEDNESDAY, 3 JUNE 2015

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.
4. To appoint Councillor Hutton as the Chairman and Councillor Luke Taylor as Vice-Chairman of the Public Protection Sub-Committee.

4 REVIEW OF STATEMENT OF LICENSING POLICY

The Committee considered the proposed Statement of Licensing Policy.

Mrs Davies provided an update for the Committee and reminded the Committee that it had approved a period of consultation in December 2014 on the draft Statement of Licensing Policy. She further advised that the consultation had generated responses from the Director of Public Health, LR Law on behalf of Lancashire Constabulary and the Licensing Authority and The Property Partnership. The proposed amendments detailed in the consultation responses had been incorporated into the Revised Draft Statement of Licensing Policy apart from in terms of the request to extend the area covered by the town centre saturation area where proposed changes would require additional consultation.

The Committee agreed a number of minor amendments to the Statement of Licensing Policy to correct typographical errors in the document produced.

Resolved:

To approve the content of the policy, as amended, and recommend it for approval to the Executive for recommendation to Council.

5 REVIEW OF LICENSING POLICIES

The Committee considered a report outlining reasons for reviewing the Statement of Licensing Policy under the Gambling Act 2005 and Hackney Carriage and Private Hire Policy.

Mrs Davies explained that it was a statutory requirement to review the Council's Statement under the Gambling Act 2005 and that the Council's policy was due for review before the 31st January 2016. The Committee noted that there had been recent changes made to the Licence conditions and Codes of Practice issued by the Gambling Commission and it was therefore considered useful to allocate additional time to develop a policy that fully addressed local issues in Blackpool.

As regards the Hackney Carriage and Private Hire Policy, the Committee noted that the policy had been in place since 2010 and given recent high profile cases in other towns it was considered that a review was timely.

MINUTES OF LICENSING COMMITTEE MEETING - WEDNESDAY, 3 JUNE 2015

Resolved:

1. To note the procedure for reviewing the Statement of Licensing Policy under the Gambling Act 2005.
2. To approve the review of the Hackney Carriage and Private Hire Policy.

6 LICENSING SERVICE UPDATE

The Committee received an update on licences applied for, dealt with and appealed in the period 1st January to 20th May 2015.

Resolved:

To note the update.

7 ENFORCEMENT UPDATE

The Committee received an update Mr Mark Marshall, Licensing/Health and Safety Enforcement Manager.

Mr Marshall presented Members with an overview of enforcement activities that had been undertaken and actions taken to ensure compliance.

He highlighted the role of the Enforcement Team in delivering education to licence holders through Public Health funded initiatives. He also updated the Committee on enforcement through applications from the Review of Premises Licences and objections to Temporary Event Notices.

The Committee also received information on the co-location of Licensing Enforcement officers within the Tower building to improve out of hours response.

Resolved:

That the update on enforcement be noted.

Chairman

(The meeting ended 6.50 pm)

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

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Report to:	Licensing Committee
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting:	15 th September 2015

REVIEW OF STATEMENT OF POLICY AND PRINCIPLES UNDER THE GAMBLING ACT 2005

1.0 Purpose of the report:

1.1 To determine the process for reviewing the Council's Statement of Policy and Principles under the Gambling Act 2005.

2.0 Recommendation(s):

2.1 To agree the procedure for reviewing the Statement of Policy and Principles under the Gambling Act 2005, including that a full review of the policy will take place in 2016 once amended guidance is available.

2.2 To agree a period of consultation on the updated policy.

3.0 Reasons for recommendation(s):

3.1 The Council is required to have a Statement of Licensing Policy. This policy must be reviewed every three years

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 The Gambling Act 2005 requires the Council as Licensing Authority to prepare and publish every three years a Statement of Policy which outlines the principles it will following in exercising its functions under the Act. The current policy came into effect on 31 January 2013. The revised policy must be published on the Council's website four weeks before it comes into force.

5.2 The Gambling Commission has a duty to provide guidance to Local Authorities on how they should discharge their duties under the Gambling Act 2005. The Commission has been consulting on a revised version of their guidance which is due to be published in the Autumn. The draft guidance from the Commission encourages licensing authorities to "have a policy statement that is genuinely reflective of local issues, local data, local risk and expectations that a licensing authority has of operators who either currently offer gambling facilities or wish to do so in the future". This is a change from previous opinion that gambling policies should be high level strategic documents based on a policy template produced by the Local Government Association.

5.3 Research is currently being undertaken jointly by Manchester and Westminster Councils which is aimed at producing a toolkit which will assist local authorities in developing a local area profile. The benefits of incorporating such a profile into the revised statement of policy are:

- It enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it
- Greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application
- It enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge
- It encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

- 5.4 To ensure that the Council develops the a robust statement of policy, officers recommend that a full policy review is delayed until the guidance from the Gambling Commission has been published and the tool kit to develop a local area profile is available. In the interim period it is proposed that the existing policy be updated, subject to a short period of consultation and approved by Council at its meeting in November 2015 to take effect on 31st January 2016. A full review of the policy will then take place once the toolkit and guidance are available. The intention would be that this revised version would be consulted upon for a period of 12 weeks and come into force on 1st April 2016.
- 5.5 Does the information submitted include any exempt information? No
- 5.6 **List of Appendices:**
- Appendix 3a: Draft Gambling Policy
- 6.0 Legal considerations:**
- 6.1 The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a Statement of Licensing Policy every three years. The Act also requires the Council to have regard to the Gambling Commission’s Guidance when preparing its Statement of Policy.
- 7.0 Human Resources considerations:**
- 7.1 There are no Human Resources considerations.
- 8.0 Equalities considerations:**
- 8.1 There are no equalities considerations.
- 9.0 Financial considerations:**
- 9.1 There are no financial implications arising from the recommendations contained in this report. The costs of consultation will be met from the existing Licensing budget.
- 10.0 Risk management considerations:**
- 10.1 To delay the review process without approving a policy to have effect from 31st January 2016 would leave the Council at risk of not having a valid policy framework in the event of an application being made under the Gambling Act 2005.

11.0 Ethical considerations:

11.1 There are no ethical considerations.

12.0 Internal/ External Consultation undertaken:

12.1 Consultation will take place if the draft policy is approved by the Licensing Committee.

13.0 Background papers:

13.1 None

STATEMENT OF POLICY AND PRINCIPLES UNDER THE GAMBLING ACT 2005

2016 - 2019

Blackpool Council



Statement of Policy and Principles under the Gambling Act 2005

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Statement of Policy and Principles under the Gambling Act 2005

General

This Statement of Licensing Policy covers the administrative area of Blackpool (see Appendix 1 for map) and sets out how Blackpool Council intends to exercise its functions under the Gambling Act 2005 and the principles that it intends to apply. This policy takes effect on 31st January 2016 and will remain in force for three years. The policy will be subject to periodic reviews and further consultation.

In preparing this policy, the licensing authority has consulted with the following:

- The Chief Officer of Police for the Licensing Authority's area;
- One or more persons who appear to the authority to represent the interest of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the licensing authority to represent the interest of persons who are likely to be affected by the exercise of the licensing authority's functions under the Gambling Act 2005.

A full list of persons consulted can be found at Appendix 2.

Fundamental Principles

The licensing authority will promote the three licensing objectives set out in the Gambling Act 2005.

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are taking place by issuing premises licences;
- Issue provisional statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and club machine permits;
- Issue club machine permits to commercial clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receive notifications from alcohol licensed premises for the use of up to two gaming machines;
- Issue licensed premises gaming machine permits for premises licensed to supply alcohol for consumption on the premises where more than two machines are required;
- Register small society lotteries below prescribed thresholds;
- Issue permits for prize gaming;
- Receive temporary use notices; and
- Receive occasional use notices

Statement of Policy and Principles under the Gambling Act 2005

Responsible Authorities

Responsible authorities use their particular area of expertise to help promote the licensing objectives. They are able to make representations about applications and apply for review of a licence. Responsible authorities will also offer advice and guidance to applicants.

A full list of responsible authorities can be found in our supplementary publication “premises application guide”. This is available on the Council’s website www.blackpool.gov.uk.

The licensing authority is required to state the principles it will apply in exercising its powers under Section 157(h) to designate in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority’s area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the regulations the Council designates the Local Safeguarding Children Board for this purpose.

Interested Parties

The Gambling Act defines an interested party as a person who:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- Has business interests that might be affected by the authorised activities; or
- Represents persons who satisfy paragraphs (a) or (b)

The licensing authority, in determining whether a person is an interested party, will consider each case on its merits. The authority will not apply a rigid rule to its decision making. In reaching its decision, the licensing authority will consider factors such as the likelihood of the person/business being affected by the licensable activities at the premises as well as geographical proximity. Larger premises may affect people over a broader geographical area than smaller premises offering the same facilities.

“Business interests” will be given its widest possible meaning and may include partnerships, charities, faith groups and medical practices.

Interested parties may also include trade associations, trade unions, residents’ associations and tenants’ associations where they have a member who can be classed as an interested party. Democratically elected councillors and MPs may also be interested parties.

Children and Vulnerable People

The licensing authority will place a high priority on social responsibility. In exercising its statutory powers, the licensing authority will have due regard, where relevant to its statutory functions, to the need to:

- Prevent gambling related problems in individuals and groups at risk of gambling addiction;
- Promote informed and balanced attitudes, behaviours and policies towards gambling and gamblers by both individuals and by communities; and
- Protect vulnerable groups from gambling related harm.

The licensing authority will work with operators and other public agencies to encourage a commitment to social responsibility including responsible design, delivery, promotion and use of

Statement of Policy and Principles under the Gambling Act 2005

product. The end goal will be to reduce the incidence of high-risk and problem gambling.

The licensing authority will consider, in relation to any particular premises whether any special considerations apply to the protection of vulnerable persons. Such considerations need to be balanced by the authority's objective to aim to permit the use of premises for gambling. The Gambling Commission are obliged under section 176 of the Act to issue a Code of Practice on access to casino premises by children and young persons. Adherence to the code will be a condition on the premises licence.

Casino operators in particular would be expected to show that all staff coming into contact with the public have received suitable training to identify and deal with those people who could be classed as vulnerable.

The licensing authority will require the holder of a casino premises licence to take steps to ensure that no child or young person enters premises or part of premises where an offence under section 47 of the Gambling Act would be committed.

Track operators will not necessarily have an operating licence issued by the Gambling Commission. The licensing authority may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

Exchange of Information

The licensing authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 shall not be contravened. The licensing authority will have regard to any guidance issued by the Gambling Commission as well as any relevant regulations issued by the Secretary of State. In the event of protocols being established as regards

information exchange with other bodies, they will be made available on the Council website.

Enforcement and Inspections

Gambling in the town will be regulated by the Gambling Commission and through its powers as licensing authority by the Council. The licensing authority is committed to facilitating the provision of a wide range of high quality gaming venues operated in a socially responsible manner.

Where it is considered that operational standards in existing venues are lacking, the premises will be encouraged to raise their standards. If standards are not raised to appropriate levels, the authority will consider what action to take which may involve using its powers, including revoking a licence where appropriate to do so.

The main enforcement and compliance role for the licensing authority will be in relation to the premises licences and other permissions that it issues. The Gambling Commission will be the enforcement body for operating and personal licences. Concerns about the manufacture, supply or repair of gaming machines will be notified to the Gambling Commission.

Premises will be subject to appropriate risk-based enforcement on a multi-agency basis. The authority's power to review premises not complying with conditions, or where complaints have been received will be used whenever necessary.

In carrying out its enforcement and prosecution powers, the licensing authority will seek an appropriate response in accordance with the following criteria:

- Proportionate – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised;

Statement of Policy and Principles under the Gambling Act 2005

- Accountable – regulators must be able to justify decision, and be subject to public scrutiny;
- Consistent – rules and standards must be joined up and implemented fairly;
- Transparent – regulators should be open, and keep regulations simple and user friendly; and
- Target – regulation should be focused on the problem, and minimise side effects.

The licensing authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should compliance queries or issues arise.

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PREMISES LICENCES

Introduction

The Licensing Authority's primary obligation is to permit the use of premises in so far as it thinks that is:

- In accordance with the relevant codes of practice issued by the Gambling Commission;
- In accordance with the guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Licensing Policy

Unmet demand is not a criterion for a licensing authority in considering an application for a premises licence. Each application will be considered on its merits.

The licensing authority will, as far as possible, avoid imposing conditions on premises licence which duplicate the requirements of other regulatory regimes.

When considering applications for premises licences, the licensing authority will take a number of factors into consideration. These include:

Location

The licensing authority will consider the proximity of the proposed premises to schools, vulnerable adult centres, or residential areas where there is likely to be a high concentration of families. It is obviously open to the applicant to show that premises of the type applied for have historically been situated in these areas without problems occurring. The licensing authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the

licensing objectives. Such evidence may be used to inform the decision the authority makes about whether to grant the licence, grant the licence with conditions or to refuse the application.

Design

For example where access by children is prohibited to all or part of the premises, the design should be capable of demonstrating how access by children will be prevented.

Social Responsibility

The protection of children and young persons from being harmed or exploited by gambling is of significant concern. The licensing authority would expect to see the list of measures that would be taken to protect children as well as the assistance that would be made available to those with gambling problems.

Licensing Objectives

The licensing authority is determined that the residents of, and visitors to Blackpool should be provided with high quality venues for betting and gaming, whilst reducing the risk of crime and disorder, and protecting children and the vulnerable. The licensing authority will expect detailed plans from operators to show how the objectives will be met.

“Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.”

The Gambling Commission will be taking a lead role in preventing gambling from being a source of crime. Guidance from the Gambling Commission does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an

Statement of Policy and Principles under the Gambling Act 2005

area has high levels of organised crime, this authority will consider whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

“Ensuring that gambling is conducted in a fair and open way”

The Gambling Commission has stated that it would not generally expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as personal and operating licences will address this.

“Protecting children and other vulnerable persons from being harmed or exploited by gambling”

This means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at, or are, particularly attractive to children). The licensing authority will consider whether specific measures are required at particular premises. Measures may include supervision of entrances or segregation of areas.

Conditions

Conditions will only be attached to licences if they are necessary and proportionate.

- Relevant to the need to make the proposed building suitable as a gambling facility,
- Directly related to the premises and the type of licence applied for,
- Fairly and reasonably related to the scale and type of premises, and
- Reasonable in all other respects.

Decisions on individual conditions will be made on a case-by-case basis. There is an

expectation that the applicant will offer their own suggestions as to the way in which the licensing objectives can effectively be met. Conditions imposed should not duplicate matters already subject of regulation by the Gambling Commission.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult specific premises in order to pursue the licensing objectives.

The authority will wish to ensure that where category C machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by staff or the licence holder; and
- At the entrance to and inside such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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Door Supervisors

In some cases there may be a need for door supervisors in terms of protection of children or preventing the premises becoming a source of crime. It cannot, however, be a condition that door supervisors at casinos or bingo premises must be licensed by the Security Industry Authority. Where a requirement for door supervisors is identified in casinos or bingo halls, the licensing authority will determine specific requirements for door supervisors working at these venues on a case-by-case basis.

For premises other than casinos or bingo premises, door supervisors may be required to be registered with the SIA. It will not automatically be assumed that they need to be.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

Multiple Licences

The Licensing Authority in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, will take into account that the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to

participate in, have accidental access to, or closely observe gambling; and Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

Casinos

Blackpool has a number of casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences. Casino games offer the chance for multiple participants to take part in a game competing against the house or back at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

The Gambling Commission has provided guidance for local Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The licensing authority will take this into consideration when determining applications in respect of converted casino licences.

Bingo Premises

It is important that if children are allowed into premises licensed for bingo they do not participate in gambling, other than on category D machines. Where category C or above machines are available on the premises to which children are admitted the licensing authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

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- Only adults are admitted to the area where the machines are located.
- Access to the area where the machines are located is supervised
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Betting Premises

Betting machines

The licensing authority will take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor the use of the machines by vulnerable people.

While the authority has discretion as to the number/nature and circumstances of use of betting machines, there is no evidence that such matters give rise to regulatory concerns. This authority will only consider limiting the number of machines where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

Adult Gaming Centre

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the

applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

Licensed Family Entertainment Centre

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

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- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / help-line numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place.

All tracks will require a primary "general betting premises licence" that the track operator will hold. Track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling

operators offering betting at the track will each hold an operating licence.

Tracks may be subject to one or more premises licences, provided each licence relates to a specific area of track. This may be preferable for any self-contained premises providing off-course betting facilities. The licensing authority will assess each individual case on its merits before deciding if this is necessary.

Children and young persons will be permitted to enter track areas where facilities for betting are provided although they are still prohibited from entering areas where gaming machines and betting machines (other than Category D machines) are provided.

Travelling Fairs

It will fall to this licensing authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, s per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land crossing our boundaries is monitored so that the statutory limits are not exceeded.

Statement of Policy and Principles under the Gambling Act 2005

Provisional Statements

A provisional statement application is a process which allows a developer to discover whether a building which he expects to be constructed, altered, to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence, but it does give some form of guarantee that a licence would be granted.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

(a) Which could not have been raised by objectors at the provisional licence stage; or

(b) Which in the authority's opinion reflect a change in the operator's circumstances.

When determining an application for a provisional statement the licensing authority will not have regard to issues relating to planning consent or building regulations, for example the likelihood that planning consent will be granted.

Reviews

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of:

1. Whether the request for the review is relevant to the matters listed below: -

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of licensing policy.

2. Consideration as to whether the request is frivolous, vexatious

3. Whether the review will certainly not cause this authority to wish to alter/revoke/suspend the licence, or

4. Whether it is substantially the same as the previous representations or requests for review.

The licensing authority can also initiate a review of a licence on the basis of any reason, which it thinks is appropriate.

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STATEMENT OF PRINCIPLES ON PERMITS

Unlicensed Family Entertainment Centre Gaming Machine Permit

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

The licensing authority will also expect as per the Gambling Commission guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- That staff are trained to have a full understanding of the maximum stakes and prizes.

Licensed Premises Gaming Machine Permit

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C or D. The premises merely need to notify the licensing authority. This automatic authorisation can be removed by the licensing authority if:

- Provision of the machines is not reasonably consistent with the licensing objectives; Gaming has taken place on the premises that breaches a condition of section 282;
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.” Such matters will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to show that there will be sufficient measures to ensure that under 18-year-olds do not have access to adult only gaming machines. Measures may include the adult machines being placed in sight of the bar,

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or in the sight of staff that will monitor the use of the machines. The applicant may also wish to consider the provision of information leaflets/help-line numbers for organisations such as Gamcare.

Where the applicant for additional machines can demonstrate compliance with the Gambling Commission Code of Practice on gaming machines, granting of the application would be the normal course as long as the number of machines requested can be shown to be reasonable in relation to the size of the premises.

Under the Gaming Act 1968, the granting of an application for four gaming machines (two in relation to guest houses) is delegated to Officers. In an attempt to reduce administration and bureaucracy, this practice will continue.

It should be noted that the licensing authority could decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Prize Gaming Permit

The Licensing Authority is concerned that premises with the benefit of a prize gaming permit will particularly appeal to children and young persons. When considering an

application, the Licensing Authority will give significant weight to child protection issues, and will need to be satisfied that the granting of a permit will not place children and young persons at risk as a consequence.

- The applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Club Gaming and Club Machine Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D)

Gambling Commission Guidance states: "Members clubs must have at least 25

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members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes "licensing authorities may only refuse an application on the grounds that:

- The applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- The applicant's premises are used wholly or mainly by children and/or young persons;
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- A permit held by the applicant has been cancelled in the previous ten years; or
- The Commission or the police have lodged an objection.

There is also a 'fast-track' procedure available under the Act for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced."

and "The grounds on which an application under the process may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance notes "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

Occasional Use Notices

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority

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will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

To ensure that this policy is implemented, we will set out and monitor the following key indicators of the effects of the implementation of the policies:

- Prevalence of problem gambling in Blackpool and gambling behaviours;
- The percentage of residents who are satisfied with the licensing service and believe that gambling is effectively regulated;
- Crime levels and disorder associated with gambling, particularly acquisitive crime;
- Revenues accruing to the Council from casino operators and how this is used to benefit the local community;
- Any harm or exploitation arising to children or vulnerable adults clearly linked to gambling.

Delegation

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

The table on the following page sets out the delegated functions.

Human Rights Act

In formulating this policy we have taken into account the Human Rights Act and in particular:

- Article 1 – the right to peaceful enjoyment of possessions;
- Article 6 – the right to a fair hearing;
- Article 8 - the right to respect for private and family life
- Article 10 – the right to freedom of expression.

Miscellaneous

The licensing authority shall as far as possible carry out its functions so as to avoid duplication with other regulatory regimes.

Nothing in this statement shall override the right of any person to make an application under the Gambling Act 2005 or to have that application considered on its merits.

Nothing in this statement shall undermine the right of any person to make representations on an application or seek review of a licence where provided for under the Gambling Act 2005.

Statement of Policy and Principles under the Gambling Act 2005

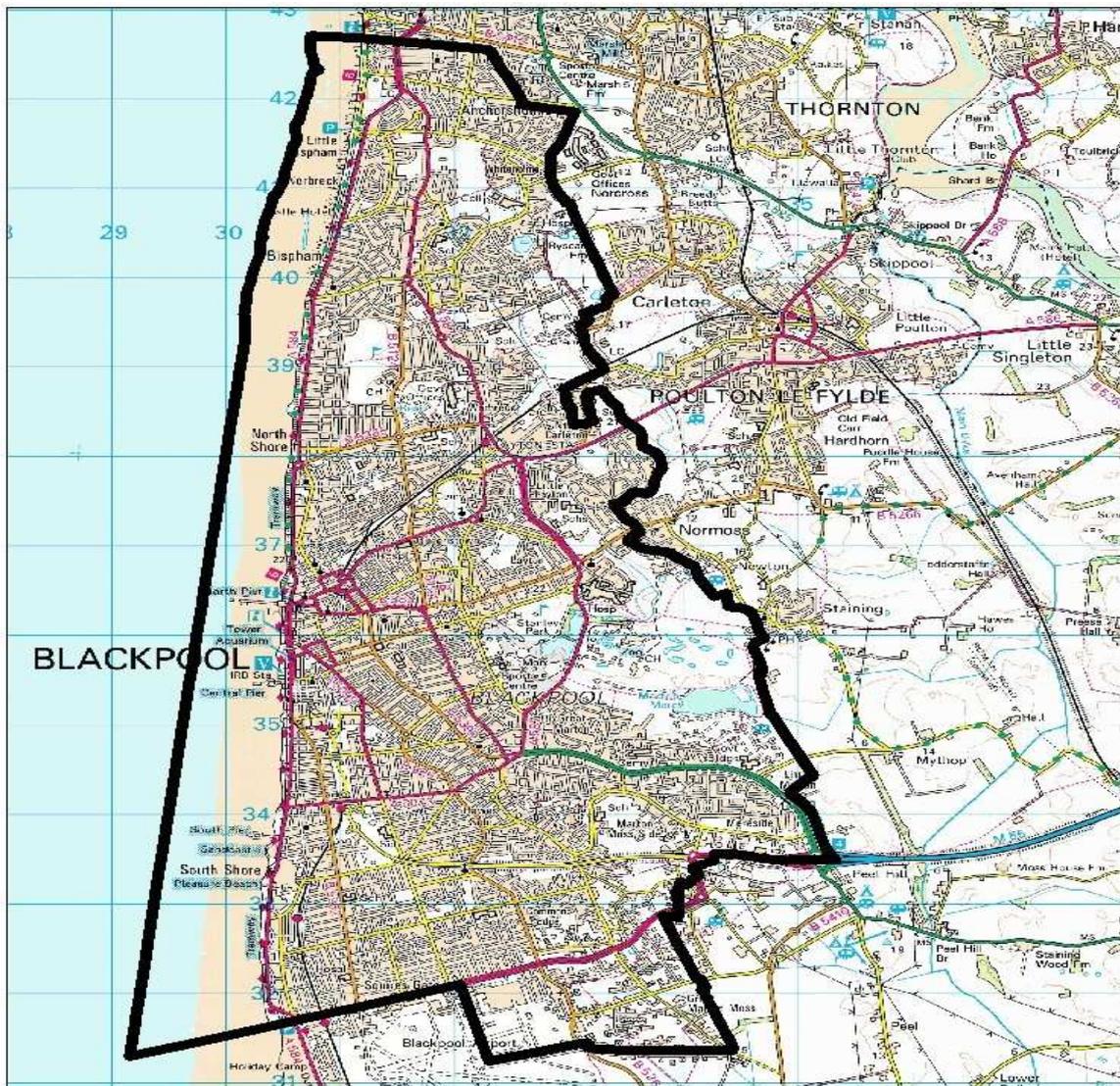
Matter to be dealt with	Full Council	Licensing Panel	Officer Delegation
Three year licensing policy	X		
Policy not to permit casinos	X		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Application for transfer of licence		Where representations have been received from the Commission	Where no representations have been received from the Commission.
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Review of premises licence		X	
Application for club gaming/club machine permit		Where objections have been made and not withdrawn	Where no objections have been made/objections have been withdrawn
Cancellation of club gaming/club machine permit		X	
Applications for other permits			X

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Cancellation of licensed premises gaming machine permit			X
Consideration of a temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

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Appendix 1



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Organisational Change Unit
Tourism & Regeneration Department
P O Box 77, Corporation Street,
Blackpool, FY1 1AD
corporatepolicy@blackpool.gov.uk



Title: Map with Blackpool Borough Boundary
Scale: 1:50000
Date: 20/06/2006 Printed by: RW

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Appendix 2

List of Persons Consulted

Lancashire Constabulary

Coral Racing Limited

Done Brothers

British Beer & Pub Association

Bingo Association

The COA(UK)

National Casino Industry Forum

BACTA

Rank Group

Noble Organisation

British Home & Holiday Parks Association

Association of British Bookmakers

Blackpool Pleasure Beach

Poppleston Allen

Warwicks Amusements

William Hill

Silcock Leisure Group

Ladbrokes

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Report to:	Licensing Committee
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting:	15 th September 2015

NIGHT TIME ECONOMY WORKING GROUP FINAL REPORT

1.0 Purpose of the report:

1.1 To report to the Licensing Committee on the work undertaken to date by the Night Time Economy Working Group.

2.0 Recommendation(s):

2.1 To note the content of the report and consider the recommendations contained therein.

3.0 Reasons for recommendation(s):

3.1 The Working Group was requested to report back to the Licensing Committee with its proposals for improving the Night Time Economy.

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 Priority

“Create safer communities and reduce crime and anti-social behaviour“

5.0 Background Information

5.1 At its meeting on the 8th May 2014, the Licensing Committee resolved to create the Night Time Economy Working Group and requested that the group report back with proposals for improving the Night Time Economy within four months.

5.2 The working group comprised:

- Councillor Campbell, Deputy Leader of the Council (relevant Cabinet Member)
- Councillor Hutton, Chairman of the Licensing Committee
- Councillor Scott, opposition member, previously Councillor Callow and then Councillor Evans
- Inspector James Martin, Lancashire Constabulary, previously Chief Inspector Keith Ogle
- Dr Arif Rajpura, Director of Public Health
- Dominic Herdman, Blackpool Pubwatch, previously Craig Southall
- Mark Marshall, Licensing and Health and Safety Enforcement Manager
- David Blacker MBE, Community Representative
- Paolo Pertica, Head of Neighbourhood Services

Additionally, Councillor Singleton as the relevant Cabinet Assistant will be joining the group from the next meeting.

5.3 The working group presented an interim report to the Licensing Committee at its meeting held on 16th December 2014. This interim report detailed the work undertaken by the working group together with some preliminary issues that had been identified. This was only an interim report because at that stage the working group only had a preliminary analysis of the results of a perceptions survey that had been undertaken at their request.

5.4 The issues initially identified by the group were:

- Zones
- CCTV
- Quality of Premises
- Taxi Marshalls
- First Aiders
- Street Lighting
- Marketing
- Family friendly entertainment and dining options
- Funding

At the time that the interim report was prepared, defective street lighting had been fixed and training for community first responders had been arranged.

- 5.5 The themes and issues identified by the research and those identified in the interim report have been considered by the working group when formulating its recommendations. In total, the Night Time Economy Working Group Report makes eight recommendations to the Licensing Committee for consideration today as below:

Recommendation 1

The Licensing Committee considers amendments to its Statement of Licensing Policy to establish Queen Street and the surrounding area as the late night entertainment area and St John's, Church Street and Victoria Street as the area where applications for café/restaurant and other family orientated applications are encouraged.

Recommendation 2

The Licensing Committee endorses the creation of an accreditation scheme for licensed premises in Blackpool which will reward good operators and encourage improvement in others. Such a scheme will be bespoke for the needs of Blackpool based on the compliance manual that has been recently updated.

Recommendation 3

The Licensing Committee considers the need for the town centre saturation area following the creation of the zones.

Recommendation 4

The Licensing Committee considers giving formal support to the creation of a Public Space Protection Order in the town centre based on the results of the perception survey.

Recommendation 5

The Licensing Committee considers in more detail whether a late night levy is a suitable option for Blackpool.

Recommendation 6

Funding options should be explored to permit the manning of the CCTV system to be re-instated.

Recommendation 7

Options for providing a uniformed presence in the town centre should be explored.

Recommendation 8

The Night Time Economy Working Group should continue to oversee and co-ordinate town centre related projects.

- 5.6 Does the information submitted include any exempt information? No

5.7 List of Appendices:

Appendix 4a: Report of the Night Time Economy Working Group.

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 The working group has considered representations from the groups and individuals detailed in the report.

13.0 Background papers:

13.1 None

Night Time Economy Working Group Report

August 2015

Introduction

In February 2014, as part of its decision not to recommend an Early Morning Restriction Order, the Licensing Committee did recommend that the Council create a working group to consider all of the issues that were of concern in the night time economy in Blackpool.

The Council agreed to the proposal and formed the Night Time Economy Working Group (NTEWG) with representatives from the Council, police, health, residents and the licensed trade.

At its first meeting in July 2014 the NTEWG agreed that the theme of the working group would be "improving the perception of Blackpool". Two sub-groups were set up, one focusing on crime, disorder and public safety and the other on improving the early evening economy. The group also felt that it was important to conduct a survey to ascertain what the perceptions of Blackpool actually were.

The sub-groups met on a number of occasions to hear representations from a wide range of people and groups.

An interim report was considered by the Licensing Committee at its meeting in December 2014 however at that time the Working Group did not have the benefit of the perceptions survey.

This report highlights the issues identified by the perceptions survey and the sub-group meetings and provides, in its recommendations to the Licensing Committee, measures targeted at improving the perceptions of Blackpool Town Centre.

Perceptions Survey

In order to obtain feedback from the general public on the town centre and in particular perceptions of the night time economy, research was undertaken by In:fusion on behalf of the group with the aim of understanding the perceptions of Blackpool Town Centre and views on the night time economy. Two forms of survey were undertaken:

1. Structured telephone interviews with residents from Blackpool, Fylde and Wyre. In total 360 of these interviews were conducted. Due to the limited numbers of people contacted the responses were not completely representative of the Fylde Coast population with men being slightly under-represented and over 65s being over-represented;
2. Open access consultation promoted via the Council website and social media. Questionnaires were available in the libraries and were also completed via a series of face to face interviews. 625 responses were received to this part of the consultation.

Telephone Survey

The results of the telephone survey revealed that 54% of Blackpool residents visit the town centre at least once a week however 23% had not done so in the last year. The main reason provided by these residents for not using the town centre was health, but some did indicate that they did not need to visit because they could get what they needed locally or from out of town.

62% of perceptions of Blackpool were negative. The majority of comments referred to the town as being in decline and lacking the offer/quality that it once had. Other comments were that it was run down and in need of attention. There were positive comments that acknowledged that the town looks better now but it is still in need of more development.

When asked what would improve their perceptions of the town centre, 87% indicated improved retail shops and 43% cafes and restaurants. 48% of the 90 who never visited the town centre indicated that nothing would encourage them to visit in the future (but it is possible that some of these respondents were the ones who indicated that they did not use the town centre because of health reasons). Others who had not visited within the last year indicated better parking and improved shopping.

The majority (83%) of people who visited the town centre were very or quite satisfied with it as a place to visit during the day. Satisfaction levels dropped at night with only 45% of people being very or quite satisfied.

The things that would improve people's satisfaction with the town centre depended on the time of day:

Daytime (6am – 5pm)	Quality and quantity of shops
	Parking
Evening (5pm – 8pm)	Feeling safer was a key factor
	More police (on foot)

Night (8pm – 6am)	More Police
	Better and safer parking
	Cleaner and safer atmosphere

Anti-Social Behaviour

Drunk and rowdy people were the biggest issue raised by the residents of Blackpool. People using and dealing drugs were a bigger issue for residents of Fylde and Wyre than they were for those from Blackpool.

People feel safer during the day (91%) than they do at night 20%. Respondents believed that an increased police and security presence to reduce anti-social behaviour would make people more likely to visit.

A perception in the evening/night time periods is that it is not safe, being full of drunks. The town centre is not family friendly being largely a pub scene with no late night shopping.

The main themes arising from the research

Although some of the responses were positive about Blackpool and the changes that have already happened in the town centre, the main themes are that the town is in decline, run down and dirty with empty shops. The evening/night time economy is not family friendly, is full of drunks and people do not feel safe.

The survey indicates that the following would improve perceptions of the area:

- Better quality and wider range of shops
- Improved parking (cost and availability) and road systems
- More visible policing
- Cleaner and safer atmosphere
- Reduction in anti-social behaviour
- Family friendly shows/events
- Late night shopping
- CCTV (monitored)
- Nice restaurants and sensible bars near the theatres and away from the jobs.

Themes identified by the Working Group

During the meetings to consider representations from interested parties, the working group identified the following:

1. High quality, well managed venues were a key factor in improving the perception of Blackpool and encouraging people to enjoy the night time economy in a responsible manner
2. Zones – Blackpool aims to have a mixed and vibrant nightlife and for this to work effectively there needs to be a quieter zone where families can eat and socialise separate from a more lively adult orientated area.
3. CCTV – a monitored CCTV system has a dual purpose. It assists the police in preventing and detecting crime and it also makes people feel safe.
4. Street lighting
5. Taxi marshalls
6. First aiders in licensed premises – to reduce the burden on the ambulance service
7. Marketing
8. Funding

Strategies to take into consideration

Blackpool Core Strategy

The strategy aims to make Blackpool the first choice shopping destination for Fylde Coast residents and an attractive place to visit and do business. To do this there needs to be a high quality retail offer combined with positive leisure, cultural and social experience during the day and into the evening.

Within the Town Centre an area described as the principal retail core will become the main focus for the retail development. This area comprises of the main shopping streets in the town centre.

Blackpool Town Centre Strategy – March 2013

This strategy outlines the following vision for Blackpool:

“In 2027, Blackpool Town Centre is the thriving heart of Britain’s favourite resort, offering all year-round high quality shopping, leisure, cultural and entertainment destination.

Residents and visitors from all walks of life choose to spend time here throughout the day and into the evening.

The revitalised Tower and Winter Gardens are major attractions along with an exciting programme of events and festivals.

Blackpool hosts a vibrant outdoor café culture, with attractive streets and spaces providing high quality public realm and strong links between the town centre and the beach.

A high quality integrated transport system allows easy access to the town centre and provides a positive arrival experience”

This vision is supported by six objectives:

1. Re-establish the town centre as the first choice shopping destination for Fylde Coast residents
2. Strengthen the town centre as a vibrant leisure, entertainment, cultural and business tourism destination for residents and visitors
3. Grow the town centre as a place to do business by creating a Central Business District and creative industries hub
4. Create a choice of high quality homes within and around the town centre
5. Improve the quality of buildings, streets and spaces and their maintenance and management
6. Provide convenient access to the town centre by all modes of travel and enable easier pedestrian movement

The Town Centre Strategy notes that the evening/night-time economy is based on a heavy drinking culture, which is a deterrent to many visitors and residents. There needs to be a shift towards more family-orientated evening activities, particularly within and adjacent to the principal retail core.

These two strategies break what in planning terms is designated as the town centre into a number of distinctive areas and key sites:

A - Principal Retail Core – the main shopping streets of Church Street, Victoria Street, Bank Hey Street and the Houndshill Shopping Centre

B – Winter Gardens

C – Central Business District based around the new Council offices and Blackpool North Railway Station

D – Promenade Frontage (Leisure Zone)

E – Former Central Station Site

F – Retail/Café Zone and Mixed Use Zone – which includes the St John’s area and the Market Street/Queen Street areas

Conclusions and recommendations

There is a great deal of similarity between the issues identified by the Working Group and those highlighted by the perceptions survey. These, at least in part, seem to have also been considered when producing the town centre strategy in 2013.

Zones

The working group identified in its interim report the need for effective zoning to provide a quieter area where families and groups could meet to socialise and a more lively area with late night bars. This is supported by the perceptions survey which highlights the need for quality family friendly establishments away from the lively late night drinking areas. To a certain extent this is already starting to happen with a café/eating area emerging around St John's, Cedar Square and Victoria Street with higher quality branded restaurants opening.

Recommendation 1

The Licensing Committee considers amendments to its Statement of Licensing Policy to establish Queen Street and the surrounding area as the late night entertainment area and St John's, Church Street and Victoria Street as the area where applications for café/restaurant and other family orientated applications are encouraged

The creation of zones is not a simple process when you are dealing with an already established town centre as there are bound to be existing venues in the wrong area, however this is not a reason to start the process. Over time as the different zones become established and well known residents and visitors for example wanting to go to the late night bars will automatically go to that area. Any late night business in the incorrect zone will want to be where all of the trade is therefore there will be an incentive for it to move or to change its business model to adapt to the area it is in.

Quality of venues

Whilst there are a number of brewery led and national brands in Blackpool, there are a high number of businesses that are suffering from a lack of investment and appear to be being run on a shoe-string. All venues need to be encouraged to operate to the same high standards

Recommendation 2

The Licensing Committee endorses the creation of an accreditation scheme for licensed premises in Blackpool which will reward good operators and encourage improvement in others. Such a scheme will be bespoke for the needs of Blackpool based on the compliance manual that has been recently updated.

There is also the concern that the town centre saturation area may be stifling investment rather than encouraging it.

Recommendation 3

The Licensing Committee consider the need for the town centre saturation area following the creation of the zones.

Anti-Social Behaviour

Many of the responses to the survey highlight the concerns about anti-social behaviour specifically arising from drunkenness, drug taking, street beggars and people trying to sell rag mags and similar publications. The Council are currently consulting on the creation of a Public Space Protection Order which can have the effect of prohibiting certain conduct for example drinking on the street. This order is aimed at trying to prevent the behaviour from taking place to start with, but it also gives officers powers to deal with anti-social behaviour if it does occur.

Recommendation 4

The Licensing Committee considers giving formal support to the creation of a Public Space Protection Order in the town centre based on the results of the perception survey.

Late Night Levy

Whilst many of the issues raised during the lifetime of the working group can be actioned by changes in policy, some for example CCTV and increased police presence do require funds. One possibility for funding is the late night levy.

A licensing authority may decide that a late night levy is to apply in its area.

When making a decision the licensing authority must consider:

- The costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6 am, and
- Having regard to the costs, the desirability of raising revenue to be applied in accordance with section 131.

A licensing authority may not decide that the levy is to apply on part only of its area.

Definitions

Relevant late night authorisation – a premises licence/club premises certificate which authorises the supply of alcohol at a time or times during the late night supply period on one or more days in the related payment year.

Late night supply period - must begin on or after midnight and end at or before 6 am. The period must be the same for each payment year beginning during the levy year and throughout such payment year.

Consultation

Prior to making a decision to implement the levy it is intended that the licensing authority will have discussions with the Police and Crime Commissioner (PCC) and local police to decide whether it is appropriate to introduce a levy in the area. If so the licensing authority must formally consult with the PCC, police, licence holders and others about its decision to introduce a levy.

Licensing Authority Revenue

The licensing authority can retain up to 30% of the late night levy to fund other activities besides policing. The services funded should tackle alcohol-related crime and disorder such as taxi marshalling, and booze buses or be used for other related purposes such as street cleaning.

Permitted Categories of Exemption

- a) **A hotel or guest house, lodging house or hostel** at which the supply of alcohol between midnight and 6am on any day may only be made to a person who is staying at the premises

- b) A **theatre** at which the supply of alcohol between midnight and 6am on any day may only be made to a person for consumption on the premises who has a ticket for the performance, is involved in the performance or is a guest at an event to which the public does not have access

- (c) A **cinema** at which the supply of alcohol between midnight and 6am on any day may only be made to a person for consumption on the premises who is at ticketholder or is a guest at an event to which the public do not have access

- (d) Premises in respect of which a premises licence authorising bingo is in force and the playing of bingo is the primary activity

- (e) a club which is registered as a community amateur sports club by virtue of section 658 of the Corporation Tax Act 2010;

- (f) Community premises in relation to which the premises licence contains the alternative licence condition;

- (g) A public house which is a hereditament in respect of which the ratepayer is subject to a non-domestic rate calculated in accordance with section 43(6A) of the Local Government Finance Act 1988;

- (h) Premises liable to pay the BID levy where one of the purposes of the BID will result in or are likely to result in the reduction or prevention of crime and disorder in connection with the supply of alcohol at premises with late night licences

- (j) Premises authorised to supply alcohol for consumption on the premises between midnight and 6am on 1st January in every year (but are not so authorised at those times on any other day in any year).

Discounts

Discounts of 30% can be given to licence holders

- (a) Who are members of a relevant arrangement; or
- (b) Licence holders where the non-domestic rateable value is less than £12,000

“Relevant arrangement” is an arrangement which—

- (a) Is established for purposes which include relevant purposes,
- (b) Requires its members to take steps to promote the relevant purposes, and
- (c) Contains provision for the cessation of the membership of a holder of a relevant late night authorisation who has failed to take steps to promote the relevant purposes.

Application in Blackpool

Estimate of sums that could be raised

The amount that can be charged on a late night levy depends on the fee band the premises falls within.

Band A = £299

Band B = £768

Band C = £1259

Band D = £1365

Band E = £1493

It is estimated that approximately £227,000 could be raised from a levy however the costs of setting up the levy and administering it would need to be deducted. By way of example the annual administrative costs in Newcastle are £18,000.00 a year and the initial costs could be as high as £60,000.00 taking into consideration staffing and consultation costs.

These calculations are based on an assumption that hotels/guest houses will be exempted from the levy (note the exemption is only for sales to residents and most can sell to residents and bona fide guests)

The breakdown of premises per band is as follows:

Band	Premises	Levy	Total raised
A	11	299	3,289.00
B	91	768	69,888.00
C	53	1259	66,727.00
D	17	1365	23,205.00
E	43	1493	64,199.00

Impact of exemptions/reductions

If a 30% reduction is given to premises with a non-domestic rateable value less than £12,000 this will reduce the calculation by £9050.70

Other points to note

Of the 31 Club Premises Certificates in force for members clubs, 13 will be affected by the levy. There are a further 7 members clubs who operate under a premises licence which would be affected.

12 premises are licenced to sell alcohol until 00.30 hours. If all decided to voluntarily reduce their hours there this would mean a reduction in income of £10,711.

Recommendation 5

The Licensing Committee considers in more detail whether a late night levy is a suitable option for Blackpool.

CCTV

A manned CCTV system serves two purposes, assisting the police in identifying the perpetrators of crime and ant-social behaviour, as well as providing reassurance to members of the public. Whilst the system is already in place it is acknowledged that manning the CCTV room even on a part-time basis will involve securing sustainable funding either from the late night levy or another source. It does appear however to be an important factor in making people feel that they are safe when they come into the town centre so monitoring should be re-instated if the funding can be secured.

Recommendation 6

Funding options should be explored to permit the manning of the CCTV system to be re-instated.

*Note the recent announcement about the return of monitored CCTV

Visible "Police" presence

The police are suffering from budget cuts as are local authorities, therefore, although desirable, the likelihood of police officers being available to create a visible presence in the town centre is low. Nevertheless responses from the survey indicate that a uniformed presence would have the effect of making people feel safer in the town centre so it is necessary to consider alternative options to the traditional police constable in uniform.

Recommendation 7

Options for providing a uniformed presence in the town centre should be explored.

The Night Time Economy Working Group

Making positive changes can only be done on a multi-agency basis but this will only work if a co-ordinated approach is taken. Taking an overview of the work being done is outside of the remit of the Licensing Committee as it covers a variety of Council functions.

Recommendation 8

The Night Time Economy Working Group should continue to oversee and co-ordinate town centre related projects.

Report to:	Licensing Committee
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting:	15 th September 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 21st May 2015 to 21st August 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 21st May 2015 to 21st August 2015, the licensing service received 15 applications for new premises licences. The following were granted administratively as no objections were received:

Boston Hotel - 34 Queens Promenade
Ciao Ciao – 300 Devonshire Road
Bel- Reeve – 28 Hornby Road
Sheraton Hotel and Lodge – 54-62 Queens Promenade
Off-Licence – 14 Clifton Road
Marlow Lodge – 76 Station Road
Ed's Easy Diner – Houndshill Shopping Centre
Stanley Ward Conservative Club – 92 Common Edge Road
Aldi – Park Road/Oxford Square

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

Off-Licence – 13 Clifton Street
Bella Pizza – 89 Dickson Road

5.3 The following applications are being processed:

Los Gringos 1 Dickson Road – representations received, hearing 24th September 2015
Berwyn Hotel 1-2 Finchley Road – last date for representations 27th August 2015
Family Shopper 44 St Annes Road – last date for representations 28th August 2015
Sunny Days 391-395 Promenade – last date for representations 13th September 2015

5.4 The following applications to review a Premises Licence have been received:

Crystal Hotel 7 Crystal Road – hearing 24th September 2015

5.5 During the same period, the Licensing Service also received 5 variation applications, 7 minor variation applications, 73 vary Designated Premises Supervisor applications, 44 transfers of premises licences, 46 Temporary Event Notices and 20 Late Temporary Event Notices.

5.6 There are two appeals currently before the Magistrates' Court:

- Family Shopper – appeal against refusal of variation
- Pizza Luigi – appeal against reduction of hours following review

The appeal by Stall 13 Abingdon Street Market was heard by the Magistrates' Court on 17th August 2015. The decision to revoke this licence was upheld.

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

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