

# Blackpool Council

08 January 2021

To: Councillors Baker, Brookes, Mrs Callow JP, G Coleman, Collett, Cox, Critchley, Farrell, Hunter, Hutton, Matthews, O'Hara, Roberts, D Scott and Wilshaw

The above members are requested to attend the:

## LICENSING COMMITTEE

Tuesday, 19 January 2021 at 6.00 pm  
via Zoom meeting

### 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 either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

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 22 SEPTEMBER 2020 (Pages 1 - 4)

To agree the minutes of the last meeting held on 22 September 2020 as a true and correct record.

#### 3 REVIEW OF STATEMENT OF LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENT (Pages 5 - 46)

To consider approving the proposed Statement of Licensing Policy and associated Cumulative Impact Assessment and recommend them to the Executive and Council.

**4 REVIEW OF SEX ESTABLISHMENT POLICY** (Pages 47 - 72)

To consider the draft revised Sex Establishment Policy and, subject to any amendments the Committee may wish to make, to authorise an eight-week consultation on the draft policy.

**5 LICENSING UPDATE** (Pages 73 - 76)

To update the Committee on the details of licences applied for, dealt with and appealed in the period 11 September 2020 to 31 December 2020 and to update the Committee on recent licensing enforcement activities.

**Other information:**

For queries regarding this agenda please contact Sarah Chadwick, Democratic Governance Advisor, Tel: 01253 477153, e-mail [sarah.chadwick@blackpool.gov.uk](mailto:sarah.chadwick@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

Baker	Collett	Hunter	Roberts
Mrs Callow JP	Critchley	Matthews	D Scott
G Coleman	Farrell	O'Hara	Wilshaw

### **In Attendance:**

Lennox Beattie, Executive and Regulatory Manager  
Sharon Davies, Senior Licensing Solicitor  
Lee Petrak, Trading Standards and Licensing Manager

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **MINUTES OF THE LAST MEETING HELD ON 6 AUGUST 2020**

The Licensing Committee considered the minutes of the meeting held on 6 August 2020.

### **Resolved:**

That the minutes of the meeting of the Licensing Committee held on 6 August 2020 be approved and signed by the Chairman as a correct record.

### **3 APPOINTMENT OF VICE-CHAIRMAN OF THE LICENSING COMMITTEE AND VICE-CHAIRMAN OF THE PUBLIC PROTECTION SUB-COMMITTEE**

The Licensing Committee considered, following changes to the membership of the Licensing Committee and the resignation of Councillor Rick Scott as Vice-Chairman of the Public Protection Sub-Committee, the appointment of a Vice-Chairman of the Licensing Committee and of the Public Protection Sub-Committee.

### **Resolved:**

1. To note the changes in membership of the Licensing Committee and Public Protection Sub-Committee.
2. To appoint Councillor Danny Scott as Vice -Chairman of the Licensing Committee for the remainder of Municipal Year 2020/2021.
3. To appoint Councillor Danny Scott as Vice-Chairman of the Public Protection Sub-Committee for the remainder of Municipal Year 2020/2021.

## MINUTES OF LICENSING COMMITTEE MEETING - TUESDAY, 22 SEPTEMBER 2020

### 4 PAVEMENT LICENCES

The Licensing Committee considered the issue of the level of fees for Pavement Licences. The Committee had previously considered the issue at its last meeting on 6 August 2020, where it had approved the Pavement Licence policy. Subsequent to that meeting, the Cabinet Member for Environment and Climate Change had agreed a Cabinet Member decision to waive the Street Café Licence fee and replace it with a £25 administration fee to help and support small businesses within Blackpool. The Committee in setting the fee level was not aware that the decision to waive Street Café Licensing fee would be made. The Committee noted that if the previously set fee continued then there would be a discrepancy between the fee charged for a Pavement Licence and that for Street Café Licence so agreed to revisit the issue.

The Committee discussed the fee and agreed that it wished to amend its previous decision to ensure consistency with the Street Café Street Licence and to support businesses affected by Coronavirus.

#### **Resolved:**

1. To set aside decision of the Licensing Committee on 6 August 2020, to set the fee for Pavement Licences at £100.
2. To set the fee for applications for Pavement Licences at the same nominal £25 administration fee as the Street Café Licences fee.
3. To refund any fees already paid for Pavement Licences or reapply them to other licence fees.
4. To refer the fees to the relevant Cabinet Member for future review along with other Licensing fees as part of the budget setting process in 2021, to ensure similar considerations are using in reviewing the Pavement Licence fee and Street Café Licence fee in future.

### 5 LICENSING SERVICE UPDATE

The Licensing Committee received an update on the details of licences applied for, dealt with and appealed in the period 14 February 2020 to 10 September 2020.

Mrs Sharon Davies, Senior Solicitor, highlighted to the Committee details of the ten Premises Licences granted administratively as no objections had been received, the one application considered by the Licensing Panel, that no reviews of Premises Licences had been undertaken and no Pavement Licences had yet been granted. Mrs Davies further highlighted that there were two appeals pending before the Magistrates Court by objectors against the grant of variations of Premises Licences.

#### **Resolved:**

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

**6 LICENSING ENFORCEMENT UPDATE**

The Licensing Committee received an update on enforcement activities from Mr Lee Petrak, Trading Standards and Licensing Manager. Mr Petrak explained that enforcement work had been undertaken in a number of different ways since the start of the Coronavirus pandemic. The initial phase had been focussed on the enforcing the Coronavirus Business Closure Regulations. Once premises had begun to be permitted to reopen, enforcement had been shifted to ensuring adherence to the new rules but with an emphasis on educating premises on how to operate safely. The number of visits had been increased with this approach in mind.

In response to questions from the Committee, Mr Petrak, highlighted his view that compliance from licensed premises had broadly been good. He did express a concern about changes in opening hours and particularly if neighbouring areas had more restrictive controls with the potential for customers entering Blackpool later in the evening.

**Resolved:**

To note the update on licensing enforcement.

**Chairman**

(The meeting ended at 6.25 pm)

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)

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<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan, Service Manager Public Protection
<b>Date of Meeting</b>	19 January 2021

## REVIEW OF STATEMENT OF LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENT

### 1.0 Purpose of the report:

1.1 The Licensing Committee is asked to consider the proposed Statement of Licensing Policy and associated Cumulative Impact Assessment.

### 2.0 Recommendation(s):

2.1 To approve the proposed Statement of Licensing Policy and Cumulative Impact Assessment and recommend them to the Executive for onward recommendation to Council.

### 3.0 Reasons for recommendation(s):

3.1 In February 2020, the Licensing Committee approved a period of consultation on a revised Statement of Licensing Policy. The consultation, initially delayed due to the COVID 19 pandemic is now complete and the results are before the Committee for their consideration.

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 under a duty to review its Statement of Licensing Policy every five years. If this review does not take place, the Council would not have a valid policy to inform its decision-making on licensing applications.

An alternative would be not to publish a Cumulative Impact Assessment. This would reduce the ability of the Licensing Committee to refuse relevant applications in areas

deemed saturated with licensed premises.

**4.0 Council Priority:**

4.1 The relevant Council priority is: “The economy – maximising growth and opportunity across Blackpool”.

**5.0 Background Information:**

5.1 The Council, as licensing authority, is required by section 5 Licensing Act 2003 to determine its policy with respect to the exercise of its licensing functions for a five-year period and publish a statement of that policy.

5.2 The Licensing Committee at its meeting on 25 February 2020 approved a formal period of consultation as required by the legislation on the draft revised Statement of Licensing Policy and the draft Cumulative Impact Assessment.

5.3 The proposed period of consultation was initially delayed due to the COVID 19 lockdown. A period of consultation did however take place between 13 November 2020 and 8 January 2021. The draft policy document and assessment were available on the Council’s website and in addition the following were sent letters/emails asking for their comments:

- The Responsible Authorities
- 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.

5.4 At the time of writing, one comment has been received. A verbal update will be provided to the Licensing Committee at the meeting dealing with further comments received and any changes to the proposed policy to be put forward resulting from those consultation comments.

5.5 The Licensing Committee is invited to approve the proposed Statement of Licensing Policy and associated Cumulative Impact Assessment and recommend them to the Executive and Council.

5.6 Does the information submitted include any exempt information? No

**6.0 List of Appendices:**

Appendix 3a - proposed Statement of Licensing Policy  
Appendix 3b – proposed Cumulative Impact Assessment

Appendix 3c – Consultation comment received

**7.0 Legal considerations:**

7.1 The Council is under a statutory duty to review its Statement of Licensing Policy every five years.

**8.0 Human Resources considerations:**

8.1 There are no human resource considerations.

**9.0 Equalities considerations:**

9.1 No equalities considerations have been identified.

**10.0 Financial considerations:**

10.1 There are no financial considerations.

**11.0 Risk management considerations:**

11.1 There are no risk management considerations.

**12.0 Ethical considerations:**

12.1 There are no ethical considerations associated to this policy review.

**13.0 Internal/ External Consultation undertaken:**

13.1 Consultation as required by the Licensing Act 2003 has taken place and the Licensing Committee has had sight of the responses received.

**14.0 Background papers:**

14.1 Guidance issued by the Secretary of State under Section 182 Licensing Act 2003. Statement of Licensing Policy 2015

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# Statement of Licensing Policy 2021

Blackpool Council



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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.

The Policy covers the regulation of 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)

Advice on whether a licence is required for premises or an event can be obtained from the Licensing Service.

The policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State. The Council will carry out its functions under the Licensing Act 2003 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

When making decisions the Council 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.

Throughout this policy, the wording refers to 'applicants' for licences. The Council intends that the principles set out in this policy apply equally to new applications, applications for variations of existing licences and consideration of requests to review a licence.

This policy seeks to provide advice to applicants about the approach they should take when making applications and the view the Council is likely to take on certain issues.

Applicants should be aware of the expectations of the licensing authority and responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives. When completing an application, applicants should demonstrate their knowledge of the local area when describing the steps they propose to take to promote the licensing objectives.

## 1.2 Duration and review

This policy takes effect on 11 February 2021 and will remain in force for a period not exceeding five years. During this time, the policy will be subject to regular review.

In preparing this policy, the Council has consulted with and considered the views of a wide range of people and organisations including:

- Representatives of local business
- Local residents
- Local members of Parliament
- Existing licence holders and their representatives including:
  - The British Beer and Pub Association
  - Licensing Solicitors
  - The responsible authorities

The Council encourages the responsible promotion of licensed activities however; in the interest of its residents, it will not tolerate irresponsible licensed activity. Following relevant representations, the Council will refuse applications, restrict hours and activities or impose conditions where it is appropriate to do so to promote the licensing objectives. Where problems occur, the Council will work in partnership with the responsible authorities.

## 2. Blackpool Profile

### 2.1 Council Plan

Blackpool Council's vision for Blackpool is that we will retain our position as the UK's number 1 family resort, with a thriving economy which supports a happy and healthy community who are proud of this unique town. The Council Plan 2019 – 2024 has two priorities 'maximising growth and opportunity across Blackpool' and 'creating stronger communities & increasing resilience'.

### 2.2 Blackpool and its people

- 2.2.1 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.
- 2.2.2 The resident population of Blackpool is approximately 139,300. Mid 2018 population estimates illustrates that older people (65 years plus) account for a greater proportion of Blackpool's resident population than is observed at national level.
- 2.2.3 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.
- 2.2.4 Blackpool does have a thriving and vibrant night-time economy, and like many UK towns and cities, that economy centres around entertainment premises licensed to sell alcohol. Once seen by planners as the answer to troubled town centres, pubs, clubs and bars are a major focal point for alcohol related harm; alcohol is having a significant negative impact on health, crime and the economy. In 2018, Blackpool had a total of 1,550 licensed premises in the town; approximately one for every 90 residents, including 121 pubs and 157 off licences.
- 2.2.5 The health of people in Blackpool is generally worse than the England average. Blackpool is one of the 20% most deprived districts/unitary authorities in England and about 28% (7,200) of children live in low income families. Life expectancy for both men and women is lower than the England average - within Blackpool, life expectancy is 13.6 years lower for men and 9.6 years lower for women in the most deprived areas of Blackpool than in the least deprived areas.
- 2.2.6 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 disease.

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

- 2.3.1 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.

Data from the most recent joint strategic needs assessment for alcohol shows that in Blackpool:<sup>1</sup>

- The alcohol-related admission rate is 1.5 times higher than the national average and the rate of frequent hospital admissions is 3 times higher than the national rate;
- Although alcohol-related hospital admissions continue to rise nationally, rates in Blackpool are rising more quickly, with an increasing gap between Blackpool and the England average;
- There were nearly 4 times the number of admissions episodes for intentional self-poisoning by alcohol in males in Blackpool compared to nationally in 2016/17. For females, these figures were 2.5 times higher in Blackpool than nationally. This is of particular concern given the links between mental health and substance misuse and other issues;
- Alcohol-related crime has more than doubled in Blackpool over the last 5 years. Over half (56%) of alcohol-related violence is concentrated in three wards in central Blackpool - Bloomfield, Claremont and Talbot, reflecting the most disadvantaged areas and the night time economy within the town;

Blackpool has the highest rate of claimants of benefits due to alcoholism in the country; the rate of 575.2 per 100,000 is over 4 times the national average.

## 2.4 Blackpool's approach to tackling alcohol problems

2.4.1 This statement of Licensing Policy is only one document which by promoting the licensing objectives helps to impact on alcohol in Blackpool.

2.4.2 The latest Blackpool Alcohol Strategy (2019-2022) has two priorities – to reduce the prevalence of harmful drinking in Blackpool and to reduce the impact of harmful drinking on communities in Blackpool.

These will be achieved through:

- Campaigns and education to improve the population's awareness of the Chief Medical Officer's alcohol guidelines, alcohol-related harm and harm reduction;
- Targeted interventions to prevent alcohol misuse in those populations particularly at risk;
- Early help and interventions for people affected by harmful drinking;
- Evidence-based effective treatment for alcohol misuse that is accessible to all;
- Ensuring that alcohol is sold and consumed responsibly and that the safety of residents and visitors is prioritised;
- Advocating for changes in national policy and practice to reduce alcohol-related harm and better protect our population, such as Minimum Unit Pricing.

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<sup>1</sup> Blackpool JSNA Alcohol [Blackpool Joint Strategic Needs Assessment](#)

## 3. The Licensing Process

### 3.1 Making an application

- 3.1.1 This policy sets out the authority's expectations of 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 Applications must be made to the Council on the form prescribed by Regulations. The Licensing Service can provide paper copies of these forms together with guidance notes and further advice or they are available from [www.blackpool.gov.uk](http://www.blackpool.gov.uk)
- 3.1.3 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 before completing an application.

**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 consider relevant representations when dealing with 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 Ward Councillor or other locally recognised body such as a residents' 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 population's 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.
- 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.
- 3.4.5 Each application will be considered on its own individual merits.

### 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 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.
- 3.5.5 Every decision made by the Licensing Committee or Licensing Panel will be accompanied by clear reasons for the decision.

### 3.6 Conditions

- 3.6.1 Appropriate and proportionate conditions may be attached to licences when a 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
  - 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. 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;
  - 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 [Local Alcohol Profiles for England](#) 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](#) 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 Public Space Protection Order

4.2.1 The [Public Space Protection Order - Town Centre and Promenade](#) prohibits the consumption of alcohol in any public place within the restricted area. The Council expects that premises operating in an area covered by this Order 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 There are no standard permitted hours for the sale of alcohol prescribed in the Act instead the Council has the power to make decisions on hours based on local knowledge. In some circumstances, staggered licensing hours will allow for a more gradual dispersal of customers reducing potential disorder and disturbance at for example late night food outlets and taxi ranks. There is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.

- 4.4.2 The Council wishes to develop a diverse night-time economy but acknowledges that any licensable activity has the potential to impact adversely on the surrounding area either by disturbance caused by crime and disorder or by nuisance caused by customers being noisy when leaving/using on-street car parking. The impact of these activities can be greater at night when ambient noise levels are much lower.
- 4.4.3 The Council's aim will be to promote the four licensing objectives without compromising the local services such as street cleansing required to prepare the area for daytime trading.
- 4.4.4 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.
- 4.4.5 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.
- 4.4.6 The Council would recommend that applicants for premises licensed for the sale of alcohol on the premises consider including a 'drinking up' period after the end of alcohol sales before the premises closes to the public. A 30-minute period would allow customers sufficient time to consume their drinks and assist in the gradual dispersal of customers.
- 4.4.7 As a general rule shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open to the public unless there are good reasons, based on the licensing objectives, for restricting these hours. The Council does believe that there is good reason to restrict 'off' sales of alcohol before 07.00 a.m. in the areas covered by the Off-Licence Cumulative Impact Assessment because these areas are already suffering from high levels of alcohol related crime and disorder. Making alcohol easily available for people making their way home in the early hours of the morning after enjoying the night-time economy will, in the Council's view add to the problems already being experienced.

## 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 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 depend on location. Steps that could 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

**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.

- 4.6.1 Cumulative Impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated on one area. The Council, as licensing authority may publish a cumulative impact assessment (CIA) to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in that area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 4.6.2 A CIA may relate to premises licensed to carry on any licensable activity including the sale of alcohol for consumption off the premises and the provision of late night refreshment. CIAs do not apply to temporary event notices however, the Police and Environmental Health may use the evidence published with a CIA when objecting to such a notice.
- 4.6.3 The Council has published a cumulative impact assessment under section 5A Licensing Act 2003. In this assessment, a review took place of the evidence for the previous Town centre and off-licence, saturation areas. This review was based on evidence from the responsible authorities namely crime statistics, Public Health data and nuisance statistics.
- 4.6.4 A formal consultation exercise took place and the Council consulted with the following:
- Responsible authorities
  - Licence holders and those representing licence holders
  - Local residents and businesses
  - Those representing local residents and businesses.
- 4.6.5 The Cumulative Impact Assessment took effect on 11 February 2021. Reviews will take place on at least a three-yearly basis. A summary of the Cumulative Impact Assessment is below, however, applicants should view the full document on the Council's website to ensure that they are in possession of up to date information before making an application.

## 4.7 Cumulative Impact Areas

- 4.7.1 The CIA has shown that the number or type of premises in the following areas are having a cumulative impact and this is leading to problems, which are undermining the licensing objectives.

## 4.8 Town Centre Cumulative Impact Assessment

The Council has assessed the available evidence and has determined that an area is suffering from cumulative impact. This evidence relates to premises licensed for the sale of alcohol for consumption on the premises and late night takeaways (licensed for late night refreshment). This is undermining the licensing objectives.

- 4.8.1 The area shown edged in red on the map in Appendix B is of such a concern that an application for a new licence or the variation of an existing licence should be refused unless that applicant can demonstrate that their application will not lead to an increase in the impact of licensed premises in this area.
- 4.8.2 The nature of the problems in this area are the high level of alcohol related crime/police incidents almost 4x the Blackpool average and 8 x the Lancashire average. Alcohol related hospital admissions are nearly 200% higher than the national average. More information on the evidence can be found in the cumulative impact assessment.

#### **4.9 Off Licence Cumulative Impact Assessment**

- 4.9.1 The Council has assessed the available evidence and has determined that the area highlighted in Appendix C is suffering from the cumulative impact of the number of premises licensed for the sale of alcohol for consumption off the premises only. This is undermining the licensing objectives. The location of the main concentration of off-licensed premises suffers from high levels of alcohol related crime and alcohol related hospital admissions. Applications for new licences, or variation of hours within this area will be refused unless the applicant can demonstrate that their application will not lead to an increase in the impact of off-licensed premises in this area.

#### **4.10 Applications within the Cumulative Impact Area**

- 4.10.1 Applications for new licences or variations to existing licences within a cumulative impact area, which are likely to add to the existing cumulative impact will normally, be refused if a relevant representation is received. To persuade the Council to depart from its policy an applicant must demonstrate that their application will not add to the existing cumulative impact in the area. This should be done through the operating schedule and the risk assessment process (if used)
- 4.10.2 Early contact, before submission of the application, with the responsible authorities is encouraged to discuss plans and control measures.
- 4.10.3 Examples of factors, which the Council may consider, demonstrate that there will be no impact may include:
- Premises ceasing operation before midnight
  - Premises which are not alcohol led and only operate during the day-time
  - Situations where the applicant is relocating their business within the cumulative impact area but is retaining the same style of business, operating hours and conditions
- 4.10.4 Examples of factors the licensing authority will not consider to rebut the presumption of refusal:
- The premises will be well managed and run as all licensed premises should meet this standard
  - The premises will be constructed to a high standard
  - The applicant operates similar premises elsewhere without complaint
- 4.10.5 As with all applications made under the Licensing Act 2003, if no representations are received, the Council must grant the application. Anyone who does make a representation may rely on the evidence published in the cumulative impact assessment or the fact that a CIA has been published for the area.
- 4.10.6 Where representations are received the Council will consider the circumstances of each individual application and decide whether it would be justified in departing from its policy and CIA in the light of the individual circumstances of the case.

## **4.11 Representations based on Cumulative Impact outside the Cumulative Impact Areas**

- 4.11.1 In cases where responsible authorities or other persons seek to establish that an application should be refused because it would result or further contribute to cumulative impact in an area not designated as a cumulative impact area, they should:
- Identify the boundaries of the area where the alleged problems are arising
  - Identify the licensing objective(s) which are being undermined
  - Identify the type of licensing activity alleged to be causing the problem
  - Provide evidence to show that the undermining of the licensing objective is being caused by the patrons of those premises in the area carrying out that activity.

## **4.12 Large Scale Events**

- 4.12.1 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.

## **4.13 Alcohol deliveries**

- 4.13.1 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.

## **4.14 Age verification policies**

- 4.14.1 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.

## **4.15 Children**

- 4.15.1 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.

## **4.16 Adult Entertainment**

- 4.16.1 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.

- 4.16.2 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.
- 4.16.3 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.
- 4.16.4 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.

#### 4.17 Outside Areas

- 4.17.1 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.
- 4.17.2 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.

#### 4.18 Takeaways / Late Night Refreshment

- 4.18.1 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
  - 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 Standard 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.

### 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
  - 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.

### **6.3 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.

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.

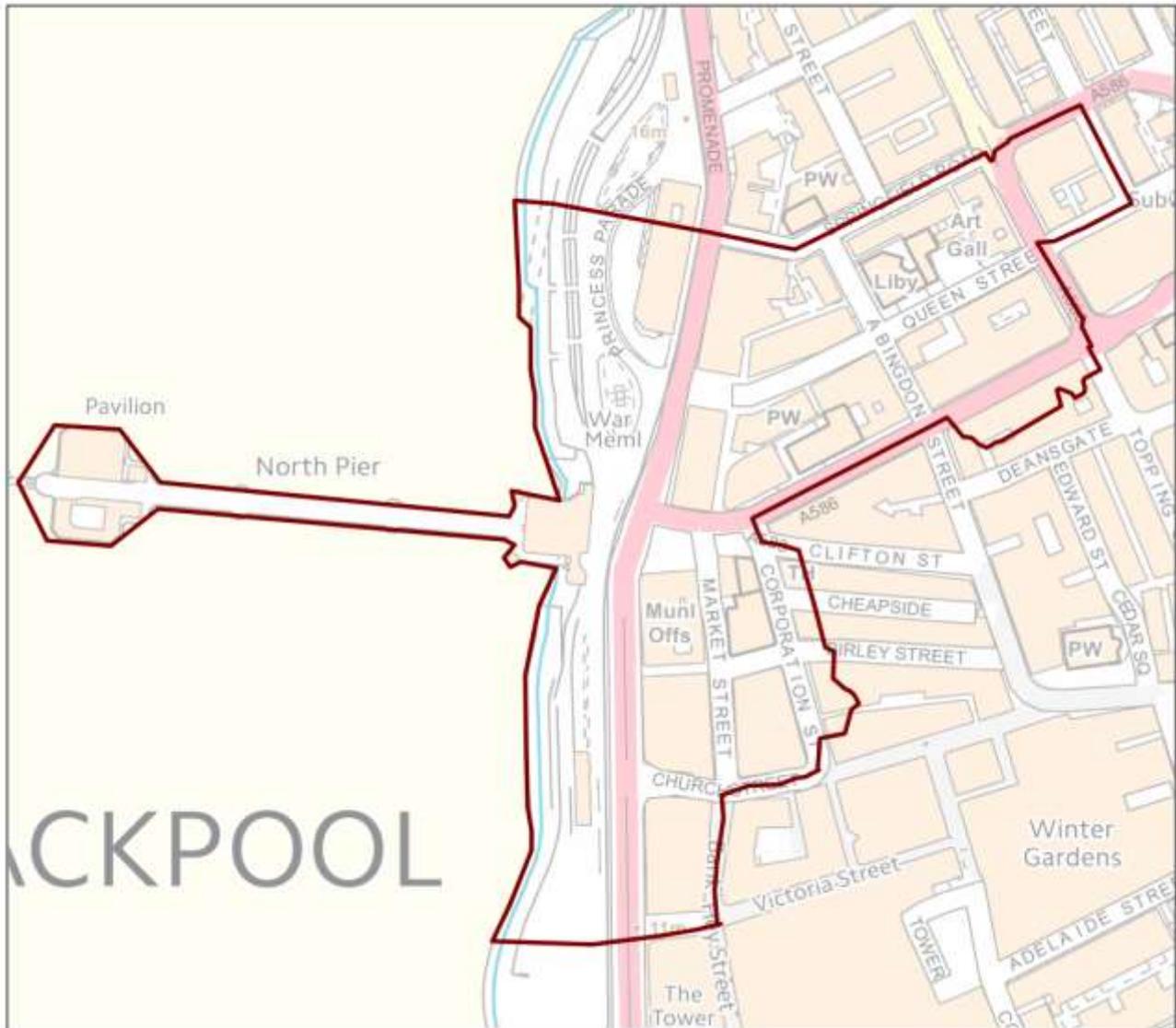
## Appendix A – Delegated functions

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
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 – Area covered by Town Centre Cumulative Impact Assessment

The map below shows the area covered by the Town Centre Cumulative Impact assessment



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## Appendix C – Area Covered by Off-Licence Cumulative Impact Assessment

The map below shows the area covered by the Off Licence Cumulative Impact assessment



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# Cumulative Impact Assessment 2021

Blackpool Council



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## Introduction

Section 5A Licensing Act 2003 allows a licensing authority to publish a cumulative impact assessment if it considers that the number of premises licences/club premises certificates in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any premises licences/club premises certificates in respect of premises in that part or those parts.

Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

Before publishing a cumulative impact assessment, the licensing authority must consult with the following:

- Police
- Fire and Rescue Authority
- Public Health
- Representatives of premises licence and club premises certificate holders issued by the authority
- Representatives of personal licence holders issued by the authority
- Such other persons as the licensing authority considers representative of businesses and residents in its area.

Once published a cumulative impact assessment must be reviewed within three years.

### The effect of a Cumulative Impact Assessment

A cumulative impact assessment may relate to premises licensed to carry on any licensable activity including the sale of alcohol for consumption off the premises and the provision of late night refreshment. Cumulative impact assessments do not apply to temporary event notices however, the Police and Environmental Health may use the evidence published with an assessment when objecting to such a notice.

The existence of a cumulative impact assessment does not change the fundamental way in which licensing decisions are made. The licensing authority remains able to grant an application where it is appropriate to do so and where an applicant can demonstrate through the operating schedule that they would not add to the cumulative impact. It is important therefore that applicants for relevant licences within an area covered by the cumulative impact assessment consider cumulative impact issues when setting out the steps that they will take to promote the licensing objectives.

The cumulative impact assessment does not create a blanket ban on the grant of applications within the areas covered by the assessment. The authority can only consider refusal of an application following receipt of a relevant representation. Where there are no representations to an application, the licensing authority must grant the licence.

Anyone making a representation concerning an application within an area covered by this assessment can base it on the information published in this assessment, or even just the fact that an assessment has been published. Any representations made should be capable of withstanding scrutiny at a hearing.

### History of Cumulative Impact in Blackpool

Prior to the introduction of cumulative impact assessments in April 2018, Blackpool had incorporated a cumulative impact policy within its statement of licensing policy since 2007. This initial policy covered premises licensed for the sale of alcohol on the premises within the town centre. In 2009, the Council approved a second cumulative impact policy covering the Wards of Bloomfield, Claremont, Talbot and Victoria. This second policy only concerned premises licensed to sell alcohol for consumption off the premises.

The areas covered by these policies were reviewed as part of the statutory review of the Statement of Licensing Policy.

# Cumulative Impact Assessment 2021

This cumulative impact assessment has been carried out in accordance with section 5A Licensing Act 2003.

The licensing authority has reviewed the areas covered by its two cumulative impact policies. Statistical data provided by the Police and Public Health has been considered and in consultation with the Police, the licensing authority has developed its first cumulative impact assessment which covers the two areas detailed below.

## Town Centre

The Town Centre Assessment relates to the area edged red at appendix 1 to this policy and will apply to applications for 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)

The area referred to in appendix 1 is contained within 2 ward areas, Talbot ward and Claremont ward. The concentration of on licence premises within these wards is significant. Figure 1 below shows that 45% of the total number of premises licensed for the on sale / supply of alcohol within Blackpool are located in these 2 ward areas. Whilst the area referred to in appendix 1 is not inclusive of all the premises indicated in Figure 1, a significant number of high risk premises are contained in this area.

Figure 1 Source: MADE Dataset

	Off licences*		On and On/Off licences		Not coded	Total licenced premises	
Anchorsholme	6	3.4%	3	0.3%	2	11	0.7%
Bispham	5	2.8%	24	2.2%	4	33	2.2%
<b>Bloomfield</b>	20	<b>11.2%</b>	288	<b>26.4%</b>	48	356	<b>23.9%</b>
Brunswick	5	2.8%	10	0.9%	3	18	1.2%
<b>Claremont</b>	22	<b>12.3%</b>	164	<b>15.0%</b>	29	215	<b>14.4%</b>
Clifton	10	5.6%	4	0.4%	5	19	1.3%
Greenlands	3	1.7%	1	0.1%	3	7	0.5%
Hawes Side	6	3.4%	4	0.4%	7	17	1.1%
Highfield	3	1.7%	3	0.3%	2	8	0.5%
Ingthorpe	10	5.6%	5	0.5%	2	17	1.1%
Layton	9	5.0%	5	0.5%	2	16	1.1%
Marton	6	3.4%	12	1.1%	2	20	1.3%
Norbreck	2	1.1%	7	0.6%	1	10	0.7%
Park	3	1.7%	3	0.3%	4	10	0.7%
Squires Gate	5	2.8%	20	1.8%	7	32	2.2%
Stanley	7	3.9%	8	0.7%	1	16	1.1%
<b>Talbot</b>	23	<b>12.8%</b>	334	<b>30.6%</b>	43	400	<b>26.9%</b>
Tyldesley	6	3.4%	2	0.2%	3	11	0.7%
<b>Victoria</b>	12	<b>6.7%</b>	6	<b>0.5%</b>	9	27	<b>1.8%</b>
Warbreck	7	3.9%	67	6.1%	15	89	6.0%
Waterloo	9	5.0%	122	11.2%	25	156	10.5%
<b>Blackpool</b>	<b>179</b>		<b>1,092</b>		<b>217</b>	<b>1,488</b>	
*Includes Convenience stores, Off-licences, Petrol Stations and Supermarkets							

Lancashire Multi-Agency Data Exchange (MADE) data sets provide statistical information from across various agencies building profiles of local areas throughout Lancashire. Scrutiny of this data tells us that for the calendar year 2019, over 12,000 Police incidents were recorded with an alcohol qualifier with over 2,500 being attributed to Blackpool (see Figure 2). This data represents Blackpool as the worst affected area in relation to alcohol related Police incidents, both in terms of actual incidents and incidents per 1,000 population.

**Figure 2**

<b>Geography</b>	<b>Jan 19 to Dec 19</b>	
	<b>Actuals</b>	<b>Per 1,000 population</b>
Lancashire 14	12,001	8.08
Blackburn with Darwen	1,172	7.97
Blackpool	2,511	18.04
Burnley	957	10.93
Chorley	609	5.33
Fylde	384	4.92
Hyndburn	735	9.13
Lancaster	1,293	9.01
Pendle	552	6.09
Preston	1,444	10.18
Ribble Valley	250	4.25
Rosendale	371	5.31
South Ribble	518	4.70
West Lancashire	516	4.55
Wyre	665	6.03
not geocoded	24	-

District profile statistics shown in Figure 3 below indicate that Claremont and Talbot wards are the worst affected in relation to alcohol related police incidents. Of the total number of alcohol related Police incidents recorded, over 41% occurred across these 2 wards. Claremont has seen 82.5 incidents reported per 1,000 population and Talbot has recorded 68.79 incidents per 1,000 population compared to 18.04 per 1,000 population for the town as a whole. Public Health data provides a similar context with alcohol related hospital admissions ratio of 279.9 in Talbot, almost 200% higher than the national average. In relation to Claremont, the alcohol related admission ratio of 280.4 is again almost 200% higher than the national average.

**Figure 3**

<b>Geography</b>	<b>Jan 19 to Dec 19</b>	
	<b>Actuals</b>	<b>Per 1,000 population</b>
Blackpool	2,511	18.04
Anchorsholme	22	3.55
Bispham	41	6.45
Bloomfield	346	50.46
Brunswick	102	15.26
Claremont	604	82.50
Clifton	68	10.11
Greenlands	45	6.74
Hawes Side	51	7.10
Highfield	24	3.74
Ingthorpe	55	8.20
Layton	50	7.28
Marton	62	9.29
Norbreck	38	6.19
Park	98	13.16
Squires Gate	42	6.81
Stanley	27	4.26
Talbot	438	68.79
Tyldesley	60	9.18
Victoria	102	15.23
Warbreck	93	14.45
Waterloo	137	21.39

Further interrogation of the data referred to in Figures 2 & 3 indicates that the majority of alcohol related Police incidents in Talbot and Claremont occur during the night time economy. Figures 4 and 5 below show data relating to the number of Police incidents containing an alcohol qualifier reported in Talbot ward during the calendar year 2019. This data set is broken down into hourly intervals displayed in 24 hour clock terminology. The data shown at Figure 4 shows that in Talbot ward the worst affected period lies between 2100 hours to 0300 hours with 225 of 438 incidents taking place during these core hours. Identical data for Claremont ward is contained in Figure 5 showing that the worst affected period is between the hours of 2100 and 0400 with 361 of 604 incidents taking place between these hours.

**Figure 4**

Alcohol related incidents by hour  
Talbot ward 01/01/19 to 31/12/19.

Source: Lancashire Constabulary

Time	Incidents	
00.00	38	
01.00	31	
02.00	29	
03.00	38	
04.00	21	
05.00	20	
06.00	5	
07.00	5	
08.00	6	
09.00	6	
10.00	8	
11.00	6	
12.00	6	
13.00	5	
14.00	6	
15.00	15	
16.00	12	
17.00	20	
18.00	12	
19.00	27	
20.00	25	
21.00	37	
22.00	29	
23.00	32	Total 438

**Figure 5**

Alcohol related incidents by hour  
Claremont ward 01/01/19 to 31/12/19.

Source: Lancashire Constabulary

Time	Incidents	
00.00	39	
01.00	60	
02.00	45	
03.00	50	
04.00	48	
05.00	24	
06.00	13	
07.00	12	
08.00	9	
09.00	7	
10.00	7	
11.00	4	
12.00	4	
13.00	9	
14.00	18	
15.00	18	
16.00	24	
17.00	15	
18.00	30	
19.00	17	
20.00	32	
21.00	40	
22.00	42	
23.00	37	Total 604

## Off licence

The Council intends to promote a saturation zone within Blackpool in areas where crime and disorder is more prevalent and alcohol related health statistics are high. The plan shown edged in red at Appendix 2 shows the area to which this off-licence saturation policy will apply. The area covered includes Claremont, Bloomfield and Talbot wards in their entirety as well as part of Brunswick ward and Waterloo ward. For the avoidance of any doubt, premises located along both sides of the highway where the boundary line is drawn are considered to be included in the saturation area.

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.

Figure A below shows that Waterloo, Bloomfield, Talbot and Claremont wards are in the worst category in the context of the number of alcohol related crimes per 1,000 population. This data indicates that these wards experience 40-154 such crimes per 1,000 population. Brunswick ward sits in the next highest category with 25 to 40 crimes per 1,000 population. This data has been overlaid with location data relating to off-licence premises.

Figure A

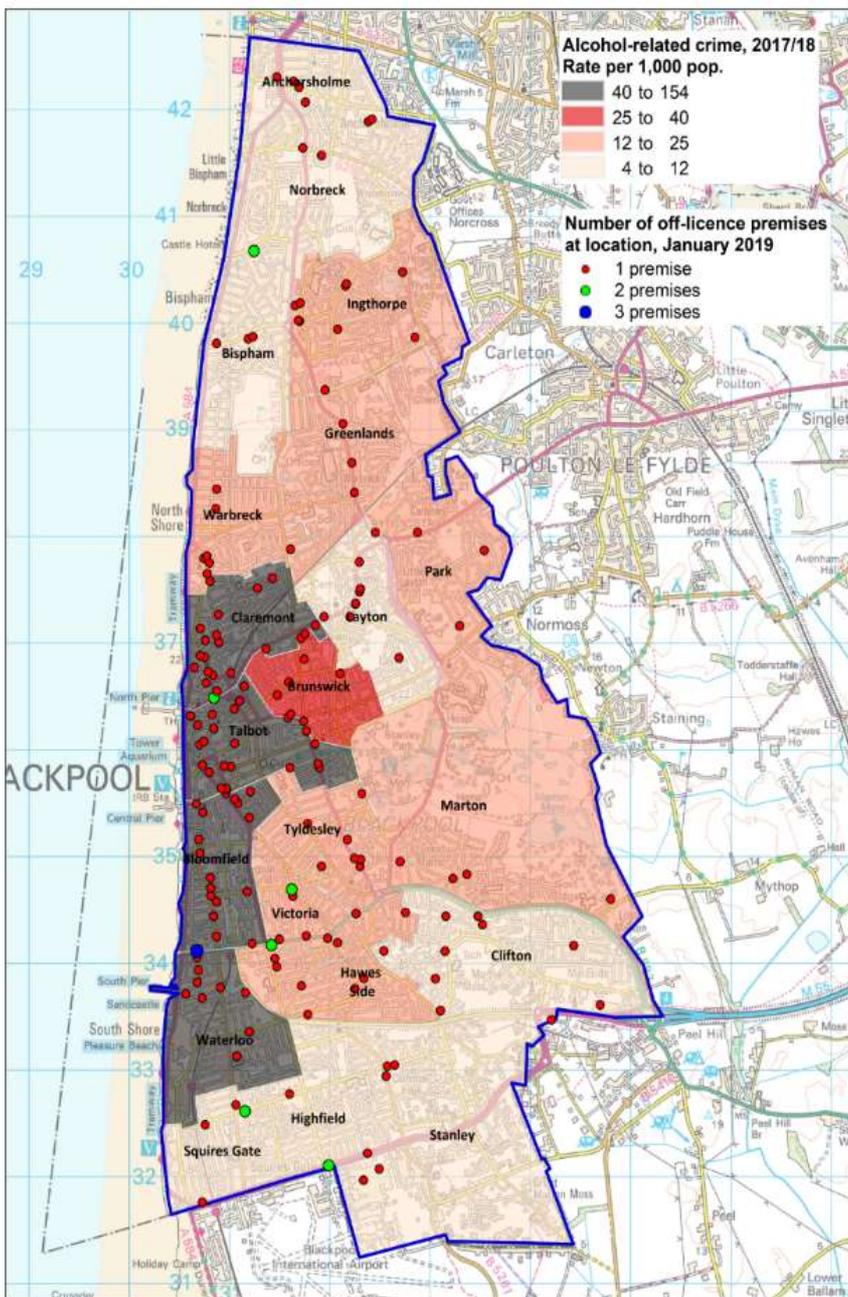
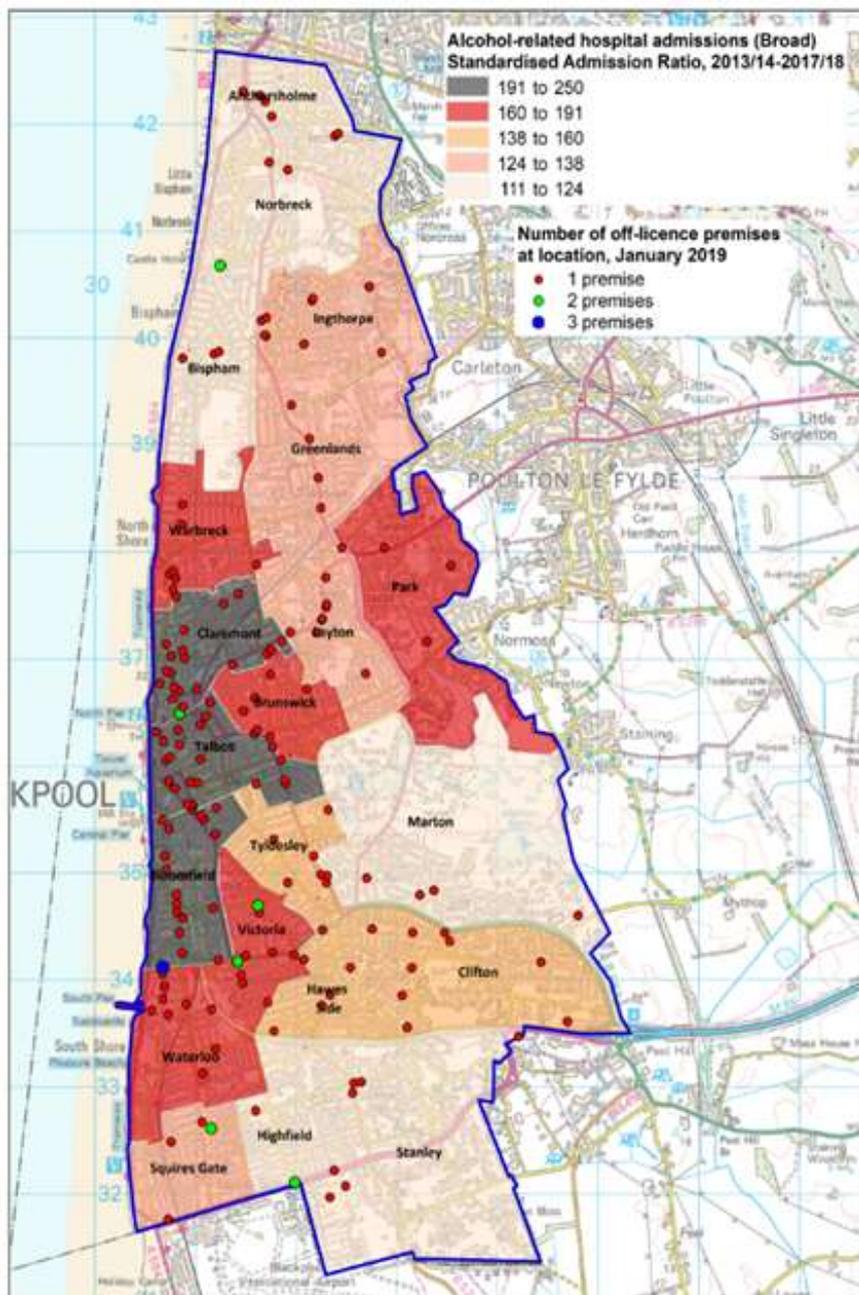


Figure B shows data relative to alcohol related hospital admissions, again with off-licence location data overlaid. The data tells us that Claremont, Talbot and Bloomfield Wards are the worst affected, with an alcohol related hospital admissions ratio of between 191 and 250. Brunswick and Waterloo wards are in the next worst affected category with a ratio of between 160 and 191.

Figure B



In relation to data given in figures A and B the areas to which this policy relates are among the worst affected.

## Conclusion

The Licensing Authority concludes that the area detailed in appendix 1 to this document is designated a cumulative impact area. The Council considers that the number of licensed premises in this area is at such an excessive level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences in this area.

The assessment in this area will apply to applications for the sale or supply of alcohol on the premises and the provision of late night refreshment for:

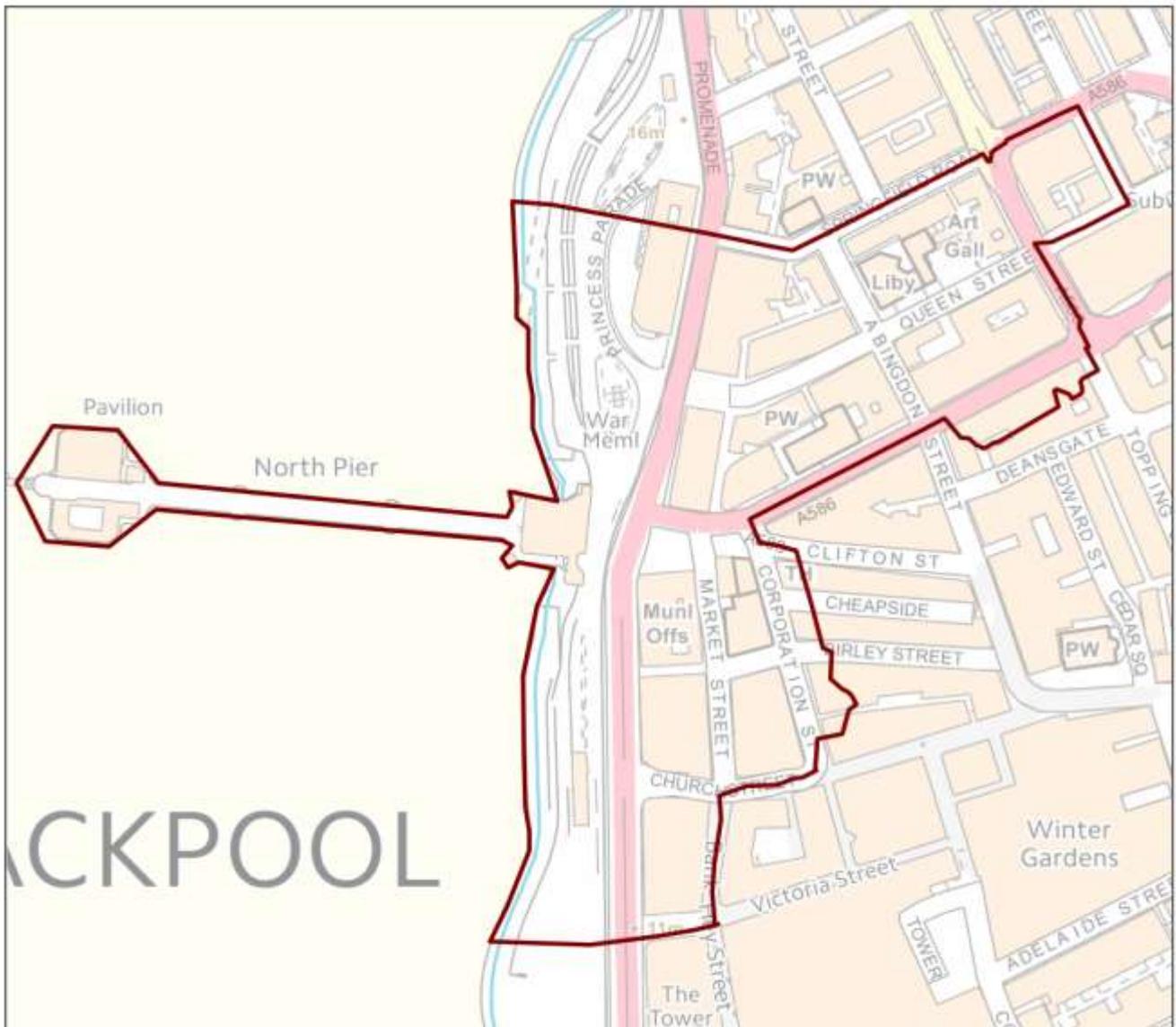
- New premises licences
- New club premises certificates
- Provisional statements
- Variations to existing licences (where the modifications are directly relevant to the issue of cumulative impact, for example, extension of trading hours or capacity)

The area detailed at appendix 2 to this document clearly shows that alcohol related crime and alcohol related hospital admissions are particularly prevalent. This area has subsequently been designated a cumulative impact area in relation to 'off sales' premises. The assessment will be applicable to applications for new premises and variations to existing ones.

The overall effect of this assessment is to create a rebuttable presumption that any applications listed above will be refused a licence. 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.

# Appendix 1

Town Centre Assessment area



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## Appendix 2

Off licence saturation policy area



## Appendix 3c

**From:** Anzak Mahmood  
**To:** [Licensing Ia2003](#)  
**Subject:** PL0092  
**Date:** 04 January 2021 15:41:25

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**CAUTION: This email originated from outside of the organisation. Do not provide any login or password details if requested. Do not click on any links or attachments unless you are sure that the content is safe. If you are unsure about this email or its content forward it to: [cyber.security@blackpool.gov.uk](mailto:cyber.security@blackpool.gov.uk).**

To Whom It May Concern,

License number PL0092.

I am writing in regards to the new statement licensing policy.

I have a business: Pricewise, at the property: 199 Hawes Side Lane, Blackpool, FY4 4AJ.

Having thoroughly read the documents, I agree and am willing to go ahead with almost all policies written.

However, I will not be able to provide point number 4.5.2 in regards to CCTV/security. This point asks for me to retain a minimum of 30 days worth of CCTV footage. I will not be able to do this as it will make the quality of the footage drop substantially. Making it more difficult to use it as evidence off required.

The maximum number of days worth of footage I can keep is 7 days to ensure good quality and credibility.

I hope this is ok with yourself. If you have any further questions in regards to this then please do not hesitate to contact be back via email.

Kind Regards

Mr P Akhter

Sent from my iPhone

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<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan, Service Manager Public Protection
<b>Date of Meeting</b>	19 January 2021

## REVIEW OF SEX ESTABLISHMENT POLICY

### 1.0 Purpose of the report:

1.1 To consider the revised Sex Establishment Policy.

### 2.0 Recommendation(s):

2.1 Subject to any amendments the Committee may wish to make, to authorise an eight-week consultation on the draft policy.

### 3.0 Reasons for recommendation(s):

3.1 Council policies should be kept under regular review to ensure that they are up to date and fit for purpose. The existing Sex Establishment Policy was approved in 2016 and is therefore due for review.

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 Committee could decline to review this policy, leaving the current policy in place. This risks the policy becoming outdated.

### 4.0 Council Priority:

4.1 The relevant Council priority is: "The economy – maximising growth and opportunity across Blackpool".

## 5.0 Background Information

- 5.1 The licensing of sex establishments is governed by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Whilst no statutory duty exists, it is seen as good practice to publish a policy setting out how the Council will determine applications for sex establishments in its area. Where a Council seeks to restrict the number and/or location of such venues a policy is advised to inform decision making by potential applicants and to strengthen the chances of successfully defending appeals as the Magistrates dealing with an appeal must, if there is a published policy, adopt that policy as if they were “standing in the shoes” of the decision making committee.
- 5.2 The first proposed amendment to the policy is paragraph 3.3 which deals with the number of sex establishments the Council feels is appropriate for the locality. Previously the number of sex shops had been set at two however for some time only one business has been licensed, accordingly it is proposed that the number of sex shops be reduced to one.
- 5.3 As a White Ribbon accredited authority, Blackpool Council is working towards setting a zero limit on the number of sexual entertainment venues (lap dancing clubs). Previously the number of sexual entertainment venues (SEVs) was set as four. Working towards the White Ribbon aims, it is proposed that the number of SEVs be reduced to zero with an exception being made for those four premises currently licensed. This means that these businesses will be able to continue to operate (once permitted to re-open under COVID regulations) and be re-licensed as long as they continue to comply with the legislation and licence conditions. Once that licence lapses, is revoked, surrendered, or otherwise not renewed, the grandfather rights will be lost and any new application will be considered against the limit of zero.
- 5.4 The only other proposed changes to the policy concern additions and amendments to the standard conditions for SEVs. These changes are proposed following consultation with the Police Licensing team.
- 5.5 The draft policy can be found at Appendix 4a. Proposed changes are highlighted in red.
- 5.6 Once the draft policy has been approved by the Licensing Committee with or without amendments, an eight week period of consultation is proposed. Following the consultation process, the policy will be brought back to the Licensing Committee for further consideration.
- 5.10 Does the information submitted include any exempt information? No

- 6.0 List of Appendices:**  
Appendix 4a – draft sex establishment policy
- 7.0 Legal considerations:**
- 7.1 Before any changes are made to the policy, there must be a period of consultation.
- 8.0 Human Resources considerations:**
- 8.1 There are no human resource considerations
- 9.0 Equalities considerations:**
- 9.1 No equalities considerations have been identified.
- 10.0 Financial considerations:**
- 10.1 There are no financial considerations.
- 11.0 Risk management considerations:**
- 11.1 There are no risk management considerations
- 12.0 Ethical considerations:**
- 12.1 There are no ethical considerations associated to this policy review.
- 13.0 Internal/ External Consultation undertaken:**
- 13.1 Consultation has taken place with the Police Licensing Team to inform the content of the policy. The Council's Chief Executive and senior Directors have also been consulted through the Corporate Leadership team meeting as part of the review process.
- 14.0 Background papers:**
- 14.1 None

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# Draft Sex Establishment Policy 2021

Blackpool Council



# Draft Sex Establishment Policy 2021

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# Draft Sex Establishment Policy 2021

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## 1. Introduction

This policy statement sets out Blackpool Council's approach to the regulation of sex establishments in the Borough.

Nothing in this policy undermines the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act

The policy covers the operation of the following:

### 1.1 Sex Shops

A sex shop is defined as any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –

- a) Sex articles; or
- b) Other things intended for use in connection with, or for the purpose of stimulating or encouraging –
  - i) Sexual activity; or
  - ii) Acts of force or restraint which is associated with sexual activity.

### 1.2 Sex Cinemas

A sex cinema is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –

- a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
  - i) Sexual activity; or
  - ii) Acts of force or restraint which are associated with sexual activity;
- or
- b) Are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling house to which the public is not admitted.

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## 1.3 Sexual Entertainment Venues

A sexual entertainment venue is defined as any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

“Relevant entertainment” means –

- a) Any live performance; or
- b) Any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)

The following premises are not sexual entertainment venues:

- a) Sex shops and sex cinemas
- b) Premises which provide relevant entertainment on an infrequent basis i.e. premises where –
  - i) No relevant entertainment has been provided on more than 11 occasions within a 12month period;
  - ii) No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - iii) No such occasion has lasted longer than 24 hours
- c) Other premises or types of performance or displays exempted by an order made by the Secretary of State

## 1.4 Waivers

Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit.

The Council does not consider it would be appropriate to permit waivers from the requirement to hold a sex establishment licence in respect of sexual entertainment venues particularly as the legislation allows relevant entertainment on an infrequent basis of no more than 11 occasions within a 12month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

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The Council may at any time give a person who would require a licence but for a waiver notice that the waiver it to terminate on a date not less than 28days from the date the notice is given.

Whilst each application will be considered on its own merits by the Public Protection Sub-Committee in light of the exemption in relation to the provision of relevant entertainment on an infrequent basis the Council takes the view that waivers are unlikely to be appropriate in relation to relevant entertainment and would only be covered in exceptional circumstances.

## 2. Making an Application

Applications for the grant, renewal, variation or transfer of a licence must be made on the prescribed form which is available upon request from the Licensing Service or at [www.blackpool.gov.uk](http://www.blackpool.gov.uk). Applications can be submitted on paper or electronically.

New applications or variations which involve a change of layout must be accompanied by a plan of the premises to which the application relates. The plan must show:

- a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- b) The location of points of access to and egress from the premises;
- c) the location of escape routes from the premises;
- d) In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- f) In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- g) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- h) In the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- i) The location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and

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j) The location of a kitchen, if any, on the premises

## 2.1 Advertising of applications

Applications for must be advertised on/near the premises to which the application relates and in a newspaper circulating in the Borough.

### On the premises

A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day the application was given to the Council. The notice must be in such a position that it can be conveniently read by members of the public.

The notice must be on paper sized A4 or larger containing the information detailed below printed legibly in black ink.

### In the newspaper

Applicants must give public notice of the application by publishing an advertisement in a local newspaper that circulates in the Blackpool Borough no later than 7 days after the date the application is made.

The notice must state:

- a) Details of the application and activities proposed to be carried on,
- b) The full name of the applicant,
- c) The postal address of the premises, or where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
- d) The date, being 28 days after the day on which the application was given to the Council, by which representations may be made to the Council in writing.

A specimen notice is available upon request from the Licensing Service or on our website [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

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## 2.2 Objections

Objections must be made in writing (email is acceptable) within the period of 28 days from the date on which the application is given to the Council and should include the following:

- The name and address of the person or organisation making the objection
- The premises to which the objection relates
- An indication whether the objector consents to their name and address being disclosed to the applicant.

No weight will be given to any objection that does not contain the name and address of the person making it.

An objection must state the grounds on which the objection is made. Persons making an objection are encouraged to provide full reasons for their objection and, where possible, demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any) as set out in this policy.

No weight will be given by the Council to objections made on moral grounds or those that are in the opinion of the Council, frivolous or vexatious.

Where an objection is received, the applicant will be notified of the general grounds of the objection. The name and address of the objector will not be disclosed to the applicant unless the objector has consented to this

## 3 Determination of applications

When considering applications, the Council will have regard to:

- (a) the Local Government (Miscellaneous Provisions) Act 1982
- (b) any supporting regulations;
- (c) this Statement of Licensing Policy.

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This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.

All applications for new sex establishments and variations of existing licences will be determined by the Public Protection Sub-Committee irrespective of whether objections have been received. The Sub-Committee will also consider renewal applications where the Lancashire Constabulary have made comments or objections have been received. At the hearing the applicant and any objectors who made objections within the statutory period will be given the opportunity to address the Sub-Committee.

Uncontested applications for renewal will be determined by the Head of Licensing.

When determining an application the Council will take account of any comments made by the Police and any objections made. Each application will be considered on its own merits.

Where a hearing has taken place before the Public Protection Sub-Committee, unless otherwise advised, its decision will be given at the end of the hearing and the applicant and the objectors will receive written confirmation of the decision together with reasons within seven days

## 3.1 Refusal of Licences

The Local Government (Miscellaneous Provisions) Act 1982 provides mandatory and discretionary grounds for refusal of a licence.

### 3.1.1 Mandatory Grounds

A licence **must not** be granted to:

- a) A person under the age of 18;
- b) A person who has had a similar licence revoked within the previous 12 months;
- c) A person, other than a body corporate who is not resident in the United Kingdom, or was not so resident throughout the period of six months immediately preceding the date when the application was made;

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- d) To a body corporate who is not incorporated in the United Kingdom;
- e) To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

## 3.1.2 Discretionary Grounds

A licence may be refused on the following grounds:

- a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason see paragraph 3.2;
- b) If the licence were to be granted, renewed or transferred the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such licence if he made the application himself;
- c) That the number of sex establishments in the relevant locality at the time of the application is made is equal to or exceeds the number which the authority considers appropriate for that locality see paragraph 3.3;
- d) That the grant or renewal of the licence would be inappropriate having regard
  - o To the character of the relevant locality see paragraph 3.4; or
  - o To the use to which any premises in the vicinity are put; or
  - o To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

## 3.2 **Suitability of applicants.**

The Council will need to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:

- a) that the operator is honest

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- b) That the operator is qualified by experience and/or knowledge to run the type of sex establishment and that the operator understands the general conditions and will comply with them
- c) That the operator is proposing a management structure which will deliver compliance with operating conditions, for example through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and in the case of a sexual entertainment venue, policies for the welfare of performers
- d) If the application is for a sexual entertainment venue, that the operator can be relied upon to act in the best interests of the performers e.g. in how they are remunerated, the facilities provided, how they are protected and how and by whom their physical and psychological welfare is monitored
- e) That the applicant can be relied upon to protect the public e.g. transparent charging and freedom from solicitation
- f) That the operator can show either a track record of management of compliant premises, or that he/she has an understanding of the rules governing the type of licence applied for

All applications will be considered but they are unlikely to be granted if any of the following apply:

- a) The applicant has a criminal record. Offences that will be considered particularly relevant include convictions for:
  - Dishonesty
  - Violence
  - Sexual offences
  - Drugs
  - People trafficking
- b) The applicant has previously been involved in running an unlicensed sex establishment;

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- c) If the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves

### 3.3 Number of Sex Establishments

The Local Authority may refuse an application if it is satisfied that the number of sex establishments of a particular kind in the relevant locality at the time the application is made, is equal to or exceeds the number which the authority considers is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil. Blackpool Council has determined that in the Bloomfield, Claremont and Talbot Wards:

- The number of sex shops shall be **one**.
- The number of sex cinemas shall be nil.
- The number of sexual entertainment venues shall be **nil\***.

In all other wards the number shall be nil for all categories of sex establishments

\* Sexual Entertainment Venues with the benefit of a licence immediately before this policy comes into force will be granted 'grandfather rights' meaning applications to renew will not be refused on the ground that the policy for such venues is nil. Such licences may be transferred and varied. Where, however a licence has lapsed or been revoked, new applications will be subject to the new policy on numbers (although a Court's power on appeal is not restricted)

## **3.4 Location of licensed premises**

In considering whether the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority will consider whether the grant of the application would be inappropriate having regard to its proximity to:

- Residential areas,
- Premises which are sensitive because they are frequented by children, young persons or families including, but not limited to educational establishments and leisure facilities such as parks, libraries or swimming pools.
- Shops used by or directed at families or children
- Premises sensitive for religious purposes for example, churches, mosques and temples.
- Places and/or buildings of historical/cultural interest and tourist attractions.
- The Promenade

## **3.5 Conditions**

The Council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises.

The conditions that may be attached to a sex shop licence are shown in Appendix A and conditions that may be attached to a sexual entertainment venue are shown in Appendix B.

## **3.6 Duration of licence**

Licences will be granted for one year unless a shorter period is specifically stated.

## **3.7 Revocation of licences**

The Council may revoke a licence on any of the grounds contained within the Act which include (please note this list is not exhaustive):

- the licence holder no longer being fit and proper
- Poor operation of the premises

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The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before the Public Protection Sub Committee.

## **3.8 Appeals**

There is a right of appeal against the refusal to grant, renew, vary or transfer a licence, the imposition of conditions on a licence and the revocation of a licence.

Appeals must be made to the Magistrates' Court within 21 days starting from the date the aggrieved party is notified of the decision.

It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further no appeal lies against the Licensing Authority's decision made on the discretionary grounds namely:

- That it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
- The use of the premises in the vicinity or the layout, character or condition of the premises.

## **4. Complaints and Enforcement**

### **4.1 Complaints**

Where possible and appropriate the council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

### **4.2 Enforcement**

The Council is responsible for the administration and enforcement of the licensing regime and will have regard to the Quality Standards Enforcement Concordat. The Council will carry out its regulatory functions in a fair, open and consistent manner.

Specifically, the Council is committed to:

- (a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;

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- (b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
- (c) be consistent – to implement rules and standards fairly;
- (d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
- (e) target its regulatory action at cases in which action is needed.

The Council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.

However, proportionate but firm action will be taken against those who commit offences or consistently break the law or breach the conditions of the licence.

The Council has set clear standards of service and performance that the public and businesses can expect. In particular, an enforcement policy has been created that explains how the Council will undertake its role and how the principles of effective enforcement will be achieved.

This policy is freely available from the licensing section, as are details of the corporate complaints procedures, both of which can also be viewed on the Council's website: [www.blackpoolcouncil.gov.uk](http://www.blackpoolcouncil.gov.uk)

## **5. Cancellation of licences**

The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.

In the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.

Where the Council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

# Draft Sex Establishment Policy 2021

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## Appendix A

### Standard conditions for sex shops

#### Exhibition of licence

1. The licence or a clear copy shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism or defacement.

#### Times of opening

2. The premises shall not be open to the public before 9.00 am and shall not be kept open after 11.00 pm on any one day.
3. The premises shall not open on Christmas Day.

#### Conduct of premises

4. The licensee shall maintain good order in the premises
5. No person under the age of 18 shall be admitted to the premises or be employed in the business of the sex establishment
6. no poster, photograph, sketch or painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside, or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.
7. The whole of the exterior of the premises shall be of a material or covered by a material which will render the interior of the premises invisible to passers-by.

#### Change of use

8. No change of use of any portion of the premises from that approved by the Council shall be made until the Council's consent has been obtained thereto
9. No change of use of any portion of the premises from a sex cinema to a sex shop or from a sex shop to a sex cinema shall be effected without the consent of the Council
10. No part of the premises shall be used as a sex encounter establishment or be used in conjunction with any premises so used (whether licensed or not) without the consent of the Council

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## Goods available

11. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
12. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed prominently within the sex establishment
13. No film or video work shall without the consent of the Council be exhibited, sold or supplied on or from the premises unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licence holder by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video work so certified.

## Appendix B

### Standard conditions for sexual entertainment venues

#### External Appearance

1. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Service, Blackpool Council.
2. Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the Council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Council.
3. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council's Delegated Officer and shall be subject to ratification by the Council's Licensing Committee or Public Protection Sub Committee.
4. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 1 and 3.
5. The Council shall approve the design of the front elevation of the premises which shall include reference to the name of the premises, its postal address, opening hours, website address and any security grilles/shutters.
6. As a general rule the name of the premises shall be of an un-contentious nature and light colours used throughout to the Council's approval
7. The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop.
8. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.
9. On the external facing of the inner door, there shall be displayed a warning notice as supplied by the local authority.

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## Control of entry to the premises

10. No person under the age of 18 shall be on the licensed premises.
11. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport
12. The premises shall maintain a refusals log whereby on any occasion a person is refused entry details shall be recorded. The log must be made available on request by Lancashire Constabulary or an authorised officer of the Council.
13. The price for entrance and any compulsory purchases within the venue should be clearly displayed

## Taking of payment for performances

14. All electronic/ card payments will be recorded in a consecutively numbered carbonated book and will include:
  - What the customer has paid for in as much detail as possible
  - All staff members involved in services/ transactions
  - The amount paid
  - The customer will be given the option to sign this record
  - The customer will be given a copy of this
  - These records will be clear and legible

This book will be made available to an authorised Officer on request

15. There will be sufficient measures in place to prevent dancers facilitating their own payment methods i.e. card terminals, internet banking.
16. Dancers will not be allowed mobile phones in any performance areas
17. All card terminals will be at a fix point. There will be CCTV coverage to show the individual making the transaction.
18. Members of staff/ dancers must not assist customers in using cash machines.

## Performances of sexual entertainment

19. No person under the age of 18 shall be on licensed premises.
20. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances

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21. There shall be no physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to and from an area permitted for performances of sexual entertainment.
22. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
23. Full nudity is not permitted. Performers and employees must at all times wear at least a G string or similar clothing covering the genitalia.
24. Customers must remain seated for the duration of the performance.
25. Any person connected with or employed by the business who can be observed from outside the premises must be fully dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad means that there is partial nudity or underwear is visible)
26. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.
27. At all times during a performance, performers shall have unrestricted access to a dressing room.
28. Patrons or members of the audience shall not take photographs or record digital images of performers by any means.
29. Exit routes for performers must be kept clear.

## Protection of performers

30. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the police or an authorised officer of the Council. The code shall include the following:
  - The licence conditions relating to performances of sexual entertainment.
  - House rules.
  - Internal disciplinary procedure and details of any financial penalties that may be imposed. This should include a system to ensure that performers suffering a genuine sickness or domestic emergency are not made subject to unfair punitive financial penalties.
  - Drugs monitoring.
  - No contact with customers outside the club.

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- The arrangements for breaks and smoking facilities provided.
- Copies of approved forms of ID supplied by each performer i.e. passport, photo card driving licence or PASS card.

31. Performers shall be provided with secure and private changing facilities
32. Means to secure personal property shall be provided for the performers
33. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area. If no smoking area is provided a maximum of 3 performers may be permitted to take a break at any one time.
34. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work
35. All fees and charges for performers shall be stated in writing and prominently displayed in the changing area.

## Management

36. All performers shall be required to provide valid photographic identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards such as driving licence or passport. Records shall be kept detailing the identification produced and must be made available to an authorised officer on request
37. All performers and staff should be eligible to work in the UK and proof of eligibility records shall be kept on the premises.
38. All performers who engage in an evening of work at the premises shall sign a document to confirm the start and finish time of the shift. The document should be dated and contain the performer's true name as well as the stage name. These records shall be kept for a minimum period of six months and shall be produced on request by an authorised officer.
39. Employment records for performers and staff shall be kept for a minimum of six months following the cessation of their employment.
40. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council.
41. Where the licence holder is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.

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42. The name of the person who has been approved by the Council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
43. No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
44. The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
45. Neither the licence holder nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.

## Exhibition of the licence

46. The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

## CCTV

47. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted. **The CCTV system should store recordings for a minimum of 21 days and images should be made available to the Police of authorised Council officers on request with a minimum of delay.**

## Maintenance and Repair

48. The licence holder shall maintain the licensed premises in good order, repair and state of cleanliness at all times.
49. Should an authorised officer take issue with the condition of any parts of the premises internal or external, notice will be given in writing and must be rectified within a period of 28days from the date of the notice. Any appeal against such notice must be made in writing to the licensing service within 14days of issue. The appeal will be determined by the Public Protection Sub Committee.
50. The licence holder shall take appropriate measures to ensure that refuse from the premises are kept secure from public accessibility pending removal from site.
51. The licence holder shall comply with any fire prevention and safety measures that may be required by the Fire Authority or suitably competent local authority officer.

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## General

52. No part of the premises shall be let

<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan, Service Manager Public Protection
<b>Date of Meeting</b>	19 January 2021

## LICENSING 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 11 September 2020 to 31 December 2020 and to update the Committee on recent licensing enforcement activities.

### 2.0 Recommendation(s):

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

### 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 priority is: "The economy – maximising growth and opportunity across Blackpool".

## 5.0 Background Information

5.1 During the period 11 September 2020 to 31 December 2020, the Licensing Service received ten applications for new Premises Licences. Of these applications six were granted administratively as no objections were received and four are still in the representation period.

5.2 The following were granted administratively:

Applications received prior to 11 September 2020 (listed on update given 22 September 2020)

Woodys, 168-172 Promenade  
Rite Bite, East Topping Street  
Ferndale Hotel, 12 Vance Road  
Lyndurst Hotel, 43 Station Road

Applications received after 11 September 2020

Novello Hotel, 11 Hornby Road  
Warley Local Store, 103 Warley Road  
Harry Ramsdens, Ground Floor, Tower Building  
Bankhall Distillery, 5 Burton Road  
54-56 Whitegate Drive  
Lounge, 86-94 Church Street

5.3 The following applications are still within the representation period:  
Huntsman Male Grooming, 2 Westcliffe Drive – last date for representations 06.01.21  
Nook Wineroom, 1 Cheapside – last date for representations 07.01.21  
De Lovely Guest House, 82 Lord Street – last date for representations 12.01.21  
Jimmy's Café, 1 Trafalgar Road – last date for representations 15.01.21

5.4 During the same period, the Licensing Service also received 2 variation applications, 40 applications to vary the Designated Premises Supervisor and 27 transfers of premises licence.

5.5 Appeals remain outstanding at court against the decision of a licensing panel to vary the premises licences for the Lawton Hotel, Charnley Road and the Beechfield Hotel, Hornby Road. A case management hearing is scheduled for 6 January 2021.

5.6 Licensed premises have had limited trading in recent months due to coronavirus restrictions. The Committee will be provided with a brief verbal update on the work of the licensing enforcement team and allow questions from the Committee.

5.7 Does the information submitted include any exempt information? No

**6.0 List of Appendices:**

None.

**7.0 Legal considerations:**

7.1 None.

**8.0 Human Resources considerations:**

8.1 None.

**9.0 Equalities considerations:**

9.1 None.

**10.0 Financial considerations:**

10.1 None.

**11.0 Risk management considerations:**

11.1 None.

**12.0 Ethical considerations:**

12.1 None.

**13.0 Internal/ External Consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 None.

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