

Appendix 3a: Statement of Licensing Policy 2020

Blackpool Council



Statement of Licensing Policy

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Statement of Licensing Policy

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.

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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 XXXX 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.

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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 35km², 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 5km² 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.

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- 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:¹

- 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.

¹ Blackpool JSNA Alcohol <http://www.blackpooljsna.org.uk/Living-and-Working-Well/Healthy-Lifestyles/Alcohol.aspx>

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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.

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/

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.

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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
- 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

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

3.3 Responsible authorities

- 3.3.1 Although the licensing authority is a responsible authority in its own right, it expects other parties such as local residents, Councillors or community groups should make representations in their own right when they are reasonably able to do so rather than rely on the licensing authority to make representations for them.
- 3.3.2 Public Health. The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health is not yet a licensing objective but Public Health is a responsible authority under the Licensing Act, and the licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities, which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.
- 3.3.3 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.

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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 at relevant representation has been received. Conditions will be devised having regard to the particular circumstances of the application and the physical characteristics of the premises as detailed in the application.

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

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

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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

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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 <http://lape.org.uk> which provides a picture of the levels of alcohol harm in the local area. Applicants are also encouraged to look at the Blackpool Joint Strategic Needs Assessment

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available via <http://blackpooljsna.org.uk> which provides a broader outlook on community issues in Blackpool. Applicants are to consider this information when making their application, demonstrating their understanding of their local community and how their new premises may impact on this. Applicants are encouraged to look at 'examples of good practice' where consideration of the information has been put into action. Examples of good practice include;

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

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

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

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

4.2 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.

A copy of the Order is available from the Council's website -

<https://www.blackpool.gov.uk/Residents/Planning-environment-and-community/Crime-and-safety/Public-Space-Protection-Orders.aspx>

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4.3 Encouraging diversity

Key Message

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

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

4.4 Licensing Hours

- 4.4.1 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.

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- 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 for 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

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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-

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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 XX/XX/2020. 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.

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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.

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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.

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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:

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- 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 of 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.

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5 Temporary Event Notices

5.1 General

- 5.1.1 The system of permitted temporary activities is intended to be a light touch process. Instead of applying for an authorisation, a person wishing to hold an event gives notice to the licensing authority they propose to carry out licensable activities.
- 5.1.2 Temporary Event Notices are subject to various limitations:
- The number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
 - The number of times a TEN may be given for any particular premises (12 times in a calendar year);
 - The maximum duration of an event authorised by a TEN is 168 hours (seven days);
 - The maximum total duration of the events authorised by TENS in relation to individual premises (21 day in a calendar year);
 - The maximum people attending at any one time (fewer than 500); and
 - The minimum period between events authorised under separate TENS in relation to the same premises (not including withdrawn TENS) by the same premises user (24 hours)
- 5.1.3 Proposed activities that exceed these limits will require a premises licence or club premises certificate.
- 5.1.4 Premises users should note that an event beginning before midnight and continuing into the next day counts as two days towards the 21day limit.

5.2 Standards TENS

- 5.2.1 A standard TEN must be given no later than ten working days before the event to which it relates.
- 5.2.2 Where the Police or Environmental Health object to the TEN the applicant can agree to modify the TEN. If no agreement is reached, a hearing will be arranged before a panel of the licensing committee. Following the hearing the panel may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead.

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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.

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6.2 Reviews

- 6.2.1 Any interested party/responsible authority may request a review of a premises licence/club premises certificate. Any request for a review must relate to particular premises for which a premises licence/club premises certificate is in existence and must be relevant to the promotion of the licensing objectives. Any request for a review must be made in accordance with the regulatory requirements.
- 6.2.2 The licensing authority will disregard any representations considered repetitive, frivolous or vexatious.
- 6.2.3 The licensing authority will view particularly seriously applications for the review of any premises licence where it involves the:
- Underage purchase and consumption of alcohol
 - Continuous breaches or contraventions of licence conditions
 - Where serious risks to public safety have been identified and the management is unable or unwilling to correct those
 - Where serious risks to children have been identified
 - Not operating the premises according to the agreed operating schedule
 - Use of licensed premises for the sale and distribution of illegal drugs/firearms
 - Where the police are frequently called to attend incidents of disorder
- 6.2.4 When dealing with premises brought to review, the licensing authority will adopt a yellow card/red card system in appropriate cases. The intention is that problem premises will be identified at an early stage and enforcement agencies will be encouraged to seek reviews when local intelligence suggests that individual premises are selling to children, causing other crime problems or causing noise nuisance.
- 6.2.5 At a first review hearing, responsible authorities will be encouraged to propose a package of new conditions to be added to the licence designed to combat the identified problem. The package will be supplemented, where appropriate, by:
- Removal of the designated premises supervisor
 - Suspension of the licence for up to three months
 - Restrictions on trading hours
 - A clear warning that a further review will give rise to a presumption of revocation
- 6.2.6 The aim of a first review is generally to put the premises on probation, putting them on notice that further breaches will mean a second intervention where revocation of the licence will be considered.

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

6.3 Reviews in connection with underage sales

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

6.3.2 The licensing committee will view very seriously premises reviewed due to under-age sales and although each review will be determined on its own merits, licence holders will be expected to explain how the sales took place and what measures have been put in place to minimise the risk of such sales taking place in the future.

6.4 Reviews in connection with crime

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

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

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

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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.

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Appendix A

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

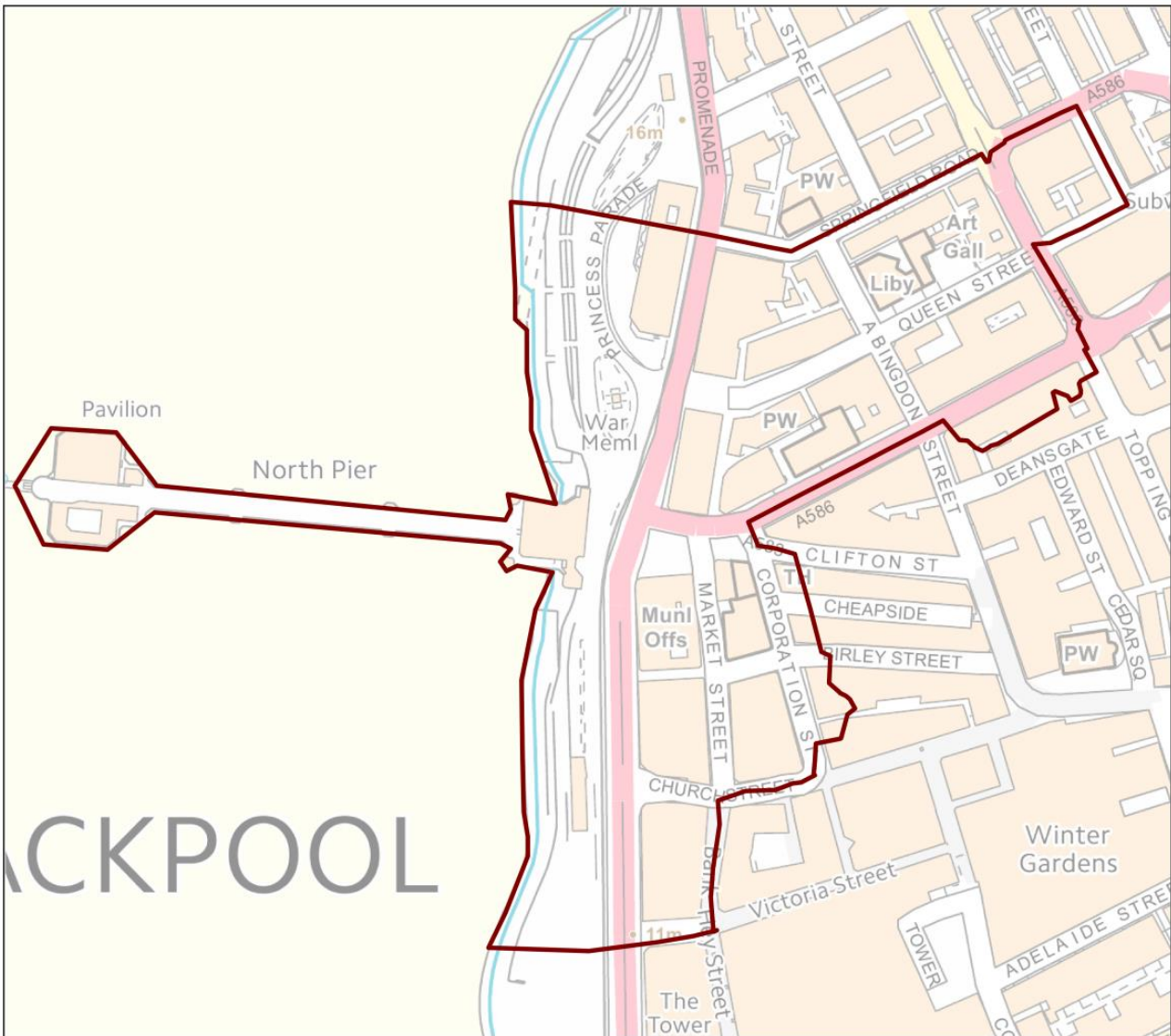
Matter to be dealt with	Full Committee/Panel	Officer Delegation
Application for personal licence	If a police representation made	If no police representation made
Application for premises licence/club premises certificate	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application for a provisional statement	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application to vary premises licence/club premises certificate	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application for a minor variation		All cases
Application to vary Designated Premises Supervisor	If a police representation made (and not withdrawn)	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application to transfer premises licence	If a police representation made (and not withdrawn)	All other cases
Application for interim authority	If a police representation made (and not withdrawn)	All other cases

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Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant, frivolous or vexatious		All cases
Decision to make a representation when local authority is a consultee and not the lead authority		Head of Quality Standards–all cases
Determination of a police representation in respect of a temporary event notice	All cases	

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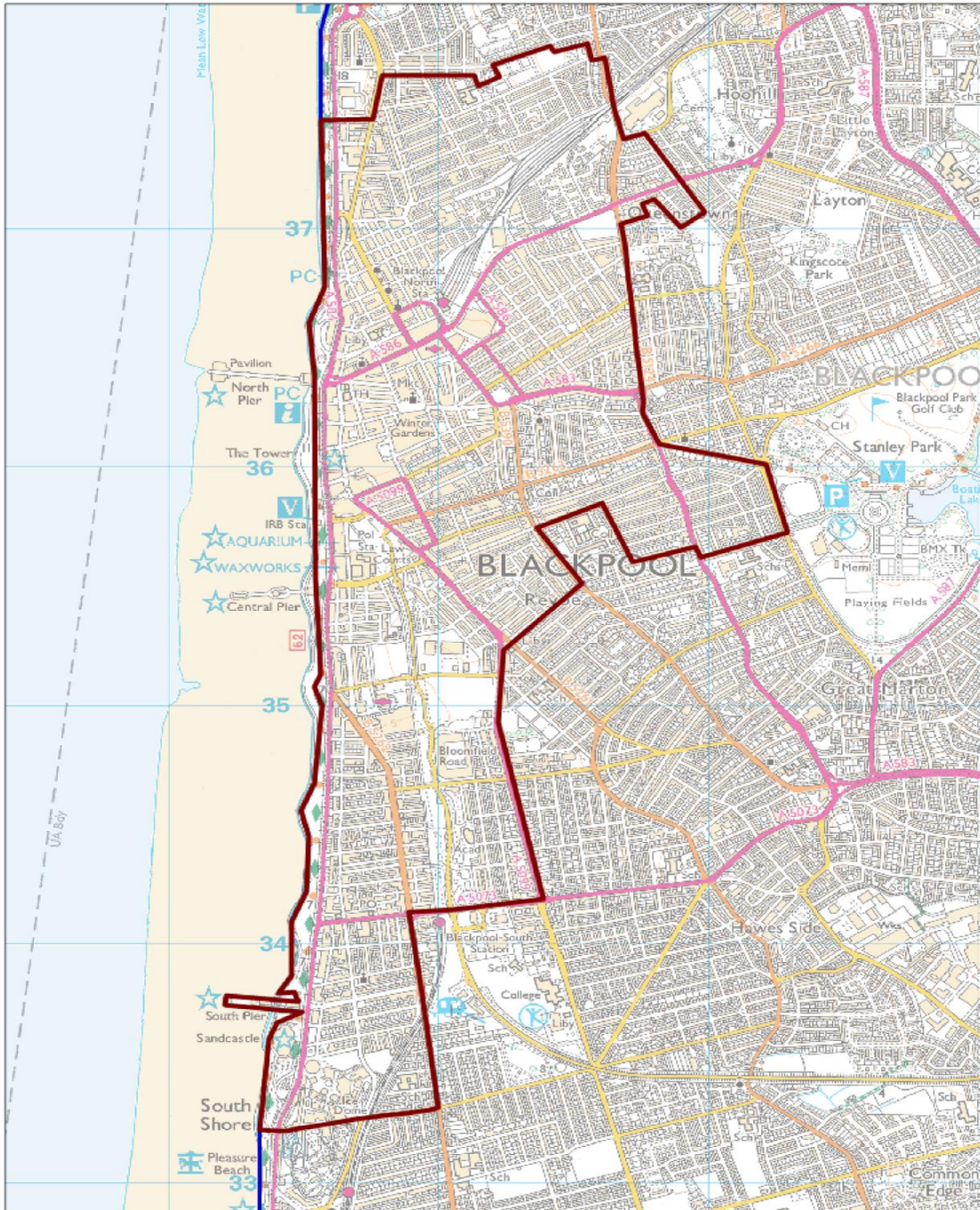
Appendix B – Area covered by Town Centre Cumulative Impact Assessment



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



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