

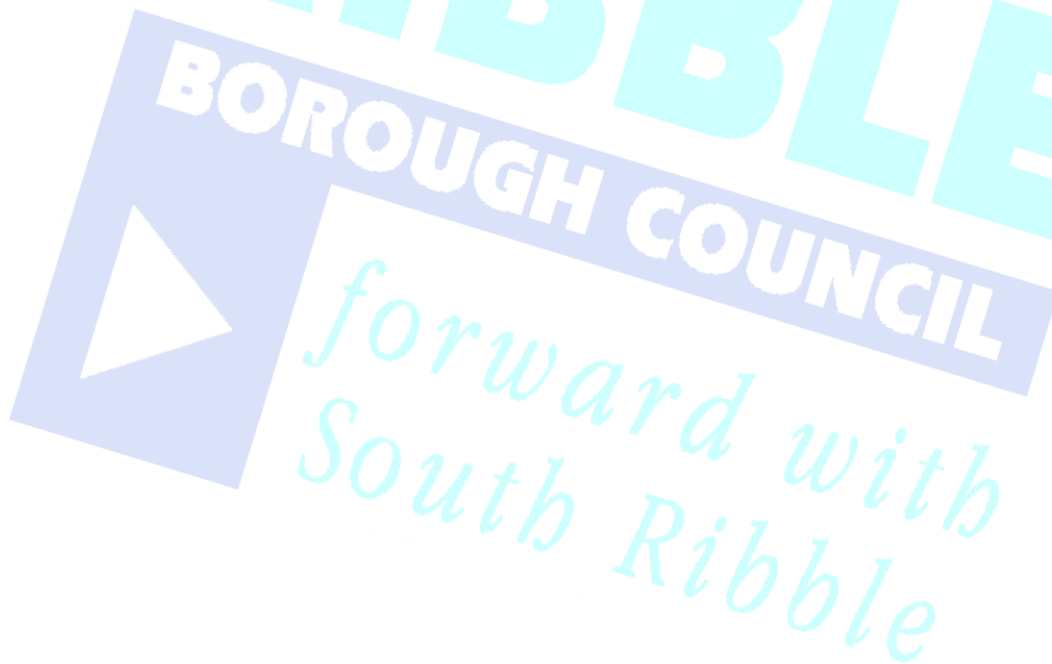


# South Ribble

Borough Council

Licensing Act 2003

**Statement of Licensing Policy**



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## **A Introduction**

### **1. Background**

- 1.1 Section 5 of the Licensing Act 2003 (“the Act”) requires each local authority to produce a statement of licensing policy before any applications for licences can be accepted and thereafter the policy is to be reviewed every 5 years or when required. This statement has been prepared in accordance with the guidance (“the Guidance”) that the Secretary of State has issued further to Section 182 of the Act. This policy is produced following the third review period. South Ribble Borough Council is the licensing authority under the Act.
- 1.2 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshment (premises licence), the supply of alcohol or the provision of regulated entertainment to certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).
- 1.3 The scope of this policy covers new applications, renewals, transfers and variations of licences. It also includes the review of licences that could lead to the revocation of a licence.
- 1.4 This policy statement sets out the manner in which applications for licences, which are required by the Act, will be considered by the licensing authority and the policies the licensing authority will generally apply.
- 1.5 For the purposes of clarity references to the masculine or feminine genders in this policy shall be taken to include the other gender.
- 1.6 In accordance with the guidance under Section 182 of the Licensing Act 2003 the Licensing Authority aims to ensure that the responsibilities of the licensing function are ‘self-financing’. This means the cost of dealing with all matters arising under the act should be wholly met by the fees generated through the Act.
- 1.7 Since the introduction of the Licensing Act 2003 there have been many legislative developments. Applicants and current licence/certificate holders should ensure that they keep abreast of any legislative and/or procedural changes on an ongoing basis.

### **2. Licensing Objectives**

- 2.1 The statement has been developed in accordance with the licensing objectives stated in the Act, namely:
  - *The prevention of crime and disorder*
  - *Public safety*
  - *The prevention of public nuisance, and*
  - *The protection of children from harm*
- 2.2 Each of the licensing objectives is considered to be of equal importance for the purposes of this policy.
- 2.3 The policy statement is designed to deal with matters within the control of the licensee. It focuses on the premises in which each business is carried on and the effect that the carrying on of that business has on members of the public living, working or engaged in normal activity in the vicinity. Licensing law is not envisaged to be used as a mechanism to control anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned.

### **3. Who is Affected?**

3.1 A number of licensable activities are covered by this policy statement and will require a licence under the provisions of the Act. These activities include:

The retail sale of alcohol

The supply of alcohol to members of a club

The provision of entertainment to the public or to members of a club A theatrical performance

A film exhibition

Any indoor sporting event including boxing or wrestling The performance of live music save for performances to an audience of less than 500 between 08.00hrs and 23.00hrs

The playing of recorded music save for performances to an audience of less than 500 between 08.00hrs and 23.00hrs

A 'dance' performance

The supply of any hot food or drink between 23:00 and 05:00 hours

### **4. Situation within the Authority**

4.1 South Ribble is situated at the heart of central Lancashire, covering 44 square miles immediately to the south of the River Ribble.

4.2 South Ribble's location and the excellent transport links to regional and national road and rail networks, together with the proximity of major airports has made it an attractive location in the region for new housing and commercial development.

4.3 The population in South Ribble is approximately 103,900, which has remained relatively stable over the last decade following a period of rapid growth in the 1970s and 1980s.

4.4 The main townships in the borough are Leyland, Penwortham, Walton-le-Dale, Bamber Bridge and Lostock Hall, which also form the main employment and shopping centres. However, there is a mix of urban and rural landscapes and more than 80% of the borough is designated as greenbelt. The western parishes and the eastern areas of the borough are largely rural.

### **5 Right of Application/Representation**

5.1 Nothing in the Statement of Policy will:

- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits, and/or
- Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

### **6. Consultation Process**

6.1 The statement has been developed after proper consultation with statutory consultees as required by the Act plus other interested parties. A list of consultees is included as an appendix.

6.2 The policy has not been drawn up in isolation. The original policy was developed in conjunction with adjoining Lancashire authorities and takes account of the position in those adjoining authorities whilst being tailored specifically to the needs of the area of the licensing authority. Following review and further consultation additions and amendments have been made.

Proper weight will be given to the views of all the persons/bodies consulted before this statement takes effect on 17/04/2020 and will remain in force for a period of not more than five years and will be subject to review and further consultation prior to 2025.

## **B Policy Statements**

### **7. General**

- 7.1 Each application will be considered on its individual merits.
- 7.2 The policy does not seek to introduce 'zones' within the borough where specific activities are concentrated.
- 7.3 The policy does not determine the hours during which alcohol can be sold and, in general, shops will be permitted to sell alcohol during the hours during which they are normally open for trade. However, the licensing authority recognises that some shops may become the focus for antisocial behaviour. In these circumstances the licensing authority will consider carefully any representations that the police, local residents or any other person/responsible authority may make in considering any licence application.
- 7.4 The licensing authority recognises the principle of 24 hour opening of all licensed premises. However, it considers that longer opening hours may be more acceptable in commercial areas with high levels of public transport. In any event the grant of a licence will always be dependent on the impact of an activity in relation to the licensing objectives (see also paragraph 18).
- 7.5 This policy does not seek to regulate matters which are provided for in any other legislation e.g. planning, health and safety, employment rights, fire safety etc.
- 7.6 The licensing authority wishes to encourage licensees to provide a wide range of entertainment activities within the authority throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit of the community.

### **8. Standard Conditions**

- 8.1 The policy does not impose standard conditions and any condition which is imposed, will be tailored to the specific style and needs of the premises to which they relate and will be linked to one of the licensing objectives.

### **9. Mandatory Conditions**

- 9.1 Schedule 4 of the Policing & Crime Act 2009 amended the Licensing Act 2003 to give the Secretary of State power to impose up to nine mandatory licensing conditions in relation to the sale and supply of alcohol under licence.
- 9.2 The Mandatory Conditions from this Act apply to all existing and future premises licences which authorise the sale and supply of alcohol.
- 9.3 The Mandatory Conditions override any conditions already included in a premises licence or club premises certificate as far as they are identical to the existing conditions. As the new conditions are mandatory licensing conditions any breaches will be treated in the same way as breaches of existing conditions. Failure to comply with the conditions attached to a licence or certificate is a criminal offence which on conviction would be punishable by an unlimited fine or up to 6 months imprisonment or both.

#### **9.4 Full List of Mandatory Conditions**

No supply of alcohol may be made under the premises licence -

- a) At a time when there is no designated premises supervisor in respect of the premises licence,

or

- b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.
- 3.(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5.(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.
- 6 .The responsible person must ensure that –
- (a) where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7.(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition: -

a. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where-

i. P is the permitted price,

ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

b. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

i. the holder of the premises licence,

ii. the designated premises supervisor (if any) in respect of such a licence, or

iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **10. Prevention of Crime & Disorder**

10.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment, can be a source of crime and disorder problems.

10.2 The licensing authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business.

10.3 Applicants are recommended to seek advice from licensing authority licensing officers and the police, as well as taking in account, as appropriate, local planning and transport policies, and, tourism, cultural and crime prevention strategies, when preparing their plans and schedules.

10.4 In addition to the requirements for the licensing authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.

10.5 The licensing authority will consider attaching conditions to licences and permissions to deter and prevent crime and disorder both inside and in the immediate vicinity of the premises.

10.6 Generally speaking, when considering the likely impact on crime and disorder of licence application, the licensing authority will give particular consideration to the following:-

a. the training given to staff in crime prevention measures;

- b. the capability of the person in charge to ensure effective and responsible management of the premises;
- c. physical security features e.g. where alcohol is stored;
- d. applicants should consider, wherever possible, the installation of a CCTV system which is operated in accordance with the Information Commissioners Office current codes of practice. If installed, applicants are encouraged to keep all recordable images for a minimum of 28 days in line with guidance received from Lancashire Constabulary; an example of the standards and expectations for the use and management of CCTV systems is as follows;

A Comprehensive CCTV system shall be installed at the premises and will meet the following criteria:

The system will display on any recording the time and date of said recording;

The system will record whenever the premises is open to the public;

Any recordings will be retained for a minimum of 28 days after they are made and will be produced to an authorised officer on request, so long as said request is in accordance with the principals of the Data Protection Act or any subsequent or alternative legislation;

As a minimum, the CCTV will capture a “head and shoulders” image of patrons entering the premises through the main pub entrance.

Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises.

A competent person trained in the use of and operation of the CCTV shall will be in attendance at the premise at all times that licensable activities are taking place.

Said person will be able to fully operate the CCTV system and be able to download data in a recognised format when requested.

- e) weapon detection and search facilities;
- e. procedures for risk assessing promotions and events such as “happy hours” for the potential to cause crime and disorder, and the plans to minimise such risks;
- f. measures to prevent the use or supply of illegal drugs including search and entry policies with particular care as to how seizures or finds are recorded and stored
- g. the employment of licensed door supervisors in appropriate circumstances – such supervisors to be registered with the Security Industry Authority;
- h. where licensed door supervisors are employed such supervisors should be equipped with ‘clickers’ for checking the numbers entering the premises; also an appropriate number of supervisors should be so employed
- i. participation in pub watch scheme or any other appropriate scheme;
- j. measures to be taken for the prevention of violence or disorder;
- k. any agreed protocols with the police and other organisations and a commitment to co-operate and provide such evidence as the police may require;
- l. the presence – or otherwise – of sufficient transport facilities to ensure that customers can leave the premises safely and swiftly.



## 11. **Public Safety**

- 11.1 The licensing authority notes that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation.
- 11.2 The Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, night-clubs, public houses, cafes/restaurants and fast food outlets/takeaways.
- 11.3 Each of these types of premises present a mixture of risks, with many common to most premises, while others are unique to specific operations. It is essential that premises are constructed or adapted or operated so as to acknowledge and safeguard occupants against these risks.
- 11.4 For a licence to be granted the licensing authority will require operating schedules that address these issues satisfactorily and applicants are advised to seek advice from licensing authority Health and Safety officers and the County Fire Officer before preparing their plans and Schedules. Consideration should be given in respect of the smoking legislation contained in The Health Act 2006. Applicants and licence/certificate holders should note that from 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will have ceased to have effect as will any conditions imposed or transferred with the grandfather rights following the introduction of the Licensing Act 2003 unless the conditions and fire safety order are one and the same body; for example, designated sports grounds and stands where local authorities enforce the safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions on existing licences will remain in force and be enforceable by the licensing authority.
- 11.5 Responsibility for complying with the Order rests with the “responsible person”, which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all “relevant persons”. Further information and guidance regarding the Order and fire safety legislation is available from the Communities and Local Government website [www.communities.gov.uk/fire](http://www.communities.gov.uk/fire).
- 11.6 The licensing authority will consider attaching conditions to licences and permissions to promote public safety.
- 11.7 The issues that may be covered by conditions include:-
- i. ensuring that adequate arrangements exist to enable the safe evacuation of persons, including the disabled in the event of an emergency;
  - ii. ensuring the maintenance of all escape routes and exits including external exits;
  - iii. ensuring that safety checks are carried out before the admission of the public and that details of such checks should be kept in a log book;
  - iv. ensuring that arrangements are made requiring any capacity limit imposed under the premises licence or club premises certificates is not exceeded;
  - v. ensuring that notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration;
  - vi. ensuring that the fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a fire log book;
  - vii. ensuring that the local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted;

- viii. ensuring that adequate and appropriate supply of first aid equipment and materials is available on the premises;
- ix. ensuring that in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- x. ensuring that emergency lighting is not altered;
- xi. ensuring that where temporary electrical wiring and distribution systems have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use;
- xii. ensuring that any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.
- xiii. ensuring the employment of licensed door supervisors in appropriate circumstances – such supervisors must be registered with the Security Industry Authority (SIA).
- xiv. where such licensed door supervisors are employed such supervisors should be equipped with 'clickers' for checking numbers entering the premises; also an appropriate number of such supervisors should be so employed

11.8 The list set out in the preceding paragraph is in no way intended to be exhaustive; for example, premises having indoor sports entertainments may well require additional conditions. Theatres and cinemas of course also have their own distinct requirements

11.9 The general principle throughout that the Licensing authority shall have recourse to is that conditions relating to public safety can only be imposed where they are necessary in the particular circumstances of the individual premises and should not duplicate other requirements of the law. For example, the law already provides that any person providing a service to the public must make reasonable adjustments that will enable disabled people to access them. No licensing condition should therefore be attached which conflicts or duplicates this requirement.

## **12. Prevention of Public Nuisance**

12.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping within the vicinity of the premises.

The concerns mainly relate to noise nuisance, light pollution and noxious smells and due regard will be taken on the impact these may have and the licensing authority will expect operating schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Authority's Environmental Health Officers before preparing their plans and schedules.

12.2 The licensing authority will consider attaching conditions to licences and permissions to prevent public nuisance.

In considering all licence applications, the Licensing authority will consider the adequacy of measures proposed to deal with the potential for nuisance and disorder having regard to all of the circumstances of the application, and in particular consider the following: -

- a. the type of activity, the number and type of customers likely to attend;
- b. the levels of noise likely to be generated from the premises;
- c. particular consideration to be given to the effect of the implementation of the smoking legislation on the four licensing objectives

- d. the proposed hours of operation - there is no presumption that the local authority will allow external areas to be used by customers for the consumption of food or drink after 23.00 unless otherwise stated in the particular premises licensing conditions;
- e. the levels of public transport accessibility for customers and the likely means of public or private transport that will be used;
- f. means of access to the premises for customers;
- g. Careful consideration will be given to the dispersal arrangements from premises including the impact of customers waiting around for transport such as taxis or buses or returning to private cars parked in the immediate vicinity. Any foreseeable nuisance in respect of the dispersal of patrons should be mitigated by an adequate and appropriate policy which is implemented and understood by all management and staff at the premises.
- h. the cumulative impact of licensed premises;
- h. frequency of the activity;
- i. the steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises;
- j. the steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage the queue to prevent disturbance or obstruction;
- k. the arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents;
- l. whether routes to and from the premises pass residential premises;
- m. whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises.

### **13. Mechanisms for dealing with Public Nuisance**

- 13.1 The licensing authority recognises that once away from licensed premises a minority of consumers will behave badly and occasionally unlawfully.
- 13.2 The public have the benefit of various methods of control including: -
  - a. planning controls;
  - b. positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
  - c. powers of local authorities to designate parts of the local authority area as places where alcohol may be regulated;
  - d. police enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of Penalty Notice for disorder;
  - e. the prosecution of any personal licence holder or members of staff at such premises who is selling alcohol to people who are drunk;

- f. the confiscation of alcohol from adults and children in designated areas;
- g. police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- h. the power of the police, other responsible authorities or an 'other person' to seek a review of the licence or certificate in question.
- i. The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014<sup>15</sup>. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, a council must consult the local police.

DPPOs will continue to be valid for a period of three years following commencement of the PSPO in October 2014. Once that three-year period expires, they will be treated as a PSPO and enforceable as such. Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times<sup>16</sup>. This allows local authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

#### **14. Protection of Children from Harm**

- 14.1 The policy does not seek to prevent the access of children to licensed premises. Access is at the discretion of the licensee and is neither encouraged nor discouraged by the policy. Conditions relating to access of children will only be imposed where they are necessary to promote the licensing objective of the "protection of children from harm."
- 14.2 Premises that may require conditions relating to access by children may include the following:
  - Where there have been convictions for under-age drinking or where there is evidence of under-age drinking;
  - Where there is evidence of drug taking or drug dealing;
  - Where a strong element of gambling takes place on the premises;
  - Where entertainment of an 'adult' or 'sexual' nature takes place.
- 14.3 On occasions it may be necessary to impose a condition on a premises licence banning entry to those premises by children under the age of 18 years. Options other than a complete ban will include the following:
  - Limiting the hours when children will be permitted in the premises;
  - Stating a minimum age (below 18);
  - Limiting or prohibiting access when certain activities are taking place;
  - Permitting access only when accompanied by an adult
  - Limiting of access to certain parts of the premises when particular licensable activities are taking place;

- Provision of suitable signage;
  - All premises selling/supplying alcohol are encouraged to operate a Challenge 21, Challenge 25 or similar Policy.
  - Such other condition or restriction as may be necessary to achieve the licensing objectives. It shall be noted that there is no presumption in favour of adult entertainment unless specifically authorised.
- 14.4 A complete ban on children entering licensed premises is rarely likely to be necessary.
- 14.5 Nothing in this policy makes it a requirement that children must be admitted to any premises. Licensees are not to provide alcohol to children, except as provided by the Act. The licensing authority expects applicants to be able to demonstrate that they have in place satisfactory arrangements to prevent sales of alcohol to children. The licensing authority recommends that the following documents should be used as evidence of age: -
- Photographic Identity card bearing the PASS hologram
  - Photocard driving licence issued in the European Union
  - Passport
- 14.6 The licensing authority will expect the operating schedule to identify suitable measures to protect children from harm and must therefore demonstrate that those factors, which impact on harm to children, have been considered. In addition, the licensing authority will expect the operating schedule to demonstrate what measures are in place to ensure adequate staff training on the licensing laws relating to children in licensed premises.
- 14.7 The licensing authority will also expect the licensee to demonstrate how they intend to provide for the supervision of children as customers and as performers providing regulated entertainment. Licence holders will be expected to demonstrate that consideration has been given to the welfare of children as performers. As a minimum requirement the licensing authority will require an adult to be nominated to be responsible for such child performers.
- 14.8 Where there is entertainment specifically provided for children (for example a children's disco) the licensing authority will require the presence of sufficient adults to control the access and egress of the children and ensure their safety.
- 14.9 The licensing authority will recommend persons working with children in respect of premises holding regulated entertainment for under 18s to undergo an enhanced criminal record check before they are appointed.
- 14.10 The licensing authority recognise the Social Services directorate of Lancashire County Council or any future body incorporating the functions of a social services department as defined by statute, as being competent to advise on matters relating to the protection of children from harm.

The Policing and Crime Act 2009 introduced new powers and offences relating to the sale and supply of alcohol to children. As stated earlier all applicants or existing licence/certificate holders should ensure that they continue to be aware of their obligations on an ongoing basis.

## **15. Children and Cinemas**

- 15.1 Where a licence is granted for the exhibition of films it will be granted subject to a condition which

requires the licensee to take all reasonable steps to prevent children gaining access to age-restricted films, which they are not old enough to view according to the British Board of Film Classification.

- 15.2 Where it is proposed to exhibit films not classified by the BBFC, the licensing authority will, providing adequate notice has been given, classify the films concerned using the guidelines published by the BBFC.
- 15.3 The licensing authority also retains the right to re-classify any films to be exhibited notwithstanding the BBFC classification if it considers it appropriate in the circumstances.

## **16. Children and Public Entertainment**

- 16.1 Many children go to see and/or take part in an entertainment arranged especially for them, for example children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.
- 16.2 The licensing authority will consider attaching conditions to licences and permissions to prevent harm to children.

## **17. Cumulative Impact**

- 17.1 The policy does not seek to limit the number of licensed premises that will be permitted on the ground that the licensing authority considers that there are already enough licensed premises to satisfy the demand. This is a matter for planning control and the market and not for this policy.
- 17.2 The 'cumulative impact' of the granting of an additional licence, within a particular area, on the promotion of the licensing objectives is, however, a proper matter for the licensing authority to consider under this policy and it may adopt a Special Saturation Policy.

Where the licensing authority receives representations from a responsible authority or an interested party that the cumulative effect of new licences is leading to an area becoming saturated with premises, making it a focal point for large groups to gather in and circulate away from the licensed premises themselves, and that this is creating problems of disorder and/or nuisance over and above the impact of the individual premises, the licensing authority can properly consider whether or not the granting of an additional licence might lead to one or more of the Licensing Objectives being undermined. The principle of cumulative impact will not be used to impose artificial restrictions as:

- All applications will be considered on their merits.
  - No 'quotas' are imposed by this policy.
  - No restriction or limitation on trading hours in a particular area is imposed by this **policy**.
- 17.3 The impact on the promotion of the licensing objectives is a matter that the licensing authority can take into account when considering a particular application

The licensing authority recognises that a minority of consumers will behave badly. Subject to paragraphs 10.2 and 10.3 above, the policy does not address issues relating to the behaviour of individuals or groups unless in the immediate vicinity of the licensed premises. However, the licensing policy statement is part of a framework of measures, which together can be used to address behavioural problems in an area where licensed premises are situated.

## **18. Saturation Controls**

- 18.1 Representations may be received from a responsible authority / other person that an area has become saturated with premises making it a focal point for large groups of people to gather and

circulate away from the licensed premises themselves, creating problems of disorder and nuisance over and above the impact from the individual premises.

- 18.2 In these circumstances, the licensing authority may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.
- 18.3 For the sake of clarity any such special policy would not only relate to applications for new premises but also to any applications for variations which deal with increases in capacity or hours.
- 18.4 The licensing authority will take the following steps when considering whether to adopt a special saturation policy:
- identification of serious concern from a responsible authority or representatives of residents about nuisance and disorder;
  - where it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area;
  - assessing the causes;
  - adopting a policy about future licence applications from that area.
- 18.5 The licensing authority will consider representations based on the impact on the promotion of the licensing objectives of the grant of the particular application in vicinity of the premises in question.
- 18.6 However, the onus would be on the objectors to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.
- 18.7 Once a special saturation policy is adopted then it creates a rebuttable presumption that any application for a new licence or a major variation will be refused if relevant representations to that effect are received.
- 18.8 Once adopted the licensing authority will review any special saturation policies on a regular basis to see whether they have had the effect intended, and whether they are still needed.
- 18.9 The licensing authority will not use such policies solely:
- as the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
  - to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for an increase in the capacity limits.
- 18.10 The licensing authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 18.11 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation and will consider the circumstances of each individual application.

## **19. Licensing Hours**

- 19.1 The policy recognises that longer (more flexible) licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks and private hire offices, fast food outlets etc.
- 19.2 The policy will not set fixed trading hours within any designated area as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise. The licensing authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, the policy recognises that stricter conditions with regard to noise control will be necessary in more densely populated residential areas – where any application will be judged on its merits.
- 19.3 Consequently, the policy will not attempt to artificially introduce ‘staggered’ closing times.
- 19.4 Shops and supermarkets will ordinarily be permitted to sell alcohol at any time during their normal opening hours except where the police have identified a particular outlet as the focus for disorder and disturbance.
- 19.5 Following the implementation of the Licensing Act 2003 it was felt that there was a move to allow longer opening hours. On the 30th September 2006 the Secretary of State wrote to all licensing authorities emphasising that the Act contains no presumption in favour of longer hours and that the four licensing objectives should be paramount in any consideration of a licensing application.

## **20. European Services Directive**

- 20.1 The EU Services Directive was introduced to develop a single market for breaking down barriers to cross border trade within the EU and making it easier for service providers within scope to set up business or offer their services to other EU countries. The Directive requires that all notices and authorisations in scope are able to be completed electronically and via a “single point of contact”.
- 20.2 The Directive was implemented in the UK on 28<sup>th</sup> December 2009 by the Provision of Services Regulations 2009 The UK point of single contact is the Electronic Application Facility which is part of the [www.gov.uk](http://www.gov.uk) website.
- 20.3 Although only regulated entertainment is a “service” as defined under the directive, the Government has extended the electronic application process to all regulated activities under the 2003 Act and to all authorisation and notices with the exception of applications for renewals of, personal licences, reviews and representations. Guidance on the new electronic application process is provided in the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office. It should be noted that the Guidance is regularly updated. And so, you are advised to contact the Home Office for the latest version of the Guidance before submitting any application.

## **21. Personal Licence**

- 21.1 The licensing authority recognises that it has very little discretion when it comes to the granting of these licences. In general, provided an applicant has an appropriate licensing qualification, is aged over 18 years and does not have a relevant or foreign criminal conviction his application must be granted.
- 21.2 Where an applicant is found to have an unspent conviction for a relevant or foreign offence and the police object to the application on crime prevention grounds, the applicant is entitled to a hearing before a Licensing sub-committee.
- 21.3 Where the police have so objected, there will be a presumption against the granting of the licence



unless it can be demonstrated to the Licensing sub-committee that there are exceptional and compelling circumstances to justify granting the same.

- 21.4 At any hearing to determine the grant of a personal licence the licensing authority will have regard to the crime prevention objective. The Licensing sub-committee will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and mitigating circumstances.
- 21.5 The licensing authority requires applicants for personal licences to produce a Disclosure & Barring Service Certificate, or similar, with their application.
- 21.6 The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters.
- 21.7 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017.
- 21.8 Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017. The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.

## **22. Applicants for Premises Licences – See previous information on EU Services Directive**

- 22.1 Any person aged 18 years or over who is carrying on or who proposes to carry on a business that involves the use of premises for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period. "A person" in this context includes a business or partnership. Where the premises are, for example, a managed public house the licensing authority will expect the applicant for a premises licence to be the pub operating company, as the manager (as an employee) would not be able to do so. The same applies to premises such as cinema chains and fast food restaurant chains where the managers, will, similarly, be employees of the operating company.
- 22.2 However, in respect of most leased public houses, a tenant may run or propose to run the business at the premises in agreement with the pub operating company. In such a case it will not be a matter for the licensing authority to decide who should apply for the premises licence but a matter for the tenant and the operating company to agree contractually.
- 22.3 Applications for premises licences must include:
- (a) The required fee;
  - (b) Operating schedule;
  - (c) Scaled Plan of premises;
  - (d) If the application involves the supply of alcohol, a form of consent from the Designated Premises Supervisor.
- 22.4 The licensing authority also request that a copy of the notice to be displayed on the premises together with a copy of the local newspaper notice. This must be done before the expiry of the 28-

day period for representations to be received. Failure to do so may be raised if the matter proceeds before the licensing committee.

22.5 The Operating Schedule must include:

- (a) The licensable activities to be conducted on the premises;
- (b) The times during which it is proposed that the licensable activities are to take place;
- (c) Any other times when the premises are to be open to the public;
- (d) Where the licence is required only for a limited period, that period must be specified;
- (e) Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor;
- (f) Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- (g) The steps which the applicant proposes to take to promote the Licensing Objectives.

22.6 All applicants are encouraged to liaise fully with all responsible authorities BEFORE completing their operating schedule and submitting their applications to the Local Authority.

22.7 All applicants who intend to be involved with the sale of alcohol are encouraged to join and actively participate in such schemes as Pub Watch/Off Watch/Best Bar None (or equivalent schemes) (Wherever applicable)

### **23. Representations in respect of Premises Licences**

23.1 Both 'other persons' and 'responsible authorities' are entitled to make representations to the licensing authority on applications for the grant, variation or review of premises licences (see Appendix 1 for definition of 'other persons' and 'responsible authorities').

23.2 The licensing authority will only take into account representations which are relevant. A representation would only be relevant if it relates to the likely effect on the grant of the licence on the promotion of at least one of the licensing objectives. The licensing authority will not take into account any representations from other persons that are frivolous, vexatious or repetitious. It is for the licensing authority to determine on its merits whether any representation by another person is frivolous, vexatious or repetitious. The interested party making representations may not consider the matter to be frivolous or vexatious, but the test is whether the licensing authority is of the opinion they are frivolous, vexatious or repetitious.

23.3 Since the introduction of the Policing and Crime Act 2009 the list of bodies that can make representations has been extended to include – "a member of the relevant Licensing Authority Public Health Department and Home Office.

### **24. Variations to Premises Licence**

24.1 The Licensing Act 2003 sets out the situations where an application can be made to the details on the Premises Licence including changing the name of the Designated Premises Licence Supervisor

24.2 Under the Minor Variation process the applicant is not required to advertise the variation in a newspaper or copy it to the responsible authorities. However, the applicant must consult in the locality by displaying a WHITE notice at the premises (rather than the BLUE notice required for full variations or applications for new premises licences) for a shorter period of 10 working days starting on the day after the minor variation application was submitted. Full details on how to make an application for a variation whether under the minor variations procedure or the full variation procedure can be found in the Licensing Act 2003 and Section 182 Guidance.

24.3.1 In accordance with the Government recommendation the decisions on minor variations will be delegated to licensing officers. Applicants are advised to contact the Licensing Department prior to submitting applications in order that advice can be sought on whether an application can be

dealt with under the minor variations procedure or not.

## **25. Club Premises Certificates**

- 25.1 “Qualifying” Clubs are organisations where members have joined together for particular social, sporting or political purposes and then combine to buy alcohol in bulk as members. There are therefore technically no sales by retail of alcohol by the club at such premises.
- 25.2 In order for Qualifying Clubs to supply alcohol and provide other licensable activities on club premises, a Club Premises Certificate is required. There is no requirement to specify a Designated Premises Supervisor.
- 25.3 Qualifying conditions are specified in Sections 61 to 64 of the Act and the Licensing authority must be satisfied that these conditions have been met.
- 25.4 The Licensing authority will require the Club to produce an operating schedule which demonstrates how it will promote the Licensing objectives.
- 25.5 The Licensing authority will require the Club Secretary’s contact details to be readily available in the event of an emergency.

## **26. Temporary Event Notices**

- 26.1 Section 100 of the Act states that the organiser of a temporary event must give the licensing authority notice of the event.
- 26.2 Section 100(7) of the Act states that the organiser must give the licensing authority a minimum of 10 working days’ notice. However, in a significant number of cases this time period would not allow enough time for the organiser to liaise with Environmental Health, the police and the relevant licensing authority officers to ensure that the event goes ahead safely with minimum disturbance to local residents.
- 26.3 The licensing authority recommends that temporary event notices are received by the licensing authority and the police at least 28 days before the planned event. This will ensure that full discussion can occur between the organiser and any other interested parties in order that the event can take place with the minimum risk of crime and disorder, public nuisance and to the health and safety of staff and customers.
- 26.4 Additionally, the licensing authority recommends that temporary event notices are not served on the licensing authority, environmental health or the police any more than 3 months before the event is due to take place.
- 26.5 Section 107 of the Act states that a personal licence holder may hold up to 50 Temporary Events each year and a person who is not a personal licence holder may hold up to 5 such events. Each Temporary Event may now last for up to 168 hours and an individual premise may hold up to 15 such events per year so long as the total number of days used for these events does not exceed 21 (see 26.6). The maximum number of persons allowed on the premises at the same time during the temporary event is 499 inclusive of staff and performers.
- 26.6 Late Temporary Event Notices were introduced by the insertion of section 100A into the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011. This Act also changed some of the limits regarding standard Temporary Event Notices – see 26.5.
- 26.7 A Late Temporary Event Notice must be submitted to the Licensing Authority and other bodies no later than 5 working days before the event (not including the day of the event) but no earlier than 9 working days before the event.
- 26.8 The Police Reform and Social Responsibility Act 2011 also now permits Environmental Health to be consulted as a Responsible Authority for Temporary Events as well as the Police. Both parties have three working days to raise representations. Late TENs which attract objections which

cannot be resolved between the applicant and Police and/or Environmental Health will effectively be refused as there is insufficient time to facilitate a hearing.

## **27. Live Music, Dancing and Theatre**

- 27.1 In its role of implementing local authority cultural strategies, the licensing authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children. In this context the licensing authority is aware of the provision of Article 15 of the International Covenant on Economic, Social and Cultural Rights (1976) which require that progressive measures be taken to ensure that everyone can participate in the cultural life of the community and enjoy the arts.
- 27.2 When considering applications for such events and the imposition of conditions on licences or certificates, the licensing authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 27.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 27.4 The licensing authority will monitor the impact of licensing on regulated entertainment, and particularly live music and dancing in the interests of promoting a broad range of entertainment for the community.
- 27.5 Applicants will have mind to the fact that when determining whether a performance of live or recorded music is considered to be regulated entertainment or incidental to another licensing activity the Local Authority will have regard to amongst other things:
- The Frequency/Regularity of events
  - Whether the performance would act as an inducement to customers
- 27.6 The licensing authority will seek to Licence appropriate public spaces for the provision of entertainment.

## **28. Provisional Statements**

- 28.1 Where premises are being or are about to be constructed for the purpose of being used for one or more licensable activities or are being or about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose) a person (aged 18 years or over) may apply for a provisional statement if they have an interest in the property.
- 28.2 An application for a provisional statement must be accompanied by a schedule setting out those details required by section 29 of the act on the prescribed form.
- 28.3 Applications for provisional statements will be dealt with in a similar manner as applications for premises licences. Hearings will be held if relevant representations are made.

## **29. Interim Authority**

- 29.1 Generally, a Premises Licence will remain in force for as long as the premises licence holder continues to operate the business, unless it is specified it has effect for a limited period and that period expires or the licence is revoked.
- 29.2 If a licence holder dies, becomes bankrupt or mentally incapable then the licence will lapse. However, if within a twenty-eight day period of such circumstances (beginning with the day after the licence lapsed) a person who had an interest in the premises or who is connected to the former holder of the licence, gives the Licensing Authority an 'Interim Authority Notice', the premises licence will be reinstated for a period of two months.
- 29.3 A person is deemed to be connected to the former holder of a Premises Licence, if:

- The person is the personal representative in the event of the holders death;
  - In respect of someone who has become mentally incapable is acting under Section 6 of the Enduring Powers of Attorney Act 1985; or
  - In the event of insolvency/bankruptcy is acting as an Insolvency Practitioner
  - Any other person prescribed by regulation;
- 29.4 Interim Authority Notices must also be served on the Police within the twenty-eight day period of being served on the authority. Where required, the Police may raise an objection to the notice under the 'prevention of crime and disorder' objective. The Licensing Authority will then hold a hearing to consider the objection.
- 29.5 The Licensing Authority recognises the need to consider any objections in these circumstances quickly.

### **30. Integration Strategies and Avoiding Duplication**

- 30.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 30.2 Many of their strategies deal in part with the licensing function, and the licensing authority will establish appropriate liaison arrangements to ensure proper integration of local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies.
- 30.3 The licensing authority will liaise with the police regarding the need for the swift and safe dispersal of people from the town centre to avoid concentrations that can produce disorder and disturbance.
- 30.4 The licensing authority recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application.
- 30.5 An application for a premises licence or club premises certificate will normally only be considered after the necessary planning permission has been granted.
- 30.6 The licensing authority recognises the need to avoid so far as possible duplication with other regulatory regimes.
- 30.7 However, some regulations do not cover the unique circumstances of some entertainment and the licensing authority will consider attaching conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

### **31. Human Rights**

- 31.1 Section 6 of the Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights ("the Convention").
- 31.2 The licensing authority shall ensure that they will act in accordance with the Convention when determining any application pursuant to the Act. In particular they shall have regard to the following:-
- Article 6 – that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;
  - Article 8 – that everyone has the right to respect for his home and family life;
  - Article 1 of the First Protocol to the Convention – that every person is entitled to the peaceful

enjoyment of his or her possessions.

## **32. Equality Act 2010**

32.1 The licensing authority reminds applicants that they must be clear of their responsibilities under the Equality Act 2010.

## **33. Enforcement**

33.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act and the licensing authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.

33.2 Local Authority Officers are tasked to ensure compliance with the legislation and regulations. Monitoring of licensed premises will be undertaken to ensure compliance which will include test purchasing schemes and surveillance operations. Licensing Officers work closely with the Police, Trading Standards and other organisations and in addition help to implement any initiatives supported by the Government

33.3 The licensing authority will work closely with the appropriate agencies to establish and maintain to ensure an efficient deployment of police/ fire and rescue and licensing authority officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.

33.4 All enforcement activities will be undertaken in accordance with the Council's Enforcement and Prosecution Policies.

## **34. Licence Reviews**

34.1 At any stage following the grant of a premises licence, a responsible authority, such as the Police or Fire Authority, or another person, such as a resident living in the vicinity of the premises, may ask the licensing authority to review the licence. This must be due to a matter arising at the premises in connection with any of the four licensing objectives. In addition, a review of the licence will follow any action by the police to close down the premises for up to 24 hours.

34.2 In every case the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

34.3 Where the request originates with either a responsible authority or another person the licensing authority may reject any ground for review if such a ground is not relevant to one or more of the licensing objectives. Where the request originates from another person the licensing authority may reject any grounds for review if the licensing authority considers such ground to be frivolous, vexatious or repetitious.

34.4 Following receipt of a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, the licensing authority shall arrange a hearing. The arrangements for the hearing shall follow the provisions to be set out by the Secretary of State in the regulations.

## **Summary Reviews**

34.5 Section 21 of The Violent Crime Reduction Act 2006 has amended the Licensing Act 2003 to make provision for the Police to instigate a summary review of a premises licence in serious cases

of crime and disorder. The 2006 Act requires that the premises must be licensed for the sale of alcohol and that a senior member of the Police force (i.e. of or above the rank of Superintendent) must give a certificate stating that it is his opinion that the premises are associated with serious crime or serious disorder or both.

- 34.6 On receipt of an application from the Police for a summary review of the premises licence the Licensing Authority must:
- i. within 48 hours of the time of receipt, consider whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
  - ii within 28 days after the day of its receipt, Review that licence
- 34.7 In calculating the 48 hours any time that is not on a working day is to be disregarded. The Licensing Authority must give notice to the Premises Licence holder and each Responsible Authority. Notices must be displayed at the premises for 7 consecutive days starting with the day after the licensing authority received the application

#### The Interim Steps Pending Review

- 34.8 The interim steps that the licensing authority must consider taking are as follows:
- a. The modification of the conditions of the premises licence i.e. the alteration, omission or addition of or to the conditions;
  - b. The exclusion of the sale of alcohol by retail from the scope of the licence;
  - c. The removal of the Designated Premises Supervisor
  - d. The suspension of the licence
- 34.9 Where the licensing authority takes one or more of the steps above that decision takes effect immediately or as soon after as the licensing authority directs. Notice must be given immediately to the Premises Licence holder and Chief Officer of Police.
- 34.10 The Premises Licence holder may make representations about the interim steps and should this occur a hearing must be held within 48 hours of receipt to consider those representations. Once again, the 48 hours are determined by working days only.
- 34.11 Advance notice of the hearing must be given to the Premises Licence holder and Chief Officer of Police.
- 34.12 At the hearing the licensing authority must have regard to the certificate from the Police that accompanied the application' any representations by the Police and the representations of the Premises Licence holder
- 34.13 The subsequent full review hearing is to be conducted in accordance with the Review provisions specified in Section 51 of the Licensing Act 2003 i.e. no later than 28 days after the receipt of the certificate from the Police

### **35. Administration, Exercise and Delegation of Functions**

- 35.1 The licensing authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 35.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the delegation of decisions and functions will be as set out in the table on the following page.
- 35.3 With many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to licensing authority officers.
- 35.4 This form of delegations is without prejudice to officers referring an application to the Licensing

Committee, if it is considered appropriate in the circumstances of any particular case.

- 35.5 Decisions in respect of individual applications will be made by a properly appointed licensing sub committee.

#### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	LICENSING SUB-COMMITTEE	OFFICERS
Application for personal licence, with no convictions		All cases
Application for personal licence, with unspent convictions	If a police representation made	If no police representation made
Application for premises licence/club premises certificate	If a representation made	If no representation Made
Application for provisional statement	If a representation Made	If no representation made
Application to vary premises licence/club registration Certificate	If a representation made	If no representation made
Application to vary designated personal licence holder	If a police representation	All other cases
Request to be removed as designated personal licence holder		All cases
Application under the Minor Variation Procedure		All cases
Application for transfer of premises Licence	If a police representation	All other cases
Application for Interim Authorities	If a police representation	All other cases
Application to review premises licence/ club premises Registration	All cases	
Application for Summary Review	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		All cases
Decision to object when local authority is a consultee and not the lead authority		All cases
Determination of a representation to a Temporary event notice	All cases	

The Licensing Authority will set out how applications are processed, taking account of statutory time-scales, and will indicate the circumstances in which decisions have been delegated to officers and which need to be considered by the Licensing Committee.



## **Appendices (Appendix 1, 2 & 3 do not form part of the policy)**

Appendix 1 - Glossary of terms Appendix 2 - Useful contacts Appendix 3 – Consultees

### **APPENDIX 1**

#### **Glossary of Terms**

##### **Licensable Activities**

- a) the sale by retail of alcohol,
- b) the supply of alcohol by or on behalf of a club to, or to the Order of, a member of the club,
- c) the provision of regulated entertainment,
- d) the provision of late night refreshment.

##### **Qualifying Club Activities**

- a) the supply of alcohol by or on behalf of a club to, or to the Order of, a member of the club,
- b) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place, and
- c) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

##### **Regulated Entertainment**

- a) a performance of a play,
- b) an exhibition of a film,
- c) an indoor sporting event,
- d) a boxing or wrestling entertainment,
- e) a performance of live music,
- f) any playing of recorded music,
- g) a performance of dance,

##### **Other Persons**

As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence.

Whilst any of these persons may act in their own right, they may also request that a

representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

### **Responsible Authority**

- a) the chief officer of police for any police area in which the premises are situated,
- b) the fire authority for any area in which the premises are situated,
- c) the enforcing authority within the meaning given by Section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
- d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (C.8) for any area in which the premises are situated,
- e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
- f) a body which: -
  - i. represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
  - ii. is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it or such matters.
- g) any licensing authority in whose area part of the premises is situated,
- h) in relation to a vessel;
  - i. a navigation authority (within the meaning of Section 221(1) of the Water Resources Act 1991 (C.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities.
  - ii. the Environment Agency;
  - iii. the British Waterways Board, or
  - iv. the Secretary of State;
  - v. a person prescribed for the purposes of this subsection.
- i) Public Health body;
- j) any other bodies that are subsequently specified by regulations.

### **Temporary Event**

The use of the premises for one or more of the licensable activities during a period not exceeding 168 hours usually where a premises licence covering the licensable activity is not in place.

### **Later Night Refreshment**

A person "provides late night refreshment" if :-

- a) at any time between the hours of 11.00 p.m. and 5.00 a.m., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or
- b) at any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises,

unless the supply is an exempt supply by virtue of paragraph 3, 4 or 5 of Schedule 2 to the Act.

### **Hot Food or Hot Drink**

Food or drink supplied on or from any premises is “hot” for the purposes of this schedule if the food or drink, or any part of it: -

- a) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or
- b) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

### **Personal Licence**

A licence which: -

- a) is granted by a licensing authority to an individual, and
- b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.

### **Premises Licence**

A licence which authorises the premises to be used for one or more licensable activities.

### **Representations**

Relevant – If it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives

Frivolous - Frivolous representations would essentially be categorised by a lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent in order to be relevant.

Vexatious - Vexation may arise because of disputes between rival businesses or persons.

Repetitious - A repetitious representation would be categorised by its similarity to a previous representation which has already been decided upon.

## **APPENDIX 2**

Responsible Authorities under the Licensing Act 2003

<p><b>Licensing Unit</b>  South Ribble Borough Council  Civic Centre  West Paddock  Leyland  Lancashire  PR25 1DH</p> <p>Phone: (01772) 625357  Email: <a href="mailto:licensing@southribble.gov.uk">licensing@southribble.gov.uk</a>  Website:  <a href="http://www.southribble.gov.uk/licensing">www.southribble.gov.uk/licensing</a></p>	<p><b>Chief of Police</b> Lancashire  Constabulary Licensing Unit:</p> <p><a href="#">Lancaster Road North</a>  <a href="#">Preston</a>  <a href="#">PR1 2 SA</a></p> <p><a href="#">Phone (01772) 209795</a>  <a href="mailto:Centrallicensing@lanacshire.pnn.police.uk">E mail: Centrallicensing@lanacshire.pnn.police.uk</a></p>
<p><b>Social Services</b>  Quality &amp; Review Manager  Lancashire County Council  Social Services Directorate  PO Box 162  East Cliff County Offices  Preston  PR1 3EA</p> <p>Tel: (01772) 531256  Fax: (01772) 534910  Email:  <a href="mailto:dave.mchale@socserv.lancscc.gov.uk">dave.mchale@socserv.lancscc.gov.uk</a></p>	<p><b>Environmental Protection and Health &amp; Safety</b>  Environmental Health  South Ribble Borough Council Civic  Centre  West Paddock Leyland  Lancashire PR25 1DH</p> <p>Phone: (01772) 625340  Email: <a href="mailto:envhealth@southribble.gov.uk">envhealth@southribble.gov.uk</a>  Website <a href="http://www.southribble.gov.uk">www.southribble.gov.uk</a></p>
<p><b>Fire Authority</b>  Lancashire Fire &amp; Rescue Service  South Ribble Fire Safety Department  Cuerden Way  Bamber Bridge  Preston  PR5 6BJ</p> <p>Phone: (01772) 334911  Email: <a href="mailto:bamberbridgefiresafety@lancsfirerescue.org.uk">bamberbridgefiresafety@lancsfirerescue.org.uk</a></p>	<p><b>Trading Standards</b> Lancashire  County Council 58-60 Guildhall Street  Preston  Lancashire PR1 3NU</p> <p>Phone: (01772) 533569  Email: <a href="mailto:southribblets@env.lancscc.gov.uk">southribblets@env.lancscc.gov.uk</a></p>
<p><b>Planning Authority</b>  South Ribble Borough Council  Civic Centre  West Paddock  Leyland  Lancashire  PR25 1DH</p> <p>Phone: (01772) 625329  Email: <a href="mailto:planning@southribble.gov.uk">planning@southribble.gov.uk</a>  Website: <a href="http://www.southribble.gov.uk">www.southribble.gov.uk</a></p>	<p><b>Public Health</b></p> <p>Lancashire County Council Public  Health  Room 221, Park Hotel East Cliff  Preston PR1 3EA</p> <p>Email: <a href="mailto:phlicensing@lancashire.gov.uk">phlicensing@lancashire.gov.uk</a></p>

<p><b>ONLY FOR APPLICATIONS IN RESPECT OF LOCAL AUTHORITY PREMISES</b></p> <p>Health &amp; Safety Executive Marshall House Ringway Preston Lancashire PR1 2HS</p> <p>Phone 01772 836200 Web link: <a href="http://www.hse.gov.uk/contact/maps/northwest.htm">www.hse.gov.uk/contact/maps/northwest.htm</a></p>	<p><b>PLEASE NOTE THAT REPRESENTATIONS FOR ENVIRONMENTAL PROTECTION AND ENVIRONMENTAL HEALTH ARE DEALT WITH BY THE SAME TEAM AT SOUTH RIBBLE BOROUGH COUNCIL.</b></p> <p><b>ONE APPLICATION FORM WILL THEREFORE BE SUFFICIENT FOR BOTH RESPONSIBLE AUTHORITIES</b></p>
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### **APPENDIX 3**

#### **Consultees**

- Lancashire Constabulary
- Lancashire Fire and Rescue Service
- Community Safety Partnership
- SRBC Public Health
- LCC Highways
- SRBC Planning
- SRBC Arts Forum
- LCC Social Services
- LCC Trading Standards
- Chorley & South Ribble Business Club
- North and West Lancs Chamber of Commerce
- Campaign for Real Ale (CAMRA)
- Equity
- British Beer and Pub Association
- South Ribble Pub Watch
- Other bodies requesting consultation

In addition;

This policy can be found on the website at [www.southribble.gov.uk/licensing](http://www.southribble.gov.uk/licensing)