



## **Emergency Powers Non-Executive Decisions Agenda**

Wyre Borough Council  
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Please ask for : Democratic Services  
democratic.services@wyre.gov.uk  
Tel: 01253 887606

**Emergency Powers Non-Executive Decisions meeting on Tuesday, 8 December 2020 at 2.30pm, remotely, via Teams**

1. **Apologies for absence**
2. **Declarations of interest**
3. **Licensing Act 2003 - Revised Statement of Licensing Policy 2021-2026** (Pages 3 - 56)

The Corporate Director Environment has submitted a report.

**NOTE:** You may access the meeting via the contact details above.

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Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Emergency Powers Non-Executive Decisions	8 December 2020

## Licensing Act 2003 - Revised Statement of Licensing Policy 2021- 2026

### 1. Purpose of report

- 1.1 To consider the recommendation of the Licensing Committee to adopt the revised statement of licensing policy for 2021-2026.

### 2. Outcomes

- 2.1 To enable the proper discharge of the council's responsibilities for the regulation of licensable activities, including alcohol sales, regulated entertainment and late night refreshment under the Licensing Act 2003 (the Act).

### 3. Recommendation

- 3.1 That the revised statement of licensing policy v05 (**Appendix 1**) be formally adopted by the Council.

### 4. Background

- 4.1 Section 5 of the Act requires Licensing Authorities to publish a statement of licensing policy at least every five years. The policy is subject to full public consultation.
- 4.2 Whilst most functions under the Act may be delegated to the Licensing Committee or its officers, the statement of licensing policy must be adopted by the full Council.
- 4.3 The Council's policy was comprehensively reviewed in 2015, as it had remained relatively unchanged throughout the previous three revisions. As a result of that review, the policy was re-written and Wyre key messages were introduced, marking a substantial shift away from the previous format which had focussed primarily on processes. The current policy was approved by full Council and adopted on 21 January 2016.

- 4.4 The policy sets out Wyre Council's expectations of how licensed premises should operate and what applicants should address in their applications.
- 4.5 When determining applications, members must take into account the Authority's statement of licensing policy, alongside the statutory guidance issued by the Home Office under S.182 of the Act.
- 4.6 Should the Licensing Authority's decision be the subject of an appeal, the Magistrates Court is also required to give due consideration to the Council's published policy.
- 4.7 The section 182 guidance indicates that while statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the Act. A statement of policy must not undermine the right of any person to apply for a variety of permissions and to have any such applications considered on their individual merits. Similarly, no statement of policy should override the right of any person to make representations on an application, or to seek a review of a licence or certificate.

## **5. Key issues and proposals**

- 5.1 The current policy has been kept under review and it is still considered appropriate and fit for purpose.
- 5.2 The draft policy has been updated to include reference to County Lines in the section that deals with the protection of children from harm and to strengthen the advice in respect of Temporary Event Notices (TENs), to reflect our current practice of referring TENs that are part of a larger public event to the Wye Safety Advisory Group.
- 5.3 The rest of the policy has not been materially changed as a result of this review, although it has been reformatted to satisfy the accessibility requirements for online publications.
- 5.4 Copies of the draft policy were sent directly to the Responsible Authorities. A further 360 letters were sent to Councillors, statutory and non-statutory bodies, trade associations, faith groups and licence holders about the revised policy, with details of the link to the consultation portal on the council's website. The consultation was also advertised on the Council's website and social media platforms.
- 5.5 The consultation ran for six weeks and ended on 9 November 2020
- 5.6 The Council received a total of seven responses, six through the consultation portal and one letter (**Appendix 2**). Of the six responses in the portal only one submitted any comments, and those relate to some of the suggested conditions applicants may wish to consider including in

their operating schedule and have no impact on the decision making process which the Policy provides for.

- 5.7** Fleetwood Civic Society have been contacted directly about their request for a ceiling on operating times of 02:00 hours, as this could only be achieved through the imposition of an Early Morning Restriction Order.
- 5.8** Wyre Council does not have evidence that crime and disorder associated with late night premises is anywhere near the levels required to justify such a draconian measure, but will continue to deal with individual premises whose operation undermines the Licensing Objectives, including refusing or revoking licences where appropriate.
- 5.9** The Society have also been asked to notify the licensing office of individual licensed premises where littering is causing a nuisance so that the Council can take appropriate steps to address these problems as and when they arise. Many licences include a condition about managing litter and in extreme circumstances licence holders could face prosecution for failing to comply with their conditions, where other interventions have failed.
- 5.10** In the absence of any other responses, the policy is presented as drafted for approval.

<b>Financial and legal implications</b>	
Finance	There are no financial implications arising directly from this report.
Legal	The Licensing Authority must review and publish its statement of licensing policy at least every five years. Members and the Courts must take into account the policy when determining licensing applications.

#### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
ICT	x
data protection	x

## Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Niky Barrett	01253 887236	<a href="mailto:Niky.barrett@wyre.gov.uk">Niky.barrett@wyre.gov.uk</a>	13 November 2020

List of background papers:		
name of document	date	where available for inspection
Statement of Licensing Policy V04	21 January 2016	Licensing Office

## List of appendices

Appendix 1 – Draft Statement of Licensing Policy V05

Appendix 2 – Consultation responses



## Statement of Licensing Policy 2021 – 2026

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Draft V05



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# Wyre's Vision Statement

The Council aims to ensure that Wyre offers a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment.

Those venues granted licences under the Licensing Act 2003 are expected at all time to operate responsibly and safely to ensure that residents and visitors alike can benefit from a diverse range of businesses but not to the detriment of their quality of life or health.

This Policy complements the aims of the Corporate Business plan for Wyre which has an emphasis on partnership working, its main theme being "Together we make a difference".

## 1. Purpose and Scope of the Licensing Policy

Section 5 of the Licensing Act 2003 requires licensing authorities to publish a 'statement of licensing policy' at least every five years, which sets out how they intend to exercise their functions.

The policy sets out a general approach to making licensing decisions, however each application will always be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only engaged where relevant representations are made.

The Policy covers regulated licensable activities at 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 and covers the following licensable activities:

- retail sale of alcohol for consumption on and of the premises
- 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 23:00hrs and 05:00 hrs (for consumption on or off the premises)

In exercising its powers the licensing authority will have regard to this policy and any statutory guidance issued by the Secretary of State, but this does not mean that the policy and guidance must be followed at all times to the letter. The authority may depart from it, if it is satisfied that it is appropriate in the circumstances to do so.

## 2. Development of this Policy

In accordance with the Act and prior to the publication of this policy, the licensing authority has consulted on its content. Although not an exhaustive list, this included; elected members, the licensed trade, responsible authorities, organisations representing residents, current licence holders and organisations who work in the alcohol harm field. The draft policy was also published on the Council's website to enable members of the public to respond.

This policy takes effect on 22 January 2021 and will remain in force for a period of not more than five years.

Any reference to a statute or statutory provision is a reference to it as it is in force for the time being, taking account of any amendment, extension, or re-enactment and includes any subordinate legislation made under it.

### **3. Authority profile**

Wyre Council is one of twelve district councils plus two unitary authorities, which comprise the County of Lancashire.

The Borough of Wyre is situated in the north west of Lancashire and covers an area of almost 283 square miles. To the west of the River Wyre, from which the Borough took its name in the 1974 Local Government reorganisation, is the urban area which incorporates the four main townships of Poulton-le-Fylde, Thornton, Cleveleys and Fleetwood. To the east of the River Wyre is the rural area known colloquially as Over Wyre. With the exception of the fair trade town of Garstang, the communities in the Over Wyre area are centered around villages including: Hambleton; Knott End; Preesall, Pilling and Stalmine.

A map showing the geographical boundaries of the Borough can be found at Appendix 4.

There is a thriving tourism trade within Lancashire with 67.63 million tourism visits, and day visits generated £2.06 billion for the local economy in 2017. Of this, 7% of the visitors were to Wyre (over 4.9 million) generating £372.93 million within the local economy through visitor and tourism business expenditure.

The total population of Wyre was estimated at 110,426 mid-2017, a 2.4% increase on the 2011 census total. The most prevalent age group in Wyre is the 50-54 age group followed closely by the 55-59 age group. Wyre has a significantly higher percentage of over 50's than the NW and England.

There are almost 400 premises in Wyre licensed under the Licensing Act 2003, and around 85% of these are licensed to sell alcohol. These include pubs, clubs, restaurants, cafes, holiday complexes, theatres, cinemas, shops and supermarkets.

Other premises that are not licensed to serve alcohol include village halls, schools, public places and takeaways.

In addition, around 300 Temporary Event Notices are given to the licensing authority each calendar year to authorise licensable activities which are not covered by existing premises licences or club premises certificates.

Premises providing regulated entertainment and/or the sale of alcohol can be found throughout the borough, but a thriving night-time economy prevails in the town centres of Poulton le Fylde. Fleetwood, Thornton Cleveleys and the Fair Trade market town of Garstang also have a considerable number of premises providing entertainment and/or alcohol.

All the main towns have a good provision of late night refreshment premises, catering for the patrons of night time businesses.

Large and small brewery companies have invested in the area with an increasing number of pubs being food led, providing a wide range of food to accompany their alcohol and soft drinks offer. The licensed sector as a whole brings revenue, jobs and choice to the area.

Licensed premises on estates or in rural villages provide a focal point for community life. In other cases, this focal point may be provided by small stores and shops. Village halls also

provide an important resource for many sectors of the community, by hosting a variety of events and entertainment.

The Council has also licensed a number of public open spaces for public entertainment and each year a wide range of events are organised at these spaces, for the benefit of the community. Local businesses which provide catering, entertainment and event specialisms also benefit from such events.

However, in recent years there has been a change to the drinking behavior of the nation, to which Wyre is no exception. There is a greater emphasis on consuming alcohol at home, bought at a lower cost from off-licences or supermarkets. This, together with the change to consumption habits can have a detrimental effect on the area. People and especially younger adults tend to pre-load (drink alcohol at home) before venturing out to licensed premises

It is a fact that over consumption of alcohol can lead to health problems which not only financially impacts the NHS, but can have devastating effects on families and the general health of the population, but at the moment the licensing objectives do not include public health.

This policy is part of an overall strategy which complements other documents and policies, multi-agency practices and strategies that Wyre Council supports.

## **4. Fundamental principles**

### **4.1 The Licensing Act 2003**

The Act came into force on 24 November 2005, prior to its introduction local Magistrates dealt with alcohol licensing and local authorities were responsible for public entertainment and late night refreshment licensing.

The Act introduced a licensing regime for personal licences, premises licences, club premises certificates and temporary events.

#### **Personal licences**

Applicants must have the right to work in the UK, be able to produce a recent, basic disclosure certificate of convictions and possess a recognised training qualification. Applications must be made to the Licensing Authority in whose area they reside.

These licences do not expire, but may be revoked by the issuing authority or forfeited by the Courts in certain circumstances.

Licence holders must notify any change of name, address or new relevant convictions to the issuing authority which is then required to issue an updated licence, for the prescribed fee.

#### **Premises Licences**

These are granted to premises who wish to provide one or more licensable activities. Premises can include, shops, pubs, clubs, restaurants, cafes, takeaways, village halls and public spaces.

In most cases, premises licensed to sell alcohol must have a Designated Premises Supervisor (DPS). This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. A DPS must hold a valid personal licence. Premises licences are issued subject to an annual fee and the licensing authority must

suspend the licence where the fee is not paid. Licence can be surrendered at any time or varied, transferred or reviewed on application.

### **Club Premises Certificates (CPC)**

CPCs are granted to qualifying members clubs. Qualifying clubs must adhere to their rulebook, elect a committee and be run for the benefit of their members. Only members and bona fide guests that have been signed in by a member of the club are permitted to be supplied with alcohol, or otherwise enjoy licensable activities. Club certificates are issued subject to an annual fee and the licensing authority must suspend the certificate where the fee is not paid.

### **Temporary Events (TENS)**

Under the Act a 'light touch' notification process allows temporary licensable activities to be provided outside the requirements for a premises licence or CPC. TENS can be used to authorise licensable activities on non-licensed premises or to extend hours or activities for those that already hold a permission.

## **4.2 The Licensing Objectives**

The Act is underpinned by 4 Licensing Objectives which are:-

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

## **4.3 Applications**

Under the terms of the Act any individual or body may apply for a variety of permissions and each application will be considered on its own merit. Equally, any responsible authority or other person has a right to make relevant representations on an application, or to seek a review of a licence or certificate in accordance with the Act.

Applicants and those making relevant representations have a right of appeal to the Magistrates' Court if they are aggrieved by the decision of the authority.

## **4.4 Wyre Key Messages**

Throughout this policy are a number of key messages that highlight Wyre Council's expectations with regard to applications and the ongoing provision of licensable activities in the Borough. These key messages do not add to or replace the licensing objectives. However where the licensing authority considers that applications are consistent with the messages:

- It is less likely that responsible authorities and other parties will make representations; and
- The licensing authority will be more likely to be satisfied that the applicant has sought to address any issues arising from the application in a responsible way.

Each application will nevertheless be judged on its own merits.

## **5. Links to other policies and strategies**

The Council's statement of licensing policy does not stand in isolation and the licensing authority will also take account of other local policies covering matters such as crime prevention, anti-social behaviour, culture, transport, race equality, planning and tourism as part of an integrated strategy for the licensing authority, Council, police and other agencies. Many of these policies may not be directly related to the promotion of the four licensing objectives, but may indirectly impact upon them.

### **Equality and Diversity**

All licensing activities will be undertaken in the spirit of and in compliance with the authority's equality and diversity policies and related legislation.

### **Human Rights Act 1998**

The authority recognises that the Human Rights Act 1998 makes it unlawful for a public authority to act in a way that will be incompatible with a convention right. Consequently, an aim of this policy in relation to the decision-making processes, is to ensure that decisions do not breach a convention right.

### **Crime and Disorder**

Section 17 of the Crime and Disorder Act 1998 imposes a duty on Wyre Council, Lancashire Constabulary, Lancashire County Council and others, to consider crime reduction in the exercise of all their duties.

## **6. General approach to licensing**

In undertaking its licensing functions under the Licensing Act 2003, Wyre Council will aim to ensure that licensable activities make a positive contribution to the social, economic, and environmental well-being of the borough and its residents. The authority aims to support a diverse cultural offering, providing something for everyone, in a safe, healthy and welcoming environment. In particular it supports a mixed night-time economy, which attracts all parts of the community, including families, and is not dominated by premises whose primary focus is the sale of alcohol.

It is keen to encourage family-friendly licensed premises where suitable entertainment is provided and to promote premises where parents and young people can enjoy their leisure time together. It recognises that premises within the leisure and hospitality sector of the economy are an important part of its district and are major contributors to the local economy, attracting tourists and visitors whilst sustaining vibrant towns and communities. Leisure income provides employment for those service sectors with a knock-on effect for supporting businesses, often in the daytime economy.

The policy statement takes account of the need to regulate businesses that operate under the Licensing Act whilst balancing any adverse impact of activities on members of the public who live or work in the area concerned. The licensing authority and its committees cannot, however, use the Licensing Act 2003 for any purpose not defined in the Act as a 'licensing objective'.

This policy is not capable of being a universal remedy for all the various forms of anti-social behaviour or other problems associated with licensable activities. Where it is evident that a

licensed premises is responsible for an undesirable event (perhaps by employing unsuitable people or exercising poor standards of management), then the licensing authority will make use of its powers under the Licensing Act 2003, where they offer a remedy.

The authority will not downgrade its commitment to the licensing objectives to assist a failing venue, even if that means that the business ceases trading.

## **7. Avoidance of duplication**

It is not the intention of this policy to duplicate any other regulatory regime, nor will the licensing authority impose conditions that mirror a legal duty placed on operators under other legislation (for example, health and safety at work or fire safety legislation).

Nevertheless, licensees must maintain compliance with other regulatory regimes and are encouraged to adopt best practice wherever possible. Appendix 3 provides a summary of some of the main relevant legislation for operators.

### **7.1 Planning**

The use of premises for licensable activities is subject to planning control. Such use will normally require express planning consent or must otherwise be lawful, i.e. have a certificate of lawfulness issued by the planning authority.

A licence or TEN issued under the 2003 Act does not override any restriction placed on the premises by the planning authority. Premises operating in breach of their planning permission remain liable to enforcement action under planning law.

It should also be noted that a decision made by the Licensing Authority does not relieve an applicant of the need to apply for planning or building control authorisation.

Applicants need to be aware that there may be circumstances when planning restrictions impose an earlier closing time than that authorised under the Licensing Act. Where the operating hours under planning regulations are different to the permitted hours under licensing, the applicant must observe the earlier hours.

The Council is of the view that the licensing authority is not bound by decisions made by the planning authority and vice versa. The two authorities consider different (albeit related) matters, but the only relevant considerations for the Licensing Authority when determining applications are the licensing objectives.

### **Key message 01**

**Licence applications should normally be from premises where**

- **The activity to be authorised by the licence is lawful under the planning regime**
- **The hours sought do not exceed those authorised by any planning permission; and**
- **Any existing hours are appropriate for the use of the premises**

**Note – Where the appropriate planning consent has not been obtained in advance and relevant representations are made, applicants will need to demonstrate that the operation of the premises would not be detrimental to the promotion of the licensing objectives.**



## 7.2 Public Space Protection Order (PSPO)

The authority supports the use of PSPO's as a tool to help address alcohol related crime and disorder in the streets. The Orders give police and council officers' powers to request someone who is drinking alcohol within an area designated by a PSPO, to stop drinking if their behaviour is, or is likely to, cause nuisance or disorder. Authorised officers may also confiscate any alcohol that the drinker may have on them. If an individual refuses to follow an officer's instruction then an offence is committed.

Wyre currently has a PSPO that covers the town centre areas in Poulton le Fylde, Fleetwood, Cleveleys and Garstang.

### Key message 02

**The authority expects premises that operate in areas where PSPOs have been implemented, to have suitable measures in place to ensure that their customers do not contribute to drink related anti-social behaviour and breach any order that is in place.**

## 8. The licensing process

All applications for premises licences, club premises certificates, variations and provisional statements must be made in accordance with the Act, associated regulations and guidance, having regard to the content of this policy. Guidance notes are available from the licensing department or the Home Office, and applicants may seek independent advice from an agent or solicitor.

Applications should have particular regard to public safety, noise nuisance, the prevention of violence and drug use and what measures the operator will take to control these.

Applicants are encouraged to work with the licensing authority and all relevant agencies to ensure that the licensing objectives are upheld at licensed premises.

### Key message 03

**Before submitting an application, the licensing authority encourages dialogue with licensing officers and responsible authorities to enable the applicant to fully understand the requirements of the Act and the expectations of the responsible authorities. Failure to fulfil local requirements may result in non-progression of the application.**

### 8.1 The application

The operating schedule must include all the necessary information to enable responsible authorities, or other persons, to assess whether the steps to be taken to promote the licensing objectives are satisfactory and have been fully addressed.

The Licensing Authority will normally expect the operating schedule to reflect the nature of the area where the premises are situated, the type of premises, the licensable activities to be provided, operational procedures, and the needs of the local community in terms of the four licensing objectives.

Applicants are strongly recommended to undertake a thorough risk assessment of their business in order to arrive at a detailed operating schedule which identifies and meets all necessary steps to promote the licensing objectives in relation to the application. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made, which could lead to a hearing.

Applicants should have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the licensing authority. Relevant legislation and guidance documents should also be fully considered before submitting an application.

## **8.2 Consultation on applications**

Applicants are legally obliged to give notice of their application in three ways,

- By serving the full application on each of the responsible authorities. Where applications are submitted electronically, the Licensing Authority is responsible for forwarding it to the responsible authorities.
- by displaying an A4 blue notice at the premises for a period of 28 days and
- placing a notice in a local newspaper.

Each notice must clearly state the nature of the application, the date by which representations must be made, where the application can be viewed and where representations must be sent.

This is to ensure that those people who may be affected by an application are aware of the application.

## **8.3 Representations**

Only relevant representations may be taken into account when considering an application. To be relevant, a representation must address the likely effect of the grant of a premises licence on the promotion of at least one of the licensing objectives. They must also not be judged by the licensing authority to be irrelevant, frivolous or vexatious.

Representations may be received from the responsible authorities, as defined in the Act and include Lancashire Constabulary, Lancashire Fire and Rescue, Environmental Health, Trading Standards, Lancashire Safeguarding Children's Board, the Licensing Authority, Health and Safety, Planning, Public Health Lancashire and for certain application types Home Office Immigration enforcement.

Elected members may make a representation in their own right. They may also make representations on behalf of residents or the applicant. If they are a member of the Licensing Committee they must declare a prejudicial interest in the item. In all these scenarios the elected member making the representation must not be part of the decision making process

Representations may also be received from other persons.

Once submitted to the licensing authority, a representation becomes a public document. The licensing authority must send a copy of the representation to the applicant and it will be included in any report presented to a licensing committee hearing and published on the Council's website.

The licensing authority may choose to withhold some or all of the person's personal details from the applicant, providing instead minimal details, such as the street name. However, withholding such details would only be considered where the circumstances justify such action i.e. where the person has a genuine and well-founded fear of intimidation and might otherwise be deterred from making a representation.

#### **8.4 Determination of applications**

Unless relevant representations are made, applications must be granted in the terms set out in the application, under delegated powers, effective from the day after the 28 day consultation period ends.

Where relevant representations are made, the licensing authority will consider each application whilst having regard to the Statement of Licensing Policy, the Act and section 182 guidance. In determining a licence application, the overriding principle adopted by the Licensing Authority will be that each application will be determined on its individual merits.

In most cases officers from the licensing authority will act to mediate between applicants and persons making relevant representations: seeking to resolve issues, provide additional information such as conditions agreed or amendments to the application to assist in preventing unnecessary hearings.

Where relevant representations remain unresolved, the licensing authority will determine the application by way of a hearing by members of the Council's licensing committee.

When determining an application which has attracted representations relating to the one or more of the Licensing Objectives, particular consideration will be given to the following:

- location and impact of licensed activity;
- intended use and the numbers likely to attend the premises;
- proposed hours of operation;
- scope for mitigating any impact and
- how often the activity occurs;

Where considering applications for premises that are already licensed, the Licensing Authority will take into account any evidence:

- of past good operation of the premises and
- of past demonstrable adverse impact from licensable activities, especially on local residents or businesses.

#### **8.5 Licensing Committee hearings**

Following due consideration of the application, the representations and any submissions from the applicant, the Licensing Committee may:-

- grant the application
- grant the application with amendments (i.e. changes to the permitted licensable activities, hours of operation or the DPS)
- grant the application subject to additional conditions (this may be in addition to amendments to hours and activities)

- refuse to grant the application

In considering imposing conditions as a result of relevant representations, there should be openness, transparency and reasonableness. Licence conditions will be tailored to the individual application and only those deemed appropriate and proportionate to address the representations will be applied.

Conditions that wholly duplicate the requirements of other regulatory regimes will not be imposed.

Any party aggrieved by the decision of the licensing authority has the right of appeal to the Magistrates' Court within 21 days of the notification of the decision.

## **9. Conditions**

### **9.1 Conditions offered on the application form**

An applicant is required to demonstrate how the business will be run and what measures are proposed in order to promote the licensing objectives. The information provided in the operating schedule will be included as conditions on all licences or certificates granted.

Where no representations have been received, the licensing authority must grant the application subject only to such conditions as are consistent with the operating schedule and any mandatory conditions required under the Act.

The licensing authority will draft such conditions to reflect the contents of the operating schedule in clear, unambiguous and enforceable terms.

To assist applicants the licensing department, in conjunction with the responsible authorities, has produced a document containing a wide range of suggested conditions for applicants to consider when putting together their operating schedule, however these are not prescriptive. These suggestions have been drawn from experience relating to differing situations and to offer guidance and will not be automatically imposed. Applicants, agents and solicitors should include appropriate conditions in the operating schedule, but these must be practical and meaningful and not duplicate other legislation.

### **Key message 04**

**Applicants are encouraged to offer suitable conditions such as the examples below, when applying for the relevant licensable activity, in order to promote the licensing objectives**

#### **9.1.1 Applications for the sale or supply of alcohol (on or off the premises)**

- A Challenge 25 proof of age policy shall be implemented and adhered to. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
  - A recognised proof of age scheme accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
  - Photo driving licence.
  - Passport.
  - Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided the sale of alcohol will be refused.

- All staff involved in the sale of alcohol shall receive suitable training in relation to proof of age scheme to be applied upon the premises. All staff receive regular refresher training at intervals of at least 6 months. Records to evidence this will be made available to officers upon request.
- The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol from the premises if it is intended for such a purpose.
- The premises licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premise to be collected and removed at the end of operating hours each night.
- No person in possession of alcohol in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

#### **9.1.2 Applications for the provision of late night refreshment**

- There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
- Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings etc.

#### **9.1.3 Applications that include regulated entertainment after 23.00**

- The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).
- No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

## **9.2 Mandatory conditions**

These are applied to all licences/certificates and currently address issues such as irresponsible drinks promotions, measures of alcohol sold and the price of alcohol, but are subject to change at any time by the Secretary of State.

## **9.3 Conditions imposed at a hearing**

If, after receiving relevant representations, the licensing authority believes it appropriate to do so, it will consider attaching conditions to licences. However, only those which relate specifically to the representations received and are considered appropriate to promote the licensing objectives will be imposed. The authority will not impose disproportionate and over burdensome conditions where there is no need for them. Any conditions considered appropriate will be tailored to the individual style and characteristics of the premises or event.

In addition, licence conditions will not seek to replicate offences which are set out in the Licensing Act 2003. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour or serve alcohol to under 18s is unnecessary as this is already a criminal offence under the Act

Conditions may, however, be attached to a licence which require measures to be taken to meet one or more of the licensing objectives to address a particular problem specific to those premises, even if such measures may also be a general requirement of another regulatory regime

## **10. Variation applications**

There are two types of variation that can be applied for with regard to a premises licence or a club premises certificate where an applicant seeks to alter the hours of operation, licensable activities, conditions or the layout of a premises.

### **10.1 Full variation**

The Licensing Authority requires variation applications to be made in accordance with the statutory requirements and any guidance issued from time to time by the Council. Applications must be accompanied by the appropriate fee, advertised, and notified to the responsible authorities.

There is a 28 day representation period and the criteria for representations is the same as new applications. The full variation process mirrors the procedure for a new licence.

### **10.2 Minor variation**

The Act allows for a simplified procedure for varying a licence where the proposed changes would not have a detrimental effect on the licensing objectives. It cannot be used to substantially increase the licensed area or to increase the hours for the sale or supply of alcohol.

The minor variation process may be used for changes such as:

- minor changes to the structure or layout of a premises
- small adjustments to the licensing hours

- removal of out of date, irrelevant or unenforceable conditions
- addition of licensable activities and
- to dis-apply the mandatory condition requiring the sale of alcohol to be carried out under the authority of a personal licence holder and the need to have a designated premises supervisor in community premises.

Applications to alter the times of other licensable activities under the minor variation procedure will be considered on a case by case basis but there are a variety of matters that will be considered, such as, the nature of the licensable activity, the extent of the additional hours sought, proximity of the premises to residential areas, when the proposed extension will apply and the track record and history of the premises.

The proximity and density of public houses, late night venues etc. will also be taken into account when making a decision on a minor variation application.

Applicants for minor variations may volunteer conditions to remove the risk of an adverse impact on the licensing objectives, either as a result of their own risk assessments or after informal discussions with the responsible authorities. There is no mechanism for the Licensing Authority to impose their own conditions during a minor variation procedure.

If a relevant objection is received in respect of a minor variation application, there is no hearing process and the application cannot be granted. However, the applicant retains the right to submit a full variation, where objections can be considered at a Licensing hearing.

## **Key message 05**

**Applicants should contact the licensing authority at an early stage to determine if the proposed changes proposed in the minor variation application are appropriate and acceptable, or if they warrant a full variation.**

## **11. Temporary Event Notices (TENs)**

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

Temporary Event Notices are subject to the following limitations:

- The number of times an individual 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 (15 times in a calendar year);
- The maximum duration of an event authorised by a TEN is 168 hours (7 days);
- The maximum total duration of the events authorised by TENS in relation to individual premises (21 days in a calendar year);
- The maximum people attending at any one time, including staff and performers, must be no more than 499; and
- The minimum period between events authorised under separate TENs in relation to the same premises by the same premises user (24 hours)

Applicants are encouraged to give the earliest possible notice of events to allow for proper consideration of the event and larger events such as music festivals will be referred to the Wyre Safety Advisory Group. Notification of these events should be made at least 3 months in advance.

### **11.1 Standard TENs**

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

Where the Police or Environmental Health object to the TEN, the applicant can agree to modify the TEN. If no agreement is reached, a licensing hearing will be arranged.

If the premises already has a premises licence or club premises certificate the Licensing (Sub) Committee may decide to impose conditions from the existing licence on the TEN, or issue a counter notice to prevent the event going ahead.

Conditions can only be applied to a TEN in the following circumstances

- If the Police or EH 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.

If the TEN relates to unlicensed premises, the Licensing (Sub) Committee must either endorse the TEN or serve a counter notice after hearing the case.

### **11.2 Late TENs**

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.

Where the Police or Environmental Health 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.

## **Key message 06**

**Temporary event notice givers are encouraged to submit their TEN at least 4 weeks before an event, where an existing premises licence is in operation.**

**TENs for larger events such as music festivals, or community events which include licensable activities, will be referred to the Wyre Safety Advisory Group and notification of these events should be made at least 3 months in advance to allow for proper engagement with all the regulatory bodies.**

## **12. Applications made by Wyre Council**

The Licensing Authority wishes to continue to promote a broad range of entertainment within the borough, including live music, dancing, theatre and other entertainment. To promote this, the council has obtained premises licences for a number of public spaces to encourage activities within these areas and ensure that full use of made of such community facilities.



Events organised by the council are permitted within the terms of the licences and performers and entertainers will not need to obtain an additional licence or a temporary event notice themselves in order to perform. However permission is required from the Council as the premises licence holder.

Should an application be received from a department within Wyre council, officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, the licensing hearing will be impartial and determine the matter on its own merits, as it would any other application.

### **13. The Licensing Objectives**

The matters set out below are included to assist applicants by drawing attention to the issues that they should have in mind when drawing up an operating schedule. Although they may apply to all applications to some degree, they will not necessarily apply equally to all applications.

They cover matters that are likely to be the subject of conditions that may be attached to a licence where the Licensing Authority's discretion has been engaged as a result of relevant representations.

Additional measures may be necessary on an occasional or specific basis such as when a particular event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which likely, to attract larger audiences and/or audiences of a different nature.

Such events can often have a significant impact on the promotion of the licensing objectives. And so reference must be made in an applicant's operating schedule, to such occasions and the additional measures that are planned to mitigate any adverse impact on the licensing objectives.

Any application regarding licensing hours will be considered on its individual merits and this policy makes no presumption about closing times. In determining applications, the potential effect on the four licensing objectives will be paramount. Any premises that is open after midnight has an increased potential to negatively impact on the licensing objectives, be it through noise, customers entering or leaving the vicinity, customers smoking outside the premises, litter or anti-social behaviour. Applicants should look carefully at the provisions they include in the application to ensure that the objectives are upheld.

Applicants should also refer to section 9 (conditions) for examples of conditions that can assist in promoting the licensing objectives.

#### **Key message 07**

**If representations are made, appropriate licence conditions may be applied. These may be stricter if the application seeks to allow licensable activities after midnight, depending on the operating style of the premises. The location and nature of the premises will be taken in account, together with the applicant's proposals as to how they will promote the licensing objectives.**

#### **13.1 Prevention of crime and disorder**

The extent to which conditions should be introduced to control the matters detailed below will be dependent on the individual style and characteristics of the premises, proposed events

and activities. In general, more comprehensive measures should be in place at late night venues or in premises with a history of crime and disorder issues.

### **13.1.1 Underage drinking**

The consumption of alcohol by persons under the age of 18 is recognised as a source of potential crime and disorder which also puts young people's health at risk. Children and young people may obtain alcohol from both on and off licensed premises and therefore both carry equal responsibility to prevent such sales. Operating schedules should specific measures to ensure that the law and practice relating to age restricted sales is adhered to. This should include ensuring that staff have sufficient training and supervision to ensure that no alcohol is served to someone who is under age.

Particular attention should be given to the training of new members of staff to ensure that they are fully aware of their legal responsibilities and compliance required under the Act. Refresher training should also be carried out periodically to keep staff abreast of changes to legislation.

### **Key message 08**

**All premises licensed to sell alcohol are expected to have a policy in place and implement the Challenge 25 standard.**

### **13.1.2 Drunkenness on premises**

Operating schedules should contain measures to prevent drunkenness on licensed premises. This should include ensuring that staff have sufficient training and supervision to ensure that no alcohol is served to someone who is drunk or to someone on behalf of someone who is drunk.

### **Key message 09**

**Licensees are encouraged to actively participate in any voluntary scheme to promote the responsible consumption of alcohol.**

### **13.1.3 Pubwatch schemes**

Wyre Council values the contribution that pubwatch and other best practice schemes make to the reduction of crime and disorder in licensed premises. Where such schemes exist, licensees are encouraged to become active members including implementing any banning orders issued under the scheme.

The pubwatch scheme is run independently by licensees and supported by council and police officers. It is a valuable resource and also helps premises support the licensing objectives, whilst addressing the issues of safety for customers and employees on licensed premises.

### **Key message 10**

**Wyre actively supports local pubwatch schemes and expects participation from licensees in areas where the schemes are run.**

#### **13.1.4 Drugs**

The Licensing Authority recognises that drug use is not something that is relevant to all licensed premises. However applicants should offer appropriate conditions as part of the application to assist in the prevention of drug use in their premises.

### **Key message 11**

**The licensing authority expects all licensees to operate a zero tolerance policy with regard to illegal drugs or legal highs.**

**Management of premises have a duty to inform and co-operate with the police and take all reasonable steps to prevent the entry, use and exchange of illegal drugs on licensed premises. This should include regular checks of toilet areas, recording of incidents and suitable means to store, dispose of or transfer confiscated and found drugs to the police.**

**Prominent notices stating that the management has adopted a zero tolerance policy towards drugs should be displayed in appropriate areas, including toilet areas.**

#### **13.1.5 Door Supervisors**

The licensing authority recognises that good security plans and the provision of door staff can prevent crime and assist in controlling young people unlawfully gaining entry or accessing alcohol.

When deciding if a condition requiring door supervisors is appropriate, the licensing authority will consider the location and capacity of premises and the hours of operation. Generally speaking premises in town centre locations with several licensed premises close by would warrant the employment of door supervisors.

### **Key message 12**

**An adequate number of licensed door supervisors will be on duty as appropriate, in accordance with the risk assessment.**

#### **13.1.6 CCTV**

CCTV can be an important means of deterring and detecting crime at, and immediately outside licensed premises. Applicants are encouraged to consider the installation of CCTV at licensed premises to assist with the protection of staff and the promotion of the licensing objectives.

### **Key message 13**

**The applicant should identify in the operating schedule what systems of security, supervision by staff, and/or CCTV will be in place to promote the licensing objectives.**

**CCTV systems should be fully operational at all times the premises is open and retain footage for at least 28 days. A member of staff should be on site and able to access and downloaded footage whenever the premises are open.**

### 13.1.7 Glasses and bottles

Glass-related injuries, whether accidental or deliberate, can lead to death or major injury and be life changing. As such, the licensing authority encourages the use of toughened glassware or polycarbonate in premises.

It is important that that glasses and bottles are frequently collected to ensure that empty containers do not accumulate in or around the licensed premises. Staff must also prevent the removal of bottles or glasses from the curtilage and grounds of licensed premises, to prevent them being used to cause harm.

Licensees should also be alert to the possibility of breakages of glasses and bottles in outside areas. Consideration should therefore be given to the use of polycarbonate or 'plastic' drinking vessels coupled with other management controls to reduce the likelihood of broken glass in these areas, particularly in gardens that have children's areas attached.

In addition where events such as televised sporting contests or outside functions are to be held, the licensing authority recommends that operators consider the use of polycarbonate glasses in such instances, to promote public safety.

### **Key message 14**

**When replacing stock, glassware made from glass which produces shards when broken should be phased out, in favour of toughened glassware.**

### 13.1.8 Open Containers

Drinks purchased in licensed premises or clubs may only be taken from site for consumption elsewhere, if the licence/certificate permits off sales, subject to any relevant conditions, such as off sales must be in sealed containers only.

No bottles or glasses (sealed or unsealed) may be taken from a premises whose licence permits on sales only.

### **Key message 15**

**The condition 'No drink shall be removed from the licensed premises in an unsealed container', should be considered for inclusion in the operating schedule for any premises licence or club certificate that permits off sales.**

### 13.1.9 Employment of illegal workers

Employers, managers and Premises Licence Holders must adhere to UK employment legislation and ensure that all staff that they are responsible for, have the right to work in the UK. Businesses must have robust procedures to check the identity documents of staff and schedule further checks on at least six monthly intervals during the time they are employed at the premises.

Should an employee be found to be working illegally, agencies will take action against the licence holder and this may include civil and/or criminal enforcement, where penalties are substantial. In addition, if illegal employees are found to be working at a premises, the police may apply for a review of the premises licence, for undermining the crime prevention objective.

The Statutory guidance reinforces the serious nature of such offences and states that it is expected that revocation of the licence should be seriously considered if such a review is brought before members, even in the first instance.

The Home Office produce guidance on this issue and it is suggested that employers and those responsible should contact the Home office if they are in doubt about an employee's right to work in the UK.

## **Key message 16**

**Anyone employed at a licensed premises must have the right to work in the UK and all appropriate identity checks must be carried out on employees.**

**Where premises are subject to a review application, having been found to employ persons who do not have the right to work in the UK, the Licensing Authority will consider revocation in the first instance.**

### **13.2 Promotion of public safety**

The Licensing Authority is committed to ensuring the physical safety of those using licensed premises. Members of the public visiting licensed premises have a right to expect that due consideration has been taken of their needs with respect to safety. Licensees must be able to demonstrate that they have considered and put into effect measures to protect members of the public.

### **13.3 Prevention of public nuisance**

Licensed premises have a significant potential to impact adversely on communities through public nuisances, which can arise from their operation. The licensing authority recognises the need to prevent public nuisance to residents, visitors and other businesses, whilst balancing the rights of licensed premises to develop their business potential.

In considering what constitutes a public nuisance the Licensing Authority will make a judgement as to whether the effect of the licensable activities on those living or working in the surrounding area is unreasonable. It is accepted that such disturbance could affect small numbers of people and does not need to cause a major disturbance to the whole community. Issues which could be considered as public nuisance are mainly noise, light pollution and litter.

#### **13.3.1 Disturbance by patrons leaving the premises**

Whilst it is accepted that once patrons have left the curtilage of a licensed premises, there are limits on what the premises or its staff are able to do to address any associated noise and disturbance, those managing the premises should nevertheless put in place appropriate measures to minimise such nuisance and disturbance.

Management, staff and door supervisors are encouraged to be proactive in assisting customers to leave the premises in an orderly manner, to reduce the nuisance to neighbours arising from noise or poor behaviour, especially after midnight.

Residents are particularly impacted by late night venues and premises should look at procedures and staff training to minimise nuisance and disorder in the locality.

Where a review is brought as a result of late night disturbance being caused to local residents, the Licensing Authority will consider the need to reduce licensable hours in order to promote the prevention of public nuisance objective.

## **Key message 17**

**Operators of any premises licensed under the Act should consider placing notices at exits to ask patrons to respect neighbours.**

**Door supervisors employed at premises must encourage patrons leaving the curtilage of the premises to do so in an orderly manner.**

### **13.3.2 Takeaways**

This policy applies the range of premises licensed under the Act, including late night refreshment venues whose provide hot food or drink between 23.00hrs and 05.00hrs.

Late night takeaways can attract large groups of customers who have come from bars and clubs and who may have consumed considerable quantities of alcohol. These customers can be noisy and cause disturbance in the vicinity, long after other licensed premises have closed.

Applicants should give consideration to these issues and should have written policies for dealing with disorder and nuisance and the litter that customers may generate, when putting together their operating schedule. In particular they should set out measures to address the prevention of crime and disorder and public nuisance objectives.

Operators should risk assess their premises and are encouraged to employ door supervisors to further promote the licensing objectives by managing patrons behaviour.

Operators of late night refreshment venues are not required to hold personal licences in the same way that alcohol licensed premises are. However as customers of these premises are often intoxicated and can be difficult to control, the licensing authority strongly recommends that holders of licences for such premises ensure their staff have received appropriate training to ensure they can deal with such situations effectively and fully uphold the licensing objectives.

### **13.3.3 Noise Nuisance**

Conditions relating to noise nuisance will normally concern the measures necessary to control the levels of noise emanating from the premises. Any conditions necessary to promote the licensing objectives will be tailored to the style and characteristic of particular premises and may include restrictions which ensure that the volume of amplified sound used in connection with entertainment, is under the control of the licensee or management and that the controlling mechanism is operated from a part of the premises inaccessible to the public.

Where applications lead to representations about noise, all appropriate conditions will normally be focused on the most sensitive periods. For example music is more problematical when it is played from late evening until the early hours of the morning when nearby residents are attempting to get to sleep. Outdoor areas used for consumption of food or drink or for smoking may lead to noise issues for nearby residents. Wherever possible designated areas that are away from nearby residents should be used for smoking.



## **Key message 18**

**Outside areas used by patrons should be monitored through the evening, with particular attention to hours after 22.00hrs. Door supervisors should monitor, limit numbers or corral customers in specific areas, where possible.**

### **13.3.4 Beer Gardens**

It is important to note that the consumption of alcohol is not itself a licensable activity. However the consumption of alcohol in areas which are not included in the licence plan (e.g. beer gardens or similar) in any premises licensed for the sale of alcohol 'for consumption ON the premises' only would be unlawful.

It should also be noted that any use of outside areas can cause nuisance to neighbours and operators must make sure that staff regularly check that patrons using any outside area are not causing a nuisance. Staff should be tasked with ensuring that glasses and bottles are collected regularly and not permitted to build up.

Should nuisance issues in an outside area of a premises lead to a review of the licence, members may consider it appropriate to restrict the hours of use of this area.

## **Key message 19**

**If an outside area falls within the licensed area applicants are expected to consider the following condition for inclusion in the operating schedule:**

**'Any outside area used for the consumption of alcohol will cease to be used by patrons after 22.00hrs'**

### **13.3.5 Litter**

The cumulative effects of litter around premises carrying on licensable activities can amount to public nuisance. The licensing authority requires that any premises that can cause litter, be it from a take away food establishment or cigarette debris left by its customers, must remove it at regular intervals and at the close of trading hours.

## **Key message 20**

**Any area used for smoking by patrons must be supervised and cigarette debris cleared away on a regular basis, including at the end of the trading period.**

## **Key message 21**

**Premises such as takeaways must provide suitable litter bins for customers to dispose of litter and these must be emptied regularly.**

### **13.4 Protection of children from harm**

The Licensing Authority is committed to protecting children from moral, psychological and physical harm and views this as an important licensing objective. In particular children should be protected from exposure to strong language, sexual expletives and adult entertainment.

### **13.4.1 Sexual exploitation and safeguarding of children**

The risks will vary from premises to premises depending on the type of licensable activity and the age of the children. The Licensing Authority encourages licence holders and operators of licensed premises to:

- (1) ensure that they are fully aware of the signs of child exploitation including County Lines exploitation and understand that the exploitation of a child whether sexual or linked to County Lines activity is a criminal offence and
- (2) raise the awareness of their staff about the issues of child sexual exploitation and County Lines exploitation and provide intelligence to the appropriate authorities about any concerns they may have about suspicious behaviour of this nature.

Care must be taken when staff are appointed, to ensure that they are not individuals who would use their position to exploit or otherwise harm children.

Applicants should address the following in their operating schedule, where relevant to their particular premises and look to provide conditions to promote the protection of children from harm objective;

All premises:

- Steps to prevent children from being exposed to drugs, drug taking or drug dealing
- Steps to prevent children from being exposed to incidents of violence or disorder;
- Measures to prevent children from being exposed to environmental pollution such as excessive noise;
- Measures to prevent children from being exposed to special hazards such as falls from height;
- Restrictions on the access by children to the whole or any part of the premises, including times when children may not be present.

Premises licensed for the sale of alcohol/entertainment:

- Arrangements to prevent children from acquiring or consuming alcohol;
- Arrangements for the appropriate instruction, training and supervision of staff to prevent children from acquiring or consuming alcohol;
- Arrangements to prevent children from being exposed to gambling (gaming machines on licensed premises)
- Steps to prevent children from being exposed to entertainment of an adult or sexual nature;
- Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
- Means for ensuring that employees responsible for the direct supervision children are suitable and where necessary, disclosures obtained from the Disclosure and Barring Service.

### **13.4.2 Proof of Age Schemes**

The Licensing Authority considers preventing children from obtaining alcohol from licensed premises to be of great importance in protecting them from harm. Applicants must be able to



demonstrate that they have in place, effective arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age scheme. The Licensing Authority is supportive of arrangements, which include using the following documents to verify the age of customers

- A recognised proof of age scheme accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
- Photo driving licence.
- Passport.
- Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided the sale of alcohol will be refused.

The authority supports the PASS accreditation system, which aims to approve and accredit various proofs of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. Staff should have received suitable training in relation to the proof of age scheme to be applied upon the premises and records evidencing this should be kept.

## **Key message 22**

**A new or variation application will not normally be granted where a representation expresses concern regarding child protection or safety, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.**

**In the case of premises giving film exhibitions, the licensing authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Censors or the licensing authority itself.**

## **14. Regulated entertainment**

### **14.1 Live music**

The Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community and in particular, for children and young people.

When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the Licensing Authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.

It should be noted that any activity that falls outside the above definitions is classified as a licensable activity and therefore must be licensed under a premises licence, club premises certificate or a TEN.

## 14.2 Exemptions

Due to legislative changes there has been a partial de-regulation of regulated entertainment, since the introduction of the Act and the following exemptions apply.

	<b>timings</b>	<b>days</b>	<b>audience</b>	<b>Premises</b>	<b>Notes</b>
Live unamplified music	Between 08.00 and 23.00	any	Less than 500 persons	any	
Live amplified music	Between 08.00 and 23.00	any	Less than 500 persons	Alcohol on-licensed premises	Premises must be open for customers under the terms of the licence
Live amplified music	Between 08.00 and 23.00	any	Less than 500 persons	Non-licensed workplace	
Live amplified music	Between 08.00 and 23.00	any	Less than 500 persons	Non-licensed Church hall, village hall, community hall or similar	Consent required from person responsible for premises
Live amplified music	Between 08.00 and 23.00	any	Less than 500 persons	Non-licensed residential premises of a local authority or hospital	Consent required from organisation responsible for premises
Recorded music	Between 08.00 and 23.00	any	Less than 500 persons	Alcohol on-licensed premises	Premises must be open for customers under the terms of the licence
Recorded music	Between 08.00 and 23.00	any	Less than 500 persons	Non-licensed Church hall, village hall, community hall or similar	Consent required from person responsible for premises
Recorded music	Between 08.00 and 23.00	any	Less than 500 persons	Non-licensed residential premises of a local authority or hospital,	Consent required from organisation responsible for premises
Any entertainment	Between 08.00 and 23.00	any	Less than 500 persons	Local authority premises, hospital or school	Entertainment provided by the local authority, health care provider or school
Plays	Between 08.00 and 23.00	any	Less than 500 persons	Any premises	
Dance	Between 08.00 and 23.00	any	Less than 500 persons	Any premises	
Films	Between 08.00 and 23.00	any	Less than 500 persons	Community premises	Not for profit event Consent required from organisation responsible for premises Screening is suitable for age of attendees
Indoor sporting events	Between 08.00 and 23.00	any	Less than 1000 persons	Any premises	

Greco-Roman wrestling or Freestyle wrestling	Between 08.00 and 23.00	any	Less than 1000 persons	Any premises	
Travelling circuses	Between 08.00 and 23.00	any	No limit	Any moveable structure that the audience is held within	Circus may not be located on same site for more than 28 days

## 15. Personal licences

Personal licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off licensed premises.

Any individual with the lawful right to live and work in the UK, may apply for a personal licence at any time from the licensing authority that covers the area that they live in.

The Licensing Authority requires every application for a personal licence to be accompanied by a standard Criminal Record Disclosure from the Disclosure and Baring service, a pass certificate from a recognised training provider, application form, disclosure form and fee.

### Key message 23

**Any criminal record disclosure presented must not be more than one month old, to ensure currency of data**

Should the applicant have any relevant convictions, the police will be consulted and if they raise objections, a hearing will be held to determine the application.

Following the grant of a personal licence, if the holder is charged with a relevant offence, they must notify the court, on first appearance, that they hold a personal licence.

If they are subsequently convicted of a relevant offence they must also notify the Council's licensing department and produce their licence for endorsement.

Under the Policing and Crime Act 2017 the licensing authority has a discretion to revoke, or suspend personal licences for up to six months if it becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty.

## 16. Designated Premises Supervisor (DPS)

### 16.1 Role of the DPS

The holder of a premises licence which permits the sale of alcohol must nominate a personal licence holder to be named on the licence as the DPS. The DPS should normally be the person responsible for the day to day running of the premises. Whilst it is not essential for the DPS to be at the premises the whole time that alcohol is being sold, they should nevertheless visit the premises regularly and be able to attend the premises in the case of an emergency.

Where the DPS is not available at the premises for whatever reason, an individual should be nominated as a point of contact who will have details of where the DPS can be contacted.

Where issues arise on licensed premises and the DPS is found not to be in day to day control, this may lead to a review of the licence. If a review application is made, the Licensing (Sub) Committee may remove the DPS from the licence and/or add conditions to

the licence to address the management failings. In serious cases the licence may be suspended or revoked.

The statutory guidance indicates that a DPS may supervise more than one premises, however, they must be able to ensure that the four licensing objectives are properly promoted and that all the premises supervised operate at all times in accordance with the Act and licence conditions.

There is no requirement for a person to be named as a DPS on a Club Premises Certificate or where an application has been applied for and granted to dis-apply the DPS at a community premises.

## **Key message 24**

**It is expected that a DPS supervising two or more premises is able to ensure that the licensing objectives are properly promoted and that each premises operates at all times in accordance with the Act and conditions on the premises licence. The geographic location of the premises may be taken into consideration.**

### **16.2 Authorisation of alcohol**

The fact that every supply of alcohol must be made under the authority of a personal licence holder, does not mean that only personal licence holders can make such sales or that they must be present at every transaction.

A personal licence holder such as the DPS, may authorise others to sell alcohol and may be absent from the premises when such transactions take place. Authorisations should be given in writing and only to those persons who have been given sufficient training to ensure that the four licensing objectives are not compromised. The personal licence holder will, nevertheless, remain liable for alcohol sales, whether made directly by themselves or by others that they have authorised.

Wyre Council strongly encourages premises licence holders to have at least one personal licence holder on the premises at all times that the premises is open for the sale of alcohol. If a personal licence holder is not on the premises for any reason, provision should be made for the immediate contact of the personal licence holder or Designated Premises Supervisor in the event of an emergency.

## **17. Need for licensed premises**

Demand is a decision for planners and the commercial sector to consider and the licensing authority will not use its decision making powers, policy or practice, seek to restrict the number or type of licensed premises, based purely on the perception of market need for additional licensed premises.

## **18. Cumulative impact**

The authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night, with the potential to increase crime, anti-social behaviour, noise pollution, littering and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure but this may not be attributable to any individual premises.

A licensing authority may adopt a Cumulative Impact Policy (CIP) for an area in which issues are being experienced by residents, visitors or agencies, due to the number of licensed premises in that area. Evidence must be obtained as to the nature and location of the issues occurring and a thorough consultation must take place, before the licensing authority can decide whether such a policy is appropriate.

A CIP creates a rebuttable presumption that new or varied applications for premises licences or club premises certificates, which will add to the existing cumulative impact will normally be refused. However in order for this discretion to be triggered, a representation must be received, otherwise an application will be granted, as applied for, under delegated powers.

The licensing authority recognises that such a policy cannot be absolute and if a policy were to be adopted it would still continue to consider each application on its own merit. For licences that were unlikely to add significantly to the problems of saturation, the application, may still be approved, despite being in a CIP area.

Any discussions concerning the possible introduction of such a policy will also look at the alternatives, to see if they might achieve the same objective.

In the absence of a Cumulative Impact Policy for Wyre, the licensing authority may still consider representations where a body or person believes that an application (new or varied) will have a negative impact on one or more of the licensing objectives. If cumulative impact is being highlighted as the reason for an objection, the responsible authority or other person should state why the application will impact on the area of concern, what the implications will be and whenever possible produce examples or evidence.

It may be that the type of premises or offering will attract more people into an already busy and problematic area, therefore impacting on the licensing objectives that address disorder and/or nuisance. This can apply to those premises who sell alcohol on or off the premises equally to those that do not (takeaways).

Wyre Council encourages applications for restaurants and other predominantly seated venues which do not adversely impact upon the licensing objectives, in contrast to those that predominantly offer vertical drinking.

Two areas of concern have been highlighted by residents and councillors and although at this time there is insufficient data to support a Cumulative Impact Policy for these areas, detailed consideration should be given to the addition of licensed premises in these areas.

The first area, Poulton le Fylde Town Centre has a large concentration of mainly on-licensed premises (pubs, restaurants, bars and late night venues) and whilst these in isolation may not be problematic, large numbers of patrons visiting the area do impact on resources (taxis, public transport, police, street cleaning, food outlets). Therefore if an applicant wishes to add to the number of patrons in the area, or extend their existing opening times, provision should be considered and implemented as to how they can minimise the impact on the area from an additional venue.

The second area of concern is Fleetwood Town Centre, which already has a large number of outlets which provide alcohol for consumption at home. The surrounding area has a high level of social and health problems which have been linked to alcohol misuse. Any operators proposing to add to the number of outlets, or increase the availability of alcohol must consider the wider impact on the community and how they may limit any adverse effects of any further off provision.

## **Key message 25**

**Operators who wish to submit a new premises application in Poulton le Fylde town centre should ensure that the application is robust in its promotion of the licensing objectives and contains a number of appropriate conditions that will prevent the premises contributing to disorder or nuisance in this area.**

## **Key message 26**

**Operators who wish to submit a new premises licence that provides for off sales of alcohol in Fleetwood town centre should ensure that the application is robust in its promotion of the licensing objectives and contains a number of appropriate conditions that will prevent the premises contributing to disorder or nuisance in this area.**

## **19. Enforcement**

### **19.1 General enforcement**

It is the licensing authority's belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders.

The authority will liaise with the local police and other responsible authorities, on enforcement issues, to provide for a more efficient deployment of Local Authority staff and police officers who are engaged in regulating the licensed trade. This will provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch in respect of those low-risk premises that are well run.

Enforcement will, in normal circumstances, be incremental in accordance with the Licensing Units general enforcement policy.

The licensing authority would normally only use its status as a responsible authority to call for a licence review, where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

### **19.2 Complaints**

The licensing authority will investigate complaints against premises that it licences, and where appropriate, will do so in partnership with other agencies. Alternatively it may refer a complaint to other regulators, if it relates to matters that fall wholly outside the provisions of licensing legislation.

When a complaint is made anonymously, such investigations are likely to be very limited, in the absence of any corroborative evidence to substantiate the allegations.

Where possible and appropriate, the licensing authority and Responsible Authorities will give early warning to licence holders of any concerns about problems occurring at premises and associated with the licensing objectives.

Lancashire County Council Trading Standards Service and the Police are the appropriate enforcing authorities for age restricted products such as alcohol, however the licensing authority is also concerned that underage sales do not occur and works alongside these agencies in both proactive and reactive operations.

It will also co-operate with these agencies in seeking to deal with the issues of excessive consumption of alcohol, binge drinking and under-age drinking in so far as it is able to do so within the law.

## **20. Reviews**

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person may apply to the licensing authority for a review of the licence or certificate. The application must relate to the adverse impact that the premises is having on one or more of the licensing objectives.

During the statutory 28 day consultation period, representations either in support of or the review application or in support of the premises under review, may be submitted to the licensing authority by any of the responsible authorities or other persons.

The licensing authority must reject an application for a review if it does not relate to any of the four licensing objectives. Evidence to highlight the areas of concern must be included to give members sufficient information on which to base a decision.

Requests for reviews from other persons will be rejected if the grounds are, in the opinion of the licensing authority, frivolous, vexatious or repetitive. Repetitive grounds can include matters that have been considered at a previous hearing.

Licence reviews will be determined by the Licensing Committee or one of its Sub Committees and the licensing authority will consider the full range of powers available to it in response to the evidence and submissions presented at the hearing.

The police or trading standards may submit an application for a review of a premises where it has been found to be persistently selling alcohol to children. This is where there have been two or more sales of alcohol to children at the premises within three months.

At the review hearing the licensing authority has a broad range of powers in respect of the licence. It may where it considers it appropriate in the circumstances to:-

- revoke the licence/certificate
- suspend the licence/certificate for a period of up to 3 months
- remove the DPS
- remove one or more licensable activities
- amend the permitted hours
- impose additional conditions on the licence
- amend existing conditions on the licence

Suspension of a licence/certificate may be considered appropriate to allow the premises time to review procedures, staffing, conditions and general management of the premises. The suspension period can be used to rectify issues that led to the review and to prevent further occurrences. Suspension of a licence can also be considered to deter the licence holder from allowing the issue that led to the review from being repeated.

### **Key message 27**



**The licensing authority views any repeat sales of alcohol to children gravely and should an application for a review include such concerns members will consider all appropriate available options, including revocation of the licence.**

**Where a review follows an incremental approach to enforcement that has failed to resolve matters, the breaches or failures of compliance will be considered seriously.**

## **Key message 28**

**Residents, businesses and visitors have an expectation of the authority and its partner agencies to ensure that premises within their jurisdiction are fulfilling their legal obligations. This authority will use all tools and powers available to it to assist with this**

### **21. Late Night Levy (LNL)**

There is currently no Late Night Levy in the borough of Wyre, however, the licensing authority could introduce one across its area by virtue of section 125 of the Police and Social Responsibility Act 2011.

A LNL enables the licensing authority to charge licence holders supplying alcohol late into the night, for the extra enforcement costs that may be incurred by the police and the Council as a result of late night trading activity. A levy can be applied to all licensed premises supplying alcohol between midnight and 6.00am, or the licensing authority may choose to exempt specified types of licensed premises such as hotels and guest houses from the LNL.

The legislation requires at least 70% of any revenue generated by a levy, to be given to the Police with the Council retaining the remaining 30%. Before a Late Night Levy could be introduced, the licensing authority must consult as a minimum the police and licence holders that supply alcohol after midnight.

### **22. Early Morning alcohol Restriction Orders (EMROs)**

Wyre does not currently have an EMRO. EMROs enable the licensing authority to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am.

The Police Reform and Social Responsibility Act 2011 (the 2011 Act) amended existing provisions to allow EMROs to be applied more flexibly between midnight and 6am. Licensing authorities may make an EMRO in relation to problem areas, where they have evidence that the order is appropriate for the promotion of the licensing objectives.



## APPENDIX 1 - Table of delegation of licensing authority functions

Matter to be dealt with	Full Committee / Sub Committee	Officer Delegation
Application for personal licence	If police objection is made	All other cases
Application for Premises Licence/Club Premises Certificate	If a relevant representation is made	If no representation made
Application for provisional statement	If a relevant representation is made	If no representation made
Application to vary Premises Licence/Club Premises Certificate	If a relevant representation is made	If no representation made
Application to vary Designated Premises Supervisor	If a police objection is made	All other cases
Minor Variation Application		All cases
Applications to disapply the mandatory conditions	If a Police representation is made	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of Premises Licence	If a police representation is made	All other cases
Applications for Interim authority	If a police representation is made	All other cases
Application to review Premises Licence/Club Premises Certificate	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 relevant authority considering the application	All cases	

## APPENDIX 2 - Glossary of terms

<b>The Act</b>	The Licensing Act 2003.
<b>Licensed premises</b>	All premises that are authorised to provide licensable activities under the 2003 Act by either a premises licence, club premises certificate or TEN.
<b>Alcohol</b>	Includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale.
<b>Appeals</b>	Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged in 21 days. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.
<b>Closure powers</b>	Powers for the police and courts to close premises. The 2014 Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.
<b>Club Premises Certificate</b>	A certificate which licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.
<b>Designated Premises Supervisor</b>	The person designated in the premises licence as the person who is responsible for supervision of the premises e.g. the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.
<b>The Guidance</b>	The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. This is updated at regular intervals to reflect changes in legislation.
<b>Interim Authority Notices</b>	Where a premises licence lapses due to the death, incapacity or insolvency etc. of the holder, specified persons can within 28 days serve an interim authority notice on the Licensing Authority. This revives the licence, subject to police objection, for a period of up to 2 months so the premises can continue trading.
<b>Late Night Refreshment</b>	Supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises e.g. late night takeaways and fast food outlets and restaurants.
<b>Licensable Activities</b>	Activities that must be licensed under the Act: The sale by retailers of alcohol; supply of alcohol by a club; provision of regulated entertainment or qualifying club activities and the provision of late night refreshment
<b>Licensing Authority</b>	Local authorities. In the context of this document Wyre Council
<b>Licensing Committee</b>	A committee of at least 10 but not more than 15 members of the local authority.

<b>Licensing Objectives</b>	<p>The prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.</p> <p>The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.</p>
<b>Licensing Sub - Committee</b>	A panel of 3 councillors appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act.
<b>Mandatory Conditions</b>	Conditions automatically imposed on all premises licences and club premises certificates. The Secretary of State may add to or amend these at any time.
<b>Objection Notice</b>	A procedure whereby the police can object to the grant of a personal licence on the grounds that where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective
<b>Off sales</b>	Retail sale of alcohol for consumption off the premises (off licences, supermarkets), however some premises may have on and off sales, to allow for bottles of wine etc. to be taken away from the premises.
<b>On sales</b>	Retail sale of alcohol for consumption on the premises as defined on the plan that forms Annex 4 to the licence.
<b>Operator</b>	Includes all premises licence holders, club premises certificate holders.
<b>Operating Schedule</b>	A document in a prescribed form that sets out information about how the applicant for a premises licence intends to operate his business. It includes information such as the relevant licensable activities, the proposed licensed hours, any other opening hours, the name of the proposed premises supervisor and steps which it is proposed to take to promote the licensing objectives. Where an applicant for a premises licence submits an operating schedule, and there are no relevant representations (objections), the local authority licensing committee must grant the application and can impose only those conditions on the licence that are consistent with the operating schedule.
<b>Other persons</b>	Any individual, body or business who is entitled to make a relevant representation in respect of an application.
<b>Personal Licence</b>	A licence granted to an individual which authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. It ceases to have effect when revoked, forfeited, surrendered or suspended. The police can object to the grant of a personal licence where the applicant has been convicted of a relevant offence.
<b>Premises Licence</b>	A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities. Has effect until revoked, surrendered or death, insolvency etc. of the holder.
<b>Provisional Statement</b>	A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed
<b>Responsible Authorities</b>	<p>Lancashire Constabulary</p> <p>Lancashire Fire and Rescue</p>

Environmental Health Department - Wyre Council

Health & Safety – Wyre Council or HSE depending on the type of premises

Licensing Authority - Wyre Council

Planning Department - Wyre Council

Trading Standards - Lancashire County Council

Child Protection - Lancashire County Council

Public Health Department - Lancashire County Council

Home Office - Immigration enforcement

<b>Regulated Entertainment</b>	Specified entertainment that takes place in the presence of an audience for their entertainment; and includes the performance of a play, exhibition of a film, indoor sporting event, live music and recorded music, performance of dance, and other entertainment similar to music and dancing
<b>Relevant Offences</b>	Offences relevant to the consideration of an application for the grant of a personal licence and about which the police may serve an “objection notice”. The offences are listed in schedule 4 of the 2003 Act and generally relate to drink, dishonesty, drugs, duty, copyright, food safety, sexual offences & violence.
<b>Statement of Licensing Policy</b>	Each Licensing Authority must every five years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.
<b>Transfer</b>	A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner
<b>Variation</b>	Changes in the operation of a premises, club or event, including variation of operating hours and modification of the premises or the specification of another person as the Designated Premises Supervisor.

## **APPENDIX 3 - Other relevant legislation**

The Licensing Act 2003 may be amended periodically by legislation, however there are a number of Acts and statutory regimes that also impact on licensed premises, as below.

### **1. Planning Legislation and Building Regulations**

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications will not be a re-run of the planning application. The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate.

### **2. Health and Safety at Work Act 1974 and associated legislation**

Wyre Council is the authority for this legislation for most licensed premises in the area.

### **3. Human Rights Act 1998**

Wyre Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operate their business without undue interference (Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

### **4. Disability Discrimination Act 2005**

The Disability Discrimination Act introduced measures to tackle discrimination encountered by disabled people. It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services to disabled people.

### **5 Crime and Disorder Act 1998 Section 17**

This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states, "Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objective of the prevention of crime and disorder fulfils the requirement under this Act.

### **6. Criminal Justice and Police Act 2001**

This Act introduces provisions for combating alcohol related disorder giving the local authority and/or the police the powers to prohibit alcohol consumption in designated public places, to close certain licensed premises due to disorder or disturbance and to close unlicensed premises.

### **7. Policing and Crime Act 2009**

This Act introduces measures to tackle alcohol misuse.

## **8. Environmental Protection Act 1990**

This covers a wide range of types of pollution including noise pollution.

## **9. The Clean Neighbourhoods and Environment Act 2005**

This provides local authorities with an additional power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11.00pm and 7.00am.

## **10. Anti-Social Behaviour, Crime and Policing Act 2014**

### **Chapter 1 - Section 43 – Community Protection Notice**

The community protection notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible. A CPN can be issued by an authorised council officer if they are satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable.

### **Chapter 2 – Section 59 – Public Space Protection Orders**

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed

### **Chapter 3 – Section 76 – Closure Powers**

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. A closure notice can be issued for 24 hours if the council or police officer (of at least the rank of inspector) is satisfied on reasonable grounds:

- that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring. The closure notice can be issued in the first instance for 48 hours or extended from 24 hours up to a maximum of 48 hours by the council's chief executive officer (head of paid service) or designate thereof, or by a police superintendent.

### **11. Health Act 2006 (Workplace Smoking Ban)**

The ban on smoking in all enclosed work places and public places came into force on the 1 July 2007. The ban includes smoking in pubs, restaurants and members clubs where bar or other staff are employed.

### **12. The Regulatory Reform (Fire Safety) Order 2005**

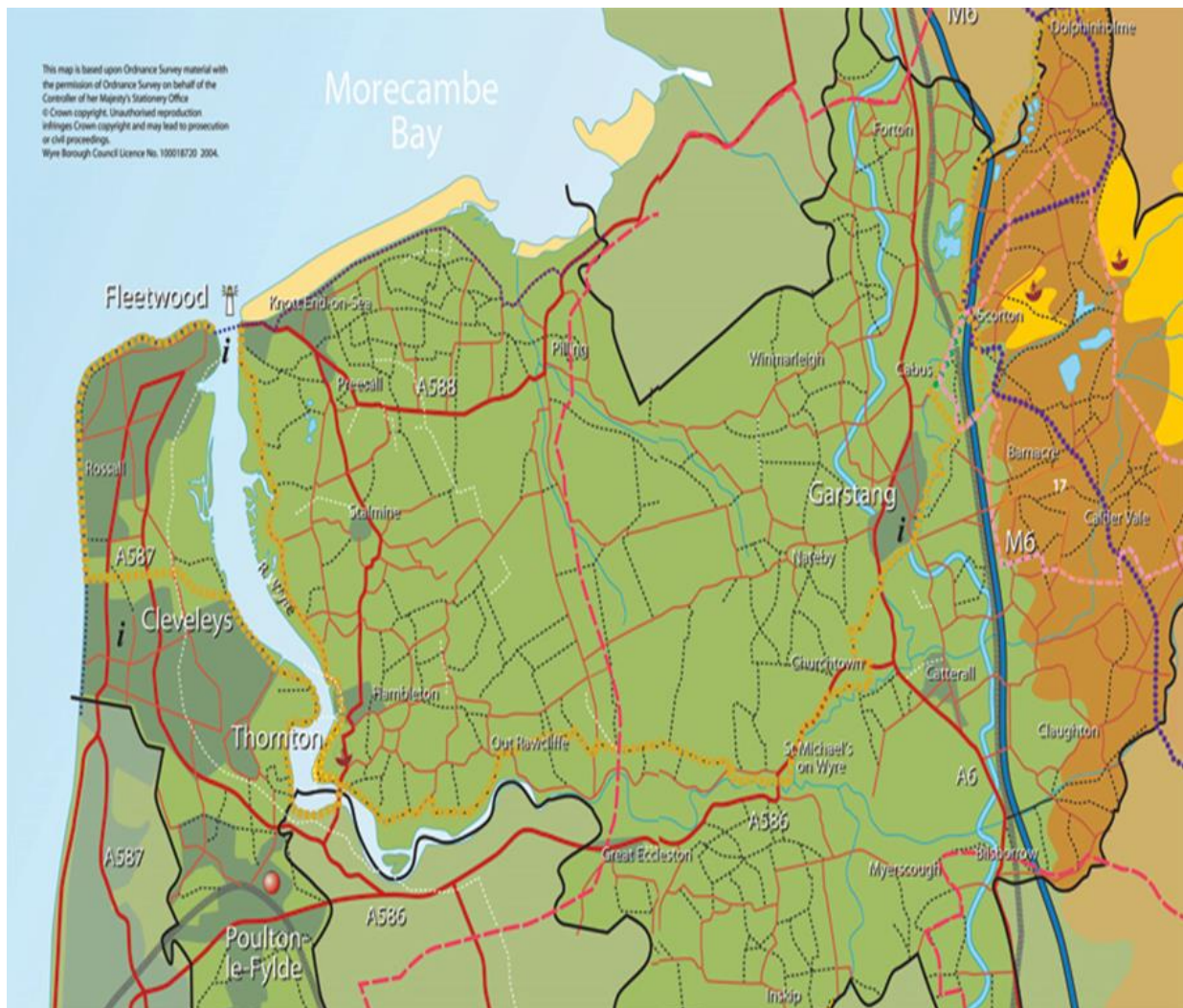
Lancashire Fire and Rescue Service enforce fire safety legislation. The Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaces previous fire safety legislation.

### **13. General Data Protection Regulations**

These regulations place a duty on applicants and the Licensing Authority to ensure that personal and private data is appropriately collected, stored, shared and deleted.

Other relevant legislation was correct at time of print

## APPENDIX 4 - Map of Wyre Borough





## APPENDIX 5 - Wyre Key Messages

Ref	Wyre Key Message
KM01	<p>Licence applications should normally be from premises where</p> <ul style="list-style-type: none"> <li>• The activity to be authorised by the licence is lawful under the planning regime</li> <li>• The hours sought do not exceed those authorised by any planning permission; and</li> <li>• Any existing hours are appropriate for the use of the premises</li> </ul> <p>Note – Where the appropriate planning consent has not been obtained in advance and relevant representations are made, applicants will need to demonstrate that the operation of the premises would not be detrimental to the promotion of the licensing objectives.</p>
KM02	<p>The authority expects premises that operate in areas where PSPOs have been implemented, to have suitable measures in place to ensure that their customers do not contribute to drink related anti-social behaviour and breach any order that is in place.</p>
KM03	<p>Before submitting an application, the licensing authority encourages dialogue with licensing officers and responsible authorities to enable the applicant to fully understand the requirements of the Act and the expectations of the responsible authorities. Failure to fulfil local requirements may result in non-progression of the application.</p>
KM04	<p>Applicants are encouraged to offer suitable conditions such as the examples below, when applying for the relevant licensable activity, in order to promote the licensing objectives</p>
KM05	<p>Applicants should contact the licensing authority at an early stage to determine if the proposed changes proposed in the minor variation application are appropriate and acceptable, or if they warrant a full variation.</p>
KM06	<p>Temporary event notice givers are encouraged to submit their TEN at least 4 weeks before an event, where an existing premises licence is in operation.</p> <p>TENs for larger events such as music festivals, or community events which include licensable activities, will be referred to the Wyre Safety Advisory Group and notification of these events should be made at least 3 months in advance to allow for proper engagement with all the regulatory bodies</p>
KM07	<p>If representations are made, appropriate licence conditions may be applied. These may be stricter if the application seeks to allow licensable activities after midnight, depending on the operating style of the premises. The location and nature of the premises will be taken in account, together with the applicant's proposals as to how they will promote the licensing objectives.</p>
KM08	<p>All premises licensed to sell alcohol are expected to have a policy in place and implement the Challenge 25 standard.</p>
KM09	<p>Licensees are encouraged to actively participate in any voluntary scheme to promote the responsible consumption of alcohol.</p>

KM10	Wyre actively supports local Pubwatch schemes and expects participation from licensees in areas where the schemes are run
KM11	<p>The licensing authority expects all licensees to operate a zero tolerance policy with regard to illegal drugs or legal highs.</p> <p>Management of premises have a duty to inform and co-operate with the police and take all reasonable steps to prevent the entry, use and exchange of illegal drugs on licensed premises. This should include regular checks of toilet areas, recording of incidents and suitable means to store, dispose of or transfer confiscated and found drugs to the police.</p> <p>Prominent notices stating that the management has adopted a zero tolerance policy towards drugs should be displayed in appropriate areas, including toilet areas.</p>
KM12	An adequate number of Licensed Door supervisors will be on duty as appropriate, in accordance with the risk assessment.
KM13	<p>The applicant should identify in the operating schedule what systems of security, supervision by staff, and/or CCTV will be in place to promote the licensing objectives.</p> <p>CCTV systems should be fully operational at all times the premises is open and retain footage for at least 28 days. A member of staff should be on site and able to access and download footage whenever the premises are open.</p>
KM14	When replacing stock, glassware made from glass which produces shards when broken should be phased out, in favour of toughened glassware.
KM15	The condition -'No drink shall be removed from the premises or licensed curtilage in an unsealed container', should be considered for inclusion in the operating schedule for any premises licence or club certificate that permits off sales.
KM16	<p>Anyone employed at a licensed premises must have the right to work in the UK and all appropriate identity checks must be carried out on employees.</p> <p>Where premises are subject to a review application, having been found to employ persons who do not have the right to work in the UK, the Licensing Authority will consider revocation in the first instance.</p>
KM17	Operators of any premises licensed under the Act should consider placing notices at exits to ask patrons to respect neighbours. Door supervisors employed at premises must encourage patrons leaving the curtilage of the premises to do so in an orderly manner.
KM18	Outside areas used by patrons should be monitored through the evening, with particular attention to hours after 22.00hrs. Door supervisors should monitor, limit numbers or corral customers in specific areas, where possible.
KM19	<p>If an outside area falls within the licensed area applicants are expected to consider the following condition for inclusion in the operating schedule as follows:</p> <p>'Any outside area used for the consumption of alcohol will cease to be used by patrons after 22.00hrs'.</p>
KM20	Any area used for smoking by patrons must be supervised and cigarette debris cleared away on a regular basis, including at the end of the trading period.

KM21	Premises must provide suitable litter bins for customers to dispose of litter and these must be emptied regularly.
KM22	<p>A new or variation application will not normally be granted where a representation expresses concern regarding child protection or safety, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.</p> <p>In the case of premises giving film exhibitions, the licensing authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Censors or the licensing authority itself.</p>
KM23	Any criminal record disclosure presented must not be more than one month old, to ensure currency of data
KM24	It is expected that a DPS supervising two or more premises is able to ensure that the licensing objectives are properly promoted and that each premises operates at all times in accordance with the Act and conditions on the premises licence. The geographic location of the premises may be taken into consideration.
KM25	Operators who wish to submit a new premises application in Poulton le Fylde town centre should ensure that the application is robust in its promotion of the licensing objectives and contains a number of appropriate conditions that will prevent the premises contributing to disorder or nuisance in this area.
KM26	Operators who wish to submit a new premises licence that provides for off sales of alcohol in Fleetwood town centre should ensure that the application is robust in its promotion of the licensing objectives and contains a number of appropriate conditions that will prevent the premises contributing to disorder or nuisance in this area.
KM27	<p>The licensing authority views any repeat sales of alcohol to children gravely and should an application for a review include such concerns members will consider all appropriate available options, including revocation of the licence.</p> <p>Where a review follows an incremental approach to enforcement that has failed to resolve matters, the breaches or failures of compliance will be considered seriously.</p>
KM28	Residents, businesses and visitors have an expectation of the authority and its partner agencies to ensure that premises within their jurisdiction are fulfilling their legal obligations. This authority will use all tools and powers available to it to assist with this.

## APPENDIX 6 - Contact details for Licensing Authority

Licensing Unit  
Wyre Council  
Civic Centre  
Breck Road  
Poulton le Fylde  
Lancashire  
FY6 7PU

Email: [licensing@wyre.gov.uk](mailto:licensing@wyre.gov.uk)

Tel: 01253 891000

Website: [Wyre Council website](#)

Draft V05

## APPENDIX 2

### Portal responses

Date Submitted	City	Postal	Do you have any comments?	Are you responding as a	When giving your comment/s, please reference each point according to the policy section that it relates to i.e. 1, 2,...22, and appendices 1, 2,...6.
Oct 3, 2020 11:46:18 am	Blackpool	FY1	No		
Oct 3, 2020 3:09:55 pm	Thornton	FY5	Yes	A licence holder	Section 9.1.1 para 4 suggest a member of staff sweeping up cigarette ends etc at end of business (ie after midnight) We have a volunteer who does this on a daily basis, but it is done in daylight the following morning not at midnight. I don't think my OAP would want to do his 1 hour of voluntary work at midnight. Section 9.1.1 Para 5 bring alcohol into a pub in a sealed or unsealed container. I understand what the intention of this is about, however it will impact perfectly innocent people. It should state OPENED containers not both. I have a 70+ customer who comes in everyday on his way home from shopping for his two pints and to read his paper, he often has a bottle of wine to drink with his evening meal in his shopping. We also get a lot of customers coming into the restaurant for some lunch on their way home from shopping in ASDA. Should I have to check each of their bags to see if they have any alcohol in them. Luckily this condition isn't on my license but it was on the Prince Arthur license when the police asked me to be DPS for a short while when we changed tenants.
Oct 3, 2020 11:01:52 pm	Preston	PR3			
Oct 11, 2020 11:03:29 pm			No		
Oct 14, 2020 4:21:43 pm	Widnes	WA8	No		
Oct 18, 2020 5:07:04 am	Leeds	LS15	No		



# FLEETWOOD CIVIC SOCIETY

Registered with North West Association of Civic Trusts & Societies and Civic Voice

Honorary President: Mrs Doreen Lofthouse OBE

Chairman: Mrs M Daniels

Treasurer : Mr I Johnstone

Secretary: Mrs Y Johnstone

33 Abbots Walk

Fleetwood FY7 6QG

Tel: 01253.873336

13<sup>th</sup> October 2020

Dear Sirs,

Re: Draft Wyre Licensing Policy 2021-2025

We have had the opportunity of perusing the above document and would like to make the following comments:

- as in previous years we are still concerned about the "litter/cigarette debris" outside licensed/takeaway premises, more receptacles should be provided – this would appear not to have been monitored or addressed and needs to be enhanced. All licensed premises have a duty of care in their locations.
- closing time – licensed/takeaway premises to be limited to closing at 02.00hrs to avoid if at all possible antisocial behaviour particularly along Lord Street Fleetwood which it is proposed to have new residential flats over existing shops.

I attach copy of our letter of 21<sup>st</sup> October 2015 with comments attached which as you will see are the same as above – nothing seems to have been addressed.

We trust you will take these comments into consideration when re-drafting the above Policy.

Yours faithfully,

Secretary

Enc

Licensing Department,  
Wyre Council,  
Civic Centre, Breck Road,  
Poulton le Fylde, FY6 7PU

21<sup>st</sup> October 2015

Dear Sirs,

Re: Review of Wyre's Statement Licensing Policy

Thank you for your letter of 18<sup>th</sup> August 2015 and the opportunity to comment in relation to the above review. I attach herewith our comments.

Yours faithfully,

Secretary

Enc

Licensing Manager,  
Wyre Council,  
Civic Centre,  
Breck Road,  
Poulton le Fylde,  
FY6 7PU

Paragraph

14.3.5 Fleetwood Civic Society is particularly concerned with the litter” aspect of licensed and in fact all premises. We would hope that “Wyre key message - all premises 20 – any area used for smoking by patrons must be supervised and cigarette debris cleared away on a regular basis, including at the end of trading”.

We have written to the Council on many occasions regarding cigarette debris outside not only licensed but almost all premises not being cleared and have been advised this constitutes a breach of the bye-law. There must be a pro-active responsibility on the part of the licensee/takeaway proprietors/taxi offices and all trading premises to ensure this problem is rectified with availability of Wyre officers to encourage effective remedies. Nearly all premises do not have adequate receptacles available for disposal of such debris. On reading the “Wyre’s statement” we believe that all license holders/traders have a duty of care to clear their own frontages and immediate surroundings. All the litter debris we consider to be a “public nuisance” and enforcement to clear and tidy up is paramount.

The effects of all the cumulative litter around the Borough does not assist to encourage more footfall and ambiance for residents and visitors to the many facilities on offer.