

Appendix 8 – Extracts from Statement of Licensing Policy 2021-2026

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.

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.

13.3.3 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'

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.

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.