

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. 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 Pub watch 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.

13.3 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'