

# Statement of Licensing Policy 2016- 2021



**wyre**  
council

	<b>Contents</b>
<b>1.</b>	Purpose and scope of policy
<b>2.</b>	Development of this policy
<b>3.</b>	Authority profile
<b>4.</b>	Fundamental principles: 4.1 The Licensing Act 2003 4.2 Applications 4.3 Wyre key messages
<b>5.</b>	Links to other policies and strategies
<b>6.</b>	Avoidance of duplication: 6.1 Planning 6.2 DPPO
<b>7.</b>	General approach to licensing
<b>8.</b>	The licensing process: 8.1 Making an application 8.2 Wyre key messages
<b>9.</b>	Applications: 9.1 The application form 9.2 Consultation on applications 9.3 Representations 9.4 Determination of applications 9.5 Licensing committee hearings
<b>10.</b>	Conditions: 10.1 Conditions offered on the application form 10.1.1 Alcohol premises 10.1.2 Late night refreshment 10.1.3 Regulated entertainment on premises after 23.00hrs 10.2 Mandatory conditions 10.3 Conditions imposed by licensing committee
<b>11.</b>	Variation applications: 11.1 Full variations 11.2 Minor variations
<b>12.</b>	Temporary Event Notices (TENs)TENS: 12.1 Standard TENs 12.2 Late TENs
<b>13.</b>	Applications made by Wyre Council
<b>14.</b>	The Licensing Objectives: 14.1 Prevention of crime and disorder 14.2 Promotion of public safety 14.3 Prevention of public nuisance 14.4 Protection of children from harm

15.	Regulated entertainment: 15.1 Live music 15.2 Exemptions
16.	Personal licences
17.	Designated Premises Supervisor (DPS) 17.1 Role of the DPS 17.2 Authorisation of alcohol
18.	Need for licensed premises
19.	Cumulative impact of licensed premises
20.	Enforcement: 20.1 General enforcement 20.2 Complaints against licensed premises
21.	Reviews
22.	Late Night Levy (LNL)
23.	Early Morning alcohol Restriction Order (EMROS)
no	<b>Appendices</b>
1.	Table of delegations
2.	Glossary of terms
3.	Mandatory conditions
4.	Relevant legislation
5.	Map of the borough
6.	Wyre key messages
7.	Contact details for licensing authority

## 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 should operate responsibly and safely to enable our residents and visitors to be able to reside in an area that can support a diverse range of businesses but not to the detriment of resident's 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'. A key objective of the plan also being that communities are provided with cost effective, quality services, which the policy helps to address.

### 1. Purpose and scope of the licensing policy

The Licensing Act 2003 requires licensing authorities to publish a 'statement of licensing policy' every five years, which sets out how they intend to exercise their functions. Wyre Council is the licensing authority under the act for the Wyre area. The policy sets out a general approach to making licensing decisions, however each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only used if 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. The policy covers the following licensable activities:

- retail sales of alcohol (on and off sales in shops, pubs and restaurants),
- supply of alcohol by or on behalf of a club,
- provision of regulated entertainment and
- provision of late night refreshment (hot food and drink at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises).

The policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the guidance issued by the Secretary of State. The authority must carry out its licensing role with a view to promoting the four licensing objectives, which are:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance and
- the protection of children from harm.

Whilst the authority must also have regard to this statement of licensing policy and any statutory guidance issued by the Secretary of State, it does not mean that the policy and guidance must be followed at all times to the letter. The authority can depart from it if proper consideration has been given and it is appropriate to do so.

## **2. Development of this policy**

In accordance with section 5 of the act and prior to the publication of this policy, the licensing authority has widely consulted on its content. Although not an exhaustive list, those consulted include, elected members, the licensed trade, responsible authorities (including Police, Fire and Rescue, Trading Standards, health authority), organisations representing residents, current licence holders, organisations who work in the alcohol harm field, plus the draft policy has been published on the council's website to enable members of the public to respond.

This policy takes effect on 21 January 2016 and will remain in force for a period of no more than five years. During this time the policy may be updated to reflect legislative changes or any local changes that materially affect the policy.

A 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 for the time being in force made under it.

## **3. Authority profile**

Wyre Council is one of twelve district councils plus two unitary authorities, which comprise the County of Lancashire. Wyre covers an area of 69,000 acres, (28,322 hectares) which includes the westerly port of Fleetwood and the coastal holiday resort of Thornton-Cleveleys. To the east of the borough lies a large rural area which has the fair-trade market town of Garstang at its core. (See appendix 5- map of the borough).

The total population of Wyre was estimated at 108,236 in 2013 and it has a large proportion over the age of 50 and a lower proportion aged 20-44.

There are 24 wards and the majority of the population can be found along the coastal strip and also in and around the towns of Poulton le Fylde and Garstang.

There are just over 400 premises licensed under the Licensing Act 2003, 336 of which are licensed to sell alcohol. These include members clubs, off licences, pubs, holiday complexes, nightclubs, supermarkets and a barge. There is also one cinema in Cleveleys.

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

In addition, over 200 events of a temporary nature are granted each year through Temporary Events Notices (TENs).

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 small town centre of Poulton le Fylde. Fleetwood and the fair trade market town of Garstang also have a substantial 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. This is a change that has seen a number of premises that previously catered solely for the traditional drinking only clientele, evolving into family friendly venues. The 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, providing a variety of events and entertainment.

The council has also licensed a number of public open spaces for public entertainment and there are a range of events organised at these spaces, for the benefit of the community, servicing a wide range of age groups and sectors. Local businesses which provide catering, entertainment and event specialisms also benefit from such events.

However, during the past few years there has also 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. A particular problem area is the young adult population who partake in pre-loading (drinking alcohol at home before going out to pubs and clubs).

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. Whilst there are currently four licensing objectives and none of these specifically refers to health, this licensing authority recognises that these issues should be taken into account, within the remit of the Licensing Act 2003 and this policy.

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

## **4. Fundamental principles**

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

The act came into being on 24 November 2005 and prior to its introduction local magistrates dealt with alcohol licensing with local authorities being responsible for 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 produce a recent Criminal Record Bureau disclosure and pass the recognised training qualification, before applying to the licensing authority in whose area they reside. These licences have no end date, however if a personal licence holder changes name or their address they must inform the issuing authority and request an updated licence, for which there is a charge.

#### **Premises licences**

These are issued to premises who wish to provide one or more licensable activities. This can be for the sale of alcohol, regulated entertainment or late night refreshment (sale of hot food or drinks between 23.00 and 05.00). Premises include off-licences, shops, supermarkets, pubs, clubs, takeaways, village halls and community spaces.

If a premises sells alcohol it must have a Designated Premises Supervisor (DPS) in place who supervises the sale of alcohol. A DPS must also be the holder of a personal licence. There is no end date on premises licences, however an annual fee is required and failure to pay this will result in suspension of the licence and the premises will not be able to trade.

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

CPCs are granted to members clubs who are able to prove through the operation of the club that they are a 'qualifying club'. As a club must adhere to its rulebook, elect a committee and be run for the benefit of its members there is no requirement to appoint a DPS. Only members and guests that have been signed in by a member of the club are permitted to be supplied with alcohol, so therefore members of the public who are neither members nor guests are not permitted to enter a club and be served alcohol, or take part in licensable activities.

#### **Temporary events**

Under the act a 'light touch' notification process permits events that are of a short duration. A Temporary Event Notice (TEN) can be used to allow activities at a non-licensed premises or to extend hours or activities for those that already hold a permission.

A TEN can allow events such as school PTA events where organisers wish to sell alcohol, or at functions where a pay bar is provided (such as weddings). There is a limit of 500 persons that can attend an event held under a TEN and a time limit of 168 continuous hours. Applications must also be considered by the police and the environmental health team, either of which may object.

## **4.2 Applications**

Under the terms of the act any individual or body may apply for a variety of permissions and have each application considered on its individual 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 where provision has been made for them to do so in the act.

Applicants and those making relevant representations in respect of applications to the licensing authority have a right of appeal to the Magistrates' Court against the decisions of the authority.

## **4.3 Wyre key messages**

In this policy there are several key messages that set out the authority's expectations with regard to applications. These key messages do not add to or replace the four statutory licensing objectives. However where the licensing authority considers that where 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 licensing statement as set out in this document does not stand in isolation. By consulting widely prior to this policy statement being published, the licensing authority will take full account of local policies covering 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 strategies may not be directly related to the promotion of the four licensing objectives, but could indirectly impact upon them.

### **Diversity**

All licensing activities will be undertaken in the spirit of and in compliance with the authority's diversity policies and all 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 and in particular in relation to the decision making processes of the licensing authority is to ensure that a licensing decision does not cause a breach of a convention right.

### **Crime and disorder**

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures

for preventing crime and disorder and imposed a duty on the district council, Lancashire Constabulary, Lancashire County Council and others, to consider crime reduction in the exercise of all their duties. The Licensing Act 2003 complements this duty for licensing authorities.

## **6. Avoidance of duplication**

It is not the intention of this policy to duplicate other regulatory regimes by imposing conditions that require general compliance with them. If, therefore, other existing law (for example, health and safety at work or fire safety legislation) already places certain statutory responsibilities on an employer or operator of premises, it is not considered necessary or helpful to impose the same or similar duties through licensing controls. Nevertheless, licensees should maintain compliance with those other regulatory regimes and are encouraged to adopt best practice wherever possible. See appendix 4 for a list of relevant legislation for operators.

### **6.1 Planning**

The use of premises for sale or provision of alcohol, provision of entertainment or late night refreshment is subject to planning control. Such use will normally require planning permission or must otherwise be lawful, for example to have a lawful development certificate under planning legislation. Planning permission is usually required for the establishment of new premises or change of use of premises.

Applicants need to be aware that there are also circumstances when, as a condition of the planning permission an earlier closing time has been set for the use of premises for commercial purposes or a later opening time may apply. If the operating hours are different to the licensing hours, the applicant must observe the earlier closing time or later opening hour. A licence 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 are liable to prosecution under planning law.

It should also be noted that any decision made by the licensing authority does not relieve an applicant of the need to apply for building control authorisation.

The council is of the view that the licensing authority is not bound by decisions made by the planning authority and vice versa. While the two authorities consider different (albeit related) matters, the licensing authority must ensure it addresses only the licensing objectives to ensure that any hearing does not in effect become a re-run of any planning hearing.

#### **Key message 01**

Licence applications should normally be from premises where:

- the activity to be authorised by the licence is a lawful under the planning use of the premises,
- 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.



## **6.2. Designated Public Places Orders (DPPO)/Public Space Protection Order (PSPO)**

The authority supports the use of DPPOs and/or PSPO as a tool to prevent alcohol related crime and disorder in the streets. The orders give police and council officers powers to request someone who is drinking to stop. They may also confiscate any alcohol they may have on them. If an individual refuses to follow an officer's instruction then an offence is committed.

Wyre currently has two orders that cover the town centre areas in Poulton le Fylde, Fleetwood, Cleveleys and Garstang.

### **Wyre key message 02**

The authority expects premises that operate in areas where DPPOs or PSPOs have been implemented to have 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.

## **7. 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. 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 nighttime 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.

## **8. The licensing process**

### **8.1 Making an application**

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, but an applicant 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.

### **8.2 Wyre key messages**

The key messages that are included in this policy will assist applicants when preparing applications, as a guide to the expectations of Wyre Council. Each council area is unique and issues that one area has, would not be appropriate to be dealt with in the same way as perhaps a neighbouring borough. It is unlikely that any two licences are identical, as timings, licensable activities, conditions and operations vary enormously.

## **9. Applications**

### **Wyre key message 03**

Before submitting an application, the licensing authority would encourage 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.

### **9.1 The application form**

The operating schedule should 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 have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures, and the needs of the local community in addressing the four licensing objectives.

Applicants are strongly recommended to undertake a thorough and appropriate 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 made. 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 and of the other responsible authorities. Specific application requirements are detailed in this policy document. Relevant legislation and guidance documents should also be accessed before submitting an application.

## **9.2 Consultation on applications**

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

- 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, date by which representations must be made, where the application can be viewed in full and where representations must be sent.

This is to ensure that all who are affected by an application, who have rights under the act to make representations, are aware of the application being made.

## **9.3 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. These include Lancashire Constabulary, Lancashire Fire and Rescue, Environmental Health, Trading Standards, the body relating to matters of child protection, the licensing authority, local authority professionals in health and safety, planning and the Public Health Department. A full list with current contact details can be obtained from the licensing department at Wyre Council.

Representations may also be received from other persons. Greater weight will be given to representations from those who live, or are involved in a business in the council's area and who are likely to be affected by the application.

Elected members may make a representation in their own right. They may also make representation on behalf of residents or the applicant; in both cases the elected member may not take part in the decision process.

Once submitted to the licensing authority, a representation becomes a public document. A copy of the representation is sent to the applicant and/or the agent acting on their behalf and is included in any report that is presented at a licensing

committee hearing.

#### **9.4 Determination of applications**

Unless relevant representations are made, applications must be granted on the terms set out in the application, under delegated powers, effective from the day after the 28 day representation 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 prevention of crime and disorder and/or prevention of public nuisance, particular consideration will be given to the following by way of promoting the licensing objectives:

- 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,

and in considering any application that is already licensed, the licensing authority will take into account any evidence:

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

#### **9.5 Licensing committee hearings**

Following due consideration of the application, the representations made and the case put forward by the applicant, the licensing committee have the following options to consider. Members may:

- grant the application as applied for,
- grant the application but with changes to the licensable activities and/or hours of operation,
- as above but impose additional conditions to assist with the promotion of one or more of the licensing objectives and
- refuse to grant the application.

In considering imposing conditions as a result of relevant representations following a

hearing there should be openness, transparency and reasonableness. Licence conditions will be tailored to the individual application and only those deemed appropriate and proportionate to meet the licensing objectives, following representations, will be applied.

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

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

## **10. Conditions**

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

An application requires the applicant to demonstrate how the business will be run and what measures are proposed in order to promote the licensing objectives. Conditions are required which will be included on all licences or certificates granted. These should be meaningful, achievable and understandable. To assist applicants, the licensing department has produced a list of suggested conditions that applicants may refer to, however these are not prescriptive. These conditions have been drawn from experience relating to differing situations, to offer guidance and will not be automatically imposed. Applicants, agents and solicitors may suggest conditions in the operating schedule that they wish to have included on a licence, but these must be practical and meaningful and not overlap with other legislation, such as fire safety.

#### **Wyre key message 04**

Applicants are encouraged to offer the following conditions when applying for the relevant licensable activity, in order to uphold the licensing objectives

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

- There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 25 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence indicating that they are over 18 years of age. Armed Forces ID are also acceptable.
- All staff will successfully complete training in age related products prior to operating a till on the sales floor. Refresher training will also be successfully completed not more than every three months, this will be fully documented and be available for inspection to police officers or other authorised persons.
- 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 a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

#### **10.1.2 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 and wrappings.

#### **10.1.3 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.

### **10.2 Mandatory conditions**

These are applied to all licences/certificates and address issues such as irresponsible drinks promotions, measures of alcohol sold and the price of alcohol. The current conditions are printed in appendix 3 of this policy but are subject to change at any time by the Secretary of State.

### **10.3 Conditions that members of the licensing committee impose**

If, after receiving relevant representations, the licensing authority believes it to be

appropriate, in order to promote any of the licensing objectives; it will consider attaching conditions to licences. However, only those conditions required to meet the licensing objectives and only those which relate specifically to the representations received, 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 and standard conditions will be avoided.

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

## **11. 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.

### **11.1 Full variation**

The licensing authority requires that all variation applications are 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 variation process also mirrors the procedure that new licence applicants are required to follow.

### **11.2 Minor variation**

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

This 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 certain licensable activities including live music 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.

Application 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 and nightclubs will be taken into account when making the decision on the minor variation application. If customers from these premises are likely to be attracted to the proposed licensable activities in large numbers. For example, people visiting a takeaway after leaving a public house.

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 minor variation is refused by the licensing authority, there is no right of appeal.

#### **Wyre 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.

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

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

TENs are subject to the following limitations:

- The number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
- The number of times a TEN may be given for any particular premises (15 times in a calendar year);
- The maximum duration of an event authorised by a TEN is 168 hours (seven days);
- The maximum total duration of the events authorised by TENS in relation to individual premises (21 day in a calendar year);
- The maximum people attending at any one time (fewer than 500); and
- The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

Proposed activities that exceed these limits will require a premises licence or club premises certificate.

Premises users should note that an event beginning before midnight and continuing into the next day counts as two days towards the 21day limit.

Applicants are encouraged to give the earliest possible notice of events to allow for proper consideration of the event.



## 12.1 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 hearing will be arranged before a panel of the licensing committee. Following the hearing the panel may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead.

Conditions can only be applied to a TEN if the following conditions are met:

- If the police or the EHO 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.

## 12.2 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.

### **Wyre Key Message 06**

Where events qualify for a TEN, applicants are encouraged to submit notifications at least four weeks but not more than 12 weeks before an event where an existing premises licence is in operation. For applications where there is not a current premises licence, for example community events, 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.

## 13. 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 policy the council has obtained premises licences for a number of public spaces within the community.

This will encourage activities within these areas and ensure that full use of made of such 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, members and officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly.

#### **14. The licensing objectives**

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

They draw the attention of applicants to matters that are likely to be the subject of conditions designed to promote the licensing objectives that may be attached to a licence where the licensing authority's discretion has been engaged as a result of relevant representations.

Special measures may be necessary on an occasional or specific basis such as when a special event (such as a popular live band) or promotion (such as during major sporting occasions) is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature. These can often have a significant impact on the achievement of the licensing objectives. Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.

Any application regarding licensing hours will, accordingly, 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 to patrons after midnight has the potential to negatively affect the licensing objectives, be it through noise, customers entering or leaving the vicinity, customers smoking outside the premises, litter or anti-social behaviour. With this in mind applicants should look carefully at the provision within the application for upholding the objectives.

Applicants should also refer to section 10 (conditions) for examples of conditions that will assist in promoting the licensing objectives.

#### **Wyre 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 uphold the licensing objectives.

#### **14.1 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 entertainment venues or in premises with a history of crime and disorder issues.

#### **14.1.1 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 can obtain alcohol from both on and off licensed premises and therefore both carry equal responsibility to prevent such sales. Operating schedules should contain 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.

#### **Wyre key message 08**

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

#### **14.1.2 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.

#### **Wyre key message 09**

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

#### **14.1.3 Pubwatch schemes**

Licensing authorities value the contribution that Pubwatch schemes make to the reduction of crime and disorder in licensed premises. Where such schemes (including 'Best Bar None' or 'Nightsafe') exist, licensees are encouraged to become active members including implementing any banning orders issued under the scheme. The pub watch 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.

#### **Wyre key message 10**

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

#### **14.1.4 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.

#### **Wyre key message 11**

The licensing authority expects licensees to have 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 a licensed premise. This should include regular checks of toilet areas, recording of incidents and suitable storage, disposal and transfer of confiscated and found drugs to the police. Suitable notices stating that the management has adopted a zero tolerance policy towards drugs should be displayed in appropriate areas, including toilet areas.

#### **14.1.6 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 larger premises in town centre locations with several licensed premises close by would warrant the employment of door supervisors.

#### **Wyre key message 12**

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

#### **14.1.7 CCTV**

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

#### **Wyre 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. Any CCTV systems must be able to be accessed and downloaded at all times by a member of staff and hold at least 21 days of images, but preferably 31.

#### **14.1.8 Glasses and bottles**

Glass-related injuries, whether accidental or due to violent crime, can lead to major injury and be life changing. As such, the licensing authority would encourage the use of toughened or polycarbonate glassware 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 also must 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 aware of the possibility of breakages of drinking glasses and glass bottles in outside areas. Consideration should therefore be given to the use

of polycarbonate or 'plastic' drinking vessels and other management controls to avoid or lessen the likelihood of broken glass in these areas, particularly in gardens that have children's areas attached.

In addition if special events such as televised sporting events or outside functions are to be held at the premises operators should consider whether the use of polycarbonate glasses would be more appropriate.

#### **Wyre key message 14**

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

#### **14.1.9 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 and only in sealed containers.

No bottles or glasses (sealed or unsealed) can be taken from a premises whose licence permits on site sales only thereby preventing the use of glasses and open bottles that have the potential to be used as offensive weapons in surrounding streets, after individuals have left the premises.

#### **Wyre key message 15**

The inclusion of 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.

#### **14.1.10 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.

#### **Wyre 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.

## **14.2 Promotion of public safety**

The licensing authority is committed to ensuring the physical safety of those using licensed premises. Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with respect to public safety. Licensees, as providers of premises for the sale of alcohol or regulated entertainment, must be able to demonstrate that they have considered and put into effect measures to protect members of the public.

There is legislation that regulates the safety of customers and staff in addition to any provisions under the act and these are identified at appendix 4.

## **14.3 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 from the potential consequence of the operation of licensed premises, 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 area around the premises is disproportionate or 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.

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

Although once patrons have left the curtilage of a licensed premises staff are not able to deal with associated noise and disturbance, those managing the premises should take appropriate measures to minimise noise 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 from noise caused by patrons, especially after midnight. Residents can be detrimentally affected by late night venues and premises should look at procedures and staff training to minimise impact on the locality.

### **Wyre 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 should encourage patrons leaving the curtilage of the premises to do so in an orderly manner.

### **14.3.2 Takeaways**

It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues, congregate there. Applicants are recommended to have written policies for dealing with disorder and nuisance and should give consideration to these issues, together with the litter such premises and its customers

may generate.

This policy applies the range of premises licensed under the act, including late night refreshment venues whose activities include the supply of hot food or drink between 23.00hrs and 05.00hrs. Such premises can attract large groups of customers who have come from bars and clubs in the area and who have consumed considerable quantities of alcohol. These customers can be noisy and cause disturbance in the vicinity long after other nearby licensed premises have closed.

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.

Due to the nature of the operation of late night refreshment venues and the issues highlighted above applicants should provide a robust operating schedule outlining in particular how they will address the prevention of crime and disorder and public nuisance objectives.

Operators are also encouraged to risk assess their premises and consider employing door supervisors to assist in upholding the licensing objectives.

#### **14.3.3 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 objective 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. Areas used for smoking may lead to noise issues for nearby residents and where possible designated areas that are away from nearby residents should be used for smoking.

#### **Wyre key message 18**

Outside areas that patrons use for smoking 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.

#### **14.3.4 Beer gardens**

It is important to note that, although consumption of alcohol is not itself a licensable activity, if the plan does not show outside areas (beer gardens or similar) then any premises licence which authorises the sale of alcohol 'for consumption on the premises' only, as opposed to 'on and off the premises' would not authorise the use of such areas.

It should also be noted that 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 cutting the hours of use of this area. Particularly with regard to nearby residents.

#### **Wyre 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 as follows:

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

#### **14.3.5 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.

This is essential for any type of licensed premises (including takeaways) which closes at midnight or beyond.

#### **Wyre key message 20 - all premises**

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.

#### **Wyre key message 21 - takeaways**

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

### **14.4 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.

#### **14.4.1 Sexual exploitation of children**

The risks will vary from premises to premises depending on the type of licensing activity and the age of the children, therefore the licensing authority encourages licence holders and operators of licensed premises to:

- (1) ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and
- (2) raise the awareness of their staff about the issues of child sexual 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 such individuals are not



placed in an environment where they can exploit their position.

Applicants should address all or any of the following in their operating schedule, where relevant to their particular premises and look to provide conditions to uphold 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 persons supervising children are suitable and where necessary, disclosures obtained from the Disclosure and Barring Service.

#### **14.4.2 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, therefore, be able to demonstrate that they have in place, satisfactory arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age scheme. The licensing authority would be supportive of arrangements, which include using the following documents to verify the age of customers:

- Photo card driving licence issued in the European Union,
- Proof of Age Standards Scheme Card (PASS) and
- Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder.

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.

## Wyre key message 22

A new or variation application will not normally be granted where a representation expresses serious 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.

## 15. Regulated entertainment

### 15.1 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.

In addition, background live and recorded music continues to be exempt. However:

- Karaoke is generally classed as a performance of live music,
- A backing track, drum beat or band that accompanies live singer(s) is classed as amplified live music and
- Any performance of dance of a sexual nature will require a licence.

### 15.2 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:

	Timings	Days	Audience	Premises	Notes
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	Between 08.00 and	Any	Less than 500 persons	Non-licensed workplace	

music	23.00				
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

## **16. Personal licences**

Personal licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying on of that activity.

Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence.

The licensing authority requires every application for a personal licence to be accompanied by a standard Criminal Record Disclosure from CRB Scotland, a pass certificate from a recognised training provider, application form, disclosure form and fee.

### **Wyre key message 23**

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

Should the application present any relevant convictions then the police will be contacted and a hearing held to determine the application.

Following the grant of a personal licence, should he/she be convicted by a court in England or Wales for a relevant offence, or is convicted of a foreign offence outside of England and Wales, the holder must notify the council's licensing department accordingly. On receipt of such a notification, the council will record the details on file for future reference. The personal licence holder must also notify the court at the time that he/she holds such a licence.

A personal licence is granted in perpetuity, however the holder must inform the granting authority of any change of address or name to enable the licence to be updated. It is an offence under the act not to do so.

## **17. Designated Premises Supervisor (DPS)**

### **17.1 Role of the DPS**

The holder of a premises licence which permits the sale of alcohol must nominate a personal licence holder as a Designated Premises Supervisor. The DPS will then be 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 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.

However should an issue arise with a DPS who is found not to be in day to day management of the premises and this has caused issues at the premises this may lead to a review of the licence. Should a review be successful, members may require the DPS to be replaced or records to be kept of the whereabouts of the DPS in relation to the premises.

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 comply with licensing law 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.

#### **Wyre 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 complies with the 2003 act and the conditions on the premises licence. The geographic location of the premises may be taken into consideration.

### **17.2 Authorisation of alcohol**

However, 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 personally present at every transaction. A personal licence holder may authorise others to sell alcohol under their supervision and may then occasionally be absent at times from the premises when such a transaction takes place. Such 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, not be able to escape responsibility for the actions of those he/she authorises to make such sales.

Licence holders are encouraged to have at least one personal licence holder on the premises when alcohol is being sold at all times. 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 DPS in the event of an emergency.

### **18. Need for licensed premises**

The licensing authority will not use its powers to dictate whether there is a market need for additional licensed premises. Need is a decision for planners and the commercial sector to consider. A licensing authority should not seek to impose a ceiling on the number of licensed premises either overall or by class of premises, either by use of policy or practice.

### **19. Cumulative impact of a concentration of licensed premises**

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 should 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. It will then form part of the authority's statement of licensing policy.

The CIP creates a rebuttable presumption that new or varied applications for premises licences or club premises certificates that will add to the existing cumulative impact will normally be refused. However in order for this to be effective, a representation must be received first, 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 properly on its own merit. For licences that were unlikely to add significantly to the problems of saturation, the application, however may still be approved, despite being in a CIP area.

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

Where there is no cumulative impact policy, there is no presumption against the grant of new licences. Nevertheless, the presence of other licensed premises in the area of the premises for which an application has been made and the future operation of premises which are due to open in the surrounding area are matters which may be raised by those making representations and if those representations are pertinent to the licensing objectives, it will have a bearing on the decision making process.

In the absence of a CIP 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 hi-lighted 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 if 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).

We encourage 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. Applications should demonstrate how the licensing objectives are to be promoted.

Two areas of concern have been hi-lighted by residents and councillors and although at this time there is insufficient data to support CIP 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 a nightclub) and whilst these in isolation may not be problematic, large numbers of patrons visiting the area cause impact on resources (taxis, police, street cleaning, food outlets). Therefore if an applicant wishes to add to the number of patrons in the area or extend 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-Fleetwood Town Centre, 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 availability should consider the wider impact on the community and how they may limit any adverse effects of any further off provision.

### **Wyre 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.

### **Wyre 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.

## **20. Enforcement**

### **20.1 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.

Enforcement will be incremental and reviews mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

### **20.2 Complaints against licensed premises**

The licensing authority will investigate all complaints against licensed premises licensed by this authority, sometimes in conjunction with other agencies. In the case of a valid complaint, the council will initially endeavor to seek a resolution through informal means, but adopt an incremental approach to compliance.

Where they consider appropriate, the licensing authority may pass any complaint on for investigation by other statutory agency under whose enforcement responsibility the complaint falls.

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 commonly engaged in enforcing licensing law and the inspection

of licensed premises. 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.

Where possible and appropriate, the licensing authority, Lancashire Police and/or the Lancashire Fire and Rescue Service will give early warning to licence holders of any concerns about problems occurring at premises associated with the licensing objectives.

The Lancashire County Council Trading Standards Service and the police enforce the legislation that imposes a lower age limit on customers purchasing alcohol. Such sales to under-age customers are a matter of particular concern to both these organisations and the licensing authority shares this concern and will provide assistance when requested.

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.

## **21. Reviews**

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

There is opportunity within the 28 day period following submission of the review to the licensing authority for support to be given by other persons or a responsible authority. The licensing authority must reject any request for a review if the reason does not relate to one or more 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 will be rejected if the grounds are, in the opinion of the licensing authority, frivolous, vexatious or repetitive. Repetitive grounds are those, which mirror those considered at a previous hearing.

Any review of a licence will take place before the licensing committee or one of its panels. The licensing authority will apply the full range of powers available to it when a review of a premises licence becomes necessary. If the authority considers that one or more of the licensing objectives is being undermined, the licence or certificate may be suspended, hours curtailed, DPS removed or the licence revoked completely, dependent on the evidence and submissions at the hearing.

The police or trading standards in their roles as responsible authorities will submit an application for a review of a premises where it has been found to be persistently selling alcohol to children. This is defined by two successive test purchase failures in three months. The application will be heard by members of the licensing committee who have a range of options, including revocation or suspension of the licence.



At the review application hearing members have the power to select from the following options:

- revoke the licence/certificate,
- suspend the licence/certificate for a period of up to three months,
- remove the DPS,
- add additional conditions,
- amend existing conditions,
- modify the conditions for a temporary period of up to three months,
- remove one or more licensable activities and
- change licensing hours.

Suspension of a licence/certificate may be considered in some circumstances to allow the premises time to look at 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.

#### **Wyre key message 27**

The licensing committee will view all repeat sales of alcohol to children gravely and should an application for a review of the licence be brought to a hearing, members will consider all appropriate available options including revocation of the licence.

As referred to in the previous paragraphs, enforcement will be incremental, therefore should a premises licence or club premises certificate be brought before members for review, the breaches or failures of compliance will be considered seriously.

As the authority is responsible for licensing premises under the act, the requirement of operators to uphold the licensing objectives is paramount to both the act and this authority.

#### **Wyre 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.

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

The council as a licensing authority can introduce a LNL across its area by virtue of section 125 of the Police and Social Responsibility Act 2011. The levy will empower the licensing authority to charge licence/certificate holders that supply alcohol late into the night for the extra enforcement costs that can be created for the police and the licensing authority by late night trading. Any such levy would apply to all licensed premises supplying alcohol between midnight and 6.00am save for any category of premises exempted by the licensing authority.

In accordance with legislation the police would receive at least 70% of the revenue generated by levy with the licensing authority receiving the remaining 30%.

Before a LNL can be introduced, the licensing authority is required to consult with police and licence/certificate holders that supply alcohol after midnight in accordance with the appropriate regulations.

There is currently no LNL in the borough of Wyre.

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

An EMRO enables licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6am, if they consider this appropriate for the promotion of the licensing objectives.

The Police Reform and Social Responsibility Act 2011 (the 2011 act) amends existing provisions to allow EMROs to be applied more flexibly between midnight and 6am. It is proposed that licensing authorities will be able to make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. However, it is believed that some types of premises should not be subject to an EMRO.

EMROs are designed to address recurring problems with alcohol-related crime and disorder in specific areas. The licensing authority will be able to decide during which hours the EMRO will apply, whether it is applied every day or on particular days; whether it will run for a limited or unlimited period; and whether it will apply to whole or part of the licensing authority's area. In each case, the decision will be based on what is appropriate for the promotion of the licensing objectives.

There may however be alternative measures that can be taken with problem premises, such as. review or in extreme cases closure orders issued by the police, which should be considered before introducing an EMRO.

The licensing authority must ensure it has necessary evidence to demonstrate that the decision to introduce an EMRO is 'appropriate' for the promotion of the licensing objectives.

**Process**

The licensing authority sets out the basis for the proposed order in a document which should be posted on the licensing authority website.

Evidence must be obtained (mainly from the police) and a 28 day consultation period will follow with all premises licence holders in the borough, all the responsible authorities and neighbouring local authorities. Representations will be collated both for and against the proposals.

These will be included in a report for the licensing committee. If satisfied that the proposed order is 'appropriate' for the promotion of the licensing objectives, the authority will have the order approved by full council. The final order must be no different to the original order proposed.

The licensing authority decides on a start date for the order, no less than two months after it is made. The authority puts the order and its justification on its website and notifies all affected premises. The authority also places notices in the affected area.

**Exemptions**

Premises with overnight accommodation, restaurants, theatres and cinemas, casinos and bingo halls, community amateur sports clubs and community premises that have requested to remove the mandatory requirement to have a DPS are exempt from any EMRO.

## Appendix 1

### Table of delegations in respect of licensing authority functions

The delegation of decisions and functions will be as follows:

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 DPS	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 DPS		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		All cases

Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases unless all parties agree to conditions	Where all parties agree to the imposition of conditions
Decision as to whether to withhold some or all of an interested party's personal details from the applicant.		All cases
Decision to suspend a premises licence/club certificate for failure to pay the annual fee or late night levy		All cases

## Appendix 2

### Glossary of terms

<b>The Act</b>	Means the Licensing Act 2003.
<b>Licensed premises</b>	All premises that are licensed under the 2003 act: premises licences, club premises certificates and vessels all with or without alcohol, including takeaways that serve after 23.00hrs.
<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>Authorised persons, other persons and responsible authorities</b>	The act creates three categories of people/bodies that can make representations to a licensing authority about an application for a licence. 'authorised persons' are specified people who have statutory duties in relation to the inspection of premises, such as fire, health and safety. 'Other Persons' covers any individual, body or business entitled to make a relevant representation. 'Responsible authorities' include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection, the health authority and the licensing authority.
<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, such as membership rules, run by club committees, profits go to members not an owner. 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 such as 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 of the holder, specified persons can within seven days serve an interim authority notice on the licensing authority. This revives the licence, subject to police objection, for a period of up to two 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 (will cover late night takeaways and fast food outlets but also restaurants open after 11pm).
<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; provision of late night refreshment.
<b>Licensing authority</b>	Local authorities (district or county councils). 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. May have one or more sub-committees consisting of at least three members.
<b>Licensing objectives</b>	The objectives of licensing set out in the act: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The licensing authority must carry out its functions under the act with a view to promoting the licensing objectives.
<b>Licensing panel</b>	A committee of three 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 imposed on all premises licences and club premises certificates. The Secretary of State may add to these at any time and they are written in to each licence/certificate appropriately.
<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 to be taken away from the premises.
<b>On sales</b>	Retail sale of alcohol for consumption actually on the premises that is the area defined on the annex 4 plan.
<b>Operator</b>	Includes all premises licence holders, club premises certificate holders and designated premises supervisors.

<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 sets out 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>Personal licence</b>	A licence granted to an individual and 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. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the police can object to the grant of a personal licence.
<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 of the holder. Applications dealt with by the local authority licensing committee in the area where the premises are situated.
<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>	Lancashire Constabulary Lancashire Fire and Rescue Environmental health department-Wyre Council Licensing authority-Wyre Council Planning department-Wyre Council Trading standards-Lancashire County Council Child protection unit-Lancashire County Council Public health department-Lancashire County Council <b>For current details please contact the licensing department</b>
<b>Regulated entertainment</b>	Specified entertainment that takes place in the presence of an audience for their entertainment; performance of a play, exhibition of a film, indoor sporting event, performance of live music, playing of recorded music, performance of dance, 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 and violence.



**Statement of  
licensing policy**

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.

**Transfer**

A procedure where an application can be made to transfer the premises licence into a new name, such as if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

**Variation**

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**

### **Mandatory conditions applied to licences and club premises certificates**

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence –
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Mandatory condition where the licence permits the performance of films**

Where a programme includes a film in the 12A, 15 or 18 category, as classified by the British board of Film Classification, no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

**Persons under the age of [insert appropriate age] cannot be admitted to any part of the programme**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided the prior written consent of the person's parents or legal guardian has first been obtained.

### **Mandatory conditions where door supervisors are provided**

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA).

### **Mandatory conditions for club premises with off sales**

- 1) The supply of alcohol for consumption off the club premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- 2) Any alcohol supplied for consumption off the premises must be in a sealed container.
- 3) That any supply of alcohol for consumption off the premises must be made to a member of the club in person.

**Mandatory conditions effective from 6 April 2010 where the licence or club premises certificate permits the sale or supply of alcohol for consumption on the premises**

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**Mandatory conditions effective from 1 October 2010 where the licence or club premises certificate permits the sale or supply of alcohol for consumption on or off the premises**

4 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**Mandatory conditions effective from 1 October 2010 where the licence or club premises certificate permits the sale or supply of alcohol for consumption on the premises.**

5 The responsible person shall ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures

**Licensing Act 2003 (mandatory licensing conditions) Order May 2014**

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

2. For the purposes of the condition set out in paragraph 1:

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) 'permitted price' is the price found by applying the formula:

$$P = D + (D \times V)$$

Where:

(i) P is the permitted price,

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

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

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

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

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

(d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the

premises in a capacity which enables the member or officer to prevent the supply in question; and

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

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Appendix 4**

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.

### **Other relevant legislation (correct at time of print)**

#### **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 (CPN)**

The 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 (PSPOs)**

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. Race Relations Act 1976 (as amended 2000)**

Local authorities have a legal obligation to have regard to the elimination of unlawful discrimination; promote equality of opportunity and good relations between persons of different racial groups.

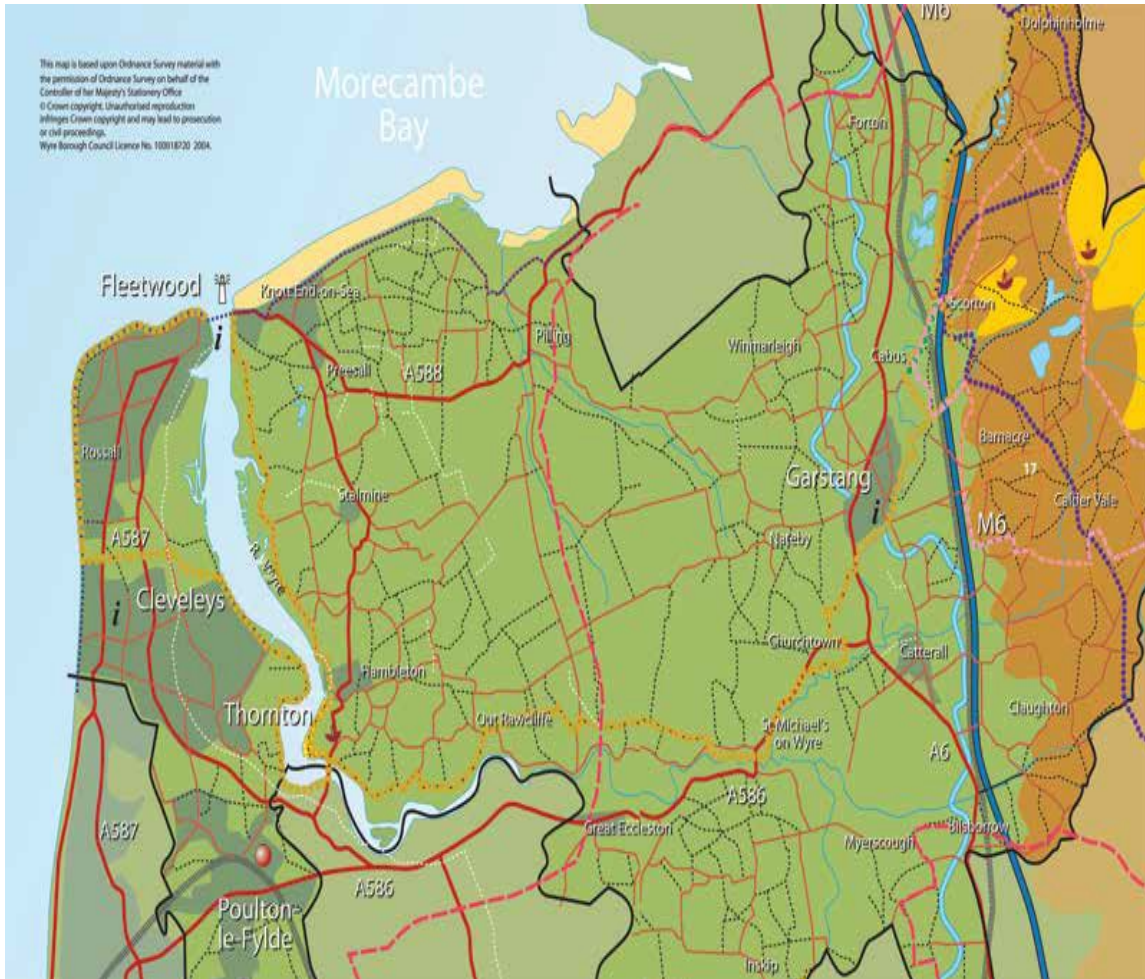
**14. Data Protection Act 1998**

Applicants should have regard to the provisions of the Data Protection Act 1998 in relation to their premises and in particular to the information.



## Appendix 5

### Map of Wyre Borough



## Appendix 6

Key message no	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 a lawful under the planning use of the premises</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><b>Note:</b> 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 DPPOs or PSPOs have been implemented to have 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 would encourage 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 the following conditions when applying for the relevant licensable activity, in order to uphold 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>Where events qualify for a Temporary Event Notice, applicants are encouraged to submit notifications at least four weeks but not more than 12 weeks before an event where an existing premises licence is in operation. For applications where there is not a current premises licence, for example community events, 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.</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 uphold 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	<p>Wyre actively supports the local Pubwatch schemes and expects participation from licensees in areas where the schemes are run.</p>
KM11	<p>The licensing authority expects licensees to have 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 a licensed premise. This should include regular checks of toilet areas, recording of incidents and</p>

	suitable storage, disposal and transfer of confiscated and found drugs to the police. Suitable notices stating that the management have adopted a zero tolerance policy towards drugs should be displayed in appropriate areas, including toilet areas.
KM12	An adequate number of licensed door supervisors will be on duty as appropriate, in accordance with the risk assessment.
KM13	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. Any CCTV systems must be able to be accessed and downloaded at all times by a member of staff and hold at least 21 days of images, but preferably 31.
KM14	When replacing stock, glassware made from glass which produces shards when broken should be phased out, in favour of toughened glassware.
KM15	The inclusion of 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	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.
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 should encourage patrons leaving the curtilage of the premises to do so in an orderly manner.
KM18	Outside areas that patrons use for smoking 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	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: 'Any outside area used for the consumption of alcohol will cease to be used by patrons after 22.00hrs'.
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	A new or variation application will not normally be granted where a representation expresses serious 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.
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 complies with the 2003 act and the 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	The licensing committee will view all repeat sales of alcohol to children gravely and should an application for a review of the licence be brought to a hearing, members will consider all appropriate available options including revocation of the licence
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 7

### Contact details for licensing authority

**Licensing Department**  
**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: [www.wyre.gov.uk](http://www.wyre.gov.uk)