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Blackburn with Darwen Borough Council

Statement of Licensing Policy

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## **Introduction**

1. This is the fifth revision of Blackburn with Darwen's Licensing Policy since the Licensing Act 2003 came into effect in November 2005.

This Statement of Licensing Policy (hereafter referred to as the Licensing Policy) is prepared pursuant to the provisions of section 5 of the Licensing Act 2003 ("the Act") and with due regard to the Guidance issued by the Secretary of State issued under Section 182 of the Act (referred to in this document as 'the Guidance').

2. The primary aim of this Licensing Policy is to promote the 4 licensing objectives, and only matters which impact on the promotion of the objectives will be taken into account when determining any application or the attaching of conditions to a licence. The licensing objectives are:
  - The prevention of crime and disorder
  - The prevention of public nuisance
  - Public safety
  - The protection of children from harm
3. The policy is not intended to duplicate any existing legislation and regulatory regimes that already places obligations on employers and operators e.g the Management of Health and Safety at Work Regulations 1999, the Regulatory Reform (Fire Safety) Order 2005 or the Environmental protection Act 1990.

## **Consultation for the Licensing Policy**

4. In accordance with Section 5(3) of the Act the following were consulted in respect of the formulation of the Policy:
  - a) Lancashire constabulary
  - b) Lancashire fire service
  - c) Public protection service – environmental protection, health and safety and trading standards
  - d) Planning
  - e) Child protection
  - f) Public health authority
  - g) Immigration Enforcement
  - h) Persons considered to be representatives of:
    - Existing premises licence holders
    - Existing club premises certificate holders
    - Existing personal licence holders; and

## Businesses and residents in the council area

5. The Authority recognises that licensed premises may vary considerably in relation to their operating styles and characteristics and proper regard will be had to those differences and the likely impact on the local community.
6. The Authority also recognises that a minority of customers may behave badly. This policy statement cannot address issues relating to the behaviour of individuals or groups unless the behaviour can be directly linked to the licensed premises. However, it is part of a framework of measures which together can be used to address behavioural problems. These include, but are not limited to:
  - Planning controls;
  - On-going measures to provide a safe and clean environment;
  - Considering designation of areas concerning confiscation of alcohol;
  - Enforcement of legislation relating to disorder, anti-social behaviour, underage drinking;
  - Police closure of premises;
  - Powers of review of licences
7. **The aims of this Statement of Licensing Policy** are to:
  - a) Help build a fair and prosperous society that properly balances the rights of businesses and the communities of which they are a part.
  - b) To encourage greater diversity in the range of entertainment available in the borough and to widen the choice and appeal of licensed premises.
  - c) Integrate its aims and objectives with other initiatives that will:
    - reduce crime and disorder
      - encourage tourism
      - reduce alcohol misuse
      - encourage the self sufficiency of local communities
      - reduce the burden of unnecessary regulation on business
      - ensure a managed and consistent approach to the establishment and operation of licensed premises.
8. This Statement of Licensing Policy recognises the right of any individual to apply under the terms of the Act for a variety of permissions and to have such an application considered on its individual merits in the context of the 'licensing objectives'. Equally, it recognises that any person may make representations about an application or seek a review of a Premises Licence or Club Premises Certificate where such provision has been made for them to do so in the Act.
  - a) Licensing concerns the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Conditions attached to authorisations will be focussed on matters that are within the control of individual licensees and other authorised parties.
  - b) In considering the individual merit & circumstances of an application the Council may depart from the Guidance or make exceptions to its own Policy. Where it is felt

necessary to do this in order to promote the licensing objectives, the Council will give full reasons for such departure.

9. The Secretary of State recognises that, following any future revision of the Guidance, there may be a period during which this Statement of Policy may be inconsistent with the Guidance. If these circumstances occur, the Licensing Authority will have regard to the latest revision of the Guidance and to this Statement, giving the appropriate weight to each, dependant on the circumstances of the application

#### **Related legislation & Strategies.**

10. The Council recognises that this Statement of Policy and the Licensing Act are part of a wider strategy to tackle crime, disorder and antisocial behaviour and to reduce the harm which is caused by alcohol abuse & misuse.
11. The Licensing Authority will continue its strategy of working closely with the police and other enforcement agencies to address the sale of alcohol to persons who are drunk or under age and to target enforcement activity on premises where problems occur on the premises.
12. The Licensing Authority will work with licence holders to seek their agreement to measures designed to prevent problems and to ensure that recognised best practice is followed in areas where problems may occur.
13. The holders of licences issued under the Act will be required to recognise the role which they play in preventing crime, disorder and public nuisance both on their licensed premises and outside their premises (on the pavement and in a beer garden or smoking shelter, for example). The Licensing Authority will use its powers to impose licence conditions to require licence holders to exercise reasonable control in these areas, on both new applications and following a review.
14. Applicants are reminded that planning permission may also be required before any licensable activity can take place and that the planning regime and licensing together will be used by the Council to manage the environment, particularly anti-social behaviour, noise etc. It is the planning process which controls the development and overall use of premises, with licensing regulating individual licensable activities and the management of licensed premises.
15. The Licensing Authority recognises there is no public health licensing objective and therefore cannot conduct its licensing functions in order to promote public health. The licensing function can only be carried out to promote the four Licensing Objectives as set out by the Licensing Act 2003
16. However the licensing authority recognises the impact of alcohol misuse in Blackburn with Darwen, and it is hoped that through the implementation of this Licensing Policy, the promotion of the four Licensing Objectives will in turn have a positive effect on preventing alcohol misuse in the borough. For example, by ensuring licensed premises refuse the sale of alcohol to children, or those attempting to purchase it on their behalf, this will impact positively on a reduction in child alcohol related health problems. Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. It is however recognised that any such positive impact will be as a coincidence of the licensing authority conducting its licensing function.

## **Blackburn with Darwen Borough Council – The Authority**

17. Located in the east of Lancashire, Blackburn with Darwen is a semi – rural unitary borough, with compact urban areas predominately but not exclusively located around the towns of Blackburn and Darwen. The area is surrounded by countryside and features a number of small rural villages and hamlets. Geographically the borough borders Bury and Bolton in the South, Chorley in the West, Hyndburn and Rossendale in the East and the Ribble Valley in the North.

18. 17. The borough is well located with good transport and infrastructure links to the rest of Lancashire, Greater Manchester and beyond. In terms of rail links the towns of Blackburn and Darwen are both served by the Clitheroe to Manchester Victoria rail line with the town of Blackburn being also served by the York to Blackpool line. The Borough's road infrastructure too allows good connectivity, with the A666 providing an access corridor to Bolton, Greater Manchester, Yorkshire and the Ribble Valley. Furthermore the borough also hosts three motorway junctions of the M65 which provides quick access to Preston, Burnley and the rest of Lancashire, the M61, the M66 and the M6.

18. In 2016 the population was 148,500, making it the largest borough in Lancashire. The majority of the boroughs residents live in the towns of Blackburn and Darwen with the remaining residents living in the rural villages and hamlets (Hoddlesden, Edgworth, Belmont, Chapel Town and Tockholes) that surround the two major urban centres. The Borough as a whole has a relatively young age profile. It has a higher than average proportion of young people (0-19) compared to the national figure and conversely, a smaller proportion of older people (65 and over).

19. As a multicultural borough, the area is home to many people with diverse ethnicities and identities. Census 2011 suggested that within Blackburn with Darwen 66% of people identified themselves as White British, 28% as Asian / Asian British and 0.6% Black/African/Caribbean/Black British. Within the majority of non – white residents, most people identified themselves as either; Asian/Asian British: Indian (13%) or Asian/ Asian British: Pakistani (12%). However census data also shows that the borough is also home to people who identify as Bangladeshi, Chinese, African, Caribbean, Arab and people of multiple ethnicities

The number of premises licensed in 2019 are:

- Public houses – 130
- Members Clubs – 36
- Hotels and restaurants – 47
- Retail outlets (off-licences, supermarkets, takeaways, etc) – 180
- Entertainment premises (cinemas, theatres, halls) – 5
- Others – parks, sporting venues, service stations – 50

## **The Licensing Process**

### **The Licensable Activities**

19. A premises licence or a club premises certificate authorises the use of the licensed premises for one or more of the licensable activities.

(premises can include any place or part of a premises).

The licensable activities are:

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

#### **(i) Regulated Entertainment**

20. Regulated entertainment includes both entertainment and entertainment facilities.

Subject to the qualifying conditions, definitions and exemptions, regulated entertainment is:

- a) the performance of a play
- b) the exhibition of a film
- c) an indoor sporting event
- d) boxing or wrestling entertainment (indoors and outdoors)
- e) the performance of live music
- f) the playing of any recorded music
- g) a performance of dance
- h) entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

where the entertainment takes place in the presence of an audience and is provided for the purpose (or for purposes which include the purpose) of entertaining that audience.

21. Following the implementation of the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment)(Amendment) Order 2013 a licence may not be required for the following activities if they take place between 08:00-23:00 on any day:

- A performance of a play in the presence of any audience of no more than 500 people;
- An indoor sporting event in the presence of any audience of no more than 1000 people;
- Most performances of dance in the presence of any audience of no more than 500 people; and
- Live music, where live music comprises:
  - unamplified live music;
  - live amplified music in a workplace with audiences of no more than 500 people; or

- a performance of live music or recorded music on premises licensed to sell alcohol provided the audience is no more than 500 people,

Where a premises continues to operate licensable activities (such as the sale of alcohol), any conditions relating to the above live music activities will be suspended unless they have been added following a licence review

22. After dinner speakers, poetry readings and stand-up comedians, performing without the addition of any other element described above, are not licensable activities.
23. Stage Hypnotism is dealt with by separate legislation under which consent is required.
24. There is nothing to prevent shops, stores or supermarkets making an application to include regulated entertainment in their premises licences to permit them to provide entertainment at, for example, Christmas or during promotional events, again, subject to the qualifying conditions, definitions and exemptions. Entertainment facilities include facilities enabling persons to take part in entertainment for the purpose of, or for purposes that include the purpose of, being entertained, including:
  - a) Making music
  - b) Dancing
  - c) Entertainment of a similar description to making music or for dancing.

(Entertainment facilities include, a karaoke machine, a dance floor and the provision of musical instruments provided for use by the public).

#### **(ii) Late Night Refreshment**

25. Late night refreshment (subject to certain exemptions as defined in the Act) is regarded as the supply of hot food or drink for consumption on or off the premises, between the hours of 11pm and 5am. The supply of hot **drink** (not food) by means of a vending machine that is operated by members of the public is *not* a licensable activity.
26. The supply of hot food or drink free of charge is not a licensable activity. However, if a charge is made for admission to the premises or for some other item in order to obtain the hot food or drink then this would not be considered 'free of charge'.
27. Blackburn with Darwen Borough Council has not de-regulated late night refreshment licensing.

#### **Personal Licences**

31. Any individual may seek personal licences whether or not they have current employment or business interests associated with the use of the licence.  
The Council will grant a personal licence if:
  - a) The applicant is over 18
  - b) The applicant, if subject to immigration control, is entitled to work in the licensable activity
  - c) The applicant possesses a relevant licensing qualification
  - d) The applicant has not forfeited a personal licence in the previous five years beginning with the day the application was made

- e) The applicant has not been convicted of any relevant offence as defined in the Act.
32. The issues, which arise when the holder of a personal licence becomes associated directly with particular premises covered by a premises licence by becoming the “designated premises supervisor” for those premises, are dealt with below. The Council will not consider these matters when considering an application for a personal licence.
33. In order to substantiate whether or not an applicant has an unspent conviction for a relevant offence, applicants will be required to produce a criminal record certificate. The applicant is required to send a copy of this to the Lancashire Constabulary at the time of application.
34. The Council will liaise closely with the police when an applicant is found to have an unspent conviction for any relevant offence as defined in the Act. Where an applicant is found to have an unspent conviction for a relevant or foreign offence and the police object to the application on crime prevention grounds, the applicant is entitled to a hearing before a Licensing Sub Committees. At this hearing the applicant may bring with them evidence e.g. character references supporting their application and they may be represented by a solicitor or supported by a ‘friend’. The refusal of the application will be the normal course unless there are, in the opinion of the Licensing Committee, exceptional and compelling circumstances that justify granting the application.
35. If an application is refused for any reason, the applicant will be entitled to appeal to the courts against the decision. Similarly, if the application is granted despite a police representation, the Chief Officer of Police is entitled to appeal against the licensing authority’s determination. The Council will therefore record full reasons for any decision that they make.
36. The sale of alcohol, because of its impact on the wider community and on crime and disorder and anti-social behaviour, carries with it greater responsibility than that associated with the provision of entertainment or late night refreshment.
37. Where a personal licence holder is convicted of a relevant offence and the licensing authority is notified the licence holder must produce the licence to the authority. The details of the conviction will be endorsed on the licence. The licence holder may also have the licence revoked or suspended for up to 6 months. The decision will be made by a licensing sub-committee of Blackburn with Darwen Borough Council. Only convictions received after 6 April 2017 can be considered. The licence holder will be invited to make representations about the conviction.
- 38.

### **Designated Premises Supervisors**

39. The main purpose of the appointment of a “designated premises supervisor” (as described in the Act) is to ensure that there is always one specified individual who is responsible for ensuring that the premises are run properly – ensuring that the licensing objectives are discharged, that licence conditions are observed and that current best practice is followed.
40. The premises licence holder will normally have given the designated premises supervisor day-to-day responsibility for running the premises.

- i) The designated premises supervisor will therefore occupy a pivotal position. The designated premises supervisor will usually be in a position to provide direct management supervision of the premises and to regularly be on the premises during trading hours. By identifying the designated premises supervisor in the premises licence it will be clear to the Licensing Authority, the Police, other agencies and customers who is in day-to-day charge of the premises.
  - ii) Only one designated premises supervisor may be specified in a premises licence.
  - iii) The police are able to object to the appointment of a new designated premises supervisor where in exceptional circumstances, they believe the appointment would undermine the crime prevention objective set out in the Act. Police intervention is permitted under the Act where a particular designated premises supervisor is first appointed or transfers into particular premises and this combination gives rise to exceptional concerns. (section 37(5) of the Act)
  - iv) For example, this could occur where a personal licence holder, who has been allowed by the courts to retain his licence despite convictions for selling alcohol to minors, transfers into premises which have had problems with underage drinking. Another example might be where an individual with convictions for possession of drugs intends to be specified as the designated premises supervisor at premises with a history of 'drug' problems.
39. Where the police do object, the Council will arrange for a hearing at which the issue can be considered and both parties may put forward their arguments. The Council will give such hearings priority. The Act provides that the applicant may apply for the individual to take up his post immediately and in such cases, the issue would be whether the individual should be removed. The Licensing Committee considering the matter will confine their consideration to the issue of crime and disorder. They will give comprehensive reasons for their decision and both the applicant and the Police are entitled to appeal against the decision of the Council.
40. Where a new designated premises supervisor is nominated, the normal procedure will be for the premises licence holder to apply to the Council for that individual to be appointed as designated premises supervisor (the application may include an application for the appointment to have immediate effect). The application must show that the individual concerned consents to taking on this responsible role and the Police must be sent a copy of the application. The premises licence must be amended to reflect the appointment of the new designated premises supervisor.

### **Authorisation of sales of alcohol**

- 41. It is the Designated Premises Supervisor who is responsible for all sales of alcohol from the premises.
- 42. The Act permits a Designated Premises Supervisor to 'authorise' other people to sell alcohol.
- 43. 'Authorisation' does not mean direct supervision – there is no requirement for the Designated Premises Supervisor to be in the bar or even on the premises every time the premises is open for business, however, the Designated Premises Supervisor is responsible for sales which are made by others even in their absence.
- 44. It has become recognised best practice for the Designated Premises Supervisor to give specific written authorisation to each member of staff who may make sales of

alcohol. It is recommended that the authorisation identifies the person and identifies what actions the member of staff is authorised to undertake. The arrangement should be one which allows the Designated Premises Supervisor to monitor the authority which they have given on an ongoing basis.

45. The absence of written 'authorisation' will not itself lead to enforcement action but the authority of staff may be challenged where it is not in place and 'due diligence' by the Designated Premises Supervisor may be difficult to demonstrate.

### **Premises Licences**

46. An application can be made to the Council for any place within its area to be used for any licensable activity or qualifying club activity. The application must be accompanied by:
- a) The required fee;
  - b) The appropriate application form (including an Operating Schedule);
  - c) A plan of the premises; and
  - d) If it is intended to sell alcohol, a form of consent given by the person whom the applicant wishes to have specified in the Premises Licence as the Designated Premises Supervisor.

#### **Incomplete applications will be returned to the applicant.**

47. The Act requires applicants to notify the 'responsible authorities' for the Blackburn with Darwen's Licensing Authority area.  
A copy of the application must be sent to each of the responsible authorities – as detailed in in Appendix 2 of this document.
48. The Application must include details of:
- a) The relevant licensable activities which are to be conducted on the premises;
  - b) The times during which the applicant proposes that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods and during particular seasons if applicable);  
Any other times that the premises are to be open to the public
  - c) Where the applicant wishes the licence to have effect for a limited period, that period;
  - d) Where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor and a copy of his or her Personal Licence;
  - e) Where the relevant licensable activities include the sale by retail of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both;
  - f) An Operating Schedule giving details of the steps which the applicant proposes to take to promote the licensing objectives.

In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to the 'Pool of Model Conditions' given at Appendix 4 of this Statement of Policy.

When preparing their applications applicants will be expected to undertake a thorough risk assessment for each of the four licensing objectives.

**Applicants should be aware that applications which do not show that all relevant points have been addressed may result in a representation from the appropriate responsible authority.**

49. Regulatory Reform (Fire Safety) Order 2005 – The Licensing Authority will not impose any licence condition where the order applies.
50. The Act prohibits the sale of alcohol from premises used primarily as a garage, however in certain circumstances licences to sell alcohol at petrol stations can be considered provided the licensing authority considers that the premises are not used primarily as a garage. Premises are ‘used as a garage’ if they are used for one or more of the following:
  - the retailing of petrol;
  - the retailing of derv;
  - the sale of motor vehicles; and
  - the maintenance of motor vehicles.  
(section 176 of the Act)
51. Where there is insufficient evidence to determine the primary use of the premises, the Licensing Authority will take steps (through enforcement activity or otherwise) to collect the evidence and may defer a decision until such evidence has been obtained.

### **Relevant Representations**

52. Where representations are made about an application the Council will hold a hearing to consider them unless the Council, the applicant and everyone who has made representations agree that the hearing is not necessary. Representation must be ‘relevant’ to be considered.

To be ‘relevant’, representations must be:

  - a) About the likely effect of the granting of a Premises Licence or Club Premises Certificate on the promotion of at least one of the licensing objectives; and
  - b) Made by ‘other persons’ or a ‘responsible authority’, have not been withdrawn and, in the case of representations made by ‘other persons’, are not, in the Council’s opinion, frivolous or vexatious.
53. ‘Other persons’ includes any of the following: Residents, businesses or associations that represent residents or businesses.
54. The Council will accept ‘representations’ which are in favour of an application and these will be included in the documentation submitted when there is a hearing, however, where only positive representations are received, no hearing will be held.
55. Where there are concerns about the intimidation of residents who may have genuine concerns about an application, the Council will follow the published guidance of the Secretary of State. (the Guidance Para 9.26 – 9.30)

### **Club Premises Certificates**

56. The Council may issue a "Club Premises Certificate" to a qualifying Club. The Certificate will specify that the premises may be used for one or more of the 'recognised Club activities' and that the Club is a qualifying Club in relation to each of those activities.
57. Recognised Club activities are:
  - a) The supply of alcohol by or on behalf of the Club to or to the order of a member of the Club;
  - b) The sale by retail of alcohol by or on behalf of a Club to a guest or a member of the Club;
  - c) The provision of regulated entertainment where that provision is by or on behalf of the Club for members of the Club or members of the Club and their guests.
58. The Club is a qualifying Club in respect of the recognised activities provided that, under the rules of the Club, a person may not be admitted to membership, or be admitted as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination or application for membership and their admission. People becoming members without nomination or prior application may not be admitted to the privileges of membership without an interval of two days between them becoming members and their admission.
59. The Club must be established and conducted in good faith as a Club and have a minimum of 25 members.
60. A Club can apply for a Club Premises Certificate in respect of premises, which are occupied by, and habitually used for the purposes of the Club. The application must be accompanied by:
  - a) The relevant fee;
  - b) The appropriate application form (including a Club Operating Schedule);
  - c) A plan of the premises;
  - d) A copy of the rules of the Club;
  - e) Evidence that the Club is a qualifying Club in relation to each of the recognised Club activities to which the application relates.
61. The applicant will also be required to notify, and enclose a copy of the application to, all responsible authorities for the Blackburn with Darwen Licensing Authority These are listed in appendix 2 of this document
62. The application form must contain the following:
  - a) Details of the relevant qualifying club activities to which the application relates;
  - b) The times during which it is proposed the qualifying club activities will take place;
  - c) Any other times during which it is proposed the premises are open to members and their guests;
  - d) Where the qualifying club activities include the supply of alcohol, whether supplies will be for consumption on the premises, off the premises or both.
  - e) The steps which it is proposed to take to promote the licensing objectives, and,
  - f) Any other prescribed matters.

In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to the 'Pool of Model Conditions' given at Appendix 3 of this Statement of Policy. When preparing their applications applicants will be expected to undertake a thorough risk assessment for each of the four licensing objectives.

**Applicants should be aware that applications which do not show that all relevant points have been addressed may result in a representation from the appropriate responsible authority.**

Regulatory Reform (Fire Safety) Order 2005 – The Licensing Authority will not impose any licence condition where the order applies.

63. Club Premises Certificate applications will be dealt with in a similar manner as applications for Premises Licences.

### **Temporary Event Notices**

64. Temporary Event Notices, commonly referred to as 'TENs', can be used to authorise premises for licensable activities for temporary periods or special occasions. Unlike applications for Premises Licences and Club Premises Certificates, the licensing authority does not grant Temporary Event Notices. Instead the premises user notifies the licensing authority of their intention to hold an event and in general, only the police and the council's Environmental Health function can intervene to prevent it taking place or agree modifications to the event arrangements.
65. TENs are subject to defined limitations and it is only when one of these limits are exceeded that the licensing authority can intervene and will return the notice as void. Otherwise the authority will just acknowledge the notice - this may be done electronically.
66. A number of limitations on TENs are:
- a) the number of times a person may be granted a temporary event notice (50 times per year for a personal licence holder & 5 times per year for other people).
  - b) the length of time a temporary event may last for these purposes (168 hours or 7 days);
  - c) scale – they cannot involve the presence of more than 499 people at any one time;
  - d) use of the premises – the same premises cannot be used more than 12 times in a calendar year
67. There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes.
68. A standard TEN is given no later than 10 working days' notice before the event to which it relates; and
69. A late TEN is given not before 9 and no later than 5 working days before the event.

### **Standard Temporary Event Notices**

70. Standard TENs must be submitted to the licensing authority no less than 10 working days before the first day of the event. A 'working day' as defined by the Act is any other day than a Saturday, a Sunday, Christmas Day, Good Friday, or a day that is a bank holiday. Ten working days is exclusive of the day on which the event is to start and exclusive of the day on which the TEN is given.
71. If the required notice is not given, the TEN cannot be acknowledged by the Authority, it is advisable therefore to provide as much notice as possible.
72. Lancashire Constabulary and Environmental Health may object to a TEN within three working days. An objection can be made on the grounds of any licensing objective. Where an objection is received (and not withdrawn) a hearing will be convened to determine whether or not the event may go ahead.

73. The police or environmental health may withdraw their objection at any stage if the proposed premises user agrees to modify the proposal to meet their concerns. A copy of the modified notice should then be given to the licensing authority as proof of an agreement.
74. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice
75. Where the notice is in connection with existing premises, the licensing authority may impose existing conditions from the authorisation on to the notice. Copies of the notice will be provided to the police and environmental health.
76. Where, following any representation at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter –notice against the Temporary Event Notice.

### **Late Temporary Event Notices**

77. Late TENs are intended to be used by premises users who are required, for reasons outside their control to, for example, change venue at late notice.
78. A maximum of 10 Late TENs per year can be submitted by a personal licence holder and 2 per year for other people. Late TENs count towards the maximum number of events that can be held during a calendar year.
79. Late TENs must be submitted to the licensing authority no more than 9 working days and no less than 5 working days before the first day of the event. A ‘working day’ as defined by the Act is any other day than a Saturday, a Sunday, Christmas Day, Good Friday, or a day that is a bank holiday. Ten working days is exclusive of the day on which the event is to start and exclusive of the day on which the TEN is given.
80. Lancashire Constabulary and Environmental Health may object to a TEN within 3 working days of its receipt. An objection can be made on the grounds of any licensing objective. Where an objection is made, a counter notice will be issued and the TEN will not be valid. It should be noted that this differs from the process for Standard TENs, which require an objection to be considered at a hearing.

### **Provisional Statements**

81. Where premises are being constructed for the purposes of being used for one or more licensable activities or are being extended or otherwise altered for that purpose (whether or not they are already being used for that purpose) a business or a person may apply for a Provisional Statement if they have an interest in the premises and, if an individual, they are aged 18 years or over. This application would include details of the work to be done and the licensable activities that it is intended will take place at the premises.
82. The application must be advertised and copied to responsible authorities in a similar way to the arrangements for applications for a Premises Licence. Responsible authorities and interested parties may make representations. Where no representations are made, a provisional statement must be issued which states that fact. Where relevant representations are made, a hearing must be arranged by the licensing authority at which the parties may put their arguments. The need for a hearing can be dispensed with only by agreement of the licensing authority, the applicant for the provisional statement and all the parties who made relevant representations.

83. If a Provisional Statement has been issued and the person subsequently applies for a Premises Licence in respect of the premises, a part of them or premises which are substantially the same as the relevant premises (or part of them) and the application is in the same form as the licence described in the provisional statement accompanying the application for that statement has been satisfactorily completed then any representations made by a person shall not be taken into account if:
- a) Given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but had failed to do so without reasonable excuse; and,
  - b) There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises since the Provisional Statement was made.
84. It should be noted that any decision of the Licensing Authority on an application for a provisional statement would not relieve an applicant of the need to apply for planning permission or building control approval.

### **Variations of Licences**

85. Applications to vary a Premises Licence, other than a minor variation, will be dealt with in a similar manner to applications for a new Premises Licence. If relevant representations are not received the application for variation will be granted.
86. If relevant representations are made and not withdrawn the Licensing Committee will hold a hearing and at that hearing may:
- a) Modify the conditions of the Licence; or
  - b) Reject the whole or part of the application.
87. The Licence will not be varied so as to:
- a) Extend the period for which the Licence has effect; or
  - b) To vary substantially the premises to which it relates.
88. The Council may vary a Premises Licence so that it has effect subject to different conditions in respect of:
- a) Different parts of the premises concerned; and
  - b) Different licensable activities.

### **Minor Variations of Licenses**

89. Under sections 41A to 41C of the Licensing Act 2003, an application may be made for small variations that will not impact adversely on the licensing objectives by way of a simplified 'minor variations' process.
90. Under this process, the licensee is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display a white notice at the premises in accordance with Regulations for no less than 10 working days, starting on the working day after the minor variation was given to the Licensing Authority.
91. Upon receipt of an application for a minor variation, the Licensing Authority shall consider whether the variation could adversely impact upon the licensing objectives. In considering the application, the Licensing Authority will consult relevant Responsible Authorities if there is any doubt about the impact of the variation on the licensing objectives or it requires specialist advice.

92. The Licensing Authority will also take into account any relevant representations received from other persons in making a decision on a minor variation application. There is no right to a hearing under the minor variation procedure.
93. Applications must be determined no later than 15 working days, beginning on the first working day after the application was received by the Licensing Authority. There is no right of appeal against the decision of the Licensing Authority.
94. Where the Licensing Authority considers that the variation could adversely impact upon one or more of the licensing objectives, the application will be refused. If the application is not determined within 15 working days, the licensees will initially be offered the opportunity to treat the undetermined application as a new application.
95. Minor variations generally fall into four categories:
  - Minor changes to the structure or layout of the premises
  - The removal of out of date, irrelevant or unenforceable conditions
  - The addition of volunteered conditions
  - The addition of certain licensable activities
96. Applications to remove licensable activities will normally be approved as minor variations.  
Variations to:
  - Extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
  - To increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises
 are **excluded** from the minor variations process and must be treated as full variations in all cases.

### **Transfer of Premises Licences**

97. The following people may apply for the transfer to them of a Premises Licence:
  - a) A person whom carries on, or proposes to carry on, a business, which involves the use of a premises for the licensable activities, authorised by the Premises Licence;
  - b) Any person who makes the application in pursuance of one or more of its statutory functions which relate to those licensable activities;
  - c) A relevant Club within the meaning of the Act;
  - d) A charity
  - e) An educational institution;
  - f) A hospital; or
  - g) A person of such other description as may be prescribed.
98. Notice of the application must be given to the Police.
99. If the Police consider the granting of the application would undermine the crime prevention objective the Council will consider their reasons for that decision and will reject the application if the Council consider it necessary for the promotion of the crime prevention objective to do so.
100. An application for a transfer of a Licence can contain a request that the transfer has immediate effect. Such a request can only be made with the consent of the holder of the Premises Licence unless the applicant has taken all reasonable steps to obtain that consent and would be in a position to use the premises while the application is pending for the licensable activities authorised by the Premises Licence.
101. A full transfer of the Licence can only be made with the consent of the Premises Licence Holder unless identical circumstances apply.

102. In the event of a death, incapacity or insolvency of a Licence Holder and where no Interim Authority Notice has been given, provided that an application is made within twenty eight days after the Licence lapsed, a person can make an application for the transfer of the Licence to him and the Licence shall be reinstated from the time the application is received by the Council.

### **Interim Authorities**

103. Generally, a Licence will remain in force for as long as the Licensee continues to operate the business unless it is revoked or it is specified it has effect for a limited period and that period expires. However, if the holder of a Premises Licence dies, becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold a licence, becomes insolvent, is dissolved, or if it is a club ceases to be recognised as a club, then the Licence will lapse.
104. If, within a twenty eight day period of such circumstances, a person who had an interest in the premises concerned or is connected to the person whom held the Premises Licence immediately before it lapsed gives the Council an 'Interim Authority Notice' the Licence will be reinstated for a three-month period. At the end of the three months it will lapse unless an application for a transfer of the Licence is made.
105. A person is connected to the former holder of a Premises Licence if, and only if:
- a) The person is the personal representative in the event of the holder's death;
  - b) In respect of a former holder who lacks capacity to hold the license, that person acts for him under an enduring power of attorney or lasting power of attorney registered under the Mental Capacity Act 2005; or,
  - c) In the event of insolvency, the person is acting as an Insolvency practitioner.
106. Interim Authority Notices must also be served on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime objective the Council will arrange a hearing to consider the Notice.

### **Reviews**

107. Reviews of Premises Licences and Club Premises Certificates represent a key protection for the community where problems associated with the licensing objectives occur once a licence has been granted. If relevant representations are made about a current licence the Council will hold a hearing to consider them unless the Council, the applicant and everyone who has made representations has agreed that the hearing is not necessary.
108. The Council can only review a licence where the representation provides evidence to show that the licensing objectives are not being met. An application for a licence review is recognition that existing systems may have broken down.
109. The licensing authority may not initiate its own review of a Premises Licence or Club Premises Certificate. The Police, or officers who are specified as responsible authorities under the Act, may however request reviews as can Councillors, and other persons living, or involved in a business, or representative.
110. The licensing authority's role will be to administrate the process and determine the outcome of the hearing, where an evidential basis for the allegations will need to be submitted.
111. Representations made by another department which is a responsible authority will be treated by the licensing authority in precisely the same way that they would treat

- representations made by any other body or individual. In every case, an evidentiary basis for the allegations made will need to be laid before the licensing authority.
112. It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, other persons and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. Licence holders will therefore be given early warning of concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.
113. Where a complaint from a responsible authority also includes an allegation of criminal conduct on the part of the licence holder, (such as allowing premises to be used for the sale of unlawful drugs), the licensing committee would first expect the relevant authority to exhaust the relevant legal powers at their disposal before making an application for review. The licensing committee cannot be expected to assume the role of a criminal court.
114. Where a review follows convictions or the failure of a prosecution in the criminal courts, it is not for the licensing committee to attempt to go behind the findings of the courts, which it will treat as a matter of undisputed evidence before it.
115. It is envisaged that the licensing authority, the police and other agencies who are responsible authorities, will use the review procedures effectively to deter crime and other inappropriate activities. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined because the premises are being used to further criminal activity, revocation of the licence – **even in the first instance** – is likely.
116. In the absence of any rule to the contrary, the Committee will expect that any party making an application for a licence to be reviewed will prove the facts on which they are relying on to support their allegations, on the balance of probabilities, that is, that it is more likely than not that the circumstances being complained of did actually occur. Because of the potentially serious consequences to a licence holder following a licence review, mere anecdotal or hearsay evidence will not be sufficient.

### Summary Reviews

117. Section 21 of the Violent Crime Reduction Act 2006 has amended the Licensing Act 2003 to make provision for the Police to instigate a summary review of a premises licence in serious cases of crime and disorder. The 2006 Act requires that the premises must be licensed for the sale of alcohol and that a senior member of the Police force (ie of or above the rank of Superintendent) must give a certificate stating that it is his opinion that the premises are associated with serious crime or serious disorder or both.
118. On receipt of an application from the Police for a summary review of the premises licence the Authority must:
- I. within 48 hours of the time of receipt, consider whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
  - II. within 28 days after the day of its receipt, review that licence.
119. In calculating the 48 hours any time that is not on a working day is to be disregarded. The Authority must give notice to the Premises Licence Holder and each

- Responsible Authority. Notices must be displayed at the premises for 7 consecutive days starting with the day after the licensing authority received the application.
120. The Interim Steps Pending Review  
The interim steps that the Authority must consider taking are as follows:
- a) The modification of the conditions of the premises licence, ie the alteration, omission or addition of or to the conditions;
  - b) The exclusion of the sale of alcohol by retail from the scope of the licence;
  - c) The removal of the Designated Premises Supervisor
  - d) The suspension of the licence.
121. Where the Authority takes one or more of the steps above that decision takes effect immediately or as soon after as the Authority directs. Notice must be given immediately to the Premises Licence Holder and Chief Officer of Police.
122. The Premises Licence Holder may make representations about the interim steps and should this occur a hearing must be held within 48 hours of receipt to consider those representations. Once again the 48 hours are determined by working days only.
123. Advance notice of the hearing must be given to the Premises Licence Holder and Chief Officer of Police.
124. At the hearing the Authority must have regard to the certificate from the Police that accompanied the application, any representations by the Police and the representations of the Premises Licence Holder.
125. The subsequent full review hearing is to be conducted in accordance with the Review provisions specified in Section 51 of the Licensing Act 2003, ie no later than 28 days after the receipt of the certificate from the Police.

### **Relevant Representations**

126. 'Relevant representations' are representations:
- a) about the effect of the Premises Licence on the promotion of the licensing objectives;
  - b) made by other persons or a responsible authority, have not been withdrawn and, in the case of representations made by an interested party they are not in The Council's opinion frivolous or vexatious.
127. 'Other persons' includes any of the following: Residents, businesses or associations that represent residents or businesses.
128. Additionally, a review of the licence will normally follow any action by the Police to close down the premises for up to 24 hours on grounds of disorder or public nuisance.

### **Appeals**

129. Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 of the 2003 Act.
130. An appeal must be made to Blackburn Magistrates' Court.
131. An appeal must to be commenced by the giving of a notice of appeal by the Appellant to the Justices' Chief Executive for the Magistrates' Court within a period of 21 days beginning with the day on which the Appellant was notified by the Council of the decision appealed against.
132. The Council will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant against the representations of a responsible authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a respondent.

133. On determining an appeal, the court may:
- a) dismiss the appeal;
  - b) substitute for the decision appealed against any other decision which could have been made by the Council; or
  - c) remit the case to the Council to dispose of it in accordance with the direction of the court.
134. The court may make such order as to costs as it thinks fit.

### **Giving reasons for decisions**

135. In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will also ensure that they address the standard of proof and the burden of proof that has been adopted. The Council will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under Section 182 of the Act, giving reasons in cases where there has been a departure.

### **Implementing the determination of the Magistrates' Courts**

136. As soon as the determination of the Magistrates' Courts has been promulgated, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an on-going judicial review). The Act provides for no further appeal against the determination of the Magistrates' Courts.

### **Cumulative Impact**

137. This policy does not seek to limit the number of licensed premises that will be permitted even where it may appear that there are already enough licensed premises to satisfy the demand. That is not a matter for this policy, it is a commercial decision.
138. The 'cumulative impact' of the granting of an additional licence on the promotion of the Licensing Objectives is, however, a proper matter for the licensing authority to consider under this policy and the licensing authority may adopt a Special Saturation Policy.
139. Such a policy will not be considered unless and until the Licensing authority receives representations from a responsible authority or other persons that the cumulative effect of new licences is leading to an area becoming saturated with premises making it a focal point for large groups to gather in and circulate away from and that this is creating exceptional problems of disorder and/or nuisance over and above the impact of the individual premises. The licensing authority can properly consider whether or not the granting of an additional licence might lead to one or more of the Licensing Objectives being undermined. That said, the principle of cumulative impact will not be used to impose artificial restrictions and:
- All applications will be considered on their merits.
  - No 'quotas' are imposed by this policy
  - No restriction or limitation on trading hours in a particular area is imposed by this policy.

140. The licensing authority, through this Policy Statement, recognises the duty that it has under Section 17 of the Crime and Disorder Act 1998 and the link between this Act and the Licensing Objectives.
141. The impact on the promotion of the Licensing Objectives is a matter that the licensing authority can properly take into account when considering a particular application when a Special Saturation Policy applies.
142. In applying a Special Saturation Policy, the licensing authority recognises that a minority of consumers will behave badly. As is stated above, the Licensing Policy Statement itself cannot address issues relating to the behaviour of individuals or groups unless in the immediate vicinity of the licensed premises, however, this Policy Statement is part of a framework of measures that together, can be used to tackle behavioural problems in an area where licensed premises are situated. These include:
- Planning controls
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
  - Powers to designate parts of the area as places where alcohol may not be consumed
  - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices
  - Prosecution of any personal licence holder or member of staff at licensed premises who sell alcohol to people who are drunk
  - The confiscation of alcohol from adults and children in designated areas.
  - Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
  - Powers of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.
  - The provision of CCTV surveillance, ample taxi ranks, street cleaning and litter patrols.

### **Special Saturation Policy**

142. If, in any area of the Borough, the number, type and density of premises selling alcohol leads to serious problems of nuisance or disorder arising, or beginning to arise, outside, within the vicinity of the licensed premises, the licensing authority may receive representations from a responsible authority or an interested party that the effect of granting new licences is leading to that area becoming saturated with licensed premises making it a focal point for large groups of people to gather at and circulate away from and that this is creating, or may create, exceptional problems of disorder and nuisance over and above the impact from individual premises.
143. Where such a situation arises, the licensing authority may consider the introduction of a Special Saturation Policy (SSP). In determining whether or not to adopt such a policy the licensing authority will seek to:
- Identify any serious or chronic concern from a responsible authority or representatives of residents about nuisance and disorder

- Assess the causes
  - Determine whether or not the disorder and nuisance is arising as a result of customers of licensed premises, identify the area from which the problems are arising and the boundaries of the area
  - Adopt a policy about future licence applications which will address the problem that has been identified
144. The SSP will be considered bearing in mind the licensing objectives and the duties placed on the licensing authority by Section 17 of the Crime and Disorder Act 1998.
145. Representations should show how an application would impact on licensing objectives and the onus of proof, to demonstrate that the granting of the application would produce the cumulative impact claimed, is on the responsible authority or objector.
146. The SSP recognises that the impact of premises with different styles or characteristics will be different.
147. The SSP will not be used as grounds to remove a licence when representations are received about problems with existing licensed Premises.
148. The SSP will not be used to reject an application to modify an existing licence except where those modifications are directly relevant to the SSP (eg an increase in capacity).
149. Where a SSP is adopted it will be reviewed every three years to determine if it has had the desired effect and whether or not it is still needed.

### **Trading Hours**

150. This Policy recognises that longer and more flexible licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks and private hire offices, fast food outlets etc.
151. The Policy will not set fixed trading hours within any designated area though the Policy recognises that stricter conditions with regard to noise control will be necessary in more densely populated residential areas. Additional security measures may need to be considered on premises which remain open to the public after 3:00am. Each application will be judged on its merits with the discharging of the licensing objectives being paramount in every case.
152. Unless there are good reasons to the contrary on the grounds of public disorder or crime prevention, shops, stores and supermarkets that sell alcohol will be permitted to do during the times that they would ordinarily sell other goods. It would be for interested persons or the responsible authorities to prove why this should not be so in any particular case.
153. As a general presumption, applications for licences to sell alcohol for consumption on the premises (including club premises) who wish to open between 10 am and midnight Sunday to Thursday and 10 am to 1 am Friday and Saturday will have their licence granted - subject to the rights of other persons to object and thereby require a hearing.
154. Any premises wishing to open for longer hours, or where amplified music is to be a feature of the entertainment which is provided, will need to demonstrate specifically within their operating schedule, how they will discharge the Licensing Objectives.
155. Applicants should be aware that there is no automatic presumption In favour of longer hours and all cases which are referred to the Licensing Committee the Committee will consider if the hours requested by the applicant undermine the

licensing objective. Where the Committee concludes that they do, the Committee may reject the application, or impose conditions and/or grant the licence with permitted hours which are different to those requested.

156. In the interests of reducing crime, disorder and anti-social behaviour, the Council will prefer applications for public houses, nightclubs and registered clubs that demonstrate in their operating schedules a responsible approach to alcohol sales by ending such sales some time before the premises themselves are closed ('drinking-up time'). There is no obligation on the holder of a premises licence or club premises certificate to remain open for the entire period permitted by his licence or certificate.

## **Children**

157. The Policy does not seek to limit the access of children to licensed premises. Access is at the discretion of the licence holder and is neither encouraged or discouraged by the policy except where:
- There have been convictions for underage drinking or the premises have a reputation for attracting underage drinkers,
  - The premises have a known association with drug taking or drug dealing,
  - Gambling takes place on the premises,
  - Entertainment of an 'adult' or 'sexual' nature takes place,
  - Where the supply of alcohol for consumption on the premises is the exclusive or the primary purpose of the services provided at the premises,

In these cases restrictions may be imposed.

158. The Licensing Authority reserves the right to take all necessary steps to prevent harm to children by:
- Limiting the hours when children will be permitted in the premises
  - Stating a minimum age (below 18)
  - Limiting or prohibiting access when certain activities are taking place
  - Permitting access only when accompanied by an adult
  - Such other condition or restriction as may be necessary to achieve the licensing objective
159. A complete ban on children entering licensed premises is rarely likely to be necessary.
160. Nothing in this policy makes it a requirement that children must be admitted to any premises.
161. Applications made for premises that propose to admit children are required to include a risk assessment and show the measures to be taken to protect children from harm whilst on the premises.

## **Children and Cinemas**

162. Where a licence is granted for the exhibition of films it will be granted subject to a condition that requires the licence holder to take reasonable steps to prevent children gaining access to age-restricted films where they are not old enough to view the film according to the classification awarded to it by British Board of Film Classification

## **Children and Regulated Entertainment**

163. Where performances are presented especially for children in theatres and cinemas applicants should clearly address this in their operating schedule. Attendants will need to be stationed in the area(s) occupied by children and in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

### **Integrating strategies**

164. The licensing authority recognises that securing the delivery of the licensing objectives can make a substantial contribution to the community only if a partnership approach is adopted involving the police, local business and local people working together. In order to promote this approach, the licensing authority will, when relevant, consider informal representations and suggestions making recommendations to an Executive Member, if appropriate.

## **Alcohol and Public Health**

165 Alcohol use is a legitimate, safe, social activity for most people, they enjoy a drink and are responsible about how much they consume. Certain activities such as drinking and driving or being at work under the influence of alcohol have become increasingly viewed as anti-social behaviour.

Public Health (Nationally and locally) wish people who drink alcohol to be aware of the issues that may occur from regular or increasing consumption.

Sustained alcohol misuse can cause addiction but this is not the only concern.

Alcohol use can contribute to other health and wellbeing issues such as:

- obesity - alcoholic drinks contain sugars and calories and are not always considered alongside usual food intake
- mental health - alcohol misuse can contribute to mood changes or depression
- regular alcohol use has been clearly identified as having links to at least 7 common types of cancer
- long term regular drinkers are at risk of liver disease too (locally we have significant numbers of hospital attendances for alcohol related health issues)
- alcohol consumption can impact on the family, children in homes where heavy drinking is usual are more likely to grow up with a distorted view of normal alcohol use

Trends tell us that young people are drinking less alcohol and this is very positive for their physical and mental health over the life course. Another positive is that we know people are living longer but this also means a 'lifetimes' alcohol consumption is correspondingly higher.

Blackburn with Darwen Borough Council provide a local alcohol service to advise and support anyone who feels they would like to change their relationship with alcohol. If necessary, they can provide treatment for those whose drinking has become a problem. Details for our local alcohol service can be found on the Council website, local information

services or via our Public Health team. Alcohol advice, support and treatment is free of charge. Information on alcohol consumption is also available from GPs other health professionals.

National guidelines for alcohol issued by the government are available at the following web address: <https://www.drinkaware.co.uk/alcohol-facts/alcoholic-drinks-units/latest-uk-alcohol-unit-guidance/>

Public Health is now a Responsible Authority for alcohol licensing and we want to take our role in promoting healthy lifestyles and responsible drinking.

Blackburn with Darwen Borough Council recognise the impact upon population-level health that alcohol consumption can cause. While the protection of public health is not a discrete licensing objective, it can where appropriate permeate each of the licensing objectives. While Public Health has input into licensing decisions we are only permitted to comment on matters relating to the Licensing Act's four objectives but this policy recognises that Blackburn with Darwen's Director of Public Health will:

- explore the impact of alcohol related incidents on emergency services such as North West Ambulance Service
- consider the proximity of licensed premises to schools, youth centres, play groups and family centres
- share anonymised A&E data with other responsible authorities relating to young people and alcohol related incidents
- analyse data on attendance at emergency departments and the use of ambulance services following alcohol related incidents
- collate anonymised data on incidents relating to specific premises and present to licensing sub-committees when representations are made
- support the police by facilitating access to health information such as anonymised A&E data for alcohol related admissions, for example, as part of a licence review application
- provide Trading Standards with evidence of the health impact of illicit or counterfeit alcohol
- support the sharing of health information such as anonymised A&E data with other responsible authorities where it links to public safety
- provide evidence on the impact of the health and wellbeing of vulnerable groups such as street drinkers and those residing in hostels and the effect this has on anti-social behaviour
- engage with the Blackburn with Darwen Safeguarding Children Board to share relevant information such as data on young people accessing substance misuse services
- investigate links between ambulance callouts and attendance to irresponsible practices at specific licensed premises

Blackburn with Darwen Public Health remain committed to reduce the impacts of and costs to the Borough from alcohol misuse. Alcohol misuse impacts includes physical and social harms, alcohol related illness, accidents, violence and anti-social behaviour. Costs of dealing with alcohol misuse in the Borough accumulate from many sources; lost hours/productivity in the workplace, social and healthcare costs, ambulance call outs, crimes, hospital attendances and admissions.

### **Conditions**

165. The Licensing Authority will not impose standard conditions other than the statutory mandatory conditions. The licensing Authority may only attach conditions to a licence if relevant representations are received (except for conditions drawn from the applicants operating schedule since these are voluntary proposals). A list of statutory mandatory conditions are detailed at appendix 3
166. Any condition that is imposed on licensed premises will be tailored to the specific needs of the premises to which the condition relates and will be linked to one of the licensing objectives eg crime and disorder prevention strategies and a condition requiring premises to install CCTV.
167. Conditions attached to permissions will be focussed on matters that are within the control of individual licence holders and others possessing authorisations. The Licensing Authority will focus on the direct impact of activities taking place on the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
168. This policy is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee or away from the vicinity of the licensed premises.
169. The government has produced a 'pool' of 'model conditions' with guidance as to their intended use. These model conditions are reproduced within appendix two. Licensing Authorities may add specific conditions to a licence to address particular issues.
170. Conditions will not be imposed in relation to the nature or content of plays to be performed or the manner of performing plays. The absence of any such condition does not imply any exemption from any other statutory prohibition such as the Obscene Publications Act or common law.
171. Stricter conditions in relation to noise control can be expected in areas which have residential accommodation.

## **Enforcement**

172. The licensing authority works particularly closely with the responsible authorities including its partners at Lancashire Constabulary and Lancashire Fire and Rescue Service, based upon the principles of partnership working, in order to most effectively address licensing-related issues. Action has been taken in respect of issues including underage sales and breaches of licences condition by the Responsible Authorities
173. The Licensing Authority takes a risk-based and proportionate approach to regulatory enforcement in relation to the likely impact of the premises upon crime and disorder, public nuisance, problems concerning public safety and the protection of children from harm. Therefore, higher –risk and problem premises will be targeted for enforcement activity whereas a lighter touch approach will be adopted for low risk, well run premises.
174. Failure to promote the Licensing Objectives may result in a licence review and possible implementation of sanctions by the Licensing Committee, including removal of licensable activities, reductions in hours or, ultimately, revocation of licence.
175. Additionally, where offences are committed, prosecution maybe considered.
176. The licensing authority and partner agencies shall continue to work with the licensed trade through the provision of advice, education and training, information, promotion of good practice and behaviour.

177. The Responsible Authorities (see appendix 2) are available to provide advice and support for licensees as well as members of the public in relation to any problems they may be encountering relevant to licensed premises.

### **Suspension for Non Payment of Fees**

178. The licensing authority is required to suspend a premises licence or club premises certificate if the annual fee has not been paid when it is due. Where a premises licence or certificate has been suspended, no licensable activity can be lawfully carried out at the premises until the annual fee has been paid. The suspension shall be lifted immediately upon payment of the fee and licensable activities may resume.
179. If an annual fee has not been paid by the due date, the licence holder shall be notified accordingly and given notice of the date the suspension shall take effect.
180. Where payment has not been paid as a result of a genuine administrative error, or because the licence holder disputed the liability for the fee before or at the time of the due date, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

### **Ability to re-instate conditions relating to Live Music upon Review**

181. The Licensing Authority may reinstate or impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises, where it can be demonstrated the live music has undermined the promotion of the licensing objectives and such action is considered to be appropriate.

### **Committee arrangements, administration, delegation, etc.**

#### **The Licensing Committee**

182. The Licensing Committee consists of 13 members and sits, roughly, four times per year. The full Licensing Committee will review this policy at least every five years. A Licensing Sub-Committee, comprising 3 members, will be established to hear any application where a representation has been received.
183. The chair of the Licensing Committee shall be elected at the annual meeting of the Council.
184. Members are subject to compliance with the Local Authorities (Model Code of Conduct) Order 2007 which restricts their involvement in matters where they have a 'prejudicial interest' (including participation in meetings). The Code permits Members to attend licensing hearings to attend meetings to make representations, to give evidence or to answer questions even where they have a 'prejudicial interest' provided that members of the public are also allowed to attend the meeting for the same purpose provided that they withdraw from the meeting afterwards.
185. Where a Councillor who is a member of a licensing committee or a licensing sub-committee has had a direct or indirect involvement in the affairs of an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence application in question.

186. The licensing sub-committee will also refer to the licensing committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.
187. Paragraphs 147 and 148 do not apply to applications made by the Council itself for licences or permissions under the Act. In those circumstances, it is unlikely that Councillors would have a prejudicial interest in the matter before them, as defined in the Model Code of Conduct for Councillors issued under the Local Government Act 2000.
188. Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied with clear, cogent reasons for the decision. The applicant and objector(s) will receive written reasons for the decision. A summary of the decision will form part of the statutory licensing register which the Council is required to keep.
189. The Council's licensing officers will deal with all licence applications where no representations have been received or where representations have been received and have been withdrawn or where a representation is considered to be vexatious or frivolous.
190. Decisions as to whether representations are irrelevant, frivolous or vexatious must be made objectively and not on the basis of any political judgement. Accordingly, Council officers will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that are the case. A report will be made to the Licensing Committee indicating only the general grounds of the representation and the reason it was rejected.
191. The Council will ensure that members and officers are appropriately trained to carry out their duties under the Act. No Councillor shall sit on the Licensing Committee unless they have received appropriate training.
192. Appendix 1 shows the full list of delegations for various functions in the Licensing Act 2003.

## Appendix 1

### Delegation of functions

| Matters to be dealt with  | By sub committee                 | By officers                         |
|---|----------------------------------|-------------------------------------|
| Application for personal licence – no convictions   |                                  | All cases                           |
| Application for personal licence – unspent convictions.   | If a police representation made  | If no police representation made    |
| Application for premises licence/club premises certificate.   | If relevant representation made. | If no relevant representation made. |
| Application for provisional statement.  | If relevant representation made. | If no relevant representation made. |
| Application for premises licence/club premises certificate  | If relevant representation made  | If no relevant representation made  |
| Application to vary premises licence/club premises certificate.   | If relevant representation made. | If no relevant representation made. |
| Application to vary premises designated premises supervisor.  | If police objection.             | All other cases.                    |
| Request to be removed as designated premises supervisor.  |                                  | All cases.                          |
| Application for transfer of a premises licence.   | If police objection              | All other cases.                    |
| Application for interim authorities.  | If police objection.             | All other cases.                    |
| Application to review premises licence/club premises certificate.   | All cases.                       |                                     |
| Decision on whether a complaint is to irrelevant, frivolous, vexatious etc.   |                                  | All cases.                          |
| Decisions to object when local authority is a consultee and not the relevant authority considering the application. | All cases.                       |                                     |
| Determination of a police/environmental health objection to a temporary event notice.                               | All cases.                       |                                     |
| Application under the Minor Variation Procedure   |                                  | All cases                           |
| Application for Summary Review  | All cases                        |                                     |

## **Appendix 2**

Responsible authority addresses:

Public Protection Service - Licensing  
Blackburn with Darwen Borough Council  
White Dove Offices  
Davyfield Depot  
Roman Road Industrial Estate

Blackburn  
BB1 2LX  
Telephone number (01254) 267666

E-mail [licensingteam@blackburn.gov.uk](mailto:licensingteam@blackburn.gov.uk)

Police Licensing Unit  
Town centre police station  
Railway Road  
Blackburn BB1 1EX  
Email: [blackburnpolicelicensing@lancashire.pnn.police.uk](mailto:blackburnpolicelicensing@lancashire.pnn.police.uk)  
Tel: (01254) 353625

**The Licensing Section will distribute complete applications to all other relevant responsible authorities.**

## **Appendix 3 – Mandatory conditions**

### **Premises licences authorising the supply of alcohol**

The following conditions apply to all premises licences under the circumstances described. These conditions are in addition to any conditions shown on the licence under Annex 2 and Annex 3.

Conditions 3, 4 and 6 do not apply to premises only licensed for consumption of alcohol “off” the premises.

#### **Condition 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.**

#### **Condition 2**

Every supply of alcohol under the premises licence must be made, or authorised by a person who holds a personal licence.

#### **Condition 3**

**(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

**(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.**

**a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –**

**(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**

**(ii) drink as much alcohol as possible (whether within a time limit or otherwise);**

**b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;**

**c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;**

**d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.**

**e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).**

#### **Condition 4**

**The responsible person must ensure that free potable (drinking) water is provided on request to customers where it is reasonably available.**

#### **Condition 5**

**(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.**

**(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**

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

**(a) a holographic mark or**

**(b) an ultraviolet feature.**

#### **Condition 6**

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

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

## **Condition 7**

**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.**

**a. 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**

**If the premises licence allows exhibition of films**

## **Condition 8**

**1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.**

**2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.**

### **3. Where**

**(a) The film classification body is not specified in the licence, or**

**(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.**

**4. In this section "children" means any person aged under 18; and film "classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).**

**If the premises licence has conditions in respect of door supervisors**

#### **Condition 9**

**1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:**

**(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or**

**(b) be entitled to carry out that activity by virtue of section 4 of the Act.**

**2. But nothing in subsection (1) requires such a condition to be imposed:**

**(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences**

**authorising plays or films); or**

**(b) in respect of premises in relation to:**

**(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or**

**(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.**

**3. For the purposes of this section:**

**(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and**

**(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.**

## **Appendix 4 Pool of Model conditions to assist applicants when completing applications for premises licences**

### 1.0 CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

#### 1.1 CCTV

The premise is to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The premises licence holder will ensure that the CCTV is operated in accordance with the latest Information Commissions Officers Guidance and is compliant with the relevant provisions of the Data Protection Act 1998.

The type of system and the number/positioning of cameras is to be agreed in liaison with the police. The location of cameras will be recorded on the plan attached to the licence.

The recording medium (e.g. discs/tapes/hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police/Authorised Officers of the Licensing Authority upon request.

The premises licence holder / designated premises supervisor [delete as necessary] is to provide the police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.

The premises licence holder / designated premises supervisor must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.

#### 1.2 PERSONAL LICENCE HOLDERS/WRITTEN AUTHORISATION

A personal licence holder must be on the premises at all times when open to the public.

A personal licence holder must be on the premises on (state days) \_\_\_\_\_ between xxxx hrs and close of business.

The designated premises supervisor will ensure that he/she gives written authorisation to individuals whom they are authorising to sell alcohol in their absence.

This should be maintained and made available for authorised officers

A Supervisor's Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the designated premises supervisor and all personal licence holders.

#### 1.3 RADIO LINKS AND TELEPHONE COMMUNICATIONS

The premises must be linked to a system of communication with the Police and other licensed premises as agreed with the Police and Licensing Authority. The system shall be kept in good working order at all times. When the premises are open to the public, the communications link to the Police and other licensed premises shall be switched on and available to and monitored by the designated premises supervisor or a nominated member of staff. The system to be used to report incidents and warn each other of the presence of potential trouble makers in the area.

The communication system must be used to report information likely to be of interest to other parties to the network as soon as possible.

#### 1.4 DOOR SUPERVISORS

The minimum number of door supervisors for the premises is \_\_\_\_\_

**Please specify days and hours door supervisors operate on the premises.**

A daily log will contain consecutively numbered pages and must be maintained at the premises showing the full name, date of birth and SIA badge number of the Door Security Staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the Police, to SIA inspectors & to authorised officers of the Licensing Authority on request. The daily log will be retained on the premises for a period of twelve months from the date of the last entry.

The door supervisors will be required to possess their registration card whilst on duty. The premises licence holder / designated premises supervisor will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The premises licence holder / designated premises supervisor will ensure that staff receive training on the policy.

#### 1.5 DRUGS/WEAPONS

The premises licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons.

A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with Greater Manchester Police.

#### 1.6 RESTRICTING ACCESS TO GLASSWARE

No drink shall be sold from a bar or by staff service or consumed in or on the premises other than in a container made from non-splintering plastic or toughened glass during **[time and/ or activity related]**.

No drink shall be removed from the premises in an unsealed container.

There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present their duties shall be clearly defined. **For use in situations where general Health and Safety legislation won't apply.**

Customers are to be prevented from leaving the premises with glasses or open bottles.

Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.

Only plastic glasses/plastic bottles/toughened glass are to be used in the outside areas.

Plastic or toughened polycarbonate (or similar) glasses/bottles will be used when requested by Greater Manchester Police.

No customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public.

#### 1.7 RESTRICTIONS ON DRINKING AREAS

The **\*beer garden / \*outside area** is not to be used for licensable activities or for the consumption of alcohol after **[x]** hours daily. **(\* delete as applicable).**

## 1.8 PROOF OF AGE CARDS

The premises will operate a “Challenge 25” proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official ‘PASS’ accreditation hologram and military ID should to be accepted as proof of age.

## 1.9 PUBWATCH

The premises licence holder / designated premises supervisor will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.

## 1.10 ALCOHOL DESIGNATED PUBLIC PLACES ORDERS

The premises licence holder / designated premises supervisor will have a notice indicating the existence and effect of an Alcohol Designated Public Places Order prominently displayed at the exits of the premises.

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## 2.0 CONDITIONS RELATING TO PUBLIC SAFETY

### 2.1 SAFETY CHECKS

A suitably trained and competent person must ensure regular safety checks of the premises including means of escape, decorative and functional fixtures, floor surfaces and equipment (including electrical appliances to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.

### 2.2 DISABLED PEOPLE

The premises licence holder / designated premises supervisor must develop and operate a policy which ensures the safe evacuation of disabled people in the event of an emergency.

### 2.3 ACCESS FOR EMERGENCY VEHICLES

Before opening to the public, checks will be undertaken to ensure that all access to the premises are clear for emergency vehicles. Regular checks will be undertaken by the premises licence holder / designated premises supervisor when the premises are open to the public.

### 2.4 FIRST AID

There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

- 2.5 At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present, their duties shall be clearly defined. The premises licence holder shall develop and operate a procedure for dealing with unwell members of the public including those who appear to be affected by alcohol and drugs. Staff will be appropriately trained in such procedures.

### 2.6 TEMPORARY ELECTRICAL INSTALLATIONS

Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten working days before commencement of the work and/or prior inspection by a suitable qualified electrician.

Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.

### 2.7 INDOOR SPORTS ENTERTAINMENTS

A qualified medical practitioner will be present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.

Any ring is constructed by a competent person and/ or inspected by a competent authority.

At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.

At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Executive and Sport England).

## 2.8 ALTERATIONS TO THE PREMISES

### 2.8.1 Guidance

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises.

The application for variation will enable responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

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### 3.0 THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES (PROMOTION OF PUBLIC SAFETY)

#### 3.1 PREMISES USED FOR CLOSELY SEATED AUDIENCES

##### 3.1.2 ATTENDANTS

The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

| Number of Members of the audience present on a floor | Minimum number of attendants required to be present on that floor |
|--|---|
| 1 - 100  | One   |
| 101 - 250  | Two   |
| 251 - 500  | Three   |
| 501 – 750  | Four  |
| 751 – 1,000  | Five  |

And one additional attendant for each additional 250 persons (or part thereof)

Attendants shall not be engaged in duties that would prevent them from promptly discharging their duties in the event of an emergency or require their absence from that floor or auditorium where they are on duty.

Attendants shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to an authorised person on request.

No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.

A copy of any certificate relating to the design, construction and loading of temporary seating shall be kept available at the premises and shall be shown to an authorised person on request.

##### 3.1.2 SEATING

Where the potential audience exceeds 250 all seats in the auditorium should be securely fixed to the floor or battened together in lengths of not fewer than four and not more than twelve.

##### 3.1.3 STANDING AND SITTING IN GANGWAYS ETC

Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

In no circumstances shall anyone be permitted to-

- (i) sit in a gangway;
- (ii) stand or sit in front of an exit; or
- (iii) stand or sit on a staircase, including landings.

### 3.1.4 DRINKS

No drinks shall be sold to, or be consumed by, a closely seated audience except in plastic and paper containers.

### 3.1.5 BALCONY FRONTS

The premises licence holder/designated premises supervisor will ensure that clothing or other objects will not be placed over balcony rails or upon balcony fronts.

### 3.1.6 SPECIAL EFFECTS

The premises licence holder and the designated premises supervisor will ensure that special effects or mechanical installations should be arranged and stored so as to minimise risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers; and
- explosives and highly flammable substances.

The premises licence holder and the designated premises supervisor will notify the licensing authority at least two months prior to using any of the defined special effects.

## 3.2 PREMISES USED FOR FILM EXHIBITIONS

### 3.2.1 ATTENDANTS – PREMISES WITHOUT A STAFF ALERTING SYSTEM

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

| Number of members of the audience present on the premises  | Minimum number of attendants required to be on duty                       |
|--|---|
| 1 – 250  | Two   |
| And one additional attendant for each additional 250 members of the audience present (or part thereof) |   |
| Where there are more than 150 members of audience in any auditorium or on any floor                    | At least one attendant shall be present in any auditorium or on any floor |

### 3.2.2 ATTENDANTS – PREMISES WITH A STAFF ALERTING SYSTEM

Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

| Number of members of the audience present on the premises | Minimum number of attendants required to be on duty                              | Minimum number of other staff on the premises who are available to assist in the event of an emergency |
|---|--|--|
| 1 – 500   | Two  | One  |
| 501 – 1,000   | Three  | Two  |
| 1001 – 1,500  | Four   | Four   |
| 1,501 or more   | Five plus one for every 500 (or part thereof) persons over 2,000 on the premises | Five plus one for every 500 (or part thereof) persons over 2,000 on the premises                       |

Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay their response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which they are required to go on being alerted to an emergency situation.

Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

The staff alerting system shall be maintained in working order.

### 3.2.3 MINIMUM LIGHTING

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

### 3.2.4 HOURS

Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

Music and associated other noise sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time. The designated premises supervisor or a member of staff is to carry out noise level checks of the

surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused.

All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.

The *\*beer garden / \*outside area* is not to be used for licensable activities or for the consumption of alcohol after [x] hours daily. (*\* delete as applicable*).

On occasions when the premises are used/hired to hold an 18<sup>th</sup> birthday party, at least one SIA registered security staff is to be employed at the premises for the duration of the function. In addition, on such occasions, the sale of alcohol and the provision of regulated entertainment is to cease no later than 23.00hrs. (*Consider such a condition for holders of Club Premises Certificates following noise nuisance representations associated with such use of the club*).

Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.

At an appropriate time before closing time, announcements should be made reminding customers to leave quietly.

No Refuse shall be disposed of or collected from the premises between the hours of (*insert hours*) where such disposal or collection is likely to cause disturbance to local residents.

Where the premises provide food to the public for consumption off the premises there shall be provided at or near the exits, [*give number*] waste bins to enable the disposal of waste food, food containers, wrappings etc.

Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. *Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.*

The premises shall be closed to customers [*x minutes*] after licensable activity has ceased.

Clientele must not be admitted to the premises after [*xhrs*] or within [*xhrs*] of the end of licensable activity.

### 3.2.5 NOISE AND VIBRATION

The premises licence holder and the designated premises supervisor will ensure that live music will only be permitted to a particular area (define area) of the building.

An effective noise limiting device approved in writing by the Council (which shall so far as possible be tamper-proof) shall be installed and operated in the premises and all noise levels shall be agreed and set to the written satisfaction of the Council.

Whenever regulated entertainment is taking place all amplified music (whether live or recorded) and associated sources (e.g. DJ's and amplified voices/amplified instruments) are to be connected to this noise limiting device

There will be no external loud speakers.

The activities of persons using the external areas will be monitored after 23:00hrs and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti-social behaviour.

The premises licence holder / designated premises supervisor will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises

### 3.2.6 LITTER

The premises licence holder / designated premises supervisor will ensure that litter arising from people using the premises is cleared away regularly and that promotional material such as flyers do not create litter.

## 4.0 CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

### 4.1 ACCESS FOR CHILDREN TO LICENSED PREMISES – IN GENERAL

The premises will operate a “Challenge 25” proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official ‘PASS’ accreditation hologram should to be accepted as proof of age.

The premises is to maintain a refusals book to record the details of incidents/descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book must be made available to the police/authorised officers of the Licensing Authority on request.

All individual alcohol containers (e.g. bottles/cans/cartons) before going on display for sale are to be uniquely and indelibly marked in a manner approved by the Police.

That ALL alcohol be displayed/stored behind the counter.

That the following alcoholic drinks be kept behind the counter or in a place where customers do not have direct access to these products without the assistance of a member of staff, namely:

All spirits, flavoured spirits, alco pops (i.e. spirit based drinks mixed with soft drink/flavoured juice etc) which will include and not be limited to products as “Bacardi Breezers” and similar products).

- Cider
- Lager
- [other]

No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.

No person under the age of [x] shall be permitted to remain on the premises after [x] hours.

### 4.2 THEATRES

The premises licence holder/designated premises supervisor will provide an adequate number of suitable adult supervisors who can provide care for the children as they move from stage to dressing room etc, and to ensure that all children can be accounted for in case of an evacuation or an emergency.

The venue will be suitable to accommodate safely the numbers of children intended

The premises licence holder / designated premises supervisors must ensure that all supervisors and crew receive instructions on the fire procedures applicable to the venue prior to the arrival of the children.

The premises licence holder / designated premises supervisor will ensure that all special effects e.g. flashing lights, dry ice, smoke etc are suitable for the children involved in the performance

The premises licence holder / designated premises supervisor will ensure that an adult supervisor is stationed in the area(s) or levels which are occupied by children.

The supervisors will be placed in the vicinity to exits to the premises. There will be one supervisor per 50 children at all times.

No child will be permitted to occupy the front row of any balcony gallery or tier, unless accompanied by and in the charge of a person who has attained the age of 16 years. Upon egress from the premises the premises licence holder / designated premises supervisor will deploy staff on exit doors and within the vicinity of the premises to ensure the safe dispersal of children and the premises will not close until all children have left the area.

The premises licence holder / designated premises supervisor will perform the necessary background checks including relevant police checks on all potential staff before offering them employment. The premises licence holder/designated premises supervisor will report any child related concerns to the police he/she has about potential staff, existing staff and customers

The premises licence holder / designated premises supervisor will ensure staff receive training to deal with unaccompanied children on the premises and prevent them from harm

#### 4.3 PROOF OF AGE CARDS

Proof of age cards are discussed under Part 1 in connection with the prevention of crime and disorder.

## **Appendix 5**

### **Glossary of Terms**

#### **Licensable Activities**

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

#### **Qualifying Club Activities**

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

#### **Regulated Entertainment**

- a) A performance of a play
- b) An exhibition of a film
- c) An indoor sporting event
- d) A boxing or wrestling entertainment
- e) A performance of live music
- f) Any playing of recorded music
- g) A performance of dance
- h) Entertainment of a similar description to that falling within paragraph (e), (f) and (g), where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

#### **Other Persons**

Other persons' includes any of the following: Residents, businesses or associations that represent residents or businesses.

- a) A member of the relevant licensing authority, ie elected councillors of the licensing authority.

#### **Responsible Authority**

- a) The chief officer of police for any police area in which the premises are situated.
- b) The fire authority for any area in which the premises are situated.
- c) The enforcing authority within the meaning given by Section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated.
- d) The local planning authority within the meaning given by the Town and Country Planning Act 1990 (C8) for any area in which the premises are situated.
- e) The local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.

- f) A body which
  - i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
  - ii) It is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it or such matters.
- g) Public health authority
- h) Any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated
- i) In relation to a vessel
  - i) A navigation authority (within the meaning of Section 221(1) of the Water Resources Act 1991 (C57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities.
  - ii) The Environment Agency
  - iii) The British Waterways Board or
  - iv) The Secretary of State
  - v) A person prescribed for the purposes of this subsection
- j) Any other bodies that are subsequently specified by regulations.

## Temporary Event

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

## Late Night Refreshment

A person “provides late night refreshment” if:

- a) At any time between the hours of 11:00 pm and 5:00 am, he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or
- b) At any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

## Hot Food or Hot Drink

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

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

## Personal Licence

A licence which:

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

## Premises Licence

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

### Representations

Relevant - if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

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

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

Repetitious – This would be categorised by its similarity to a previous representation which has already been decided upon.