



Committee: LICENSING SUB-COMMITTEE
Date: TUESDAY, 20 OCTOBER 2020
Venue: THIS WILL BE A VIRTUAL MEETING
Time: 11.00 A.M.

A G E N D A

1. LICENSING ACT 2003 PREMISE LICENCE VARIATION – THE ROYAL HOTEL, MAIN ROAD, BOLTON-LE-SANDS DETERMINATION OF APPLICATION FOLLOWING RELEVANT REPRESENTATIONS (Pages 2 - 73)

ADMINISTRATIVE ARRANGEMENTS

- (i) **Membership**
Councillors Kevin Frea (Chair), Merv Evans, Joan Jackson

- (ii) **Queries regarding this Agenda**

Please contact Liz Bateson ebateson@lancaster.gov.uk or Democratic Services - email democracy@lancaster.gov.uk.

- (iii) **Changes to Membership, or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

KIERAN KEANE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 6th October, 2020.

LICENSING ACT SUB COMMITTEE

**LICENSING ACT 2003
PREMISE LICENCE VARIATION – THE ROYAL HOTEL,
MAIN ROAD, BOLTON-LE-SANDS**

**DETERMINATION OF APPLICATION FOLLOWING
RELEVANT REPRESENTATIONS**

20th OCTOBER 2020

Report of Licensing Enforcement Officer

PURPOSE OF REPORT

To enable members to determine an application to vary a Premise Licence under Section 34 of the Licensing Act 2003 submitted by Punch Taverns Ltd for the Royal Hotel, Main Road, Bolton-le-Sands, Carnforth, following the receipt of relevant representations.

The report is public

RECOMMENDATIONS

The Sub Committee is requested to determine in the light of the representations made and having regard to the Council’s Statement of Licensing Policy, The Licensing Act 2003 and any Regulations made under that Act as well as Government Guidance whether to vary the application as requested, modify any conditions of the licence, or to reject the whole application. Members are reminded that they should state the reason(s) for their decision.

1.0 Introduction

1.1 The Council grants permissions for Premise Licences submitted under the Licensing Act 2003 (the Act). Punch Taverns Ltd have submitted an application under Section 34 of the Licensing Act 2003 to vary a premises licence for the Royal Hotel, Main Road, Bolton-le-Sands, Carnforth .It has been established that this is a properly served application with all relevant notices being displayed in accordance with the statutory requirements of the Act.

1.2 The current premises licence permits the following:-

Exhibition of Films	Monday – Saturday	08:00 to 00:30
Exhibition of Films	Sunday	08:00 to Midnight
Performance of Live Music	Monday – Saturday	12:00 to Midnight
Performance of Live Music	Sunday	12:00 to 23:30

Playing of Recorded Music	Monday – Saturday	09:00 to Midnight
Playing of Recorded Music	Sunday	10:00 to 14:30
Late Night Refreshment	Monday – Saturday	23:00 to 00:30
Late Night Refreshment	Sunday	23:00 to Midnight
Supply of Alcohol	Monday – Saturday	09:00 to Midnight (on/off)
Supply of Alcohol	Sunday	10:00 to 23:30 (on & off)

The current variation application is to change the layout and design of the premises in accordance with the submitted plan. The main alteration is to facilitate a bar servery in the external beer garden area that is contained within the existing licensed area.

Details of the application to vary the premises licence are set out in the application form, together with the plan which is attached as Appendix No.1 to this report.

- 1.3 There is a statutory requirement to advertise such applications for a period of 28 days in which time representations in favour or against the application can be submitted. Any representation submitted must relate to the likely impact of the grant of the licence on one or more of the four licensing objectives which are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.4 During the 28 day consultation period two representations were received from Other Persons as defined by the Act. Copies of the representations are attached at Appendix No.2 to this report.
- 1.5 The representations relate to the likely impact of the variation of the licence in relation to two of the licensing objectives, namely:
- The prevention of public nuisance
 - The protection of children from harm

The Other Persons contend that there has been an increase in noise nuisance which has been exacerbated by the outside bar servery in the beer garden of the premise that has directly affected them on several occasions that Notification of Temporary Events (TEN's) have been utilised.

- 1.6 Under Section 35(3) of the Act, it is necessary for a hearing to be held to consider the application, as representations have been received from Other Persons. The relevant section prescribes:

Where relevant representations are made, the authority must-

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are-

(a) to grant the application subject to –

- (i) the conditions mentioned in subsection 2 (a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and
- (ii) any condition which must under section 19,20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

1.7 The relevant parts of the Council's Statement of Licensing Policy as well as Government Guidance in relation to public nuisance and child protection are attached at Appendix No.3 to this report.

1.8 In accordance with the relevant Regulations, the parties have been given notice of the hearing. It was not felt necessary to request any clarification from the parties. The parties have been required in accordance with the Regulations to indicate at least five working days before the hearing whether they intend to attend and/or be represented at the hearing and if they wish any witness to appear at the hearing. Any responses and any further documentation submitted by any of the parties after the circulation of this agenda will be circulated to Members in advance of the meeting. Members are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of the Sub-Committee and all the parties.

1.9 Members are reminded that they must follow the rules of natural justice, and must also consider human rights implications. In particular, in accordance with Article 6, all parties are entitled to a fair hearing. Consideration also needs to be given to the right to respect for private and family life and home, contained within Article 8, although this is a qualified right, and interference is permitted where this is in accordance with the law, or is necessary in a democratic society in the interests of public safety or the prevention of crime and disorder, or for the protection of the rights and freedoms of others. Article 1 of the First Protocol provides that every person is entitled to the peaceful enjoyment of his possessions, although again this right is qualified in the public interest.

2.0 Conclusion

2.1 Members should consider, having regard to the Councils Statement of Licensing Policy, The Licensing Act 2003 and any Regulations made under that Act, Government Guidance and representations made, whether to grant the application as requested, modify any conditions of the licence, or to reject the whole application. Members are reminded that they should state the reasons for their decision.

2.2 Members should note that due to exemptions contained in the Live Music Act 2012, if the applications is granted with conditions, any condition relating to live music would not be applicable between the hours of 0800 and 2300 provided that the premise is open for the sale of alcohol and there is an audience of no more than 500. In the case of this particular application, this will be negated as the beer garden will be closed by 22:00 hours.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted as there are no financial implications.

LEGAL IMPLICATIONS

Legal implications are contained within the report, In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal to the magistrates court within 21 days

BACKGROUND PAPERS

None

Contact Officer: Jennifer Curtis

Telephone: 01524 582732

E-mail: jcurtis@lancaster.gov.uk

Ref: JC/DWE

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Punch Taverns Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LAPLWA0328
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Royal Hotel Main Street			
Post town	Bolton le Sands	Postcode	LA5 8DQ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£69,500.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Jubilee House Secone Avenue		
Post town	Burton Upon Trent	Postcode	DE14 2WF

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This is an application to change the layout and design of the premises in accordance with the submitted plan. The main changes include the addition of a bar servery in the external area, within the current licensable area.

To add the following conditions to the premises licence:

- The garden bar will only be used between the hours of 12.00 hours and 22.00 hours daily.
- The garden bar will be supervised at all times when in use.
- The garden bar will be inaccessible to customers when not in use to ensure they do not have access to any alcohol.
- Any outside areas are to be monitored and supervised by management and staff, when occupied, during the hours that the premises are open to the public. A register will be kept to show that the external area have been checked for noise levels by a member of staff at least every hour. The register should record the time of the check, name of staff member, result of the check and any action taken if required.
- A dispersal policy ('the policy') will be drawn up and implemented to ensure that as far as practicable customers leaving the premises at the end of each night's trading session do so quickly and quietly. The policy will be disseminated to staff as required to ensure that it is properly implemented and a copy kept at the premises for inspection by licensing or other responsible authority officers on request.
- A sign will be displayed at each exit from the premises asking customers to respect the rights of nearby residents not to be disturbed and leave quietly.
- A challenge 21 policy is to be employed whereby those who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification.
- The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards.

To remove the following conditions from the premises licence, which are covered by alternative legislation or updated conditions have been provided:

- Any person who looks or appears to be under the age of 18 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable: UK photo driving licence, passport, PASS card (proof of age standards scheme). (updated condition provided above).
- Before the premises are opened for the purposes authorised by the licence an inspection shall be carried out to ensure that the premises are safe for use. Details of the inspection, defects discovered and remedial action taken shall be recorded in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised officer of the Council, a Fire Officer or a Police constable.
- The front entrance doors which form part of the escape route open against the direction of travel. They shall be locked in the open position by a tamper-proof fastening whenever there are public on the premises.
- The fire alarm, emergency lighting system and electrical installation shall be tested on a regular basis, at a frequency determined by a competent person. Certificates should be issued showing the results of the tests. The certificates shall be made available for

inspection on demand to an authorised officer of the Council, a fire officer or police constable.

- There may be a cigarette machine in that part of the bar reserved for over 18s but otherwise there will be no adult entertainment services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- Monitor all outside areas during and at the end of services. (updated condition provided above).
- Sign placed above the door asking customers to leave quietly, and in an orderly manner, with respect for local residents. (Updated condition provided above).
- Garden area is monitored regularly by staff (updated conditions provided above).

The opening hours and licensable activities authorised by the premises licence are to remain unaltered.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

Locations of fire safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment. Any detail shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for <u>the performance of plays at different times to those listed in the</u> <u>column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur								
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)					
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)			
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)			
Sat						
Sun						

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>None</p>
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L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- Any person who looks or appears to be under the age of 18 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable: UK photo driving licence, passport, PASS card (proof of age standards scheme). (updated condition provided above).
- Before the premises are opened for the purposes authorised by the licence an inspection shall be carried out to ensure that the premises are safe for use. Details of the inspection, defects discovered and remedial action taken shall be recorded in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised officer of the Council, a Fire Officer or a Police constable.
- The front entrance doors which form part of the escape route open against the direction of travel. They shall be locked in the open position by a tamper-proof fastening whenever there are public on the premises.
- The fire alarm, emergency lighting system and electrical installation shall be tested on a regular basis, at a frequency determined by a competent person. Certificates should be issued showing the results of the tests. The certificates shall be made available for inspection on demand to an authorised officer of the Council, a fire officer or police constable.
- There may be a cigarette machine in that part of the bar reserved for over 18s but otherwise there will be no adult entertainment services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- Monitor all outside areas during and at the end of services. (updated condition provided above).
- Sign placed above the door asking customers to leave quietly, and in an orderly manner, with respect for local residents. (Updated condition provided above).
- Garden area is monitored regularly by staff (updated conditions provided above).

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

- The garden bar will only be used between the hours of 12.00 hours and 22.00 hours daily.
- The garden bar will be supervised at all times when in use.
- The garden bar will be inaccessible to customers when not in use to ensure they do not have access to any alcohol.
- Any outside areas are to be monitored and supervised by management and staff, when occupied, during the hours that the premises are open to the public. A register will be kept to show that the external area have been checked for noise levels by a member of staff at least every hour. The register should record the time of the check, name of staff member, result of the check and any action taken if required.
- A dispersal policy ('the policy') will be drawn up and implemented to ensure that as far as practicable customers leaving the premises at the end of each night's trading session do so quickly and quietly. The policy will be disseminated to staff as required to ensure that it is properly implemented and a copy kept at the premises for inspection by licensing or other responsible authority officers on request.
- A sign will be displayed at each exit from the premises asking customers to respect the rights of nearby residents not to be disturbed and leave quietly.

e) The protection of children from harm

- A challenge 21 policy is to be employed whereby those who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification.
 -The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards.

Checklist:

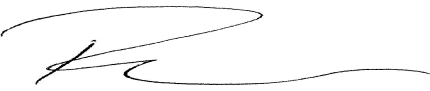
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or **paid online**
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	24 August 2020
Capacity	Solicitor to applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Amy King TLT Solicitors One Redcliff Street			
Post town	Bristol	Post code	BS1 6TP
Telephone number (if any)	0333 006 0472		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) amy.king@tltsolicitors.com			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.

7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

GENERAL NOTES :

1. Emergency Lighting Installation to serve all public areas, toilets, lobbies, exit routes and private exit routes, private accommodation, office, kitchen, all back of house areas including illuminated EXIT signs. Check/over to install new scheme in accordance with BS 5266 - Part 1: 1999 to Building Control and Fire Officers approval. Note: All circulation areas to be Non-Maintained. All lobbies, corridors, staff areas, stores, directional exit signs & signs over exit doors to be Fully Maintained.
2. Fire Alarm System throughout, including break glass fire alarm call points; alarm call sounders (to be audible in all parts of building); and heat and smoke detectors to be installed in accordance with BS 5838 - Part 1: 1998 to meet Building Control and Fire Officers approval. All acoustic and power supplies to Music Systems to be linked to the alarm and all power to be cut upon activation of Fire Alarm.
3. Provide AFFF type fire extinguisher and fire blanket / dry powder type fire extinguisher to commercial kitchen.
4. All upholstery fabrics / foam and curtain fabrics to be fire retardant and contractor to provide test certificates to fire officer for approval prior to completion of works. Minimum Crib 10.
5. Wall and ceiling linings to be Class 1 generally and Class 0 to escape lobbies and stairwells.
6. Means of escape to comply with Building Control / Fire Officers requirements.
7. All doors marked FD00S to be 1/2 hour fire resistant construction and fitted with combined smoke seals and intumescent strips and self-closing device. Any glazing to be to 1/2 hour resistant standard.
8. All doors marked FD00S to be 1 hour fire resistant construction and fitted with combined smoke seals and intumescent strips and self-closing device. Any glazing to be to 1 hour resistant standard.
9. Provide fire signs and notices as required by Building Control / Fire Officer.
10. Check / Upgrade stair soffits to 1 hour fire resisting standard.
11. Check / Upgrade existing ceilings between a) basement carter and ground floor trading areas, and b) ground floor trading areas and first floor.
12. Upgrade electrical power / lighting circuits to current IEE regulations with NICEIC certificates.
13. Operational measures regarding loud music and live performances.
 - a) No External Speakers shall be installed at anytime.
 - b) All Amplified Music / Amplified Live Entertainment shall only take place internally.
 - c) Signs will be installed externally in the following areas: Adjacent side entrance door, adjacent rear entrance door, within designated covered smoking area, adjacent entrance to rear area from entrance to rear. Please leave the premises quietly and respect our neighbour.

FD00S 1/2 hour fire resistant door with intumescent strips, smoke seals and self-closing device.

FD00S 1 hour fire resistant door with intumescent strips, smoke seals and self-closing device.

Emergency lighting unit

Areas to be covered by emergency lighting

Illuminated exit sign

Illuminated emergency exit sign

VP Vision panel in door (fire rated in doors)

PS Push bar type door for emergency to emergency exit doors.

A AFFF type fire extinguisher.

DP Dry powder type fire extinguisher.

Break glass fire alarm call point.

Fire blanket.

Fire blanket.

Fire blanket.

Fire blanket.

Fire blanket.

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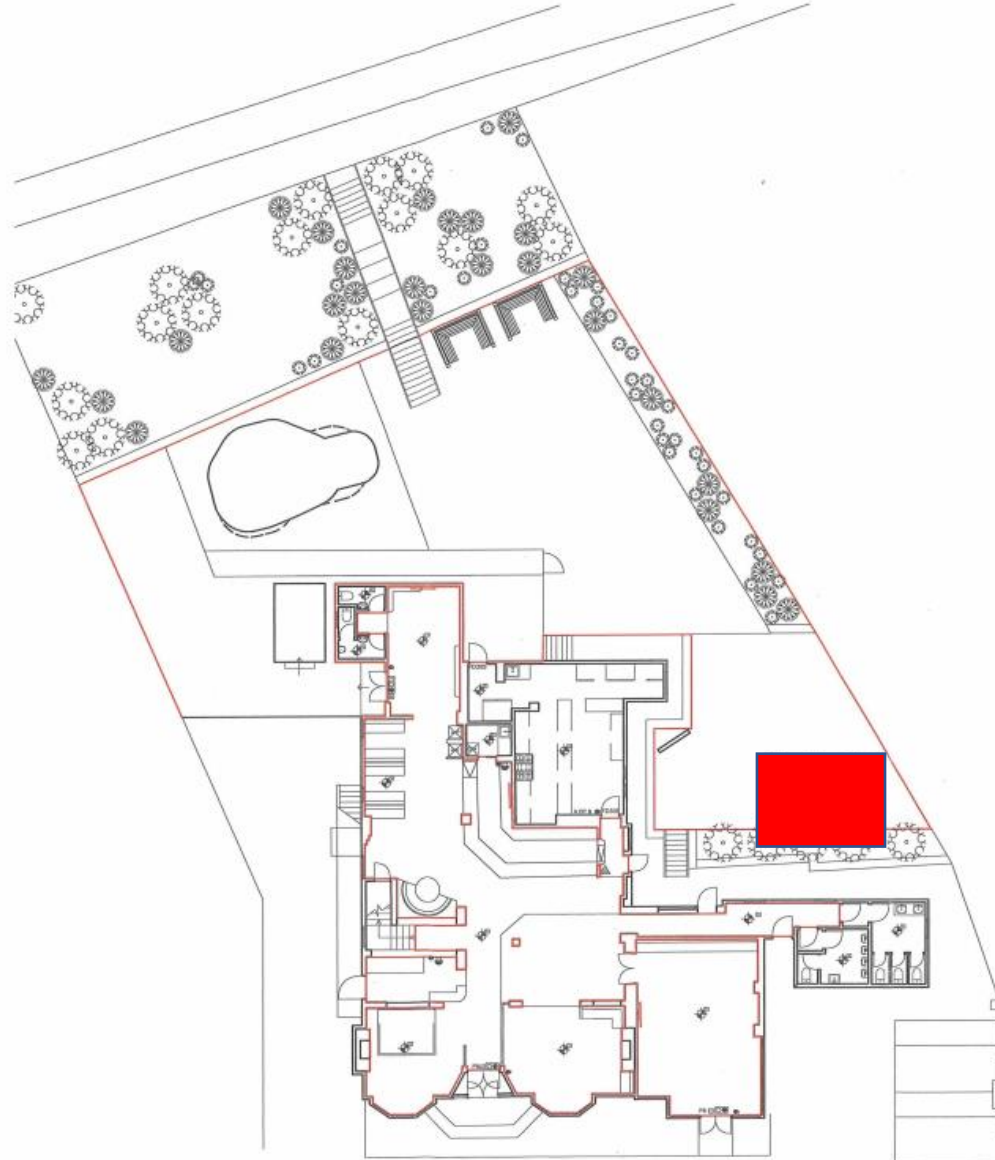
Fire blanket.

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Fire blanket.



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Revision:

Scale:	1:100 @ A1
Date:	MAY'19
Drawn by:	DA
Checked by:	DA

Job Ref: The Royal Hotel, Bottom le Sands, LAG 800Q
 Drawing title: Proposed Layout
 Drawing Number: 7001.1

The Stone Circle Group, Wakefield WF1 5EX
 01924 22254, info@stonecircle.co.uk

NANU SODA



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Marine Road
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LANCASTER
CITY COUNCIL

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email: licensing@lancaster.gov.uk

Premises Licence

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Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Royal Hotel

Main Road, Bolton Le Sands, Carnforth, Lancashire, LA5 8DQ.

Telephone 01524 572326

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday-Saturday	09:00	00:00
	Sunday	10:00	23:30
E. Performance of live music (Indoors)	Monday-Saturday	12:00	00:00
	Sunday	12:00	23:30
F. Playing of recorded music (Indoors)	Monday-Saturday	09:00	00:00
	Sunday	10:00	14:30
I. Late night refreshment (Indoors)	Monday-Saturday	23:00	00:30
	Sunday	23:00	00:00
J. Supply of alcohol for consumption ON and OFF the premises	Monday-Saturday	09:00	00:00
	Sunday	10:00	23:30

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Saturday	08:00	00:30
Sunday	08:00	00:00



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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Punch Taverns Limited
Jubilee House, Second Avenue, Burton-on-Trent, Staffordshire, DE14 2WF.
Telephone 01283 501 600 or 08447 360360 (tenanted)

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Punch Taverns Limited

03752645

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Natalie BROWN
4 Alexandra Road, Carnforth, Lancashire, LA5 9DT.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA2778

Issued by Lancaster





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ANNEXES

Embedded Conditions

On New Year's Eve alcohol may be sold from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 hours (midnight) on 31st December)

Supper Hours Certificate (s68)

Alcohol may be sold or supplied for one hour following the hours set out above and] [on Christmas Day, between 15.00 hours and 19.00 hours to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

Mandatory Conditions where the licence authorises the sale of alcohol

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

Irresponsible Drinks Promotions - Mandatory Conditions

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



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

Age Verification Policy - Mandatory 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 licence 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.

Availability of different Measures - Mandatory Condition

6. The responsible person must ensure that:



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- (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;
- (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.

Alcohol Pricing

- (a) is the price found by applying the formula -

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

Where-

- (i) P is the permitted price
 - (ii) D is the rate 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;
- (b) “relevant person” means, in relation to premises in respect of which there is in force a premise licence -
- (i) The holder of the premise licence
 - (ii) The designated premise 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.
- (c) “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
- (d) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994



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1. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
2. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Mandatory condition for the showing of films

During the showing of films, the admission of children must be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 (the British Board of Film Classification - BBFC) or by the licensing authority.

Mandatory condition where Door Supervisors are provided

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

On Christmas Eve, Boxing Day and the Thursday, Friday, Saturday, and Sunday of Bank Holiday weekends regulated entertainment will be permitted until 01.00 hours the following day and the sale/supply of alcohol will be permitted until 01.00 hours the following day and the premises may be open to the public until 02.00 hours the following day

Offered Conditions

1. A personal licence holder shall normally be on the premises at all times during which intoxicating liquor is being sold or supplied to customers or consumed by customers, except in the case of an emergency
2. Whenever the designated premises supervisor is not at the premises another personal licence holder will be nominated by the designated premises supervisor as being the responsible person to manage the premises and will have the contact details of the designated premises supervisor. The details of such person to be on prominent display outside the premises
3. Any person who looks or appears to be under the age of 18 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable: UK photo driving licence; Passport; PASS card (proof of age standards scheme)
4. Any outside area, which is used for the consumption of alcohol, shall cease to be so used at 23.30 hours
5. The provision of off-sales to terminate at 23.00 hours
6. Before the premises are opened for the purposes authorised by the licence an inspection shall be



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carried out to ensure that the premises are safe for use. Details of the inspection, defects discovered and remedial action taken shall be recorded in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

7. The front entrance doors which form part of the escape route open against the direction of travel. They shall be locked in the open position by a tamper-proof fastening when ever there are public on the premises.
8. The fire alarm, emergency lighting system and electrical installation shall be tested on a regular basis, at a frequency determined by a competent person. Certificates should be issued showing the results of the tests. The certificates shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire Officer or a Police Constable.
9. There may be a cigarette machine in that part of the bar reserved for over 18s but otherwise there will be no adult entertainment services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Operating Schedule

General - all four licensing objectives

All staff and management will be trained in the provisions of the Licensing Act 2003, especially the core principles of the licensing objectives as per below.

The prevention of crime and disorder

Staff trained in drug awareness.
No irresponsible drinks promotions.
Monitor all outside areas during and at the end of services.

Public safety

Staff are trained in evacuation and fire safety.
Regular testing of fire and emergency equipment.
Regular safety checks of equipment, floors and furnishings.

The prevention of public nuisance

Sign placed above the door asking customers to leave quietly, and in an orderly manner, with respect for local residents.
Windows and doors closed at appropriate times.
Calling taxis for customers to ensure they are moved off the premises quickly and quietly.

The protection of children from harm



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Premises are a user of the 'Prove It' scheme.

Garden area is monitored regularly by staff.

All children on the premises are to be accompanied by an adult and to be off the premises by 9:00pm save for:-

- those seated for a table meal, who will be off the premises at the conclusion of their meal and the bill has been paid
- children attending a pre-booked function/event.





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Premises Licence Summary

LAPLWA0328

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Royal Hotel

Main Road, Bolton Le Sands, Carnforth, Lancashire, LA5 8DQ.

Telephone 01524 572326

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday-Saturday	09:00	00:00
	Sunday	10:00	23:30
E. Performance of live music (Indoors)	Monday-Saturday	12:00	00:00
	Sunday	12:00	23:30
F. Playing of recorded music (Indoors)	Monday-Saturday	09:00	00:00
	Sunday	10:00	14:30
I. Late night refreshment (Indoors)	Monday-Saturday	23:00	00:30
	Sunday	23:00	00:00
J. Supply of alcohol for consumption ON and OFF the premises	Monday-Saturday	09:00	00:00
	Sunday	10:00	23:30

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Saturday	08:00	00:30
Sunday	08:00	00:00





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Premises Licence Summary

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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Punch Taverns Limited
Jubilee House, Second Avenue, Burton-on-Trent, Staffordshire, DE14 2WF.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Punch Taverns Limited

03752645

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Natalie BROWN

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



Licensing Act 2003

Representation form / Guidance Notes

If you considering making a representation (i.e. an objection) with regard to a Premises Licence Application form, please note the following points:

1. The Licensing Act 2003 is based on the following four licensing objectives:
 - **The Prevention of Crime and Disorder**
 - **Public Safety**
 - **The Prevention of Public Nuisance**
 - **The Protection of Children from Harm**
2. Any representation relating to an application made under the Licensing Act 2003, **must** relate to a situation which may impact upon one or more of the above licensing objectives. If your representation does not relate to one (or more) of the licensing objectives, **it must be rejected.**
3. Any relevant representations must be made by completing the attached form (see below) and sent to:

**Licensing Manager
Lancaster City Council
Town Hall
Marine Road East
Morecambe
LA4 5AF**

4. Please note that very strict time limits apply to applications and representations. Any representation must be received by Lancaster City Council **within 28 days of the application being made.**

Following this period, Lancaster City Council has 10 working days (usually 2 weeks) to consider whether a Hearing will be required.

It may be necessary to contact you urgently to discuss your representation and therefore it would be appreciated if you could supply a daytime or mobile telephone number and / or email address.

PLEASE NOTE THAT ALL REPRESENTATIONS ARE TREATED AS PUBLIC DOCUMENTS AND THEREFORE YOUR DETAILS WILL BE DISCLOSED TO THE APPLICANT AND DURING ANY HEARINGS.

Name of Premises:	Royal Hotel
Address of Premises:	Main Road Bolton-le-Sands Carnforth LA5 8DQ
Your full name:	David Wiles Denise Wiles
Your full address: (Inc. postcode)	██████████ ██████████ ██████████ ██████████
Your contact telephone number(s)	1. ██████████ 2. ██████████ 3. ██████████
Your Email Address	████████████████████

Please insert your comments in the table below

The Prevention of Crime & Disorder	No comments.
Public Safety	No comments
The Prevention of Public Nuisance	<p>The bar that has been constructed in the Royal Hotel's beer garden is situated no more than 10 metres away from our back garden and no more than 20 metres away from our bedroom window.</p> <p>The bar is fully visible, and clearly audible, from our back garden and our garden is also visible to anybody stood at the bar. This is an unacceptable loss of our privacy and the quiet enjoyment of our garden.</p> <p>Since the bar was constructed it has been used by means of Temporary Event Notices (and sometimes without them) and, when it was open, there was a significant increase in the noise</p>

nuisance from the beer garden, particularly as evenings wore on and more alcohol was consumed. There have been a number of instances of raucous laughter and shouting well after the bar was closed at 10.00 p.m., which could be clearly heard from our bedroom.

These are some examples of the disturbances that we have had:-

Saturday 04/07/20 - 10.20 p.m. Shouting and loud laughter from a group of several men stood around the bar, which prevented us from sleeping.

Tuesday 07/07/20 - 11.50 p.m. Woken up by loud shouting from the beer garden.

Saturday 11/07/20 - Woken up by loud singing of 'Happy Birthday' song at 12.18 a.m. Saturday morning.

Sunday 12/07/20 - Woken up by loud shouting after midnight on Sunday morning.

As a result of the above incidents, we contacted the Environmental Health department to complain, following which a visit was made to the Royal Hotel by officers from the Environmental Health and Licensing departments. The licensees were asked to monitor noise levels more proactively and to ensure that consumption of alcohol in the beer garden ceased at 11.30 p.m.

Following that visit, things did improve somewhat, although there do continue to be problems with noise. Some of the more recent issues are as follows:-

Monday 10/08/20 - Prevented from sleeping by loud noise from the beer garden at 9.40 p.m. This included loud shouting and screaming from children in the beer garden playground.

Thursday 13/08/20 - Prevented from sleeping by loud laughter and shouting from the beer garden at 10.12 p.m.

Saturday 22/08/20 - Prevented from sleeping by loud laughter and shouting from the beer garden at 10.19 p.m. On this occasion, it went on until 11.03 p.m., when my wife rang the Royal to complain. The lady on the phone was apologetic and the noise stopped shortly afterwards.

Saturday 05/09/20 - Woken up at 11.55 p.m. by noise from someone laughing and shouting, apparently as they were leaving the Royal from the back door.

Monday 07/09/20 - Very noisy all late afternoon and evening from the beer garden. This could be heard inside the house with the doors and windows closed. Loud swearing from smokers gathered at the back door of the Royal at about 7.30 p.m. Also woken again by smokers outside the back door at 10.30 p.m.

	<p>Sunday 13/09/20 - Woken at 12.18 a.m. on Sunday morning by loud laughter and shouting from smokers, either in the beer garden or outside the back door.</p> <p>Monday 14/09/20 - Prevented from sleeping by loud noise and laughter from the beer garden area between 10.15 p.m. and 10.45 p.m.</p>
<p>The Protection of Children from Harm</p>	<p>Children could be heard shouting and screaming from the Royal beer garden play area between 9.40 p.m. and 10 p.m. on Monday 10/08/20 (see above). I believe children are supposed to be off the premises by 9.00 p.m. in order to protect them from harm.</p>
<p>Additional Comments (please put in this box any comments which relates to one or more of the above licensing objectives)</p>	<p>To summarise our concerns:-</p> <p>The use of an outside bar in the beer garden is completely unacceptable. It is detrimental to our privacy and has resulted in a significant increase in the level of noise, particularly at night when we are trying to sleep.</p> <p>It has been constructed (without planning permission) in the worst possible position, at the point at which the beer garden is closest to neighbouring residential properties, without any consideration being given to the effect it would have on local residents.</p> <p>It is not sufficient to say that noise levels in the external areas will be checked 'at least every hour'. They need to be controlled at all times, particularly after, say, 9.00 p.m. My wife and I are both of pensionable age and often retire to bed early.</p> <p>We have lived in this house for over 20 years, during which time the Royal Hotel has always had a beer garden, and we have never had any cause to complain about the noise before. So clearly something has changed. We believe that this is linked to the significant investment by Punch Taverns in the development of the beer garden in order to attract more customers to that area.</p> <p>We would like to propose that:-</p> <ol style="list-style-type: none"> 1. The application to use the garden bar be refused. 2. The licence conditions be amended, so that 'Any outside area, which is used for the consumption of alcohol, shall cease to be so used at 22.00 hours'. We believe that time is much more reasonable than 23.30 in a residential area. 3. The licensees be required to install a soundproof barrier or wall/fence between the bottom area of the beer garden and the neighbouring properties. 4. Smokers are not permitted to use the area immediately outside the rear door of the Royal Hotel for smoking, but should use the purpose-built shelter that is situated on the opposite side of the building.

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Please attach any additional sheets used to this document.

Signature	David Wiles Denise Wiles
Print Name	David Wiles Denise Wiles
Date	15 th September 2020

Licensing Manager
Lancaster City Council
Town Hall
Marine Road East
Morecambe
LA4 5AF



Dear Sir/Madam

Re : Variation of Premises Licence for The Royal Hotel Bolton-le-Sands

I would like to object to the variation of the licence to enable them to serve from the outside bar in the beer garden.

There has been a lot of noise from the beer garden which has disturbed me at night since the Royal has reopened. The noise coming from the beer garden is quite loud at times and this leads to waking me up and disturbing my sleep. Where the bar has been positioned makes it very close to my garden and house, which in turn has made the noise levels louder when people congregate in that area. It also disturbs my young dog, who then starts barking as she thinks there are people in our garden. I am an elderly lady living on my own so I find when she starts barking late at night it is very unsettling.

Since the garden has been refurbished there have been a lot more lights put in compared to the few lights that were there originally. This has led to more people sitting out there later at night as it is so bright. There is a lot of loud talking, shouting and laughing going on which is very annoying when I am trying to sleep. If this bar is open on a permanent basis it will encourage more people to sit out and stay in the garden and so increase the level of noise on a more regular basis .

There has been one occasion where food and crockery have been thrown over the wall into the garden area off my path. My dog has then found this food and has brought it into the house, which is not very pleasant. I bagged up what I found and took it to the Royal to give to the manager so he would know about it. I was told he wasn't in so I gave the bag to a member of staff on the door so I don't know if he is aware of the incident or not.

This is not acceptable, waste food left lying around can attract rats which I do not want in my garden.

I find it distressing that if this licence is approved, the garden and home that I have enjoyed for the last 13 years will be spoilt by the excess noise, which I have already experienced over the last few months. The thought of this continuing is very upsetting to me.

Yours faithfully

A handwritten signature in cursive script that reads "S. Wheeler".

Mrs Susan Wheeler

17 Sept 2020



**LANCASTER CITY COUNCIL
LICENSING ACT 2003**

**STATEMENT OF
LICENSING POLICY**

FOR THE PERIOD 2016 – 2021

Licensing Manager
Lancaster City Council
Morecambe Town Hall
Marine Road
Morecambe LA4 5AF

Tel 01524 582033
Email: licensing@lancaster.gov.uk

Further copies may be obtained from the above address or from the Council's website:-
www.lancaster.gov.uk

CITY OF LANCASTER
STATEMENT OF LICENSING POLICY
LICENSING ACT 2003

1 Introduction

- 1.1 This document sets out the revised Licensing Policy of the Lancaster City Council, which is the Licensing Authority, under the Licensing Act 2003 (“the Act”).
- 1.2 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs, and at temporary events within the terms of the Act. Conditions attached to various authorisations will focus on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises.
- 1.3 This statement of licensing policy is a requirement of Section 5 of the Act and has been prepared in accordance with the provisions of the Act and the Guidance issued by Secretary of State for Culture Media and Sport under Section 182 of the Act (currently dated October 2014). The Licensing Authority is, therefore, bound by the Act, any regulations made under it and the Section 182 guidance.
- 1.4 For the purpose of reviewing its Licensing Policy, in accordance with the requirements the Act, the Licensing Authority has consulted with:
- The Police
 - The Fire Authority
 - Representatives of existing holders of premises licences and personal licences
 - Representatives of existing holders of club premises certificates
 - Local businesses and their representatives
 - Local residents and their representatives
- 1.5 The Licensing Authority is grateful for the responses received, and has given proper weight to the views expressed by those consultees.
- 1.6 The Licensing Authority will consider all applications under the Act in accordance with the Act, Government Guidance, and in the light of this policy. It will expect applicants to comply with the procedural requirements of the Act and Regulations there under, and would encourage applicants to make themselves aware of the contents of this Policy, and to discuss their applications in advance with the Licensing Authority’s administrative staff, and with relevant responsible authorities (see below) and interested parties.
- 1.7 The policy covers new applications, transfers, variations of licences and certificates and provisional statements. It also includes the review of licences and certificates.

Scope of the Licensing Act 2003

2.1 Subject to exemptions set out in the Act, the Act and this Policy apply to applications for:

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of 'regulated entertainment' – to the public, to club members or with a view to profit

2.2 Subject to the conditions, definitions and the exemptions referred to in Schedule 1 of the Act, the types of entertainment regulated by the Act (as amended by the Live Music Act 2012 ("the 2012 Act") and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) ("the 2013 Order") are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports");
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- The supply of hot food and/or drink from any premises between 11.00 p.m. and 5.00 am

2.3 To be licensable, one or more of these activities needs to be provided (at least partly) to entertain an audience; has to be held on premises made available (again, at least in part) for the purpose of enabling that activity; and must also take place either:

- in the presence of a public audience, or
- in private, where a charge is made with a view to profit.

2.4 The amendments made to the Act by the 2012 Act and the 2013 Order do not prevent more than one activity (or for a single activity, more than one performance or event) being held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, in separate rooms or on separate floors. However, any person involved in organising or holding these activities must ensure that audiences do not grow or migrate so that the audience exceeds the relevant limit for any one performance or event at any time. If uncertain, it might be easier and more flexible to secure an appropriate authorisation.

2.5 Circumstances under which activities will not be licensable.

This Policy cannot give examples of every eventuality or possible entertainment activity. However, the following activities are examples of entertainment which are not licensable:

- education – teaching students to perform music or to dance;
- activities which involve participation as acts of worship in a religious context;
- activities that take place in places of public religious worship;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit (including raising money for charity);
- games played in pubs, youth clubs etc. (e.g. pool, darts, table tennis and billiards);
- stand-up comedy;
- the provision of entertainment facilities (such as dance floors, which were previously licensable under the Act before its amendment by the 2012 Act).

2.6 As a result of amendments to the Act by the 2012 Act and the 2013 Order, no licence is required for the following activities to the extent that 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 1,000 people;
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
 - a performance of unamplified live music;
 - a performance of live amplified music in a workplace with an audience of no more than 200 people; or
 - a performance of live music on licensed premises which takes place in the presence of an audience of no more than 500 people, provided that a number of important conditions are satisfied. (Paragraph 16)

So, for example, an indoor sporting event that takes place between 07:00 and 23:30 on a particular day is licensable in respect of activities taking place between 07:00-08:00 and 23:00-23:30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500.

3. The Area of the Lancaster City Council

3.1 The Lancaster City Council covers the historic, University City of Lancaster, the coastal resort of Morecambe, and the town of Carnforth and the surrounding rural areas. The premises within the area which will require to be licensed under the legislation are many and varied, catering for diverse tastes and consumer demands.

3.2 The Licensing Authority recognises that the entertainment, hospitality and leisure industry within its area is a major contributor to the economy of the area. It attracts tourists and visitors, makes for vibrant towns and communities, and is a major employer.

3.3 However, the area has a substantial residential population, whose amenity the Licensing Authority has a duty to protect. In particular, there are many residential properties within

the town centres of Lancaster, Morecambe and Carnforth and also in the rural areas. Occupiers of commercial premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

- 3.4 It is appropriate to balance all these competing interests, and especially at night time.
- 3.5 In addition, the Licensing Authority will have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise and street crime, and the capacity of the infrastructure and resources to cope with the influx of visitors, particularly at night.
- 3.6 This policy sets out the general approach that the Licensing Authority will take in considering licence applications, both for new licences and for variations of existing licences. However, it is important to recognise that all applications will be considered on their individual merits. It is also important to recognise that if no relevant representations are received from responsible authorities or other persons, the application must and will be granted in the terms sought and no additional conditions imposed.
- 3.7 The purpose of the policy is to assist officers and members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the policy seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the area with some measure of certainty.
- 3.8 The major aim of the Licensing Authority is to promote the City, Coast and Countryside within its boundary in a safe environment.

4. Responsible Authorities and Other Persons

4.1 The Act defines “responsible authorities”, for the purposes of the Act.

4.2 For the purposes of the area of the Lancaster City Council, these are:

Police – The Licensing Officer, Lancashire Constabulary, Divisional Headquarters, Thurnham Street, Lancaster LA1 1YB

Fire Authority – Fire Safety Department, Lancaster Fire Station, Cable Street, Lancaster LA1 1HH

Health and Safety at Work – Head of Health and Strategic Housing, Town Hall, Morecambe LA4 5AF

Environmental Pollution – Head of Health and Strategic Housing, Town Hall, Morecambe LA4 5AF

Regeneration and Policy – The Head of Regeneration and Policy Services, Palatine Hall, Dalton Square, Lancaster LA1 1PW

Protection of Children from Harm - Area Child Protection Committee, Quality and Review Manager, Social Services Directorate, PO Box 162 East Cliff County Offices, Preston PR1 3EA

Trading Standards – Metrology Section, 58-60 Guldhall Street, Preston, PR1 3NU

Chief Officer (Governance) – Lancaster City Council. The Town Hall, Dalton Square, Lancaster, LA1 1PJ

Director of Public Health – Lancashire County Council, Public Health Licensing, East Cliff, Park Hotel, 2nd Floor, Room 221, Preston, Lancashire, PR1 3EA

For information about the responsible authority in respect of the licensing of a vessel, applicants should seek further advice from the Licensing Authority.

- 4.3 Other persons has now replaced the concept of interested parties and this means that the vicinity test has now been removed. Effectively anyone can now make a representation relating to an application for a premise licence as long as the representation is concerned with one of the four licensing objectives.
- 4.4 S33 of the Policing and crime Act 2009 amended the definition of an interested party (Now other persons) to include a member of the relevant Licensing Authority. As such, a Councillor of Lancaster City Council may now make representations as a 'other person' This means that they could call for a review of a premise licence or continue to act in a representative capacity on behalf of ward residents for any new applications, or applications to vary.

5.0 Applications for Premises Licences and Club Premise Certificates.

- 5.1 The Licensing Authority requires that all applications for the grant, variation or transfer of any licence, permit or certificate detailed in the Act are made in accordance with the statutory requirements and any guidance issued from time to time by the Council. In particular, all such applications must be accompanied by the appropriate fee, where applicable, for them to be deemed to be properly made. Where such applications are statutorily required to be advertised, or notified to other specified persons, applicants are advised to confirm that such advertising or notification has been properly made. Applicants should be aware that failure to make an application in accordance with the statutory requirements will result in the application being returned and that the period for determination will not commence until a valid application has been submitted. Applications will not, however, be returned because of small administrative errors which can be easily corrected
- 5.2 It is important to ensure that the application accurately reflects the intended operation of the premises. The application must be accompanied by a plan of the premises which shows certain information as required by the Act (Premises Licences and Club Premises Certificate) Regulations 2005. This includes marking the areas of the premises which are proposed to be used for each licensable activity. It is important to note that, although consumption of alcohol is not itself a licensable activity, if the plan does not show outside areas (e.g. beer gardens or similar) then any premises licence which authorises the sale of alcohol 'for consumption ON the premises' only, as opposed to 'on and off the premises' would not authorise the use of such areas. In other words, the plan which is submitted as part of the application defines the 'premises' for the purpose of the licence.
- 5.3 As indicated above, the Act requires licence applicants to publicise their applications. This is to enable other persons and responsible authorities to make a representation if they wish. The Licensing Authority now has a statutory duty to advertise all applications on our website, however it is the licensing authority's opinion that statutory publicity may not always bring applications to the attention of all parties. Therefore, in addition to putting applications on our web site, we will notify all members of the Council of

applications for premises licences, club premises certificates and variations received on a weekly basis.

- 5.4 The Licensing Authority will offer guidance as appropriate to applicants on the completion of necessary documentation. It will issue and make readily available guidance notes on the procedures it requires for making applications for licences and will from time to time review such guidance.

6.0 Applications made by the Local Authority

- 6.1 When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the Licensing Authority will generally be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision made.

7.0 Variations

- 7.1 Where a premises licence holder wishes to make changes to their licence or to their premises, the Act allows, in most cases, for an application to vary the licence to be made rather than requiring an application for a new premises licence. The Licensing Authority considers that, in general, any changes to the licence which may impact on one or more of the licensing objectives requires an application under section 34 of the Act.

- 7.2 The Act does, however, allow for a simplified procedure for varying a licence where the changes do not have a detrimental effect on the licensing objectives. These are:

- Changes to the name or address of anyone mentioned on the licence
- Variations to specify a new individual as the designated premises supervisor
- To disapply the mandatory condition requiring the sale of alcohol to be carried out under the authority of a personal licence holder and the need to have a designated premises supervisor in community premises.
- Minor variations which do not impact on the licensing objectives

- 7.3 Minor variations can include the following:

- Minor changes to the structure or layout of a premises
- Small adjustments to the licensing hours
- The removal of out of date irrelevant or unenforceable conditions
- Adding certain licensable activities including live music

- 7.4 Changes to the structure of the premises will not fall within the definition of a minor variation if they have an adverse impact on the licensing objectives. For example:

- If it increases the capacity for drinking on the premises;
- Affects access between the public part of the premises and the rest of the premises or the street or public way e.g. block emergency exits or routes to emergency exits;
- Impedes the effective operation of a noise reduction measure such as an acoustic lobby

7.5 The following alterations to licensing hours are excluded from the minor variation procedures:

- Extending licensing hours for the sale 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 off or on the premises.

7.6 Application to alter the times of other licensable activities under the minor variation procedure will be considered on a case by case basis but the following will be some of the matters considered:

- The nature of the licensable activity;
- The extent of the additional hours sought and whether it will involve later opening or opening between 23.00 and 07.00;
- Proximity of the premises to residential areas;
- Any licence conditions in already place to mitigate the impact of the activity and any additional conditions volunteered by the applicant;
- Arrangements for dispersal, i.e. when people leave the premises is there potential for noise and disturbance near the venue? Is the only means of dispersal a single route through residential areas?
- Whether the proposed extension applies only at weekends;
- Whether there will be any new admittances during the extended period;
- The track record of the premises;
- Whether the premises is already open during the extended period for other licensable activities;
- Proximity and density of public houses, nightclubs, etc. if customers from these premises are likely to be attracted to the proposed licensable activities in large numbers. For example, people visiting a takeaway after leaving a public house

7.7 Applicants for minor variations may volunteer conditions to remove the risk of an adverse impact on the licensing objectives either as a result of their own risk assessments or after informal discussions with the responsible authorities. The Licensing Authority cannot, however, impose their own conditions during a minor variation procedure.

7.8 Where the Licensing Authority believes that a proposed minor variation will have an adverse effect on the licensing objectives the application will be refused. Any refusal of a minor variation application does not prevent an application for a full variation under section 34 of the Act being made.

8.0 Adult Entertainment

8.1 Following the introduction of the Police and Crime Act 2009, schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 has been amended to incorporate Sexual Entertainment Venues and this council has adopted the legislation

8.2 Premises offering lap dancing or any live performance or display of nudity on more than 11 occasions within a 12 month period, in addition to any relevant entertainment, will be required to obtain a Sex Establishment Licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (if adopted) from the Authority authorising such activity. Applications for such premises will be considered on their individual merits.

- 8.3 It is the view of the Licensing Authority that children should not be exposed to entertainments of a sexual nature or to strong language at a too early an age. Conditions may be imposed, if representations are received, aimed at preventing such exposure either intentionally or accidentally. In some premises entertainment of an adult nature may be occasional or restricted to certain times of the day. In these cases, any restrictive conditions to protect children will apply only at these times. When submitting an application, if no reference is made to the provision of adult entertainment or services within an operating schedule at "Box N", then the Authority will interpret this to mean that such entertainment will not be provided and a condition to this effect will be applied to the licence.

9.0 The Operating Schedule and Conditions

- 9.1 Part of the application form requires that an 'operating schedule' is submitted for all applications and variation applications. The operating schedule which must be submitted in a prescribed form, should be completed for all relevant applications. Where the application is for a variation to an existing licence, the operating schedule should detail any additional steps required in relation to that variation. It should outline how the premises will be operated, and the arrangements for promoting the four licensing objectives
- 9.2 The operating schedule must include all information necessary to enable the responsible authorities or other persons to assess whether the steps outlined for the promotion of the licensing objectives are satisfactory. This will generally mean that applicants will need to complete their own detailed risk assessments on their businesses. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made. Where these representations are relevant to the promotion of the licensing objectives, a hearing will follow, unless all parties agree that this is unnecessary.
- 9.3 The Department for Culture Media and Sport (DCMS) have produced a pool of model conditions that may be applied. Where any control measure is not relevant in respect of particular premises or activities, the Licensing Authority will not expect that measure to be mentioned in the operating schedule. Some measures will clearly not all be relevant in every case, and are not to be treated as absolute requirements and will not be used by the Licensing Authority to create standard conditions. Indeed, it is possible that, in respect of some premises no measures will be needed to promote one or more of the licensing objectives, for example, because they are adequately dealt with by other existing legislation.
- 9.4 The Licensing Authority acknowledges that where the responsible authorities and other persons do not raise any representations about an application, it is the duty of the Licensing Authority to grant the application subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Act.
- 9.3 Applicants should have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the Licensing Authority and of the other responsible authorities. Specific requirements to be met are detailed in this policy document. Other specific requirements are detailed in relevant legislation and in guidance documents.

- 9.4 In order to minimise problems and the necessity for hearings, applicants should consult with responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.
- 9.5 In the context of the above, the Licensing Authority will, as far as it is possible to do so, avoid imposing disproportionate and over-burdensome conditions on premises unless it is considered appropriate to do so. Conditions will be tailored to the individual style and characteristics of the premises and events concerned. The Licensing Authority does not propose to implement standard conditions of licence as a matter of course, but may draw upon the pool of model conditions issued by the DCMS, a copy of which will be available to applicants from the Licensing Office. The Licensing Authority is aware that the Lancashire Constabulary have produced an additional pool of licence conditions which they may request the Licensing Authority to use in appropriate circumstances. These are available from the Lancashire Constabulary. However, the Licensing Authority emphasises that it will only attach conditions as appropriate given the circumstances of each individual case and to achieve the licensing objectives. References to the DCMS and Lancashire Constabulary pools of conditions are included for the information and assistance of applicants, and the inclusion of a condition in either “pool” does not imply that the Licensing Authority will necessarily consider it appropriate to impose.
- 9.6 Applicants may include any of the conditions from the “pools” in their operating schedules.
- 9.7 Conditions not listed in either “pool” may be specifically tailored by the Council and attached to licences as appropriate.
- 9.8 The model conditions cover, among other things, issues surrounding:
- crime and disorder
 - public safety
 - cinemas and fire safety
 - public nuisance
 - protection of children from harm.
- 9.9 Where no representations have been made, the power to impose conditions exists only when the Act makes them compulsory or when they reflect the operating schedule proposed by the applicant. The Licensing Authority acknowledges that it may not itself impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied of the appropriateness to impose conditions due to the representations made. It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations
- 9.10 There are a number of mandatory conditions that are attached to licences. For a full list of all the mandatory conditions refer to Appendix 4.

10.0 Licensing Objectives

- 10.1 Section 4 of the Act sets out the licensing objectives, which the Licensing Authority is under a duty to promote when carrying out its functions under the Act. The objectives are as follows:
- the prevention of crime and disorder;

- public safety;
- the prevention of public nuisance;
- the protection of children from harm

- 10.2 These four objectives are the only matters that may be taken into account in considering an application, and any licence conditions attached following the consideration of relevant representations must be appropriate to achieve these four objectives
- 10.3 The Licensing Authority considers that each of the licensing objectives is of equal importance for the purposes of this policy.
- 10.4 The Licensing Authority is of the view that the objective of the licensing process is to allow for the provision of alcohol, regulated entertainment and late night refreshment in a way which prevents crime and disorder, public nuisance and harm to children, ensures public safety and is not a detriment to the amenity of residents or businesses. This policy statement is therefore designed to deal with matters within the control of the licence holder and will focus on the impact of activities taking place on those living, working or otherwise engaged in the vicinity.
- 10.5 The Licensing Authority recognises that it is ultimately for the Designated Premises Supervisor to decide how best to manage the premises. However, the Authority expects that the DPS or another personal licence holder should normally be on the premises when alcohol is supplied.(except where in a case of a community premises the mandatory licence condition in S19 of the Act has been disapplied) If they are absent from the premises, they will still be ultimately responsible for the actions of those they authorise to permit sales of alcohol. It is considered good practice that any such authorisations should be in writing. Where any person who does not hold a personal licence is authorised to sell alcohol, the DPS is encouraged to provide, or ensure that, the authorised person has received some training on the requirements of the Licensing Act, and any conditions attached to the licence for the premises concerned. It is recommended that a record of such training be maintained.
- 10.6 The Licensing Authority recognises that Licensing functions are only one means of securing the delivery of the objectives. Delivery must therefore involve partnership working with local authorities, the Police, local businesses and local people working together towards the common promotion of the four objectives.
- 10.7 In particular, the Licensing Authority believes that this partnership working must involve the entertainment, hospitality and leisure industries. Co-operation and partnership are the best means of promoting the licensing objectives.
- 10.8 Each application will be considered on its individual merits. This policy does not seek to introduce 'zones' within the area where specific activities are concentrated.

11.0. Opening Hours

- 11.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance due to large concentrations of people leaving the premises at the same time.
- 11.2 This policy will not be used to fix those hours during which alcohol can be sold. In general, and subject to consideration by the Licensing Authority of any relevant representations, any licensed premises will be permitted to sell alcohol during the hours that they have applied for, provided that this is consistent with the licensing objectives.

- 11.3 However as stated above, there may be premises that are known to experience disorder and disturbance. Subject to representations from a responsible authority or other persons a limitation on licensing hours for those premises may be appropriate.
- 11.4 The Licensing Authority recognises that longer licensing hours can contribute to easing disorder and other problems that often occur at late night food premises, taxi ranks, private hire offices and other transport sources.
- 11.5 However, a limitation on licensing hours may be imposed in relation to individual premises if representations are received from a responsible authority or other persons and the premises are identified as a focus for disorder and disturbance.
- 11.6 As stated, the Licensing Authority will deal with applications on their individual merits. However as far as premises in residential areas are concerned, where relevant representations are received, stricter controls may be imposed in respect of opening hours to ensure that disturbance to local residents is minimised.

12.0 Protection of Children

- 12.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered appropriate to do so in order to protect them from physical, moral or psychological harm. Equally, no premises will be obliged to allow access by children.
- 12.2 If relevant representations are received in relation to limiting access to children, the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises:-
- where entertainment of an adult or sexual nature is provided
 - where there is a strong element of gambling taking place (but not, for example, the simple presence of a small number of cash prize gaming machines)
 - with a known association with drug taking or dealing
 - where there have been convictions of current members of staff for serving alcohol to those under 18
 - with a reputation for under age drinking
- 12.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself.
- 12.4 The options available for limiting access by children would include:-
- a limit on the hours when children may be present
 - a limitation or exclusion when certain activities are taking place
 - the requirement to be accompanied by an adult
 - access may be limited to parts of the premises but not the whole
 - an age limitation (for under 18s)
- 12.5 The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed

the issue of access will remain a matter for the discretion of the individual licensee or club.

- 12.6 Under the Act, certain “responsible authorities” must be notified of and are entitled to make representations about applications for premises licences or club premises certificates or major variations of such licences or certificates, or to ask the licensing authority to review a licence or certificate. Applicants for premises licences and club premises certificates are required to send details of their applications to these bodies. In connection with the protection of children the Licensing Authority considers the local Area Child Protection Committee to be the responsible body to which applications should be copied.
- 12.7 Where a large number of children are likely to be present on any licensed premises, for example a children’s show or disco, the applicant may wish to consider including in the operating schedule arrangements for the presence of an appropriate number of adult staff to ensure public safety and the protection of the children from harm. The applicant should also consider whether employees working at the premises for such events and having unsupervised contact with children should have an enhanced Disclosure and Barring Service check.
- 12.8 Children may also be present at an event as entertainers, and where they are not accompanied by a parent or guardian, the applicant may wish to consider nominating an adult responsible for such child performers at such performances. The applicant should also consider whether a nominated adult should have had an enhanced DBS check.
- 12.9 Applicants may wish to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself. The Act provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the licensing authority itself.
- 12.10 The following matters will also be considered in relation to the protection of children from harm:
- Whether access of children to cigarette machines is restricted
 - Whether access of children to any gaming machines is restricted
 - Where appropriate, the procedures for ensuring that any customer coming onto the premises is over the age of 18
 - The steps taken to ensure that, where appropriate, all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to protect children from harm
- 12.11 Applicants may wish to indicate in the operating schedule how the protection of children from harm will be addressed. The above items are not intended to be exhaustive, and the applicant should have considered all relevant aspects of the protection of children from harm applicable to the particular premises.
- 12.12 It is the view of the Licensing Authority that children should not be exposed to entertainments of a sexual nature or to strong language at a too early an age. Conditions may be imposed, if representations are received, aimed at preventing such

exposure either intentionally or accidentally. In some premises entertainment of an adult nature may be occasional or restricted to certain times of the day. In these cases, any restrictive conditions to protect children will apply only at these times. When submitting an application, if no reference is made to the provision of adult entertainment or services within an operating schedule at "Box N", then the Authority will interpret this to mean that such entertainment will not be provided and a condition to this effect will be applied to the licence.

13.0 Prevention of public nuisance

13.1 The most obvious aspect of public nuisance is noise. The primary source of noise is amplified music, either uncontained outdoors or emanating from premises, which do not have sufficient measures in place to contain the sound. Late at night or in the early hours of the morning, individuals shouting in the street or groups of people talking in an animated fashion generate a substantial level of noise and in some cases this is aggravated by offensive language.

13.2 As customers leave licensed premises, the sound of their conversation can disturb residents. Potentially greater problems arise when customers congregate or accumulate outside the licensed premises. However, it is clear that the person in control of the premises has a responsibility to ensure that disturbance to residents and businesses is kept to a minimum.

13.3 In considering licence applications where relevant representations are received, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and disorder having regard to all the circumstances of the application. When addressing public nuisance, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent public nuisance, taking account of the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule, and may include:

- The steps the applicant has taken or proposes to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, noise limitation devices and keeping windows closed during specified hours.
- The steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent public nuisance
- The steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises, for example warning signs at exits, and warning announcements within the premises, and the use of door supervisors to pass on the message
- The steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage and monitor the queue to prevent disturbance of obstruction, and to prevent patrons congregating outside the premises.
- The implementation of a last admission time, and how the last admission time relates to the closing time of the premises

- The steps the applicant has taken or proposes to take to manage queues so that patrons who will not gain admission before any last admission time are advised accordingly
- The steps the applicant has taken to reduce queuing outside the premises and to minimise the length of time people have to queue at the premises
- The steps the applicant has taken to advise patrons that they will not be admitted if they are causing a disturbance, and the steps taken to implement a procedure for banning patrons who continually leave or arrive at the premises in a manner which causes a public nuisance or disturbance.
- The arrangements made or proposed for parking by patrons and the effect of parking on local residents.
- The arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents.
- Whether there is sufficient provision for public transport for patrons, for example the provision of a free phone taxi service or other arrangements with taxi companies, and whether information is provided to patrons about the most appropriate routes to the nearest transport facilities.
- Whether taxis and private hire vehicles serving the premises or traffic flow from the premises are likely to disturb local residents.
- Whether routes to and from the premises pass residential premises.
- Whether other appropriate measures to prevent nuisance have been taken, such as the use of CCTV or the employment of an adequate number of licensed door supervisors.
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search and disposal procedures.
- The procedures in place for ensuring that no customer leaves with bottles or glasses
- If the applicant has previously held a licence within the area of the Council, the history of any enforcement action arising from those premises.
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- The steps the applicant has taken or proposes to take in order to ensure that standards of public decency are maintained in any entertainment provided at the premises.
- If appropriate, whether music is played at a lower level towards the end of the evening in a “wind down period”.
- The applicant’s proposals for the length of time between the last sales of alcohol, and the closing of the premises
- The steps the applicant has taken to prevent noise and other public nuisance from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking e.g. a street or pavement adjacent to the premise

The above list is not intended to be exhaustive, and the applicant should consider all aspects of the operation that may affect public nuisance.

- 13.4 Since the introduction of the Health Act 2006 the requirement for patrons to go outside a premises to smoke has caused an increase in the number of noise and anti-social behaviour complaints received by this and other Councils. It is therefore expected by the Licensing Authority that the management of licensed premises will ensure that adequate provision is made to supervise those patrons who leave the premises for a short time to smoke, having regard to the health and safety of their staff. In certain cases some form of regular engagement between businesses and residents can lead to better understanding of the needs of each party and inspire a degree of trust.

13.5 The cumulative effects of litter around premises carrying on licensable activities can amount to public nuisance. The Licensing Authority requires that any premises that can cause litter, be it from a take away food establishment or cigarette debris left by its customers, must remove it at regular intervals. At the end of trading, management of the premises should arrange for a final check of the area immediately outside the premises, to ensure that no litter, spilled food or cigarette debris is left. In some cases it may be appropriate to impose conditions on licences for take away premises which require litter bins to be provided or for litter dropped around of the premises to be collected and removed at regular intervals at the licence holder's expense including washing away to the gutter any spilled food.

14.0 The prevention of crime and disorder

14.1 The central concerns of licensing in relation to law and order are acts of violence and vandalism brought about by consumption of alcohol and the use of licensed premises as part of a distribution network for illegal drugs.

14.2 It is not the function of licensing to impose good practice in the adoption of wider crime reduction measures, such as those for securing premises outside of trading hours. It is also not a purpose of licensing to require that measures be put in place to enhance the opportunities for gathering evidence in relation to crime of a general nature. However, the Licensing Authority recognises that CCTV cameras at premises have an important role in preventing crime and disorder.

14.3 The Licensing Authority's starting point is to seek a reduction in crime and disorder throughout the area, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.

14.4 Where there are relevant representations, the Licensing Authority will generally not grant a licence where it is likely that the premises will be used for unlawful purposes or where it is considered that the use of the premises is likely to cause an increase in crime and disorder in the area or the premises and this cannot be prevented by the imposition of conditions. When addressing crime and disorder, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent crime and disorder, taking account the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule, and may include:

- Use of CCTV inside and outside the premises. The Lancashire Constabulary has produced suggested minimum requirements for CCTV and these are available from the Lancashire Constabulary or from the Licensing Authority's administrative staff
- Use of metal detection or other search equipment or procedures
- Crime and disorder risk assessment in relation to the proposed activities
- Measures to prevent the use or supply of illegal drugs and procedures for searching customers
- Ensuring that all staff are appropriately trained

- Ensuring that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent crime and disorder
- Employment of sufficient security staff where appropriate, controlling admission, monitoring capacity within the premises as a whole and in separate rooms/levels and patrolling the interior and exterior of the premises (any such staff must be licensed by the Security Industry Authority). The Licensing Authority recognises that there is a greater need for security staff in some premises than in others. For example there will be a greater need for security staff in a town centre nightclub than in a village pub. It will be for the applicant to consider the appropriate number of door staff required for the particular premises.
- Ensuring that a register of door staff and their working times is maintained
- Participation in Pub Watch, Best Bar None or other relevant schemes and using radio links/pages as a means of connecting to other licensed premises.
- Use of plastic or polycarbonate glasses and bottles, where appropriate, or toughened glass. Applicants are advised that the Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries
- Wherever possible, agreed protocols with police and other organisations and a commitment to co-operate and provide such evidence as the Police require.
- Adopting the “Night Safe Initiative” and “Safer Clubbing Guide” as statements of best practice
- Following the trade codes of practice, for example BBPA and Portman Group, and not carrying out any irresponsible drinks promotions
- Providing a suitable environment for customers having regard to the activities going on in the premises, in particular appropriate levels of seating
- Ensuring that there are sufficient transport facilities available to ensure that customers can leave the premises safely and swiftly.
- Maintaining an incident log
- The steps the applicant has taken to prevent crime and disorder issues from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking, due to location, control within and management of such areas.

It should be noted that this list is not intended to be exhaustive. It may be appropriate for the applicant to consider other steps. Equally, the Licensing Authority recognises that not all the items in the list will be applicable to all premises.

14.5 Following the receipt of relevant representations, the Licensing Authority will not normally allow a person to be specified as a designated premises supervisor where that is likely to undermine the prevention of crime and disorder by reason of that person’s known past conduct. A person is likely to be considered unsuitable if he has previous unspent convictions for a relevant offence, notwithstanding that he may have been granted a personal licence. However, each case would be considered on its own merits in the light of representations received.

15.0 The promotion of public safety

15.1 The Act complements but does not seek to duplicate the statutory requirements of other legislation, which affect those who have responsibility for the conduct of licensed premises such as the Health and Safety at Work Etc. Act 1974.

15.2 One of the things which the licensing system can provide is agreement in advance on a standard layout for furniture, location of stage, placing of linked seats etc. so that

licensees can be confident about their practical arrangements, provided that they stick to that way of doing things. With other legislative controls, there may be no official inspection of the arrangements made, unless there is an investigation when something has gone wrong.

- 15.3 As a consequence of the many common features of leisure businesses, such as the operation of door policies, competition for taxis and the interaction with people on the street late at night, individual premises necessarily function as part of a network of businesses, sharing information on crime and disorder issues which affect them all.
- 15.4 The Licensing Authority recognises that participation in forums such as Pub Watch and the proper use of network radios are key to the safe operation of the majority of leisure businesses. It may be appropriate for an operating schedule to include these practical matters.
- 15.5 Fire safety requirements are determined principally by specific fire safety legislation. The overall standard of fire safety is an important consideration in determining the suitability of premises for licensable activities.
- 15.6 The Licensing Authority will not use the licensing process to secure routine compliance with fire safety requirements, which arise from other legislation. Nevertheless in circumstances where fire safety inadequacies indicate that premises pose a risk to the health and safety to those who enter them and where specific fire safety enforcement does not provide a sufficient or sufficiently rapid remedy, the Licensing Authority will take appropriate steps to ensure that the risk is removed including, where appropriate, and where a review of the licence is requested, revocation of the licence.
- 15.7 In addition the Licensing Authority will also consider and deal with the introduction of further hazards to public safety as part of an event and the exercise of controls over occupancy, so that premises can be cleared safely and efficiently, in the event of an emergency.
- 15.8 Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety. Depending on the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided, the following issues may be of relevance:
 - The maximum capacity of the premises, and the arrangements for ensuring that a capacity limit is not exceeded and for monitoring capacity. This applies to the premises as a whole and to different rooms or levels within the premises.
 - Steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to ensure the safety of the public
 - The design of the premises and in particular the capability of the structure to bear the likely loads to be imposed at maximum occupancy.
 - The structural condition of the premises and state of repair.
 - The condition of the electrical and gas services, and arrangements for temporary electrical installations.
 - The lighting, heating and ventilation systems.
 - The fire resisting and fire separation properties of the premises.
 - The means of escape from the premises.
 - The adequacy of the sanitary arrangements.

- The use of flame retardant materials on fixtures and fittings.
- The protection and safety of the audience, particularly at any indoor sporting event or boxing or wrestling entertainment.
- The availability of qualified first aiders when the premises are open.
- The protection and safety of performers of entertainment.

The Licensing Authority will expect the applicant to have carried out a risk assessment on these matters in producing the operating schedule. The above list is not intended to be exhaustive, and the Licensing Authority will expect the applicant to have considered all relevant aspects of the safety and suitability of the premises which are not dealt with under other legislation, and which are within the control of the applicant.

16.0 Live Music, Dancing, Theatre and Indoor Sport

- 16.1 The Licensing Authority recognises that proper account should be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be balanced with these wider benefits, particularly for children.
- 16.2 In determining what conditions should be attached to licences and certificates as a matter of appropriateness for the promotion of the licensing objectives, the Licensing Authority will be mindful of the need to avoid measures which deter live music, dancing and theatre, by imposing indirect costs of a disproportionate nature.
- 16.3 To encourage more performances of live music, the 2012 Act amended the Act by deregulating aspects of the performance of live music so that in certain circumstances live music is not a licensable activity. However, it remains licensable:
- where a performance of live music – whether amplified or unamplified – takes place before 08:00 or after 23:00 on any day;
 - where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
 - where a performance of amplified live music takes place at relevant licensed premises at a time when those premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises
 - where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 200 people; or
 - where a licensing authority intentionally removes the effect of the deregulation provided for by the Act (as amended by the 2012 Act) when imposing a condition on a premises licence or club premises certificate as a result of a licence review
- 16.4 The amendments made to the Act by the 2012 Act affect conditions relating to live music in licensed premises. Any existing licence conditions on relevant licensed premises (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music remain in place, but are suspended between the hours of 08:00 and 23:00 on the same day where the following conditions are met:
- at the time of the live music, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;

- if the live music is amplified, the performance takes place before an audience of no more than 200 people; and
 - the live music takes place between 08.00 and 23.00 on the same day.
- 16.5 However, even where the Act (as amended by the 2012 Act) has deregulated aspects of the performance of live music, it remains possible to apply for a review of a premises licence or club premises certificate if there are appropriate grounds to do so. On a review of a premises licence or club premises certificate, section 177A (3) of the Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to live music. Similarly, under section 177A(4), a licensing authority may add a condition relating to live music as if live music were regulated entertainment, and as if that premises licence or club premises certificate licensed the live music.
- 16.6 The Licensing Authority will monitor the impact of any restrictions on regulated entertainment in the district, particularly on live music and dancing. If there is evidence that licensing requirements deter such activities, it will consider how to prevent this and, if necessary will review this policy, but will remain mindful of the licensing objectives.
- 16.7 The Licensing Authority recognises that performances of live music and dancing are central to the development of cultural diversity and vibrant communities where artistic freedom of expression is valued. Music and dancing also help to unite communities, and in ethnically diverse communities, new and emerging musical and dance forms can assist the development of a fully integrated society.
- 16.8 As a result of the 2013 Order, a performance of a play or dance, or an indoor sporting event, will no longer require a licence to the extent that certain qualifying conditions (see paragraph 2.6) are satisfied. Similarly, to the extent that those qualifying conditions are satisfied, any current licence condition that relates to an activity for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect
- 16.9 Where, however, non-licensable activities take place at the same time as other activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may nevertheless apply to the non-licensable activities in the circumstances set out in paragraphs 16.9 and 16.10 below.
- 16.10 If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.
- 16.11 Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities (and will generally be classed as a performance of live music) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers, if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting

access to a dance floor, where the presence of customers who had been consuming alcohol on the premises had led to serious disorder.

- 16.12 The Licensing Authority recognises that the absence of cultural provision in any area can itself lead to young people being diverted into anti-social activities that damage communities and the young people involved themselves.
- 16.13 The Licensing Authority is mindful that the Council itself, as landowner, may seek in its own name premises licences for appropriate public spaces within the district. This will make it easier for people to organise suitable cultural events on Council property.

17.0 Boxing and Wrestling

- 17.1 The 2013 Order amended the existing descriptions of regulated entertainment to make clear that both an indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and that any contest, exhibition or display combining boxing or wrestling with one or more martial arts ('combined fighting sports') is – whether indoors or not – a boxing or wrestling entertainment.
- 17.2 To the extent that a premises licence or club premises certificate purports to authorise a boxing or wrestling entertainment or combined fighting sports as an 'indoor sporting event', the 2013 Order provides that the authorisation will be treated as having authorised those activities as a boxing or wrestling entertainment. Those activities will continue to be subject to any relevant conditions attached to that authorisation.

18.0 Incidental Music

- 18.1 In addition to provisions introduced by the 2012 Act, the performance of live music or playing of recorded music is not regulated entertainment under the Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the Act.
- 18.2 As a result of the 2013 Order, the incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required as it takes place between 08:00 and 23:00 on the same day before an audience which does not exceed the relevant limit; such an activity would no longer be a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment, such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required (e.g. because it is an indoor sporting event taking place between 08:00 and 23:00 before an audience which does not exceed 1,000).
- 18.3 Whether or not music is "incidental" to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor will be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the Act. Other factors might include some or all of the following:

- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
- Is the music advertised as the main attraction?
- Does the volume of the music disrupt or predominate over other activities, or could it be described as 'background' music?

18.4 Conversely, factors which would not normally be relevant in themselves include:

- The number of musicians, e.g. an orchestra providing incidental music at a large exhibition.
- Whether musicians are paid.
- Whether the performance is pre-arranged.
- Whether a charge is made for admission to the premises.

19.0 Tourism and Employment

19.1 The Licensing Authority will ensure that it receives, when appropriate, reports on the needs of the local tourist economy and the cultural strategy for the area to ensure that these are reflected in the considerations of its Committee and Sub-Committees.

19.2 The Licensing Act Committee will also ensure that it is kept informed of the employment situation in the area and the need for new investment and employment where appropriate.

20.0 Link between Licensing and Planning and other Regulatory Regimes

20.1 The Licensing Authority is mindful that the licensing and planning regimes should be kept separate to avoid duplication and inefficiency. A licensing application should not be a re-run of the planning application. Where considered necessary, the Licensing Act Committee will report to the Planning Committee on the situation regarding licensed premises within the area, including the general impact of alcohol-related crime and disorder. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

20.2 In general, planning permissions authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by a prospective licence holder need to be considered when an application is made for a premises licence or club premises certificate.

20.3 An application for a premises licence or club premises certificate will normally only be considered where the activity to be authorised by the licence is a lawful planning use of the premises, as evidenced by a valid planning consent, and the hours sought do not exceed those authorised by such planning consent. However, the Licensing Authority acknowledges that there may be circumstances where it is appropriate to deal with a licensing application before the planning process has been completed, and notes in particular the provisions in the Act in respect of provisional statements.

20.4 The Licensing Authority recognises that matters such as health and safety and fire safety are dealt with in other legislation, and will avoid duplication with other regulatory regimes so far as possible. Only conditions that are appropriate for the promotion of the

licensing objectives will be imposed, and only following the consideration of relevant representations.

21.0 Promotion of Racial Equality

21.1 The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups.

21.2 The Council is required under the Race Relations Act 1976, as amended, to produce a race equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring.

21.3 The Licensing Authority will monitor the impact of this policy on race equality, and feed the results of such monitoring into the race equality scheme.

22.0 Administration, Exercise and Delegation of Functions

22.1 The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, a Sub-Committee, or by an officer acting under delegated authority.

22.2 Many licensing decisions will be purely administrative in nature, and where there are no relevant representations, the Licensing Authority takes the view that a decision should be delegated to officers in the interests of speed, efficiency and cost-effectiveness.

22.3 Accordingly, where there are no representations for example for an application for the grant of a premises licence or club premises certificate, the matter will be dealt with by officers. Applications where there are relevant representations will be dealt with by Members, as will any application for a review of a licence.

22.4 The Licensing Authority does not intend that a Sub-Committee considering an application will include any Member who represents the Ward in which the premises which are the subject of the application are situated.

22.5 Applicants are encouraged to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

22.6 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies, local crime prevention strategies including the Lancaster District Alcohol Harm Reduction Strategy 2007 – 2010, and any other documents setting out good practice in relation to some or all types of premises (for example, "Safer Clubbing"). Applicants will be expected to have taken these into account, where relevant and appropriate, and to demonstrate when formulating their Operating Schedule that such policies and documents have been considered.

22.7 Where the Act or Regulations thereunder require the submission of plans, the Licensing Authority will generally require these to be drawn to the scale of 1 centimetre representing 100 centimetres, although a different scale may be permitted by prior agreement for plans of open land.

- 22.7 When determining applications the Licensing Authority will have regard to any Guidance issued by the Home Office. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.
- 22.8 When attaching conditions following the consideration of relevant representations, the Licensing Authority will also be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. However, this will be balanced with the need to promote the licensing objectives.
- 22.9 The Licensing Authority acknowledges the advice received from the Home Office that the views of vocal minorities should not be allowed to predominate over the general interests of the community.
- 22.10 The following table sets out the delegation arrangements established under Section 10 of the Act:

Matter to be dealt with	Sub Committee	Officers
Application for Personal Licence with relevant Unspent Convictions	If a Police representation made	If no Police representation made
Application for premises Licence/club premises Certificate	If a representation made	If no representation made
Application for Provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation made
Application to vary Designated premises Supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review Premises Licence/club premises Certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases

Decision to object when	All cases	
Determination of a Police objection to a Temporary event notice.		
Determination of film classification		
Determination of Minor Variations		
Disspapplication of the S19 requirement to have a designated premise supervisor in Community Premise		
Local Authority is a Consultee and not the relevant authority Considering the Application.		

23.0 Enforcement Policy

23.1 The Licensing Authority has established protocols with amongst others, the Lancashire Constabulary and Lancashire Fire and Rescue Service and the Council's Environmental Health service on enforcement issues to ensure efficiency in the deployment of local authority staff and the other regulatory services who may be engaged in enforcing licensing law and the inspection of licensed premises. For this purpose, a M.A.L.T (Multi-Agency Licensing Team) has been set up by the relevant enforcement agencies to ensure effective and focussed enforcement. Inspections will take place if and when they are judged necessary, and this should ensure that resources are more effectively concentrated on problem premises. On occasions, multi-agency enforcement inspections will be carried out in conjunction with Home Office approved enforcement campaigns. The protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained. The Authority recognises the Hampton principles of inspection and enforcement, which include:

- No inspection should take place without a reason , and
- Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection

23.2 In any enforcement action taken by the Licensing Authority, the key principles of consistency, transparency and proportionality will be maintained.

23.3 The name of a Designated Premises Supervisor will be displayed on the summary of the licence, which must be prominently displayed at the premises. For enforcement

purposes, if the Designated Premises Supervisor is not present at the premises, the Licensing Authority considers that it is good practice for name of the personal licence holder or another person authorised for the sale of alcohol to be displayed in a prominent position on the premises to provide a point of contact for the enforcement agencies.

24.0 Early Morning Alcohol Restriction Orders

24.1 This section provides guidance about Early Morning Alcohol Restriction Orders (“EMROs”). The power conferred on licensing authorities to make, vary or revoke an EMRO (or propose to take any of these steps) is set out in sections 172A to 172E of the Act. This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

24.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

24.3 An EMRO:

- applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
- applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week;
- applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- applies to the whole or any part of the licensing authority’s area;
- will not apply to any premises on New Year’s Eve (defined as 12am to 6am on 1 January each year);
- will not apply to the supply of alcohol by those who provide hotel or similar accommodation to their residents between 12 am and 6am, provided the alcohol is sold at those times only through mini-bars and/or room service; and
- will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Act.

24.4 An EMRO can apply to the whole or part of the licensing authority’s area. The area may, for example, comprise a single floor of a shopping complex or exclude premises which have clearly demonstrated to the licensing authority that the licensable activities carried on there do not contribute to the problems which form the basis for the proposed EMRO.

24.5 The final decision to make an EMRO (or to vary or revoke one) would be made by the full council of the licensing authority. Any preceding steps, including advertising the proposed EMRO, holding hearings and making a determination to put before the full council for its final decision, are for the licensing committee of the licensing authority.

24.6 Before the licensing committee determines to recommend that the full council make a proposed EMRO, it would have to be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The licensing authority would consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its

own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

25.0 Personal Licences

- 25.1 Much of the foregoing policy inevitably relates to premises licences and club premises certificates. However, the Licensing Authority will also be responsible for issuing personal licences authorising individuals to supply alcohol or to authorise the supply of alcohol, in accordance with a premises licence.
- 25.2 Provided that an applicant fulfils the requirements of Section 120 (2) (a), (b) and (c), of the Act, a licence will be granted unless the applicant has a relevant conviction or a foreign conviction as defined in the Act. In the event of such a conviction, the application will be referred to the Police, and if the Police give an objection notice, a hearing will generally be held. Whilst each application and objection will be considered on its merits, the application will normally be rejected if the Licensing Authority considers this appropriate for the crime prevention objective.
- 25.3 From the 1st April 2015 the requirement to renew a personal licence has been removed. As a result of that amendment a personal licence will no longer have an expiry date.

26.0 Permitted temporary activities

- 26.1 Where a person wishes to use premises for one or more of the licensable activities for a period not exceeding 168 hours or 7 days a premises licence is not required. The person can simply serve a temporary event notice on the Licensing Authority notifying them of the event. The notice must be served on the Licensing Authority and a copy served on the police and the local authority exercising environmental health functions no later than ten working days before the event is to begin (not including either the day the notice is received or the day of the event) or 5 working days in the case of a late TEN. However the Licensing Authority would encourage applicants to give as much notice as possible so that the notice can be given full consideration
- 26.2 The maximum number of persons allowed on the premises at the same time during the temporary event is 499.
- 26.3 If alcohol is to be supplied, all supplies must be carried out by or under the authority of the person who served the notice.
- 26.4 Only the police and the local authority exercising environmental health functions may object to the staging of a temporary event and they may do so only on the ground that allowing the premises to be used as proposed would undermine any of the four licensing objectives.
- 26.5 The Licensing Authority must consider an objection notice and any representations which the premises user may wish to make. This is likely to be by way of a hearing unless all parties agree that a hearing is unnecessary. The Licensing Authority will give notice of its decision and the reasons for the decision. If the Licensing Authority upholds the objection it may serve a counter notice and the temporary event will not be able to be staged or it may attach conditions to the TEN. The licensing authority acknowledges that it cannot attach any condition in relation to a TEN that is not already attached to the premise licence if applicable. It is hoped that organisers of such activities will voluntarily

comply with the requirements of this policy in staging their events. When considering objections the Licensing Authority will take account of the provisions of this document.

- 26.6 Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised. The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

- 26.7 There are statutory limitations on the number of temporary event notices which can be given by individuals and which can be given in relation to particular premises.

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

- 26.8 For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices.

27.0 Contact Details /Advice / Guidance

Applicants can obtain further details about licensing or the application process from:

The Licensing Manager or any other officer in the Licensing Section.

Telephone: 01524 582033
e-mail:licensing@lancaster.gov.uk

Licensing staff will be willing to give general advice to potential applicants. For specific advice on any intended application, an applicant may wish to consult a solicitor who has specialist knowledge of the Act.

Details of how to make a representation in relation to an application for a premises licence are attached at Appendix 1

Details of how to request a review of a premises licence are attached at appendix 2