

Lancaster City Council

Statement of Licensing Policy

2023-2028

Insert Pictures of City/Coast/Countryside etc

Author: XXX

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1.0 INTRODUCTION

1.1 BACKGROUND

1.1.1 Lancaster City Council (the Council) is the Licensing Authority under the Licensing Act 2003 (the 2003 Act). It is empowered to administer the following in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment within the district: -

- premises licences including provisional statements, full and minor variations, transfers, interim authorities, and reviews
- club premises certificates
- temporary event notices
- personal licences

1.1.2 The Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its Licensing Policy before the Authority can carry out any licensing or regulatory functions under the terms of the Licensing Act 2003. This Policy must be kept under review and the Licensing Authority may make any revisions to it, as it considers appropriate. In any event the Licensing Authority is required to review their Statement of Licensing Policy every 5 years, the previous policy ran from 2016 – 2021.

1.1.3 This Licensing Policy sets out the issues that the Licensing Authority will consider when determining licences throughout the district and encompasses experience gained in the implementation and regulation of the Licensing Act 2003.

1.1.4 In determining this Policy the Licensing Authority has had regard to the Guidance issued under Section 182 of the Licensing Act 2003. In determining applications under the 2003 Act the Licensing Authority shall consider: -

- the promotion of the four licensing objectives
- representations and evidence presented by all parties, together with any relevant supporting documentation
- the latest guidance issued by the government
- the licensing authority's own Statement of Licensing Policy

1.2 AIM

1.2.1 The 2003 Act requires the Licensing Authority to carry out its various licensing functions to promote the four licensing objectives.

1.2.2 The aim of this Licensing Policy is to set out how the Licensing Authority seeks to promote 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

1.2.3 These four objectives will be the paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective will be given equal importance.

1.3 PURPOSE

1.3.1 The main purpose of this Policy is to provide clarity to applicants, other persons and Responsible Authorities on how the Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment. As the 'vicinity' test has now been removed, the Licensing Authority will consider all representations from any person however, the Licensing Authority shall apportion the weight of the representation between those persons immediately affected by the premises and its operation and those persons who may have a lack of knowledge of the area or of personal experience.

1.3.2 Where revisions are made to the Guidance there may be a period when this Policy is inconsistent with the Guidance. In these circumstances the Licensing Authority shall have regard, and give appropriate weight, to the revised Guidance in conjunction with this Licensing Policy.

1.4 CONSULTATION

1.4.1 Before determining its policy for any five-year period, the Licensing Authority will consult the following: -

- the Chief Officer of Police
- the Fire and Rescue Authority
- the Director of Public Health
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates
- persons/bodies representative of local holders of personal licences
- persons/bodies representative of businesses and residents in the district

The Licensing Authority may consult beyond the statutory requirements, and seek comments from additional bodies, groups or individuals as appropriate.

1.5 FUNDAMENTAL PRINCIPLES

1.5.1 This Policy sets out the Licensing Authority's general approach to the making of licensing decisions and is consistent with the provisions of the 2003 Act. Nothing in the Policy will undermine the right of any individual to apply for authorisations and to have any such application considered on its individual merits. Similarly, nothing in the Policy will override the right of any person to make representations on an application or to seek a review of a Licence or Certificate in accordance with the provisions of the 2003 Act.

1.5.2 This Policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The applicant must give due consideration to disabled persons under this Act for access and egress so that they are not at a substantial disadvantage.

1.5.3 The introduction of the Policing & Crime Act 2009 extends Police closure powers. The Licensing Authority further acknowledges and supports that this legislation has been introduced against the background of increasing alcohol-related anti-social behaviour and subsequent hospital admissions that has led to criticism due to the increased cost to local residents. This Act signifies a shift back from deregulation towards offering greater support for communities being adversely affected.

1.5.4 The Licensing Authority may recommend actions over and above the requirements of a licence/certificate and applicants are asked to give these recommendations serious consideration, as

adoption of best practice may be considered in the investigation of complaints if they arise in connection with the premises in the future.

1.5.5 The Licensing Authority may only impose conditions on a premises licence if they are consistent with the operating schedule or after receiving relevant representations and only if a Licensing Committee or Licensing Sub-Committee determines the matter. Any conditions attached to the licence must relate to the promotion of the Licensing Objectives.

1.5.6 The Licensing Authority acknowledges that the Government believes that in some circumstances flexible hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided.

1.5.7 Where licensed premises are surrounded by housing, unrestricted extensions of hours could extend the time of disturbance to later in the night; therefore, the Licensing Authority acknowledges that tighter control may be justified in residential areas always however having regard to the individual merits of any application.

1.5.8 In general terms the Licensing Authority will closely scrutinise applications for premises licences showing a late terminal hour so as to be satisfied that they will have no adverse impact on the Licensing Objectives.

1.5.9 Once people are beyond the control of the individual, club or business holding the relevant authorisation, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour. Licensing law will always be part of a holistic approach to the management of the evening and night-time economy in the district.

1.5.10 The Licensing Authority expects every licence holder or event organiser to minimise the impact of their activities on the surrounding area and any anti-social behaviour created by their customers in and within the vicinity of their premises by taking appropriate measures and actions consistent with that responsibility. Whether or not incidents can be regarded as being in the vicinity of the licensed premises is recognised as a question of fact and will depend on the specific circumstances in each case. In cases of dispute, the question will ultimately be decided by the courts, where an appeal is heard by them. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

1.5.11 The type of entertainment offered on licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety issues. For example, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3am than there is in a well-managed public house located in a quiet back street that provides limited regulated entertainment and closes at 11pm.

2.0 GENERAL PRINCIPLES

2.1 LEGISLATION

2.1.1 In undertaking its licensing function under the Act, the Licensing Authority is also bound by other legislation, including: -

- Section 17 of the Crime and Disorder Act 1988;
- Human Rights Act 1998, with regard being given to Article 6, Article 8 and Article 1 of the first Protocol
- Equalities Act 2010
- Policing & Crime Act 2009
- Business and Planning Act 2020

2.1.2 In all applications relating to premises, applicants should specify methods by which they will promote the four Licensing Objectives in their operating schedules.

2.2 REVISIONS TO POLICY

2.2.1 The Policy shall be subject to periodic reviews and further consultation as and when required. The Licensing Authority may revise this Policy following changes to, for example: -

- Local circumstances;
- The Licensing Act, associated regulations or statutory guidance;
- Other national legislation; or
- The policies and practices of a Responsible Authority

2.3 AREAS OF CONCERN

2.3.1 Specific areas of concern include: -

- Sales of alcohol to under 18s, directly and by-proxy
- Noise nuisance caused by regulated entertainment
- Nuisance caused by hot-food take-aways, particularly parking of delivery vehicles
- Dispersal of patrons from licensed premises
- Drink and needle spiking
- Sexual harassment and violence towards women and girls
- Detailed door security operating procedures and risk assessments

2.3.2 Applicants for a premises licence are advised to include in their Operating Schedule, (where applicable) specifically how they will approach the areas of concern highlighted. Including how they will prevent the sale of alcohol to minors, what measures are implemented by the premises to minimise any reports of noise nuisance caused by regulated entertainment, to manage the threat of spiking in their premises, policies on how reports of violence or sexual harassment of women will be handled by the premises, How the premises will disperse customers, minimising the impact on local residents and parking provision for delivery-drivers operating for late night refreshment venues.

2.3.3 Experience indicates that a last time of entry condition assists in the promotion of the licensing objectives. It is therefore expected that applicants for late licensed premises will detail in their operating schedules that there will be no new entry or re-entry to the premises after 1am.

2.4 CHILDREN

2.4.1 The 2003 Act requires applicants for premises licences and club premises certificates to copy details of their applications to a body which: -

- a) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
- b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters.

2.4.2 The Licensing Authority's policy is that the Responsible Authority in relation to the protection of children from harm is Lancashire County Council, Children's Safeguarding team.

2.4.3 The Licensing Authority will expect licensees of premises giving film exhibitions to include, in their operating schedules, arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification (BBFC), or in specific cases where such certificates have not been granted, the Licensing Authority.

2.4.4 The Licensing Authority does not intend to adopt its own system of film classification but reserves the right to impose different age restrictions on admittance to film exhibitions from those imposed by BBFC classifications.

2.4.5 If the Licensing Authority attaches an age-restriction to any film that differs from the BBFC classification or attaches one to an unclassified film, the information about the Licensing Authority's classification will be published at the venue.

2.4.6 The Licensing Authority shall not seek to limit the access of children to any licensed premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the Licensee but the Licensing Authority shall expect that the licensee shall give full consideration of access by children at all times and ensure that there is a policy in place to promote this licensing objective.

2.4.7 However, the following are examples of issues that are likely to raise concern: -

- Where entertainment or services of an adult or sexual nature are common thereby likely to undermine the licensing objectives;
- Where relevant premises are known to allow unaccompanied children;
- Where the applicant has described in the Operating Schedule that 'no adult or similar entertainment shall take place on the premises' but intends to hold an event liable to compromise the protection of children from harm licensing objective;
- Where there has been early indication and subsequent evidence of poor management of the premises leading to undermining of the licensing objectives;
- Where the premises have a known association with drug taking or dealing;
- Where the current staff have received convictions or cautions for serving alcohol to minors or where the premises has a reputation for underage drinking or failures in test purchasing;
- Where there is a strong element of gambling on the premises;
- Where there is likely to be underage events with the intention of selling or exposing alcohol for sale or where the intention is to permit adults to this event;

- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

2.4.8 Examples of entertainment likely to cause concern are entertainment or services of an adult or sexual nature including topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or entertainment involving strong or offensive language.

2.4.9 This Licensing Authority strongly advises that where music and alcohol sales are the main reasons for the event taking place, that persons under 18 years are not admitted unless the organisers have extremely robust procedures for ensuring those under 18 years do not have access to any alcohol – this includes sales, proxy sales, and bringing it onto the event.

2.4.10 Where there are events solely provided for young people, for example an Under 18's disco in a nightclub or similar relevant premises, the Licensing Authority strongly advises that adequate and sufficient measures are put in place so that young people cannot gain access to alcohol or energy drinks and further that no alcohol is served to any supervising adults at such events. The management of the premises should also ensure that measures are taken to prevent alcohol being brought onto those premises.

2.4.11 In particular, the Licensing Authority will consider what conditions are offered in the Operating Schedule. The applicant in completing the Operating Schedule is required to describe the steps they intend to take to promote this Licensing Objective and highlight any adult entertainment or services, etc. that may give rise to concern in respect of children. However, where the applicant does not state the steps they intend to take to promote this Objective but does state that 'no adult or similar entertainment shall take place on the premise', the Licensing Authority shall consider this restriction to be a condition on the Licence/certificate from the publication of this Policy.

2.5 LICENSING HOURS

2.4.1 With regard to licensing hours the Licensing Authority will consider each application on its individual merits.

2.5.2 Applications for premises licences with a terminal hour later than 12 midnight where the sale or supply of alcohol for consumption on the premises is the main activity or where the sale or supply of alcohol is accompanied by musical entertainment, will be subject to close scrutiny by the Responsible Authorities to ensure that there will be no adverse impact on the Licensing Objectives. Specifically, the applicant should ensure that the operating schedule for such premises demonstrates how the Licensing Objectives will be met. This is a general policy and does not automatically mean that all applications will result in licences being granted until midnight or that no applications will be granted with a closing hour after midnight.

2.5.3 In considering these issues the Licensing Authority will give careful consideration to the nature of the venue proposed. For example, the Council is keen to promote establishments at which the service and consumption of alcohol is not the primary activity. These may include restaurants, theatres, cinemas, comedy clubs, galleries, museums, and similar venues. The Licensing Authority's experience is that such venues are liable to give rise to fewer public concerns in relation to later closing hours.

2.5.4 The Licensing Authority will pay special regard to the proximity of residential properties to the proposed premises. Consideration will be given to the imposition of stricter noise control conditions, if representations are received in areas with a concentration of residential properties.

2.5.5 The Licensing Authority will expect premises to be cleared of patrons within a reasonable time of the terminal hour set for licensable activities.

2.5.6 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons for restricting those hours. An example would be where the Police make representations that the premises are a focus of disorder and disturbance.

2.6 LATE NIGHT LEVIES (LNL) AND EARLY MORNING RESTRICTION ORDERS (EMRO'S) LATE NIGHT LEVIES

2.6.1 The Police Reform and Social Responsibility Act 2011 (the PRSRA) has introduced the power for the Licensing Authority to charge a late-night levy to all premises within the Lancaster City Council District. The late night levy is a discretionary power allowing Councils to collect an annual fee from all licensed premises in the district that are authorised to sell alcohol between the hours of midnight and 6am as a means of raising a contribution towards the costs of policing the night time economy. The decision to introduce, vary or cease the levy will be made by Full Council in conjunction with the Police and Crime Commissioner and Lancashire Constabulary. However, any decision in relation to the administration and design of the levy will be delegated to the Licensing Committee.

2.6.2 The Licensing Authority recognises that this levy would cover the whole of the district and not just those premises that are causing problems or those premises within any cumulative impact area. Therefore, serious consideration would be given to the introduction of the levy in light of this. Furthermore, the Licensing Authority would give serious consideration as to whether or not the levy is a viable proposal.

EARLY MORNING RESTRICTION ORDERS (EMRO)

2.6.3 An EMRO 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.

2.6.4 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.

2.6.5 The licensing authority will review the need for an EMRO at least every five years in line with the review of this policy to see if circumstances have changed and any are needed. In addition to the review each five years the licensing authority may consider an EMRO at any time if circumstances changed and evidence supported this course of action. No area of the District is covered by an EMRO at present.

2.6.6 As an EMRO is a powerful tool and a very stringent approach in tackling issues, the Licensing Authority will first consider whether other measures may address the problems and achieve the same goal. These could include: -

- Taking a robust multi-agency approach to tackling problem premises;
- Prior to reviewing a licence/certificate, meeting with the DPS and licence/certificate holder to ensure a Premises Improvement Plan.
- Using other mechanisms to control the cumulative impact, e.g. planning controls;
- Using other mechanisms to control noise and anti-social behaviour;
- Police powers to closure premises;

- Providing powers to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- Provision of CCTV;
- Provision of night marshals and street pastors;
- Introduction of a late-night levy.

The above is not an exhaustive list of possible measures.

2.7 LATE NIGHT REFRESHMENT

2.7.1 The Licensing Authority will expect applicants for licences in respect of late-night refreshment premises to detail in their operating schedules how they intend to promote the licensing objectives and in particular how they intend to address queue management, litter, noise and delivery vehicle disturbance.

2.7.2 Where appropriate, and, in line with the Public Nuisance and Public Safety Licensing Objectives, the Licensing Authority may recommend that applicants display their company name on containers and packaging; this will enable the Licensing Authority to identify any premises causing concern.

2.7.3 The Licensing Authority expects that any premises providing late night refreshment will have a responsible policy for regularly clearing litter from outside their premises and for 25 metres along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. Such Policy could also include the display of notices advising customers to use the bins provided. In addition, where there is evidence that grease and food, etc. has emanated from the premises, the Licensing Authority recommends that the highway in the vicinity of the premises is swilled or scrubbed so as not to attract seagulls, pigeons and vermin. The Licensing Authority recommends that all such inspections and action taken be recorded in the Premises Log Book.

2.7.4 Where an applicant wishes to sell alcohol either on or off the premises in such an establishment or provide an alcohol delivery service, the Licensing Authority recommends that the Operating Schedule sets out specific measures to ensure the prevention of Crime and Disorder and Public Nuisance in the vicinity of the premises. Existing premises that seek to provide an alcohol delivery service are expected to notify the Licensing Authority that they are operating such a service setting out specific measures they intend to take to promote the licensing objectives.

2.7.5 The Authority has considered the relaxation of controls suggested through the Deregulation Act 2015 and has decided that it would not be appropriate to do so. There is no evidence base to suggest that such action would be beneficial to local residents.

3.0 LICENSING APPROACH

3.1 PARTNERSHIP WORKING

3.1.1 The Council recognises that Licensing functions under the 2003 Act are not the only means of promoting the principles behind the Licensing Objectives. Delivery includes working with Planning, Environmental Health, the Police, the Fire Authority, the Crime Reduction Partnerships, Town Councils, Pubwatch, local businesses and residents, Lancashire County Council, transport operators and those involved with child protection.

3.1.2 The Council recognises that co-operation across services within the Council and with our external partners remains the best means of promoting the Licensing Objectives.

3.1.3 The Licensing Authority seeks to encourage and support the night-time economy by providing a vibrant and safe town centre experience. It shall work closely with the Responsible Authorities to promote the Licensing Objectives, including the licensed trade, local people and businesses. The Licensing Authority will continue to work closely as part of these groups to promote the common objectives and shall recognise its duty under Section 17 of The Crime and Disorder Act 1998 when carrying out its functions under the 2003 Act. In addition, the Licensing Authority will seek to support strategies where they are allied to the Licensing Objectives such as the National Alcohol Harm Reduction Strategy and any other relevant strategies and policies.

3.1.4 The Licensing Authority recognises that the private sector, local residents and community groups in particular have a vital role to play in promoting the licensing objectives. The Licensing Authority shall work closely with other enforcement agencies in the management of the nighttime economy, particularly relating to the tackling of underage sales and proxy sales of alcohol and drunkenness or disorder on or in the immediate vicinity of the licensed premises.

3.2 CUMULATIVE IMPACT POLICY

3.2.1 A cumulative impact policy creates a rebuttable presumption that applications within a particular area of the District for new premises licences or club premises certificates or material variations thereto will normally be refused if relevant representations are received about the cumulative impact on the four licensing objectives.

3.2.2 The Licensing Authority will review the need for a special policy on cumulative impact at least every five years in line with the review of this policy to see if circumstances have changed and one is needed.

3.2.3 In addition to the review each five years the Licensing Authority may consider a special policy on cumulative impact at any time if circumstances changed and evidence supported this course of action.

3.2.4 No area of the District is currently covered by a special policy on cumulative impact.

3.3. LOCAL STRATEGIES AND POLICIES

3.3.1 Where appropriate, the Committee will take into account local strategies and policies. These will include: -

- Community Alcohol Partnership (CAP)
- Community Safety Partnership (CSP)
- XXX
- XXX

3.4 INTEGRATING STRATEGIES

3.4.1 There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Council will aim, as far as possible, to coordinate them.

3.4.2 Where appropriate, the Licensing Authority will also have regard to:

- local crime prevention strategies;
- needs of the local tourist economy;
- employment situation in the area and the need for new investment and employment where appropriate;
- needs of the local community
- the duty on Public Authorities to eliminate unlawful discrimination;
- the policy on cumulative impact.

3.5 AVOIDING DUPLICATION

3.5.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes such as health and safety at work, fire safety, building control and planning. Conditions will not be imposed if the matters concerned are already provided for sufficiently in other legislation. However, other legislation may not always cover the unique circumstances that arise in connection with licensable activities and in such cases tailored conditions may be necessary but only if relevant representations are received.

3.5.2 The Licensing Authority recognises that in accordance with Section 43 of the Regulatory Reform (Fire Safety) Order 2005, any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by that Order, shall have no effect. The Licensing Authority shall therefore not seek to impose fire safety conditions where the Order applies.

3.5.3 In much the same way, the Indecent Displays Act 1981 prohibits the public display of indecent matter and the Licensing Authority shall therefore not seek to impose conditions concerning such displays inside or outside the premises. The existing laws governing indecency and obscenity are adequate to control adult entertainment of this nature. However, the Licensing Authority shall, if it considers necessary in certain premises, consider attaching conditions following a hearing addressing the exclusion of minors.

3.5.4 Non-compliance with other statutory requirements may be considered in reaching a decision about whether or not to grant or vary a licence but only if relevant representations are received.

3.5.5 The Licensing Authority recognises that the existence of planning permission, building regulation approval or pavement licences must be properly separated from licensing applications to avoid duplication and inefficiency. Similarly, the existence of a Premises Licence shall not prejudice the consideration of any planning, building regulation approval or pavement licence applications. However, the Licensing Authority shall expect applicants to have obtained the appropriate consents or licences prior to operation.

3.5.6 Where premises have not obtained such consents or licences, they will be liable to enforcement action under the appropriate legislation. There may be circumstances when as a condition of planning permission a terminal hour is set for the use of commercial premises. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time to ensure that they are not in breach. Premises operating in breach of their Planning Permission or their premises licence/certificate may be liable to enforcement action by the Planning Authority or the Licensing Authority as appropriate.

3.6 REPRESENTATIONS

3.6.1 Under the 2003 Act both Responsible Authorities and 'other persons' may make representations on licence/certificate applications and review existing premises licences/certificates.

3.6.2 Other persons are defined as any individual, body or business that may be affected by the operation of a licensed premise regardless of their geographical location. Although the other person may be in any geographical location, any representation they make must be relevant to one or more of the licensing objectives. In addition, the other person is encouraged to provide evidence supporting their representation or review. This may be for example by way of recording dates where noise nuisance or anti-social behaviour occurs. Any representation however must be specific to the premises in question and not to the area in general. The representation should also detail how the granting of the application is likely to affect the person making it.

3.6.3 The Licensing Authority will however consider the geographical location of the other person who has made the representation in their consideration of their evidence.

3.6.4 In addition all representations must be relevant relating to the likely effect of the grant of the licence/certificate on the promotion of at least one of the licensing objectives. The Licensing Authority will determine whether a representation from an individual, body or business is relevant, frivolous, repetitive or vexatious. If appropriate, the benefit of the doubt will be given to the person or body making that representation.

3.7 CONDITIONS

3.7.1 Where conditions are imposed at a licensing hearing, they shall be appropriate and proportionate and shall be tailored to the size, style, characteristics and activities that take place at the premises concerned. However, the Licensing Authority accepts that Responsible Authorities may suggest conditions following negotiation with the applicant when completing their Operating Schedules.

3.7.2 In addition conditions imposed by a Licensing Authority shall be precise and enforceable, clear in what they intend to achieve, should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation, shall not replicate offences set out in the 2003 Act or other legislation, shall be justifiable and capable of being met and shall not seek to manage the behaviour of customers once they are beyond the direct management of the licence/certificate holder and their staff.

3.7.3 The Licensing Authority recommends that conditions volunteered in the Operating Schedule should be: -

- Targeted on the deterrence and prevention of crime and disorder
- Appropriate for the promotion of the licensing objectives;
- Proportionate and enforceable;
- Consistent and not conflicting;
- Relevant, clear and concise;
- Not duplicating other legislation; and
- Expressed in plain language capable of being understood by those expected to comply with them.

3.7.4 The Licensing Authority when preparing the licences/certificates will replicate the wording from an applicant's Operating Schedule, it is therefore recommended that applicants seek suggested condition wording from this policy by way of model conditions (amended as appropriate) or from the relevant responsible authorities.

3.8 ENFORCEMENT

3.8.1 The Licensing Authority has adopted a Licensing Enforcement Policy, available on the Council's web site.

3.8.2 Enforcement action will be: -

- Targeted toward those premises presenting the highest risk;
- Proportional to the nature and seriousness of the risk those premises present;
- Consistent, so that the Licensing Authority takes similar approaches in similar situations;
- Transparent, so those who are subject to enforcement action know what to expect; and
- Accountable, so that the Licensing Authority and its officers take responsibility for their actions.

3.8.3 The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the 2003 Act and any licence conditions. It will also monitor the District for unlicensed activities that may or may not require authorisation.

3.8.4 The Licensing Authority has established protocols with Lancashire Police Authority, Lancashire County Council Trading Standards and Lancashire Fire and Rescue Service on enforcement issues to ensure an efficient deployment of Police and Council Officers. Where official warnings are given prior to any decision to prosecute for an offence, the Licensing Authority shall ensure that these enforcement authorities are informed of these warnings and the result of any action taken.

3.8.5 In order to ensure compliance with the law and licensing conditions, the Licensing Authority will also carry out whenever possible unscheduled 'non routine' evening inspections with Lancashire Constabulary. After each visit, the Designated Premises Supervisor and Premises Licence Holder shall be notified of any concerns and be given an opportunity to rectify any issues.

3.8.6 The Licensing Authority recognises that most Licence Holders seek to comply with the law and any enforcement action will normally follow a graduated approach and in the first instance will include education and support. Where licence holders continue to flout the law or act irresponsibly action will be taken.

3.8.7 The Licensing Authority may seek to meet with the licence or certificate holder and/or DPS working closely with them and relevant Responsible Authorities in implementing a Premise Improvement Plan where appropriate.

3.8.8 Where the premise does not comply with an agreed Improvement Plan and continues to breach the licensing laws and/or licence conditions, the Responsible Authority or Licensing Authority can consider further sanctions, either by way of a review, formal caution or prosecution. In any event, the Licensing Authority will have regard to the Regulators' Compliance Code and the Council's Licensing Enforcement Policy.

3.8.9 Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted. Inspections shall be carried out in accordance with the principles of risk assessment and targeting problem premises.

3.8.10 In addition, the Licensing Authority will conduct checks to ensure that official notices for new applications, varied applications, reviews and minor variations are accurate and clearly displayed.

Notices for reviews shall be displayed at or near the site of the premises, and where there are concerns these shall be regularly checked and recorded.

3.8.11 Any decision to instigate legal proceedings will take account of principles set out in the Licensing Enforcement Policy.

3.9 COMPLAINTS AGAINST LICENSED PREMISES

3.9.1 Complainants are advised, whenever possible, in the first instance to raise their complaint directly with the licensee in order to resolve the matter. The Licensing Authority, however, recognises that it is not always possible or practical for complaints to be raised directly. In such circumstances, complaints in the first instance should be addressed to the most appropriate body. For example, crime and disorder related issues should be raised with the Police.

3.9.2 All noise-related complaints are investigated by the Council's Environmental Protection Service and complaints regarding unlicensed activities and operating outside the permitted hours are investigated by the Licensing Team. There will be collaboration between the two teams to assist in reaching effective and appropriate outcomes for noise related matters.

3.9.3 On receipt of a complaint, the Authority shall investigate the circumstances, discussing the complaint with the Designated Premises Supervisor of the licensed premises, the Premises Licence Holder, any Relevant Responsible Authority and the complainant. Where it is a valid complaint, the Licensing Authority shall endeavour to seek a resolution through informal means prior to taking any legal action.

3.9.4 The Licensing Manager is responsible for considering complaints in the context of this Policy and will determine whether or not it is a relevant complaint. They will authorise suitably qualified officers to discharge enforcement duties as appropriate to their seniority, professional qualifications and/or experience in order to resolve any complaint.

3.9.5 Where there is a serious complaint, the Licensing Manager shall ensure that it is investigated, and enforcement action taken where necessary. The Licensing Authority shall act in accordance with the its own Licensing Enforcement Policy available on the Council's web site.

3.9.6 The Licensing Authority recognises that this Policy and the promotion of the Licensing Objectives relies on partnership between all the parties. Therefore, where there are any concerns identified at the premises, or there is need for improvement, the Licensing Authority shall work closely with the parties at an early stage to address these concerns.

3.10 LIVE MUSIC, DANCING AND THEATRE

3.10.1 The Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community and in particular for children and young people.

3.10.2 When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the Licensing Authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.

3.10.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merit.

4.0 ADMINISTRATIVE ISSUES

4.0.1 As the Regulations require advertising of all new and variation applications, the Licensing Authority recommends that the applicant contact them prior to displaying the statutory notice or advertising the application in a local paper circulating in the vicinity of the premises. This will ensure that an accurate consultation date will be given which will avoid any errors and the potential of a breach of the regulations that would result in the application being rejected or delayed.

4.1 PREMISES LICENCE

4.1.1 The Premises Licence application outlines the operating conditions and the Operating Schedule that will form the basis of conditions that will be attached to the Licence. It should include information that is necessary to enable any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The Licensing Authority shall expect the applicant to have carefully considered the promotion of all four Licensing Objectives in their Operating Schedule.

4.1.2 It is recommended that applicants liaise with neighbours and/or any relevant community group such as a local residents association, or other such groups, as may be appropriate prior to submitting an application.

4.1.3 The Licensing Authority especially recommends that applicants liaise with the Relevant Authorities prior to submitting their applications, e.g. Police or Fire Authority, when compiling their Operating Schedules and the local Pubwatch if one operates in that area.

4.1.4 In completing their Operating Schedule the Licensing Authority suggests the applicant considers the following: -

General

- Premises log book
- Management and staff training and awareness of duties under the 2003 Act
- Policies and procedures relating to e.g. age restricted sales, capacity, noise monitoring, dispersal, queuing, etc.
- Safe capacities
- Evidence of competent management procedures

Prevention of Crime and Disorder

- Drugs policy
- CCTV
- Pub Watch and Radio links with other licensed premises
- Security Industry Authority Door supervisors and Approved Contractor Scheme
- Polycarbonate or shatterproof vessels
- Frequency of glass bottle disposal and provision of secure storage before collection
- An appropriate ratio of tables and chairs to customers
- Management of outside areas
- Use of 'spikeys' or similar anti drink spiking device
- Policy for reporting of sexual harassment/violence towards women
- Calming atmosphere at close of business/event
- Safe capacities
- Queuing policy
- Stewards for events and event plan Public Safety

Public Safety

- Health and Safety and Fire Safety risk assessments and staff training
- Safeguarding measures
- Use of CCTV in and around the premises
- Safe capacities and monitoring procedures
- Provision of local taxi companies who can provide safe transportation home
- Procedures to control access to and egress from premises
- Patrolling of premises
- Glass clearance policy
- Control of ventilation
- Control of litter immediately outside the premises
- The presence of trained first aiders and appropriate & sufficient first aid kits
- Adequate external lighting
- Consideration of the safety of performers appearing at any premises
- Indoor sporting events: medical practitioner; flame retardant material, location of public to wrestling ring; water sports events – lifeguards
- Stewards for events and event plan; and regard to standards of the National Sporting Body
- Ensuring appropriate access for emergency services

Prevention of Public Nuisance

- Control of general noise, disturbance, light, odour, litter and anti-social behaviour
- Whilst regulated entertainment taking place, management of noise disturbance
- Control of litter (e.g. cigarette ends, rubbish, etc.), vomiting, urinating and anti-social behaviour in the vicinity of the premises
- Dispersal policy to ensure customers respect their neighbours
- Delivery vehicle management, ensuring no obstructions are caused in the vicinity of the premises.
- Removal of persons causing disturbance
- Management of outside areas, e.g. pub gardens, smokers, etc.
- Control of deliveries in early hours
- Queuing policy
- Winding down period

Protection of Children from Harm

- Refusals book
- Consideration of access to premises where adult entertainment may take place
- Consideration to proximity of premises to schools and youth clubs
- Restriction on hours when children under a specified age can be present and whether they should be accompanied by a responsible adult
- Clarity on activities and times at which events take place to determine whether or not it is appropriate to allow access to children
- Challenge 21 or 25 policy
- Prompting mechanism on tills at retail outlets
- Measures to control access to hotel minibars
- Operational measures to avoid proxy purchases
- How to prevent children from being exposed to alcohol sales at underage events, gambling, incidents of violence and disorder and drugs or drug taking

- Consideration of safeguarding issues
- Consideration of children as performers where relevant
- Supervision of children
- Under 18 event Code of Conduct, for example: searches, ticketed event, door supervisors, DBS checks, stewards monitoring event, set hours for event, restricted event, policy to ensure young people leave premise safely, etc.

These lists are not exhaustive, and advice can be obtained from the relevant responsible authorities. However, applicants are reminded again to contact the relevant Responsible Authorities to seek their expert advice before an application is submitted to the Licensing Authority.

4.2 GARAGES

4.2.1 With regard to the licensing of garages, and/or filling stations, Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage. However, the Licensing Authority will use the court's approach based on intensity of use, to establish primary use. Where such applications are submitted, the Licensing Authority will expect sufficient relevant evidence to accompany the application form to prove the issue of primary use.

4.3 MOBILE PREMISES

4.3.1 Where licensable activities take place in mobile vehicles, a Premises Licence will be required for the land upon which the vehicle operates. The Operating Schedule must indicate the specific pitch from where trading is to take place.

4.3.2 As this type of premises is likely to cause people to congregate, the Licensing Authority shall expect applicants to demonstrate specific measures to prevent Crime and Disorder and Public Nuisance. In addition, the Licensing Authority shall expect the applicant to consider specific measures to ensure that litter from such premises is regularly disposed of and that the licensee has adopted a Litter Policy as set out above.

4.4 TEMPORARY EVENT NOTICES

4.4.1 The 2003 Act states that the premises user must give the Licensing Authority a minimum of 10 working days notice for a standard temporary event notice and between 5 and 9 working days for a late temporary event notice. The 'working day' requirement means that the day of receipt of the notice, Saturdays or Sundays, Bank Holidays, or the day of the event are not included as a working day.

4.4.2 Premises users are advised to submit their TENS well before the date of the event (ideally 28 days beforehand), using our online service. When serving TENS in a hard copy format, the premises user must serve the notice on the Licensing Authority, Lancashire Police and the "local authority exercising environmental health functions" ("EHA") at the same time to avoid a situation where one of the bodies does not receive their copy within the statutory timescale, which could mean that the event cannot proceed even if the other bodies have received their copy in time.

4.4.3 It is a legal requirement for all organisers to carry out Health and Safety and Fire Safety Risk Assessments with regards to their event. Guidance on how to conduct such risk assessments may be obtained from the relevant enforcing authority. The Licensing Authority may notify the Fire Authority of any TENS submitted so that they can offer advice to event organisers if necessary. Members of any relevant Event Safety Advisory Group may also be notified of any TENS for similar reasons. Organisers are recommended to give thought to the provision of first aid at such events. It

should be noted that if the Fire Authority is of the opinion that the use of premises/venue involves, or will involve, a risk to relevant persons so serious, including anything affecting their escape from the premises in the event of fire, the Fire Authority may prohibit or restrict premises use without notice.

4.4.4 Those intending to serve a TEN are strongly advised to consider whether their proposals should be considered by a Event Safety Advisory Group (ESAG) and ensure they follow the advice given, this is particularly relevant for small scale festivals and/ events that take place over more than 1 day.

4.4.5 Finally, the Authority strongly recommends that premises users address the following issues: -

- Applicants are strongly advised to consider and mitigate the potential impact in terms of public nuisance, i.e. noise, vehicle parking of attendees, traffic.
- Seek relevant professional advice on public liability insurance.
- Seek relevant professional advice on noise, public safety, sanitation, food hygiene, health & safety and fire safety matters.
- Liaise with local residents and businesses that may be affected by the event, to raise awareness of the nature and duration of the event.
- Seek relevant professional advice on medical provision.
- Ensure that the event site and environs are maintained free of litter to a reasonable extent during an event and completely cleared following an event. This includes the removal of all advertising material used to promote events, within a reasonable period.
- Consider the conditions attached to a Premises Licence or Club Premises Certificate and manage the event in accordance with such conditions, where appropriate. (This is to mitigate the potential for adverse impacts on the promotion of the Licensing Objectives and/or complaints).

4.4.6 Payments for temporary event notice(s) are made upon application and are non-refundable.

4.5 PERSONAL LICENCES & EXEMPTION OF THE REQUIREMENT FOR A DESIGNATED PREMISES SUPERVISOR

4.5.1 The Licensing Authority places particular emphasis on the role of Designated Premises Supervisors (DPS) and Premise Licence Holder and where the Police object on the grounds of prevention of crime and disorder there will be a presumption against issuing a personal licence to any applicant with an unspent conviction for a relevant offence. If the applicant can demonstrate exceptional and compelling reasons for disregarding the conviction, this will be taken into consideration.

4.5.2 The Licensing Authority advises that it is good practice for the Personal Licence Holder to give specific written and dated authorisation to individuals to demonstrate due diligence. Whilst the DPS and Personal Licence Holder may authorise sales in their absence, they remain responsible for those sales. Similarly, the Premises Licence Holder also remains responsible for ensuring that the licensing law and conditions are complied with at that premises. Any authorisations should be meaningful and properly managed.

4.5.3 Where a Premises Licence is in force authorising the supply of alcohol, a DPS will need to be nominated. The main purpose of the DPS is to ensure that there is always one specified individual who can be readily identified by Responsible Authorities as the individual who has day-to-day responsibility for running the business and who can therefore ensure that any problems are dealt with swiftly. As such the DPS will occupy a pivotal position. Experience has proved that in some cases

the Premises Licence Holder has employed a DPS who is remote from the premises and therefore not involved in the day-to-day running of that premise; the Licensing Authority will therefore pay particular attention to those premises.

4.5.4 Whilst the Licensing Authority recognises that a DPS may supervise more than one premise, the DPS must be able to ensure that the four Licensing Objectives are promoted and that the licensing law and licensing conditions are complied with. Where the DPS is not available at the premises for whatever reason, the Licensing Authority recommends a responsible individual is nominated who can deal with matters in the absence of the DPS. In addition, the Licensing Authority recommends that a notice is displayed prominently indicating the name and position of that nominated person. Whenever alcohol is to be sold it is recommended that written and dated consent be given to that nominated person.

4.5.5 Experience has indicated that a number of Personal Licence Holders have failed to produce their Personal Licence to the court in accordance with Section 128 of the 2003 Act. In view of this the Licensing Authority will take appropriate action against those who continue to fail to notify the courts and/or provide notification of their change of address in accordance with their statutory duty.

EXEMPTION OF THE REQUIREMENT FOR A DPS

4.5.6 Where a community premises applies for an exemption from the requirement to have a DPS, the Licensing Authority must be satisfied that arrangements for the management of the premises by their Committee or Board of individuals are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. The applicant will be required to set out how the premise is managed, its committee structure and how the supervision of alcohol sales is conducted. Copies of the Constitution and other management documents must be submitted. The management committee is strongly encouraged to notify the Licensing Authority if there are any key changes in the committee's composition as this committee will collectively be responsible for ensuring compliance with licence conditions and licensing law. Where management arrangements are unclear, the Licensing Authority may seek further details to confirm that the management board or committee is properly constituted and accountable. While overall responsibility lies with the management committee where premises are hired out, the hirer will be clearly identified as having responsibilities falling within their control. Community premises are encouraged to check with the Licensing Authority before making any application.

4.6 LARGE SCALE EVENTS

4.6.1 Lancaster and the surrounding area is a popular location for a wide range of cultural and entertainment events, these range from village days to small scale one-day events and weekend festivals.

4.6.2 Such events can involve considerable and complex planning and management. This involves a high level of competency from those involved with organising and managing such events.

4.6.3 The Authority is aware of the potential for varied and extreme impacts on the promotion of the Licensing Objectives, where such events take place. Organisers of such events are advised to contact the Licensing Service in the planning stages to discuss the event and application.

4.6.4 The Authority has a general statutory duty under section 4 of the 2003 Act to promote the Licensing Objectives. The legislation does not refer to the special circumstances and sometimes very different issues that can be relevant to these types of application. However, the Authority has taken all reasonable endeavours to balance the demands and aspirations of the event industry against the

protection of the local communities and the attendees that may be adversely affected by or at such events.

The Authority believes that the risk associated with large scale events can only be adequately mitigated by the submission of an up to date, relevant, detailed and complete operating schedule that is specific to the proposed event.

4.6.5 The enforcement policies of the Council may be significantly undermined by the short duration and potentially occasional nature of these events. This is because the Council's graduated response to problems arising may not be as effective in responding to these issues on an occasional and irregular basis, particularly with different event organisers.

4.6.6 Sites for large occasional events are not usually entirely purpose built for the proposed licensable activities to take place. Therefore, there is considerable work involved in planning and organising these events. The Authority believes that this is only achievable by ongoing involvement of the Authority and Responsible Authorities in dealing with such events, as far as is reasonable and appropriate.

4.6.7 It is clear that Responsible Authorities (and sometimes Other Persons) may often engage with applicants prior to submission of an application. This notion is referred to in the Statutory Guidance, as it promotes the Licensing Objectives by fostering a partnership approach; and is supported by the Authority (where appropriate), but with an additional caveat.

4.6.8 Applicants are expected to rely most heavily on their own competence and knowledge or that of persons/ bodies that they employ in making their plans. They cannot and should not rely on the input of the Responsible Authorities to ensure that detailed and comprehensive plans for their event are produced.

The demands on the Responsible Authorities can be disproportionate to their resources, This might place undue pressure on such bodies, undermining the level of scrutiny of such applications. It must be considered that the legal responsibilities connected to holding such events primarily rest with the event organiser and landowner.

4.7 SUSTAINABLE EVENT MANAGEMENT

4.7.1 Events can impact heavily on our resources, society, and the environment, as they can generate significant waste, put a strain on local resources like water or energy, and generate large volumes of traffic. It is, therefore, important that event organisers are taking the right steps to integrate sustainability into their event management and ensure that they are organised responsibly. As such, the Council encourages event organisers to take the necessary steps to develop proposals that are conscious of the Council's Climate Emergency Commitments, by way of demonstrating what steps will be taken to ensure the environmental impacts of the event are kept to a minimum.

4.7.2 It is highly recommended that event organisers consider the following points:

- Banning single use plastic glasses/cups in the bars and look to use reusable receptacles.
- Encourage non fossil fuel powered events, including any caterers.
- Alcohol sourced from local brewers/suppliers to keep bars with a lower carbon footprint.
- High recycling rates, a target of 70% plus, which could be evidenced from weighbridge tickets provided by recycling transfer stations.

4.8 EVENT SAFETY ADVISORY GROUPS (ESAGS)

4.8.1 The Authority acknowledges the benefits of working closely with Responsible Authorities and other statutory bodies in supporting event organisers in operating safe and well managed events. Event Safety Advisory Groups or 'multi agency meetings' are one means of promoting such partnership working.

4.8.2 The Authority will facilitate and host such meetings from time to time to assist applicants and those organising events that do not require an authorisation under the 2003 Act, where appropriate.

4.8.3 All applicants should consider whether to attend such a meeting before they apply, as failure to do so could undermine the promotion of Licensing Objectives.

4.9 REVIEWS OF LICENCE OR CLUB PREMISES CERTIFICATE

4.9.1 The Licensing Act 2003 details that where a premises licence or club premises certificate has effect, a Responsible Authority or other person may apply to the relevant Licensing Authority for a review of the licence. Nothing in this Policy shall restrict their right to apply for a review of a licence or make relevant representations in accordance with the 2003 Act, however the Licensing Authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied that the ground is not relevant to one or more of the licensing objectives, or in the case of an application made by a person other than a Responsible Authority, that the ground is frivolous or vexatious, or the ground is a repetition.

4.9.2 Where a person or body is considering making an application for a review, they are advised to contact the Licensing Service. This is so that Officers may provide some initial feedback on the matter and then, if appropriate, attempt to facilitate a meeting or a series of meetings between relevant persons and bodies to consider alternative solutions and/or discuss the review process.

4.9.3 Applicants should make all reasonable efforts to set out their concerns regarding an authorisation concisely and clearly and ensure that these concerns are relevant to a failure to promote the Licensing Objectives.

4.9.4 Examples of triggers for a review may be:

- continual complaints of noise from or in the vicinity of the premises;
- continual complaints of noise or intimidation from customers outside the premises;
- an accumulation of breaches of licensing conditions;
- poor management where the licensing objectives are undermined;
- underage sales of alcohol (persistent or otherwise); crime-related activity; anti-social behaviour;
- sales of alcohol outside of the permitted hours, etc.

4.9.5 The Licensing Authority shall expect applicants for a review to gather sufficient and relevant evidence relating to the specific premises that is subject to the review. This may include a diary of events and any potential witnesses. Regarding reviews on noise complaints, applicants are encouraged to liaise with the Council's Environmental Protection Service who may be able to assist with and support the review process.

4.9.6 Prior to a review, however, Lancashire Police, other Responsible Authorities or the Licensing Authority may seek to meet with the licence/certificate holder to address issues through a Premises Improvement Plan.

4.10 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

4.10.1 The Council has a Licensing Committee, consisting of 10 elected members, to carry out its licensing functions and to make licensing decisions, except those functions relating to the making of a Statement of Licensing Policy.

4.10.2 In the interests of speed, efficiency and cost-effectiveness the Committee will delegate certain decisions and functions to Sub-Committees and officers.

4.10.3 For example, where there are no relevant representations on an application for the grant of a premises licence or club premises certificate or Police objection to an application for a personal licence, these matters should be dealt with by officers.

4.10.4 The table attached at Appendix X sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.

4.10.5 This scheme of delegation does not prevent the referral of matters to a higher authority if considered appropriate in the circumstances of any particular case.

4.10.6 Members of the Licensing Committee will comply with the Lancaster City Council Code of Conduct for Councillors and will declare any personal or prejudicial interest in any matter coming before them in accordance with the Code. Members with a prejudicial interest will have the opportunity to speak as any member of the public (i.e. only where they make relevant representations) is permitted but will withdraw from the room in which the meeting is being held immediately after speaking and will not seek to improperly influence the decision.

4.10.7 Members of the Licensing Committee who make representations on behalf of any Other Person or in their own right as a member of the Licensing Authority will not sit on any hearing or Sub-Committee making any decision in relation to the matter in question, nor take any other part in the decision-making process.

4.10.8 Members will not sit on any Sub-Committee dealing with a matter in relation to premises in his or her ward, or any person living in that Ward.

If you wish to make comments on this Licensing Policy or if you want further information regarding the Licensing Act 2003 please contact: -

The Licensing Department

Morecambe Town Hall

Marine Road Central

Morecambe

Lancashire

LA4 4 AF

Telephone: 01524 582033

Email: licensing@lancaster.gov.uk

The Licensing Act 2003 can be viewed at: -

[Licensing Act 2003 \(legislation.gov.uk\)](#)

The Statutory Guidance can be found at: -

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](#)

Lancaster City Council website: -

[Home - Lancaster City Council](#)

Event Safety Advisory Group: -

[Event safety - Lancaster City Council](#)

Events on Council Land, Guidance and Application Procedures: -

[Events on council land - Lancaster City Council](#)

Lancaster City Council's Pavement Licence Policy and Application Procedures: -

[Pavement licences - Lancaster City Council](#)

Appendices

Appendix 1 – Responsible Authorities Contact List Inc Email/Postal

Appendix 2 – Model Conditions

- General
- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Appendix 3 – Scheme of Delegation

Model Conditions

Introduction

How to use this document

Model conditions are all set out in the pages of this document as a template for you or your representative to copy for your own application. We have given instructions for you to add details for certain elements, according to your specific licence application. Where bespoke detail is needed, we have used a bracket and the word "Insert:" for example [Insert: the total number of staff.]

What we mean by Conditions

The conditions on a premises licence or club premises certificate set the parameters within which premises can lawfully operate. Conditions are attached to licences and certificates in three ways:

1. Mandatory conditions, as set out in the Licensing Act 2003, which must be included on all licences and certificates.
2. Applications for new premises licences or club premises certificates, as well as variations, must include a completed operating schedule that is translated into conditions on any licence or certificate granted.
3. Once the application is made, where relevant representations have been made by the Responsible Authorities (such as the police, Environmental Health and Trading Standards, or other parties such as local residents), the licensing authority may impose such conditions it considers appropriate for the promotion of the licensing objectives.

These model conditions were approved by Full Council on XXXX and are intended to provide a consistent approach for all parties by specifying appropriate conditions that could be included on any licence or certificate granted; this could be by the applicant in designing the operating schedule, by other parties in seeking to address concerns associated with the application, or ultimately, by the licensing authority when imposing conditions considered appropriate for the promotion of the licensing objectives.

The model conditions should not be regarded as standard conditions that apply in all cases. They should be tailored as appropriate to the size, type, location and characteristics of – and activities taking place at – the premises concerned. Where a condition includes any [Insert: bracketed content] these variable details should be completed accordingly.

Conditions are not limited to only addressing the licensing objective they are titled under and it is recognised that some conditions may be relevant to more than one objective. The conditions are not intended to be, nor can they be, an exhaustive list, and they do not restrict the ability of any party to propose, or the Committee to impose, any reasonable or proportionate condition they consider appropriate for the promotion of the licensing objectives.

The Prevention of Crime and Disorder

When copying the content on this page into your own document you'll need to insert certain details that are relevant for your licence. Where these are required the need for specific information is marked in brackets and leads with the word 'insert' eg: [insert: specific days and times]

CCTV

- The premises shall operate a CCTV system that complies with the minimum requirements of Lancashire Police.
- The premises licence holder must ensure that:
 - CCTV cameras are located within the premises to cover all public areas including all entrances and exits [insert: The location of cameras could also be specified on the plan attached to the premises licence]
 - The system records clear images permitting the identification of individuals
 - The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days
 - The CCTV system operates at all times while the premises are open for licensable activities [insert: or specify timings]
 - All equipment must have a constant and accurate time and date generation
 - The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected
 - There must be at least one member of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

Public safety

When copying the content on this page into your own document you'll need to insert certain details that are relevant for your licence. Where these are required the need for specific information is marked in brackets and leads with the word 'insert' eg: [insert: specific days and times]

Staff training (alcohol and vulnerability welfare)

- All staff authorised to sell alcohol shall be trained in (delete as appropriate):
 - Relevant age restrictions in respect of products
 - Prevent underage sales
 - Prevent proxy sales
 - Maintain the refusals log
 - Enter sales correctly on the tills so the prompts show as appropriate
 - Recognising signs of drunkenness and vulnerability
 - How overservice of alcohol impacts on the four objectives of the Licensing Act 2003
 - How to refuse service
 - The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment; and how to report issues of modern slavery and trafficking

- Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
- The conditions in force under this licence.
- Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed by the trainee.
- Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 [Insert: or specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Lancaster City Council.

Preventing and dealing with drunkenness and vulnerability

- The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.
- The premises shall display prominent signage indicating [Insert: at any point of sale, at the entrance to the premises, in all areas where alcohol is located] that it is an offence to sell alcohol to anyone who is drunk.
- A Personal Licence holder must be present at the premises to supervise all sales of alcohol.
- A minimum of [Insert: specify number] persons must be employed and on duty at the premises between [Insert: specify days/hours] who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.
- The premises shall provide facilities for customers to securely recharge their mobile phones.

Glassware and use of ice fountains / bottle sparklers

- Drinks must only be served in polycarbonate/plastic containers [Insert: on specified days or events] [Insert: upon reasonable notice by Lancashire Police].
- Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers [Insert: except for consumption in any delineated external area as shown on the plan attached to the licence].
- Spirit, Champagne and all other glass bottles greater than [Insert: specify measurement eg 70cl] are restricted to customers seated at a [Insert: either table or booth] in the delineated area(s) as shown on the plan attached to the licence. These bottles must be secured to the table or ice bucket and must only be dispensed by a member of staff who is trained in the responsible service of alcohol. Customers must not be permitted to leave their table carrying any such bottle or be permitted to drink directly from the bottle.

Ice fountains or similar products (which are classed as HT4 explosives):

- Must be kept in their original packaging and only stored in a secure store room or fire-resistant cabinet that the public have no access to. The room/cabinet must be kept locked, except for the depositing or removal of products but must be locked immediately thereafter.

- Their use must be risk assessed in advance and appropriate control measure put in place to reduce the risk to staff and customers, which must include (but is not limited to):
 - i) staff training in their safe use and dispersal
 - ii) the provision of appropriate first aid training and equipment
 - iii) suitability of areas of the premises where the products will be used
- The risk assessment and control measures identified must be documented, kept on the premises and made available for inspection to a police, fire or authorised officer upon request.

Martyn's Law

1. At all times that the premises are open to the public for licensable activities, all staff on-duty at the premises, including all door supervisors, and all on-duty managers must have completed Action Counters Terrorism (ACT) Awareness e-learning training. All training should be documented and evidence of this produced if requested by a police officer or authorised officer of the licensing authority.
2. There must be a documented security assessment, which must incorporate counter terrorism measures for the premises. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
3. Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security assessment and take prompt steps to eliminate them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon request to any police officer or an authorised officer of Lancaster City Council.
4. The premises must have a documented security plan, which sets out counter measures to be implemented in response to a terrorist attack that incorporates the principles of 'Guide', 'Shelter' and 'Communicate' as appropriate in conjunction with relevant National Counter Terrorism Security Office (NACTSO) / Centre for the Protection of National Infrastructure (CPNI) guidance, and the purposes of those procedures and the necessity of following them must be understood by those carrying them out:
 - Guide – Direct people towards the most appropriate location (in vacuation, evacuation, hide)
 - Shelter – Understand how your place or space might be able to lock-down and shelter people within it for several hours
 - Communicate – Have a means of communicating effectively and promptly with users of your place and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

Door Supervisors and Body-Cams

1. Door supervision must be provided on [Insert: specify days / circumstance]. Door supervisors must be on duty from [Insert: specify hours] and must remain on duty until the premises are closed and all the customers have left.
2. On [Insert: specific days and hours], at least [Insert: number] of Security Industry Authority (SIA) registered door supervisors must be on duty at the premises [Insert: either i) specify location at the premises or ii) as shown on the plan].
3. Door supervisors shall be employed at the ratio of [Insert: number] door supervisor for every 100 customers (or part thereof).
4. Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:
 - Size of the venue
 - Expected attendance
 - Type of event taking place
 - Location of the premises
 - Time of year
 - Special occasion (New Year, Halloween, Local events etc.)
 - Premises Licence Conditions
5. At least [Insert: number] female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.
6. All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear [insert: any or all of: high visibility jackets, vests, armbands]
7. Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.

Body-worn video

1. On [Insert: specify days/hours], [Insert: either i) all or ii) at least [Insert: number]] of SIA registered door supervisors on duty at [Insert: either i) specify location at the premises or ii) as shown on the plan] must wear working body-worn video devices (body cams) that comply with the minimum requirements of Lancashire Police.
2. A record must be kept of the SIA registration number of the door supervisor and the ID of bodycam worn by them.
3. Bodycam images must be stored so that they are retrievable and accessible for replay and viewing and kept in an environment that will not be detrimental to the quality or capacity for future viewing. They should be appropriately labelled to enable identification and retrieval and kept for a minimum of 28 days. No recording must be deleted within this period from when it is recorded.
4. The premises licence holder must ensure at least one member of trained staff at the premises during operating hours able to provide viewable copies on request to police or

authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

5. The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.
6. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
7. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.

Emergencies

- The premises licence holder shall ensure that at all times when the public is present there is [Insert either: at least one, or an appropriate number of] competent person(s) able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.
- The premises licence holder shall ensure that at all times when the public is present there is an appropriate level of medical care for all persons present. The level of provision should be determined by a medical needs assessment.
- All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
- All staff on duty at the premises shall be trained in the Emergency and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than [Insert: specify number] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Lancaster City Council.
- The premises shall have a minimum 20m rescue throwline available on the premises for emergency use. All on-duty staff (including security) shall be knowledgeable of its location and the manufacturer's instructions for use.
- [Insert: Staff to be specified] must hold a valid Emergency First Aid at Work qualification or equivalent qualifications that complies with the relevant guidance from the Health and Safety Executive (GEIS3)
- A member(s) of staff qualified to a minimum Level 3 Certificate in First Response Emergency Care must be on duty, with appropriate medical equipment, at the premises when licensable activities are carried out [Insert: or at specified days/times]
- All door supervisors must have emergency first aid at work training.

Promotional activity

- The premises licence holder must submit to [Insert: contact details for Responsible Authority] a completed risk assessment form as prescribed at least 28 days before any event

that is carried on by any person not affiliated with the venue; and promoted / advertised to the public.

- No promotional social media communication may be carried on for the purpose of encouraging the sale or supply of alcohol at the premises, which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

Restricting alcohol sales in relation to designated special events, eg. football matches

Prior to any [Insert either: designated special event by Lancashire Police, or 'designated sporting event' (as defined in the Sporting Events Control of Alcohol Act 1985)] the premises licence holder shall ensure that:

- Alcohol sales in respect of cans of beer or cider are limited to no more than four cans per person for a minimum of four hours before the commencement of the relevant designated [Insert either: special or sporting] event
- No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated [Insert either: special or sporting] event
- Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated [Insert either: special or sporting] event
- On any day where there is a relevant designated [Insert either: special or sporting] event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated [Insert either: special or sporting] event or in the vicinity of the premises as a result of the designated [Insert either: special or sporting] event
- All members of staff working at the premises are informed of this condition prior to taking up employment
- On the day of the relevant designated [Insert either: special or sporting] event, upon the direction of a police officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed.

Use of special effects

Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used if 10 days' prior notice is given to the licensing authority where consent has not previously been given:

- Dry ice and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Firearms (eg. Blank firing pistols)
- Lasers
- Explosives and highly flammable substances
- Real flame
- Strobe lighting.

Large events

- The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.

Boxing and wrestling (including MMA and other combat sports)

The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority. The Plan must set out (but is not limited to):

- how fighters will be matched
- the measures that will be in place to ensure the safety and welfare of competitors; including medical facilities and qualified staff provision
- fighter details
- layout of the venue
- competition rules
- referee details including qualifications.

Adult entertainment

The premises may not show R18 films without the benefit of a sex cinema licence.

No person under the age of 18 will be permitted to enter or remain on the premises when any "relevant entertainment" (as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982) is taking place.

For reference:

- Relevant entertainment is 'Any live performance or any live display of nudity, which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- Display of nudity means: in the case of a woman - exposure of her nipples, pubic area, genitals or anus; and - in the case of a man - exposure of his public area, genitals or anus.
- The audience can consist of one person.

The Prevention of Public Nuisance

When copying the content on this page into your own document you'll need to insert certain details that are relevant for your licence. Where these are required the need for specific information is marked in brackets and leads with the word 'Insert' eg: [Insert: specific days and times]

Preventing noise and other public nuisances

- All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
- A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [Insert: specify if known or approved in writing by the appropriate officer of the Council].
- The location and orientation of loudspeakers must be as specified on the attached premises plan.
- An [Insert: acoustic lobby / acoustic door / acoustic curtains / acoustic door seals / automatic door closer] must be installed [insert: specify the location or define on plan].
- There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

Alcohol deliveries

The premises licence holder shall provide the following information in writing to the licensing authority before any sale of alcohol is carried out (and notify change to this information to the licensing authority within 7 days):

- The trading name of any company that will operate under the licence
- All telephone numbers that will be used to accept orders
- The URL/website address that will be used to accept orders.

Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.

All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.

Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a takeaway meal.

Smoking and other external areas

- Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as [Insert either: specify location / mark on

plan]. No more than [Insert: number] of customers will be permitted to remain in the designated smoking area at any one time.

- Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.
- No more than [Insert: number] customers will be permitted to enter or remain in [Insert: define outdoor area(s)] of the premises at any one time, between the hours of [specify].

Litter and cleansing

- At [Insert: specify times] [Insert: specify areas] outside the premises, including [Insert: specify areas] must be swept and/or washed, and litter and sweepings collected and stored [Insert: specify storage and collection].
- All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name.
- Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
- Empty bottles which have been collected must be placed into locked bins when deposited outside.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- Between the hours of [Insert: specify hours] no waste/glass bottles will be moved or deposited outside.

Delivery Vehicles

- Delivery vehicles utilised by the premises will not park or wait in such a place that causes an obstruction to other road users.
- Drivers of the delivery vehicles will be informed of this requirement prior to employment or undertaking deliveries on the premises behalf, regular reminders will be provided.

The Protection of Children from Harm.

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- No person under the age of [Insert: age] years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.
- Where children are allowed on the premises, information shall be displayed [Insert: location] on what to do if there is a cause for concern regarding a lost child.

Preventing underage sales

- The Challenge [Insert: either 21 or 25] scheme must be operated to ensure that any person who appears to be under the age of [Insert: either 21 or 25] shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.
- The premises shall display prominent signage indicating [Insert either: at any point of sale, at the entrance to the premises, or in all areas where alcohol is located] that the Challenge [Insert: either 21 or 25] scheme is in operation.
- The premises shall display prominent signage indicating [Insert either: at any point of sale, at the entrance to the premises, or in all areas where alcohol is located] that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
- A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [Insert: specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

The following table sets out the delegation arrangements established under Section 10 of the Licensing Act 2003:

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	x	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	x
Decision on whether a complaint is irrelevant frivolous vexatious etc	x	All cases
Determination of Police objection to a Temporary event notice.	All cases	x
Determination of film classification	x	Licensing Manager in consultation with Chairman of Licensing Committee
Determination of minor variation	If a representation made	If no representation made

Disapplication of the S19 requirement to have a designated premise supervisor in Community Premise	x	All cases
Decision to object when Local Authority is a Consultee and not the relevant authority considering the application.	All cases	x

Responsible Authorities – Consultee Contact Details

Licensing Authority – licensing@lancaster.gov.uk

Licensing
Morecambe Town Hall
Marine Road
Morecambe
LA4 5AF

Public Protection - environmentalhealth@lancaster.gov.uk

(Incl Community Protection and Health and Safety Officers)

Public Protection
Morecambe Town Hall
Marine Road
Morecambe
LA4 5AF

Lancashire Police – WestLicensing@lancashire.police.uk

Licensing Department
West Division
Lancaster Police Station
Thurnham Street
Lancaster
LA1 1YB

Lancashire Fire and Rescue Service – northernfiresafety@lancsfirerescue.org.uk

Business Fire Safety Advisor
Lancaster Fire Station
Cable Street
Lancaster
LA1 1HH

Home Office – Alcohol@homeoffice.gov.uk

The Alcohol and LNR Licensing Team
Interventions Sanctions and Compliance
Immigration Enforcement
Home Office
15th Floor Long Corridor
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Lancashire Safeguarding (Children) – JPBU@lancashire.gov.uk

PO Box 78
County Hall
Fishergate
Preston
PR1 8XJ

Planning/Development Control – planningenforcement@lancaster.gov.uk

PO Box 4
Lancaster Town Hall
Dalton Square
Lancaster
LA1 1QR

Trading Standards – intelligence.management@lancashire.gov.uk

Trading Standards Service
Lancashire County Council
Level 4 - Lancashire Point
County Hall
Preston
PR1 0LD

Director of Public Health – phlicensing@lancashire.gov.uk

Lancashire County Council Licensing
Level 1 Christ Church Precinct
County Hall
Preston
PR1 8XB