



Committee: LICENSING ACT SUB-COMMITTEE

Date: WEDNESDAY, 21 DECEMBER 2016
(POSTPONED FROM MONDAY, 19 DECEMBER 2016)

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

1. **The Pavilion, Regent Park Bowling Centre, Regent Park, Morecambe (Pages 1 - 43)**

Application for a Premise Licence

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Charlie Edwards (Chairman), June Ashworth and Alan Biddulph

(ii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone: (01524) 582068 or email jglenton@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER. LA1 1PJ

Published on Thursday, 8 December 2016.

LICENSING ACT SUB COMMITTEE

**Licensing Act 2003
Application for a Premise Licence – The Pavilion,
Regent Park Bowling Centre, Regent Park, Morecambe -
Determination of Application Following
Relevant Representations
19th December 2016**

Report of Licensing Manager

PURPOSE OF REPORT

To enable Members to determine an Application for a Premise Licence under Section 17 of the Licensing Act 2003 submitted by Mr Brian Cooke and Mr Paul Graham Buckley for The Pavilion, Regent Park Bowling Centre, Regent Park, Morecambe, following the receipt of relevant representations.

The report is public

RECOMMENDATIONS

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

1.0 Introduction

- 1.1 The Council grants permissions for Premise Licences submitted under the Licensing Act 2003 (the Act). Mr Brian Cooke and Mr Graham Paul Buckley have submitted an Application under Section 17 of the Licensing Act 2003 for a Premise Licence for The Pavilion, Regent Park Bowling Centre, Regent Park, Morecambe. It has been established that this is a properly served Application, with all relevant notices being displayed in accordance with the statutory requirements of the Act.
- 1.2 The Application is for a Licence to facilitate live music at the premises on Saturday evenings between the hours of 2030 and midnight, late night refreshment on Saturday evenings between the hours of 2300 and midnight, and the sale and supply of alcohol on the premises Sunday to Friday between the hours of 1100 to 2300 and 1100 to midnight on Saturday.

Details of the Application for the Premise Licence are set out in the Application Form, which is Appendix 1 to this report.

- 1.3 There is a statutory requirement to advertise such Applications for a period of 28 days, in which time representations in favour or against the Application can be submitted. Any representation submitted must relate to the likely impact of the grant of the Licence on one or more of the four Licensing Objectives which are:
- The Prevention of Crime and Disorder;
 - Public Safety;
 - The Prevention of Public Nuisance;
 - The Protection of Children from Harm.

- 1.4 During the 28 day representation period, two representations were received from Other Persons, as defined by the Act. Copies of the representations are attached at Appendix 2 to this report.

- 1.5 The representations relate to the likely impact of the grant of the Licence in relation to all four of the licensing objective, as set out above.

- 1.6 Under Section 18(3) of the Act, it is necessary for a hearing to be held to consider the application, as representations have been received from Other Persons. The relevant section prescribes:

Where relevant representations are made, the authority must -

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

The steps are -

- (a) to grant the Licence subject to –

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

- (b) to exclude from the scope of the Licence any of the licensable activities to which the Application relates.

- 1.7 The relevant parts of the Council's Statement of Licensing Policy, as well as Government Guidance in relation to public nuisance, are attached at Appendix 3 to this report.

- 1.8 In accordance with the relevant Regulations, the parties have been given Notice of the Hearing. A copy of the Notice is attached at Appendix 4 to this report. It was not felt necessary to request any clarification from the parties. The parties have been required, in accordance with the Regulations, to indicate at least five working days

before the hearing whether they intend to attend and/or be represented at the hearing and if they wish any witness to appear at the hearing. Any responses and any further documentation submitted by any of the parties after the circulation of this agenda will be circulated to Members in advance of the meeting. Members are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of the Sub-Committee and all the parties.

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

2.0 Conclusion

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

2.2 Members should note that, due to exemptions contained in the Live Music Act 2012, if the Licence is granted with conditions, any condition relating to live music would not be applicable between the hours of 0800 and 2300, provided that the premise is open for the sale of alcohol and there is an audience of no more than 500. In the case of this particular Application, if granted as submitted, the relevant hours for the exemption would be 1100 hours to 2300 hours.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None.	
FINANCIAL IMPLICATIONS	
Financial Services have not been consulted as there are no financial implications.	
LEGAL IMPLICATIONS	
Legal implications are contained within the report, In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal to the Magistrates' Court within 21 days.	
BACKGROUND PAPERS	Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP/DWE
None	

Lancaster City Council

Application for a premises licence to be granted

under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **BRIAN COOKE & GRAHAM PAUL BUCKLEY**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description REGENT PARK CROWN GREEN BOWLING TUITION CENTRE THE PAVILION REGENT PARK REGENT ROAD			
Post town	MORECAMBE	Postcode	LA4 4QY

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£0

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual * please complete section (B)
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)

- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname COOKE			First names BRIAN		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)	[REDACTED]				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
BUCKLEY			First names GRAHAM PAUL		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)	[REDACTED]				

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	9	1	2	2	0	1	6
						1	

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)



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



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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat	2030	2400			
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	2300	2400			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	24:00			
Sun	11:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name BRIAN COOKE	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	23:00	
Tue	11:00	23:00	
Wed	11:00	23:00	
Thur	11:00	23:00	
Fri	11:00	23:00	
Sat	11:00	24:00	
Sun	11:00	23:00	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Licensing Objective-Prevention of Crime and Disorder

CCTV will be installed inside and outside covering the surrounding area of the location and the entrance & exit to the premises.

CCTV equipment shall be maintained in good working order in accordance with the manufacturer's instructions. Training should be provided for staff members in the usage of the CCTV equipment. CCTV footage recorded must, as a minimum, cover each entry/exit point of the premises and be recording at all times when the premises is conducting licensable activities.

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 30 days.

The Data Controller will make footage available within a reasonable time to a Police Constable or Authorised Officer, where such request is made in accordance with and which satisfies the Data Protection Act 1998.

Outside lighting illuminating the full exterior of the grounds shall be installed to a high standard and suitably maintained.

Hours of premises shall be 11:00 to 23:00 all week, except for Saturday 11:00 to midnight.

There shall be in place a 'buzzer' system or similar method of entry to the premises ie not an open door policy of entry so staff can control who is entering the premises.

Any pre-booked events such as birthdays, christenings should be risk assessed by the DPS and appropriate SIA security employed for the event. Any pre-booked events such as birthdays, christenings then Police Licensing should be contacted 4 weeks in advance with all the details of the event so that appropriate licensing advice can be given.

A personal licence holder must be on duty for all pre-booked events.

Any pre-booked events such as birthdays, christenings, bookings should only be taken by the DPS and Manager of the Club. When taking the booking full details of the person booking the event should be taken as a point of contact. There must be a Drugs Policy in place and positive action taken to any persons caught on the premises with/using drugs. Police must be called at the time of the incident.

e) Public safety

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

PROTECTION OF CHILDREN FROM HARM LICENSING OBJECTIVE

A documented Challenge 25 scheme will be operated at the premises. The Challenge 25 scheme shall be actively promoted and advertised at the premises and will ensure that any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person.

The Proof of Age Standards Scheme (PASS) will be actively promoted at the premises by the display of Challenge 25 posters bearing the PASS logo. A PASS accredited holographic proof of age card will be the main identification document accepted at the premises as proof of age. A PASS card must be accepted as proof of age if a purchaser possesses one. Where a purchaser does not possess a PASS accredited proof of age card, only the following alternative forms of alternative identification will be acceptable:-

- (a) Photo driving licence
- (b) Passport or
- (c) Her Majesty's Forces Warrant Card

To utilise and fully record any refused sales or challenges made to patrons and such records be kept in an appropriate form and be made available on inspection to the police or other authorised agency.

All staff involved with the provision of alcohol will successfully complete training in age related products prior to operating a till. Refresher training will also be successfully completed not more than every 6 months, this will be fully documented and be available for inspection to police officers or other authorised persons.

No supply of alcohol permitted during anytime that an under 18yrs function is in place, unless this is in a separate room when no person under 18yrs are permitted.

b) The prevention of crime and disorder

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.


Part 4 – Signatures (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.**

Signature	
-----------	--

Date	24/10/16
Capacity	Partner

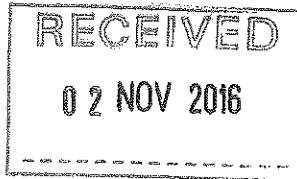
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	24/10/2016
Capacity	Partner

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.



31 October 2016

Licensing Manager
Lancaster City Council
Town Hall
Dalton Square
Lancaster
LA1 1PJ

Application for a live music/alcohol license at Regent Park

I wish to raise objections to the above application on the following grounds:

- 1 The premises is situate in a public park frequently used by children both accompanied by parents/guardians and on their own. The park contains two children play areas and sports/recreation areas. I do not think that it is wise to have the sale of alcohol so easily accessible in such a place.
2. The premises (The Pavilion) is already established as a small cafe/shop and is frequently used by small children to purchase crisps, sweets, ice lollies etc. I don't think it is wise to have alcohol on sale in such circumstances.
3. The only toilets in the park are located within the premises that has applied for the license. Again these toilets are currently mainly used by children using the park and cafe/shop.
4. There is a condition in place that the park closes to the public at dusk the gates are locked. This is not compatible with the granting of a license until 24.00.
5. The park is currently experiencing problems with vandalism and anti-social behaviour. This includes the setting of fires and illicit alcohol consumption as well as suspected drug taking.
6. I understand that the reason for the historical closing of the park and the demolition of the public toilets was for the reasons stated above and for undesirable behaviour in the toilets.
7. The gates to the park - which would be the only egress of the customers of music events and the bar are on public residential streets. Noise caused by persons leaving or entering after dark is very likely to be offensive.
8. Again, the area is residential. The performance of live music will certainly be detrimental to the peace of the local residents.
9. There is no parking available in the park and street parking nearby is limited to the areas outside people's houses. Many of the houses have dropped crossing access to the premises (including mine) thus reducing the parking availability and increasing the likelihood off access to private houses being blocked by patrons of the venue.

Robert Nelson

tel: [REDACTED]



RECEIVED
16 NOV 2016

31 October 2016

Licensing Manager
Lancaster City Council
Town Hall
Dalton Square
Lancaster
LA1 1PJ

Application for a live music/alcohol license at Regent Park

I have read and considered very carefully the conditions agreed by the proposed licensee regarding the above application and it has not changed my objections to the application in the slightest degree. In fact it raised another concern: It seems that, previously unknown to me, CCTV will be installed and 'outside lighting illuminating the full exterior of the grounds shall be installed'. I there add the following objections to my previous ones.

- 10. CCTV with recording is not appropriate in a public park whose occupants are largely children.
- 11. The installation of lighting outside the premises is at best a nuisance to local residents and at worse a danger as it will inevitably further encourage local 'gangs' to congregate.
- 12. Such lighting will provide a location for smokers to gather when prohibited from smoking inside the building. I bring to the committees attention that It is a policy of Lancaster City Council that smoking is prohibited in all it's public parks and spaces. Indeed, the park gates have signs to that effect. It is inevitable that these signs will be ignored no matter how many signs and warnings are in place. Apart from the danger caused by smoking the practice will obviously escalate a litter problem.

I very strongly urge the committee to deny this application for the sake of the quality of life of the local residents and the protection of the peaceful and safe haven that is Regent Park. After all, there are many music and drinking establishments in the area already and another one is not needed. I would have thought that Lancaster City Council would have policies in place to protect its public parks and to discourage, not encourage the partaking of alcohol and smoking.



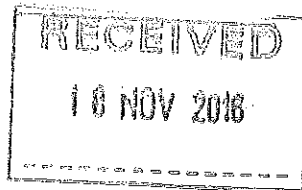
Yours sincerely



Robert W Nelson.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licensing Manager
Lancaster City Council
Dalton Square
Town Hall
Lancaster LA1 1PJ



15 November 2016

Dear Licencing Manager

**REPRESENTATION LICENCE APPLICATION –
REGENT PARK CROWN GREEN BOWLING TUITION BOWLING CENTRE**

As a resident living in the vicinity of Regent Park with my home very close to the Pavilion and directly opposite the main park gates, and one who uses the park with my grandchildren, I am an interested party of the above licence application, and wish to make the following representations:

General Points About The Submission Of The Licence Application

The licence application contradicts Lancaster City Council's objectives of its Corporate Plan 2016 – 2020 (for example The intention to protect the most vulnerable in our society will be a thread that runs through all of our priorities and improving the quality of local areas, parks and public spaces in a way that is sustainable.). This can be read at <file:///C:/Users/Peter/Downloads/Corporate-Plan-2016-2020.pdf>

It also contradicts Lancaster City Council's policy of Winning Back the West End and the West End Masterplan.

There is also the ethical consideration of submitting the application to the Lancaster City Council Licencing Committee, because of the conflict of interest that may occur for the licencing of a property that belongs to Lancaster City Council, and the line between fairness to Representations and the impartiality of the interests of Lancaster City Council being overstepped.

There has also been a lack of ethical fairness in that Lancaster City Council has made no effort to contact West End residents, schools and organisations by a public consultation letter (as they have done in the past about the Regent Park Masterplan) with the details of the licence application and asking the residents views on it. Also the Council should have taken into account that not everyone will have read the Visitor, nor seen the notice of application in the window of the pavilion due to less footfall in the park at this time of year. There is also a perfectly good notice board at the park entrance on Albert Road that has not been used and is in a state of disrepair. Also Regent Park Masterplan showed the Pavilion being used as a community café, however the council closed this down last year! This lack of ethical fairness contradicts the local government transparency code at: <https://www.gov.uk/government/publications/local-government-transparency-code-2015>

Does the application need to be submitted to the Competition and Markets Authority Pubs Code Adjudicator, because they do not pay any non-domestic rates and only a nominal rent to lease the pavilion? (For example the Chieftain pub in Morecambe is rated at £43000 non-domestic rates). Will the licensee's receive free energy within the pavilion and will they receive free rubbish collections?

The deeds for Regent Park should also be examined to see if there is a clause prohibiting the sale of alcohol within the park and/or changing the use of the Pavilion into a public house.

The applicants have made a general statement about the licencing objectives, but have not placed these objectives in the appropriate boxes on the application form, making their objectives muddled and very difficult to follow! Due to the effect that this application being passed will make on the users of the park and the residential area surrounding it, it is most important for clarity and understanding that the application should have been completed in a proper and professional manner.

There is also the question of grants being provided for the improvements to Regent Park; if it were known that there was a public licenced premises within the grounds of Regent Park, this has the potential of applications for grants towards the improvements to the park being refused (particularly as the sports annex will be used by the 'pub'. It is understood that the applicants are applying for grants for the cctv and lights. (See Friends of Regent Park Minutes dated 10 October 2016 item 5). Would this not be unethical and could it even be treated as fraud as these lights and cctv will be used purely by the licenced premises – see the licence application?

The applicants would be making a huge profit from the sale of alcohol from the pavilion due to their low overheads (no non-domestic rates to pay, nominal rent on the lease, no repairs to make to the building, no energy costs and free rubbish collection)! And none of these profits will find its way to the finances of Lancaster City Council nor towards improvements to the park.

There is also a grave risk that should there be a serious crime committed within the park, and that due to the reduction in police numbers and the police budget there will be officer available to attend.

The responsibilities of Lancaster City Council

This licence application is unique to any other licence application in that the premises is owned by Lancaster City Council, and is a Queen Elizabeth II Field, Fields in Trust, and the following descriptions/statements should be taken into account:

- The pavilion was never designed to be a licenced premises and therefore there would be a lot of building work to be undertaken to upgrade it to today's standards that are required by law.
- There is no living accommodation within the premises and therefore alcohol and items of value will be left unattended overnight and may be a temptation for burglars. Once the applicants leave the public house their responsibilities end!

- The premises are in the middle of a public park surrounded by play areas used by children, and by members of the general public for walking, relaxing and dog walking.
- The pavilion was never designed to be used as a public house, and there is nothing to show in Regent Park Masterplan a planned public house.
- It also should be noted that the annex that was built on to the pavilion, where the toilets are housed, was provided by a grant from Sporting England some years ago so is it ethical, and indeed legal, that this grant aided building should be used by a private drinking establishment?
- The application does not state who will be responsible for the open areas of the park in relation to the objective of the prevention of crime and disorder. It is vital that the following officers of Lancaster City Council confirm and state the responsibilities of the Council to this objective and attend the Licensing Act 2003 And The Licensing Act (Hearings) Regulations 2005 and also state who will be responsible for the park grounds: that is whether the applicants are only responsible for the pavilion, or the pavilion and the park. If they (the applicants) are only responsible for the pavilion then the following Chief Officers and Councillors of Lancaster City Council have a duty to make a statement on this objective so that there is no misunderstanding who is responsible, and what actions are to be taken to enforce good behaviour and deterrence of crime.

Chief executive - Susan Parsonage

Chief officer (Environment) - Mark Davies

Councillor Terrie Metcalfe Chairman of the Licencing Act Committee

Councillor Margaret Pattison portfolio holder for older people

Councillor Tracy Brown Champion for Young Children

Councillor David Whittaker Harbour Ward

Councillor Darren Clifford Harbour Ward

Councillor Janice Hanson Harbour Ward

MY REPRESENTATION

The prevention of crime and disorder (Part Mb of the application)

In part M,b), the applicants have made no effort to identify (nor put in place any preventative measures or carry out a risk assessment) that the effects that having a public house within the confines of the park would have on crime that will occur within the green areas of the park and the surrounding areas such as:

- Itinerant drinkers who are two-ing and fro-ing the park approaching children who are playing in the park, and/or their parent(s) in an aggressive or threatening manner;
- Fighting between drinkers;

- Foul and disgusting language being used by itinerant drinkers and being overheard by park users.
- Old and vulnerable people being mugged by opportunists who are encouraged by the knowledge that there is a public house within the park.

With Morecambe Football stadium close by and the Park being on the main route into Morecambe, the applicants have not made any effort to identify (nor put in place any preventative measures or carry out a risk assessment) about the risk that home and away fans walking past the park will use the pavilion as an 'oasis' to stop off to replenish their alcoholic thirst, of the crime and disorder that this may cause such as:

- Making approaches to children who are playing in the park, and/or their parent(s) in an aggressive or threatening manner;
- Fighting between fans;
- Foul and disgusting language being overheard by park users.

The applicants have not made any effort to identify, (nor put in place any preventative measures or carry out a risk assessment), that the effect that having a licenced premises will have on the spread of drug dealing to the park and the pavilion. (And it should be noted that a resident of Regent Park Ave has just been convicted of drug dealing and sentenced to six years in jail)! – see the Visitor at <http://www.thevisitor.co.uk/news/morecambe-man-who-hid-drugs-in-anus-sent-to-prison-1-8225131>

The applicants have not made any effort to identify (nor put in place any preventative measures or carry out a risk assessment) of the behaviour of those itinerant drinkers who are refused entry to the premises and their resultant actions which will affect members of the public who are using the green areas of the park – children and adults.

The applicants have stated that they will have a buzzer entry system not an open door policy to allow entry to the premises. The buzzer system contradicts the free entry licence that the applicants are applying for and has the potential for the cause of crime such as; causing arguments and violence breaking out if someone/a group of people are refused entry and others are allowed in at the same time as the refusal – they could also just barge in at the same time!

The door on the Annex DO1 can also be used to gain entrance to the pavilion, and it would be very difficult for staff to recognise this has occurred particularly in busy periods. And this door will have to remain unlocked during the time that the park is open for the use by café users.

They have made no effort to identify that itinerant drinkers can easily enter the premises via the bowling green and the veranda door, and this will be a potential area of crime and disorder, particularly as this is where the bowlers congregate.

It should also be noted here that the Regent Park Crown Green Bowling Tuition Centre is being sponsored by The Exchange pub on Regent Road in the West End, and as the

applicants are well known by the pub, the patrons of that pub may become regulars at the Pavilion and there is a potential for crime to spread to the park. (See The Visitor Tuesday 3 May 2016 <http://www.thevisitor.co.uk/news/sporting-centre-bid-at-west-end-park-1-7890175>)

To support my objections and concerns about the **licencing objective of the prevention of crime and disorder** statements I will quote here from the **West End Million Community Profile** that anyone can read and study at: <http://lancastercvs.org.uk/wp-content/uploads/2014/03/West-End-Million-Community-Profile-v2.4.pdf>

'High levels of anti-social and drunken behaviour are a major area of concern in the West End. The West End also has an unenviable reputation for drug dealing on its streets and for drug abuse in a section of its population.'

'Government statistics indicate that the West End is one of the most disadvantaged communities in England. It is ranked in the bottom 10% of communities nationally when measured by poverty, unemployment, poor health and low educational achievement. Crime levels were worse than the national average.'

'Between March 2014 and February 2015 there were 257 reported offences for violence and sexual offences'

There is nothing to show on the application form about the licencing objective of public safety (should be part M,c) of the form. (Whether this omission is intentional or accidental I do not know, but it certainly appears in the Government's notes for applicants).

The applicants have made no effort to identify (nor put in place any preventative measures or carry out a risk assessment) of the likelihood of an itinerant drinker(s) feeling 'worse for wear' and/or to satisfy their need for bravado, using the children's play apparatus after using the Pavilion or walking to or from the pavilion, which will not only put themselves in danger of injury, **but much more serious putting the lives of children using the apparatus in danger!**

There are no fire exits marked on the plan nor is an evacuation plan nor an assembly area shown, and this is mandatory for all public assets under the Health and Safety at Work Act 1974 (<http://www.hse.gov.uk/lau/index.htm>)

As the park is owned by Lancaster City Council (see above) then the following council officers/councillors should comment on this objective:

Chief officer (Environment) - Mark Davies
Councillor Brendan Hughes Portfolio holder for: Community Safety
Councillor Tracy Brown Champion for Young Children

The prevention of public nuisance (part M,d) of the form)

The applicants have made no effort to identify (nor put in place any preventative measures or carry out a risk assessment) to prevent public nuisance such as:

In the application at section M,d) there is no mention of the control of noise during the playing of live music. As you are aware the pavilion is in an open area enabling the noise levels to travel far and wide to the surrounding residential property and as there is a policy of culling trees in the park at present this will allow the music to be heard louder and travel further. (Also the pavilion was never designed to have live music played inside its walls). Such as:

- a) Will the pavilion be sound proofed to reduce the noise level that the music will generate that will disturb the residential areas surrounding the park?
 - b) During the summer months and periods when the pavilion windows need to be opened (as well as those of the residents) what preventative measures are to be taken to reduce the levels to lower the noise of the live music?
- Will smoking be allowed outside the pavilion when as you know there are byelaws against it in the park, in the children's play areas. Smoking will be in full view of the children even when smoking is allowed on the veranda next to the bowling green. The smoking area should be outside the park and should be marked.
 - No procedures have been put in place to stop unauthorised entry to the park during the period the park is closed to the general public but open to itinerant drinkers. If the park is to be left open for itinerant drinkers to visit the pavilion what measures are to be taken to stop unauthorised entry to park which will result in vandalism, crime and nuisance. If the park is left open during the hours of darkness then this will have a dire consequence on the improvements being undertaken by the Council and The Friends of Regent Park, and much of the fixed equipment in the park will be open to vandalism.
 - The applicants have stated in the Licence Application that they will install outside lighting illuminating the full exterior of the grounds to a high standard and suitably maintained. The grounds cover the full area of the park and no risk assessment nor assessment the affects that the lighting will have on the nuisance the bright lights will cause to the residents around the park of shining in to their homes and causing them disturbance within their homes. Neither have they made any assessment that the effect the lights will have on light pollution. **Have the applicants applied for planning permission for the lighting installation?**
 - The application does not state which park gate will be used for gaining access and exiting the park during the hours when the park is closed and the pavilion is opened. If it is the main gate on Albert Road what preventative measures have been put in place to stop unauthorised use of cars driving into and exiting the park, particularly when private parties have been arranged, (or on Saturdays when live music is playing and big crowds are expected) causing a nuisance to residents. If it is via the pedestrian gates on Regent Park Avenue what preventative measures have been put in place to prevent public nuisance and vandalism.
 - What preventative measures are being are being put in place to stop people causing a nuisance to residents when leaving the pavilion late at night: ie banging of car doors, unruly behaviour etc.

- What preventative measures are being put in place to prevent the nuisance of noise which may occur when the premises close and the staff leave in their cars, and all the ancillary noises that occur due to the slamming of car doors when they get out of their car to close the main gates. Also when closing the main gate it makes a loud scraping noise and also loud clanging when being closed and can clearly be heard in our home. What preventative measures are being put in place to reduce this nuisance?

As the park is owned by Lancaster City Council (see above) then the following council officers/councillors should comment on this objective:

Chief officer (Environment) - Mark Davies

Chief officer (Regeneration and Planning) - Andrew Dobson (regarding the lighting)

Karen Leytham Portfolio holder for: Housing, Environmental Health

The protection of children from harm (part M,e) of the form)

This Licencing objective of the protection of children from harm causes me very grave concern.

The applicants have made no effort to identify (nor put in place any preventative measures or carry out a risk assessment) that the effects that having a drinking establishment within the confines of the park would have on the harm to children. (There is a grave risk that in time, and due to familiarity of the park culture, it could very well become a known place through a paedophile ring for child grooming!

I am also concerned about the effect that itinerant drinkers will have on children playing in the park, particularly the unaccompanied ones as parks are the prime target of paedophiles, my concerns are:

- What protection will be given to the children if approached by one of the itinerant drinkers who has been partaking in the consumption of alcohol which will be on sale from 1100am?
- Children using the pavilion cafe are allowed to use the pavilion toilets and these toilets will also be used by drinkers, and this is a most unsavoury position and the potential to put children in an unsafe environment and becoming sexually exploited/sexually assaulted. (The café must provide toilet facilities).
- The Annex has two shower areas and two changing facilities areas for sporting facilities/events and although not used at the moment with the development of the park continuing by the Friends of Regent Park there is nothing to say that they will not be used in the future, and again, this has the potential to put children/sport users in an unsafe environment and becoming sexually exploited/sexually assaulted.
- There is the risk that itinerant drinkers using the pavilion have the potential to harass and intimidate, use aggressive and threatening language and behaviour, hate incident/crime and actual violence against children.

- Due to the many itinerants visiting the park to use the bar it will be difficult to identify those whose objective it is to 'pick up' children for sexual exploitation. (At the present time these sorts stand out because they have no purpose to visit the park). There is also a grave danger that 'child grooming' will occur if a child becomes familiar with an itinerant (**drinker or not**). Indeed, Lancaster City Council dedicates a whole web page on Child Sexual Exploitation at <https://www.lancaster.gov.uk/community/child-sexual-exploitation>
- There is also a conflict of interest between the Regent Park Crown Green Bowling Tuition Bowling Centre and the application for the licence to sell alcohol in that their age for tuition starts at 8 years and will be required to use the tuition centre when alcohol is being served.

Between April 2015 and March 2016, Lancashire Constabulary received 1754 child sexual exploitation referrals and 630 crimes related to CSE were recorded.

Read more at: <http://www.thevisitor.co.uk/news/crime/lancashire-police-launch-their-annual-child-sexual-exploitation-awareness-week-1-8220155>

As the park is owned by Lancaster City Council (see above) then the following council officers/councillors should comment on this objective and should also state what arrangements they will be making for the protection of children using the park, and whether they will be employing a full time children's protection officer?

Chief officer (Environment) - Mark Davies
Councillor Tracy Brown Champion for Young Children
Councillor responsible for policy on crime

Summary

It is difficult for me to understand why there was never a public consultation undertaken by Lancaster City Council when in every other case of major changes in the area they have undertaken one, and I also cannot understand why the Council have not admitted nor made any comment of their responsibilities within the park to safe guarding children from sexual exploitation, due to the major change to the use of the park as a licenced premises.

It is time that Lancaster City Council started to be honest about their running of the Regent Park and state whether they are going to hand the park over to **Regent Park Crown Green Bowling Tuition Bowling Centre!** Not only does this organisation wish to open a 'public house' in the pavilion but they also want to run a coaching centre! As one of the applicants Brian Cooke said: "We are leasing the whole building which includes the tuition centre and the cafe. "We want to sell and hire bowls and we also have two green friendly wheelchairs and walking aids and seats to encourage those with disabilities to take part. We could offer French boules and perhaps five-a-side football, we could be a base for that." **However he never stated that he had plans to sell alcohol for drinking on the premises of this tuition centre and café!**

The article also states that Lancaster City Council has also revealed plans for a multi-use games area costing £75k and an all-weather football pitch for the park. Read more at: <http://www.thevisitor.co.uk/news/sporting-centre-bid-at-west-end-park-1-7890175>

Although these plans are in the Regent Park Masterplan issued a few years ago this master plan has disappeared from the Council's website at <http://www.lancaster.gov.uk/> And there is no information on the website about what is happening about these plans now! The information on their website at <https://www.lancaster.gov.uk/parks-and-open-spaces/regent-park> about Regent Park (updated 05 July 2016) is way out of date and it is over 4 years since there were three bowling greens, and a very long time since there was a bowling festival in the park)! This has had the knock on effect of the Fields in Trust website also being out of date at <http://www.fieldsintrust.org/Regents-Park>

The park is enjoyed and used by children, and by members of the general public for walking, relaxing and dog walking, who will be put at grave risk by the increase of crime that a licenced premises will have on the park.

The last time the pavilion was licenced (as a small bowling club) I and my family members were often disturbed by patrons leaving the premises by their loud voices, the clanging of the large double gates and the banging of car doors.

Finally, why do we need another licenced establishment in the West End? There are seven pubs all in a close vicinity to one another and umpteen off-licences, do you not think this is enough in a deprived area? To allow another one, particularly in a park used by children, seems a very irresponsible attitude by the Council who own the land!

Yours faithfully

A black rectangular redaction box covering the signature of Peter W Cooper.

Peter W Cooper

Appendix 3

Relevant Parts of the Council's Statement of Licensing Policy

Protection of Children

- 7.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from physical, moral or psychological harm. Equally, no premises will be obliged to allow access by children.
- 7.2 If relevant representations are received in relation to limiting access to children, the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises:
- where entertainment of an adult or sexual nature is provided;
 - where there is a strong element of gambling taking place (but not, for example, the simple presence of a small number of cash prize gaming machines);
 - with a known association with drug taking or dealing;
 - where there have been convictions of current members of staff for serving alcohol to those under 18;
 - with a reputation for underage drinking;
- 7.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself.
- 7.4 The options available for limiting access by children would include:
- a limit on the hours when children may be present;
 - a limitation or exclusion when certain activities are taking place;
 - the requirement to be accompanied by an adult;
 - access may be limited to parts of the premises but not the whole;
 - an age limitation (for under 18s).
- 7.5 The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed, the issue of access will remain a matter for the discretion of the individual licensee or club.
- 7.6 Under the Act, certain "responsible authorities" must be notified of and are entitled to make representations about applications for premises licences or club premises certificates or major variations of such licences or certificates, or to ask the licensing authority to review a licence or certificate. Applicants for premises licences and club premises certificates are required to send details of their applications to these bodies. In connection with the protection of children the Licensing Authority considers the local Area Child Protection Committee to be the responsible body to which applications should be copied.

- 7.7 Where a large number of children are likely to be present on any licensed premises, for example a children's show or disco, the applicant may wish to consider including in the operating schedule arrangements for the presence of an appropriate number of adult staff to ensure public safety and the protection of the children from harm. The applicant should also consider whether employees working at the premises for such events and having unsupervised contact with children should have an enhanced Disclosure and Barring Service (DBS) check.
- 7.8 Children may also be present at an event as entertainers, and where they are not accompanied by a parent or guardian, the applicant may wish to consider nominating an adult responsible for such child performers at such performances. The applicant should also consider whether a nominated adult should have had an enhanced DBS check.
- 7.9 Applicants may wish to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself. The Act provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the licensing authority itself.
- 7.10 The following matters will also be considered in relation to the protection of children from harm:
- Whether access of children to cigarette machines is restricted;
 - Whether access of children to any gaming machines is restricted;
 - Where appropriate, the procedures for ensuring that any customer coming onto the premises is over the age of 18;
 - The steps taken to ensure that, where appropriate, all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to protect children from harm.
- 7.11 Applicants may wish to indicate in the operating schedule how the protection of children from harm will be addressed. The above items are not intended to be exhaustive, and the applicant should have considered all relevant aspects of the protection of children from harm applicable to the particular premises.

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

Members will of course be mindful that the Policy covers all types of premises in all types of location, and that not all the measures referred to above will be relevant to all premises.

8 Prevention of public nuisance

- 8.1 The most obvious aspect of public nuisance is noise. The primary source of noise is amplified music, either uncontained outdoors or emanating from premises, which do

not have sufficient measures in place to contain the sound. Late at night or in the early hours of the morning, individuals shouting in the street or groups of people talking in an animated fashion generate a substantial level of noise and in some cases this is aggravated by offensive language.

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

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

- The steps the applicant has taken or proposes to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, noise limitation devices and keeping windows closed during specified hours.
- The steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent public nuisance.
- The steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises, for example warning signs at exits, and warning announcements within the premises, and the use of door supervisors to pass on the message.
- The steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage and monitor the queue to prevent disturbance of obstruction, and to prevent patrons congregating outside the premises.
- The implementation of a last admission time, and how the last admission time relates to the closing time of the premises.
- The steps the applicant has taken or proposes to take to manage queues so that patrons who will not gain admission before any last admission time are advised accordingly.
- The steps the applicant has taken to reduce queuing outside the premises and to minimise the length of time people have to queue at the premises
- The steps the applicant has taken to advise patrons that they will not be admitted if they are causing a disturbance, and the steps taken to implement a procedure for banning patrons who continually leave or arrive at the premises in a manner which causes a public nuisance or disturbance.
- The arrangements made or proposed for parking by patrons and the effect of parking on local residents.
- The arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents.

- Whether there is sufficient provision for public transport for patrons, for example the provision of a free phone taxi service or other arrangements with taxi companies, and whether information is provided to patrons about the most appropriate routes to the nearest transport facilities.
- Whether taxis and private hire vehicles serving the premises or traffic flow from the premises are likely to disturb local residents.
- Whether routes to and from the premises pass residential premises.
- Whether other appropriate measures to prevent nuisance have been taken, such as the use of CCTV or the employment of an adequate number of licensed door supervisors.
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search and disposal procedures.
- The procedures in place for ensuring that no customer leaves with bottles or glasses.
- If the applicant has previously held a licence within the area of the Council, the history of any enforcement action arising from those premises.
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- The steps the applicant has taken or proposes to take in order to ensure that standards of public decency are maintained in any entertainment provided at the premises.
- If appropriate, whether music is played at a lower level towards the end of the evening in a “wind down period”.
- The applicant’s proposals for the length of time between the last sales of alcohol, and the closing of the premises.
- The steps the applicant has taken to prevent noise and other public nuisance from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking.

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

Government Guidance under Section 182 of the Licensing Act 2003 in Relation to Public Nuisance

Members may wish to note that paragraph 2.33 of the Guidance issued by the Government under Section 182 of the Licensing Act 2003 states that public nuisance is “not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community”.

9. The prevention of crime and disorder

- 9.1 The central concerns of licensing in relation to law and order are acts of violence and vandalism brought about by consumption of alcohol and the use of licensed premises as part of a distribution network for illegal drugs.
- 9.2 It is not the function of licensing to impose good practice in the adoption of wider crime reduction measures, such as those for securing premises outside of trading hours. It is also not a purpose of licensing to require that measures be put in place to enhance

the opportunities for gathering evidence in relation to crime of a general nature. However, the Licensing Authority recognises that CCTV cameras at premises have an important role in preventing crime and disorder.

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

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

- Use of CCTV inside and outside the premises. The Lancashire Constabulary has produced suggested minimum requirements for CCTV and these are available from the Lancashire Constabulary or from the Licensing Authority's administrative staff.
- Use of metal detection or other search equipment or procedures.
- Crime and disorder risk assessment in relation to the proposed activities.
- Measures to prevent the use or supply of illegal drugs and procedures for searching customers.
- Ensuring that all staff are appropriately trained.
- Ensuring that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent crime and disorder.
- Employment of sufficient security staff where appropriate, controlling admission, monitoring capacity within the premises as a whole and in separate rooms/levels and patrolling the interior and exterior of the premises (any such staff must be licensed by the Security Industry Authority). The Licensing Authority recognises that there is a greater need for security staff in some premises than in others. For example there will be a greater need for security staff in a town centre nightclub than in a village pub. It will be for the applicant to consider the appropriate number of doorstaff required for the particular premises.
- Ensuring that a register of doorstaff and their working times is maintained.
- Participation in Pub Watch, Best Bar None or other relevant schemes and using radio links/pages as a means of connecting to other licensed premises.
- Use of plastic or polycarbonate glasses and bottles, where appropriate, or toughened glass. Applicants are advised that the Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries.
- Wherever possible, agreed protocols with police and other organisations and a commitment to co-operate and provide such evidence as the Police require.
- Adopting the "Night Safe Initiative" and "Safer Clubbing Guide" as statements of best practice.
- Following the trade codes of practice, for example BBPA and Portman Group, and not carrying out any irresponsible drinks promotions.

- Providing a suitable environment for customers having regard to the activities going on in the premises, in particular appropriate levels of seating.
- Ensuring that there are sufficient transport facilities available to ensure that customers can leave the premises safely and swiftly.
- Maintaining an incident log.
- The steps the applicant has taken to prevent crime and disorder issues from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking, due to location, control within and management of such areas.

Appendix 4

LANCASTER CITY COUNCIL

LICENSING ACT 2003 AND THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

NOTICE OF HEARING

To: The Applicants: Brian Cooke & Graham Paul Buckley

Other Persons: Robert W Nelson
Peter W Cooper

THE LANCASTER CITY COUNCIL, AS LICENSING AUTHORITY, HEREBY GIVES YOU NOTICE that a hearing before a Sub-Committee of the Licensing Act Committee to consider relevant representations in respect of an application under Section 17 of the Licensing Act 2003 in respect of premises known as **The Pavilion, Regent Park Bowling Centre, Regent Park, Morecambe**, will take place on the 21st December 2016 at Lancaster Town Hall, commencing at 10.30 a.m.

AND TAKE NOTICE THAT each party as listed above is required to give to the Licensing Authority by no later than five working days before the day of the hearing a notice in writing stating whether that party intends to attend or be represented at the hearing, and whether he or she considers a hearing to be unnecessary.

AND TAKE NOTICE THAT if a party wishes any other person (other than the person he/she intends to represent him at the hearing) to appear at the hearing, the notice given by that party and referred to in the preceding paragraph must contain a request for permission for such other person to appear at the hearing, and must set out details of the name of that person and a brief description of the point or points on which that person may be able to assist in connection with the matter to be considered by the Sub-Committee.

GIVEN this 19th day of December 2016 by the Lancaster City Council as Licensing Authority.

INFORMATION TO ACCOMPANY NOTICE OF HEARING

1. Right of attendance, assistance and representation

A party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

The hearing will generally take place in public. However, the Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking part in public. In such circumstances, a party and any person assisting or representing a party may be treated as a member of the public. The Sub-Committee will exclude the public (and the parties and their representatives) during the decision making process.

The Sub-Committee may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing, and may refuse to permit that person to return, or permit him to return only on such conditions as the Sub-Committee may specify. However, such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which he would have been entitled to give orally had he not been required to leave.

2. Representations and Supporting Information

At the hearing a party shall be entitled to:

- (a) Give further information as applicable in response to a point upon which notice has been given to that party that clarification is required. (Note – if such clarification is required from a party this will have been indicated in the Notice of Hearing).
- (b) Question any other party, but only if given permission by the Sub-Committee; and
- (c) Address the Sub-Committee

3. Failure of Parties to attend the Hearing

If a party has given notice that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may, where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or hold the hearing in the party's absence. If the hearing proceeds in a party's absence, the Sub-Committee will consider and give appropriate weight to the application, representation or notice given by that party in their absence.

4. Representations and Evidence

A party who wishes to rely on information or documentary evidence that has not been submitted in advance of the issue of the Notice of Hearing should ensure that such information or evidence, together with sufficient copies for all the parties, is submitted to the Licensing Manager as soon as possible before the day of the hearing.

Parties are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of all the other parties.

A party who wishes to produce audio/visual evidence should make such evidence available as soon as practical, and should give a minimum of two clear working days notice to the Licensing Manager to facilitate arrangements for the appropriate equipment to be available at the hearing.

5. Procedure

A summary of the procedure that will normally be followed at the hearing is enclosed.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all hearings.

However, depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to):

- Whether to proceed in the absence of a party
- Whether to admit new documents/information submitted at the hearing
- Whether it is in the public interest to exclude members of the public from the hearing or any part of the hearing (other than the decision making process)
- Whether any party wished to withdraw representations previously submitted

6. Special Needs

Any person who intends to attend a hearing and who has special needs, for example in connection with access, language, hearing or vision, should inform the Licensing Manager as soon as practical prior to the day of the hearing, so that appropriate provision or arrangements may be made.

**PROCEDURE TO BE FOLLOWED AT HEARINGS TO WHICH THE LICENSING
ACT 2003 (HEARINGS) REGULATIONS 2005 APPLY**

1. The Chairman will introduce the Members and the Legal Adviser and Democratic Support Officer.
2. The Chairman will ask the parties to introduce themselves and any persons with them.
3. The Chairman will confirm that there is no reason why any of the three sub-committee Members should not participate in this matter.
4. The Chairman will confirm that this is a discussion led by the authority, that any questions should generally be put through the Chairman, and that cross-examination will only be permitted if the Sub-Committee considers that it is necessary.
5. The Chairman will ask the parties if they have any requests to cross-examine, and such requests will be considered by the Sub-Committee.
6. The Sub-Committee will consider any requests from the parties for permission for another person to appear at the hearing.
7. The Chairman will explain to the parties that the procedure to be followed will be the published one (unless the circumstances of the case require the normal procedures to be varied) – that is:
 - that the Licensing Manager (or his representative) will introduce the details of the application, the reason for the hearing, and the documentation;
 - that each party making representations will address the sub-committee in turn and will call other persons where permission has been given;
 - that the applicant/licence holder will present his case and will call other persons where permission has been given;
 - that Members may ask questions of all parties and persons;
 - that questions from the parties must be directed through the Chairman unless cross-examination has been permitted under 4 above;
 - that all parties will have the opportunity to make a closing statement, with the applicant/licence holder having the final word;
 - that the Sub-Committee will withdraw to make its decision and formulate the reasons for the decision in private, and will ask its Legal Adviser and the Democratic Support Officer to join it in order to assist in documenting the decision and the reasons, or to provide clarification on any point. The decision will be announced in public and confirmed in writing. (In certain circumstances, the decision may not be made on the same day as the hearing). In the event that the Legal Adviser has been asked for clarification on any point then the point raised and the advice given will be declared to all parties.
8. The Chairman will indicate the maximum period of time each party will be allowed in which to present their case, and will seek comments from the parties before the Sub-Committee makes its final indication on this point.
9. The hearing will then proceed following the procedure in 7 above. The Chairman will arrange for reasonable comfort breaks throughout the hearing.