



Committee: LICENSING SUB-COMMITTEE
Date: MONDAY, 23 SEPTEMBER 2024
Venue: MORECAMBE TOWN HALL
Time: 10.00 A.M.

A G E N D A

1. LICENSING ACT 2003 - PREMISES LICENCE GRANT- LANCASTER MINI-MARKET, 71 BOWERHAM ROAD, LANCASTER, LA1 4AQ.- DETERMINATION OF APPLICATION FOLLOWING A RELEVANT REPRESENTATION (Pages 2 - 67)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Martin Bottoms (Chair), Gerry Blaikie and Margaret Pattison

(ii) Queries regarding this Agenda

Please contact Sarah Moorghen, Democratic Support - email smoorghen@lancaster.gov.uk.

(iii) Changes to Membership, or apologies

Please contact Democratic Support, telephone 582000, or alternatively email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 13th September 2024.

LICENSING ACT SUB COMMITTEE

LICENSING ACT 2003

**PREMISES LICENCE GRANT– LANCASTER MINI-MARKET,
71 BOWERHAM ROAD, LANCASTER, LA1 4AQ.**

**DETERMINATION OF APPLICATION FOLLOWING A
RELEVANT REPRESENTATION**

23rd September 2024

Report of Licensing Enforcement Officer

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 Hawbash Shorsh Hamza, following the receipt of a relevant representation.

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 Hawbash Shorsh Hamza has submitted an application under Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of Lancaster Mini-Market, 71 Bowerham Road, Lancaster, LA1 4AQ.

The application is for a licence to facilitate the following:

Sale & Supply of Alcohol Monday – Sunday 07:00 until Midnight
(Consumption Off Premises)

The applicant has identified due diligence to the promotion of the licensing objectives within the operating schedule of the premises licence application in terms of thorough CCTV coverage, staff training and adherence to the Challenge 25 proof of age scheme.

Details of the application for the premises licence are set out in the application form including the plan, which is detailed as **Appendix No.1** to this report.

- 1.2 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

The application was sent to relevant Responsible Authority's, advertised in the local press (Lancaster Guardian of 1st August 2024) and uploaded to the Council's website where it was available via a link for viewing.

- 1.3 During the statutory 28-day consultation period the Council received a relevant representation from a Responsible Authority, namely Lancashire County Council Trading Standards Service. This relates to the Crime Prevention licensing objective.

Details of the representation is attached at **Appendix No.2**.to this report.

Lancashire County Council Trading Standards Service received information that illegal trading may be taking place at the premises.

On 24th July 2024 Lancashire Trading Standards attended Lancaster Mini Market, 71 Bowerham Road, Lancaster LA1 4AQ, together with Lancashire Police, Immigration Enforcement, and an officer from Lancaster City Council Licensing department.

Trading Standards carried out an inspection of the premises and discovered 129 non-compliant vapes under the counter and 67 non-compliant vapes in a box in the storeroom. 31 packs of illegal tobacco and cigarettes were also found under the counter. These items were seized under the Consumer Rights Act 2015.

- 1.5 As a relevant representation has been received and as defined in the Licensing Act 2003 s18(3), it is necessary for a hearing to be held to consider the application. 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 Members may take 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

(c) to refuse to specify a person in the licence as the premises supervisor.

(d) to reject the application

2.0 **Background**

2.1 The premises licence was previously held by Lancaster Mini-Market Ltd (Co Reg No:13888919) from 29th March 2022 of which Mr Hamza was a company director.

It was not until the Multi-Agency operation at the premises on 24th July 2024 that checks were undertaken through Companies House that revealed the Limited Company had been dissolved on 2nd January 2024 effectively leaving the business without a premises licence.

Mr Hamza's brother who was at the premises at the time was advised that there was no current facility with which to legally retail the sale and supply of alcohol and that it should be removed from the shelves with immediate effect.

The application for the grant of a new premises licence was submitted two days later.

During the consultation period Notifications of Temporary Event were submitted to the Council to facilitate the legal retail sale of alcohol predominately for weekend business.

Moreover, several checks were undertaken by Licensing Enforcement Officers at Lancaster Mini Market to ensure alcohol was not available for sale when there was no authorisation to do so. This was fully complied with by the business operator.

3.0 **Statement of Licensing Policy 2023-2027**

The updated Council's Statement of Licensing Policy was approved by Licensing Committee in November 2023 and was subsequently considered by Cabinet in February 2024, prior to approval by Full Council in April 2024.

3.1 This is attached at **Appendix No.3** to this report. The following sections are relevant to this application:

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.

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.

- 3.2 In accordance with the relevant Regulations, the parties have been given notice of the hearing. 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.
- 3.3 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.

4.0 Relevant part of Government Section 182 Guidance

Crime and Disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to

ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety. Revised Guidance issued under section 182 of the Licensing Act 2003.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

2.7 The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- Putting alcohol into someone's drink without their knowledge or permission
- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
- Injecting another person with prescription or illegal drugs without their knowledge or permission.

- Putting prescription or illegal drugs into another person's food without their knowledge or permission.
- Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission.

5.0 Options available to Members

5.1 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 the representation made to undertake the following decisions:

- whether to grant the application as requested
- modify any conditions of the licence,
- or to reject the whole application.

Members are asked to consider the suitability of the applicant when his business has previously been found negligent in the sale of illegal non-compliant vapes and whether this constitutes someone fit and proper to possess a premises licence to sell alcohol that is endorsed by this Authority.

Members are reminded that they should state the reasons for their decision.

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: David Eglin Telephone: 01524 582033 E-mail: deglin@lancaster.gov.uk Ref: 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 Mr Hawbash Shorsh HAMZA

(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 Lancaster Mini Market 71 Bowerman Road			
Post town	Lancaster	Postcode	LA1 4AQ
Telephone number at premises (if any)		07888 808 085	
Non-domestic rateable value of premises		£3,850	

Part 2 - Applicant details

- | Please state whether you are applying for a premises licence as | Please tick as appropriate |
|---|---|
| a) an individual or individuals * | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> 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 (by ticking yes to one box below):

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 HAMZA			First names Hawbash Shorsh		
Date of birth: 1 st January 1985		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality: Iraqi					
Place of Birth: Kirkuk, Iraq					
Current residential address if different from premises address		61 Newton Street, Droylsden			
Post town	Manchester			Postcode	M43 7GU
Daytime contact telephone number			07888 808 085		
E-mail address (optional)		Hawbash.hamza@gmail.com RTW Sharecode: WNT W7M 4NH 23 rd October 2024			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	

Daytime contact telephone number	
E-mail address (optional)	

(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	M	YYY
2	4	0 8 2 0 2 4

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

DD	M	YYYY

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

An established small grocery store situated in a row of retail premises in a residential area on a main road.

The current owner has been trading at the premises for 6 months without incident.

Our client will have all the necessary tools in place that will allow him to reinforce and underpin all 4 the Licensing Objectives.

The premises will be operating a bespoke full set of Compliance log books that we have designed and are have successfully been used by hundreds of licensed premises all over the country since 2007.

Many premises are forced to accept robust conditions and very often have no means of supporting them.

The Management and staff at the premises will be operating a set of Compliance books consisting of:

- 1: CCTV log book
- 2: Refusals Register log
- 3: Incident Log
- 4: Staff Induction Log – to include the conditions of the licence, the use of the Compliance Books and signage and the 4 licensing objectives. It also has a section on the written alcohol authorisation for all persons
- 5: Age Product Verification Training Book -this is Q & A self test training book. It has 3 sections
 - 1: Alcohol, Challenge 25, Conflict Management
 - 2: The sale of Cigarettes both legal and illegal
 - 3: 30 products that have age restriction upon them

All the log books are bound and tamperproof and will be kept on the premises for a minimum of 12 months.

The premises will also display in prominent positions the following:

- Challenge 25 A4 posters
- Proxy signs
- Quiet Notices
- Customer alcohol Refusal Policy
- Age Verification Policy and Scheme

Staff will be expected to be trained at the beginning of employment and at least a minimum of 6 months.

The DPS works on the premises full time.

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all 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) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)	
Tue				
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 6)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Tue					
			<u>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</u> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
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 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<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 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	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 4)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed					
Thur			<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 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)					
Mon	07.00	00.00						
Tue	07.00	00.00						
Wed	07.00	00.00						
Thur	07.00	00.00				<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	07.00	00.00						
Sat	07.00	00.00						
Sun	07.00	00.00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Mr Hawbash Shorsh HAMZA	
Date of birth: 01/01/1985	Nationality: Iraqi
Born: Kirkuk, Iraq	
Address 61 Newton Street, Droylsden, Manchester,	
Postcode	M43 7GU
Personal licence number (if known) PA210075	
Issuing licensing authority (if known) Tameside MB Council	

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 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)	
Day	Start	Finish		
Mon	07.00		<u>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</u> (please read guidance note 6)	
				00.00
Tue	07.00			
				00.00
Wed	07.00			
				00.00
Thur	07.00			
				00.00
Fri	07.00			
				00.00
Sat	07.00			
				00.00
Sun	07.00			
				00.00

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 10)

CCTV

1.1 The premises are to operate an effective CCTV system which is to be maintained in good working order and operating at all times the premises is open for business.

1.2 The recording medium (e.g. disks / tapes / hard drive, etc.) and associated images are to be retained and securely stored for a minimum period of 31 days and are to be made available to the police / authorised officers of the Licensing Authority upon request.

1.3 The premises licence holder or designated premises supervisor is to provide the police with the contact details of at least one other member of staff (or other person(s) who is trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data within 12 hours from the time of the request.

1.4 A CCTV log book will be operated and completed at least once a week to record the checks made by a responsible person for any malfunctions in the hard-drive, recording, downloading and time/date recording of footage.

1.5 In the case of a breakdown or malfunction of the CCTV system, the premises licence holder / designated premises supervisor will ensure that the CCTV is in working order as soon as practicable and a record of the malfunction will be recorded in the CCTV log book.

b) The prevention of crime and disorder

As above plus

2. A written sale of alcohol authorized log will be completed for all non Personal Licence holders employed on the premises. This log can be found in the Staff Induction training manual, records to be retained on the premises for 12 months.

3. Staff training shall take place on the following subject matters

- Challenge 25,
- Types of ID and how to check ID,
- how to refuse age restricted products
- Test Purchases and the penalties for failure
- Licensing objectives
- Cigarette sales
- Illegal cigarettes and vapes
- Age Verification Policy and Scheme
- 30 age restricted products
- Proxy sales

The legal Rights of Trading Standards

All staff will also be trained to complete the following compliance logs

- 1: CCTV Log book
- 2: Refusal Log Book
- 3: Incident log Book
- 4: Age Verification Training Log
- 5: Staff Induction Training Log

within 7 days of commencement of employment and a refresher exercise every six months thereafter. A written record of this training will be maintained and made available to a Police Constable and any other authorised officer for inspection on request.

4. The contact telephone number of Designated Premises Supervisor will be written on the cover of the Staff Induction Training Manual and made available to a Police Constable or other authorized officers at all times that alcohol is on sale.

5. An incident book/register will be maintained to record:

i. All incidents of crime and disorder occurring on or within the direct location directly outside the premises.

ii. Details of occasions when the police have been called to the premises.

6. This book/register shall be made available for inspection by a Police Constable or other authorised officer on request.
7. All spirits displayed for sale will be stored behind the counter.
8. There is a strong steel door at the rear entrance with a CCTV covering the area.

c) Public safety

No risk has been assessed

d) The prevention of public nuisance

9. Management and staff will use their best endeavours to observe the external area of the shop and any ex-customers suspected of loitering outside the premises and with no risk to their own safety will be asked to leave the vicinity of the premises quickly and quietly.
10. The Management will organise for all commercial refuse to be collected between the hours of 07.00 until 20.00

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

e) The protection of children from harm

12. The premises will operate a "Challenge 25" proof of age policy and scheme. These 2 policies can be found in the Staff Induction Training book. Signage for Challenge 25 will be prominently displayed within the premises at the entrance and at the point of sale. Persons who appear to be under the age of 25 must produce proof of identity/age before being sold alcohol. It is recommended that only a passport, photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram to be accepted as proof of age.

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

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. **X**
- I have enclosed the plan of the premises. **X**
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **X**
Electronic application
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. **X**
- I understand that I must now advertise my application. **X**
- I understand that if I do not comply with the above requirements my application will be rejected. **X**
- **X**
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

It is an offence, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under section 24b of the immigration act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the immigration, asylum and nationality act 2006 and

pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified

Part 4 – Signatures (please read guidance note 11)

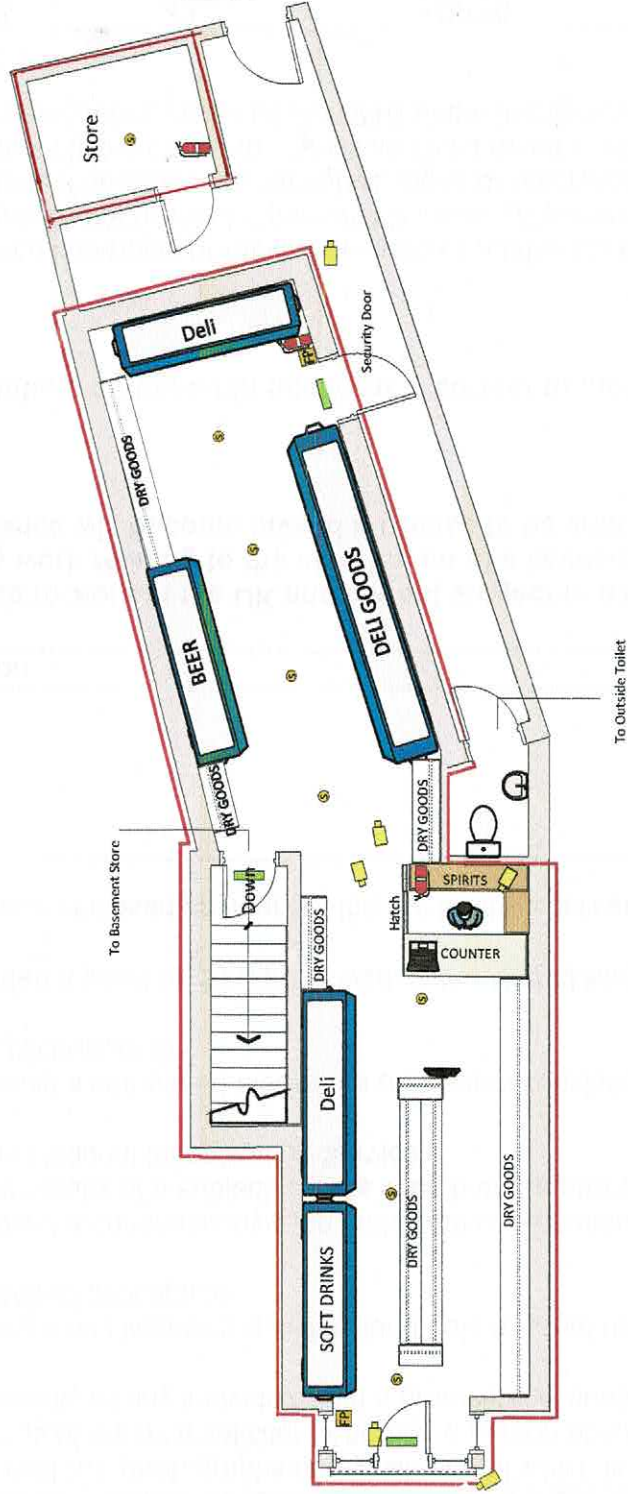
Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	<i>June Clarke</i>
Date	26 th July 2024
Capacity	Agent on behalf of the applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) June Clarke Licensing Consultant JMC Licensing Consultants Warrington Business Park Long Lane			
Post town	Warrington	Postcode	WA2 8TX
Telephone number (if any)	07961 776 059		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) licensinghouse@me.com			



LEGEND	
Fire Exit	
Camera	
Fire Ext	
Monitor	
ROLLER SHUTTERS	
Fire Point	
Smoke Alarm	
Licensable Area	
SCALE	
1:100	

Premises Address
 71 Bowerman Road
 Lancaster,
 LA1 4AQ

Name of Premises
 Lancaster Mini Market

Drawing Purpose
PREMISES LICENCE APPLICATION

Drawing Details
 The purpose of this drawing is for the submission of a Premises Licence Application.
 All Measurements have been drawn in millimetres.
 This drawing is not to be used for the intention of any building, shop fitting or construction purposes.

THE LICENSING ACT 2003 - REPRESENTATION FROM RESPONSIBLE AUTHORITY

LANCASHIRE COUNTY COUNCIL TRADING STANDARDS SERVICE

I am Jason Middleton, Principal Officer, employed by Lancashire County Council Trading Standards Service in the Alcohol & Tobacco team.

I have delegated authority to exercise the County Council's powers and duties under relevant Trading Standards related Acts of Parliament and in this capacity to provide written and oral representations on behalf of the Lancashire County Council Head of Service for Trading Standards.

I make this statement using facts and matters within my own knowledge. Any facts and matters that are not within my own knowledge are true to the best of my knowledge and belief.

Lancashire County Council Trading Standards Service wishes to make representations objecting to the application for a premises licence at Lancaster Mini Market, 71 Bowerham Road, Lancaster LA1 4AQ and for a proposal to make Mr Hawbash Shorsh HAMZA the Designated Premises Supervisor.

On 24th July 2024 Lancashire Trading Standards attended Lancaster Mini Market, 71 Bowerham Road, Lancaster LA1 4AQ together with Lancashire Police, Immigration Enforcement, and an officer from Lancaster City Council Licensing department.

Trading Standards carried out an inspection of the premises and discovered 129 non-compliant vapes under the counter and 67 non-compliant vapes in a box in the storeroom. 31 packs of illegal tobacco and cigarettes were also found under the counter. These items were seized under the Consumer Rights Act 2015.

Relevant information:

The seized cigarettes/tobacco breached one or more of the following:

- **The Tobacco and Related Products Regulations 2016** – these Regulations create offences for supplying (including possessing for supply) tobacco products that do not display compliant health warnings,
- **The Standardised Packaging of Tobacco Products Regulations 2015** – Supplying (including possessing for supply) tobacco products which are not in plain packaging is an offence,
- **The Trade Marks Act 1994** – Supplying (including possessing for supply) counterfeit tobacco products bearing trademarks without the consent of the proprietor of the mark is an offence under this Act.
- The seized vapes breached the requirements of the **Tobacco and Related Products Regulations 2016**. The requirements include a 2ml limit on the quantity of nicotine-containing liquid contained in the product.

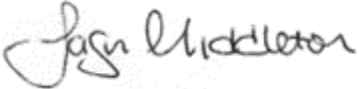
It's our understanding that the male working in the shop was found to be working illegally, and he was dealt with by the attending Immigration Officers.

The premises licence was also found to be in the name of the previous limited company operating at the address, which was dissolved on 2nd January 2024. The Licensing Officer from Lancaster City Council advised the owner over the phone that the premises did not have a valid premises licence and could not currently sell alcohol.

Due to the reasons stated above, it is the opinion of Lancashire Trading Standards that the prevention of crime and disorder licensing objective would be undermined if the licence was granted.

I reserve the right to bring further evidence to any hearing, should any arise between now and then.

I believe the contents of this statement to be true.

Signed: 

Date: 21/08/2024

Jason Middleton (Principal Officer – Alcohol & Tobacco Team)
4th Floor Lancashire Point
County Hall
Pitt Street
Preston
PR1 0LD

Contact telephone number: 01772 538107

Email address: jason.middleton@lancashire.gov.uk

Statement of Licensing Policy 2023-2027



Author: Licensing Manager

Document Name: Statement of Licensing Policy 2023 - 2027

Approved by Full Council: 24th April 2024

Date due for review: January 2028

Responsible for review: Licensing Manager



The Lancaster district is one of 12 local authority areas in Lancashire and is the most northerly within the County. The district shares its borders with both Cumbria and Yorkshire. Lancaster City Council covers the historic University City of Lancaster, the coastal resort of Morecambe, the town of Carnforth as well as the surrounding rural areas.

The premises within the district that are required to be licensed are many and varied, catering for diverse tastes and consumer demands. Several open-air events and festivals take place annually in the district further enhancing the offer of cultural activities.

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

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1 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.

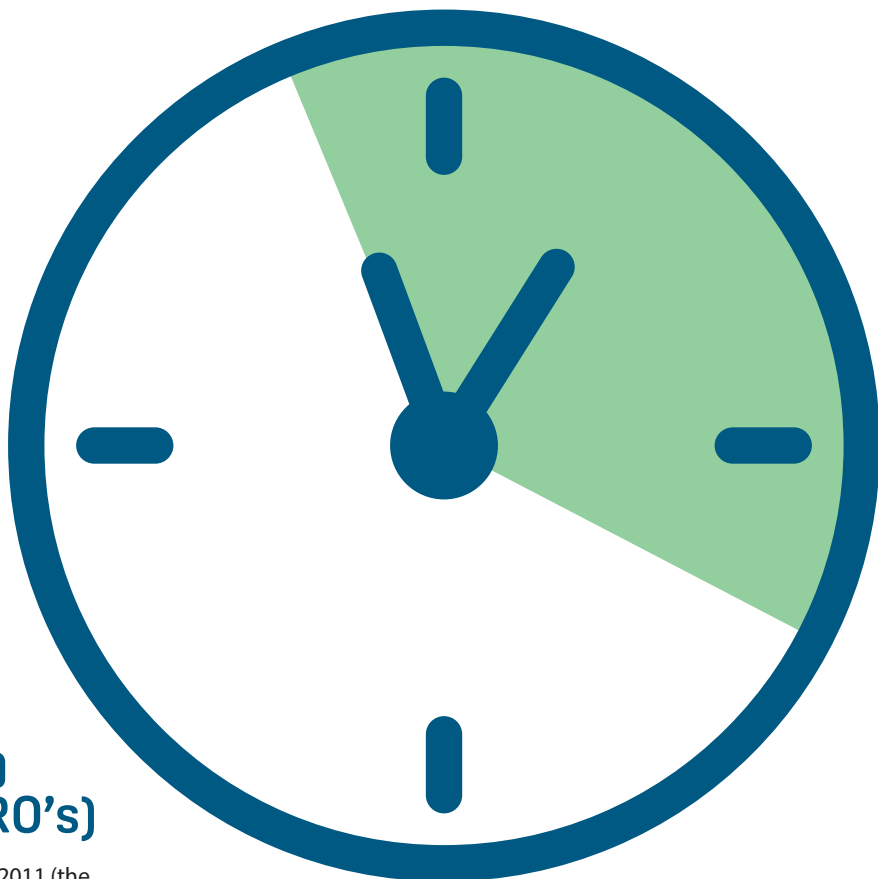
2.5.2 Applications for premises licences with a terminal hour later than 12 midnight where the sale or supply of alcohol for consumption on the premises is the main activity or where the sale or supply of alcohol is accompanied by musical entertainment, will be subject to close scrutiny by the Responsible 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)

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)



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 on 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 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

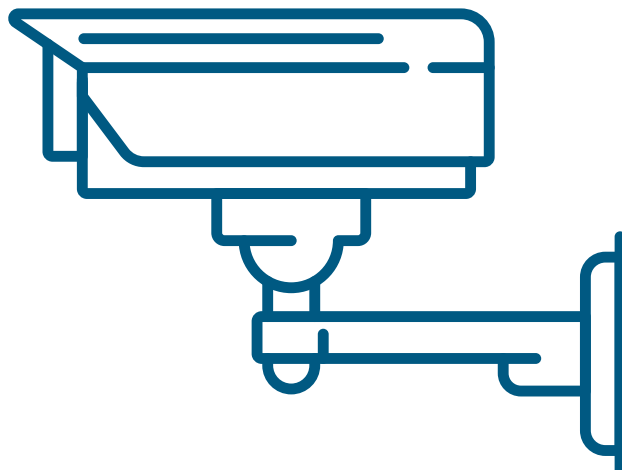
- Drugs policy
- CCTV
- Pub Watch and Radio links with other licensed premises
- Security Industry Authority Door supervisors and Approved Contractor Scheme
- Polycarbonate or shatterproof vessels
- Frequency of glass bottle disposal and provision of secure storage before collection
- An appropriate 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.

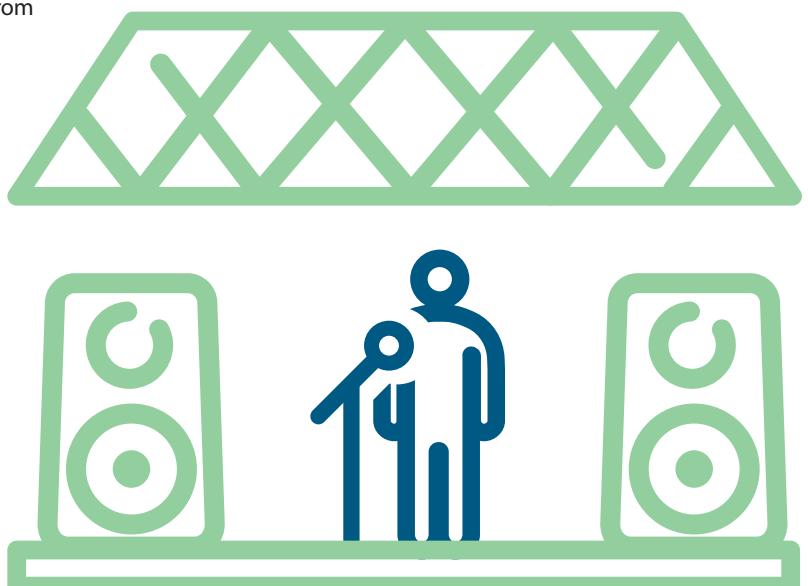
4.6.5 The enforcement policies of the Council may be significantly undermined by the short duration and potentially occasional nature of these events. This is because the Council’s graduated response to problems arising may not be as effective in responding to these issues on an occasional and irregular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

Contact



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

T: 01524 582033

E: licensing@lancaster.gov.uk

The Licensing Act 2003 can be viewed at:

www.legislation.gov.uk/ukpga/2003/17/contents

The Statutory Guidance can be found at:

www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

Lancaster City Council website:

www.lancaster.gov.uk

Event Safety Advisory Group:

www.lancaster.gov.uk/information/event-safety

Events on Council Land, Guidance and Application Procedures: Events on council land - Lancaster City Council

www.lancaster.gov.uk/parks-and-open-spaces/events-on-council-land

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

www.lancaster.gov.uk/sites/business/licences-and-permissions/alcohol-and-entertainment/pavement-licences



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

Appendix 1 :

Responsible Authorities - Consultee Contact Details

Licensing Authority

Licensing
Morecambe Town Hall
Marine Road
Morecambe
LA4 5AF

licensing@lancaster.gov.uk

Public Protection

(incl Community Protection and Health and Safety Officers)

Public Protection
Morecambe Town Hall
Marine Road
Morecambe
LA4 5AF

environmentalhealth@lancaster.gov.uk

Lancashire Police

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

westlicensing@lancashire.police.uk

Lancashire Fire and Rescue Service

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

licensing@lancsfireandrescue.org.uk

Home Office

Alcohol Licensing : Home Office
15th Floor Long Corridor
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

alcohol@homeoffice.gov.uk

Lancashire Safeguarding (Children)

PO Box 78
County Hall
Fishergate
Preston
PR1 8XJ

JPBU@lancashire.gov.uk

Planning/Development Control

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

planningenforcement@lancaster.gov.uk

Trading Standards

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

intelligence.management@lancashire.gov.uk

Director of Public Health

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

phlicensing@lancashire.gov.uk

Appendix 2 :

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 vacuance, 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

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]

- 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.

Appendix 3 :

Scheme of Delegation

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

LANCASTER CITY COUNCIL

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

NOTICE OF HEARING

To: The Applicant: Mr Hawbash Shorsh Hamza

Responsible Authority: Lancashire County Council Trading Standards Service

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 a relevant representation in respect of an application under Section 17 of the Licensing Act 2003 in respect of premises known as **Lancaster Mini Market, 71 Bowerham Road, Lancaster, LA1 4AQ**, will take place on the **23rd September 2024**, at Morecambe Town Hall, commencing at 10.00 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 day 12th September 2024 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.