

Licensing Act 2003 - Policy Review

Summary of Proposed Changes Following Consultation

November 2010

Page number	Title/description	Proposed amendment	Reason
5.3	Publicising Applications	No Change	<p>Representation received from Lancaster District Alcohol Harm Reduction Partnership.</p> <p>The Act defines who should be consulted. This authority publishes all applications on our website, this action is already over and above statutory requirement.</p>
12.6	Protection of Children.	<p>Delete the wording:-</p> <p>In connection with the protection of children the Licensing Authority considers the local Area Child Protection Committee to be the responsible body to which applications should be copied.</p> <p>Insert the wording:-</p> <p>In matters concerning the protection of children from harm, the Licensing Authority regards the Lancashire Safeguarding Children Board as the 'responsible authority' within the terms of Section 13 (4).f of the Licensing Act.</p>	<p>Representation received from Lancaster District Alcohol Harm Reduction Partnership.</p> <p>Ensure the correct child protection body is included.</p>
12.10	Protection of Children	<p>Insert:-</p> <p>The Licensing Authority considers preventing children from obtaining alcohol from licensed premises to be of great importance in protecting them from harm. Applicants must, therefore, be able to demonstrate that they have in place,</p>	<p>Representation received from Lancaster District Alcohol Harm Reduction Partnership.</p>

		<p>satisfactory arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age scheme. The Licensing Authority would be supportive of arrangements, which include incorporating any of the following:</p> <ul style="list-style-type: none"> • Passport. • Photo Card driving licence issued in the European Union • Proof of Age Standards Scheme Card (PASS) • 'New type' driving licences with photographs. • Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder <p>Staff should have received suitable training in relation to the proof of age scheme to be applied upon the premises and records evidencing this should be kept.</p>	Protection of Children
13.4	Prevention of Public Nuisance	<p>Insert:-</p> <p>Wherever possible licence holders should try and ensure that smoking areas are away from doors that are open for access and egress.</p> <p>(May not be appropriate as Health is not yet a licensing objective)</p>	<p>Representation received from Lancaster District Alcohol Harm Reduction Partnership.</p> <p>To prevent people passing through a cloud of second hand smoke</p>
14.4	The Prevention of Crime and Disorder	<p>Inserted the words :-</p> <p>Glasses and glass bottles can be dangerous weapons. As such the Licensing Authority would encourage the use of polycarbonate glasses, in premises. Where a particular issue has been hi-lighted, particularly if the premises has been brought to review by a responsible authority, a condition to this effect may be imposed.</p> <p>It is important that that glasses and bottles are frequently collected to ensure that empty containers do not accumulate in or around the licensed premises. Staff also must prevent the removal of bottles or glasses from the curtilage and grounds of licensed premises, to prevent them being used to cause harm.</p>	<p>Representation received from Lancaster District Alcohol Harm Reduction Partnership.</p> <p>The Prevention of Crime and Disorder.</p>
	Review of Premise Licences	<p>Additional Section</p> <p>The Licensing Authority supports the 'Red and Yellow card scheme' which the Home</p>	<p>Representation received from Lancaster District Alcohol Harm Reduction</p>

		<p>Office and DCMS (Department of Culture and Media and Sport) have promoted. This scheme which addresses problem premises through the review process, suggests that upon a first review conditions and measures should be placed upon the premises and if a second review is received, revocation of the licence. However each case is looked at on its own merits when brought before the licensing Committee.</p> <p>Any review of a licence will take place before the Licensing Act Committee or one of its sub-committees. The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary and whilst supporting the Red/yellow card scheme, will consider revocation of a licence, even in the first instance, if the Authority considers the crime prevention objective to be undermined.</p> <p>The Authority will, however, be mindful of the need to prevent the review process being used as an opportunity by responsible authorities and interested parties to re-run earlier representations without due cause.</p>	<p>Partnership.</p>
	<p>Cumulative Impact</p>	<p>Additional Section</p> <p>In some circumstances, the Act allows licensing authorities to introduce a 'cumulative impact policy' covering specific target areas. "Cumulative impact" in this context is the potential impact that a significant number of licensed premises concentrated in one area may have on the licensing objectives. Whilst this is a proper matter for a Licensing Authority to consider in developing its licensing policy statement, the statutory guidance, advises that this situation is likely to occur in town centres and city centres "where the number, type and density of premises selling alcohol for consumption on the premises are unusual and serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises".</p> <p>The night time leisure scene in Lancaster is not entirely free of disorder problems but relative to the small number of areas throughout the country where the situation is seriously out of control, it is fortunate. The authority, nevertheless, acknowledge that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but this may not be attributable to any individual premises.</p>	<p>Representation received from Lancaster District Alcohol Harm Reduction Partnership</p>

In any consideration of the introduction of a 'cumulative impact policy', the Licensing Authority will rely on objective evidence that crime and disorder or nuisance are occurring at an exceptional level and that these problems would not occur, were it not for the licensed premises selling alcohol for consumption on the premises in the area. If this is established, then the extent of the area concerned will be identified.

Any discussion concerning the possible introduction of such a policy will also look at the alternatives to such a policy, to see if they might either achieve the same objective or be a complement to such a policy.

Only if it is demonstrated with hard evidence that a 'cumulative impact policy' is necessary and that no lesser measure is likely to have the desired effect, will such a policy be introduced.

This Licensing Authority, having regard to the guidance and to the evidence currently available, considers that there are no particular parts of the district which are causing a cumulative impact on any of the licensing objectives.

However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

If such a special policy were to be adopted, it would form part of the statement of licensing policy. If relevant representations were received from responsible authorities or interested parties concerning a new application within the area covered by the special saturation policy, the outcome would normally be a refusal.

The Licensing Authority recognises, however, that such a policy could not be absolute and it would continue to consider each application properly on its merit. For licences that were unlikely to add significantly to the problems of saturation, the application would generally be approved.

		<p>Where there is no cumulative impact policy, there is no presumption against the grant of new licences. Nevertheless, the presence of other licensed premises in the area of the premises for which an application has been made and the future operation of premises which are due to open in the surrounding area are matters which may be raised by those making representations and if those representations are pertinent to the licensing objectives, it will have a bearing on the decision making process.</p>	
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