

LICENSING COMMITTEE

Licensing Act 2003 - Premises Report 3rd October 2024

Report of Licensing Officer

PURPOSE OF REPORT

To provide an overview to members of Licensing Committee the Licensing Service activity regarding premises licensed under the Licensing Act 2003, including volume of applications, number and nature of complaints, and inspections.

This report is public.

RECOMMENDATIONS

(1) That members note the contents of the report.

1.0 Introduction

1.1 Local Authorities became responsible for administering applications for premises licences following the introduction of the Licensing Act 2003 (The Act) from 2005 onwards.

This allowed individuals, partnerships, limited companies and community organisations to apply for a licence to run various types of business including, but not limited to, public houses, night clubs, restaurants, takeaways, village halls, private members clubs and temporary structures.

Business operators were able to submit applications to Councils to enable them to undertake various functions that were then considered licensable activities. These include any of the following

- Performance of plays
- Exhibition of films
- Indoor sporting events
- Performance of boxing or wrestling
- Performance of live music
- Playing of recorded music
- Performance of dance
- Entertainment of a similar description to music and dance
- Late night refreshment
- Sale and supply of alcohol for consumption on or off premises

Applicants can apply for the days of the week they wish to undertake these activities along with preferred timings during those days.

1.2 The Licensing Act 2003 is upheld by four major principles referred to as Licensing Objectives which include:

- Prevention of crime and disorder
- Promotion of public safety
- Prevention of public nuisance
- Protection of children from harm

Applicants must demonstrate within their submission for a premises licence/club premises certificate how they intend to uphold and adhere to these licensing objectives by offering various appropriate conditions and this is referred to as the operating schedule.

1.3 Once an application for a premises licence/ club premises certificate is received and accepted by a Local Authority it must then be forwarded to a number of bodies who are considered experts in their own specific field that deal with these licensing objectives, and they are referred to as Responsible Authorities. The following are examples of these bodies:

- Lancashire Constabulary Licensing Officer
- Local Fire & Rescue Safety Department
- Lancashire Trading Standards Service
- Local Authority Environmental Health Community Protection
- Local Authority Planning & Regeneration Service
- Lancashire Safeguarding Children & Adults Board
- Lancashire County Council Public Health Service
- Home Office Alcohol & Immigration Enforcement Team

1.4 The application must also include a detailed plan to a prescribed scale of 1:100 showing the area(s) for licensable activity and including clear access and egress routes and fire safety equipment.

1.5 There is a statutory consultation period of 28 days which commences the day following receipt of an application for Responsible Authority's and Other Persons (as defined in The Act) to submit representations either in support or against the application.

All such applications must be advertised by means of a Notice being prominently displayed in the window of the premises to be licensed, within the local press within 10 working days of the application being submitted to the Local Authority and is available for viewing on the Council's website.

1.6 Where there is a current premises licence, the holder can apply to vary that licence to include additional licensable activities, an extension to existing timings or amendment to incumbent licence conditions. The application and consultation process are the same as that detailed above for the grant of a premises licence.

Where low-key changes to a premises licence are required where it is considered there will be no adverse effect to the licensing objectives then licence holders may apply for a Minor Variation. This may be instances such as a change to the prescribed plan for installing self-service checkouts at a supermarket. The application process is less onerous with a 10-working day notice consultation period a pre-requisite and the decision taken by Licensing Officers whether this is applicable.

2.0 Licensing Act 2003 applications

- 2.1 The Licensing service deals with a variety of applications that fall under the Licensing Act 2003, many of which are determined by Officers under delegated powers. Members are only party to decision-making in certain circumstances, it is therefore important to highlight the volume of applications received.
- 2.2 There are currently 602 active premises licences and 28 Club Premises Certificates within the district. The table below shows the type of applications administered by the Licensing service between 1st August 2022 and 31st August 2024 it equates to a total of 943 applications that have been administered.

Type Of Applications	Total number of applications administered
Change of Designated Premises Supervisor	62
Transfer of a premises licence	49
New Premises licence with alcohol	39
New Premises licence without alcohol	2
New Club Certificate	1
Minor variation of a premises licence	26
Full variation of a premises licence	19
Personal Licences	191
Temporary Event notices	554

3.0 Inspection Activity

- 3.1 When applications for a change of Designated Premises Supervisor, transfer of premises licence, variations to the premises licence, new premises licence/club premises certificate are administered, a Licensing Officer arranges to carry out an inspection.

When a licensing inspection is carried out, the Licensing Officer checks that the premises are compliant regarding the operating schedule of the premises, including conditions of licence. There are other common checks that are carried out during an inspection which are as follows:

- The Designated Premises Supervisor (DPS) is in day-to-day control of the business
 - The summary of the premises licence is displayed, and the premises have a copy of the full premises licence to hand.
 - CCTV is in working order and holding footage for the correct number of days. CCTV date/time are correct.
 - Staff training for Challenge 25 is in place and documented
 - A refusals log for the sales of alcohol that are refused or challenged are documented and recorded.
- 3.2 When non-compliance is identified, further support and inspections are carried out to ensure that the premises are aware of what is expected of them and to ensure the conditions of the premises licence are being fulfilled. Most licence holders work with Licensing Officers to ensure an acceptable level of compliance. Unfortunately, the Licensing software does not allow officers to pull a report of how many inspections

were found compliant/not compliant.

- 3.3 Licensing Officers have built positive working relationships with the Police Licensing team, Environmental Health, Trading Standards and Immigration. Several inspections are carried out having a multiagency approach which has more of an impact when trying to achieve compliance.
- 3.4 In recent years, Licensing Officers and Police Licensing Officers worked together on targeting off-licences within the district. All off-licences were inspected and follow up inspections completed for those premises that were found non-compliant. As a result of this work all off-licences were compliant with the requirements of their premises licence.
- 3.5 In the coming year, Licensing Officers intend to focus on targeting their resources on different areas of the licensable activities. The main target is to carry out inspections at late night refreshment premises (takeaways). The plan is that all takeaways within the district will be inspected and those found to be non-compliant will receive advice and reinspection's in the first instance, further enforcement action may be considered if due diligence is not exercised by premises licence holders.

4.0 Summary of Complaints

- 4.1 There has been a total of 35 complaints reported to the Licensing team between 1st August 2022 – 31st August 2024.

The type of complaints typically falls into the following categories and the numbers represent how many complaints per subcategory. Complaints have mostly been made by members of the public.

Other (1) this complaint was in relation to a licensed premises leaving barrels on the public highway.

Noise nuisance (30) The majority of the Licensing Act complaints have been in relation to music noise levels causing noise nuisance to local residents from licensed premises (inside and in beer gardens). Licensing Officers work closely with Environmental protection to resolve complaints in relation to noise.

Selling alcohol when alcohol sales are suspended (2) when a premises does not have a current Designated Premises Supervisor (DPS) named on the premises licence or the premises annual fee is not paid, the licence is suspended. When a licence is suspended, they cannot carry out licensable activities. The two complaints received were in relation to no DPS named on the premises licence and allegations that both premises have been carrying out the sale of alcohol when suspended.

Crime and disorder (1) an allegation of antisocial behaviour from customers leaving a licensed premises.

Underage sales (1) there was an accusation that a premises was selling alcohol to underage children.

- 4.2 The time to resolve complaints has varied in range from 1 day to 28 days.
- 4.3 When the licensing service receives a complaint, it is allocated to an investigating officer. That officer then collates all relevant information, which can include obtaining CCTV, and carrying out an inspection at the premises. Part of the process is to also

inspect the Council's internal premises records. This may show the complaint as a one-off incident or highlight a pattern of complaints.

- 4.4 Licence holders are notified of any complaint made against the premises and given the opportunity to respond to any allegation made, in addition, a full compliance inspection is carried out.
- 4.5 The Licensing Service receive high levels of enquires by means of telephone and email contact requiring advice and guidance which the team respond to daily which requires staff time and attention but is not captured statistically.
- 4.6 Licensing Officers complete pro-active work with multiagency partners which involves educating licence holders in compliance with the conditions of their premises licences. As a result of the pro-active work Officers undertake there are high levels of compliance throughout the district and limited complaints received.

5.0 Statement of Licensing Policy 2023 – 2027

- 5.1 The new statement of licensing policy was endorsed by the full Council on 24th April 2024 and can be found at **Appendix 1** of the report.
- 5.2 The new policy includes model licence conditions for applicants to consider when preparing their operating schedule for a new premises/ club premises certificate.

6.0 Pub Watch

- 6.1 Where applicants apply for a licence that facilitates the sale or supply of alcohol, they are encouraged by Licensing Officers and the local Police Licensing Officer to participate in the local pub watch group that takes place every month.

During the local pub watch meetings the following items are usually discussed:

- New incidents that occurred since the previous meeting
- Decide whether individuals go on a pub watch ban or not / receive a warning
- Discuss ongoing issues within the town centre
- Antisocial behaviour with local youths
- Discuss upcoming events that may have a positive or detrimental impact on pubs/clubs.

- 6.2 Licensing Officers attend pubwatch when there is information that requires sharing with the group.

7.0 Appeals and Hearings

- 7.1 During the last 24 months there have been hearings where Members of the Licensing Act Sub-Committee have determined applications for the grant, variation or review of a premises licence on 5 occasions.
- 7.2 There have been 3 occasions where an applicant and Responsible Authority have agreed further licence conditions during the 28-day consultation period and a hearing been necessary to determine the application.
- 7.3 At a meeting of the Licensing Committee on 6th June 2024 the scheme of delegation was agreed whereby any such determinations relating to conditions agreed by the

applicant and Responsible Authority following submission of an application where both parties agreed a formal hearing was unnecessary, would be determined by the Head of Governance, Chair of the Licensing Committee and Licensing Manager.

- 7.4 To date, during the last two years there have been no appeals instigated following decisions taken by Members of the Licensing Act Sub-Committee.

8.0 Conclusion

- 8.1 There are 602 licensed premises and 28 club certificates within the Lancaster District. Between 1st August 2022 and 31st August 2024 there have been a total of 943 applications that have been administered by the Licensing Service.

- 8.2 There is an inspection carried out at a premises when any of the following applications are administered: change of Designated Premises Supervisor, transfer of premises licence, variations to a premises licence, new premises licence and a new club certificate. Any premises that is found to be non-compliant during an inspection, receives advice, guidance and follow up inspections until a good level of compliance is achieved.

Most licence holders want to work with licensing officers to achieve a good level of compliance. There are very few operators that choose to be non-compliant.

- 8.3 Licensing Officers often take a multiagency approach when inspecting a premises. Officers have strong working relationships with trading standards, the police, environmental health and immigration officers.
- 8.4 There has been a total of 35 complaints reported to the Licensing team between 1st August 2022 – 31st August 2024. The categories of the complaints received are as follows, noise nuisance, selling alcohol when alcohol sales are suspended, crime and disorder and underage sales.
- 8.5 In the coming year, Licensing Officer resources will be targeted on late night refreshment premises (mainly takeaways). Full inspections of these takeaways will be carried out and any found to be non-compliant will be followed up with advice and re- inspections. It is important to target these premises with them being within the nighttime economy.

Members are asked to note the contents of the report.

CONCLUSION OF IMPACT ASSESSMENT (Including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):
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None identified

LEGAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

None identified

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

None identified

SECTION 151 OFFICER'S COMMENTS

The report is for noting, no comments required.

MONITORING OFFICER'S COMMENTS

The report is for noting, no comments required.

BACKGROUND PAPERS

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