



Licensing and Public Safety Committee

Agenda and Reports

For consideration on

Wednesday, 1st December 2010

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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Dear Councillor

19 November 2010

LICENSING AND PUBLIC SAFETY COMMITTEE - WEDNESDAY, 1ST DECEMBER 2010

You are invited to attend a meeting of the Licensing and Public Safety Committee to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 1st December 2010 commencing at 2.00 pm.

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Exclusion of the Public and Press**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph ** of Part 1 of Schedule 12A to the Local Government Act 1972.

4. **Minutes**

To confirm and sign as a correct record the minutes of the Licensing and Public Safety Committee held on the following dates:

a) 15 September 2010 (enclosed) (Pages 1 - 6)

b) 20 October 2010 (enclosed) (Pages 7 - 8)

5. **Minutes of the Licensing Sub-Committees**

To confirm and sign as a correct record the minutes of the Licensing Sub-Committee which took place on the following dates:

- a) 15 September 2010 - Licensing Act 2003 Sub-Committee (enclosed) (Pages 9 - 12)
- b) 20 October 2010 - General Licensing Sub-Committee (enclosed) (Pages 13 - 14)
- c) 20 October 2010 - Licensing Act 2003 Sub-Committee (enclosed) (Pages 15 - 18)
- d) 3 November 2010 - General Licensing Sub-Committee (enclosed) (Pages 19 - 22)
- e) 10 November 2010 - General Licensing Sub-Committee (enclosed) (Pages 23 - 26)
- f) 10 November 2010 - Licensing Act 2003 Sub-Committee (enclosed) (Pages 27 - 28)

6. **Licensing Act 2003 - Policy Statement Review (Pages 29 - 106)**

To consider a report from the Director of People and Places (enclosed).

7. **Hackney Carriage and Private Hire Vehicle Conditions - Consolidation (Pages 107 - 130)**

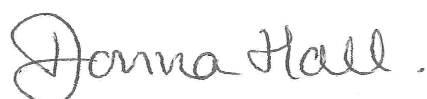
To consider a report from the Director of People and Places (enclosed).

8. **Licensing Performance Report - Quarter 2 (Pages 131 - 142)**

To received for information the enclosed report of the Director of People and Places (enclosed).

9. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Donna Hall
Chief Executive

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Democratic and Member Services Officer
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Distribution

- 1. Agenda and reports to all Members of the Licensing and Public Safety Committee (Councillor Keith Iddon (Chair), Councillor Pat Houghton (Vice-Chair) and Councillors Judith Boothman, Terry Brown, David Dickinson, Doreen Dickinson, Anthony Gee, Hasina Khan, Laura Lennox, Marion Lowe, Beverley Murray, Alan Platt, Debra Platt, Edward Smith, Ralph Snape, John Walker and Stella Walsh for attendance.

2. Agenda and reports to Simon Clark (Head of Environment), Alex Jackson (Senior Lawyer), Paul Carter (Public Protection Co-ordinator) and Cathryn Barrett (Democratic and Member Services Officer) for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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Licensing and Public Safety Committee

Wednesday, 15 September 2010

Present: Councillor Keith Iddon (Chair), and Councillors Judith Boothman, Terry Brown, David Dickinson, Doreen Dickinson, Anthony Gee, Hasina Khan, Laura Lennox, Marion Lowe, Beverley Murray, Alan Platt, Debra Platt, Edward Smith, Ralph Snape and Stella Walsh

Also in attendance: Simon Clark (Head of Environment), Stephen Culleton (Public Protection Officer), Zeynab Patel (Solicitor) and Cathryn Barrett (Democratic and Member Services Officer)

10.LPS.63 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Pat Haughton and Councillor John Walker.

10.LPS.64 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interest.

10.LPS.65 MINUTES

RESOLVED – That the minutes of the Licensing and Public Safety Committee meetings held on 9 June 2010 and 7 July 2010 be confirmed as a correct records and signed by the Chair.

10.LPS.66 MINUTES OF THE LICENSING SUB-COMMITTEE

RESOLVED – That the minute of the General Licensing Sub-Committee meetings held 7 July 2010, 4 August 2010 and 1 September 2010 be confirmed as a correct record and signed by the Chair.

10.LPS.67 SEXUAL ENTERTAINMENT VENUES - POLICE CRIME ACT 2009 - ADOPTIVE POWERS

Members of the Committee considered a report from the Head of Environment which asked Members to recommend adoption by the Council of the provisions for Sexual Entertainment Venues which had been introduced into the Local Government (Miscellaneous Provisions) Act 1982 by the Police and Crime Act 2009, and approve the first appointed day or day on which the adoption becomes effective.

It was moved by Councillor Ralph Snape, seconded by Councillor David Dickinson and **RESOLVED –**

- 1. That the report be noted.**
- 2. Members of the Committee recommended adoption under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982, of the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 police and Crime Act 2009 to Council.**

3. That the 'first appointed day' or the day on which adoption becomes effective as 1 January 2011.
4. Delegation to be given to the Licensing and Public Safety Committee to determine any policy framework and fee structure within which applications for Sexual Entertainment Venue licences are considered.
5. If the provisions are adopted by Council that the Licensing and Public Safety Committee be the determining body for all applications for Sexual Entertainment Venue Licences.

10.LPS.68 SEXUAL ENTERTAINMENT VENUES - PROPOSED POLICY AND PROCEDURE

Members of the Committee considered a report from the Director of People and Places on a policy and procedure for dealing with applications for Sexual Entertainment Venue licences should the adoption of the provisions for Sexual Entertainment Venues introduced into the Local Government (Miscellaneous Provisions) Act 1982 by the Police and Crime Act 2009 be adopted by the Council.

It was moved by Councillor Ralph Snape, seconded by Councillor Laura Lennox and **RESOLVED –**

1. That the report be noted.
2. That the proposed policy and procedure as set out in Appendix 1 and Appendix 2 respectively of this report be approved subject to the adoption of powers by the Council.
3. The proposed fee structure for licence application be approved.

10.LPS.69 TAXI DRIVER CONDITIONS REVIEW

Members of the Committee considered a report from the Director of People and Places which sought approval for revised Hackney Carriage and Private Hire Driver Conditions.

At the Licensing and Public Safety Committee on 10 March 2010, it had been agreed that the current driver licence conditions be reviewed in consultation with the taxi trade.

In response, a working group which included representatives of the taxi trade had met on several occasions to review the driver licence conditions and proposed changes which ensured that the objectives set out in legislation for driver licences were met, as well as determining the level of training which should be made a requirement for new driver applications.

Members of the taxi trade on the Chair's request, put forward their representations in relation to the proposed changes to the conditions.

Members of the Committee considered the proposed changes.

It was proposed by Councillor Laura Lennox, seconded by Councillor Keith Iddon to approve that new applicants must successfully complete both the Driving Standards Agency (a two part course) and a BTEC Level 2 Award – Transporting Passengers by Taxi and Private Hire on condition of the grant of a driver licence.

Following a vote, it was moved by Councillor Anthony Gee, seconded by Councillor Ralph Snape and subsequently **RESOLVED** -

1. **That the report be noted.**
2. **That the revised conditions relating to the application and issue of Hackney Carriage and Private Hire Driver Licences relating to the renewal period and medical examination be confirmed.**
3. **To adopt the policy that all new drivers successfully complete both parts of the Driving Standards Agency training course as a condition of the grant of a driver licence. This policy will be reviewed after twelve months at which time it would be considered if the training course adequately met the skills and knowledge with regards to customer services and legal aspects of hackney carriage and private hire services or if the policy should also include as a condition for the grant of a licence the successful completion of the BTEC Level 2 Award – Transporting Passengers by Taxi and Private Hire.**
4. **Any driver brought before the General Licensing Sub-Committee for a review of their driver licence may be asked to undertake and successfully complete the BTEC Level 2 Award – Transporting Passengers by Taxi and Private Hire as a condition to retaining their driver licence.**
5. **That the proposed changes to the Knowledge Test and DVLA driver licence checks be approved.**
6. **That all changes be implemented by 1 October 2010.**

10.LPS.70 CHANGE TO VEHICLE CONDITION

Members of the Committee considered a report from the Director of People and Places which sought approval for a revision to the Hackney Carriage and Private Hire Taxi Licence conditions.

Members of the Committee had been asked to consider amending the condition which related to signs, notices etc by the insertion of an exemption to allow hackney carriage and private hire vehicles to display appropriate trade membership details within vehicles.

It was moved by Councillor Debra Platt, seconded by Councillor Anthony Gee and **RESOLVED** –

1. **That the report be noted.**
2. **That the revised condition relating to the display of relevant trade association membership within Hackney Carriage and Private Hire vehicles be approved.**

10.LPS.71 HACKNEY CARRIAGE - VEHICLE TYPE APPROVAL

The Committee Members considered a report from the Director of People and Places which brought to Members attention proposals to amend the Council's Hackney Carriage and Private Hire Vehicle conditions of licensing in relation to vehicle type and disabled access.

The outcome of the Council's unmet demand survey carried out in 2008 identified a number of considerations to be determined which would influence the type of vehicles the Council would licence as a Hackney Carriages. However, no further action was taken until the outcome of the Department for Transport had released its own findings and recommendations from a consultation exercise in relation to the Disability Discrimination Act with reference to Hackney Carriages.

From the outcome of that consultation the Department of Transport have defined the following disabled vehicle types:

- Type One – Wheelchair Accessible Taxis
Accessible taxis capable of carrying the majority, but not all, passengers who travel in their wheelchair as well as other people with other disabilities;
- Type Two – Standard Accessible Taxis
Vehicles which feature designs to make use by disable people easier, but would be able to carry a wheelchair user who can transfer from a taxi seat.

Members of the Committee were asked to approve the proposed changed to the Council's Hackney Carriage Vehicle Licenses Conditions of Applications and proposed conditions as outlined in appendix A.

At this point Members of the Committee were invited to inspect example models of modified vehicles presented.

It was moved by Councillor Alan Platt, seconded by Councillor Ralph Snape and **RESOLVED –**

1. **The report be noted.**
2. **The amended vehicle conditions as set out in the report and appendices be approved.**

10.LPS.72 LICENSING PERFORMANCE REPORT - QUARTER 1

The Members of the Committee received a report for information from the Director of People and Places which detailed the performance of the Council's licensing functions during quarter 1.

Enforcement action had resulted in:

- 1 suspensions of a vehicle licence relating to the conditions of a vehicle
- 4 defect notices had been issued for minor issues on taxi's
- 6 premises had been visited for non compliance of their licence
- 1 visit with the Gambling Commission to a premises
- 9 joint operations with the Police visiting premises in the Town Centre

In addition there had been:

- 4 applications for house to house collection licenses
- 1 application for a second hand dealers registration

- 8 street collection permit with a further 2 applications to amend existing permits.
- 1 Sex Shop Licence application renewed (and not 2 as stated in the report)

RESOLVED – That the report be noted.

10.LPS.73 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

The Chair had received representation from a Private Hire Taxi Driver relating to MPV type taxi internal dimensions.

Previously this type of vehicle could have been registered to carry six passengers, however due to a change in the Council's conditions for licensed vehicles that is no longer the case. The driver had requested Members of the Committee to review this policy so that he would be allowed to licence a recently bought vehicle for six passengers instead of four which the current conditions presently allow.

At the request of the Chair, Members of the Committee received verbal representation from the taxi driver in support of his request for a change in vehicle conditions relating to MPV type taxis.

RESOLVED – That a full consultation exercise be carried out the findings of which to be presented to a special meeting of the Licensing and Public Safety Committee or the next scheduled Committee which ever is sooner.

Chair

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Licensing and Public Safety Committee

Wednesday, 20 October 2010

Present: Councillor Keith Iddon (Chair), Councillors Judith Boothman, Terry Brown, David Dickinson, Anthony Gee, Hasina Khan, Marion Lowe, Beverley Murray, Alan Platt, Debra Platt, Edward Smith, John Walker and Stella Walsh

Also in attendance: Simon Clark (Head of Environment), Zeynab Patel (Solicitor) and Cathryn Barrett (Democratic and Member Services Officer)

10.LPS.74 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Pat Haughton, Councillor Doreen Dickinson, Councillor Laura Lennox and Councillor Ralph Snape.

10.LPS.75 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

10.LPS.76 HACKNEY AND PRIVATE HIRE LICENCE CONDITIONS - MPV TYPE VEHICLES

Members of the Committee considered a report from the Director of People and Places which sought the Committee's approval to changes in the Council's Hackney and Private Hire vehicle conditions relating to seating provision on MPV type vehicles.

Representatives from the taxi trade had been consulted, and while there was a broad agreement with the proposed change in the conditions, there was concern with the conditions relating to the safe storage of luggage and indicated that some vehicle proprietors would incur additional cost in the provision of suitable means of securing luggage. However it was the officer's view that unsecured luggage did pose a risk of injury to passengers in circumstances where a vehicle might have to take evasive action or stop suddenly.

Members were also asked to consider four options for implementing the revised conditions for existing licensed vehicles

It was proposed by Councillor David Dickinson, seconded by Councillor Marion Lowe and subsequently **RESOLVED**:

- 1. that the revised conditions be approved and be implemented with immediate effect for all new hackney and private hire vehicles**
- 2. to implement Option 4 – set an implementation date beyond which any vehicle licence renewal application will mean that the vehicle will have to comply with the amended conditions.**
- 3. that the date of 1 June 2011 be set as the date beyond which any vehicles being presented for a vehicle licensing renewal (Hackney and/or Private Hire) must meet the revised conditions.**

Chair

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Licensing Act 2003 Sub-Committee

Wednesday, 15 September 2010

Present: Councillor Pat Haughton (Chair) and Councillors Alan Platt and Stella Walsh

10.LAS.14 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10.LAS.15 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

10.LAS.16 APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003, FOR THE PARKVILLE HOTEL AND TRUFFLES RESTAURANT

The Licensing Act 2003 Sub-Committee considered a report from the Director of People and Places which sought the Sub-Committee's decision on an application to vary a Premises Licence in respect of Parkville Hotel and Truffles Restaurant.

The applicant, his legal representative and the manager of the premises attended the meeting to support the application for the variation of the Licence and seven neighbouring residents also attended to expand on their grounds of objection.

The Sub-Committee considered the guidance issued under Section 182 of the Licensing Act, together with the Council's Statement of Licensing Policy, in particular those paragraphs referred to in the report. The Sub-Committee also considered Human Rights implications, in particular Article 8 and Article 1 of the First Protocol of the Proportionality Principal.

The Sub-Committee were of the view that the licensing objective of preventing public nuisance and the other licensing objectives would not be undermined by the grant of the application.

The Sub-Committee **RESOLVED** - to grant the application subject to the amendments proposed by the applicant at the hearing and the conditions proposed by the applicant in the application and at the hearing as follows:

- | | | | |
|----------|----------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------|
| E | Live music | Monday to Sunday | 08:00-03:00 indoors |
| F | Recorded Music | Monday to Sunday | 08:00-03:00 indoors |
| | Recorded Music | Monday to Sunday | 08:00-23:00 outdoors |
| H | Anything of a similar description to that falling within (e), (f) or (g) Monday to Sunday 08:00-03:00 indoors | | |
| | Anything of a similar description to that falling within (f) or (g) Monday to Sunday 08:00-23:00 outdoors | | |
| I | Provisions of facilities for making music, Monday to Sunday, 08:00-03:00 indoors. | | |
| J | Provisions of facilities for dancing, Monday to Sunday, 08:00-03:00 indoors | | |

Provisions of facilities for dancing, Monday to Sunday, 08:00-23:00 outdoors

- K** Provision of facilities for entertainment of a similar description to that falling within I or J, Monday to Sunday 08:00-03:00 indoors
Provision of facilities for entertainment of a similar description to that falling within J, Monday to Sunday 08:00-23:00 outdoors
- L** Late night refreshment Monday to Sunday indoors 23:00-05:00
Late night refreshment Monday to Sunday 23:00 to 24:00 outdoors
- M** Supply of alcohol Monday to Sunday 00:00-00:00 on and off the premises.
- O** Hours the premises are open to the public Monday to Sunday 00:00-00:00.

The following conditions are attached to the Premises Licence as set out in the written application for a variation and subject to the amendments proposed by the applicant at the hearing:

A General

These premises are to be used primarily for fine dining as a wine bar. Families are to be encouraged and the facilities are aimed at the higher end of the market.

B The Prevention of Crime and Disorder

CCTV to be installed with the approval of Lancashire Police within 31 days. Recordings to be retained and made available to the Police. Think 21 policy to be implemented. Any events purely music and alcohol led consideration to be given for SIA doorstaff
Premises to be a member of local Pub Watch.
No 'all inclusive' drinks offers to be available.

C Public Safety

The premises will be fully certificated i.e. Fire Safety etc.
Incident book to be maintained.

D The Prevention of Public Nuisance

Provision to be made to ensure that these premises are run in an orderly manner.
Signs to be displayed asking people to leave the premises in an orderly manner. Noise from entertainment to be monitored by a member of staff and adjusted accordingly, 30 minutes before closing music to be played at a lower volume and tempo.
All outside areas used for consumption of alcohol shall cease to be used after midnight.
The provision of late night refreshment outdoors and the sale and supply of alcohol outdoors shall cease at midnight each day.
All external windows and doors other than for entry and egress shall remain closed after midnight when premises are open to the public. All doors and windows shall remain closed during the provision of regulated entertainment other than for entry and egress.

E The protection of Children from Harm

Children will only attend the premises with their parents and an ID policy will operate for 18 year olds. Staff will be trained in this regard.

The following conditions proposed by the applicant at the hearing are attached to the premises licence:

- **Patio doors leading to the decked area to be closed and alarmed at 00:00 each day, and a notice to be fixed to the doors to inform customers of this.**
- **Signs to be fixed at principal exit points and frequently around the car park to ask customers to respect the neighbours and to leave quietly.**
- **During the provision of regulated entertainment, a member of staff will monitor at 1 metre from the nearest noise sensitive dwelling the volume levels, appropriate action should be taken to adjust any level that is considered likely to affect that dwelling and any monitoring and action taken shall be recorded in a book kept for that purpose (this represents an amended version of the condition proposed by the applicant in his written application)**

In support of their decisions the Sub Committee noted that no representations had been received from Responsible Authorities. The Sub-Committee also noted that two complaints received by Environmental Health Officers had been investigated and held to be unfounded.

The Sub-Committee did not consider that convincing evidence had been presented that there would be public nuisance if the licence were varied subject to the conditions proposed by the applicant.

The Sub-Committee noted that the applicant had amended his application to remove the performance of live music outdoors at any time in response to one of the representations from a neighbouring resident.

The Sub-Committee did not consider that all aspects of the representations were relevant, in particular in relation to planning issues and speculation about the applicant's future intentions to sell the premises.

The Sub-Committee welcomed that it had been agreed that the Council's Public Protection Officer would arrange mediation between a neighbouring resident and the Premises Licence Holder regarding the erection of a fence along the wall line to the rear of the decked area separating the premises from a neighbouring property.

Chair

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General Licensing Sub-Committee

Wednesday, 20 October 2010

Present: Councillor John Walker (Chair) and Councillors Hasina Khan, Alan Platt, Edward Smith and Stella Walsh

10.LSC.48 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Keith Iddon.

10.LSC.49 APPOINTMENT OF CHAIR OF THE GENERAL LICENSING SUB-COMMITTEE

In the absence of Councillor Iddon who was Chair of this Sub-Committee, Members were asked to elect a Chair for the hearing.

It was proposed by Councillor Hasina Khan, seconded by Councillor Stella Walsh and subsequently **RESOLVED – That Councillor John Walker take the Chair.**

10.LSC.50 DECLARATIONS OF ANY INTERESTS

There were no declarations of interests.

10.LSC.51 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

10.LSC.52 SECTION 61 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - RELEVANT CAUTION RELATING TO A HACKNEY CARRIAGE DRIVER

The Sub-Committee considered a report of the Director of People and Places, drawing Members of the Sub-Committee's attention to a complaint received from a member of the public relating to a Hackney Carriage Driver.

On 6 October 2010 officers of the Council received a complaint from a resident complaining that a Hackney Carriage Driver had stolen his mobile phone. Following enquires with Lancashire Constabulary it was confirmed that on 5 October 2010 the driver in question had been arrested for theft and that he had been dealt with by means of an adult Caution.

The driver, and his representative attended the meeting to put forward representations as to why his Hackney Carriage Licence should not be revoked.

The driver had been the holder of a Hackney Carriage Driver's Licence since 12 February 2010 when his application was granted by a General Licensing Sub-Committee. Officers were unable to use their delegated powers to grant the

application which was referred to the Sub-Committee for determination as the driver's CRB check had revealed a relevant Police Caution.

At the request of the Sub-Committee, the driver gave his recollection of events, which contradicted the statement supplied to the Police by the complainant.

The Sub-Committee considered all aspects of the incident, including representations from the driver, his representative and the Public Protection Officer, the witness statement, the statement of the Council's adopted policy and Home Office guidance issued relating to the Police issuing of adult Cautions.

Members of the Sub-Committee expressed disappointment that the driver had been brought before the Sub-Committee within less than one year since the grant of his Hackney Carriage Drivers Licence. On that occasion the application had been referred to the Sub-Committee for determination due to a similar incident for which the driver had also received a Caution. This caused the Sub-Committee serious doubt to the honesty of the driver.

The Sub-Committee found that the driver had breached a condition attached to his Hackney Carriage Driver's Licence which referred to property being accidentally left in the vehicle to be handed to the Police within 24 hours if not sooner, and did not fully accept the driver's reasoning as to why he had not handed the mobile phone in to the Police as soon as he had found it. This was supported by the fact driver admitted inserting his own SIM card in to the mobile phone.

In addition when the driver was asked about the mobile phone from the Police, he had claimed that someone had sold him the phone. This was a deliberate false statement and an act of guilt on his part.

After careful considerations of all the relevant factors the Sub-Committee **RESOLVED –**

- 1. To suspend the Hackney Carriage Drivers Licence until it expires on 11 February 2011.**
- 2. Should the driver wish to renew his Hackney Carriage Drivers Licence the driver must complete a new CRB check.**
- 3. The application must be referred to the Sub-Committee for their determination.**

Chair

Licensing Act 2003 Sub-Committee**Wednesday, 20 October 2010**

Present: Councillor Keith Iddon (Chair) and Councillors Judith Boothman and Anthony Gee

10.LAS.17 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10.LAS.18 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

10.LAS.19 APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER SECTION 52 OF THE LICENSING ACT 2003 IN RESPECT OF T & S CONVENIENCE STORE 76-78 MARKET STREET, CHORLEY

The Sub-Committee considered a report from Director of People and Places on a application for a review of a Premises Licence submitted under Section 51 of the Licensing Act 2003 by Lancashire Constabulary acting as a Responsible Authority, representation from Lancashire County Council's Trading Standards Department also acting as a Responsible Authority, and the Premises Licence Holder.

The Sub-Committee had considered the guidance issued under Section 4 of the Licensing Act 2003, its Statement of Policy and the amended guidance issued by the Secretary of State under Section 182 of the Act, together with the Council's Licensing Policy, in particular those paragraphs referred to in the report.

The Sub-Committee had considered the Human Rights Act implications and in particular Article 8 and Article 1 of the First Protocol.

The Sub-Committee were of the view that all the four licensing objectives had been undermined and the management of the premises had not achieved the safety of the town centre and the residential communities. The Sub-Committee concluded that customers from the premises regularly conducted themselves in an anti-social manner to the detriment of the local area and residents.

The Sub-Committee were minded that it had to achieve a balanced approach to the difficult issues it had heard throughout the hearing.

On that basis the Sub-Committee **RESOLVED - To revoke the premises licence of T&S convenience Store for the following reasons:**

Prevention of crime and disorder

- **Premises were managed in a reckless manner as to amount to crime and disorder.**
- **Incidents of Breach of the peace on the street as a result of alcohol from premises.**
- **Causing offence and annoyance to town centre public - hanging around on benches.**
- **Selling of alcohol contributed to general crime – assault inside the premises.**

- Selling and permitting sale of alcohol to under 18s – criminal offence – evidence of Trading standards and Police failed test purchases
- The guidance confirms: For the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity of crime of young people
- License-holder allowing the sale of alcohol to children
- Licensee did not co-operate with the Police
- No details of security person and new staff – concerning to authorities
- Delivering of alcohol onto street

Public safety

- Safety on premises for other customers and staff – assault inside the premises
- Crowding on outside benches and causing nuisance

Prevention of public nuisance

- Crowds hanging around outside the premises
- Disturbances taking place in the vicinity
- Behaviour of customers was within control of the premises management - supplying drinks outside
- Complaints of abusive behaviour

Protection of children from harm

- Underage sales
- Proxy sales
- Unacceptable record-keeping of Challenge 25 Policy.- Members not satisfied with Provisional Licence ID in Refusal Register.

The Sub-Committee was also made aware of the review of the Premises Licence Holders other premises in Blackburn and the review's outcome.

The Sub-Committee concluded that the revocation of the licence was the course necessary to promote the Licensing Objectives.

There is a right of appeal to the Magistrates Court within 21 days from the date of receipt on the notification of the decision.

10.LAS.20 APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER SECTION 52 OF THE LICENSING ACT 2003 IN RESPECT OF THE WHITE HART, MEALHOUSE LANE, CHORLEY

The Sub-Committee considered a report from the Director of People and Places on an application for a review of a Premises Licence submitted under Section 51 of the Licensing Act 2003 by Lancashire Constabulary acting as a Responsible Authority.

Lancashire Constabulary had submitted the application on the grounds of the licensing objective for the Prevention of Crime and Disorder. The application sought to modify the conditions of the Premises Licence and the removal of the current Designated Premises Supervisor (DPS) who was also the Premises Licence Holder.

The Sub-Committee carefully considered the representations from Lancashire Constabulary and the Premises Licence Holder, guidance issued under Section 4

of the Licensing Act 2003, its Statement of Licensing Policy, and the guidance issued by the Secretary of State under Section 182 of the Act, as amended, together with the Council's Licensing Policy, in particular those paragraphs referred to in the report.

The Sub-Committee had considered the Human Rights Act implications and in particular Article 8 and Article 1 of the First Protocol.

After taking all due consideration of the relevant factors the Sub-Committee **RESOLVED – That they did not feel it necessary to remove the DPS at this time and acknowledged his co-operation with both the Lancashire Constabulary and Local Authority. However, the Sub-Committee felt it appropriate to include the conditions as recommended by Lancashire Constabulary, to achieve the prevention of crime and disorder, set out below, on to the Premises Licence:**

Prevention of Crime and Disorder

1. **A tamper proof CCTV system to be installed, operated and maintained in liaison with and to the satisfaction of Lancashire Constabulary, the system will record for 24 hours each and every day.**
2. **There will be, at all times licensable activity is provided, someone at the premises who can operate and download images from the system and these will be provided to any responsible authority on reasonable request.**
3. **The use of door supervisors at the premises shall be determined by a written risk assessment agreed between the DPS and the security provider which will use the ratio of 1 door supervisor per 75 customers.**
4. **Any risk assessment will be in a written format, kept at the premises and produced for inspection by any responsible authority on reasonable request.**
5. **Any outside area used for the consumption of alcohol shall have a substantial barrier around it, the design and construction of which shall be to the satisfaction of the relevant responsible authorities.**
6. **Customers using the outside area will be prohibited from taking glasses and bottles out of the premises and any drink consumed in this area will be in plastic/polycarbonate glasses.**
7. **Door Supervisor when used, will prevent customers leaving the premises with glasses and bottles.**
8. **The premises will have a written drugs policy to the satisfaction of the Police that will include a search policy and all staff will have a working knowledge of it.**
9. **All staff will receive ongoing training in Drug Awareness; this training will be recorded and retained by the premises. These records will be made available for inspection by any responsible authority on reasonable request.**

10. The premises will display notices which are securely fixed and visible to the public stating that drug use will not be tolerated on the premises, and that a search policy as condition of entrance operated at the premises.
11. The premises will be an active member of the local Pubwatch Scheme, where on exists, and shall abide by its rules and constitution.
12. The DPS will ensure the premises maintains an incident book which will contain a record of all incidents relating to the premises, it's staff and customers, including time, date, nature of incident and outcome to the satisfaction of Lancashire Constabulary and the Local Authority. This record will be available on request to any responsible authority.
13. The DPS will have a written policy in relation to drunkenness to the satisfaction of the Police and all staff will be subjected to ongoing training in respect of its contents. This training will be recorded and copies of these records will be made available on request to any responsible authority.
14. All rear exit doors at the premises shall be fitted with an alarm attached to a panel which will indicate if any of these doors are opened and will be in operation at any time licensable activities are provided at the premises.

Prevention of Public Nuisance

1. All music played in any outside area shall be at background level.

Protection of Children from Harm

1. The premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the Police and Local Authority. This policy shall state that nay person who does not appear to be at least 21 years of age, will not be served unless they can produce a recognises proof of age card accredited under the Proof of Age Standards Scheme (PASS), photocard driving licence or passport.
2. Notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operates a Challenge policy in relation to the sale of alcohol.

The Sub-Committee recognised that relevant permission would need to be sought from the Local Authority as landlord (for the White Hart) for the addition of the proposed barrier and relevant planning permission would also need approval for the barrier due to it being over one meter.

It was therefore agreed that all the conditions were required to be met by no later than 1 June 2011.

Chair

General Licensing Sub-Committee

Wednesday, 3 November 2010

Present: Councillor Keith Iddon (Chair) and Councillors Doreen Dickinson, Marion Lowe, Beverley Murray and Edward Smith

10.LSC.53 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest by any of the Members in the items of business on the meeting's agenda.

10.LSC.54 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

10.LSC.55 REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered a report of the Director of People and Places drawing Members' attention to complaints that had been made by four members of the public against a Private Hire Driver.

The complaints related, inter alia, to an incident in the early hours of 14 June 2010 when the private hire driver had driven two passengers from a Chorley address to Liverpool Airport. The passengers had claimed in separate formal Section 9 Witness Statements that the driver had reached speeds of over 100mph on the motorway during the journey. The two Witness Statements had been obtained by the Council's Officers as part of their investigations into the operation of the Private Hire Vehicle Company to whom the vehicle driven on 14 June belonged. The Statements also referred to concerns regarding the passengers' return journey from Liverpool Airport, which were unrelated to the case under review.

It was stated in the report that during a formal interview with the Council's Officers, the private hire driver had agreed broadly with the related incident, but contended that his speed had only reached up to 85mph.

The report clarified that the private hire driver had since left the employ of the Private Hire Vehicle Company under investigation and now worked for another local private hire operator.

The report requested the Sub-Committee to consider the seriousness of the driver's admission of breaching the speed limit and the witnesses accounts, and to consider whether the driver was a fit and proper person to continue to hold a Chorley Council Private Hire Drivers Licence.

The private hire driver, accompanied by his representative, attended the meeting to put forward representations.

In response to questions from the private hire driver's representative, the Public Protection Officer explained the formal, accepted procedures that had been followed in interviewing the driver to ascertain his perspective of the incident on 14 June. The Officers had been satisfied that, whilst the driver concerned had not committed other

offences, his admission of reaching excessive speeds during the journey warranted the Members' consideration.

The private hire driver's representative pointed to what he claimed was contradictory evidence in the witnesses' statements regarding the alleged speed of the vehicle during the airport journey on 14 June. The witnesses were not present at the meeting, so their statements could not be questioned. The driver's representative also emphasised that the witnesses' statements had not been volunteered after the incident and that the incident had only been highlighted as part of the investigations into the private hire company owning the vehicle driven on 14 June.

The private hire driver explained the circumstances of the motorway journey on 14 June, indicating that, as a result of delays caused by his two passengers, his speed on the motorway had reached up to 85mph in his attempt to ensure that his passengers reached Liverpool Airport in time for their scheduled flight. The driver stated that the passengers had not complained at the time.

The driver apologised for exceeding the speed limit, which could have resulted in a traffic offence, but asked the Sub-Committee to take account of his current unblemished driving record.

After summarising their respective arguments, the Public Protection Officers and the private hire driver and his representative left the meeting at this point.

The Sub-Committee considered all aspects of the review including the representations from the Public Protection Officer, the private hire driver and his representative, and the witness statements.

After careful consideration of all the relevant factors, the Sub-Committee unanimously **RESOLVED:**

- (1) That, having considered the matter in detail, no action be taken in respect of the Private Hire Driver's Licence on this occasion.**
- (2) That, as Members were concerned that the private hire driver had admitted driving over the speed limit with passengers, for which the lack of complaint by the passengers at the time did not constitute an excuse, the Public Protection Officers be delegated the task of sending a letter to the respective driver warning him as to future conduct and stating that, if he appears before the Sub-Committee again, more serious action might be taken, which could include suspension or revocation of his driver's licence.**

10.LSC.56 REVIEW OF AN OPERATOR'S LICENCE

The Sub-Committee received a report of the Director of People and Places requesting Members' review of a Private Hire Operator's Licence in the light of reported breaches of the licence conditions.

A copy of a letter from the private hire operator was circulated at the meeting. The letter contained a request from the operator for a postponement of the hearing on the grounds of his current ill-health and as an opportunity to allow more time for the operator to prepare a response statement.

The Public Protection Officers also reported that further evidence, which had not been presented to the operator, has recently been received.

The Sub-Committee **RESOLVED** that, in the light of the letter received and the additional material to be circulated, consideration of the Director of People and Places' report be deferred to a special meeting of the General Licensing Sub-Committee to be convened on Wednesday, 10 November 2010 at 10.00am.

Chair

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General Licensing Sub-Committee

Wednesday, 10 November 2010

Present: Councillor Keith Iddon (Chair) and Councillors Doreen Dickinson, Marion Lowe, Beverley Murray and Edward Smith

10.LSC.57 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10.LSC.58 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

10.LSC.59 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

10.LSC.60 REPORT CONCERNING AN OPERATOR'S LICENCE UNDER SECTION 62 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Request for an adjournment of the hearing

The Sub-Committee were informed of a request from the Operator for an adjournment of the Sub-Committee hearing for two weeks for personal reasons and to allow him to prepare his case.

Members of the Sub-Committee considered the Operator's request in great detail. Members noted that the Sub-Committee had been adjourned once on 3 November 2010 to accommodate the Operator. Members further noted that the relevant statutory timetable for circulating the agenda and reports had been complied with. Members also noted that the Operator had been aware of the allegations against him for some time due the investigations being conducted by the Council's Public Protection Officers even before the Sub-Committee which adjourned on 3 November 2010 was arranged.

Members considered that their responsibility to the citizens of the borough meant that consideration of serious allegations in the report could not continue to be deferred. Members were also mindful of the cost to the Council Taxpayers and officer time required for each committee hearing.

After careful consideration the Sub-Committee subsequently **RESOLVED – To continue with the hearing by a 4-1 majority.**

There was a short adjournment to allow the Public Protection Officer to contact the Operator and invite him to make representations at the hearing. The Operator was unable to attend due to a prior appointment.

Sub-Committee Hearing

The Public Protection Officer presented a report by the Director of People and Places which detailed a number of complaints regarding a Private Hire Company which led the Officer to believe that the Operator had breached his Operator Licence conditions and committed offences under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

Members of the Sub-Committee gave careful consideration to the representations from the Public Protection Officer, the witness statements included within the report, the Council's conditions attached to a Private Hire Operator Licence, and Sections 56 and 62 of the Local Government (Miscellaneous Provisions) Act 1976.

The Sub-Committee unanimously **RESOLVED – To revoke the Operator's Licence under Section 62(1)(b) and Section 62 (1)(d) of the Local Government (Miscellaneous Provisions) Act 1976 for the following reasons:**

- 1. Members were satisfied from the Public Protection Officer's report that pre-booked journeys had been undertaken without adequate records being maintained by the operator as required as a condition of his Operator's licence. The Sub-Committee noted that the Operator had failed to explain the absence of written records.**
- 2. The Operator had admitted in interview running the firm from his home address outside the Borough of Chorley which was not permitted by his licence from the Council. Members also noted that a driver connected to the firm gave similar evidence that the firm was run for part of the time from outside Chorley.**
- 3. The Operator had failed to demonstrate any improvement in his record keeping despite a formal warning from the Council on 19 July 2010.**
- 4. The Operator had admitted in interview driving a private hire vehicle where he did not possess a driver licence issued by the Council. Members did not consider his claim that he was unaware that it was an offence a valid excuse.**
- 5. Members considered that there was credible evidence from a statement from a customer taken by the Public Protection Officer that the Operator had carried a passenger without a private hire driver licence in a vehicle which was not licensed as taxi.**
- 6. Members were very concerned that the journeys undertaken without the proper vehicle or driver licences meant the travelling public lacked proper insurance.**
- 7. Members were very concerned that the Operator appeared to have driven a taxi in excess of the speed limit and had attempted to blame an innocent driver. Members noted that the incident was aggravated by the fact that the Operator held no private hire driver licence.**
- 8. Members were satisfied that there had been valid complaints about the standard of service from taxis run by the Operator. One vehicle was described as dirty both inside and out. One driver had been confused as to the destination and on a return journey passengers had been forced to change vehicles part way through the journey.**
- 9. Members were very concerned that taxis operated by the firm were carrying vulnerable persons despite their contract with the customer being terminated. Members were satisfied from the complaint received**

that this was not an isolated incident and had occurred over a period of time. Members were also concerned that the irregular journeys had continued despite the problem having been reported to the firm by the customer.

Chair

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Licensing Act 2003 Sub-Committee**Wednesday, 10 November 2010****Present:** Councillor Keith Iddon (Chair) and Councillors Ralph Snape and John Walker**10.LAS.21 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

10.LAS.22 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

10.LAS.23 APPLICATION FOR A PREMISES LICENCE IN RESPECT OF I.D. BAR 72 MARKET STREET, CHORLEY, PR7 2SE MADE UNDER SECTION 17 OF THE LICENSING ACT 2003

The Sub-Committee considered an application for the grant of a premises licence in respect of the ID Bar, 72 Market Street, Chorley in light of representations made towards the application under Section 18 (3) of the Licensing Act 2003.

Members of the Sub-Committee considered the application and the written and verbal representations from Lancashire Constabulary as a Responsible Authority.

The Sub-Committee considered the amended guidance issued by the Secretary of State under Section 182 of the Act, together with the Council's Licensing Policy, in particular those paragraphs referred to in the report. The Sub-Committee also considered Human Rights implications, in particular Article 6, Article 8 and Article 1 of the First Protocol.

The Sub-Committee were of the view that the public safety licensing objective would be undermined by the grant of the application for the following reasons:

1. The applicant has persistently failed to ensure that his properties met lawful requirement to ensure the safety of the occupants.
2. The successful prosecutions against the applicant under fire safety legislation and the Housing Act 2004 demonstrate that there are serious concerns over the safety of properties under his control.
3. Deficiencies on the 3rd floor of the building outside the proposed licensed area could nevertheless pose a serious threat to public safety if the licence were granted.

The Sub-Committee **RESOLVED – That the application for a premises licence be refused for the reasons as stated above.**

The Sub-Committee noted that the Police had no objection to the proposed DPS and did not object to the proposed licensed premises themselves. The Committee emphasised that neither the DPS nor the premises themselves were an impediment to this application.

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Report of	Meeting	Date
Director People and Places	Licensing and Public Safety Committee	1 December 2010

LICENSING POLICY (LICENSING ACT 2003) REVIEW

PURPOSE OF REPORT

1. To advise Members of the current statutory review of the Councils Licensing Policy Statement made under the Licensing Act 2003 and to seek adoption of the Policy Statement subject to the outcome of the current consultation process.

RECOMMENDATION(S)

2. Members are asked to recommend approval to the Councils Executive Cabinet of the reviewed Licensing Policy Statement (Licensing Act 2003) subject to the following:
3. On the expiration of the consultation period (31 December 2010) the Head of Environment and Chair of Licensing and Public Safety Committee be given delegated authority to make any minor amendments arising out of any consultation responses.
4. On the expiration of the consultation period (31 December 2010) any major changes considered to be necessary as a result of the consultation response will be reported back to the Licensing and Public Safety Committee for further consideration and approval.

EXECUTIVE SUMMARY OF REPORT

5. The Council has a statutory duty under the Licensing Act 2003 to produce a Licensing Policy Statement which details how the Council will determine applications for licenses determined under the Act.
6. This duty also requires a periodic review of the Licensing Statement on a date prescribed by the Secretary of State which is on or before 7 January 2011.
7. The current Licensing Policy Statement has served the Council well over the past 3 year period and subject to the consultation period which runs from 1 November 2010 to 31 December 2010 no changes are proposed other than cosmetic amendments to reflect changes in organisations and structures that impact on the policy.
8. The proposed policy statement is attached at Appendix A and within that document Members will find the extent of consultation at 'Appendix 4'.
9. The consultation period is now halfway through and to date no responses have been received.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

10. Recommendation for approval of the Policy Statement subject to the conditions noted is required to meet the deadlines and dates set by the Secretary of State and to ensure that on the 7 January 2011 the Council has a Licensing Policy Statement that meets the statutory requirements of the Licensing Act 2003.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

11. No alternatives have been considered.

CORPORATE PRIORITIES

12. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	X
Involving people in their communities	X	Ensure Chorley Borough Council is a performing organization	X

IMPLICATIONS OF REPORT

13. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	No significant implications in this area	

COMMENTS OF THE DIRECTOR OF TRANSFORMATION (HEAD OF GOVERNANCE)

14. No comments save to agree with those made within the body of the report.

JAMIE CARSON
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	12 November 2010	policyreview

Statement of Licensing Policy

(Licensing Act 2003)

For 3 year period commencing 7 January 2011

DRAFT



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The Borough of Chorley

The Borough of Chorley is set in attractive countryside between the West Pennine Moors and the Lancashire Plain. It has been an important market and trading centre since medieval times. Its location at the centre of the North West and its excellent road and rail links has meant that we have been able to develop a thriving economic base without sacrificing the appeal of rural life.

The Borough has a population of just over 105,000 and extends over an area of 80 square miles. It has a workforce of around 49,000 and attracts some three million visitors a year. Two wards are eligible for Transitional Area funding. Independent research has shown that the general quality of life in Chorley is 20% better than the average for the UK. As such Chorley stands out as one of the top 15 districts to live in the whole of the North of England, with low unemployment, high owner-occupancy, and academic achievement above average. Property prices in many parts of the Borough are very reasonable. A map of the area is given at Appendix 1

Because of its position on the edge of the West Pennine Moors, the informal leisure and recreation opportunities in Chorley are superb and England's longest canal, the Leeds and Liverpool, winds its way through the Borough, with facilities for boating and other activities along the route. The Borough also has four leisure centres and four golf courses, not to mention numerous public parks and open spaces. Other attractions include Hoghton Tower, a historic fortified hill top mansion, and Camelot Theme Park, where Arthurian jousting tournaments are held alongside thrilling white knuckle rides.

Chorley is just a short distance from the coast and within easy reach of the Lake District and Yorkshire Dales. The commercial, shopping, cultural and sporting attractions of the regional capital of Manchester are close by and there is a frequent direct train service to the city and also to Manchester International Airport.

The town of Chorley itself is famous locally for its "Flat Iron" and covered markets. The weekly Flat Iron market, originating from 1498, developed from an agricultural produce market into one of the best open-air markets in the North West. Throughout the Borough, several craft galleries and antiques markets can be found and in the Town Centre there is the Market Walk shopping complex which features many high street names.

There are approximately 375 premises licensed to sell alcohol ranging from off licences to public houses, members only clubs, restaurants and nightclubs.

The Council's vision in its cultural strategy is to improve the economic viability for performing artists and local creative industries. The Council aims to extend and develop opportunities for the culture and leisure sectors that will help sustain regular employment. The Council aims to assist through helping promote and market creative events locally, regionally and nationally, by working with cultural and leisure employers to raise the profile of the sector, assisting with the training needs of artists and developing a festival programme to celebrate local talent. The Council recognises that local pubs and clubs provide a valuable training ground for musicians and performers as well as providing a support network for young artists.

The Council wishes for this to continue and develop. The challenge for the future is to find more creative and innovative ways to develop partnership working to produce more exciting and dynamic cultural experiences for customers and visitors alike.

The Council seeks to maintain a balance between the business operating in its area, the residents living within its area and cultural, entertainment and tourist interests. Full consideration has been given to all these issues in formulating this Policy Statement.

1. EXECUTIVE SUMMARY

- 1.1 The Licensing Act 2003 (“the Act”) introduces a licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Act imposes a statutory duty on Chorley Borough Council (“the Council”) to produce a statement of licensing policy for a three year period, beginning with such day as the Secretary of State may by order appoint and each subsequent period of 3 years. The next subsequent period of 3 years will commence on 7 January 2010. A Glossary of terms is given at Appendix 2.
- 1.3 This document sets out the Council’s policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each licence application will be considered separately on its individual merits.
- 1.4 The aim of this policy is to set out how the Licensing Objectives will be achieved and to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. The Council in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment premises to the local economy and vibrancy of the Borough. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.
- 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, the Council in adopting this policy is indicating that a wide range of considerations will be taken into account.
- 1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises. It is also committed to partnership working with police, fire, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 1.7 The Council has had regard to the guidance issued by the Secretary of State under Section 182 of the Act when developing this statement of Licensing Policy. The Council may deviate from the guidance but would need good reasons, which it can justify, to do so.
- 1.8 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences) the licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshment (premises licence), the supply of alcohol or the provision of regulated entertainment to certain clubs (club premises certificates) and the holding of certain licensable activities on a temporary basis (temporary event notices).
- 1.9 The scope of this policy covers new applications, renewal of personal licences, transfers and variations of licences and certificates including temporary event licences. It also includes the review of licences and certificates which could lead to a range of sanctions including the revocation of a licence or a certificate.

2. LICENSING OBJECTIVES

- 2.1 The Act requires the Council to carry out its licensing function so as to promote the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

2.2 Accordingly, the Council has prepared its statement of licensing policy in accordance with these objectives.

2.3 Each of the licensing objectives is of equal importance for the purposes of this policy.

2.4 This policy statement is designed to deal with matters within the control of the licensee. It focuses on the premises in which each business is carried on and the effect that has on members of the public living, working or engaged in normal activity in the vicinity.

2.5 Licensing law is not envisaged by the Licensing Authority as a mechanism to control anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Therefore any terms and conditions imposed will be focused on matters within the control of individual Licensees and others granted relevant permissions. These matters will centre on the premises and places used for licensable activities and in the vicinity of the places.

2.6 The Licensing Authority considers that every holder of a licence, certificate or permission and designated premises supervisor is responsible for minimising the impact of their activities and anti-social behaviour by their customers within the vicinity of their premises.

3. LICENSABLE ACTIVITIES

3.1 The policy relates to the following activities that are required to be licensed under the Act:

- retail sale of alcohol (including via the internet or mail order)
- wholesale of alcohol to the public
- supply of alcohol or provision of regulated entertainment to members of a registered club
- provision of regulated entertainment to the public or with a view to a profit
- a theatrical performance
- a film exhibition
- an indoor sporting event
- boxing or wrestling matches
- live music performers
- playing of recorded music (except incidental music)
- dance performances
- entertainment of similar descriptions
- provision of facilities for making music
- provision of dancing facilities
- supply of hot food between 11.00pm and 5.00am (late night refreshment)

4. CONSULTATION PROCESS

4.1 This policy statement has been developed after proper consultation with statutory consultees, as required by the Act together with other interested parties. A list of consultees is attached as Appendix 5.

4.2 This policy has not been developed in isolation. It has been developed in conjunction with Lancashire Authorities and takes account of the position in adjoining Authorities whilst being specifically tailored to the needs of the area of the Council.

4.3 The Licensing Authority shall also endeavour to continue to work with Lancashire Authorities to ensure a consistent approach is taken to licensing matters whilst continuing to respect the differing needs of the individual communities within the County.

5. GENERAL PRINCIPLES

5.1 Each application will be determined on its individual merits.

5.2 The policy will not seek to introduce 'zones' or staggered closing times within the Borough where specific activities are concentrated. In general terms, a flexible approach will be adopted and arbitrary restrictions avoided.

5.3 The policy will not fix the hours during which alcohol can be sold. The Licensing Authority considers that stricter controls regarding noise nuisance may be necessary in more densely populated areas. The grant of a licence will be dependent on the impact of an activity on the licensing objectives.

5.4 In general, the Licensing Authority considers that the shops, stores and supermarkets should be able to sell alcohol for consumption off the premises during the hours they are normally open for trade. However, where representations have been received identifying premises as a focus for disorder and disturbance, the Licensing Authority may consider it appropriate to impose limitations..

5.5 The policy does not seek to regulate matters provided for in any other legislation e.g. planning, employment rights, health and safety, fire safety.

5.6 The Licensing Authority would encourage licence holders to provide a wide range of entertainment activities throughout their opening hours and to promote activities which provide a wider cultural benefit for the community.

5.7 The Licensing Authority will also encourage the Council to seek premises licences for Council owned facilities and public spaces. In this way, performers and entertainers will be able to seek permission to use them from the relevant council department. The Licensing Authority will consider such applications from a neutral standpoint and will balance the potential for limited disturbance in neighbourhoods against the wider benefits for the community.

5.8 The Licensing Authority recognises that conditions can only be imposed if relevant representations are made. In the absence of such representations, licences must be granted subject only to those conditions consistent with the operating schedule and the mandatory conditions.

5.9 The Licensing Authority will not impose conditions relating to the promotion of price fixing. If relevant representations are received which relate to irresponsible drinks promotions undermining the licensing objectives then a review of the premises licence will be undertaken. In these circumstances the Licensing Authority may consider the imposition of a condition prohibiting irresponsible sales or the discounting of prices of alcoholic beverages.

6. CRIME AND DISORDER

- 6.1 Licensed premises, especially those offering late night entertainment, alcohol and refreshment can be a source of crime and disorder problems.
- 6.2 The Council is committed to reducing crime and disorder across the Borough through its statutory duty under the Crime and Disorder Act 1998 and the Community Safety Strategy. Statistics from the Community Safety Partnership regarding Crime and Disorder in the Licensing Authority area are given in Appendix 4.
- 6.3 The Community Safety Partnership will regularly monitor and review crime statistics within the Borough and their association with alcohol and provide reports to the Licensing Authority where appropriate. The Licensing Authority will give due consideration to any submissions made concerning the impact on crime and disorder of alcohol related problems. The Council may review this Policy where it considers it appropriate to do so.
- 6.4 The Council will have particular regard to the likely impact on licensing of related crime and disorder in the Borough particularly when considering the location, impact and the operation and management of all proposed licensed premises and applications for variations.
- 6.5 The promotion of the crime and disorder licensing objective, places a responsibility on licence holders to try and achieve this objective. Applicants will therefore be required to address, in their operating schedules, where appropriate, those measures that have been identified and will be implemented and/ or maintained to reduce or prevent crime and disorder in the vicinity of their premises. The Licensing Authority considers that best practice will be exemplified by the night safe initiative and would recommend that licence holders join this initiative.
- 6.6 Where relevant representations are received on the crime and disorder objective, the Licensing Authority may have regard to the following where relevant: (though this is not an exhaustive list) :
- crime prevention measures
 - physical security features installed in the premises, (this may include CCTV both inside and outside the premises, where alcohol is stored in relation to off licences, the use of toughened drinking glasses).
 - weapon detection and search facilities.
 - procedures for risk assessing promotions and events such as 'happy hours', drinks promotions, for the potential to cause crime and disorder, and the plans to minimising such risks.
 - adoption of best practice guidance in relation to safer clubbing guide
 - measures to prevent the use or supply of illegal drugs including search and entry policies
 - employment of licensed door supervisors
 - participation in other appropriate schemes e.g. pub watch scheme
 - measures to be taken for the prevention of violence or disorder.
- 6.7 The Licensing Authority where relevant representations are made, will consider attaching conditions to deter and prevent crime and disorder, if appropriate and necessary and these may include conditions from the model pool of conditions at Appendix 3. Certain premises may be required to install CCTV system to an evidential standard should the Council be satisfied it is necessary and /or appropriate to meet the licensing objectives.

- 6.8 The Council reserves its right to use its powers to designate areas where alcohol may not be consumed in a public place to meet the Public Safety and Crime and Disorder objectives.
- 6.9 Lancashire Constabulary operate a Best Bar None accreditation scheme. This promotes the development and operation of well-managed night time venues and incorporates multi-agency inspections. The licensing authority recognises the benefits of accreditation and encourages premises to apply.
- 6.10 It is advisable that licensed premises have procedures in place for risk assessing drinks promotions and events such as 'happy hours' on the basis of preventing crime and disorder.

7. LICENSING HOURS

- 7.1 The policy recognises that longer (more flexible) licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks, private hire offices, fast food outlets etc.
- 7.2 Individual applications will be considered on their merits and in general terms a flexible approach will be adopted. Fixed predetermined closing times for particular areas will not form part of the policy and restrictions on trading hours will be considered only where necessary to meet the licensing objectives. The four licensing objectives will be paramount considerations at all times.
- 7.3 The Licensing Authority, however, considers that the risk to disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning as the ambient noise levels will be lower. The Licensing Authority may impose stricter conditions with regard to noise control in areas which have denser residential accommodation but each premises will be considered on its individual merits.
- 7.4 The Licensing Authority recognises that in principle shops, stores off licences and supermarkets selling alcohol should generally be permitted to match the hours during which they sell alcohol with their normal trading hours except where relevant representations have identified a particular outlet as a focus for disorder and disturbance. In such circumstances, the Licensing Authority may consider it necessary and /or appropriate to impose limitations on opening hours as one mechanism of combating such problems.
- 7.5 The Licensing Authority also recognises the principle of 24 hour opening of all licensed premises. However, it considers that longer opening hours may be more acceptable in commercial areas with high levels of public transport. The grant of a licence, will in all cases be dependent on the impact of an activity in relation to the licensing objectives.
- 7.6 Where relevant representations are received, the Licensing Authority may have regard to the following where relevant (though this is a non exhaustive list);
- the nature of the area where the premises are located (e.g. commercial, residential)
 - arrangements to ensure adequate availability of taxis and private hire vehicles, public transport.
 - whether appropriate car parking is readily accessible to premises and whether the use/parking of vehicles would cause a demonstrable adverse impact on the amenity of residents.
 - whether the licensable activities are likely to cause adverse impact especially on local residents and whether appropriate measures will be put in place to prevent any adverse impact

- in relation to the grant of a new premises licence whether the premises will give rise to a negative cumulative impact on one or more of the licensing objectives

In assessing the impact of the activity proposed the Licensing Authority may consider a number of factors inter alia,

- the type and scale of activity, the number and nature of clientele likely to attend.
- the levels of noise from the premises, which may be acceptable later in the evening.
- the proposed hours of operation
- the levels of public transport accessibility for customers and the likely means of public or private transport that will be used, access to private hire/taxi's
- the means of access to the premises e.g. whether on principal pedestrian routes.
- the level of car parking demand on surrounding residential streets and its effect on local residents, and movement of traffic.
- the cumulative impact of licensed premises in an area and scope for mitigation.
- frequency of the activity.

Operating Schedules (see section 28) will be required and will set out the measures to be taken to ensure that the licensing objectives are addressed. Applicants are also referred paragraph 6.6.

8. CUMULATIVE IMPACT

- 8.1 The Licensing Authority will not seek to limit the number of licensed premises that will be permitted because it considers that there are already enough licensed premises to satisfy demand. The "need" for a particular venue is a matter which will be governed by commercial demand and throughout the council's planning powers. Therefore the "need" for a venue is not a matter to be addressed in this policy statement.
- 8.2 In areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises. Where this occurs it has been described as the cumulative impact on the licensing objectives of a large concentration of licensed premises in one part of the Licensing Authority's area. It is therefore possible that the impact on the surrounding areas by the behaviour of customers taken together is greater than the usual impact from customers of individual premises.
- 8.3 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Licensing Authority may take into account, when considering any licence application, if a relevant representation is made.
- 8.4 The Licensing Authority may receive representations from a responsible authority or interested party, indicating that the cumulative effect of new licences is leading to an area becoming saturated with premises of a certain type leading to exceptional problems of nuisance or disorder in the area, or some distance from the licensed premises. The Licensing Authority may consider whether the grant of further licences would undermine one or more of the licensing objectives. However, the Licensing Authority will always consider the individual merits of an application.
- 8.5 The Licensing Authority will, in such circumstances, not operate a quota of any kind, which would restrict the consideration of any application on its individual merits, nor will it seek to impose general limitations on trading hours in particular areas. The Licensing Authority will give due regard to the individual characteristics of the premises concerned within a given area (as it is recognised that licensed premises have contrasting styles and characteristics) and the impact that the premises is likely to have on the local community.

9. SATURATION CONTROLS

- 9.1 Where the Council considers that an area has become saturated with licensed premises it may adopt a “Special Policy” for that particular area and thus refuse licences in that area. However, the Council will consider each application on its individual merits and additional licences may be approved, if it is considered that such an application is unlikely to add significantly to such saturation.
- 9.2 In determining whether to adopt a Special Policy within this statement of licensing policy, the Council will follow the steps outlined below:
- identification of concern about crime and disorder or public nuisance
 - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent.
 - consultation with those specified by section 5 (3) of the Act as part of the general consultation required in respect of the whole statement of licensing policy
 - subject to that consultation, inclusion of a special policy about future premises licences or club premises certificate applications from that area within the terms of this Guidance in the Statement of Licensing Policy
 - publication of the special policy as part of the statement of licensing policy .
- 9.3 It is not currently anticipated that a special policy will be required. However, the absence of a special policy does not prevent any responsible authority or interested party making representations on an application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

10. PROTECTION OF CHILDREN FROM HARM

- 10.1 The policy does not seek to prevent or limit the access of children to licensed premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The Licensing Authority is committed to protecting children from harm and activities associated with premises that sell alcohol or provide regulated entertainment, may in certain circumstances, give rise to concerns for the health and welfare of children. For the purpose of this Policy, a ‘child’ is defined as any person who is under the age of 16
- 10.2 The Licensing Authority will not impose any conditions that specifically require access of children to premises and where no limitation is imposed this should remain a matter for the individual licence holder or club premises certificate holder. The Licensing Authority will consider the individual merits of each application. However, the Licensing Authority will have particular concern in respect of children :
- where there have been convictions of the current management for serving alcohol to minors or those where there is a reputation of under age drinking.
 - where there is reputation of drug taking or dealing.
 - where there is a strong element of gambling on the premises.(but not for example, the simple presence of a small number of cash prize gaming machines)
 - where entertainment of an adult or sexual nature is provided (see paragraph 29 for additional information).
 - where the supply of alcohol is the exclusive or primary purpose of the services provided at the premises.

- 10.3 The Licensing Authority, in such circumstances as outlined above, may consider it necessary to impose a complete prohibition; it is envisaged that this would be rarely imposed. The Licensing Authority would normally be likely to impose requirements such as:
- limitations on the hours when children may be present.
 - age limitations for persons under 18
 - limitations or exclusions when certain activities are taking place
 - requirements for accompanying adults
 - limitations of access to certain parts of the premises when particular licensable activities are taking place
 - provision of suitable signage
 - such other conditions or restrictions as may be necessary to achieve the licensing objectives.
- 10.4 Licensees are not to provide alcohol except as provided for by the Act. The Council expects applicants to consider child access in their operating schedules and volunteer appropriate conditions where relevant. The Council recommends that the following documents should be used as evidence of age:
- Passport
 - Photo Card Driving licence issued in the European Union
 - Proof of Age Scheme Card and schemes which carry the Proof of Age Standard Scheme logo
 - Citizen Card supported by the Home Office
 - Official ID Card issued by HM Forces or a European Union Country bearing a photograph and date of birth of the holder.
- 10.5 It is best practice for all staff to receive training on how to refuse under age sales of alcohol.
- 10.6 The Licensing Authority requires applicants to consider, where relevant, those factors that impact on the protection of children objective, and identify where necessary and appropriate, suitable measures to promote this objective. Applicants may wish to consider, where appropriate:
- arrangements to prevent children acquiring of consuming alcohol
 - arrangements to prevent children being exposed to drugs, drug taking, or drug dealing
 - arrangements to prevent children being exposed to gambling, or activities of an adult or sexual nature
 - steps to be taken to prevent children being exposed to violence or disorder
 - arrangements for training staff in relation to the protection of children
 - steps to be taken to prevent children purchasing cigarettes from vending machines and preventing access to Amusement with Prize Machines (except in accordance with the Gaming Legislation).
- 10.7 Applicants may volunteer prohibitions and restrictions on their Operating Schedules as a result of their own risk assessments determining that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate. The Licensing Authority may impose conditions where relevant representations are made if it considers it necessary and/or appropriate including those drawn from the Model Pool of Conditions shown at in Appendix 3.

- 10.8 The Licensing Authority will also expect applicants, where relevant, to consider how they intend to provide for the supervision of children as unaccompanied customers and as performers providing regulated entertainment. Licence holders should give consideration to the welfare of children as performers in such cases. As a minimum requirement the Licensing Authority will require an adult to be nominated to be responsible for such child performers.
- 10.9 Where large numbers of unaccompanied children are to be present e.g. children's show or pantomime, conditions may be imposed, where relevant representations are received, requiring the presence of an appropriate number of adult staff to ensure public safety and protection of children from harm. The Licensing Authority requires applicants to address those matters in their operating schedules. See paragraph 12.1 for further guidance.
- 10.10 The Licensing Authority recognises Lancashire County Council Social Services Department or a future body with the relevant legislative functions of a social services department as being competent to advise on matters relating to the protection of children from harm.

11. CHILDREN AND CINEMAS

- 11.1 Where the exhibition of films is permitted the Licensing Authority requires admission to children to be restricted in accordance with the British Board of Film Classification (BBFC) or any other body designated under section 4 of the Video Recordings Act 1984 .
- 11.2 Where it is proposed to exhibit films not classified by the BBFC, the Licensing Authority will, provided 28 days notice has been given, classify the films concerned using the guidelines published by the BBFC.
- 11.3 Where a film is shown that has an age restriction, advertisements before and after the film will not publicise age-restricted products that cannot be legally purchased by young people watching the film

12 CHILDREN AND PUBLIC ENTERTAINMENT

- 12.1 Where there is entertainment specifically provided for children (e.g. children's disco) the Licensing Authority would recommend as a minimum:
- an adult member of staff to be stationed in the vicinity of each of the exits, a minimum of one member of staff per 50 children or part thereof
 - no standing to be permitted in any part of an auditorium during the performance
 - no child unless accompanied by an adult to be permitted in the front row of any balcony.
- 12.2 Where relevant representations are made, the Licensing Authority may, if it considers it necessary and/or appropriate attach conditions to licences and permissions to prevent harm to children, these may include those drawn from the Model Pool of Conditions at Appendix 3 relating to the Protection of Children from Harm.

13. PREVENTION OF PUBLIC NUISANCE

- 13.1 Licensed premises have significant potential to adversely impact on communities through public nuisances arising from their operation.

- 13.2 The Licensing Authority is aware of the importance of the licensed trade to the local economy as well as in cultural and social terms. The Licensing Authority is also concerned to protect the amenity of residents and businesses in the vicinity of licensed premises. 'Vicinity' is not defined in the Act or Guidance issued by the Secretary of State. Whether or not incidents can be regarded as 'in the vicinity' of licensed premises is a question of fact and will depend on the particular circumstances of the case.
- 13.3 The Licensing Authority will interpret 'public nuisance' in its widest sense and include such matters as noise emanating from the premises, light, litter, odour and anti social behaviour where these matters impact on those living or working in an area.
- 13.4 Activities that involve public entertainment, drinking or eating, have the potential to impact adversely on their surrounding areas due to noise, litter, and odours. There is also the potential for disturbance caused by those attending licensable activities. Late at night the impact of licensed activities is likely to be more objectionable to residents living close to a licensed activity, as the ambient noise levels are often lower so noise disturbance becomes more noticeable.
- 13.5 The policy allows for later opening hours except where there will be an adverse impact on the licensing objectives. In general the Licensing Authority will expect more comprehensive measures to be proposed at late night venues and/or where there has been a history of public nuisance.
- 13.6 On receipt of relevant representations, the Licensing Authority will assess the likelihood of it causing an adverse impact, by generally considering the following factors where relevant:
- the location of the premises (in particular proximity to residential and other noise sensitive premises, e.g. hospitals, nursing homes, hospices and places of worship).
 - the type of activities, the number and nature of clientele likely to attend at the time of the application
 - the proposed hours of operation
 - levels of public transport accessibility for customers either arriving or leaving the premises (including taxis and private hire)
 - means of access to premises (whether on principal pedestrian routes)
 - the level of car parking demand on any surrounding residential streets and its effect on local residents
 - the cumulative impact on licensed premises in an area
 - the scope for mitigating an impact i.e. CCTV, door supervisors
 - the frequency of an activity
 - the design and layout of the premises
 - measures taken or proposed to be taken to prevent noise or vibration escaping from the premises e.g. sound proofing, air conditioning and sound limitation devices.
 - measures taken to prevent unreasonable disturbance by customers/staff arriving and leaving the premises, goods deliveries etc.
 - measures taken to lessen the impact of parking in the vicinity.
 - control of operating hours for all or parts of the premises (e.g. gardens, last admission times and 'wind down' periods).
 - measures to be taken to prevent drunkenness on the premises
 - measures to ensure collection and disposal of litter and waste outside their premises.

- 13.7 The Licensing Authority when considering an application will take into account previous substantiated nuisance complaints particularly when a statutory notice has been served. Applicants may wish to have regard to the Good Practice Guide on the Control of Noise from Pubs & Clubs produced by the Institute of Acoustics and the British Beer and Pub Association
- 13.8 On receipt of relevant representations, the Licensing Authority, where it considers it necessary and/or appropriate may attach conditions to a licence to prevent public nuisance including those drawn from the Model Pool of Conditions - see Appendix 3. In particular, it may attach a condition requiring the use of door supervisors licensed by the Security Industry Authority.
- 13.9 The Licensing Authority requires Operating Schedules, where relevant to satisfactorily address the issue of public nuisance.
- 13.10 The Licensing Authority would also recommend applicants highlight local public transport links and taxi and private hire services within their premises, (including agreeing arrangements with nominated taxi and private hire firms for dropping off and collecting customers).
- 13.11 The Licensing Authority, will in accordance with the Guidance, focus on matters within the control of the individual Licence holder. The Licensing Authority accepts that the difficulty that a licence holders has in preventing anti-social behaviour by individuals once they are beyond the direct control of the Licence holder. However, the licensing objection of preventing public nuisance will not be achieved if customers from a premises regularly conduct themselves in an anti social manner to the detriment of local residents or businesses. In addition, the Council has a duty to do all it can to prevent crime and disorder in the Borough under the Crime & Disorder Act 1998.
- 13.12 The Licensing Authority's aim is to achieve a balanced approach to these difficult issues.

14. PUBLIC SAFETY

- 14.1 The Licensing Authority considers that members of the public when visiting licensed premises, have a right to expect that due consideration has been given to public safety. The Licensing Authority notes that the public safety objective is concerned with the physical safety of people using premises and not with public health which is dealt with in other legislation.
- 14.2 The Licensing Authority is committed to ensuring public safety across the Borough by working in partnership with Lancashire Police, Lancashire Fire & Rescue and Licence Holders.
- 14.3 Applicants should carefully consider the safety of the premises having regard to the licensable activities that are proposed and to address in the operating schedule, where relevant, how public safety will be achieved. Such measures may include, where relevant to the premises:
- the occupancy capacity of the premises
 - age, design and layout of the premises including means of escape
 - nature of the licensable activities to be provided, in particular the sale and supply of alcohol
 - hours of operation
 - customer profile (e.g. age)
 - use of special effects e.g. lasers, pyrotechnics, smoke/foam machines.

- 14.4 The Act requires a plan of the premises to be supplied with operating schedules showing prescribed information.
- The Licensing Authority will take notice of a health and safety risk assessment submitted with an operating schedule.
- 14.5 All licensed premises will be risk related according to a Protocol agreed with Lancashire Fire and Rescue. Inspections will be carried out by Lancashire Fire & Rescue in accordance with the Protocol. A copy is attached at Appendix 6.
- 14.6 The Licensing Authority may inspect premises where it considers it appropriate on public safety grounds.
- 14.7 On receipt of relevant representations the Licensing Authority may, where it considers it necessary and/or appropriate, impose conditions to secure the public safety objective including those drawn from the Model Pool of Conditions attached at Appendix 3. Any conditions imposed will relate to the particular circumstances of the individual premises and will not duplicate other requirements of the law.
- 14.8 It is recommended that all premises licensed to sell alcohol display materials regarding the benefits of safe drinking.
- 14.9 It is advisable that alcohol licensed premises promote the safety of the public after they leave the premises by providing public health messages on the premises, addressing issues such as getting home safely, sexual health etc.

OTHER REGULATORY SYSTEMS

15. PLANNING CONTROL

- 15.1 Care will be taken to ensure that there is a separation of the planning and licensing regimes and that licensing applications should not be a re-run of the planning application.
- 15.2 Planning permission is usually required for the establishment of new premises and the change of use of premises.
- 15.3 In some cases where an application is made for a licence the planning use will already be authorised by a previous planning permission or because the premises has a long-standing lawful use. Therefore a new application is often not required. However, the following points must be made:
- Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.
 - The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

- The granting by a licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

15.4 In general, the Licensing Authority acknowledges that applicants may seek a provisional statement without having first obtained planning permission. The Licensing Authority will issue Provisional statements in accordance with the Act.

15.5 The Licensing Authority will ensure that reports are sent from the Licensing Act 2003 Committee to the Development Control Committee and Head of Planning services advising them of the situation regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder to assist them in their decision making.

16. BUILDING CONTROL

16.1 The building regulations cover a variety of issues including means of escape in case of fire, emergency lighting, structural integrity, accessibility, sanitary accommodation and public safety. The granting by the Licensing Authority of any new licence, certificate or variation to an existing licence under the Act that involves a new building or an extension, change of use or structural alteration to a building does not relieve the applicant of the need to seek Building Regulation approval.

17. STATUTORY REQUIREMENTS

17.1 The Council has responsibilities for health and safety including food safety and nuisance control. The Council also has general statutory duties relating to crime and disorder, human rights and disability discrimination.

18. DISABILITY DISCRIMINATION ACT 1995

18.1 The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered against disabled people in areas of employment, access to goods, facilities and services, and the management, buying or renting of land and property. For service providers such as Licensees:

- since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability.
- since October 1999 they have had to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services
- from October 2004 they will have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

19. HUMAN RIGHTS ACT 1998

19.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention Rights:

- **Article 6:** that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;
- **Article 8:** that everyone has the right to respect for his home and family life;
- **Article 1 of the First Protocol:** that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

20. OTHER STRATEGIES

- 20.1 There are many stakeholders in the leisure industry. Many are involved directly or indirectly in the promotion of the licensing objectives. Many of their strategies deal in part with the licensing function and the Licensing Authority will establish proper liaison arrangements to ensure proper integration of strategies and seek to reflect the aims of those strategies and plans when exercising its licensing function.
- 20.2 The Licensing Act 2003 Committee will receive, when appropriate reports on the needs of the local tourist economy and cultural strategy to ensure that these are reflected in their considerations. In addition the Licensing Act 2003 Committee will be appraised of the employment situation in their area and the need for new investment where appropriate.
- 20.3 Applicants for licences will be encouraged to have taken local crime prevention strategies, planning and transportation and tourism and cultural policies, into account when determining their operating schedules.
- 20.4 The Alcohol Harm Reduction Strategy identifies initiatives and priorities which may help promote one or more of the Licensing Objectives. The Licensing Authority is committed to working in partnership with relevant agencies such as the Primary Care Trust regarding this strategy and health action plans.
- 20.5 The Licensing Act 2003 Committee will report to and receive reports from such other committees and panels of the Council and external appropriate bodies in order to monitor the impact of this Policy on the licensing objectives.

21. ENFORCEMENT

- 21.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 21.2 Enforcement, where necessary, will be taken in accordance with the principles of the Enforcement Concordat and due regard will be given to the Hampton Principles of inspection and enforcement. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 21.3 Enforcement will be targeted at problem and high risk premises which require greater attention while a lighter touch will be applied in respect of low risk premises which are shown to be well managed and maintained.
- 21.4 The Licensing Authority will work closely with the appropriate agencies to establish protocols to ensure an efficient deployment of Police, Fire and Rescue and Council Officers in enforcing relevant legislation.

- 21.5 The Council will take account of its powers to make a closure order under the provisions of the Anti Social behaviour Act 2003 where it reasonably believes there is a public nuisance being caused by premises and the closure is necessary to prevent that nuisance and will also take account of any additional powers such as those introduced under The Violent Crime Reduction Act 2006, The Health Act 2006 and the Clean Neighbourhoods and Environment Act 2005.

LIVE MUSIC, DANCING AND THEATRE

- 22.1 In its role of implementing local authority cultural strategies, the Licensing Authority recognises the need to encourage and promote a wide range of entertainment, particularly live music, dance and theatre for the wider cultural benefit of the community, particularly for children.
- 22.2 The Licensing Authority will balance the potential for limited disturbance in neighbourhoods with the wider cultural benefits.
- 22.3 Consideration will be given to the particular characteristics of any event including the type and scale of the proposed entertainment especially where limited disturbance only may be caused.
- 22.4 The Licensing Authority will avoid measures that deter entertainment. The Licensing Authority recognises that live music and dance performances are central to the development of a cultural diversity and vibrant and exciting communities. The Licensing Authority acknowledges that the absence of a cultural provision in any area can lead to young people being diverted into anti-social activities that damage communities as well as themselves.
- 22.5 On receipt of relevant representations the Licensing Authority may attach conditions that are reasonable, proportionate and necessary for the promotion of the licensing objectives. The Licensing Authority will monitor the impact of licensing on regulated entertainment in the Borough. If there is evidence that licensing requirements deter such activities, the Licensing Authority will review this policy.

22. PROMOTION OF RACIAL EQUALITY

- 23.1 This policy recognises that the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups.
- 23.2 The policy also recognises that the Council is required to produce a race equality scheme assessing the impact of proposed policies on race equality and to monitor policies for only adverse impact on the promotion of race equality.
- 23.3 The Licensing Authority, when determining licence applications, will have regard to the above legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.

23. BYELAWS - TEMPORARY STRUCTURES

- 24.1 For the information of applicants, the Council has adopted the provisions of Section 35 of the County of Lancashire Act 1980, which relate to temporary structures. Applicants will still be required to comply with byelaws made under Section 35 of the County of Lancashire Act 1980 in relation to temporary structures e.g. marquees.

25 PERSONAL LICENCES

- 25.1 If an applicant has a relevant conviction, as determined by the Act, the Police can oppose the application. If an objection is lodged by Lancashire Police due to a relevant conviction, the Licensing Authority will hold a hearing.
- 25.2 The Act requires applicants for a personal licence to produce a Criminal Record Bureau certificate to the Council. Applicants from foreign jurisdictions will be required to make a clear statement as to whether they have been convicted outside England and Wales of a relevant offence or an equivalent offence.
- 25.3 The Licensing Authority, where relevant convictions exist, will consider carefully whether the grant of the licence will be in the interests of the Crime Prevention Objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Licensing Authority will reject applications on the basis of relevant convictions only where it considers it necessary to promote the licensing objectives.
- 25.4 The above paragraphs also apply where a notice of objection has been made by Lancashire Police to vary a premises licence covering the sales of alcohol by specifying a new designated premises supervisor.

26. DESIGNATED PREMISES SUPERVISORS

- 26.1 The main purpose of the designated premises supervisor is to ensure that there is one specified individual, who can be readily identified at the premises where a premises licence is in force. The premises licence holder would normally have given that person the day to day responsibility for running the premises.
- 26.2 Lancashire Police are able to object to the designation of a new designated premises supervisor where, in exceptional circumstances, they believe the appointment would undermine the Crime Prevention objective as set out in the Act.
- 26.3 Where the police do object, the Licensing Authority will hold a hearing as required by the Act. The Act provides that the applicant may apply for the individual to take his post up immediately and in such cases, the issue will be whether the individual should be removed.

The Licensing Authority will confine their consideration to the issue of crime and disorder and give comprehensive reasons for their decision.

- 26.4 Where a designated premises supervisor is to be newly specified, the normal course of action will be for the premises licence holder to apply to the Licensing Authority (including an application for immediate effect). This should be accompanied by a form of consent by the individual concerned and, Lancashire Police must be notified of the application.

27. PREMISES LICENCE

- 27.1 An application can be made to the Licensing Authority for any place used for licensable activities or recognised club activities within its area and the application must be accompanied by:
- a) The required fee;
 - b) An Operating Schedule;
 - c) A plan of the premises; and
 - d) If it is intended to sell alcohol a form of consent given by the person the applicant wishes to have specified in the Premise Licence as the Premises Supervisor.

- 27.2 The Operating Schedule must include a statement of:
- a) The relevant licensable activities;
 - b) The time during which the applicant proposes that the relevant licensable activities are to take place;
 - c) Any other times during which the applicant proposes that the premises are to be open to the public;
 - d) Where the applicant wishes the licence to have effect for a limited period, that period;
 - e) Where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor and a copy of his or her Personal Licence;
 - f) Where the relevant licensable include the sale by retail of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both;
 - g) The steps which the applicant proposes to take to promote the licensing objectives; and
 - h) Any other prescribed matters.
- 27.3 The Licensing Authority will not normally accept an application which includes unspecified times when licensable activities are to take place such as “twelve special events per year” as events can be specifically covered by Temporary Event Notices. (See Para 39)
- 27.4 In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to the pool of model conditions attached at Appendix 3 and will be expected to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications.
- 27.5 Wholesale of Alcohol - Sales of alcohol made to traders for the purpose of their trade, holders of club premises certificates, premises licence holders, personal licences or premises users who have given temporary event notice are not licensable.
- 27.6 Where application is made for a premises licence involving Internet or mail order sales and the place where the sale of alcohol takes place is different from the place from which the alcohol is despatched/selected for the particular purchase, the sale is treated as being made at the premises from which the alcohol is selected/despatched.
- 27.7 The Act restricts the ability to use premises for the sale or supply of alcohol, if they are used as a service area or primarily as a garage or form part of premises which are primarily so used. Premises are used as a garage if they are used for one or more of the following:
- the retailing of petrol
 - the retailing of derv
 - the sale of motor vehicles
 - the maintenance of motor vehicles.
- The Licensing Authority will decide in the light of the facts whether or not any premises are used primarily as a garage. The Licensing Authority will adopt the approach approved by the Courts to establishing primary use based on the intensity of the use by customers of the premises.
- 27.8 Designated sports grounds are the subject of separate legislation with regard to health and safety and fire safety.

The Licensing Authority will limit consideration of applications for premises licences to those activities that are licensable under the Act and will not duplicate any conditions relating to health and safety and fire safety.

- 27.9 The Act applies to a vessel which is not permanently moored or berthed as if it were premises situated in a place where it is usually moored or berthed.

Where a premises licence is sought in connection with a vessel which will be navigated whilst licensable activities take place, the Council will be concerned with the promotion of the licensing objectives on-board the vessel.

The Licensing Authority recognises that matters such as safe navigation, operation of the vessel, general safety of passengers and emergency provision are not within its remit. If the Maritime and Coastguard Agency is satisfied that the vessel complies with Merchant Shipping Standards for a passenger ship the premises will normally be accepted as meeting the public safety objective. The Licensing Authority will give particular weight to any representations made by the Maritime and Coastguard Agency in respect of other public safety aspects of the application.

- 27.10 Whilst alcohol may not be sold from a moving vehicle. However, applications may be made in respect of vehicles which are parked or stationary. Any permission granted in these circumstances will relate solely to the place where the vehicle is parked and where sales are to take place.
- 27.11 Where entertainment or entertainment facilities are provided on premises consisting of or forming part of any vehicle while it is in motion and not permanently or temporarily parked, such entertainment is not to be regarded as regulated entertainment for the purposes of the Act.
- 27.12 Games such as pool, darts, table tennis and billiards may fall within the definition of indoor sports under the Act. If played for the private enjoyment of the participants they would not normally constitute regulated entertainment and the facilities provided (even if provided for a profit) do not fall within the list of entertainment facilities. However, where such games take place in the presence of an audience and are provided to, at least in part, entertain that audience, that activity would become licensable.
- 27.13 Casinos and bingo clubs are the subject of separate legislation. When granting, varying or renewing licences authorising the sale of alcohol for consumption on the premises and/or the provision of regulated entertainment, the Licensing Authority will not duplicate any conditions imposed by the virtue of such legislation.

Where applicants wish to carry out licensing activities they will need to prepare and submit an operating schedule but in detailing the steps to be taken in promoting the licensing objectives, the applicant may refer to the statutory conditions imposed on his Gaming Licence where relevant. The Licensing Authority will not impose conditions that would prevent the licence holder complying with the requirements of the Gaming Act 1968.

28. OPERATING SCHEDULE

- 28.1 The Operating Schedule will form part of the completed application for a premises licence. The Operating Schedule should include all information that is necessary to enable any responsible authority or interested party to assess whether the steps taken to promote licensing objectives are satisfactory.
- 28.2 The Operating Schedule must include:

- the licensable activities to be conducted on the premises. It would be valuable to include a description of the style and character of the business, the type of dancing in broad terms (striptease or lap dancing must be disclosed), the type of music to be provided
- the times during which it is proposed that licensable activities are to take place
- any other times when the premises are open to the public
- where the licence is required only for a limited period, that period must be specified.
- where the licensable activities include the supply of alcohol, the name and address of the person specified as the Designated Premises Supervisor
- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises (or both). If for consumption on the premises, the extent to which seating will be provided.
- the steps which the applicant proposes to take to promote the licensing objectives. Specific guidance on the licensing objectives can be found in sections paragraphs 6, 10-12, 13 and 14.

28.3 Applicants should have regard, when preparing Operating Schedules to this Statement of Licensing Policy. Applicants may find it sensible to seek the views of the key responsible authorities e.g. Police, Environmental Officers before formally submitting applications.

28.4 It is essential that applicants address in the Operating Schedule that measures for the protection of children from harm are precise and clear. Therefore plans for regulated entertainment of an adult nature or with sexual content should be detailed.

28.5 It is recommended that operating schedules will include proposals, where relevant to the operation, in relation to safer clubbing contained in the publication "Safer Clubbing".

28.6 Applicants are advised that the steps to be taken to promote the licensing objectives should be realistic and within the control of the applicant and management of the premises. If a licence is granted with conditions attached requiring the implementation of such steps, the conditions would be enforceable in law and it will be a criminal offence to fail to comply with them

29. ENTERTAINMENT/SERVICES OF AN ADULT OR SEXUAL NATURE

29.1 Notwithstanding the provisions of Schedule 3 of the local Government (Miscellaneous Provisions) Act 1982 relating to Sexual Entertainment Venues, where the activities proposed under any premises licence include those of an adult or sex related nature (see Section 10, 11 and 12 relating to Children also) e.g. lap dancing, striptease, topless waitresses, the Licensing Authority would take into account the increased risk to the licensing objectives.

29.2 The Licensing Authority will have particular regard to the location of the premises and their vicinity when considering applications involving entertainment of an adult or sexual nature.

29.3 Where licences are granted for entertainment or service that involves exposure of private parts (striptease) or the sexual stimulation of customers, conditions will be imposed designed to ensure that children are not admitted to and cannot observe such activities and to prevent public nuisance and crime and disorder problems.

For example:

- the area proposed for striptease shall be in a position where the performance cannot be seen from outside the licensed premises
- the area proposed for striptease shall be in a designated area of the premises

- the area proposed for striptease shall be in a position where the performers will have direct access to a dressing room
- whilst a striptease performance is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at each entrance to the premises in a prominent position so it can be easily read by persons entering the premises
- no external advertising of the striptease entertainment either at the premises or in its immediate vicinity except with the consent of the Licensing Authority.

30. TABLE AND CHAIRS OUTSIDE PREMISES

- 30.1 The Act applies to the whole of licensed premises but will not include beer gardens and other areas unless they form part of the licensed area. For applicant's information, the placing of tables and chairs on the public highway will need the consent of the Council, by way of a licence under Section 115 of the Highways Act 1980. It may also require planning permission. On private land, planning permission may sometimes be required or a planning condition may prevent/restrict such use. The Council, as Local Planning Authority, will require a consistently high standard quality of external furniture of a style to be agreed by the Council on all street venues. For details, refer to the Council's Pavement Café Design Guide.
- 30.2 The Licensing Authority recognises that in some circumstances, tables and chairs outside premises can enhance the attractiveness of a venue and encourage a continental café style culture. However, late at night there is the possibility that they can contribute to noise problems as customers may loiter rather than disperse.
- 30.3 The Council's Pavement Café Design Guide covers all aspects of licences issued by the Highways Act.
- 30.4 Applicants will be required to specify in the Operating Schedule the hours sought, the nature of the activities proposed in any such area and the steps proposed to be taken to prevent nuisance and crime and disorder in relation to the operation of such areas.
- 30.5 The Licensing Authority will consider carefully the impact in terms of safety, amenity and public nuisance. On receipt of relevant representations, if the Licensing Authority considers that there will be an adverse impact on the licensing objectives then it may consider imposing a limitation on hours and/ or restriction on the activities

31. PRIVATE EVENTS

- 31.1 Private events can involve licensable activities where certain conditions pertain.

Entertainment at a private event to which the public are not admitted becomes regulated entertainment and therefore licensable only if it is provided for consideration with a view to a profit.

For example, a mere charge to those attending a private event to cover the costs of the entertainment, and no other purpose, would not make the entertainment licensable as this would not be with a view to a profit. It would be irrelevant if a profit might inadvertently be made as long as there had not been an intention to make a profit.

32. INCIDENTAL MUSIC

- 32.1 The Act provides that in certain circumstances the incidental performance of live music and incidental playing of recorded music may not be regarded as the provision of regulated

entertainment activities. This is where they are incidental to another activity which is not in itself entertainment or entertainment facilities.

- 32.2 The Act contains no definition of “incidental” and the Licensing Authority will judge whether music of this kind is incidental to other activities on a case by case basis. One factor that will be relevant is volume, and if the volume of live or recorded music predominates over activities, the Licensing Authority will generally form a view that it is not to be regarded as incidental.

33. APPLICATIONS FOR NEW AND MAJOR VARIATIONS OF PREMISES LICENCES

- 33.1 The Licensing Authority will consider a major variation to be one that does not relate simply to a change of the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.
- 33.2 Applicants for new and major variations of premises licences will be expected to:
- conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications
 - specify any steps in the Operating Schedule to be taken to promote the licensing objectives.
- 33.3 The Licensing Authority in considering such applications will aim to ensure that the licensing objectives are promoted in the wider interests of the community.
- 33.4 Where an application has been lawfully made and no responsible authority or interested party makes a representation, the application will be granted in the terms sought subject only to conditions which are consistent with the Operating Schedule and relevant mandatory conditions in the Act.
- 33.5 Where a responsible authority and/or an interested party makes a relevant representation i.e. one which is not frivolous or vexatious and relates to the licensing objectives, the Licensing Authority will hold a hearing. The need for a hearing can be dispensed with if the Licensing Authority, the applicant and all of the parties who made relevant representations agree.
- 33.6 Where the Licensing Authority hold a hearing, a responsible authority or interested party may choose to rely on their written representation which gave rise to the hearing. They may not add further representations to those disclosed to the applicant prior to the hearing, but may amplify their existing representation.
- 33.7 In determining the application, the Licensing Authority with a view to promoting the licensing objectives in the overall interests of the local community, will give appropriate weight to:
- the representations presented by all the parties
 - the Guidance issued by the Secretary of State for Culture, Media and Sport
 - the Council’s Statement of Licensing Policy; and
 - the steps that are necessary to promote the licensing objectives.
- 33.8 The Council, after considering all relevant issues may:
- grant the application subject to such conditions that are consistent with the Operating Schedule
 - refuse the application on the grounds that refusal is necessary for the promotion of the licensing objectives;

- refuse to allow certain requested licensable activities on the grounds that refusal is necessary for promotion of the licensing objectives;
- refuse to specify a designated premises supervisor on the crime prevention objective
- grant the application subject to those conditions modified to such an extent as the Licensing Authority considers necessary for the promotion of the licensing objectives.

33.9 Where a representation is made by an interested party, there is a preliminary stage at which the Licensing Authority must consider whether the representation is relevant. This is dealt with in more detail in paragraph 40

33.10 Where variations involve structural alterations or change of use of a building, the decision in relation to the application will not exempt an applicant to apply for building consent where appropriate

34. TRANSFERS OF PREMISES LICENCES

34.1 The Act provides for any person who may apply for a premises licence to apply for a transfer of a premises licence. Where the applicant is an individual he or she must be aged 18 years or over. Notice of the application must also be given to Lancashire Police.

34.2 A transfer of a premises licence only changes the identity of the holder and does not alter the licence in any other way.

34.3 The Licensing Authority expects that in the vast majority of cases, a transfer application will be a simple administrative process. If Lancashire Police raise no objection to the application, the Licensing Authority will transfer the licence, amend the licence accordingly and return it to the new holder.

34.4 The Chief Officer of Lancashire Police may in exceptional circumstances, object to a transfer on the grounds that it undermines the crime prevention objective.

Where such an objection is made the Licensing Authority will hold a hearing to consider the objection. The Licensing Authority will confine its consideration to the issue of the crime prevention objective. The burden would be on Lancashire Police to demonstrate to the Licensing Authority that there were good grounds for believing that the transfer of the licence would undermine the crime prevention objective.

34.5 The Licensing Authority will give clear and comprehensive reasons for its determination. The Licensing Authority will expect that objections will only arise in truly exceptional circumstances.

35. CLUB PREMISES CERTIFICATES

35.1 The Licensing Authority may issue a "Club Premises Certificate" to a qualifying Club. The Certificate will specify that the premises may be used for one or more of the 'recognised Club activities' and that the Club is a qualifying Club in relation to each of those activities.

35.2 Recognised Club activities are:

- (a) The supply of alcohol by or on behalf of the Club to or to the order of a member of the Club;
- (b) The sale by retail of alcohol by or on behalf of a Club to a guest or a member of the Club;
- (c) The provision of regulated entertainment where that provision is by or on behalf of the Club for members of the Club or members of the Club and their guests.

- 35.3 The Club is a qualifying Club in respect of the recognised activities provided that, under the rules of the Club, a person may not be admitted to membership, or be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission. People becoming members without nomination or prior application may not be admitted to the privileges of membership without an interval of two days between them becoming members and their admission.
- 35.4 The Club must be established and conducted in good faith as a Club and have a minimum of 25 members.
- 35.5 A Club can apply for a Club Premises Certificate in respect of premises, which are occupied by, and habitually used for the purposes of the Club. The application must be accompanied by:
- (a) The relevant fee;
 - (b) The Club Operating Schedule
 - (c) A plan of the premises;
 - (d) A copy of the rules of the Club;
 - (e) Evidence that the Club is a qualifying Club in relation to each of the recognised Club activities to which the application relates.
- 35.6 The Club Operating Schedule must contain the following:
- (a) Detail of the recognised Club activities to which the application relates;
 - (b) The times during which it is proposed the recognised Club activities take place;
 - (c) Any other times during which it is proposed the premises are open to members and their guests;
 - (d) The steps which it is proposed to take to promote the licensing objectives; and
 - (e) Any other prescribed matters.
- 35.7 In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to the pool of model conditions in Appendix 3 and will be expected to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications.
- 35.8 Club Premises Certificates will be dealt with in a similar manner as applications for Premise Licences.
- 35.9 The grant of a Club Premises Certificate means that a qualifying club is entitled to certain benefits. These include:
- authority to supply alcohol to members and to sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence.
 - the absence of a requirement to specify a designated premises supervisor
 - more limited rights of entry for the police and authorised persons.
- 35.10 Any qualifying club may choose to obtain a premises licence if it decides it wishes to offer its facilities commercially for the use by the general public, including the sale of alcohol.
- 35.11 An individual on behalf of a club may give a temporary event notice in respect of the premises to cover a period of up to 96 hours on up to 12 occasions each calendar year. On each occasion the maximum number of people permitted under a temporary notice should

not exceed 499 and the premises may not be used for more than 15 days in any calendar year.

35.12 The 2003 Act now makes it unlawful to sell or supply alcohol to children in qualifying clubs.

36. LATE NIGHT REFRESHMENT

36.1 Schedule 2 to the 2003 Act provides a precise definition of what constitutes late night refreshment. Generally, a person will be providing late night refreshment if between 11.00pm and 5.00am he supplies hot food or drink to members of the public for consumption on or off the premises.

36.2 The legislation impacts on premises such as night cafes, restaurants and take away food outlets where people may gather between 11.00pm and 5.00am giving rise to the possibility of disorder and disturbance.

36.3 Premises selling immediately consumable food such as bread milk and cold sandwiches will not require licensing. Similarly, where premises have a vending machine supplying hot drink, it will not require licensing if the public have access to the machine, the public operate the machine without any involvement of staff on the premises and the payment is inserted in the machine. However, this exemption does not apply to hot food. Premises supplying hot food for charge by vending machine will be licensable when the food has been heated for the purposes of supply, even though no staff on the premises may have been involved in the transaction.

36.4 The supply of hot food or drink free of charge is not a licensable activity. However, where any charge is made either for admission to the premises or for some other item in order to obtain the hot food or drink, this is not regarded as free of charge.

36.5 The supply of hot food or drink from a vehicle that is permanently or temporarily parked requires licensing.

36.6 The Licensing Authority does not anticipate that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes, for example, public houses, cinemas or night-clubs will give rise to a need for significant additional conditions.

36.7 In premises where the provision of late night refreshment is the primary activity the Licensing Authority considers that the prevention of crime and disorder and the prevention of public nuisance will be the key licensing objectives. Applicants should give careful consideration to these objectives in their operating schedules.

36.8 Supplies of hot food and drink are exempt from the provisions of the Act if there is no admission of the public to the premises involved and they are supplied to:

- members of a recognised club supplied by the club
- persons staying overnight in a hotel, guest house, hostel, caravan or camping site or any other premises whose main purpose is providing overnight accommodation.
- staff canteen
- a person who is engaged in a particular profession or who follows a particular vocation e.g. tradesman carrying out work at a particular premises
- guest of the above

37. PROVISIONAL STATEMENTS

37.1 A person may apply for a Provisional Statement if they are interested in the premises, and are an individual aged 18 or over. An application for a Provisional Statement applies to

premises which are being or are about to be constructed for the purpose of being used for one or more licensable activities, or are being or about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose).

37.2 An application for a Provisional Statement must be accompanied with a schedule of following details:

- details of the premises
- the works to be done
- licensable activities proposed
- plan of the premises
- any such other information as may be prescribed.

37.3 Applications for Provisional Statements will be dealt with in a similar manner as applications for Premises Licences regarding holding of hearings if relevant representations are made.

37.4 If relevant representations are received and a hearing is held, the Licensing Authority will decide whether, if the premises were constructed or altered in the way proposed in the Schedule of Works and if a premises licence were sought for those premises, it would consider it necessary for the promotion of the licensing objectives to:

- attach conditions to the licence;
- rule out any of the licensable activities applied for;
- refuse to specify the person nominated as the premises supervisor;
- reject the application.

37.5 If a Provisional Statement has been issued and the person subsequently applies for a premises licence in respect of the premises (or a part of the premises or premises which are substantially the same) representations by responsible authorities and interested parties will be excluded in certain circumstances. These are where:

- the application for a licence is in the same form as the licence described in the provisional statement; and
- the work in the Schedule of Works has been satisfactorily completed;
- given the information in the application for a Provisional Statement, the person objecting could have made the same, or substantially the same representations about the application but had failed to do so without reasonable excuse; and
- there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

37.6 Applicants are advised that whilst there is no limit to the duration of a Provisional Statement, the longer there is a delay before a premises licence is applied for the greater the potential is for representations not to be excluded due to genuine and material changes in circumstances occurring.

37.7 Applicants are also advised that any decision on an application for a premises licence does not relieve the applicant of the need to apply for building consent.

38. INTERIM AUTHORITIES

38.1 Generally, a premises licence will remain in force for as long as the licence holder continues to operate the business unless it is specified it has effect for a limited period and that period expires or the licence is revoked.

- 38.2 If a Licence holder dies, becomes bankrupt or mentally incapable, then the Licence will lapse. However, if within a seven day period of such circumstances (beginning with the day after the Licence lapsed), a person who had an interest in the premises or who is connected to the former holder of the licence, gives the Licensing Authority an 'Interim Authority Notice', the premises licence will be re-instated for a period of two months.
- 38.3 Interim Authority Notices must also be served on the Police within the seven day period. Lancashire Police may, within 48 hours of being served with a copy of the Interim Authority Notice if satisfied that the grant of the Interim Authority Notice would undermine the crime prevention objective, give the LA an objection Notice to the Licensing Authority. The Licensing Authority will then hold a hearing to consider the objection.
- 38.4 The Licensing Authority recognises the need to consider any objections in these circumstances quickly
- 38.5 A person is connected to the former holder of a Premises Licence if and only if:
- the person is the personal representative in the event of the holder's death;
 - in respect of someone who has become mentally incapable is acting under Section 6 of the Enduring Powers of Attorney Act 1985; or
 - in the event of insolvency/bankruptcy is acting as an Insolvency Practitioner
 - any other person prescribed by regulation.

39. TEMPORARY EVENT NOTICES

- 39.1 The most important aspect of the system of permitted temporary activities is that no permission as such is required for these events from the Council. The system involves the notification of an event to the Licensing Authority and Lancashire Police, subject to fulfilling certain conditions. In general, only Lancashire Police may intervene on the prevention of crime and disorder licensing objective to prevent such an activity taking place or to modify the arrangements for such an event. The Licensing Authority may only intervene if the limits on the number of Temporary Event Notices (TEN'S) that may be given have been exceeded.
- 39.2 The Act imposes the following limitations in respect of TEN's:
- the number of times a person ("the premises user") may give a TEN - a personal licence holder is limited to 50 in one year, an ordinary person to 5 per year;
 - the number of times a TEN may be given in respect of any particular premises - 12 times in a calendar year;
 - the length a temporary event may last for these purposes - 96 hours
 - the maximum aggregate duration of the periods covered by TEN at any individual premises - 15 days; and
 - the scale of the events in terms of the maximum number of people attending at any one time - less than 500 people.
- 39.3 In any other circumstances, a full premises licence or club premises certificate would be required for the period of the event involved. The procedures for applying and granting a licence will be the same as for a premises licence. A person may also choose to apply for a premises licence or club premises certificate if they do not wish to take advantage of the TEN system.
- 39.4 As many users giving TEN's will not have commercial backgrounds or ready access to legal advice, the Licensing Authority will ensure that guidance is clear and understandable and will aim to keep arrangements manageable and user friendly for these groups.

39.5 Where a personal licence holder is involved, they will be able to give a TEN in relation to licensable activities (including the sale of alcohol) on up to 50 occasions per year for up to 96 hours on each occasion. This is subject to the limitations for each premises (see paragraph 33.2 above), subject to informing the Council and Lancashire Police of relevant details.

These details are:

- the licensable activities to take place during the event;
- the period during which it is proposed to use the premises for licensable activities;
- the times during the event period that the premises user proposes that the licensable activities shall take place;
- the maximum number of persons (being less than 500) which it is proposed should, during those times, be allowed on the premises at the same time;
- where the licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises or both; and
- any other matters prescribed by the Secretary of State or by regulation.

39.6 On each occasion at least 10 working days notice must be given, but there is nothing to prevent simultaneous notification of multiple events at a single time so long as the first event is at least ten days away. However, this would only be possible where all the events are to take place in the Borough of Chorley.

39.7 Ten working days are the minimum possible notice that may be given. However, organisers of temporary events are encouraged to submit their notification as soon as it is reasonably practicable to enable the Licensing Authority and, Lancashire Police to work with them to identify and reduce the risk of crime and disorder.

39.8 The Licensing Authority recommends that at least 28 days and no more than 3 months notice be given to hold such events, to allow it to help organisers plan their events safely. A longer period than this may mean that all relevant details are not available and any lesser time may mean that the planning may be rushed; this may increase the likelihood of Lancashire Police objecting.

39.9 The Licensing Authority will not seek to impose any terms, limitations or restrictions on such events covered by a TEN. However, the Licensing Authority will provide local advice about proper respect for the concerns of residents, legislative requirements regarding health and safety, noise pollution, temporary structures. It will also provide advice about other permissions e.g. road closures, pyrotechnics in public places, local byelaws and the need to prevent anti social behaviour.

39.10 The Licensing Authority will also remind notice givers of relevant offences under licensing law, including:

- the sale of alcohol to minors,
- the sale of alcohol to a person who is drunk,

The Licensing Authority will also advise notice givers of the police powers to close down an event with no notice on grounds of disorder or because of public nuisance caused by noise emanating from the premises.

39.11 Where the application is not within the parameters described above, the Licensing Authority will issue a Counter Notice to the person giving the TEN.

- 39.12 The Act provides that the Police may, in exceptional circumstances, issue an objection notice because they believe that the event would undermine the crime prevention objective set out in the Act.
- 39.13 The Police must issue any objection notice within 48 hours of being notified, but they can subsequently withdraw their counter notice. If Lancashire Police do not intervene they will still be able to rely on their powers of closure should disorder or disturbance subsequently arise.
- 39.14 Where an objection notice is issued by Lancashire Police, the Licensing Authority will hold a hearing to consider the objection. The Licensing Authority will confine its consideration to the crime prevention objective and will not, for example, uphold an objection notice on the grounds of public nuisance.
- 39.15 At any such hearing the Licensing Authority may hear from Lancashire Police, and the premises user. A hearing would not be necessary if Lancashire Police withdraw the objection notice.
- 39.16 The Licensing Authority would encourage event organisers not to rely on giving the minimum amount of notice given the possibility of police intervention. Event organisers are encouraged to contact local Lancashire Police Licensing Officers as early as possible about their proposed event(s).
- 39.17 The act provides that any individual aged 18 or over may give a TEN whether or not they hold a personal licence. As many events will involve combinations of licensable activities, the Act limits the number of TEN given by any non-personal licence holder to 5 per year. In every other respect, the guidance set out above applies.
- 39.18 TEN may also be given in respect of club premises covered by club premises certificates by non-personal licence holders. However, only 12 such notices may be given in respect of the same club premises in any calendar year and the maximum aggregate duration of 15 days will also apply.
- 39.19 The Licensing Authority, on receiving TEN, will also check that other requirements of the Act are met e.g. a TEN will be void unless there is a minimum of 24 hours between events notified by the premises user in respect of the same premises. This is to prevent evasion of the 96 hour limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. A TEN is treated as being from the same premises user if an associate gives it. The Act defines associate as:
- the spouse of that person;
 - a child, parent, grandchild, grandparent, brother or sister of that person or their spouse; or;
 - an agent or employee of that person or their spouse;

A person living with another person as his or her husband or wife is treated for these purposes as a spouse.

40. RELEVANT, FRIVOLOUS VEXATIOUS REPRESENTATIONS

- 40.1 A representation is only 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do so is not 'relevant' for the purposes of the 2003 Act.

A relevant representation also has to be made by an interested party or responsible authority, see Appendix for glossary of terms.

40.2 It will be for the Licensing Authority to determine whether any representation by an interested party is frivolous or vexatious. The decision as to determining whether a representation is relevant, frivolous or vexatious has been delegated to an Officer of the Council in accordance with the Guidance.

40.3 The decision will be made on the basis of what might ordinarily be considered to be vexatious or frivolous. An interested party may challenge a decision to reject their representation on these grounds by way of judicial review.

41. REVIEWS

41.1 The Act 2003 makes provision for the review of premises licences where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

41.2 At any stage following the grant of a premises licence, a responsible authority or an interested party (such as a resident living in the vicinity of the premises), may request the Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

41.3 A review of a premises licence will follow any action by Lancashire Police to close down premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.

41.4 The Licensing Authority does not have the power to initiate its own review. However, officers of the Council who are specified as responsible authorities under the Act such as Environmental Health Officers, may request the Licensing Authority for a review on any matter which relates to the promotion of one or more of the licensing objectives. Any such representations will be treated in the same way as representations made by any other body or individual.

41.5 In all cases, the representation must relate to a particular premises for which a premises licence is in force and must be relevant to the promotion of the licensing objectives.

41.6 Representations must be made in writing and may be amplified at the subsequent review or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be heard at the hearing.

41.7 Where the request for a review originates from an interested party e.g. a local resident, residents' association, the Licensing Authority has first to consider whether the complaint made is not relevant, vexatious, frivolous or repetitious. Relevance, vexatious and frivolous complaints were dealt with in paragraph 40.

41.8 A repetitious complaint is one that is identical or substantially similar to:

- a ground for review made in respect of the same premises licence which has already been determined; or
- representations considered by the Licensing Authority when the premises licence was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
- in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence.

41.9 The Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. The Licensing Authority has regard to the recommendation in the guidance, that more than one review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.

41.10 The Licensing Authority recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Licensing Authority would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement.

The Licensing Authority advises licence holders that a failure to respond to such a warning may lead to a responsible authority to request a review.

41.11 The Licensing Authority will hold a hearing following a request for a review from a responsible authority, interested party or after closure procedures described earlier.

The Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.

41.12 In determining a review, the Licensing Authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:

- no action necessary as no steps required to promote the licensing objectives;
- issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time; The Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
- to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
- excluding a licensable activity from the licence;
- remove the designated premises supervisor,
- suspend the licence for a period of three months;
- to revoke the licence

41.13 The Licensing Authority in determining what action to take will seek to establish the cause(s) of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

42 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

42.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and will administer them through its Licensing and Public Safety Committee and its Licensing Sub-Committees.

42.2 The Licensing and Public Safety Committee consists of 17 members and the Licensing Sub-Committees will consist of three members.

42.3 Many of the decisions and functions will be purely administrative in nature. Therefore to ensure that the Licensing Authority provides an efficient cost-effective service, the delegation of decisions and functions is set out in the table below.

- 42.4 All matters dealt with by officers will be reported for information only to the next Licensing and Public Safety Committee.
- 42.5 Decisions on whether a representation is valid or whether it is repetitious, frivolous or vexatious will be delegated to the Head of Governance.
- 42.6 Any Sub-Committee will refer any matter that it is unable to deal with because of the number of Members who are unable to take part in the consideration or discussion of any matter or any question with respect to it, to another Sub- Committee or to the Licensing and Public Safety Committee.

DELEGATION OF FUNCTIONS			
Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection made	If no police objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for Provisional Statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a Police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premise licence		If a Police Objection	All other cases
Applications for interim authorities		If a Police Objection	All other cases
Application to review premise licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a Police representation to a temporary event notice		All cases	

43. APPEALS

- 43.1 Schedule 5 to the 2003 Act sets out the entitlements to appeals for parties aggrieved by decisions of the Licensing Authority.

- 43.2 Other than in the case of personal licences, an appeal has to be made to the Magistrates' Court. In the case of personal licences, the appeal must be made to the Magistrates' Court for the area in which the Licensing Authority (or any part of it) is situated.
- 43.3 An appeal has to be commenced by the giving of a Notice of Appeal by the Appellant to the Justices' Chief Executive for the Magistrates Court within a period of 21 days beginning with the day on which the Appellant was notified by the Licensing Authority of the decision appealed against.
- 43.4 The Licensing Authority will always be a Respondent to the appeal. In cases where a favourable decision has been made for an applicant against the representations of a responsible authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as Respondent.
- 43.5 On determining an appeal, the court may:
- dismiss the appeal;
 - substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
 - remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court.
- 43.6 The Court may make such order as to costs as it thinks fit. The Court, on hearing the appeal, may therefore review the merits of the decision on the facts and consider points of law or address both.
- 43.7 In anticipation of appeals, the Licensing Authority will give comprehensive reasons for its decisions.
The Licensing Authority will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance.
- 43.8 The Licensing Authority will not delay the implementation of a decision of the Magistrates Court and necessary action will be taken forthwith unless ordered by a higher court to suspend such action. The 2003 Act, except in relation to Closure Orders, does not provide for a further appeal against the decision of a Magistrates' Court and normal rules of challenging decisions of Magistrates' Courts will apply.

44. POLICY REVIEW

- 44.1 The policy takes effect on 7 January 2011 and will remain in force for not more than three years. It will be subject to periodic reviews and further consultation.
- 44.2 The Council is required to review its policy statement every three years.
- 44.3 The Council may review its policy at any time within those three years should it consider it appropriate to do so.
- 44.4 The process of on-going reviews will be incorporated into the business of the Licensing Act 2003 Committee.
- 44.5 Changes to the policy will be subject to consultation as set out in the Secretary of State's guidance.

45. PROCEDURAL REQUIREMENTS RELATING TO THE HEARING OF APPLICATIONS OF SUB-COMMITTEE

- 45.1 The Licensing Authority will draw up the procedures to be followed in hearings.

46. ADVICE AND GUIDANCE

46.1 Advice and guidance can be obtained by contacting the Council.

Telephone: 01257 515151

Email: contact@chorley.gov.uk

Website: www.chorley.gov.uk

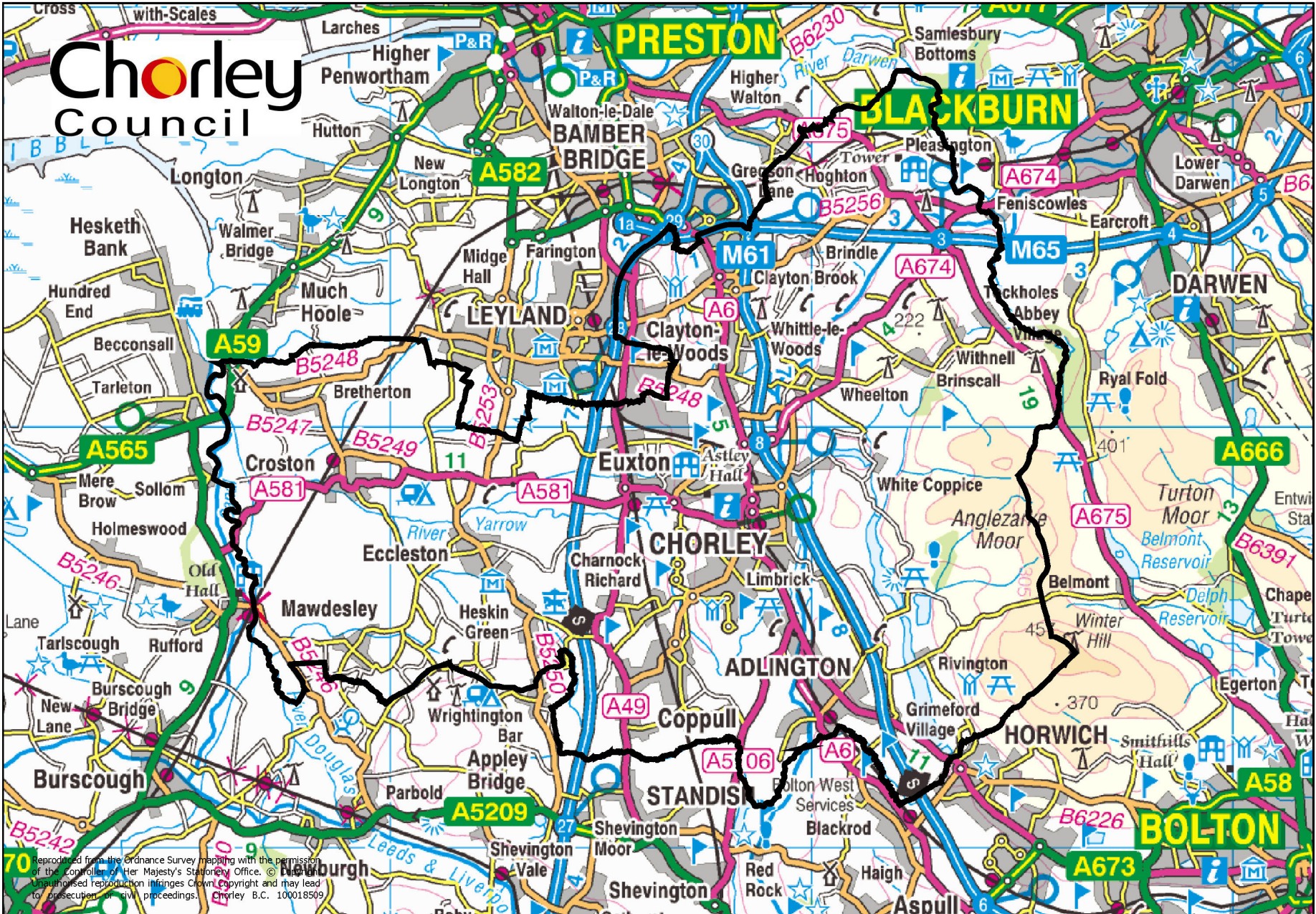
46.2 Further general advice on the Licensing Act 2003 can be obtained from the Governments Home Office website:

www.homeoffice.gov.uk

46.3 Contact details for responsible authorities can be found in Appendix 6.

46.4 Informal discussions to resolve potential problems and avoid unnecessary hearings and appeals will be encouraged.

Chorley Council



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GLOSSARY OF TERMS**Appendix 2****Licensable activities and qualifying club activities are defined in the Licensing Act as:**

- (i) the sale by retail of alcohol
- (ii) the supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- (iii) the provision of regulated entertainment
- (iv) the provision of late night refreshment for those purposes the following licensable activities are also qualifying club activities
 - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place
 - the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
 - the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

Regulated Entertainment is defined as:

- (a) a performance of a play
- (b) an exhibition of a film
- (c) an indoor sporting event
- (d) a boxing or wrestling entertainment
- (e) a performance of live music
- (f) any playing of recorded music
- (g) a performance of dance
- (h) entertainment of a similar description to that falling with paragraph (e), (f) or (g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for the purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

Entertainment Facilities are defined as:

Facilities for enabling persons to take part in entertainment of a description falling within those mentioned above for the purpose, or for the purposes which include the purpose, of being entertained. The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

Interested Party is defined as:

- (i) a person living in the vicinity of the premises
- (ii) a body representing persons who live in that vicinity
- (iii) a person involved in a business in that vicinity
- (iv) a body representing persons involved in such business

Responsible Authority is defined as:

- (i) the Chief Officer of Police for any Police area in which the premises are situated
- (ii) the Fire Authority for any area in which the premises are situated
- (iii) the enforcing authority within the meaning given by Section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated
- (iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated
- (v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) a body which:
 - 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
 - is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters
- (vii) in relation to a vessel:
 - a navigation authority (within the meaning of Section 221(1) of the Water Resources Act 1991 (C.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities.
 - the Environment Agency
 - the British Waterways Board, or
 - the Secretary of State
 - a person prescribed for the purpose of this subsection

Temporary Event is defined as:

the use of premises for one or more of the licensable activities during a period not exceeding 96 hours usually where a premises licence covering the licensable activity is not in place.

Provision of late night refreshment is defined as:

the provision of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises between 11pm and 5am
or

at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

Hot food or hot drink is defined as:

Food or drink supplied on or from any premises is 'hot' for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:

- (i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature,
or
- (ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature

Private Event The Licensing Authority defines this as:

An event, where a licensable or other activity takes place, to which the public do not have access. Such an event would be defined as regulated entertainment, and therefore licensable, only if it is provided for consideration and with a view to a profit. For example, a charge to those attending a private event to cover the costs of the entertainment, and no other purpose, would not make the entertainment licensable, as this would not be with a view to a profit. It would be irrelevant if a profit might inadvertently be made as long as there had not been an intention to make a profit.

Incidental music The Licensing Authority defines this as:

Where in certain circumstances the performance of live music, or the playing of recorded music is incidental to another activity, which is not in itself entertainment or entertainment facilities. If the volume of the live or recorded music predominates over the other activities, this would generally not be regarded as incidental.

As the Act does not define “incidental” the Licensing Authority will judge whether music of this kind is incidental to other activities on a case by case basis.

Relevant representation

A representation would only be ‘relevant’ if it relates to the likely effect of the grant to the licence on the promotion of at least one of the four Licensing Objectives.

For example, a representation from a local businessman which argues that his business would be commercially damaged by a new business for which an application is being made under Part 3 of the Act would not be relevant - this is a commercial matter.

However, if a representation to the effect that nuisance caused by the new business would deter customers from entering the area and the steps proposed by the applicant to control the nuisance are inadequate would amount to a relevant representation.

Repetitious representation

This matter is decided on its own merits, however a ‘repetitious representation’ would be categorised as being similar, or of a similar nature, to a previous representation which has already been decided upon.

Frivolous representation

This matter is decided on its own merits, however these representations are categorised by a lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent to be relevant.

Vexatious representation

This matter is decided on its own merits, however vexation may arise because of disputes between rival businesses or persons.

POOL OF STANDARD AND MANDATORY CONDITIONS

Conditions relating to the prevention of crime and disorder

It should be noted in particular that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol

Conditions enforcing these arrangements are therefore unnecessary.

1. Pool of Standard Conditions - General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such pagers provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behavior who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

It is recommended that a condition requiring the text/radio pager links to the police should include the following elements:

- a requirement that the text/pager equipment is kept in working order at all times;
- a requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- a requirement that any police instructions /directions are complied with whenever given; and
- a requirement that all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

Bottle bans

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off sales also take place);
- In appropriate circumstances, the condition could include exceptions, for example, as follows:
- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in untoughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Annex E).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise sighting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo driving licences, student cards and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.

It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors - even those looking older - would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address irresponsible drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgments may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the licensing authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the "vertical" consumption of alcohol (HVVDs)

Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

a prescribed capacity;

an appropriate ratio of tables and chairs to customers based on the capacity; and

the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

2. Pool of Standard Conditions Relating to Public Safety (including fire safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act **1974**, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations **1999** and the Fire Precautions (Workplace) Regulations **1997** to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Annex F. It should also be recognised that special issues may arise in connection with outdoor and large-scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press - ABTT Publications)
- The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 1999)("The Purple Book") ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 0 11 3000962
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: [www streetartsnetwork.org.uk/pages/publications.htm](http://www.streetartsnetwork.org.uk/pages/publications.htm)
- The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5,588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)•BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 9,003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Disabled people

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- all exits doors are easily opened without the use of a key, card, code or similar means;
- doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors);
- fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Logbook.

Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- hangings, curtains and temporary decorations are maintained in a flame-retardant condition; any upholstered seating meets on a continuous basis the pass criteria for smoldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- temporary decorations are not used without prior notification to the licensing authority/fire authority.

Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- access for emergency vehicles is kept clear and free from obstruction.

First aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- fire safety signs are adequately illuminated;
- emergency lighting is not altered;
- emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 9,0 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- temporary electrical wiring and distribution systems are not provided without [notification to the licensing authority at least ten days before commencement of the work] [prior inspection by a suitable qualified electrician];
- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions where necessary should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Indoor sports entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff

Specials effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] the fire authority.

Theatres, cinemas, concert halls and similar places (promotion of public safety)

In addition to the points made in Annex E, there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences

Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members of the audience present on a floor,	Minimum number of attendants required to be present on that floor
1-100	One
101-250	Two
251-500	Three
501-750	Four
751 -1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and sitting in gangways etc.

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to:
 - (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;

- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] fire authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for film exhibitions

Attendants - premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1-250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants - premises with a staff alerting system

- (a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1-500	Two	One
501-1000	Three	Two
1001-1500	Four	Four
1501. or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500(or part thereof) persons over 2000 on the premises

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
 - (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

2. Pool of Standard Conditions Relating to the Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary -in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse - such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

4. Pool of Standards Conditions Relating to the Protection of Children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises - in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating

schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.
- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Age Restrictions –specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example;
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
 - during "Happy Hours" or on drinks promotion nights;
 - during activities outlined in the first bullet point in the first paragraph above.

Age restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:

- U Universal. Suitable for audiences aged four years and over
 - PG Parental Guidance. Some scenes may be unsuitable for young children.
 - 12A Passed only for viewing by persons aged 12 years or older or persons younger than 19, when accompanied by an adult.
 - 15 Passed only for viewing by persons aged 15 years and over.
 - 18 Passed only for viewing by persons aged 18 years and over.
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
 - a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Annex F).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below:

- Venue - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children - theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards are discussed under Annex D in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors - even those looking older - would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

5 . Statutory Qualifying Conditions for Clubs

The following qualifying conditions for clubs are extracted from the Licensing Act 2003.

Licensing Act 2003 section 62 -The general conditions

- (1) *The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.*
- (2) *Condition 1 is that under the rules of the club persons may not –*
 - (a) *be admitted to membership, or*
 - (b) *be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.*
- (3) *Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.*
- (4) *Condition 3 is that the club is established and conducted in good faith as a club (see section 63).*
- (5) *Condition 4 is that the club has at least 25 members.*
- (6) *Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.*

Licensing Act 2003 section 63 - Determining whether a club is established and conducted in good faith

- (1) *In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).*
- (2) *Those matters are -*
 - (a) *any arrangements restricting the club's freedom of purchase of alcohol;*
 - (b) *any provision in the rules, or arrangements, under which -*
 - (i) *money or property of the club, or*
 - (ii) *any gain arising from the carrying on of the club,*
Is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
 - (c) *the arrangements for giving members information about the finances of the club;*
 - (d) *the books of account and other records kept to ensure the accuracy of that information;*
 - (e) *the nature of the premises occupied by the club.*
- (3) *If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.*

Licensing Act 2003 section 64 - additional conditions for the supply of alcohol

- (1) *The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.*
- (2) *Additional condition 1 is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members -*
 - (a) *are members of the club;*
 - (b) *have attained the age of 18 years; and*
 - (c) *are elected by the members of the club.*

This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).

- (3) *Additional condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.*
- (4) *Additional condition 3 is that no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from -*

- (a) *any benefit accruing to the club as a whole, or*
- (b) *any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.*

Licensing Act 2003 Section 65 Industrial and provident societies, friendly societies etc.

- (1) *Subsection (2) applies in relation to any club which is -*
 - (a) *a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12)(see section 74(1) of that Act),*
 - (b) *a registered society, within the meaning of the Friendly Societies Act 1974 (c. 46) (see section 111(1) of that Act), or*
 - (c) *a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).*
- (2) *Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that -*
 - (a) *the purchase of alcohol for the club, and*
 - (b) *the supply of alcohol by the club, are under the control of the members or of a committee appointed by the members.*
- (3) *References in this Act, other than this section, to -*
 - (a) *subsection (2) of section 64, or*
 - (b) *additional condition 1 in that subsection, are references to it as read with subsection (1) of this section.*
- (4) *Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly -*
 - (a) *the premises of the society are to be treated as the premises of a club,*
 - (b) *the members of the society are to be treated as the members of the club, and*
 - (c) *anything done by or on behalf of the society is to be treated as done by or on behalf of the club.*
- (5) *In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions –*
 - (a) *condition 3 in subsection (4) of section 62,*
 - (b) *condition 5 in subsection (6) of that section,*
 - (c) *the additional conditions in section 64.*
- (6) *In this section "incorporated friendly society" has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).*

Licensing Act 2003 Section 66 - Miners' Welfare Institutes

- (1) *Subject to subsection (2), this Act applies to a relevant miners' welfare institute as it applies to a club, and accordingly -*
- (a) *the premises of the institute are to be treated as the premises of a club,*
 - (b) *the persons enrolled as members of the institute are to be treated as the members of the club, and*
 - (c) *anything done by or on behalf of the trustees or managers in carrying on the institute is to be treated as done by or on behalf of the club.*
- (2) *In determining for the purposes of section 61 whether a relevant miners' welfare institute is a qualifying club in relation to a qualifying club activity, the institute is to be taken to satisfy the following conditions -*
- (a) *condition 3 in subsection (4) of section 62,*
 - (b) *condition 4 in subsection (5) of that section,*
 - (c) *condition 5 in subsection (6) of that section,*
 - (d) *the additional conditions in section 64.*
- (3) *For the purposes of this section -*
- (a) *"miners' welfare institute" means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular), and*
 - (b) *a miners' welfare institute is "relevant" if it satisfies one of the following conditions.*
- (4) *The first condition is that -*
- (a) *the institute is managed by a committee or board, and*
 - (b) *at least two thirds of the committee or board consists -*
 - (i) *partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more licensed operators within the meaning of the Coal Industry Act 1994 (c. 21), and*
 - (ii) *partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more organisations representing persons employed in or about coalmines.*
- (5) *The second condition is that -*
- (a) *the institute is managed by a committee or board, but*
 - (b) *the making of -*
 - (i) *an appointment or nomination falling within subsection (4)(b)(i), or*
 - (ii) *an appointment or nomination falling within subsection (4)(b)(ii), is not practicable or would not be appropriate, and*
 - (c) *at least two thirds of the committee or board consists -*
 - (i) *partly of persons employed, or formerly employed, in or about coal mines, and*

- (ii) *partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners' Welfare Act 1952 (c. 23).*

(6) The third condition is that the premises of the institute are held on trusts to which section 2 of the Recreational Charities Act 1958 (c. 17) applies.

6. Mandatory Conditions

Mandatory conditions are imposed by Government by way of statutory instrument and Orders.

Mandatory conditions applied to licences and club premises Certificates

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence –
- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition where the licence permits the performance of Films

Where a programme includes a film in the 12A, 15 or 18 category, as classified by the British board of Film Classification, no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms-

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE
ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided the prior written consent of the person's parents or legal guardian has first been obtained.

Mandatory conditions where Door Supervisors are provided

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Mandatory Conditions for club Premises with off sales

1) The supply of alcohol for consumption off the club premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

2) Any alcohol supplied for consumption off the premises must be in a sealed container.

3) That any supply of alcohol for consumption off the premises must be made to a

member of the club in person.

Mandatory conditions effective from 6 April 2010 where the licence or club premises certificate permits the sale or supply of alcohol for consumption on the premises

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Mandatory conditions effective from 1 October 2010 where the licence or club premises certificate permits the sale or supply of alcohol for consumption on the premises

4 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be

under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5 The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures

LIST OF CONSULTEES

Appendix 4

CONSULTEES

Premises Licence Holders (10% random sample)	Local Pubwatch Group
All Parish Councils	Personal License Holders (5% random sample)
All Council Members	Lancashire Constabulary
Chorley and District Chamber of Trade	Lancashire Fire & Rescue Service
Chorley Council Planning Services	LCC Trading Standards
Chorley Council Environmental Services	LCC Directorate for Children & Young People
Chorley Council Health and Safety Services	Equity
Central Lancashire Primary Care Trust	Cinema Exhibitors Assn
British Waterways	

PROTOCOL WITH LANCASHIRE FIRE AND RESCUE

Appendix 5

Inspection protocol between Local Authority licensing committees and Lancashire Fire and Rescue Service.

1 INTRODUCTION

1.1 The Licensing Act 2003 makes Local Authorities responsible for granting Licences for the sale of alcohol and carrying on certain other activities. Magistrate's court will not grant licences but will hear any appeals for failure to grant licences.

Local Authorities must register and regulate these premises. Each Local Authority must create its own Licensing policy in line with the statutory requirements.

There will effectively be two licences:

a) Personal licences held by a person to sell alcohol.

They must be operated in accordance with the Premises Licence. They will last for 10 years unless surrendered, revoked or suspended. This creates a responsible person for the operation of the business.

b) A premises licence, which will permit the premises to carry out anything they are licensed for.

This Licence authorises the holder (Licensed person) to use the premises for the purposes stated in the licence. This will last until revoked, or for a limited period. It will lapse if the holder dies, becomes insolvent, has the business dissolved or ceases to be a club. It can be surrendered.

They can be licensed for:

- Sale of alcohol for retail
- Supply of alcohol by or on behalf of a club or to a member of a club
- The provision of regulated entertainment
- The provision of late night refreshment

Examples of activities requiring a licence:

- The provision of entertainment to the public or members of a club
- A theatrical performance
- A film exhibition
- Any indoor sporting event (boxing, snooker, pool, darts.)
- The provision of warm refreshments between 2300 and 0530
- The playing of recorded music
- A dance performance
- The provision of facilities for dancing or for making music

- 1.2 When making a policy, Local Authorities must expressly consult with the Fire Authority, Police and other interested parties such as Brewery associations and local residents.

Licences will only be granted if the four licensing objectives can be met:

- The prevention of crime and disorder
- Public safety
- The prevention of nuisance
- The protection of children from harm

1.3 Objections

For licensing applications objections can be made by interested parties and Responsible Authorities within a specified time period (not yet known).

Responsible Authorities:

- Police
- Fire Service

Temporary Event Notices

This is a way of avoiding having to apply for either a premises licence or a personal licence (to sell alcohol). They replace Occasional Licences and Occasional Permissions.

They are intended to allow a simple way of permitting people unfamiliar with the Law to obtain temporary authorisation to hold one off events involving the sale of alcohol and/or the provision of public entertainment.

A personal licence holder can have 50 events a year, any person over the age of 18 can have 5 per year. With a maximum of 12 per year on the same premises and a minimum of 96 hours between events.

There is a maximum attendance of 499 at any one time.

A minimum of 10 working days notice must be given to the Licensing Authority and the Police.

The Police are the only responsible Authority able to object to the Temporary Event and this must be on the grounds of crime prevention and within 48 hours of receiving the notice.

If the Police and user disagree regarding the objection the Local Authority must hear the objection at least 24 hours before the event begins.

On receipt of a temporary event notice the Local Authority will inform Lancashire Fire and Rescue Service. For effective inspections to take place, the earlier the Fire Service Officer is informed the easier it will be to ensure adequate fire precautions are provided.

Fire safety provisions must still be provided for temporary events under current Fire Safety Legislation. Lancashire Fire and Rescue Service will enforce the Fire Safety Legislation independently to the Temporary Event Notice if notified of any temporary event taking place.

Fire Safety Advice

The Fire Precautions Act 1971

Under the Fire Precautions (Workplace) Regulations 1997, as amended and the Management of Health and Safety at Work Regulations 1999, the employer has a duty to ensure that an assessment of risk from fire to employees and other people using the premises is carried out. If there are five or more employees, the significant findings of the risk assessment must be recorded.

Consolidation and extension of the principles enshrined in the Fire Precautions (Workplace) Regulations 1997, as amended is expected to continue with the introduction of the Fire Safety Order under the Regulatory Reform.

The Fire Services Act 1947, Section 1(1)(f), requires Fire Authorities to make efficient arrangements for the giving, when requested, of advice in respect of buildings and other property:

"...As to fire prevention, restricting the spread of fires, and means of escape in case of fire".

2 WORKING ARRANGEMENTS

- 2.1 This protocol sets out the framework for working arrangements between Lancashire's fourteen Local Authorities and Lancashire Fire and Rescue Service by establishing the responsibilities of each partner organisation.

3 WHAT LANCASHIRE FIRE AND RESCUE SERVICE WILL UNDERTAKE

- 3.1 Lancashire Fire and Rescue Service will prioritise existing licensed premises and inspect under current fire safety legislation, utilising a risk-based regime allied to their available resources.
- 3.2 Lancashire Fire Rescue Service will undertake, on formal request from the Licensing Authority, inspections of new or significantly altered premises, immediately prior to licensing (new having never before had a licence).
- 3.3 Lancashire Fire and Rescue Service prior to taking any formal enforcement action (under existing fire safety legislation) will inform the Licensing Authority and call for a review of the licence.
- 3.4 Lancashire Fire and Rescue Service will investigate all substantive complaints regarding the fire safety provision in any licensed premises.
- 3.5 Lancashire Fire and Rescue Service will inspect jointly, any licensed premises where the Licensing Authority inspectors have serious concerns regarding the provision or management of fire safety.
- 3.6 Lancashire Fire and Rescue Service will provide a copy of any written enforcement report following an inspection of licensed premises to the relevant Licensing Authority.
- 3.7 Lancashire Fire and Rescue Service will send a written report to the License Holder or applicant and designated premises holder following an inspection.
- 3.8 Lancashire Fire and Rescue Service will not undertake fire risk assessments for the License Holder. But will on inspection audit the process the License Holder has gone through in producing the risk assessment.

- 3.9 Lancashire Fire and Rescue Service will provide the Licensing Authority with information about any policy issues that may affect any proposed working arrangements.

Summary of Inspection Criteria

Lancashire Fire and Rescue Service may inspect the licensed premises for the following reasons:

- Any complaint in respect of fire safety in the licensed premises
- A specific request by the Licensing Authority inspector regarding fire safety concerns
- Enforcement of Fire Safety Legislation
- Statutory consultations regarding building control applications
- Initial application (never had a licence before)
- The licensed premises which fall under the higher risk category under Lancashire Fire and Rescue Service inspection policy
- A themed inspection that may be introduced by Lancashire Fire and Rescue Service when targeting specific at risk premises
- Following a fire.

4 WHAT THE LICENSING AUTHORITY WILL UNDERTAKE

- 4.1 The Licensing Authority will, provide a list of the licensing applications to Lancashire Fire and Rescue Service.
- 4.2 The Licensing Authority will, provide further information to Lancashire Fire and Rescue Service about premises where there is a high life risk should a fire occur in the premises.
- 4.3 The Licensing Authority will provide information to Lancashire Fire and Rescue Service regarding all material alterations to the structure or layout of existing high life risk premises.
- 4.4 The Licensing Authority will, utilising a standard letter, inform licensees of their legislative responsibilities under the Fire Precautions (Workplace) Regulations 1997, as amended.
- 4.5 The following are examples of premises where Lancashire Fire and Rescue Service would not expect to inspect:
- Small providers of catering (chip shops, burger bars etc.)
 - Current supermarkets with licensed sections
 - Small licensed premises
 - Corner shops selling alcohol
 - Sit-down eateries
- 4.6 The Licensing Authority will provide information to Fire Authorities about any policy issues that may affect proposed working arrangements.
- 4.7 The Local Authority will provide information on any small premises where a license is proposed or exists on request of Lancashire Fire and Rescue Service for inspection purposes.

ADVICE

Recommendations and provisions for Fire Safety should be provided in accordance with the guidance contained in:

- British Standard 5588 Part 6
- British Standard 5588 Part 11
- Guide to Fire Precautions in Existing Places of Entertainment and Like Premises
- The Building Regulations 2000 Approved Document B
- Fire Safety; An Employers Guide

RESPONSIBLE AUTHORITIES

APPENDIX 6

<p>People and Places Directorate Chorley Council Civic Offices Union Street Chorley Lancashire PR7 1AL Telephone: 01257 515151 Email contact@chorley.gov.uk Web: www.chorley.gov.uk</p>	<p>Planning Policy and Performance Directorate Civic Offices Union Street Chorley Lancashire PR7 1AL Telephone: 01257 515151 Email contact@chorley.gov.uk Web: www.chorley.gov.uk</p>
<p>Lancashire Constabulary Licensing Unit: C Division Chorley Police Station St Thomas' Road Chorley Lancashire PR7 1DR Telephone: 01257 246215 Fax: 01257 246217 Email: southern-licensing@lancashire.pnn.police.uk</p>	<p>Lancashire Fire & Rescue Services Fire Safety Fire Station Weldbank Lane Chorley Lancashire PR7 3NQ Telephone: 01257 262919 Fax: 01257 234363</p>
<p>Lancashire County Council Lancashire Safeguarding Children's Board Manager Room B52, PO Box 61, County Hall Preston PR1 8RJ Telephone: 01772 536288 Email: lscb@cyp.lancscc.gov.uk</p>	<p>Lancashire County Council Trading Standards 58-60 Guildhall Street Preston PR1 3NU Telephone: 01772 533528 Email: feedback@ts.lancscc.gov.uk</p>
<p>For applications concerning larger establishments only. The health and safety responsible authority is : H.S.E. Marshall House Ringway Preston PR1 2HS Telephone 01772 836200 For queries on this please call 01257 515151</p>	<p>FOR VESSEL APPLICATIONS ONLY British Waterways Trafalgar House Birchwood Warrington WA3 6GD Telephone: 01925 847700</p>

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Report of	Meeting	Date
Director People and Places	Licensing and Public Safety Committee	1 December 2010

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITIONS

PURPOSE OF REPORT

1. To consolidate the current Hackney Carriage (HCV) and Private Hire (PHV) vehicle licence conditions and to review the decision made by Members relating to luggage requirements for Private Hire vehicles.

RECOMMENDATION(S)

2. Members are asked to approve the removal of the luggage requirement condition from the HCV vehicle conditions and to approve the consolidated conditions as presented at Appendix 1 and 2.

EXECUTIVE SUMMARY OF REPORT

3. Over the past 12 months several changes have been agreed by Members to both the HCV and PHV conditions.
4. The conditions currently exist in a number of forms or documents and it is appropriate to consolidate them all into a single document for each vehicle licence type. These consolidated conditions are attached as Appendix 1 for Private Hire Vehicles and Appendix 2 for Hackney Carriage Vehicles.
5. One such change proposed at a meeting of the Licensing and Public Safety Committee on the 9 December 2009 was incorrectly reported and relates to the requirement for HCV's to have sufficient luggage carrying capacity in relation to the number of passengers that the vehicle is licensed to carry. This needs addressing by formally removing the condition for luggage capacity having to match passenger numbers which is currently still applicable to HCV's.
6. The report seeking a change in licence conditions to Members in December 2009 wrongly referenced that the condition related to PHVs, where in fact no such condition existed for PHV's and the intent of the report was to remove the luggage condition from HCV's. The original report is reproduced at Appendix 3.
7. Officers consider that this requirement is no longer appropriate and that enough HCV's exist in the fleet where luggage capacity is sufficient if required and could be called on where necessary.
8. Members of the taxi trade report that very few, if any, pick ups involve the carriage of large amounts of luggage and therefore the condition is superfluous.

9. Members should be aware of the risks in removing this condition and these include:

- Current HCV licence holders may have purchased vehicles on the basis of meeting this condition and could be aggrieved that the condition is now being removed.
- HCV's plying for hire may be tempted to accept passengers with excess luggage which puts the vehicle and passenger safety at risk. This is mitigated to some extent by the requirement for vehicles to have adequate means of securing luggage.

10. The consolidated conditions at Appendix 1 and 2 have been drafted to include the following changes agreed by Members in the last year as follows:

- Vehicle test frequency set at 6 monthly intervals – Dec 2009
- Removal of requirement to have a new dated plate at each test – Dec 2009
- Removal of requirement for the vehicle luggage capacity to be linked to passenger licence number – Dec 2009
- Requirement for a tyre tread depth over and above the statutory requirement removed – Dec 2009
- Introduction of a requirement to ensure disabled access vehicles meet appropriate standards – Sept 2010
- Introduction of conditions relating to passenger space which enable some MPV type vehicles to comply with requirements – Oct 2010

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

11. To correct an error in a report to Members in December 2009 concerning the requirement for vehicles to meet a luggage carrying condition and to provide a consolidated set of conditions in a readily accessible number of documents.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

12. No alternatives have been considered.

CORPORATE PRIORITIES

13. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	X

IMPLICATIONS OF REPORT

14. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	No significant implications in this area	X

COMMENTS OF THE DIRECTOR OF TRANSFORMATION (HEAD OF GOVERNANCE)

15. The Committee are entitled to set conditions that they believe to be reasonable and appropriate to ensure that the HCV and PHV fleets adequately meet the needs of the public. It is also entirely appropriate to codify conditions to bring them into one place.

JAMIE CARSON
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	11 November 2010	conditions

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PRIVATE HIRE VEHICLE CONDITIONS

This document sets out the relevant conditions relating to the application for, and operation of a Private Hire Vehicle Licence.

CONDITIONS OF APPLICATION

1. Chorley Council will only issue a Private Hire Vehicle licence when it is satisfied that the person applying for the licence is the proprietor, and all proprietors connected to the vehicle have been declared at the time of application. That person(s) must also:
 - i) Satisfy the Council that he is a fit and proper person to hold such a licence and to operate a Private Hire Vehicle.
 - ii) Satisfy the Council that the vehicle is registered under the Vehicles (Excise) Act 1949 or the Vehicles (Excise) Act 1971 or any statutory amendments of those Acts by producing the vehicles registration document at the time of application bearing the name of the proprietor. Where the vehicle is new (not previously registered within the UK) a vendors bill of sale will be acceptable detailing the name, address, date of purchase, and vehicle chassis number will be acceptable, the proprietor of the vehicle will produce to the council the V5 document within 7 days of him receiving it.
 - iii) Satisfy the Council that there is in force, in relation to the use of the vehicle as a Private Hire Vehicle, a policy of insurance or security complying with the provisions of Part VI of the Road Traffic Act 1972, which covers third party liability both in respect of physical injury or death and also in respect of damage to personal belongings. The policy/certificate of insurance or security must be produced before a licence may be granted.
 - iv) Present the vehicle for inspection at such place and at such time as the Council may by notice require.

With affect from **4 January 2010** all vehicles on first application and on renewal for a vehicle licence will pay for 6 month vehicle licence and pass the Councils Vehicle Inspection & Safety Test every 6 months.

Documentation

2. Proprietors must produce the following documents in order to progress the application:
 - i) Completed application form in the name of the vehicle proprietor (or joint proprietors) and appropriate fee. An application is not deemed complete if the method of payment is not cleared.
 - ii) The DVLA V5 'log book' or other certificate or document in the name of the vehicle proprietor that declares the first date of registration of the vehicle. Only vehicles declared as new at first registration in the UK will be considered for licensing, except stretched limos etc. Such vehicles will be licensed at the discretion of the Council.

- iii) An LPG Gas Association Safety Certificate relating to the conformity and safe installation of any LPG system attached to the vehicle and in the vehicle proprietors name, where applicable.
- iv) A valid certificate of insurance shall be produced to the Council prior to the grant of the private hire vehicle licence.

DEFINITIONS

- 3. "Authorised Officer" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
 "The Council" means the Council of the Borough of Chorley.
 "The identification plates" means the plates and other livery issued by the Council for the purpose of identifying the vehicle as a private hire vehicle.
 "The Proprietor" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
 "Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

IDENTIFICATION PLATES & LIVERY

- 4. The identification plate and livery shall remain the property of the Council at all times. The licence plate shall be affixed to the private hire vehicle by the proprietor at his own expense, in the following manner:-
 - (a) at the rear of the vehicle, and
 - (b) to the exterior of the vehicle, and
 - (c) with the number facing to the rear, and
 - (d) in a vertical plane, and
 - (e) must be affixed by bolts or screws or other similar secure means as approved by the Council, in such a manner as to be easily removed by an Authorised Officer.
- 5. The proprietor of the private hire vehicle shall ensure the identification plates are maintained and kept in such condition that the information contained on the identification plate is clearly visible to public view at all times.
- 6. Internal licence plate must be fixed to the dashboard not obscuring the drivers view or on the windscreen outside the swiped area.
- 7. The internal disc must be fixed to the windscreen outside the swiped area not obscuring the driver's view with the expiry date information visible from the vehicle exterior.
- 8. Door signs. The vehicle shall display Council provided livery to the front driver and passenger door fixed in a readable position. The Council's door signs shall be fixed permanently to the vehicle and the use of magnets or other means of temporary fixing shall not be used.

TYPE OF VEHICLE

- 9. When applying for the grant of a private hire vehicle licence, the proposed vehicle shall be subjected to the approval of the council and the following conditions apply:
 - (a) The vehicle must **not** be a vehicle licensed as a hackney carriage or private hire with any other Licensing Authority.

- (b) The vehicle must not be left-hand drive except for stretch limousines or vehicles of similar nature.
- (c) The vehicle must not be a convertible i.e. have a soft top.
- (d) The vehicle must have at least 4 doors.
- (e) The vehicle must have a capacity for at least 4 adult passengers.
- (f) No 'Q' plated vehicles will be considered for licensing.
- (g) Vehicles that have been categorised as 'write offs' by any insurance company at any level will not be considered for licensing.
- (h) It must have at least two rear side doors for the boarding and alighting of passengers in addition to a separate door for the driver and it must be fitted with at least four road wheels.
- (i) The engine capacity must be adequate for the loads to be carried. Accordingly, the vehicle should have an engine capacity of at least 1200cc.
- (j) Where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 16 inches measured in a straight line lengthwise on the front of each seat, and where any such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use such seat shall be measured for the purposes of this Regulation as if it had not been fitted with such arms.
- (k) Only one passenger may be accommodated in the front of the vehicle next to the driver in cases where the vehicle is designed to take only one front seat passenger.
- (l) Door catches must be secure at all times whilst being capable of easy operation by passengers.
- (m) Forward mounted driving mirrors must be fitted on both sides of the vehicle and an interior rear mirror must be fitted. The mirrors must be maintained all times.
- (n) The vehicle must **not** be white, unless it is a stretched limousine or other similar vehicle that is acceptable for licensing as a private hire vehicle. Bizarre or garish colour schemes will not be permitted.
- (o) All seats must be fitted with the manufacturer's head restraints.
- (p) A 1kg (2.2lb) British standards fire extinguisher of the dry powder type shall be securely fitted to the vehicle so as to be readily available for use at all times and be marked with the Hackney Carriage plate number. The fire extinguisher shall be maintained in good working order at all times.
- (q) Every estate type vehicle must be fitted with the manufacturer's approved or other universal type approved grille, securely fixed to the frame of the vehicle between the passenger area and load (luggage) carrying area.
- (r) Seating for each passenger must be not less than 400mm (16") with a minimum width, measured between the arm rests, or any other point that is protruding into passenger seating area, and be measured between the rear side passenger doors of not less than 1220mm (48").
- (s) No vehicle with rear or side facing seating will be considered for licensing except where that vehicle has been purposely constructed to accommodate such seating and holds a suitable vehicle type approval awarded prior to first UK registration as detailed at 13 below. In any event any vehicle presented with such seating arrangements will be licensed at the discretion of the council.
- (t) Any vehicle application received for a Private Hire Vehicle licence for more than 4 passenger seats shall have been purposely constructed to

accommodate such seating and hold a suitable vehicle type approval, awarded prior to first UK registration as detailed at 13 below. The vehicle shall be of the original manufacturer's design and specification, every seat shall be regarded as a permanent seat, and no seating shall be capable of being stowed within the confines of the body of the vehicle.

- (u) Where any seating is made readily removable by the manufacturer's design, that vehicle shall be fitted with the manufacturer's approved restraint, securely fixed to the frame of the vehicle between the passenger area and load (luggage) carrying area so created by the removal of any seating. Such fixings shall be presented at the time of testing. Where no such approved manufacturer's luggage securing device exists or is fitted then there should be a suitable means of securing luggage provided to the satisfaction of the Council.
 - (v) No vehicle presented for licensing shall by any design or feature of that vehicle be capable to offer seating for more than the number of passengers as stated on the Private Hire vehicle licence application. Any modifications made to satisfy this requirement shall be made to the satisfaction of the council.
 - (w) Vehicle head room. The height as measured between the rear seat and the roof lining in a vertical plane must be not less than 860mm (34"). This shall be measured at the center of a passenger seat situated between the two rear passenger doors.
 - (x) There shall be a minimum gap of 180mm (7") between the back of any forward seat and the front edge of any rear seating; this shall be measured when the front seating is in its furthest pushed back position. (Seating relates to the base of the seat as opposed to the back support of the seating arrangement).
 - (y) No vehicle will be licensed if the passenger has to climb over seats or luggage to gain access or egress, or where such entrance or exit is sited over a fuel tank or high sill. All handles and levers shall be clearly visible and of a type consistent with those fitted to all other doors of the vehicle.
10. Any vehicle incorporating a lifting device shall at first application provide a certificate of conformity issued in accordance with the LOLER Regulations 1998, and produce at any subsequent renewal a certificate of safety issued in accordance with LOLER Regulations 1998 and guidance to the satisfaction of the Council
11. The proprietor of a private hire vehicle shall
- (a) Provide sufficient means by which any person in the vehicle may communicate with the driver;
 - (b) Cause the roof or covering to be kept watertight;
 - (c) Provide any necessary windows and a means of opening and closing with not less than one window on each side;
 - (d) Cause the seats to be properly cushioned or covered;
 - (e) Cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public use;
 - (g) Provide means for securing luggage;
12. At the time of booking the operator shall establish the luggage requirements of the fare and ensure that the vehicle or vehicles provided are sufficient to safely

and securely accommodate the fares luggage requirements within the vehicle(s) without compromising the safety of passengers, driver and other road users.

13. Any vehicle presented for Private Hire licensing shall meet the technical standards for type approval to
 - a) European Whole vehicle type approval
 - b) British National type approval
 - c) British Single vehicles approval or
 - d) British Low volume type approval
14. Vehicles presented at first licensing from 5th October 2010 intended to provide Disability access shall for the purpose of Type 1 Disability Access will have the following.
 - a. A means of permitting access & egress to the rear interior of the vehicle for a occupied adult wheelchair.
 - b. Has a British National type Approval (sec (1) of the RTA 1998) certificate issued prior to first UK registration, in conjunction with type approval as detailed at 13 above.
 - c. The vehicle shall be able to accommodate 2 additional passengers in permanent seats in addition to the provision of a wheel chair.
 - d. The vehicle shall be of a suitable design to accommodate a wheelchair and passengers in comfort.
 - e. Any and all modifications shall be to E1 type Approved and marked accordingly or equivalent.
 - f. The vehicle shall be designed to accommodate all equipment securely and safely.
 - g. Handles and grips should be sufficient to aid the access and egress of passengers and be brightly coloured.
15. Vehicles presented at first licensing from 5 October 2010 intended to provide Disability access shall for the purpose of Type 2 Disability Access will have the following.
 - a. Handles and grips should be sufficient to aid the access and egress of passengers and be brightly coloured.
 - b. Offer suitable space to accommodate a folded wheelchair and will not protrude into the cabin space and be safely secured
16. All vehicles of Type 1 or 2 Disability Access shall display the appropriate disability emblem in a prominent position on the vehicle.

CONDITIONS OF VEHICLE LICENCE

CONDITION OF VEHICLE

17. The proprietor shall ensure that the private hire vehicle shall be maintained in a sound mechanical and structural condition and be capable of satisfying the Council's Vehicle Inspection & Safety Test at all times.
18. The proprietor or proprietors as defined in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 shall be jointly and severally responsible for the vehicle and all its fittings and equipment and shall ensure that at all times when the vehicle is in use or available for hire it is maintained in an efficient, safe, tidy and clean condition and that all relevant statutory requirements including in particular those contained in Motor Vehicles (Construction and Use) Regulations are fully complied with.

19. The proprietor shall not allow the mechanical and structural specification of the private hire vehicle to be varied without the consent of an Authorised Officer of the Council. Unauthorised variations will result in the licence becoming immediately invalid.

LPG POWERED VEHICLES

20. When a LPG system is fitted to an existing private hire vehicle, a certificate of conformity shall be presented to the Council immediately upon completion of the LPG installation and the vehicle shall not be eligible to act as a private hire vehicle until the conversion is to the satisfaction of the Council.

SIGNS, NOTICES ETC

21. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions.

This condition shall **not** apply to a sign which:

- (a) Contains no words or numbers other than the name, address and telephone number of the operator of the vehicle or the name under which he carries on his business and his business address and telephone number. Provided that in the opinion of the Council the wording of any sign does not appear to lead any person to believe that the vehicle is a hackney carriage;
 - (b) Displays sponsored commercial advertisements to be displayed on the rear passenger's doors, for which display prior written permission has been obtained from the Council.
 - (c) Displays an information sticker or disc describing membership of a taxi trade associations or similar taxi trade body is permitted in the windscreen of licensed hackney carriage and private hire vehicles provided that it is of such a size and in such a position so as not to obscure the field of vision of the driver. The display of such sticker or disc shall be limited to one per vehicle.
22. Roof signs are not permitted on private hire vehicles.
 23. Any additional livery must not be above 12" measured from the bottom of the door, and in any case must not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door.

PASSENGERS

24. The proprietor shall not permit the Private Hire Vehicle to be used to carry a greater number of passengers than that prescribed in the licence.

ANIMALS

25. The proprietor shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer which animal shall be conveyed in the rear of the vehicle.
26. The licensee must carry a guide, hearing or other prescribed assistance dog belonging to a passenger, free of charge, unless the driver has a proven medical condition that would preclude such action. Drivers have a

responsibility to ensure that their operator/company is aware of such medical condition when they are first employed.

LICENCES

27. The proprietor shall deposit the vehicle licence issued by the Council with the private hire operator for whom the vehicle is being used during the time it is so used for that operator.

TWO-WAY RADIOS

28. The proprietor shall ensure that any radio equipment fitted to the private hire vehicle is at all times kept in a safe and sound condition and maintained in proper working order.
29. That any means of radio communication used by the proprietor or driver of a private hire vehicle with respect to the operation thereof must be a means of radio communication using radio frequencies other than those licensed by the Department of Trade and Industry for use by Citizens Band Radio.

CHANGE OF ADDRESS

30. The proprietor shall notify the Council in writing of any change in his address within 7 days of such change taking place.

METERS

31. Where a taximeter is fitted, it must be calibrated and the table of fares shall be prominently displayed within the vehicle. Any fares should be previously agreed by the Council. The meter shall bear the original seal(s) as fitted by the person authorised to carry out the calibration.
32. The calibration certificate should be made available to an authorised officer upon request.

DRIVERS

33. No person, other than a holder of a current private hire driver's licence issued by the Council is permitted to drive the private hire vehicle.

ACCIDENTS

34. The proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence, any accident to the licensed vehicle causing damage materially affecting the safety, performance and appearance of the licensed vehicle or the comfort or convenience of persons carried.

RECORD BOOKS AND RECEIPTS

35. The proprietor shall ensure that a record book is kept at all times in the vehicle. This record book must show the occasions when a receipt is issued. A receipt must be given if requested and each receipt must show the licence number of the driver, the date and the amount charged. A sign should be displayed in the vehicle indicating that a receipt will be given if requested.

RADIO SCANNERS

36. The Licensee shall not fit, carry, or use any radio frequency scanning apparatus in or on a licensed vehicle.

INSURANCE

37. A private hire vehicle must be insured at all times during the period of the licence. The licence is invalid if it is not insured.
38. Where the insurance produced with the application for or renewal of this licence is due to expire before the date of expiry of the licence a current insurance document must be produced either on or before the date when the original insurance expires. It is the responsibility of the proprietor to ensure that a current insurance document is produced to the Licensing Section.

HACKNEY CARRIAGE VEHICLE CONDITIONS

This document sets out the relevant conditions relating to the application for, and operation of a Hackney Carriage Vehicle Licence.

CONDITIONS OF APPLICATION

1. Chorley Council will only issue a Hackney Carriage Vehicle licence when it is satisfied that the person applying for the licence is the proprietor, and all proprietors connected to the vehicle have been declared at the time of application. That person(s) must also:
 - i) Satisfy the Council that he is a fit and proper person to hold such a licence and to operate a Hackney Carriage.
 - ii) Satisfy the Council that the vehicle is registered under the Vehicles (Excise) Act 1949 or the Vehicles (Excise) Act 1971 or any statutory amendments of those Acts by producing the vehicle's registration document at the time of application, bearing the name of the proprietor. Where the vehicle is new (not previously registered within the UK) a vendors bill of sale will be acceptable detailing the name, address, date of purchase, and vehicle chassis number will be acceptable, the proprietor of the vehicle will produce to the council the V5 document within 7 days of him receiving it.
 - iii) Satisfy the Council that there is in force, in relation to the use of the vehicle as a Hackney Carriage Vehicle, a policy of insurance or security complying with the provisions of Part VI of the Road Traffic Act 1972, which covers third party liability both in respect of physical injury or death and also in respect of damage to personal belongings. The policy/certificate of insurance or security must be produced before a licence may be granted.
 - iv) Present the vehicle for inspection at such place and at such time as the Council may by notice require.

With affect from **4th January 2010** all vehicles on first application and on renewal for a vehicle licence will pay for 6 month vehicle licence and pass the Councils Vehicle Inspection & Safety Test every 6 months.

Documentation

2. Proprietors must produce the following documents in order to progress the application:
 - i) Completed application form in the name of the vehicle proprietor (or joint proprietors) and appropriate fee. An application is not deemed complete if the method of payment is not cleared.
 - ii) The DVLA V5 'log book' or other certificate or document in the name of the vehicle proprietor that declares the first date of registration of the vehicle. Only vehicles declared as new at first registration in the UK will be considered for licensing, except stretched limos etc. Such vehicles will be licensed at the discretion of the Council.
 - iii) An LPG Gas Association Safety Certificate relating to the conformity and safe installation of any LPG system attached to the vehicle and in the vehicle proprietors name, where applicable.
 - iv) A valid certificate of insurance shall be produced to the council prior to the grant of the hackney carriage vehicle licence.

DEFINITIONS

3. "Authorised Officer" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976.
"The Council" means the Council of the Borough of Chorley.
"Taxi" has the same meaning as in the Transport Act, 1985.
"The identification plates" mean the plates and livery issued by the Council for the purpose of identifying the vehicle as a hackney carriage.
"The proprietor" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976.
"Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976.
"Byelaws" are those byelaws made in pursuance of the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976.

IDENTIFICATION PLATES & LIVERY

4. The identification plate and livery shall remain the property of the Council at all times. The licence plate shall be affixed to the Hackney Carriage vehicle by the proprietor at his own expense, in the following manner:-
 - (a) at the rear of the vehicle, and
 - (b) to the exterior of the vehicle, and
 - (c) with the number facing to the rear, and
 - (d) in a vertical plane, and
 - (e) must be affixed by bolts or screws or other similar secure means as approved by the Council, in such a manner as to be easily removed by an Authorised Officer.
5. The proprietor of the Hackney Carriage vehicle shall ensure the identification plates are maintained and kept in such condition that the information contained on the identification plate is clearly visible to public view at all times.
6. The internal disc must be fixed to the windscreen outside the swiped area not obscuring the driver's view with the expiry date information visible from the vehicle exterior.
7. Internal licence plate must be fixed to the dashboard not obscuring the drivers view or on the windscreen outside the swiped area.
8. Door signs. The vehicle shall display Council provided livery to the front driver and passenger door fixed in a readable position. The Council's door signs shall be fixed permanently to the vehicle and the use of magnets or other means of temporary fixing shall not be used.

TYPE OF VEHICLE

9. When applying for the grant of a hackney carriage vehicle licence, the proposed vehicle shall be subjected to the approval of the council and the following conditions apply:
 - a) The vehicle **must be** a vehicle approved for use as a hackney carriage in Chorley and not be licensed as a hackney carriage or private hire vehicle with any other Licensing Authority.
 - b) The vehicle must not be left hand drive.
 - c) The vehicle must not be a convertible, i.e. have a soft top.
 - d) The vehicle must have at least 4 doors.
 - e) No 'Q' plated vehicles will be considered for licensing.
 - f) Vehicles that have been categorised as 'write offs' by any insurance company at any level will not be considered for licensing.

- g) It must have at least two rear side doors for the boarding and alighting of passengers in addition to a separate door for the driver and it must be fitted with at least four road wheels.
- h) The vehicle must have a capacity for at least 4 adult passengers.
- i) The engine capacity must be adequate for the loads to be carried. Accordingly, the vehicle should have an engine capacity of at least 1200cc.
- j) Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 16 inches measured in a straight line lengthwise on the front of each seat, and where any such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured for the purposes of this Regulation as if it had not been fitted with such arms.
- k) Only one passenger may be accommodated in the front of the vehicle next to the driver in cases where the vehicle is designed to take only one front seat passenger.
- l) Door catches must be secure at all times whilst being capable of easy operation by passengers.
- m) Forward mounted driving mirrors must be fitted on both sides of the vehicle and an interior rear mirror must be fitted. The mirrors must be maintained all times.
- n) The vehicle must be white unless it is a purpose built or approved converted / modified wheelchair accessible Hackney Carriage.
- o) A 1kg (2.2lb) British standards fire extinguisher of the dry powder type shall be securely fitted to the vehicle so as to be readily available for use at all times. The fire extinguisher shall be maintained in good working order at all times.
- p) Every estate type vehicle be fitted with the manufacturer's approved or other universal type approved grille, securely fixed to the frame of the vehicle between the passenger area and load (luggage) carrying area.
- q) All seats must be fitted with the manufacturer's head restraints.
- r) Seating for each passenger must be not less than 400mm (16") with a minimum width, measured between the arm rests, or any other point that is protruding into passenger seating area, and be measured between the rear side passenger doors of not less than 1220mm (48").
- s) Any vehicle application received for a Hackney Carriage vehicle licence for more than 4 passenger seats, that vehicle shall have been purposely constructed to accommodate such seating and hold a suitable vehicle type approval, awarded prior to first UK registration as detailed at 12 below. The vehicle shall be of the original manufactures design and specification, every seat shall be regarded as a permanent seat, and no seating shall be capable of being stowed within the confines of the body of the vehicle (except for purpose built Hackney Carriage Vehicles).
- t) No vehicle presented for licensing shall by any design or feature of that vehicle be capable to offer seating for more than the number of passengers as stated on the Hackney Carriage vehicle license application. Any modifications made to satisfy this requirement shall be made to the satisfaction of the Council.
- u) There shall be a minimum gap of 180mm (7") between the back of any forward seat and the front edge of any rear seating; this shall be measured when the front seating is in its furthest pushed back position. (Seating relates to the base of the seat as opposed to the back support of the seating arrangement).
- v) The height as measured between the rear seat and the height to the roof lining in a vertical plane must be not less than 860mm (34"). This shall be

measured at the center of a passenger seat situated between the two rear passenger doors.

- w) No vehicle will be licensed if the passenger has to climb over seats or luggage to gain access or egress, or where such entrance or exit is sited over a fuel tank or high sill. All handles and levers shall be clearly visible and of a type consistent with those fitted to all other doors of the vehicle.
10. The proposed vehicle shall be subjected to the approval of the council and:
- i) provide sufficient means by which any person in the vehicle may communicate with the driver;
 - ii) Cause the roof or covering to be kept watertight;
 - iii) Provide any necessary windows and a means of opening and closing with not less than one window on each side;
 - iv) cause the seats to be properly cushioned or covered;
 - v) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - vi) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public use;
 - vii) Provide means for securing luggage
11. Any vehicle incorporating a lifting device shall at first application provide a certificate of conformity issued in accordance with the LOLER Regulations 1998, and produce at any subsequent renewal a certificate of safety issued in accordance with LOLER Regulations 1998 and guidance to the satisfaction of the council
12. Any vehicle presented for Hackney carriage licensing shall meet the technical standards for type approval to
- a) European Whole vehicle type approval
 - b) British National type approval
 - c) British Single vehicles approval or
 - d) British Low volume type approval
13. Vehicles presented at first licensing from **5th October 2010** intended to provide Disability access shall for the purpose of Type 1 Disability Access will have the following:
- a) Wheel chair means of access and egress and means of securing wheelchairs safely in the vehicle where all fixtures and fitting meet E1 Type Approval or equivalent.
 - b) A fixed bulkhead incorporating:
 - i) A partition screen
 - ii) A pay point
 - iii) Assisted means of communication.
 - c) Offer suitable accommodation for the provision of at least one adult size occupied wheelchair.
 - d) Suitable hand grips designed to be clearly recognisable to aid in the access and egress of passengers.
 - e) A forward facing illuminated top sign permanently fixed to; or a built-in taxi sign as an integral part of the structure and operated by the taxi meter (The top sign does not have to display the words Chorley Borough Council)
 - f) All vehicles will have 2 side passenger doors to access the rear compartment of the vehicle.
 - g) All seats must be accessible by a clear permanent opening of 400mm

- h) All wheelchair accessible vehicles will have provision for at least two permanently fixed passenger seats in the rear compartment of the vehicle.
 - i) All vehicles will have been converted by a recognised coachbuilder / conversion company.
 - j) Any ancillary equipment shall be capable of being stored securely and safely
 - k) All vehicles will be inspected and licensed at the discretion of the Council,
 - l) Those vehicles that are presented for licensing that are purpose built as defined or professionally converted vehicles as conforms to a-h above shall be white or any other colour as agreed by the Council at first licensing.
14. All vehicles of Type 1 or 2 Disability Access shall display the appropriate disability emblem in a prominent position on the vehicle.

CONDITIONS OF VEHICLE LICENCE

CONDITION OF VEHICLE

15. The proprietor shall ensure that the hackney carriage shall be maintained in a sound mechanical and structural condition and be capable of satisfying the Council's Vehicle Inspection & Safety Test at all times.
16. The proprietor or proprietors as defined by Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976 shall be jointly and severally responsible for the vehicle and all its fittings and equipment and shall ensure that at all times when the vehicle is in use or available for hire, it is maintained in an efficient, safe, tidy and clean condition and that all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with.
17. The proprietor shall not allow the mechanical and structural specification of the hackney carriage to be varied without the consent of an Authorised Officer of the Council. Unauthorised variations will result in the licence becoming immediately invalid.

LPG POWERED VEHICLES

18. When a LPG system is fitted to an existing hackney carriage vehicle, a certificate of conformity shall be presented to the Council immediately upon completion of the LPG installation and the vehicle shall not be eligible to act as a hackney carriage vehicle until the conversion is to the satisfaction of the Council.

TRAILERS

19. No trailer shall be attached to a hackney carriage vehicle unless the trailer has been tested at the same time as the hackney carriage was tested and the trailer is clearly identifiable by a serial number or other permanent mark for purposes of identification.
20. Any trailer must provide secure and weatherproof storage for luggage.

SIGNS, NOTICES, ETC

21. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions.

This condition **shall not** apply to a sign which:

- (a) contains no words or numbers other than the name, address and telephone number of the operator of the vehicle or the name under which he carries on his business and his business address and telephone numbers;
 - (b) displays sponsored commercial advertisements, for which prior permission has been obtained from the Council.
 - (c) displays an information sticker or disc describing membership of a taxi trade associations or similar taxi trade body is permitted in the windscreen of licensed hackney carriage and private hire vehicles provided that it is of such a size and in such a position so as not to obscure the field of vision of the driver. The display of such sticker or disc shall be limited to one per vehicle.
22. Every hackney carriage vehicle must display in a prominent position inside the vehicle, the Council's table of fares in force at that time.
 23. Any additional livery must not be above 12" measured from the bottom of the front passenger and driver door, and in any case must not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door.
 24. The proprietor shall cause to be fixed to the roof of Saloon Type Hackney Carriages an illuminated sign bearing the words "CHORLEY BOROUGH TAXI" on both the forward and rearward faces of the sign. The sign shall be capable of being so operated that when the vehicle is engaged for hire, the sign is not illuminated, this operation shall be controlled by the meter.

PASSENGERS

25. The proprietor shall not permit the Hackney Carriage to be used to carry a greater number of passengers than that prescribed in the licence.

ANIMALS

26. The proprietor shall not permit any animal to ride in the vehicle, except an animal in the custody or control of the hirer which animal shall be conveyed in the rear of the vehicle.
27. The licensee must carry a guide, hearing or other prescribed assistance dog belonging to a passenger, free of charge, unless the driver has a proven medical condition that would preclude such action. Drivers have a responsibility to ensure that their operator/company is aware of such medical condition when they are first employed.

TWO-WAY RADIOS

28. The proprietor shall ensure that any radio equipment fitted to his hackney carriage is at all times kept in a safe and sound condition and maintained in proper working order.
29. That any means of radio communication used by the proprietor or driver of a hackney carriage with respect to the operation thereof must be a means of radio communication using radio frequencies other than those licensed by the Department of Trade and Industry for use by Citizens Band Radio.

CHANGE OF ADDRESS

30. The proprietor shall notify the Council in writing of any change in his address within 7 days of such change taking place.

DRIVERS

31. No person, other than a holder of a current hackney carriage driver's licence issued by the Council is permitted to drive the hackney carriage.

ACCIDENTS

32. The proprietor of a Hackney Carriage shall report to the Council as soon as is reasonably practicable, and in any case within 72 hours of the occurrence of any accident to the licensed vehicle causing damage materially affecting the safety, performance and appearance of the licensed vehicle or the comfort or convenience of persons carried.

RECORD BOOKS AND RECEIPTS

33. The proprietor shall ensure that a record book is kept at all times in the vehicle. This record book must show the occasions when a receipt is issued. A receipt must be given if requested and each receipt must show the licence number of the driver, the date and the amount charged. A sign should be displayed in the vehicle indicating that a receipt will be given if requested.

METERS

34. The taximeter that must be fitted in accordance with hackney carriage byelaws must be calibrated so that the fare shown is the current fare authorised by the Council. The meter shall bear the original seal(s) as fitted by the person authorised to carry out the calibration.
35. The calibration certificate should be made available to an authorised officer upon request.

RADIO SCANNERS

36. The licensee shall not fit, carry or use any radio frequency scanning apparatus in or on a licensed vehicle.

INSURANCE

37. A hackney carriage vehicle must be insured at all times during the period of the licence. The licence is invalid if it is not insured.
38. Where the insurance produced with the application for or renewal of this licence is due to expire before the date of expiry of the licence a current insurance document must be produced either on or before the date when the original insurance expires. It is the responsibility of the proprietor to ensure that a current insurance document is produced to the Licensing Section.

ADDITIONAL LICENCE CONDITION

39. Applicable only to licence numbers 32 to 40 inclusive:
This licence is issued specifically in respect of a vehicle constructed or adapted for the carriage of disabled persons. Any replacement vehicle must comply with the conditions as set out in paragraph 13 above.

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Report of	Meeting	Date
Corporate Director (Neighbourhoods)	Licensing and Public Safety Committee	2 December 2009

TAXI VEHICLE LICENSING CONDITION REVIEW

PURPOSE OF REPORT

1. To advise Members of proposals to amend the conditions applied to taxi vehicle licence applications and the subsequent licence conditions and seek approval for their implementation

RECOMMENDATION

2. It is recommended that Members approve the proposed amendments to the vehicle licensing conditions for taxis

EXECUTIVE SUMMARY OF REPORT

3. In September 2008 the Licensing and Public Safety Committee approved a new set of taxi licensing and testing conditions to seek improvement in the hackney and private hire fleet and ensure that the taxi licensing regime was fit for purpose to meet its statutory requirement for ensuring public safety.
4. This new regime has been operational for 12 months and during that time it has become apparent to officers and the taxi trade that some elements are over burdensome on the trade as well as introducing superfluous business process layers into the taxi application and testing system.
5. A sub group of the Licensing Liaison Panel was established including representatives of the private and hackney trade as well as officers in the Directorates Public Protection Team. The sub group has met on several occasions and determined the amendments proposed in this report.
6. Members should be assured that any proposed changes are made and recommended with the public safety requirement in mind but also with a view to reducing any unnecessary burden that the licensing regime puts on the private hire and hackney carriage trade.

REASONS FOR RECOMMENDATION

(If the recommendations are accepted)

7. To ensure the licensing conditions are fit for purpose, ensure public safety and reduce unnecessary burden on business.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. The continuation of the current conditions was considered for a further period but the ongoing transition of the business process element of the licensing function and the increased enforcement capability within the Public Protection Team provides an opportune time for a review.

CORPORATE PRIORITIES



Appendix 3

9. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	√
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	√

BACKGROUND

10. The proposed changes are dealt with below with a summary of the existing condition or requirement and the rationale for change together with the new proposal.

VEHICLE TESTING FREQUENCY (HACKNEY AND PRIVATE HIRE)

- 11. The current testing regime effectively limits the age of vehicles to 8 years old should they fail the testing regime beyond that age. In addition there is a complicated profile of testing frequencies dependant on the age of the vehicle with a 12 monthly period for new vehicles up to 3 years old rising to 6 monthly for vehicles 3 to 8 years old and then a test 3 times a year for vehicles over 8 years old provided they do not fail on any aspect of the test regime.
- 12. This system is over bureaucratic and burdensome on the trade. In addition it assumes that any vehicle over 8 years old is not repairable or capable of being made fit for purpose once it has failed on any aspect of the vehicle testing regime.
- 13. It is proposed that a streamlined testing frequency is introduced of a vehicle test every six months irrespective of age and that provided the vehicle can be repaired to a standard that meets the vehicle test requirements it should not be precluded from operating as a licensed taxi.

VEHICLE TESTING FORMAT (HACKNEY AND PRIVATE HIRE)

- 14. The current test format includes:
 - The standard MOT (VOSA) test
 - The Councils hackney carriage and private hire vehicle inspection (taxi test) which tests additional items such as signs, vehicle interior/exterior and compliance with the Councils conditions.
 - The Councils vehicle safety report (VSR) which effectively duplicates elements of the hackney carriage and private hire vehicle inspection test above.
- 15. This current system provides an unnecessary testing layer and the ‘Councils Vehicle Safety Test’ does not scrutinise anything that relates to the public safety remit of the licensing regime which is not scrutinised in either the MOT/VOSA test or the Councils hackney carriage and private hire vehicle inspection test (Taxi Test)
- 16. It is therefore proposed to withdraw the requirement of the third ‘Council Safety Test’ and rely on the MOT/VOSA test and the ‘Taxi Inspection and Safety Test’ to identify vehicles that are unsuitable or unsafe to operate as a taxi.
- 17. Testing garages will be provided with detailed guidance to assist them in assessing the elements of the Taxi Inspection and Safety Test

TAXI PLATE REQUIREMENT (HACKNEY AND PRIVATE HIRE)

- 18. Linked to the testing frequency regime above is the current requirement for each licensed vehicle to operate with a plate that displays an expiry date in line with the next due test date.

Appendix 3

- 19. This requirement does not provide any added benefit in either the enforcement function of the Council, neither is it believed that any other agency or the public have regard to the date displayed. The Council has received no calls or intelligence from the public relating to dated taxi plates where they have been known to out of date. In addition this requirement means an added layer of bureaucracy to the licensing process as well as an added cost to the trade each time a plate is re issued.
- 20. It is proposed to issue one plate for display at the initial licensing period with a renewable internal taxi badge to be displayed with the date of expiry of the taxi licence. This plate will be attached to the vehicle until such time as either the licence is not renewed or it is surrendered. The business process procedures within the Council will be used to monitor licences that have expired and not renewed or surrendered and our increased enforcement resource will be used to investigate and seize plates that are not properly licensed.

LUGGAGE CAPACITY REQUIREMENT (PRIVATE HIRE)

- 21. The current luggage capacity requirements make it a condition that any private licensed vehicle must be capable of effectively carrying one suitcase for each passenger that the vehicle is licensed to carry. Therefore a vehicle licensed to carry 6 passengers is required to have luggage capacity for six suitcases.
- 22. This condition effectively serves to preclude particular types of vehicle from use such as MPV's where additional seats are provided for passenger use. This could be challenged as anti competitive and it is not clear that this condition can be imposed on the grounds of public safety given that national and European safety standards exist for all vehicles sold and used on our roads. This condition does not apply to vehicles licensed as hackney carriages
- 23. It is proposed to remove this condition for private hire vehicles and replace it with a condition that requires operators to determine the luggage carrying capacity of the fare at the time of booking. The operator will then be required to inform the fare of any additional vehicles that will be required to accommodate luggage and ensure that all luggage is stowed internally in the vehicle in a manner that ensures the safety of passengers and other road users. No changes to luggage carrying capacity for hackney carriage vehicles are proposed.

TYRE TREAD REQUIREMENTS (HACKNEY AND PRIVATE HIRE)

- 24. The current vehicle testing regime makes it a condition that vehicles must have a minimum tyre tread depth of 3 mm over the central 3/4 of the tread pattern (including spare tyre).
- 25. This condition implies that should a vehicle not have a spare tyre then the vehicle fails the test. Members will be aware that some vehicles are manufactured with no spare wheel but fitted with 'run flat' or 'self inflate' tyres. In addition the current national legal standard for tyre tread depth is 1.6 mm over the central 3/4 of the tread pattern and the increased standard of 3 mm tread depth cannot be justified on the grounds of public safety.
- 26. It is proposed to remove the requirement for a 3mm tread depth and rely on the national standard of 1.6 mm over the central 3/4 of the tread pattern. In addition the test requirements will be clarified to state that the spare tyre where fitted must also comply to this standard and where the vehicle is not equipped with a spare tyre at the time of the vehicles manufacture then the vehicle manufacturers recommended 'run flat' or 'self inflatable' tyres should be fitted on all wheels. The use and carrying of proprietary puncture repair kits will not be considered as a suitable alternative.

IMPLICATIONS OF REPORT

- 27. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	

Appendix 3

Legal	√	No significant implications in this area	
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COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

28. The Council is entitled to impose reasonable requirements on vehicle licenses which may include safety standards addressing issues going beyond or to a higher standard than the MOT test although the latest Department for Transport Best practice Guidance does suggest that for technical matters it seems appropriate to apply the same standards as for the MOT test. However, the same guidance recognises that taxi licensing issues are not purely about public safety matters and specifically indicates that: "taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous".

ISHBEL MURRAY
CORPORATE DIRECTOR (NEIGHBOURHOODS)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	12 November 2009	vehiclecondition



Report of	Meeting	Date
Director of People and Places	Licensing and Public Safety Committee	1 December 2010

LICENSING PERFORMANCE QUARTER 2

PURPOSE OF REPORT

To present to Members the Quarter 2 performance for the Councils licensing function.

RECOMMENDATION

- 1. Members are asked to note the report.

EXECUTIVE SUMMARY OF REPORT

- 2. The Licensing and Public Protection Committee expressed a desire at its meeting on 16 September 2009 to receive a regular update report on the enforcement activity undertaken by the Councils Public Protection Team as well as details of licensing applications received and processed by the Neighbourhoods Directorate.
- 3. A verbal update on enforcement activity will be provided at the meeting.
- 4. Administrative activity is summarised in the attached report at Appendix A
- 5. Members requested details of organisations that are licensed to undertake house to house and street collections under the current period. These details are attached at Appendix B.
- 6. In addition Members should note that a recent Licensing Sub Committee hearing which resulted in the revocation of a private hire driver’s licence was the subject of an appeal to Magistrates Court. On appeal the Committees decision was reversed by the Court and the Council has been ordered to pay £2000 in costs.

REASONS FOR RECOMMENDATION

(If the recommendations are accepted)

- 7. To ensure that Members are kept informed of the licensing activity within the Councils Public Protection Team.

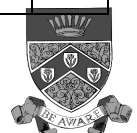
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 8. None

CORPORATE PRIORITIES

- 9. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
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Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	√

IMPLICATIONS OF REPORT

10. This report has implications in the following areas and the relevant Directors' comments are included

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	√

JAMIE CARSON
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	10 November 2010	Q2perf

APPLICATIONS LIST



General Licensing

House to House Collection Licence

Total Cancel/Surrender Applications: 2

Total New Applications: 9

Total House to House Collection Licence Applications: 11

Street Collection Permit

Total Amendment Applications: 1

Total New Applications: 8

Total Street Collection Permit Applications: 9

General Licensing Total Applications: 20

APPLICATIONS LIST

Taxi Licensing

Hackney Carriage Driver Licence

Total New Applications: 4

Total Opr Change Applications: 1

Total Renewal Applications: 17

Total Hackney Carriage Driver Licence Applications: 22

Hackney Carriage Licence

Total Opr Change Applications: 2

Total Renew/Transfer Applications: 3

Total Renew/Transfer/VehCh Applications: 1

Total Renew/VehChange Applications: 1

Total Renewal Applications: 19

Total Transfer Applications: 1

Total Hackney Carriage Licence Applications: 27

Private Hire Driver Licence

Total New Applications: 8

Total Renewal Applications: 49

Total Private Hire Driver Licence Applications: 57

Private Hire Operator Licence

Total Cancel/Surrender Applications: 1

Total New Applications: 2

Total Renewal Applications: 8

Total Private Hire Operator Licence Applications: 11

APPLICATIONS LIST

Taxi Licensing

Private Hire Vehicle Licence

Total Cancel/Surrender Applications: 2

Total New Applications: 14

Total Renew/Transfer Applications: 5

Total Renew/Transfer/VehCh Applications: 1

Total Renewal Applications: 55

Total Transfer Applications: 5

Total Vehicle Change Applications: 4

Total Veh Det Change Applications: 1

Total Vehicle Test Applications: 3

Total Private Hire Vehicle Licence Applications: 90

Taxi Licensing Total Applications: 207

APPLICATIONS LIST

Licensing Act 2003

Personal Alcohol Licence

Total Change N/A Holder Applications: 6

Total Amendment Applications: 2

Total New Applications: 13

Total Personal Alcohol Licence Applications: 21

Premises Licence

Total Cancel/Surrender Applications: 4

Total Change N/A Holder Applications: 1

Total Change Prem Name Applications: 2

Total Change Supervisor Applications: 22

Total Amendment Applications: 6

Total New Applications: 2

Total Transfer Applications: 8

Total Variation Applications: 2

Total Premises Licence Applications: 47

Temporary Event Notice - NO Alcohol

Total Temp Event Notice Applications: 6

Total Temporary Event Notice - NO Alcohol Applications: 6

Temporary Event Notice - WITH Alcohol

Total Temp Event Notice Applications: 23

Total Temporary Event Notice - WITH Alcohol Applications: 23

Licensing Act 2003 Total Applications: 97

APPLICATIONS LIST

Gambling Act 2005

Adult Gaming Centre Premises Licence

Total Cancel/Surrender Applications: 1

Total New Applications: 1

Total Adult Gaming Centre Premises Licence Applications: 2

Betting Premises Licence (in respect of premises other than a track)

Total New Applications: 1

Total Betting Premises Licence (in respect of premises other than a track) Applications: 1

Club Machine Permit

Total New Applications: 1

Total Club Machine Permit Applications: 1

Notification of Gaming Machines

Total Notice of Intent Applications: 3

Total Notification of Gaming Machines Applications: 3

Small Society Lotteries

Total New Applications: 4

Total Small Society Lotteries Applications: 4

Gambling Act 2005 Total Applications: 11

Total Applications: 335

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Street Collection Permit List

SC0179	Royal British Legion Poppy Appeal	commences	15 Jun 2009	expires	13 Nov 2010
Promoter	Robert Russell THOMPSON Royal British Legion Poppy Appeal Royal British Legion Village Aylesford Kent ME20 7NX	issued	06/11/2010	reason	New
SC0199	Chorley Lions Club	commences	11 Feb 2010	expires	11 Dec 2010
Promoter	Neil Jeffrey MURGATROYD 39 The Farthings Astley Village Chorley Lancashire PR7 1TP	issued	11/12/2010	reason	New
SC0207	Barnardo's	commences	26 Apr 2010	expires	27 Nov 2010
Promoter	Nancy HART 7 Lineside Close Liverpool Merseyside L25 2UD	issued	27/11/2010	reason	New
SC0208	THE PHOENIX CHILDREN'S FOUNDATION	commences	27 Apr 2010	expires	14 Dec 2010
Promoter	Anita WITHERS C/O The Phoenix Children's Foundation 8 Wilson House 270 Leicester Road, Ibstock Leicester LE67 6HP	issued	14/12/2010	reason	New
SC0209	Chorley Lions Club	commences	14 Jun 2010	expires	31 May 2011
Promoter	Neil Jeffrey MURGATROYD 39 The Farthings Astley Village Chorley Lancashire PR7 1TP	issued	31/05/2011	reason	New
SC0210	The Royal British Legion Poppy Appeal	commences	15 Jun 2010	expires	12 Nov 2011
Promoter	Robert Russell THOMPSON Royal British Legion Poppy Appeal Royal British Legion Village Aylesford Kent ME20 7NX	issued	05/11/2011	reason	New
SC0214	Royal Air Forces Association	commences	16 Aug 2010	expires	17 Sep 2011
Promoter	Peter BROCKLEHURST C/O Royal Air Forces Association, Wings Appeal, Ce 1171/2 Loughborough Road Leicester LE4 5ND	issued	17/09/2011	reason	Variation

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House to House Collection Licence List

HH0042 **Zoe's Place Baby Hospice** commences **23 Feb 2010** expires **4 Dec 2010**

Promoter Jacqueline Anne TAYLOR issued 29/11/2010
Clothes Aid, Unit 4R reason New
436 - 438 Essex Road
London
N1 3QP

HH0045 **Mercy Ships** commences **22 Jul 2010** expires **31 Dec 2010**

Promoter INTERSECOND LTD issued 01/10/2010
Mr R Biguzas reason New
Unit 12, Clipper Park Industrial Estate
Thurrock Park Way, Tilbury
RM18

HH0046 **North West Air Ambulance** commences **17 Aug 2010** expires **31 Jul 2011**

Promoter James COOK issued 23/08/2010
Unit 104 Phoenix Close Ind Estate reason New
Heywood
OL10 2JG

HH0047 **Clothes Aid (On behalf of Zoe's Place Children's Hospice)** commences **27 Sep 2010** expires **19 Feb 2011**

Promoter Jacqueline Anne TAYLOR issued 14/02/2011
Clothes Aid, Unit 4R reason New
436 - 438 Essex Road
London
N1 3QP

HH0048 **Clothes Aid (On behalf of Zoe's Place Children's Hospice)** commences **27 Sep 2010** expires **23 Apr 2011**

Promoter Jacqueline Anne TAYLOR issued 18/04/2011
Clothes Aid, Unit 4R reason New
436 - 438 Essex Road
London
N1 3QP

HH0049 **Clothes Aid (On behalf of Zoe's Place Children's Hospice)** commences **27 Sep 2010** expires **18 Jun 2011**

Promoter Jacqueline Anne TAYLOR issued 13/06/2011
Clothes Aid, Unit 4R reason New
436 - 438 Essex Road
London
N1 3QP

HH0050 **Clothes Aid (On behalf of Zoe's Place Children's Hospice)** commences **27 Sep 2010** expires **13 Aug 2011**

Promoter Jacqueline Anne TAYLOR issued 08/08/2011
Clothes Aid, Unit 4R reason New
436 - 438 Essex Road
London
N1 3QP

House to House Collection Licence List

HH0051 **Clothes Aid (On behalf of Zoe's Place Children's Centre)** commences **27 Sep 2010** expires **8 Oct 2011**

Promoter	Jacqueline Anne TAYLOR Clothes Aid, Unit 4R 436 - 438 Essex Road London N1 3QP	issued	03/10/2011
		reason	New

HH0052 **Clothes Aid (On behalf of Zoe's Place Children's Centre)** commences **27 Sep 2010** expires **3 Dec 2011**

Promoter	Jacqueline Anne TAYLOR Clothes Aid, Unit 4R 436 - 438 Essex Road London N1 3QP	issued	28/11/2011
		reason	New

HH0053 **Cancer Research and Genetics UK** commences **30 Sep 2010** expires **20 Dec 2010**

Promoter	Nicholas PHILLIPS Sherwood, Llandraw Woods Pontypridd CF37 1EX	issued	01/10/2010
		reason	New