

Report of	Meeting	Date	Item No
Director of Legal Services	Statutory Licensing Sub- Committee	April 2006	

## APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF THE JACKSON ARMS 67 CUNLIFFE STREET CHORLEY

### PURPOSE OF REPORT

1. For members to determine an application to vary a premises licence.

### CORPORATE PRIORITIES

2. There are no specific implications for corporate policies arising from this report.

### RISK ISSUES

3. The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation		Regulatory/Legal	✓
Financial		Operational	
People		Other	

4. There is a right of appeal to the Magistrates Court by the applicant in respect of a decision to refuse to vary the premises licence or where the conditions of licence are modified. There is also the right of appeal to the Magistrates Court by a person who has made relevant representations against a decision to grant the variation or to modify the conditions of licence.

### CURRENT PREMISES LICENCE

5. Licensable Activities

- a) Late Night refreshment

Monday to Saturday Indoors – 23.00 – 23.30

- b) The sale by retail of alcohol for consumption On and Off the premises

Monday to Saturday 11.00 – 23.00  
Sunday 12.00 – 22.30  
Good Friday 12.00 – 22.30  
Christmas Day 12.00 – 15.00



Christmas Day 19.00 – 22.30  
New Years Eve/Day 11.00 – 23.00

### **Mandatory Conditions – Annex 1**

Alcohol shall not be sold or supplied except during permitted hours. Permitted hours means:

- a) On weekdays, other than Christmas day, Good Friday, or New Year's Eve, 11am to 11pm
- b) On Sundays, other than Christmas Day or New Year's Eve 12noon to 10.30pm
- c) On Good Friday, 12noon to 10.30pm
- d) On Christmas Day, 12noon to 3pm and 7pm to 10.30pm
- e) On New Year's Eve, except on a Sunday, 11am to 11pm
- f) On New Year's Eve on a Sunday from 12noon to 10.30pm

### Regulatory Reform (Special Occasions Licensing) Order 2002

The premises may remain open for the sale of alcohol from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day (or if there are no permitted hours on the following day, Midnight on 31 December)

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- g) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) The taking of alcohol from the premises by a person residing there; or
- i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) The supply of alcohol for consumption on the premises to person employed there for the purposes of business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

### Where there is no children's certificate:

- 1 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
  - a) He is the child of the holder of the premises licence.
  - b) He resides in the premises, but is not employed there.
  - c) He is in the bar solely for the purpose of passing to or from some part of the premises that is not a bar and to or from some part of the premises where there is no other convenient means of access or egress.

- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. However, an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

#### Licensed Premises – Credit Sales

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

#### 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 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### Exhibition of films

- 1 Where the film classification body is specified in the licence, unless (2) applies, admission of children must be restricted in accordance with any recommendations made by that body
- 2 Where -
  - a) The film classification body is not specified in the licence,
  - or*
  - b) The relevant licensing authority has notified the holder of the licence that this condition is applied to the film in question,

Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

#### Door Supervision

- 1 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.

#### **Conditions consistent with the operating schedule – None**

#### **Conditions attached after a hearing by the licensing authority - None**

## THE APPLICATION

6. A copy of the application to vary is attached to this report in full in Appendix 1. In summary the application is to conduct the following licensable activities and at the times set out below.

### 7. Regulated Entertainment

#### i) Films –Indoors (B)

10.00 – 00.15 Sunday - Thursday  
10.00 – 01.15 Friday and Saturday

Video Entertainment on TV screens and amusement machines

Non-Standard timings

New Years Eve 10.00 31.12 to New Years Day 10.00 01.01  
Good Friday and Christmas Day to be classed as normal working days  
Christmas Eve 02.15  
Boxing Day 01.15  
Sunday prior to a Bank Holiday Monday 01.15

#### ii) Indoor sporting events (C)

10.00 – 00.15 Sunday - Thursday  
10.00 – 01.15 Friday and Saturday

Non-Standard timings

New Years Eve 10.00 31.12 to New Years Day 10.00 01.01  
Good Friday and Christmas Day to be classed as normal working days  
Christmas Eve 02.15  
Boxing Day 01.15  
Sunday prior to a Bank Holiday Monday 01.15

#### iii) Live Music Indoors (E)

12.00 – 23.30 Monday – Sunday

Live acoustic and amplified music and voice.

#### iv) Recorded Music – Indoors (F)

10.00 – 23.30 Monday – Sunday

Recorded music, including jukebox and karaoke, with or without a D.J. during normal business or as part of functions including audience participation.

#### v) Performance of dance

12.00 – 00.00 Monday to Sunday

To have dance performance with or without audience participation within stipulated hours

## Non Standard Hours

Good Friday and Christmas Day to be classed as normal working days

vi) Anything of a similar description to that falling within A,F or G – Indoors (H)

10.00 – 00.15 Sunday - Thursday

10.00 – 01.15 Friday and Saturday

Comperes for quiz and similar events, comedians and similar speciality acts using amplified voice.

## Non-Standard timings

New Years Eve 10.00 31.12 to New Years Day 10.00 01.01

Good Friday and Christmas Day to be classed as normal working days

Christmas Eve 02.15

Boxing Day 01.15

Sunday prior to a Bank Holiday Monday 01.15

vii) Provision of facilities for making music – Indoors (I)

10.00 – 00.15 Sunday - Thursday

10.00 – 01.15 Friday and Saturday

## Non-Standard timings

New Years Eve 10.00 31.12 to New Years Day 10.00 01.01

Good Friday and Christmas Day to be classed as normal working days

Christmas Eve 02.15

Boxing Day 01.15

Sunday prior to a Bank Holiday Monday 01.15

viii) Provision of facilities for dancing – Indoors (J)

10.00 – 00.15 Sunday - Thursday

10.00 – 01.15 Friday and Saturday

## Non-Standard timings

New Years Eve 10.00 31.12 to New Years Day 10.00 01.01

Good Friday and Christmas Day to be classed as normal working days

Christmas Eve 02.15

Boxing Day 01.15

Sunday prior to a Bank Holiday Monday 01.15

8. Late Night Refreshment - Indoors (L)

23.00 – 00.15 Sunday – Thursday

23.00 - 01.15 Friday and Saturday

## Non-Standard timings

New Years Eve 10.00 31.12 to New Years Day 10.00 01.01

Good Friday and Christmas Day to be classed as normal working days

Christmas Eve 02.15  
Boxing Day 01.15  
Sunday prior to a Bank Holiday Monday 01.15

9. Supply of alcohol – On and Off the premises (M)

10.00 – 00.00 Sunday - Thursday  
10.00 – 01.00 Friday and Saturday

Non-Standard timings

New Years Eve 10.00 31.12 to New Years Day 10.00 01.01  
Good Friday and Christmas Day to be classed as normal working days  
Christmas Eve 02.00  
Boxing Day 01.00  
Sunday prior to a Bank Holiday Monday 01.00

10. Hours premises are open to the public (O)

10.00 – 00.30 Sunday - Thursday  
10.00 – 01.30 Friday and Saturday

New Years Eve deregulated  
Christmas Eve 02.30  
Boxing Day 01.30  
Sun prior to Bank Holiday Monday 01.30

11. ADDITIONAL STEPS TO BE TAKEN TO PROMOTE LICENSING OBJECTIVES

The applicant has indicated that following additional steps will be taken to promote the licensing objectives:

i) General

I have read and agree with the terms and recommendations of your local licensing policy in preparing this application.

ii) Prevention of crime and disorder

This is a community local public house with a regular clientele base.

We operate a zero tolerance policy on drugs and violence.

Local pub watch member.

DPS or responsible deputy conducts a preventative walk around at regular intervals to monitor customers.

iii) Public Safety

Health and Safety poster  
Fire procedures poster  
Accident record book, first aid kit  
Fire alarm  
Fire extinguisher maintenance certificate  
Gas safety certificate  
Fire workplace risk assessment

Signs banning bottles/glasses in the street are in place  
Fire alarm and emergency lighting audits are conducted  
All areas to be cleared of bottles/glasses on a regular basis  
Entrances/exits to be kept clear at all times on a regular basis  
Staff to conduct a 'walkthrough' at regular intervals to monitor all areas to ensure no problems arise.

iii) The prevention of public nuisance

Staff vigilance at closing times to ensure no problems arise.

All music to cease 15 minutes prior to close.

Windows to be closed during regulated entertainment to reduce noise levels.

No doors to be propped open after 23.00 to contain noise levels.

Self-closing devices be fitted on both the internal doors which lead from the small lobby into the main two rooms.

Speakers are positioned to reduce noise levels in relation to next door.

The DPS or a responsible deputy are to conduct a boundary audit, to ensure no noise is heard at the nearest noise sensitive premises, particularly during regulated entertainment.

No bottle bins/refuse to be emptied or collected between the hours of 21.00 and 09.00.

All amplified entertainment to cease at 23.30 hours.

All recorded music to be at a reduced level after 23.30 as to be inaudible at the nearest noise sensitive location.

V) The protection of children from harm

Display prominent signage regarding supervision of children at all times. Soft drinks and snacks available at all times. All recognised proof of age cards accepted e.g. passport, portman group, photo driving licence.

House rules regarding children i.e. supervision and times permitted on premises to be the responsibility of the DPS.

Where any adult entertainment is planned no persons under the age of 18 will be allowed on the premises.

12. Other Activities that may give rise to concern in respect of children

Where occasioned a strippagram is required this will be at managements discretion no children will be permitted on the premises at such time.

13. Conditions/ Restrictions to be removed on variation.

Restrictions relating to opening times for Good Friday and Christmas Eve, both to be classed as normal working days.

14. Relevant Representations – Responsible Authorities

None, however –

Following discussions with the Police the applicant has amended the original application. Following discussions with Environmental Services the applicant has included extra conditions in the operating schedule.

Letters agreeing the above amendments are included in the report.

15. Relevant Representations – Interested Parties.

There are 3 representations from interested parties to the application to vary.  
The objections are relevant to the Licensing Objective - Prevention of Public nuisance  
Prevention of crime and disorder  
Protection of children from harm  
Public Safety

All representations are in full within the report.

16. Policy Considerations.

Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under section 182 of the Act.

As members will be aware the four licensing objectives are as follows:

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

The Licensing Act 2003 provides that where relevant representations are received the Licensing Authority must hold a hearing to consider them unless the parties agree that a hearing is unnecessary.

The Licensing Authority in determining the application, having have regard to the representations, may take the following steps it considers it necessary for the promotion of the licensing objectives.

- i) reject the application in whole or in part
- ii) modify the conditions.

Members must have regard to the Statement of Licensing Policy when determining this application. In particular, member's attention is drawn to the following paragraphs:

Paragraph 1.3 The policy provides guidance on the general approach the Council, as Licensing Authority, within the meaning of the Act, will take in terms of licensing, However, each application will be considered separately, on its individual merits.

Paragraph 1.4. The Statement of Licensing Policy sets 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 Policy recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of safe and well run entertainment premises to the local economy. Balancing these interests will not always be straightforward and will be guided by the four licensing objectives.



Paragraph 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.

Paragraph 2.2 Each of the licensing objectives are of equal importance with these objectives.

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

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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.

## **CRIME AND DISORDER**

Paragraph 6.1 Licensed premises, especially those offering late night entertainment, alcohol and refreshment can be a source of crime and disorder problems.

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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.

## **LICENSING HOURS**

Paragraph 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.

Paragraph 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.

Paragraph 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 premise will be considered on its individual merits.

Paragraph 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.

Paragraph 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/taxis
  - 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 to set out the measures to be taken to ensure that the licensing objectives are addressed. Applicants are also referred to paragraph 6.6

## **PROTECTION OF CHILDREN FROM HARM**

Paragraph 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

Paragraph 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.

Paragraph 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.

Paragraph 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 (i.e. Portman Group) 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.

Paragraph 10.5 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 or 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).

Paragraph 10.6 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.

Paragraph 10.7 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.

Paragraph 10.8 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.

Paragraph 10.9. 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.

## **CHILDREN AND CINEMAS**

Paragraph 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.

Paragraph 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.

## **CHILDREN AND PUBLIC ENTERTAINMENT**

Paragraph 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.

Paragraph 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.

## **PREVENTION OF PUBLIC NUISANCE**

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

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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

Paragraph 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.

Paragraph 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

Paragraph 13.9 The Licensing Authority requires Operating Schedules, where relevant to satisfactorily address the issue of public nuisance.

Paragraph 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).

Paragraph 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 holder has in preventing anti-social behaviour by individuals once they are behind the direct control of the Licence Holder. However, the licensing objection of preventing public nuisance will not be achieved if customers from 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.

## **PUBLIC SAFETY**

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 14.6 The Licensing Authority may inspect premises where it considers it appropriate on public safety grounds.

Paragraph 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.

17. Human Rights Act Implications

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.

**ASSOCIATED PAPERS**

18. Application form and relevant representation.

ROSEMARY LYON  
DIRECTOR OF LEGAL SERVICES

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
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