

Report of	Meeting	Date	
Chief Executive	Statutory Licensing Sub- Committee	13 June 2006	

## **APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF THE LEY INN BACK LANE CLAYTON LE WOODS CHORLEY LICENCE NUMBER PL(A) 0310**

### **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
  - i) Exhibition of films - Indoors (b)

11.00 – 00.00 Sunday to Thursday  
11.00 - 01.00 Friday and Saturday

Non Standard Timings

Continued....



Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday  
weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 – 01.00.

ii) Indoor sporting event (c)

11.00 – 00.00 Sunday to Thursday  
11.00 - 01.00 Friday to Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday  
weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 – 01.00.

iii) Performance of live music – Indoors (e)

11.00 – 00.00 Sunday to Thursday  
11.00 - 01.00 Friday to Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday  
weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 – 01.00.

iv) Playing of recorded music – Indoors (f)

11.00 – 00.00 Sunday to Thursday  
11.00 - 01.00 Friday to Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday  
weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 – 01.00.

v) Performance of Dance– Indoors (g)

11.00 – 00.00 Sunday to Thursday  
11.00 - 01.00 Friday to Saturday

Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday  
weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 – 01.00.

vi) Provision of facilities for making music – Indoors (l)

11.00 – 00.00 Sunday to Thursday  
11.00 - 01.00 Friday to Saturday

#### Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday

weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 – 01.00.

- vii) Provision of facilities for dancing –Indoors (J)

11.00 – 00.00 Sunday to Thursday

11.00 - 01.00 Friday to Saturday

#### Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday

weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 – 01.00

- viii) Late night refreshment – Indoors (L)

23.00 – 00.00 Sunday to Thursday

23.00 - 01.00 Friday and Saturday

#### Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday

weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 – 01.00

- viii) The sale by retail of alcohol for consumption on and off the premises (M)

11.00 – 00.00 Sunday to Thursday

11.00 - 01.00 Friday to Saturday

#### Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday

weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 – 01.00

New Years Eve permitted from 10.00am until terminal hour New Years Day.

6. The opening hours of the premises (o)

11.00 – 00.30 Sunday to Thursday

11.00 – 01.30 Friday and Saturday

#### Non Standard Timings

Christmas Eve, Boxing Day, Friday, Saturday, Sunday and Monday of a Bank Holiday weekends, up to 12 'event days' per year provided seven days notice is given to the Police and Licensing Authority 11.00 – 01.30

New Years Eve permitted from 10.00am until terminal hour New Years Day.

7. Conditions

**ANNEX 1 – Mandatory Conditions**

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.

**ANNEX 2 – Conditions consistent with the operating schedule**

(a) General

The Licensee shall give the police and licensing authority seven days notice in writing for the 12 'event days'.

(b) The prevention of crime and disorder

1. Any person exercising a security activity as defined by SIA 2001 will be employed at the premises at the discretion of the designated premises supervisor/holder of the Premises Licence.
2. Any person exercising a security activity will clearly display his name badge at all times whilst on duty.
3. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.

4. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.
5. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
6. A personal licence holder shall be on the premises during the hours which intoxicating liquor is being sold, supplied or consumed by customers except in the case of an emergency.

(c) Public safety

1. To comply with the reasonable requirements of the fire officer from time to time.
2. To comply with the reasonable requirements of the building control officer.

(d) The prevention of public nuisance

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

(e) The protection of children from harm

1. The restrictions set out in the Licensing Act 2003 will apply.
2. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority Certification.

**ANNEX 3 – Conditions attached after a hearing by the Licensing Authority**

1. No outside areas designed for consumption of alcohol shall be used after 22.00 hours.
2. All doors and windows to be kept closed when regulated entertainment and/or provision of entertainment facilities for making music and dancing is taking place except in the event of an emergency.
3. The Licensee shall ensure that notices requesting customers to leave in a quiet and orderly manner are displayed and maintained at the exits to the premises and in the car park.
4. A personal licence holder shall be on the premises during the hours which intoxicating liquor is being sold, supplied or consumed by customers except in the case of an emergency.
5. The Licensee shall ensure that all emergency exit doors are fitted with suitable devices to indicate any unauthorised opening.
6. The Licensee shall give the police and the licensing authority seven days notice in writing of the twelve non-standard timings. Whilst not a condition of the licence we would strongly recommend that a sign be placed in a prominent position in the children's play area to the effect that children should be supervised at all times.

7. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of checks, the person making them and the results including any remedial action.

## THE APPLICATION

8. 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.
  - (a) We wish to remove condition (1) of Annex 3 of the Premises Licence, being a condition which limits the use of outside areas designed for consumption of alcohol after 22.00. We would wish for this part of the premises to be available for use during the hours the premises are open to the public.

We propose additional conditions in section P

9. Additional steps to be taken to promote licensing objectives as a result of the proposed Variation
  - i) General  
None
  - ii) Prevention of crime and disorder  
None
  - iii) Public Safety  
None

- iv) The prevention of public nuisance

No children will be allowed in the premises or beer garden or the children's play area as shown on plan KDH – 2840 dated June 2005 after 22.00 hours.

The premises licence holder will liaise with the Environmental Health Officer of Chorley Borough Council or such other person as may be deemed appropriate from time to time by the Licensing Authority to ensure that appropriate and reasonable measures are taken to prevent a nuisance being caused to local residents by persons present in the beer garden or the children's play area of the premises as shown on Plan KDH-2840 (June 2005 and annexed to the Premises Licence)

- v) The protection of children from harm

The restrictions set out in the Licensing act 2003 will apply.

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

None

11. Conditions/ Restrictions to be removed on variation.

Annex 3 number 1

No outside areas designed for consumption of alcohol should be used after 22.00.

12. Relevant Representations – Responsible Authorities

The Authority has received two objections -

i) The Police

It is felt that the proposed variation to extend the use of the outside area in line with the current licensing hours is excessive.

The police feel that by removing the condition relating to the use of the outside area of the premises will cause noise and disturbance to local residents therefore undermining the prevention of public nuisance condition and in a worse case scenario lead to incidents of crime and disorder between local residents and customers.

ii) Environmental Services

Objects to this application to vary on the grounds that extending the use of the beer garden and play area after this time will adversely affect the occupants of nearby residential properties.

Environmental Services will produce evidence of noise from the Ley Inn on CD recordings.

Both objections are both included in full in the attached report.

13. Relevant Representations – Interested Parties.

There are 4 representations from interested parties to the application to vary.  
The objections are relevant to the Licensing Objectives - Prevention of Public nuisance  
Prevention of crime and disorder

All representations are in full within the report.

14. 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 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).

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.

## 15. 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**

### 16. Application form and relevant representation.

DONNA HALL  
CHIEF EXECUTIVE

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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