

# **Statement of Licensing Policy**

**(Licensing Act 2003)**

**2016 - 2021**



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# 1 INTRODUCTION

- 1.1 The Licensing Act 2003 requires licensing authorities to publish a “statement of its licensing policy” every 5 years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only used if relevant representations are made.
- 1.2 The policy covers regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Nothing in this policy will prevent a person applying for a variety of permissions under the Act. The policy covers the following licensable activities:-
- Retail sales of alcohol
  - Supply of alcohol by or on behalf of a club
  - Provision of regulated entertainment
  - Provision of late night refreshment
- 1.3 The policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State. We must carry out our licensing role with a view to promoting the four licensing objectives which are:-
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- These licensing objectives are the only matters that can be taken into account in determining applications and any conditions to be attached to premises licences or club premises certificates will be appropriate to promote the licensing objectives. Each licensing objective has equal importance.
- 1.4 This policy will assist us in reaching a decision on a particular application, having regard to it and any statutory guidance issued by the Secretary of State. That does not mean we cannot deviate from the policy and/or statutory guidance if we have good reason to do so, such as where it is appropriate to do so to promote one or more of the licensing objectives, having properly taken the policy and/or guidance into account.
- 1.5 The 2003 Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. It is recognised that the licensing functions under the Act are only one means of promoting the delivery of the licensing objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Authority will, therefore, continue to work with its partners, local businesses and local people towards the delivery of the licensing objectives.
- 1.6 In accordance with section 5 of the 2003 Act the licensing authority has consulted with the following:-
- Responsible Authorities (Police, Fire & Rescue, Trading Standards and Environmental Health)
  - Representatives of local licensing trades

- Representatives of local businesses and residents
- Licence and Certificate holders.

The Authority has also sought the views of:

- Lancashire County Council
- British Transport Police
- Parish Councils
- Public Health Lancashire

Public consultation was undertaken via the local media, the Council's website and the social network.

- 1.7 The aim of this policy is to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. The Licensing Authority recognises both the needs of residents for a safe and healthy environment to live and work and the importance of well-run entertainment premises to the local economy and vibrancy of the Borough. To achieve this aim the Licensing Authority is committed to partnership working with the police, fire safety and rescue service, local businesses, licensing trade, residents and others towards the promotion of the licensing objectives.
- 1.8 The policy takes effect in 2016 and will remain in force for a period of not more than five years. During this time the policy will be subject to review and updating or modification as appropriate, such as the need to reflect changes in legislation.

## **2 BOROUGH PROFILE**

- 2.1 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.
- 2.2 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. A map of the area is given at Appendix 1.
- 2.3 There are approximately 375 premises licensed to sell alcohol ranging from off licences to public houses, members only clubs, restaurants and nightclubs.
- 2.4 The Council seeks to maintain a balance between the businesses 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.

## **3 LICENSING PROCESS**

### **3.1 Making an application**

- 3.1.1 The procedure and documentation requirements for making applications is prescribed by the 2003 Act and Regulations and further advice on how to make an application can be found on the council's website ([www.chorley.gov.uk](http://www.chorley.gov.uk)) or on request from the Licensing Authority at [contact@chorley.gov.uk](mailto:contact@chorley.gov.uk) or on 01257 515151.
- 3.1.2 This policy sets out the Licensing Authority's expectations with regard to applications. Whilst applicants are not obliged to meet these expectations in full it is more likely that responsible authorities and other persons will make representations if they do not.
- 3.1.3 The Licensing Authority recognises that licensed premises vary considerably in terms of what activities they provide, their size and location and therefore, there is no definitive list of control measures that can be applied to all licensed premises.
- 3.1.4 Applicants are encouraged to seek advice from the licensing authority and appropriate responsible authorities prior to submitting an application for a premises licence or club premises certificate or an application to vary a premises licence or club premises certificate.
- 3.1.5 It is expected that applicants will normally have obtained planning consent for the proposed use prior to application.

### **3.2 Representations**

- 3.2.1 There is a prescribed period during which the Licensing Authority can receive written representations to an application. For the applications referred to in the previous paragraph it is 28 days starting from the day after applications are received. Relevant representations can include positive, supportive statements as well as objections.

### **3.3 Decision making process**

- 3.3.1 It is our policy to provide an efficient and cost effective service to all parties involved in the licensing process. With the exception of the approval and review of this policy, decisions on licensing matters will be taken in accordance with our approved scheme of delegation which is detailed at Appendix 2.
- 3.3.2 The powers of the Council under the 2003 Act are undertaken by the Licensing and Public Safety Committee which comprises of 15 councillors, by the Licensing Act 2003 Sub-Committee (3 councillors), or by one or more officers acting under delegated authority.

### 3.4 Granting of Licences

- 3.4.1 If no relevant representations are received then the licence will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The Licensing Authority will have no discretion to refuse the application or to alter or add to the conditions offered through the operating schedule.
- 3.4.2 Where relevant representations are made by a responsible authority, the Licensing Authority will seek to engage with all parties may agree a hearing is not necessary where an amended operating schedule containing additional conditions is negotiated between the relevant responsible authority and the applicant.
- 3.4.3 Where relevant representations have been received and concerns cannot be resolved, the Licensing Authority must hold a hearing before the Licensing Act 2003 Sub-Committee, who will take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are:-
- To grant the licence or certificate as presented;
  - To grant the licence or certificate subject to the operating schedule modified to such extent as the Sub-Committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
  - To exclude from the scope of the licence or certificate any of the licensable activities to which the application relates;
  - To refuse to specify a person in the licence as the premises supervisor; and
  - To reject the application or refuse to grant the licence in its entirety.

### 3.5 Events on Council Land

- 3.5.1 The Council wishes to encourage cultural and community events across the borough and is aware of the Secretary of States' Guidance around the licensing of public open spaces. In accordance with the provisions of the 2003 Act, the Council has made applications and been granted premises licences for some of its areas of public land.
- 3.5.2 Persons or organisations wishing to provide a licensable activity on licensed public land are not required to obtain a premises licence *for regulated entertainment* but must obtain a temporary event notice for the sale of alcohol and do need the permission of the Council to put on an event and meet the licencing objectives and conditions. This can help to facilitate events that do require a premises licence, but which would be impractical to arrange, while giving the Council a degree of control over how the event is delivered.
- 3.5.3 All events will need to demonstrate how they intend to safely deliver their event in line with relevant H&S guidance and Council policy.
- 3.5.4 The Council may require its Event Safety Advisory Group to consider large scale or high risk events and provide the event organiser advice and guidance which may form part of the agreement. The Criteria for determining if the matter should be referred to the group is attached in Appendix 2.

- 3.5.5 All event organisers will be required to have in place and present to the Council: Public Liability Insurance to a minimum indemnity value of £5million and a higher level of insurance indemnity may be required, risk assessment, site plan and key contacts list. For larger scale or high risk events a full and detailed event management plan will be required for submission and approval by the Council.
- 3.5.6 Details on how to apply to host an event on Council land can be found on the Council's website and the following minimum notices periods to be adhered to: Small events (estimated attendance under 500 people) - 1 month notice. Medium events (estimated attendance 500-1000) - 2 months' notice. Large events (estimated attendance over 1000 people) - 3 months. Where the event will impact on external roads then longer periods of notice will be required (see below).

### **3.6 Large Scale Events**

- 3.6.1 Large Scale or high risk events applicants will be expected to demonstrate, in their event management plan the positive steps taken to support the licensing objectives.
- 3.6.2 Organisers of large scale events are encouraged to consult with the relevant council officers, the Council's Licensing and, where the criteria are met, the Events Safety Advisory Group, to ensure that the event does not undermine the licensing objectives. A minimum period of 6 months is recommended as an appropriate timescale for engaging with the Council on such large scale events.

## **4 PUBLIC HEALTH**

- 4.1 The Central Lancashire Joint Strategic Needs Assessment (2010) identifies the public health risks and impacts of alcohol for the area and in relation to each district. The public health data demonstrates that the use and misuse of alcohol in Central Lancashire both reduces life expectancy and increases hospital admissions. Hospital admissions specifically linked to alcohol are higher in Central Lancashire than the rest of England. Levels of binge drinking are also higher than other areas of England with the highest rate within the Central Lancashire area being in Chorley.
- 4.2 Although public health has yet to be adopted as a licensing objective, applicants should be mindful of the health impacts and the associated harms of alcohol. Operating schedules should be sufficient to address particular issues in the locality that link alcohol with crime and disorder and public safety objectives and the consequential high incidence of hospital admissions.

## **5 GENERAL POLICIES**

### **5.1 Encouraging Diversity in the Evening and Night Time Economy**

- 5.1.1 The Licensing Authority recognises that Chorley's night time economy plays an important role in creating a vibrant, sustainable economy for the town. This needs to be balanced with the ambition to expand our leisure, tourism and business visitor offer, providing an attractive offer for all age groups and continuing to diversify both the day and night time economy. The Licensing Authority will explore and support opportunities which are presented to increase events and other activities which are not necessarily alcohol led which are more socially-inclusive and drive the economy.
- 5.1.2 The Licensing authority will encourage and influence a more diverse mix of venues, events and visitor attractions so that a wider group of people, such as families and older adults can also enjoy their time in Chorley and this will be balanced against the potential for disturbance to local neighbourhoods.
- 5.1.3 It is the Council's intention to work with relevant partners to set out a shared vision for Chorley's night time economy. The Licensing Authority wishes to use its licensing function to promote and enhance the agreed vision.
- 5.1.4 The Licensing authority wishes to encourage applications for restaurants and other predominantly seated venues which do not adversely impact upon the licensing objectives in contrast to those that predominantly offer vertical drinking. If applications are made they must demonstrate how the licensing objectives are to be promoted.
- 5.1.5 The current staggered closing times of licensed premises that has developed since 2005 in the Town Centre initially helped to reduce the problems associated with large numbers of people leaving premises at the same time but a significant number of premises within this area have now similar closing times which has increased the risk of increased levels of crime, disorder and nuisance.

### **5.2 Off Licence Sales**

- 5.2.1 There has been a significant increase in the number of shops licensed to sell alcohol for consumption off the premises to be consumed at home which has resulted in less being purchased and consumed in traditional pubs, bars, restaurants and night clubs than used to be the case in the past. The attention of the Licensing Authority has been drawn to the growing practice of "pre-loading" before going out to visit licensed establishments. This change has the potential to create specific problems and be of detriment to the licensing objectives. These include ease of access to alcohol by children, ease of thefts, encouragement of street drinking and increase of crime and disorder and public nuisance. The Licensing Authority will work with partners and the trade to address these concerns including requiring changes to operating schedules, training or enforcement action to ensure the licensing objectives are met.

5.2.2 Applicants seeking a licence that would enable them to provide alcohol as part of a delivery service should include in their operating schedule procedures they intend to operate to ensure that:

- The person they are selling alcohol to is over 18
- That the alcohol is only delivered to a person over 18
- That a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspections by an authorised officer
- The time that alcohol is sold on the website/by phone and the time the alcohol is delivered is within the hours stated in the licence for the sale and supply of alcohol.

### **5.3 Adult Entertainment**

5.3.1 Applications for new licences must indicate the nature of any adult entertainment to be carried out at the premises. Where this section contains no details it will be assumed that there is no intention by the applicant to allow such activities and the licensing authority and Responsible Authorities will not include conditions to manage adult entertainment.

5.3.2 Chorley Council has adopted Schedule 3 Local Government (Miscellaneous Provisions) Act 1982, which means that venues proposing to provide sexual entertainment must apply for a sexual entertainment venue licence in addition to the premises licence under the Licensing Act 2003. Chorley Council has a Sexual Entertainment Venue Policy which was adopted in 2011.

5.3.3 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that does permit the premises to offer sexual entertainment no more than 11 times a year and no more frequently than monthly. Alternatively, TENS can be used to provide such entertainment. Where operators intend to take advantage of this exemption or the use of TENS, the licensing authority expects clear explanation in the operating schedule of the proposed signage, publicity and advertising/display materials. Explicit material should not be visible, while signage relating to the nature of the entertainment and the exclusion of children should be prominent and conspicuous.

### **5.4 Outside Areas**

5.4.1 The prohibition on smoking in enclosed public spaces has increased the demand for outside areas. Applicants are reminded that whilst they can be a valuable addition to the business, they can cause increased nuisance and disorder for residents. Operating schedules should detail how noise nuisance and disorder will be dealt with and these outdoor areas managed.

5.4.2 Although consumption of alcohol is not a licensable activity, if the plan does not show outside areas, such as beer gardens etc. then any premises licence authorising the sale of alcohol on the premises would not authorise the use of such areas as part of the premises for any activities included in the premises licence.

5.4.3 The guidance requires the applicant to describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

## 5.5 Takeaways and Late Night Refreshment

There are a number of issues that applicants of late night refreshment licences must consider and address as part of their operating schedule. All four licensing objectives must be given due consideration and appropriate management controls included. In addition, consideration must be included for the prevention of nuisance associated with music, which although ancillary to the licensable activities at the premises, can still give rise to noise nuisance complaints. Conditions restricting outside speakers and/or music above background level would be viewed favourably on applications.

## 6 APPLICATION CONSIDERATIONS

### 6.1 Layout and Operation of Premises

6.1.1 In most cases applicants will be able to address the potential problems and detriment to the licensing objectives, through the layout and the operation of the premises. Applicants should set out the steps which they are proposing to take to promote the licensing objectives in the Operating Schedule included in applications.

6.1.2 Appropriate steps will differ according to the size and nature of the premises. Subject to those qualifications steps may include:-

- Security/CCTV and staff supervision and training.
- Area used for display of alcohol
- Segregated areas for display and sale of alcohol.
- Sales over the counter/no self-service of alcohol.

### 6.2 Conditions and Review

6.2.1 Applicants are expected to explain within their application how the licensing objectives will be promoted. These proposals must be included in the Operating Schedule together with an appropriate plan. The Licensing Authority will consider what conditions should be imposed as are consistent with the Operating Schedule.

- 6.2.2 Where relevant representations are received, there will be a hearing. Having regard to those representations, the Licensing Authority may impose conditions consistent with the Operating schedule modified to such extent as the Licensing Authority considers appropriate for the promotion of the licensing objectives.
- 6.2.3 If it becomes apparent that the licensed hours and/or the layout or operation of the premises are having a negative impact on the licensing objectives, it is possible that the licensing authority, a responsible authority, such as the police, or any other person may apply for a review of the licence. At the hearing the Licensing Authority may revoke or suspend the licence, require an alternative DPS, modify the conditions of the licence to restrict the hours or activities or impose conditions if it considers it appropriate for the promotion of the licensing objectives.

### **6.3 Temporary event notices (TENs) and Late TENs**

- 6.3.1 The 2003 Act enables certain organised events to provide one or more licensable activities at either an unlicensed premises or at a licensed premise to extend the times or licensable activities, to take place following notification to the Licensing Authority, the Police and Environmental Health. A TEN can last for 168hrs and each premise may have up to 15 TENs per year. Each TEN must be given no later than 10 working days before the event. The event must be for less than 500 people. Guidance on how to give a notice can be found in the Home office fact sheet which is available at [www.chorley.gov.uk](http://www.chorley.gov.uk)
- 6.3.2 Applicants are encouraged to give the earliest possible notice of events to allow for proper consideration of the event. This gives the Licensing Authority the Police and Environmental Health the opportunity to offer advice and assistance to applicants and reduce the likelihood of objections by agreeing conditions where appropriate to the operation of the TEN/Late TEN.
- 6.3.3 A Late TEN may be given up to 5 working days but no earlier than 9 working days before the event is due to take place.
- 6.3.4 Where the police or Environmental Health objects to a late TEN, there is no provision for a hearing and the authority must serve a counter notice to prevent the event going ahead. There is no right to appeal against the decision by the applicant.

### **6.4 The Operating Schedule**

- 6.4.1 All new and variation applications are expected to incorporate an operating schedule specific to the premises, which outlines how the premises will be operated and demonstrates how high standards of management will be achieved. It should include details of how the applicant will promote the licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers.
- 6.4.2 The proposals contained in the operating schedule will form the main body of the conditions to be applied in the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application

process and any conditions imposed by the Licensing Sub-Committee at a hearing following the receipt of representations during the application process.

6.4.3 The Licensing Authority expects the highest standards of management in licensed premises and expects the licence holder to consistently manage their premises in accordance with their operating schedule.

6.4.4 Applicants are not required to seek the views of responsible authorities before submitting their applications however they are encouraged to consult and may find them a useful source of expert advice about local issues that should be taken into consideration when making an application.

## **6.5 Irresponsible Drinks Promotions and Drunkenness on Premises**

6.5.1 We know that low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are not being promoted or are likely to be compromised the Licensing Authority will take the appropriate action.

6.5.2 Rather than having to resort to controls of this kind, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions including pricing, and to encourage licence holders and others working at licensed premises to familiarise themselves with the mandatory condition relating to drinks promotions.

## **7 MANAGEMENT OF PREMISES**

### **7.1 Designated premises supervisor**

7.1.1 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person that holds a personal licence (or must be made or authorised by the management committee in the case of a community premises).

7.1.2 The 2003 Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and premises licence holder remain responsible for the premises at all times.

7.1.3 The Licensing Authority ordinarily presume that the DPS has the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis and is able to demonstrate appropriate management and control of the premises.

7.1.4 The premises licence holder is expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

## **7.2 Dispersal policy**

- 7.2.1 The Licensing Authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later opening premises elsewhere and people who use off-licences may locate to a remote spot to consume that alcohol. These problems are not within the scope of the 2003 Act but this Authority expects premises licence holders to take measures to encourage people to leave their premises quietly and considerately. The Licensing Authority encourages premises to adopt an appropriate dispersal policy.

## **7.3 Antisocial Behaviour and Nuisance**

- 7.3.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.

## **7.4 Risk assessments**

- 7.4.1 The Licensing Authority will expect that appropriate documentation that might include risk assessments, management procedures and documentation are available to staff, to the relevant responsible authorities and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

## **7.5 Children and licensed premises**

- 7.5.1 Whilst the Licensing Authority wishes to see family-friendly premises thriving in the borough, it is of the opinion that the protection of children from harm in licensed premises is an important issue. Consequently, the risk of harm to children will be a paramount consideration when determining applications.
- 7.5.2 Applicants will be expected to include in their operating schedule a statement of the measures as appropriate to protect children from harm which may include moral, psychological and physical harm as well as the protection of children from exposure to strong language, sexual expletives and gambling. Once the applicant has undertaken assessments of any risk to children they can volunteer appropriate conditions.

## **7.6 Proxy sales**

- 7.6.1 Adequate procedures must be in place to ensure that members of staff working at licensed premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of underage sales and proxy sales of alcohol and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.
- 7.6.2 Conditions must be included that ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses

are made fully aware of their responsibilities to ensure that no alcohol is sold to persons underage.

## **7.7 Age verification Policies**

7.7.1 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 scheme and such a scheme volunteered as part of the operating schedule will be given appropriate weight when the Council determines an application.

## **8 PROBLEM PREMISES**

### **8.1 Enforcement**

8.1.1 The Local Authority will employ officers who are authorised to carry out functions under the 2003 Act and will use the full range of enforcement actions, including the use of statutory powers where necessary.

8.1.2 The Licensing Authority checks compliance with the licensing objectives through inspection and visits. Proactive visits are made to those premises where concerns have been raised in relation to the licensing.

8.1.3 The Licensing Authority expects that where enforcement action relates to a breach of one or more of the licensing objectives, one of the responsible authorities will consider making an application to the Licensing Authority to review the premises licence.

8.1.4 The Licensing Authority will undertake enforcement action in accordance with the Regulators' Code and the Council's Enforcement Policy.

### **8.2 Reviews of licences**

8.2.1 The procedure for reviewing premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.

8.2.2 The Licensing Authority expects responsible authorities and other persons to give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement. It is expected that requests for a review of any licence or certificate will be sought only if such interventions have failed to resolve the matter or problem.

8.2.3 Representations must be made in writing and must be relevant. They must not be vexatious, repetitious or frivolous.

## **9 GENERAL TOOLS**

### **9.1 Public Space Protection Orders- PSPO's (previously Designated Public Places Orders)**

The Licensing Authority supports the use of PSPO's as a tool to prevent crime and disorder by tackling anti-social behaviour associated with consumption of alcohol in the street. The Licensing Authority expects premises that operate in areas where PSPO's have been implemented to have measures in place to ensure their customers do not contribute to problems of anti-social drinking.

The Council will carry out a consultation on the implementation of Public Space Protection Orders in 2016/17 to replace the existing Designated Public Places Order. The up to date details of the current orders are available from the Council's website, due to the proposed changes the information will not be published in this document until those orders are finalised.

### **9.2 Cumulative Impact Areas (CIA)**

9.2.1 There is evidence of a clear positive relationship between increased outlet density and alcohol consumption in adults and young people. The evidence shows that increases in alcohol outlet density tend to be associated not only with an increase in alcohol consumption, but also increased alcohol-related crime and violence and alcohol specific hospital admissions. Also where licensed premises are clustered together within an area they are more likely to compete on price and promotions which can lead to increased consumption and alcohol related injury and violence.

9.2.2 At this time Chorley Council has not identified any Cumulative Impact Areas. However, where evidence exists that demonstrates that a concentration of a significant number of licensed premises in one area is causing a negative cumulative impact on one or more of the licensing objectives, a Cumulative Impact Area will be considered. This will involve consultation with a number of interested parties and partner agencies.

The Council's policy would need to be agreed and should include a presumption that applications for licences which are likely to add to the existing cumulative impact will be refused, following relevant representations, unless applicants can demonstrate that there will be no negative cumulative impact on the licensing objectives. The policy would include late night fast food outlets which are not licensed to sell alcohol.

As public health is currently not a licensing objective this cannot be taken into consideration in relation to cumulative impact areas other than statistics directly correlating alcohol with crime and disorder or public safety impacts and the related hospital admission data. Therefore, the long term health implication of alcohol consumption or obesity associated with a clustering of particular premises currently lies outside the scope for the CIA.

9.2.3 It must be noted that the Licensing Authority can only give effect to this in respect of any application for premises within the cumulative impact area if a relevant representation is received. If none are received then the Licensing Authority is obliged to grant the application.

9.2.4 In coming to the conclusion that it is necessary to establish or retain a CIA the Licensing Authority must take cognizance of Statutory Guidance and there must be sufficient evidence to be satisfied that the following factors are occurring in the CIA:-

- Concerns about crime and disorder or public nuisance.
- Crime and disorder, including anti-social behaviour, and nuisance are occurring and caused by customers of the licensed premises from within the CIA.
- Takeaway outlets become the focus for disorder and occasional violence.
- Concerns over public safety, supported by statistics for alcohol related ambulance attendances.
- Concerns over alcohol related assaults resulting in attendance at accident and emergency departments, occurring either within the premises or immediate vicinity.
- Concerns over public nuisance as a result of noise and disturbance on the streets several nights during the week and particularly at weekends.
- High levels of anti-social behaviour in public places, particularly at night, with much of it being associated with excessive alcohol consumption.
- Concerns over public safety as a result of high numbers of pedestrians on the footways which spill on to the roadways.
- Concerns over public nuisance as a result of litter associated with takeaway outlets.
- Fouling of highways, doorways, public areas and alleys by urination, defecation and vomiting.

9.2.5 The adoption of a CIA does not prevent any person making an application for a licence for a premises or an application to vary an existing licence within the CIA.

9.2.6 Any CIA would be reviewed regularly to ensure it is still required and is having an appropriate impact.

### **9.3 Deregulation of Late Night Refreshment Licences**

The opportunity exists to deregulate late night refreshment. Chorley Council has not made any changes to the existing licensing requirements at the time of publication of this policy.

### **9.4 Closure Orders**

Both the Police and the local authority may seek to close premises where there is significant nuisance and disorder using provisions with the Anti-social Behaviour, Crime and Policing Act 2014. The initial closure notice may be effective for up to 48hrs and within that time an application must be heard by the court for the closure order, which may be for up to 3 months and can be extended up to a maximum of 6 months.

These powers are only to be used in circumstances where there is significant impact on the public from a premises and where the closure of the premises is necessary to resolve those serious issues.

## **9.5 Late Night Levies (LNL)**

The late night levy is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.

Currently, Chorley Council does not impose a late night levy on licenced premises in the borough.

## **9.6 Early Morning Restriction Orders (EMRO)**

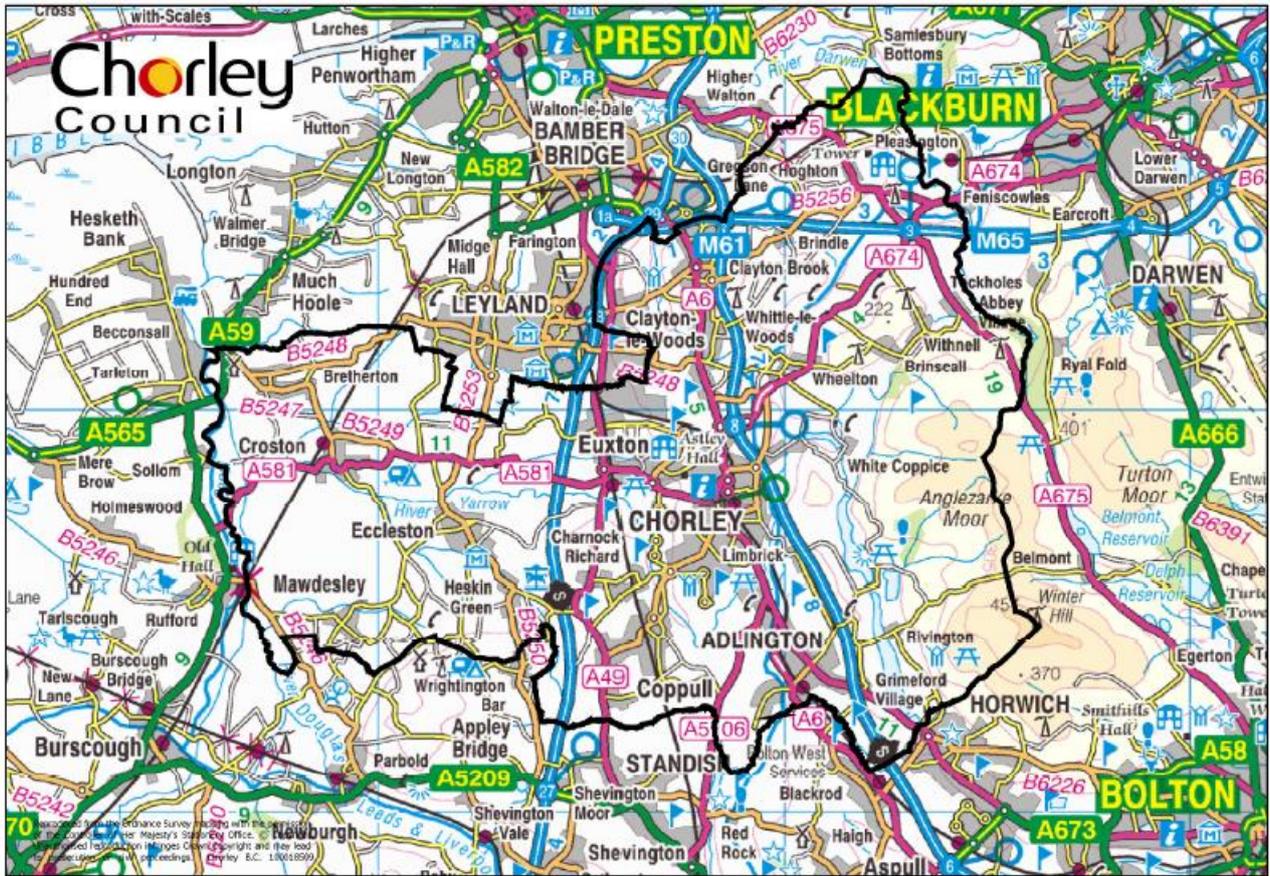
Early morning alcohol restriction orders enable a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

EMROs are designed to address recurring problems such as:

- high levels of alcohol-related crime and disorder in specific areas at specific times
- serious public nuisance
- other instances of alcohol-related antisocial behaviour which are not directly attributable to specific premises

Currently there are no proposed or designated EMRO's in Chorley.

# Appendix 1- Map of Chorley Borough



## Appendix 2- Event Safety Advisory Group Criteria

### Chorley ESAG Referral Criteria

