

Report of	Meeting	Date
Director of Corporate Governance	Licensing Act 2003 Sub-Committee	03 Sept 2008

## **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF QUEENS ARMS, 52 CHAPEL STREET, CHORLEY PR7 1BS MADE UNDER SECTION 17 OF THE LICENSING ACT 2003**

### **PURPOSE OF REPORT**

- To enable Members to determine the application for a premises licence made by Cobbetts LLP on behalf of Pub Support Company for the Queens Arms, 52 Chapel Street, Chorley PR7 1BS in light of representations that have been made towards the application under Section 18 of the Licensing Act 2003.

### **RECOMMENDATION(S)**

- It is recommended that Committee consider the application and make a decision.

### **EXECUTIVE SUMMARY OF REPORT**

- An application has been received by Chorley Council by Cobbetts LLP on behalf of Pub Support Company for the Queens Arms, 52 Chapel Street, Chorley for a Premises Licence as detailed in the report.

### **REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

- Not applicable.

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- Not applicable

### **CORPORATE PRIORITIES**

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	4
Involving people in their communities	4	Ensure Chorley Borough Council is a performing organization	

## BACKGROUND

7. An application was received by the Council on 3 August 2005 for the Justices Licence to be converted and varied to a Premises Licence in accordance with the Licensing Act 2003 and this was determined following a hearing on 7 October 2005.
8. An application to Review the Premises Licence was received by the Council and made by Mr Desai on 9 February 2007 following that application Streetscene, Environment and Neighbourhoods also made representations towards the licence on 14 February 2007.
9. A review determined additional conditions be attached to the Premises Licence at a meeting held at the Town hall on 3 April 2007. The licence as amended at this hearing of 3 April 2007 detailing those conditions is attached as Appendix A for members information.
10. On 13 May the premises licence holder informed Chorley Council that he wished to surrender the existing premises licence with immediate effect.
11. On 18 July 2008 an application for the grant of a premises licence was received from Cobbetts LLP on behalf of Pub Support Company Ltd for the Queens Arms, 52 Chapel Street, Chorley for a new Premises Licence.

The application was made in accordance with Section 17 of the Licensing Act 2003 and advertisements were placed in the local paper and on the premises in the prescribed manner.

12. The application as presented broadly mirrors the premises licence that was previously attached to the Queens Arms in that the permissions for regulated entertainment and for the sale by retail of alcohol are the same, the applicant has retained those conditions that were attached to the premises by the Licensing and Safety Committee at the review hearing on 3 April 2007.

Members will note that all grandfather rights contained in premises licence are no longer applicable to this application.

### Exhibitions of Films (Indoors) (B)

Monday to Sunday	10.00 – 00.30
Non Standard Timings	
New Years Eve - New Years Day	10.00 – 10.00 on the following day with a 30 minute wind down

### Indoor Sporting Events (C)

Monday to Sunday	10.00 – 00.30
Non Standard Timings	
New Years Eve -I New Years Day	10.00 – 10.00 on the following day with a 30 minute wind down

### Performance of Live Music (Indoors) (E)

Monday to Sunday	10.00 – 23.15
Non Standard Timings	
New Years Eve - New Years Day	10.00 – 10.00 on the following day with a 30 minute wind down

### Playing of recorded music (Indoors) (F)

Monday to Sunday	10.00 – 23.15
Non Standard Timings	

New Years Eve - New Years Day 10.00 – 10.00 on the following day with a 30 minute wind down

Performance of Dance (Indoors) (G)

Monday to Sunday 10.00 – 23.15

Non Standard Timings

New Years Eve - New Years Day 10.00 – 10.00 on the following day with a 30 minute wind down

Anything of a similar description to that falling within (e), (f) or (g) (Indoors) (H)

Monday to Sunday 10.00 – 23.15

Non Standard Timings

New Years Eve - New Years Day 10.00 – 10.00 on the following day with a 30 minute wind down

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

Monday to Sunday 10.00 – 23.15

Non Standard Timings

New Years Eve - New Years Day 10.00 – 10.00 on the following day with a 30 minute wind down

Provisions of facilities for dancing (Indoors ) (J)

Monday to Sunday 10.00 – 23.15

Non Standard Timings

New Years Eve - New Years Day 10.00 – 10.00 on the following day with a 30 minute wind down

Provision of facilities for entertainment of a similar description to that falling within i or j (Indoors) (K)

Monday to Sunday 10.00 – 23.15

Late night refreshment (Indoors) (L)

Monday to Sunday 23.00 – 01.00

Non Standard Timings

New Years Eve - New Years Day 10.00 – 10.00 on the following day with a 30 minute wind down

The sale by retail of alcohol for consumption On and Off the premises (M)

Monday to Sunday 10.00 - 00.00

Non Standard Timings

From 10.00 until 01.00 on Christmas Eve and Boxing Day

New Years Eve - New Years Day 10.00 – 10.00 the following day with a 30 minute wind down.

The opening hours of the premises (O)

Monday to Saturday 10.00 – 02.00

Sunday 10.00 – 01.00

Non Standard Timings

With a 60 minute wind down

## **ANNEX 1 - MANDATORY CONDITIONS**

Please note Regulatory Reform, Childrens Certificate and Credit Sales have been removed as they are not applicable under the Licensing Act 2003.

### **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**

None

### b) **The prevention of crime and disorder**

Zero tolerance on drugs.

### c) **Public safety**

Health and safety poster, fire procedures posters, accident record book, first aid kit, fire alarm, gas and electricity safety certificates, fire extinguisher maintenance certificate, signs with reference to a street ban on bottles/glasses, workplace and fire risk assessment, are all in place.

Fire alarm/emergency lighting audits are carried out.

Plastic glasses are available for use in the beer garden.

d) **The prevention of public nuisance**

Exit notices with reference to noise levels upon leaving the premises, are in place.

Back doors to be kept closed and checked regularly when music is on.

e) **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.

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

**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

- 1) No outside areas designed for consumption of alcohol shall be used after 23.00 hours.
- 2) All doors and windows to be kept closed when regulated entertainment is taking place except in emergencies.
- 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) Licensing hours on New Year's Eve to be granted in line with current legislation or any subsequent amendments.
- 5) All internal lobby doors to be fitted with self-closers.
- 6) By 3 July 2007 any amplified sound must be connected to a noise limiter or cut out device of a type and with settings approved by Environmental Services and be used at all times during entertainment. Officers from the Environmental Services Unit reserve the right to check the settings on the noise limiter at any reasonable time.
- 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.
- 8) The Licensee shall ensure that the noise limiting or cut out device is not tampered with, by-passed or adjusted in any manner without the consent of the Environmental Services Unit.
- 9) The Licensee shall ensure that the noise limiter or cut out device is working at all times and will not hold regulated entertainment in the event that the noise limiter or cut out device ceases to work.

- 10) The Licensee shall ensure that the area immediately surrounding the premises shall be cleared of glasses and bottles at the end of licensable activities each day. The Licensee should ensure the area immediately surrounding the premises shall be kept clear of broken glass.
- 11) For the avoidance of any doubt the speaker outside the premises shall be removed and no further outside speakers erected on the premises at any time.
- 12) The fire doors at the rear of the premises shall not be used for access and egress unless in the event of an emergency.
- 13) Whenever a designated premises supervisor is not at the premises another individual must be nominated as being the responsible person nominated by the designated premises supervisor to manage the premises and they must have the contact details of the designated premises supervisor.

13. Relevant Representations – Responsible Authorities

The Police have no representation to this application and no other representations have been received by any other Responsible Authority.

14. Relevant Representations – Interested Parties.

There has been 1 representation from an interested party who lives in the vicinity and this representation relates to the Prevention of Public Nuisance.

This representation is attached in Appendix B for Member's information.

A plan of where the surrounding streets and the premises is attached in Appendix C for Members information.

15. Members must have regard to section 18(3) of the Licensing Act 2003 which states that:-

Where relevant representations are made, the authority must-

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representation, take such of the steps mentioned in subsection (4) if any as it considers necessary for the promotion of the licensing objectives.

The steps are –

- (a) To grant the licence subject to:
  - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and;
  - (ii) any condition which must under section 19, 20 or 21 be included in the licence.
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application.

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.

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 (eg 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 eg 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 (ie 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 (eg 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, eg 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 eg 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 (eg 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 (eg age);
- Use of special effects eg 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.

### **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.

### **IMPLICATIONS OF REPORT**

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	4	No significant implications in this area	

## LEGAL IMPLICATIONS

12. The legal implications are addressed within the report.

ANDREW DOCHERTY  
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Jayne Day	5708	19 August 2008	LEGREP/1908LM1