

Licensing and Public Safety Committee

Wednesday, 3rd November 2021, 6.30 pm
Council Chamber, Town Hall, Chorley

You can watch the YouTube stream by clicking [here](#).

Agenda

1 Apologies

2 Declarations of Any Interests

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

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

3 Public Questions

Members of the public who have requested the opportunity to ask a question(s) on an item on the agenda will be asked to put their question(s) to the Committee. Each member of the public will be allowed to ask one supplementary question within his/her allocated 3 minutes.

<https://democracy.chorley.gov.uk/documents/s67429/Appendix%203%20Standing%20Orders%20Aug%202016.pdf>

Minutes of the Licensing and Public Safety Committee

4 Minutes of meeting Wednesday, 10 February 2021 of Licensing and Public Safety Committee

(Pages 5 - 8)

Minutes of the last meeting held on Wednesday 10 February 2021, are attached to be agreed as a correct record for signing by the Chair.

Minutes of the General Licensing Sub-Committee

5 Minutes of meeting Wednesday, 7 July 2021 of General Licensing Sub-Committee

(Pages 9 - 12)

Minutes of the last meeting held on Wednesday 7 July 2021, are attached to

be agreed as a correct record for signing by the Chair.

- 6 **Minutes of meeting Friday, 16 July 2021 of General Licensing Sub-Committee** (Pages 13 - 16)

Minutes of the last meeting held on Friday 16 July 2021, are attached to be agreed as a correct record for signing by the Chair.

- 7 **Minutes of meeting Wednesday, 1 September 2021 of General Licensing Sub-Committee** (Pages 17 - 20)

Minutes of the last meeting held on Wednesday 1 September 2021, are attached to be agreed as a correct record for signing by the Chair.

Minutes of the Licensing Act 2003 Sub-Committee

- 8 **Minutes of meeting Monday, 29 March 2021 of Licensing Act 2003 Sub-Committee** (Pages 21 - 24)

Minutes of the last meeting held on Monday 29 March 2021, are attached to be agreed as a correct record for signing by the Chair.

- 9 **Minutes of meeting Thursday, 13 May 2021 of Licensing Act 2003 Sub-Committee** (Pages 25 - 30)

Minutes of the last meeting held on Thursday 13 May 2021, are attached to be agreed as a correct record for signing by the Chair.

- 10 **Minutes of meeting Tuesday, 17 August 2021 of Licensing Act 2003 Sub-Committee** (Pages 31 - 34)

Minutes of the last meeting held on Tuesday 17 August 2021, are attached to be agreed as a correct record for signing by the Chair.

- 11 **Minutes of meeting Thursday, 9 September 2021 of Licensing Act 2003 Sub-Committee** (Pages 35 - 38)

Minutes of the last meeting held on Thursday 9 September 2021, are attached to be agreed as a correct record for signing by the Chair.

- 12 **Introduction of New Statement of Licensing Policy under the Licensing Act 2003** (Pages 39 - 92)

Report of the Director of Planning and Development attached.

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Licensing and Public Safety Committee Councillor Matthew Lynch (Chair), Councillor Margaret France (Vice-Chair) and Councillors Mark Clifford, Gordon France, Tom Gray, Harold Heaton, Terry Howarth, Keith Iddon, Hasina Khan, Roy Lees, Alan Platt, Jean Sherwood, Christine Turner, John Walker and Jenny Whiffen.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

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Minutes of **Licensing and Public Safety Committee**

Meeting date **Wednesday, 10 February 2021**

Members present: Councillor Matthew Lynch (Chair), Councillor Margaret France (Vice-Chair) and Councillors Terry Brown, Val Counce, Mark Clifford, Jean Cronshaw, Gordon France, Anthony Gee, Danny Gee, Tom Gray, Hasina Khan, Roy Lees, Laura Lennox and Sheila Long

Officers: Nathan Howson (Enforcement Team Leader (Licensing)), Tracy Brzozowski (Customer Services (Enforcement)), Carl Gore (Enforcement Officer (Licensing and Empty Properties)), Jodi Ingram (Solicitor) and Matthew Pawlyszyn (Democratic and Member Services Officer)

Apologies: Councillor Joyce Snape and Councillor Steve Holgate

21.L.1 Minutes of meeting Wednesday, 19 February 2020 of Licensing and Public Safety Committee

Decision: The minutes of the meeting Wednesday, 19 February 2020 were approved as a correct record.

21.L.2 Declarations of Any Interests

No interests were declared.

21.L.3 Public Questions

No public questions were submitted.

21.L.4 Minutes of the General Licensing Sub-Committees

There have been no meetings of the General Licensing Sub-Committee.

21.L.5 Minutes of the Licensing Act 2003 Sub-Committees

a Minutes of meeting Friday, 10 July 2020 of Licensing Act 2003 Sub-Committee

Decision: The minutes of the Friday 10, July 2020 Licensing Act 2003 Sub-Committee were approved as a correct record.

b Minutes of meeting Thursday, 1 October 2020 of Licensing Act 2003 Sub-Committee

Decision: The minutes of the Thursday 1, October 2020 Licensing Act 2003 Sub-Committee were approved as a correct record.

c Minutes of meeting Tuesday, 13 October 2020 of Licensing Act 2003 Sub-Committee

Decision: The minutes of the Tuesday 13, October 2020 Licensing Act 2003 Sub-Committee were approved as a correct record.

21.L.6 Consideration of the Statutory Taxi and Private Hire Vehicle Standards, issued by the Department for Transport

Nathan Howson, Enforcement Team Leader presented the report.

Highlighted at paragraph 7, the statutory standards had been issued which helped inform licensing authorities how to exercise their functions so as to protect children and vulnerable individuals from harm.

Consultation on these Statutory Standards ran 12 February 2019 to 22 April 2019, consideration of responses and guidelines by the Department for Transport were released July 2020.

The standards found in Appendix contained recommendations for taxi and private hire which included;

- criminality checks for drivers,
- information sharing with relevant and appropriate authorities and cooperation with the police where necessary
- complaint handling,
- safeguarding and awareness,
- CCTV in licensed vehicles and
- regulations of booking and dispatch staff.

Members asked if there were any issues that directly related to Chorley.

Nathan explained that there were some instances where the policy of Chorley Council matched the guidance or went further, but there were also instances where a change of policy was required to comply with the guidelines. There would be a process of amending policy and consulting with the trade before proposals were presented to Members for a decision. CCTV was highlighted as the guidance does not mandate the implementation of CCTV but recommended it, there were questions around the legality of mandatory CCTV in vehicles related to the data controller and audio recordings. In order for the council to consider imposing CCTV, Chorley Council would have to demonstrate that it was an appropriate response to a local issue, and then a policy would need to be developed that proportionally responded to the local need or issue.

Members believed that CCTV would be beneficial for both drivers and passengers. It was confirmed that the passenger did not need to be verbally informed of the CCTV, signage was sufficient.

Members asked if Licensing would be a shared service. Nathan informed Members that Chorley and South Ribble had a shared Director overseeing both Licensing departments, but the services themselves were not shared and licensing functions and decisions would not be crossed over between Chorley and South Ribble.

Decision: The Report was noted.

21.L.7 Any urgent business previously agreed with the Chair

Nathan Howson, Enforcement Team Leader updated Members of the committee of the work completed over the previous 12 months, and that Licensing was now under the Directorate of Jonathan Noad.

Due to Covid-19, it was understood that the trade had struggled, and it was agreed that instead of medicals being undertaken for the next 12 months, self-declaration of medical health was accepted providing there had been no change to health. This assisted to ease the backlog and prevented overburdening local GP surgeries.

At the Licensing Liaison Panel prior to the Licensing and Public Safety Committee, it was heard that Covid19 had all but eliminated trade for private hire cars other than school contracts and hospital appointments.

Councillor Steve Holgate provided an outline to incentivise the trade to go greener and explored targets.

Members asked if taxis received business support funding similar to pubs and clubs, and Councillor Gordon France felt that due to the current impact of Covid-19 had on the trade, now was not the time to focus on green vehicles.

Chair

Date

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Minutes of **General Licensing Sub-Committee**

Meeting date **Wednesday, 7 July 2021**

Members present: Councillor Matthew Lynch (Chair), and Councillors Tom Gray, Alan Platt, Christine Turner and Jean Sherwood

Officers: Nathan Howson (Enforcement Team Leader (Licensing)), Tasneem Safdar (Shared Legal Services Team Leader) and Coral Astbury (Democratic and Member Services Officer)

21.46 Declarations of Any Interests

There were no declarations of any interests.

21.47 Procedure

The Chair outlined the procedure that would be used to conduct the meeting.

21.48 Exclusion of the Public and Press

Resolved (Unanimously):

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

21.49 Determination of Application to Renew Hackney Carriage and Private Hire Driver Licence

The Director of Planning and Development submitted a report for the General Licensing Sub-Committee to determine whether the Applicant was a fit and proper person to hold a hackney carriage and private hire driver licence.

Mr Nathan Howson (Enforcement Team Leader – Licensing) presented the report to the panel. He provided that the applicant was before the panel due to convictions which were obtained after the grant of the licence in 2018 and which the applicant had failed to declare.

On 7 June 2021, the applicant submitted an application to renew both licences. In support of this application, the applicant provided an Enhanced Certificate from the Disclosure and Barring Service which detailed the following convictions:

Conviction Date	Offence(s)	Penalty
19.12.2018 Burnley Crown Court	Conceal/ disguise/ convert/ transfer/ remove criminal property on 17 June 2014. Contrary to S.327 and S.334 of the Proceeds of Crime Act 2002.	Imprisonment 45 months, Forfeiture of seized items. Victim surcharge £120
19.12.18 Burnley Crown Court	Facilitate the acquisition/ acquire/ possess criminal property on 17th November 2015 Contrary to S.329 and S.334 of the Proceeds of Crime Act 2002	Imprisonment 12 months concurrent

The panel were informed that the offences were of dishonesty in nature and the Council's Safeguarding and Suitability Policy is a relevant consideration in reaching a decision on the suitability of the applicant. The Policy stipulates that the Council would take a serious view of any convictions involving dishonesty and an applicant with convictions of dishonesty which are less than 5 years from the conviction date or release from prison, whichever is the later, is unlikely to be granted a licence. In particular an application would be refused where the applicant has a conviction which is less than 3-5 years prior to the date of application. Mr Howson confirmed that the applicant was convicted on 19/12/18 and although he was released from prison on 15/6/20, this was a conditional release with the sentence expiring on the 11/9/22.

It was explained that the applicant had first applied to the authority on 13/05/2018 and was asked "*are there were any pending matters, including criminal, civil or traffic offences for which you are being investigated by any authority in the UK or in any other country.*" The applicant responded by selecting no and had signed a declaration that the information given was true and complete.

As a result, both a Hackney Carriage and Private Hire Driver Licence was granted. The PHD licence included a condition which required the licence holder to notify the Council of any conviction or caution recorded against him or the imposition of any endorsable or non-endorsable fixed penalty within 7 days of such conviction or caution being imposed.

Mr Howson explained that, although the applicant had not been convicted of an offence under the Local Government Miscellaneous Provisions Act 1976, he had clearly given false information and this should be a consideration for the panel, when reaching a decision.

Members were referred to the fit and proper person test and explained that the burden is on the applicant to demonstrate to the satisfaction of the Council that they are a fit and proper person. Members were further advised of the options available to them. The options being, to either grant or refuse to grant the Hackney Carriage and Private Hire Driver licences.

Mr Howson was questioned by the panel as to whether there had been any other issues or complaints made against the applicant. The panel were informed that there had been no other complaints or issues on record, however, a large duration of the licence period had been spent in prison.

The applicant provided that he had spent 18 months in prison and was released in June 2020. He explained to the Panel that he was in a difficult situation with no job and a family to support. He stated that he was a trusted man, peaceful and not dangerous. Mr Howson reminded the Panel that an individual's personal circumstances were not a consideration when determining the suitability of the applicant.

The Panel queried whether the applicant had completed the initial application form. In response, the applicant confirmed that the initial application form had been completed on his behalf by somebody else, but he had informed them that he had been arrested in 2014 and was on bail. The applicant provided that the individual that assisted him in completing the form advised him that, although the Police investigation was incomplete, the DBS was clear. The Panel sought clarification from the applicant that he understood that it was his responsibility to ensure the information on the form was correct, however this was not given. The Applicant told the Panel that he thought it was the responsibility of the person who had completed the application for him to make sure the information was correct.

The applicant was asked on two occasions whether he understood the seriousness of the convictions and the questionability this placed over his honesty and trustworthiness. The applicant asserted he understood and that he informed the individual that completed the form for him.

The applicant further asserted that he had informed the Council of his conviction's three times over the telephone. Mr Howson confirmed to the Panel, that no such conversation had taken place as there would have been records placed on file.

Resolved: (Unanimously)

After careful consideration of the written and oral representations, and taking into account all of the relevant factors, the sub-committee decided to **refuse to grant the applicant a Private Hire and Hackney Carriage licence pursuant to Section 61 (1) (a) (i) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that he is not a fit and proper person for the following reasons:-**

- 1. The applicant has been convicted of two very serious offences involving dishonesty during the course of his licence.**
- 2. In accordance with the Council's safeguarding and suitability policy an applicant with convictions of dishonesty which is less than five years of the conviction date, is unlikely to be granted a licence. There were no exceptional circumstances which would have led the committee to depart from their policy.**
- 3. The applicant had a responsibility to inform the Council at the time when he first made an application to this Council of pending convictions, which he failed to do. The applicant may well have been ill advised but the responsibility was his.**

- 4. The applicant failed to inform the Council of his convictions in writing. Although, the applicant stipulated that he had contacted the council on three occasions, no records have been found of this.**

The applicant has 21 days to appeal to the local Magistrates Court on receipt of the Decision Notice.

Chair

Date



Minutes of	General Licensing Sub-Committee
Meeting date	Friday, 16 July 2021
Members present:	Councillor Matthew Lynch (Chair), Councillor and Councillors Margaret France, Hasina Khan, Alan Platt and John Walker
Officers:	Laura-Jean Taylor (Public Protection Team Leader (Early Intervention)), Irene Elwell (Intervention and Prevention Officer), Alex Jackson (Legal Services Team Leader) and Coral Astbury (Democratic and Member Services Officer)
Other Members:	Councillor Nathan Howson (Enforcement Team Leader (Licensing))

20.50 Declarations of Any Interests

There were no declarations of any interest.

20.51 Procedure

The Chair outlined the procedure that would be used to conduct the meeting.

20.52 Exclusion of the Public and Press

Resolved (Unanimously):

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

20.53 Determination of Application of New Animal Welfare Licence - Dog Day Care

The Director of Communities submitted a report for the General Licensing Sub-Committee to determine whether a licence should be granted, as the applicant is currently subject to ongoing criminal court proceedings and has been charged with offences under the Animal Welfare Act 2006, Fraud Act 2006, Proceeds of Crime Act 2002 and Consumer Protection from Unfair Trading Regulations 2008.

The Applicant and her representative (who is her mother) were present at the Sub-Committee.

The Public Protection Team Leader outlined the report, requesting members to refer to the details contained within the report and to give due consideration to all information put before them when deciding if the applicant should be given a licence.

Members were informed that on 27 April 2021, a solicitor instructed on behalf of Animal Protection Services, a registered charity, contacted Chorley Borough Council to enquire regarding an application for a dog day care licence in the applicant's name. At this time, no application had yet been received.

However, the applicant had been in email correspondence to make arrangements for a premise's inspection. As the application and fees had not yet been submitted no inspection was arranged.

The applicant was made aware at the time of application that the Council had been provided with the prosecution information, and this would be taken into consideration when a decision was made. In response, the applicant asked if somebody else could obtain the licence in their name.

Following submission of the application, a qualified vet surgeon was employed to inspect the premises on behalf of the Council. The site passed inspection with minor failings and with the recommendation that, should a licence be approved a local authority officer should check prior to opening that all equipment was in place and working effectively.

The Public Protection Team Leader advised members that it was initially understood that a director decision could be taken to approve the grant of a licence, however, after further legal guidance the applicant was told the licence would not be approved, but a report would be submitted to the General Licensing Sub-Committee for a decision. The applicant was in receipt of this information.

The applicant told members that she was a dog lover and only sought to help dogs in need. It was her view that she did the right thing and anybody else in her position would have done the same. The applicant explained to the panel that she had contacted Animal Protection Services herself when she had discovered the ongoing investigation.

The applicant advised that she had sold three full litters and individual dogs in between litters. These dogs were purchased from puppy farms, looked after by the applicant and then rehomed. The applicant explained that she sold the dogs for a similar price to what she had originally paid and did not make a profit. The applicant explained to the Panel that the charges had nothing to do with the day care and not one single puppy farm she had reported had been prosecuted.

Following a request from the applicant, the Panel were shown a before and after video of German Shepherd puppies which the applicant had taken care of.

Following a member enquiry, the applicant confirmed that if she was allowed, she would continue to rescue and rehome puppies. The applicant advised that she did contact South Ribble Borough Council to request a licence but was informed that no such licence exists, due to Lucy's Law. Dogs can only be sold once they are six months of age, unless they are being sold by the original breeder or a genuine rescue centre.

In response to a member enquiry, the applicant stated that the first time she visited a puppy farm she had never intended to get the dogs. A friend was intending to purchase a dog, and the applicant had volunteered to drive her friend to collect it. The applicant advised that upon entering the property, it was clear that the dogs were very young and could only have been about 10 days old and the property was in fact a puppy farm. Her friend purchased one of the dogs and the applicant called her Mother to lend her the £6000 to purchase the dogs.

Members asked the applicant if she was aware that by paying for these dogs she could be seen to be colluding with the seller and encouraging the process to begin again. In response, the applicant agreed with members but explained as a dog lover she took the right route by reporting the farms to the relevant authorities, but she could not justify leaving the animals there. If she did not buy them then somebody else would. It was her view that she did the right thing and should be thanked.

In response to a member enquiry, the applicant confirmed that the licence would be for a seven-day daycare which is a provision not currently offered in Lancashire. The premises would be open from 7.00 AM until 6.00PM every day, dogs would get space to play and to relax. The applicant likened the business to a nursery for children.

In summary, the applicant explained to members that the doggy day care had nothing to do with the charges. The business would be three individuals who love dogs and want to work with them all day. In her view, rescuing a dog and putting them in a better place should not be a crime. The applicant commented that reporting puppy farms did not go far enough and that more needed to be done. It was further explained that she had two dogs of her own which she spoils and loves, and this would be what she would continue to do at her day care.

RESOLVED:

Although members recognised the applicant's passion for animal welfare the decision was made to refuse the application for a licence on the following grounds:

1. Members noted that the Inspector's report was overall positive for the applicant. However, members were aware that they need to consider other matters not known to the Inspector.
2. Members also noted that no animal cruelty was alleged against the applicant. However, the 2018 Regulations impose a regime of conditions which address matters such as dog welfare beyond actual cruelty.
3. Members considered that the charge under Section 13 of the Animal Welfare Act 2006 was relevant. Members further considered that the multiple charges under the Fraud Act 2006 were relevant as the facts were related to allegations of offering for sale puppies bred by illegal puppy farmers. Members noted that for nearly all the time neither an Inspector nor an officer of the Council is present at a licensed premise and the sound operation of the business in accordance with all licence conditions depends largely on trust. Charges of serious dishonesty offences raise questions about the extent to which the applicant could be trusted to observe all applicable laws and licence conditions when left to her own devices.
4. Members noted that the allegations remain to be proven in a criminal court but took into account that the applicant has been committed for trial in the Crown Court. The prosecuting solicitor must have had regard to the Code for Crown Prosecutors. The prosecutor has decided that there is sufficient evidence to provide a realistic prospect of conviction and that the prosecution is in the public interest. The application admitted in sub-committee to selling three litters off puppies without a licence and also using names of third parties purporting to be herself on a pet sale website, although she said this was because she had reached her quota of offering three litters for sale.
5. Members directed themselves that they must be positively satisfied that the applicant is fit and proper before granting a licence. Given the question mark hanging over her fitness and propriety which does not arise from mere accusations casually made by a complainant but on charges to be heard in the Crown Court members considered that they could not be so satisfied.
6. Members directed themselves that the civil standard should apply as it would do in any appeal to the First-tier Tribunal; therefore, a conviction was not required to raise strong doubts about an applicant's fitness and propriety and the 2018 Regulations do not require a conviction as a bar to being granted a licence.
7. In relation to the duty contained in Regulation 4(2)(b) of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 obliging the council to grant a licence if it considers that the licence conditions will be met members noted that if the allegations about an illegal operation were true then the applicant had been operating outside of any licence conditions whatsoever. In such circumstance's members did not feel able to grant a licence to someone who may have been prepared

to operate not subject to any conditions.

8. The applicant according to the case summary supplied by the prosecuting solicitor admitted selling some of the dogs she had purchased from illegal puppy farms. Members had doubts that purchasing puppies for £6,000 according to the log of the call to Chorley Borough Council was an act of charity but was done with a commercial aim. Members also considered that purchasing puppies from illegal puppy farms tends to reward and perpetuate maltreatment of dogs by others. Rather they should be seized by the authorities so that the puppy farmer is not rewarded. The applicant appeared to lack proper insight into how purchasing such puppies means the purchaser is helping to sustain a market which causes animal suffering. She continued to regard her activities as morally justified by saying at the sub-committee what she did was the right thing and should be thanked for it although conceded but only in response to a question from Cllr France that it was a bit silly to pay £1,500 to someone doing a bad thing.
9. Given that the applicant regarded purchasing puppies from an illegal puppy farm as a morally positive act (in her words “a good thing”) and had said that she would do it again tomorrow members considered it a significant risk that she might do so again in the future and that such puppies might end up being accommodated in her dog day care facility (presumably alongside dogs from domestic owners which would be a legitimate activity). Members considered this risk unacceptable as it would make the dog day care facility in effect a customer for illegal puppy farms and support the market for an illegal trade causing animal suffering.
10. Members viewed the videos showing the puppies before and after they were acquired by the applicant. Members accept that their treatment by the applicant was good and she does not cause harm to them. Members recognised her passion for dogs but her purchase from illegal puppy farms would promote further maltreatment of dogs. Members considered that purchasing puppies from illegal puppy farms rewards people who do cause suffering to animals and only encourages more puppy farming. The letter of support from a satisfied customer shows that the applicant does treat dogs well that are in her care. However, being a third-party seller helps to facilitate the harms described above. The letter from a supporter submitted by the applicant was of relevance to the dog day care operation but not the alleged criminal activity of selling puppies.
11. Members considered that the applicant’s claim that she had been told by South Ribble Borough Council that she did not need a licence were misleading. The log provided by South Ribble Borough Council recorded that she had been advised that the activity she described was not licensable at all due to Lucy’s Law, not that it was lawful to carry on as no licence was required.
12. Members noted that the applicant according to the case summary supplied by the prosecutor had criminal associates who were also related to her. Given such recent associations connected with an animal welfare charge, members could not be satisfied that the applicant is fit and proper especially as she is likely to continue such associations with close relatives.

Chair

Date



Minutes of **General Licensing Sub-Committee**

Meeting date **Wednesday, 1 September 2021**

Members present: Councillors Matthew Lynch (Chair), Roy Lees and Alan Platt

Officers: Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader) and Charlotte Lynch (Democratic and Member Services Officer)

Apologies: Councillor John Walker

20.54 Declarations of Any Interests

None.

20.55 Procedure

The procedure that would be used to conduct the meeting was noted.

20.56 Exclusion of the Public and Press

Resolved (Unanimously):

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

20.57 Determination of Application for the Grant of a Private Hire and Hackney Carriage Driver Licence

The Director of Planning and Development submitted a report for the General Licensing Sub-Committee to determine whether the applicant was a fit and proper person to hold a hackney carriage and private hire driver licence.

Mr Nathan Howson (Enforcement Team Leader – Licensing) presented the report and advised members that the applicant was before them due to convictions which fell within the council's policy and a licence history which was relevant in determining the application.

Members were reminded that the applicant had previously held both private hire and hackney carriage driver licences, but these had been revoked by a separate General

Licensing Sub-Committee in August 2018. The applicant's operator licence was also revoked in June 2019.

The applicant had appealed both of these decisions individually and the appeals were subsequently dismissed by Preston and Burnley Magistrates' Courts.

Following a complaint that the applicant had used an unlicensed vehicle and without the proper operator licence, the Council prosecuted the applicant and he was subsequently convicted of the following offences:

Section	Description	Disposal
S. 46 (1)(a)	Using a vehicle as a private hire vehicle without a licence	£1000 fine £3500 Council costs £100 Victim Surcharge
S. 46 (1)(i)	Operating a vehicle as a private hire vehicle without a licence	No separate penalty
S. 46 (1)(ii)	Operating a vehicle as a private hire vehicle where the driver doesn't hold a licence	No separate penalty

An application for a new private hire and hackney carriage driver licence was submitted on 11 August 2021 and the relevant information was provided.

The sub-committee was reminded that, where an applicant has more than one conviction within the 5 years preceding the date of application, a licence would normally be refused.

In response to member queries, Mr Howson confirmed that the applicant acted in the capacity of a call handler when he used an unlicensed vehicle to undertake a private hire job and that, although the call was taken through the operator's business, the applicant had made the decision to drive an unlicensed vehicle as an unlicensed driver himself.

Mr Howson also confirmed that there had been no complaints made to the Council since the applicant had been employed by a local taxi firm.

In accordance with the hearing procedure, the applicant was given the opportunity to make representations to the panel and to ask questions to Mr Howson.

The applicant stated to the sub-committee that he had supplied a good service in the 18 years that he had been licensed but acknowledged that two events in his personal life had significantly affected him emotionally.

He recognised that his conduct was wrong and led to him not being fit and proper to hold a licence at that time. However, assurances were provided to the panel that he had taken significant steps to rehabilitate and that he was confident in his ability to drive taxis again safely and competently.

As he did not hold an operator's licence, the applicant felt that he would no longer feel the pressures of running a business, which he admitted had contributed to his previous poor conduct.

The Chair queried whether the applicant was aware of the 5-year consideration policy, due to his multiple convictions, and asked what exceptional circumstances would apply for the sub-committee to consider deviating from this policy.

In response, the applicant stated that only one conviction was driver-related and therefore relevant to the application and that he believed himself to be rehabilitated and prepared to return to taxi driving.

The applicant was also questioned on the link between the personal issues he experienced and the deterioration in his driving. It was acknowledged that these issues had resulted in increased tiredness, instances of overthinking and poor management of his business and members of the sub-committee were given assurances that the applicant's personal life is more settled and that he does not experience disturbed sleep or the pressure of running a business.

In summarising, the applicant emphasised that he had learnt from his mistakes and acknowledged that he had let himself and the Council down. His exemplary record of 18 years was highlighted, and he reiterated his belief that he was fit and proper to represent the Council once again.

The Chair thanked everyone for attending and explained a decision notice would be issued to the applicant within 5 working days.

Resolved: (For: 2 Against: 1)

After careful consideration, Members resolved that the applicant was a fit and proper person to hold a licence and determined to grant both a Private Hire and Hackney Carriage Driver licence to him for the following reasons:

1. Members directed themselves that the impact statement from the applicant's wife was not relevant as the financial or other personal circumstances of the applicant are not grounds for granting a licence;
2. Three offences under the 1976 Act were committed not over a period of time but all relate to one incident in October 2018 so can be distinguished from separate offences over a period of time which might suggest repeat offending;
3. The applicant had demonstrated remorse for his past actions and insight into the causes. Members were satisfied that the applicant had determined to rehabilitate himself;
4. There was evidence of driving professionally for a takeaway business since September 2020 without complaint;
5. The Applicant had been a taxi driver for many years without issue until 2018 so he was capable of being trustworthy

The applicant has a right to appeal to the Magistrates Court within 21 days of receipt of the decision notice in relation to the conditions to be attached to the licence.

Chair

Date



Minutes of **Licensing Act 2003 Sub-Committee**

Meeting date **Monday, 29 March 2021**

Members present: Councillor Matthew Lynch (Chair), and Councillors Mark Clifford and Laura Lennox

Officers: Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team leader) and Matthew Pawlyszyn (Democratic and Member Services Officer).

21.1 Declarations of Any Interests

No declarations were made.

21.2 Procedure

The procedure was noted.

21.3 Exclusion of the Public and Press

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

21.4 Determination to Consider Revoking or Suspending a Personal Licence

The Sub-Committee considered a report which advised that a Personal Licence Holder had been convicted of a relevant offence.

Members were reminded of the licensing objectives and the steps they were to take were to promote the licensing objectives.

The Licence Holder gained a Personal Licence on 6 December 2018, and on 17 December 2020, the Licence Holder was convicted of driving with excess alcohol, 78 micro grams in their breath, double the limit of 35 micrograms.

Section 128 of the Act obliges the Licence Holder to produce the Licence to the Court. There was a discrepancy as to whether the Court were informed of the Personal Licence. The Licence Holder’s legal representative provided an email prior to the Sub-Committee meeting stating that the Court was informed but the Court Clerk advised the Licensing Officer that the Court was not informed.

The Licence Holder did not notify the Local Authority of the conviction, but procedure would be for the Licence Holder to inform the Court and the Court would inform the Local Authority. The Licence Holder made written representations 4 March 2021.

The Licensing Officer explained the potential outcomes for the Licence Holder, and noted that if the decision was made not to revoke or suspend, the police would have the opportunity to make representations, and if so, the matter will return to the Sub-Committee for a final decision.

The Licence Holder made their representations and emphasised that they had no intention of justifying their actions or providing any excuses. The Licence Holder was remorseful and felt that the incident was out of character as evidenced by having no history of driving offences. At the time of the incident, the Licence Holder was dealing with health issues, stress at work and financial pressure. Since the incident, they had received help, and immediately booked onto the alcohol driving rehabilitation course and paid the fine. The Licence Holder was certain that the Court were informed of the Personal Licence and explained that the reason they invested in a solicitor was not to fight the charge, but to ensure that everything was done correctly.

Upon question by members, the Licence Holder stated that the incident occurred after leaving the residence of a friend at 2am.

Upon request of the Licensing Officer, the Licence Holder explained that there had been two complaints about the premises, the first was during the transfer and start of pub tenure, in relation to potential drug misuse on site. The matter was dealt with and the establishment made it clear that drug use on the premises was unacceptable. The most recent was August 2020. a noise complaint followed a socially distanced event in which all Covid-19 and Licensing guidelines were adhered to.

Neither complaint progressed. The establishment took significant care to craft a good relationship with its neighbours and actively encouraged communication to resolve any minor issues that occur.

The Legal Services Team Leader, raised the possibility that the Licence Holder's legal representative in court inadvertently miscommunicated that his client was a holder of a Premises Licence and not a Personal Licence as a result of his unfamiliarity with licensing legislation.

To sum up, the Licence Holder acknowledged their mistake, said they made no excuses, was remorseful and ashamed. The incident was out of character and they hoped that they had demonstrated the value they placed on the Personal Licence to the Sub-Committee. They informed the Committee that due to the previous 12 months; it was in their financial interest to give up the establishment, and she once more provided apologies for the incident.

After careful consideration of the report and the representations of the Licence Holder, and having regard to the guidance issued under S182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy, the Licensing Act 2003 Sub-Committee **RESOLVED not to suspend or revoke the personal licence but to issue a warning as to future conduct to lie on the Licence Holder's licensing file for the following reasons:**

1. **The personal licence holder has no previous conviction for this type of offence.**
2. **There was nothing to suggest that the personal licence holder is not a responsible DPS. There was no suggestion of underage alcohol sales or sale of alcohol to drunk persons.**
3. **The personal licence holder was remorseful.**
4. **The personal licence holder advised that their personal issues were improving.**
5. **It did not appear that the convicting court had been specifically notified of the personal licence. However, the personal licence holder was very clear that they did not seek to conceal this from the court. Members noted the e-mail from the Court saying that a fact as significant such as this would have been recorded at the time. However, members also took into account the e-mail from the solicitor for the personal licence holder who presented mitigation at the court hearing in which he referred to the “licence holder” and then named the premises. Members considered that the solicitor may not have distinguished with sufficient clarity between a premises licence and a personal licence. For these reasons members concluded that the personal licence holder did not purposely conceal the personal licence from the court and their involvement in the licensed trade was declared to the convicting court by her solicitor.**

Chair

Date

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Minutes of **Licensing Act 2003 Sub-Committee**

Meeting date **Thursday, 13 May 2021**

Members present: Councillor Matthew Lynch (Chair), and Councillors Gordon France, and John Walker

Officers: Carl Gore (Enforcement Officer (Licensing and Empty Properties)), Alex Jackson (Legal Services Team Leader) Matthew Pawlyszyn (Democratic and Member Services Officer), Nathan Howson (Enforcement Team Leader (Licensing)) and Tracy Brzozowski (Customer Services Manager (Enforcement))

20.5 Declarations of Any Interests

No declarations of interest were received.

20.6 Procedure

The Chair outlined the procedure to be used to conduct the hearing.

20.7 Hearing to Consider Summary Review and Relevant Representations for Bretherton Arms 252 Eaves Lane

The Licensing Act 2003 Sub-Committee considered what measures (if any) were appropriate for the promotion of the licensing objectives following an application for a summary review of the premises licence under Section 53A of the licensing Act 2003. This included a review of the Interim Steps taken on 21 April 2021 to determine whether they remain appropriate for the promotion of the licensing objectives.

The Police representative, Sergeant Richard Horton attended the meeting via Microsoft Teams, as did Andrew Cochrane of Flint Bishop Solicitors (Licence Holder's representative), Tracy Duncan of Star Pubs & Bars Limited (employee of Licence Holder), Barry Graham (Chair of Chorley Pubwatch) to make their representations to the Sub-Committee while Mr Howson (Licensing Authority and representing Environmental Health) attended in person.

The Licensing Enforcement Officer reminded Members of the history of the establishment and that information heard is to be considered within the objectives of the Licensing Act 2003.

Sergeant Horton provided his representation on behalf of the police and provided an overview of circumstances within the application. Since the last Summary Review, the Bretherton Arms retained Mr Yates as temporary manager of the establishment. Ms

Steele was appointed as Designated Premises Supervisor (DPS), but since the incident on 17 April 2021, left the position and the Bretherton Arms currently had no DPS in place. The Summary Review that took place on 13 October 2020 was due to an assault that occurred which resulted in life changing injuries, the result of the Review reduced the hours alcohol could be served and a condition imposed stating that 2 Security Industry Authority (SIA) registered door staff would be present Friday and Saturday evenings from 10:00pm until the establishment was empty or closed.

The Sub-Committee was shown extracts from an hour of CCTV recording on the afternoon of the incident, showing the rear yard car park. On that day, the police received two logs, the first was from North West Ambulance Service at 5:36pm, after a man was assaulted after leaving the premises, and 7:29pm as there were concerns that there were too many people present and social distancing guidelines were not being adhered to.

The man that was assaulted was said to be severely inebriated, drinking measures of spirits with every pint prior to visiting the Bretherton Arms. Initial reports from the ambulance service indicated that the victim was more drunk than injured, but it was not the case, he deteriorated and it was revealed that he had a skull fracture and bleeding on the brain.

The CCTV footage demonstrated that patrons were out of control, there was no supervision by the staff of the Bretherton Arms or the DPS. There was no adherence to social distancing and Covid-19 guidelines, and it was the opinion of Sergeant Horton that the management of the Bretherton Arms contributed to a serious offence of violence. The footage showed the victim to be significantly impaired, stumbling and falling, at one point approaching Mr Howson, the DPS and two police officers. Later in the footage the DPS appeared to laugh and send him back to his seat after he fell to the floor.

In response to questions from Members, it was clarified that there was nothing within the CCTV that suggested that the victim was served while on the premises. The time stamp on the footage was accurate within a few minutes.

There was uncertainty as to what caused the disagreement and assault on the DPS's partner, but it was believed that one of the patrons was intent on damaging a parasol on the premises.

Mr Howson made his representations, emphasising that it was serious that this was not the first Summary Review, as they are convened where there was serious crime, disorder or both at an establishment. The threshold to convene was high and required a criminal offence for which a person who was over the age of eighteen with no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more. He explained that he was the Licensing Officer at the October 2020 Summary Review and found serious failings associated with the management of the premises. At the Summary Review, the Sub-Committee heard assurances that there would be greater oversight. The appointment of a new DPS that was experienced complying with licensing rules and regulations. These assurances were a significant factor on the decision.

There were approximately 45 days where the establishment was open between the two incidents, a large number of these days required a table meal which restricted the

sales of alcohol. The day of the incident was the first Saturday the pubs could reopen for outside consumption.

On the day of the incident, Mr Howson visited 13 different premises in a joint operation with the police to assess adherence to Covid-19 guidelines. During the conversation with Ms Steele, the victim of the assault approached, and she was informed that it was an offence to serve someone drunk and that he needed to be removed from the premises. Various other infractions were raised, such as the standing customers, in which no effort was made to control and keep them in their seats, there was no track and trace enforcement and various groups were mixing. He concluded that it was due to the failure of management and oversight that led to the assault.

Mr Howson explained that when infractions were highlighted, the DPS was visibly overwhelmed. The premises were under prepared for the reopening, door staff would have prevented overcrowding and allowed effective track and trace use. When the victim was highlighted as being too intoxicated to remain on the premises, the DPS said that she understood, but she failed to utilise the resource of the two police officers to remove offenders. It was believed that had appropriate action been taken, it would have prevented an escalation of misbehaviour by other patrons.

Mr Graham informed the Review that he received a call on the day of the incident at 4:20pm from the DPS explaining that there were a lot of people at the venue and she wanted to make sure that no one in attendance was barred on the Pubwatch scheme. When he arrived at the premises at 4:30pm – 4:45pm, there was a lot of people standing without masks. He added that the Bretherton Arms initially had SIA staff booked for the weekend but was cancelled.

Mr Cochrane made his representations, he expressed disappointment that the premises were once again under review and did not seek to contest the main points that were made by Sergeant Horton and Mr Howson. He agreed that there was a lack of control in the rear area of premises that allowed prohibited behaviours.

The Bretherton Arms was currently closed, Ms Steele was no longer the DPS, and Mr Yates was no longer the tenant. The premises would be shut for the near future, but Star Pubs and Bars still believed that there was potential for the premises and they intended to seek a new long term tenant and to invest substantial amounts in the premises, and invited the sub-committee to suspend the licence but not to revoke it.

Members believed that it was short-sighted to not have door staff, or any crowd control measures in place. They said that the Bretherton Arms had an image problem and the establishment was attracting the wrong clientele, the wrong DPS, and assurance after assurance were given but the assurances were merely aspirations.

Mr Cochrane rebutted and felt that it was true that the previous year had seen a turn in reputation, but the Covid-19 restrictions contributed to the shift in clientele and the return to normality will see the Bretherton Arms return to what it was. There were long term plans for the establishment with a greater emphasis on food.

It was confirmed that Mr Yates ended his tenancy and then took a temporary tenancy, he continued to run the business. He was given advice and support, which included templates for Risk Assessments, training for the staff and a portal for information. It was not known if the staff at the Bretherton Arms utilised the training. Ms Duncan had

been furloughed to the 12 April 2021, and with 37 pubs she was unable to visit all 37 and the Bretherton Arms did not receive a visit.

In summary, Sergeant Horton said that at the last Review, Mr Yates was said to be on a short-term basis yet continued to run the business which saw no significant change made. There was no criticism of Ms Duncan as she was furloughed until a week before the pub could reopen but felt that there should have been precautions in place for an establishment with a vulnerable licence.

Mr Cochrane acknowledged that Star Pubs and Bars held the licence but the day to day running was left to others. A significant amount of support was available. It was hoped that the licence would be suspended to allow the premises to come back with a new tenant, to allow investment and reassurances were given to move forward with commitment to change. Discussions will take place with Mr Howson, Mr Gore and Sergeant Horton prior to reopening. The police will have the opportunity to object to the next choice of DPS, but there were hopes that the pub will once again be the centre of the community.

Members resolved to revoke the premises licence as appropriate to promote the licensing objective of prevention of crime and disorder for the following reasons:

There had been an incident of crime and serious disorder at the premises resulting in life threatening injuries (fractured skull and bleed on the brain). A summary review last year was prompted by life changing injuries threatening loss of sight of the victim.

Members attached weight to the fact that no less than three responsible authorities had submitted representations and that the police officer and the Licensing Enforcement Officer had dealings with the premises at the previous summary review which gave them an insight into issues which had recurred.

The DPS should not have needed advice from the Council's Licensing Enforcement officer to exclude someone who was extremely intoxicated. There was blatant disregard for the proper management of the premises suggested by the Licensing Enforcement Officer. If this lack of control was displayed openly before a licensing officer Members considered that when left to her own devices the DPS would exert no better control.

This was the second summary review of the premises licence on the application of the police in the course of less than 12 months due to serious crime and disorder. Such applications by the police are not frequent and two applications in a short space of time were quite remarkable in respect of the same premises.

The serious issues subject of both reviews point to chronic issues at the premises and a common thread of a lack of effective control. The extra conditions imposed in October 2020 and the salutary effect a summary review might be expected to have had on the premises licence holder and those involved with managing the premises had clearly not transformed the management of the premises. Members no longer had confidence that more measures short of revocation would be effective as this had evidently not worked after the last summary review.

Members noted the police comment in the application for review that the premises had been largely closed since the last summary review (due to various lockdowns and tier restrictions). Members did not consider that the premises could point to any length of time when it was trading and free of serious incidents of crime and disorder.

The DPS had admitted that the condition requiring door staff imposed at the 2020 summary review had been breached. This condition had been offered by the premises before the interim steps hearing in 2020. Members considered that this meant promises by those associated with the premises could not be given credence.

Members noted that the former Premises Licence Holder Mr Yates had conceded before the 2020 summary review that the licence condition regarding supervision of the rear area had been breached. This together with the latest breach of condition regarding security staff around the weekend suggested a pattern of not complying with licence conditions. Lack of supervision of the rear area was implicated in the most recent incident. The barrister for the premises licence holder at the summary review in 2020 had promised better supervision of the rear area in future but this evidently was not kept.

Members were satisfied from the representation from the Environmental Health Authority and the representation from the Licensing Authority that measures to minimise transmission of coronavirus had not been taken and that there had not been effective compliance with the coronavirus restrictions regarding track and trace and gatherings of more than 6 persons which did not promote the licensing objective of prevention of crime and disorder. Members viewed the CCTV footage which showed lack of intervention by the premises with patrons standing rather than sitting and moving from table to table. These incidents were frequent not isolated. Members accepted that absolute compliance given that some patrons would tend to behave their own way was not possible but were satisfied that there had been no effective intervention or exclusion of persons by the management and that breaches were frequent and not isolated.

Members considered that the future business plan involving refurbishment was not relevant. Members did not conclude that the issue at the premises arose from decor or fittings or lack of investment but from poor management and corner cutting. It appeared to be a diversionary tactic as the premises licence holder could not convince members that the premises would be better managed in the future.

There had been no mention of a future DPS. There was no case made about how the premises would be effectively managed in the future. The case was made only for future investment. Star Pubs and Bars Limited seemed to have a hands off policy towards training of staff and left it to their discretion about taking it up.

This decision will not take effect until the end of 21 days following notice of this decision to the licence holder, being the appeal period or until any appeal against this determination under section 53C is disposed of.

A separate determination was made under Section 53D Licensing Act 2003 about whether the interim step of the suspension of the premises licence should continue.

Members determined that the interim step of suspension of the premises licence taken at the meeting on 21 April 2021 should continue. The premises licence holder should note that the intermediate step of suspension continues to have effect until the decision taken on 13 May comes into effect.

Any party to the hearing aggrieved by this decision has the right to appeal to the local magistrates' court within 21 days of receiving notice of this decision.

Chair

Date



Minutes of **Licensing Act 2003 Sub-Committee**

Meeting date **Tuesday, 17 August 2021**

Members present: Councillor Margaret France (Chair) and Councillors Hasina Khan and Harold Heaton

Officers: Tracy Brzozowski (Customer Services (Enforcement)), Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader) and Charlotte Lynch (Democratic and Member Services Officer)

20.8 Declarations of Any Interests

There were none.

20.9 Procedure

Members noted the procedure to be used to conduct the hearing.

20.10 Application for a Review of a Premises Licence under the Licensing Act 2003

The Licensing Act 2003 Sub-Committee considered what measures, if any, were appropriate for the promotion of the licensing objectives following an application for a review of the premises licence under Section 51 of the Licensing Act 2003 by Mr Nathan Howson for and on behalf of the Licensing Authority, acting in their role as a Responsible Authority.

Mr Howson (Applicant representing the Licensing Authority) attended in person as did Immigration Officer, Mr Paul Lewin, and the Premises Licence Holder and Designated Premises Supervisor (DPS), Mr Fayzul Islam, to make their representations to the Sub-Committee.

Members were informed that the premises were initially visited following intelligence received by Immigration Enforcement that an individual was working illegally at the business. This was found to be the case.

An update on the immigration case was provided and members were informed that the overstayer was arrested on the evening of the visit and is currently on immigration bail whilst awaiting appeal against deportation. A civil penalty is outstanding on the business.

The DPS was not present during this visit and was said to be absent due to illness. Following further enquiries, it was accepted that Mr Islam was in Bangladesh and could not return due to lockdown restrictions.

During this visit, the Licensing Team Leader (Enforcement) also identified a number of issues including the failure to display the premises licence and notice required by Section 57 of the Licensing Act 2003; Challenge 25 signage not being displayed; no record of staff training; and a lack of knowledge around licensing conditions and objectives.

The Sub-Committee was also advised that a further visit to the premises was undertaken on 5 July 2021 at which time the issues had not been rectified.

In accordance with the hearing procedure, Mr Islam was given the opportunity to make representations to the sub-committee and to ask questions of Mr Howson and Mr Lewin.

Mr Islam explained that he was unaware that the overstayer had been hired whilst he was in Bangladesh and maintained that the responsibility for hiring staff was within the remit of the Director of Noy Bhair Restaurant Ltd., Mr Rezwana Hussain.

No arrangements had been made to transfer the premises licence and vary the DPS, despite the restaurant manager having received advice on this from the Licensing Authority in February 2021. Mr Islam informed the sub-committee that he was of the belief that it was sufficient for a different individual with a personal licence to be at the restaurant whilst he was out of the country.

In response to a question from Mr Howson regarding the specific actions taken by Mr Islam to ensure there was appropriate DPS cover in place at the premises during his absence, Mr Islam advised that he had informed his Director, Mr Hussain, of his trip and that Mr Hussain had reassured him that Mr Abdul Malique would take over. Members noted, however, that this account conflicted with Mr Malique's statement on the evening of the initial visit that he had "worked at the premises approximately 18 months ago but that he had been furloughed and this was his first night back".

In response to a member query, Mr Islam confirmed he had worked at the premises for approximately 8 years. Members commented that, having worked at the premises for such amount of time and being the DPS, Mr Islam should have a sufficient understanding of how the restaurant operates and the requirements around licensing conditions and objectives.

It was queried whether Mr Islam now understood the measures he should have taken before leaving the country, to which Mr Islam responded that he would have rang the Licensing Authority for advice. When asked why he did not do this initially, Mr Islam stated that this was because he had been informed that someone else would be hired to take over on an interim basis until he returned.

In summarising, Mr Islam emphasised that he had no involvement in the employment of staff at the premises and that, with regards to the overstayer, he would not have been responsible for checking any 'Right to Work in UK' paperwork regardless of whether he was in the country at the commencement of the overstayer's employment.

The Chair thanked everyone for attending and explained a decision notice would be issued to the Licence Holder within 5 working days.

After careful consideration, members resolved:

- 1. to issue the premises licence holder with a stern warning to lie on his licensing file;**
- 2. to suspend the premises licence for a period of 2 months; and**
- 3. to modify the conditions of the licence by adding a condition to Annex 3 of the premises licence.**

Following consultation with officers the following day, the wording of this condition was agreed as follows:

No person shall be employed at the premises in any capacity, nor be permitted to work whether paid or unpaid, for whatever duration, unless an acceptable document has been produced which confirms their identity and shows their entitlement to work in the United Kingdom. Such document shall be copied in a legible format and such copies shall be kept on the premises for the whole time that person is working at the premises and for a further 6 months on a person's work ending. These copies shall be produced to an authorised officer, immigration officer or police constable on request. The above checks and retention of records must be repeated if the same person is engaged again after termination of previous employment at the premises or conclusion of a work placement. For the purpose of this condition, an acceptable document is one which is contained within Annex A of the Guidance for Licensing Authorities to Prevent Illegal Working in Licensed Premises in England and Wales, produced on 6th April 2017.

The reasons for this decision are as follows:

1. Members had regard to the statutory guidance at paragraph 11.27 issued under Section 182 of the Licensing Act 2003 which provides that criminal activity such as use of the licensed premises for employing a person who is disqualified from work in the UK by reason of their immigration status should be treated particularly seriously;
2. There were a range of offences being committed at the premises which means the prevention of crime and disorder objective was not being promoted;
3. Members did not consider the explanation of the premises licence holder that the illegal worker had only just been hired for that night to be credible;
4. There was potential for other harms arising from employment of those without the right to work in the UK such as non-payment of the national minimum wage and defrauding of HMRC through non-payment of taxes;
5. The premises licence holder denied being responsible for hiring staff and in response to a question from the legal officer confirmed that, even had he been in the UK, he would not have had responsibility for hiring staff or checking their immigration status. In such circumstances, members considered that a

recurrence, without compliance with the condition imposed and a change in the attitude of the premises licence holder, was likely;

6. The premises had not demonstrated any improvement at the follow up inspection on 5 July 2021 so appropriate controls needed to be imposed by the licensing authority and then complied with; and

7. The premises licence holder had not convinced members that he would, of his own motion, bring about the necessary changes to ensure that only those with right to work in the UK were hired so a condition was required.

Members also recommended that the premises licence holder takes heed of the recommendations of licensing officers regarding the proper management of the premises.

Any party to the hearing aggrieved by this decision have the right to appeal to the local magistrates' court within 21 days of receiving notice of this decision.

Chair

Date

Members were advised that the premises was surrounded on most sides by residential properties, and since re-opening following the relaxation of COVID restrictions the Council had received a number of noise complaints regarding the use of the beer garden on Sunday afternoons for live music. Several joint visits had been made between the Police, Licensing and Environmental Health, resulting in the application to vary the licence.

The PLH proposed to make the following amendments to the licence:

- The removal of Condition 6.ii – *Noise from the premises shall not exceed ambient background noise at the boundary*
- The removal of Condition 6.ii.a – *Where noise from the premises exceeds ambient background noise at the boundary of the premises, steps shall be taken to reduce the volume accordingly.*
- The addition of the following Condition: *Any entertainment held within the external area of the premises shall only take place between the months of April and September (inclusive) and shall cease by 9pm on any day.*
- The addition of the following Condition: *Any event held within the external area shall be documented by a risk assessment regarding preventing any noise disturbance to any nearby properties. Such risk assessment shall be held at the premises for no less than six months and shall be produced to a responsible authority on request.*

In response to a member enquiry, it was confirmed that a noise complaint had been made to Environmental Health and information and diary sheets had been provided. However, as the diary sheets had not been returned there had been no basis for installing noise equipment.

The Chair requested that an aerial view of the premises on Google Maps be shown on the screen for Members to consider, which was agreed by all parties in attendance.

The Chair queried what would be considered to be noise nuisance. The Licensing Team Leader provided that a public nuisance is a subjective question and depends largely on the experience of the person experiencing it.

Mr Macgregor, on behalf of the PLH, provided that there had been a meeting in July with Council Officers to discuss the issues which had been raised. The area manager had agreed with the Licensing Team Leader (Enforcement) the proposed wording which would tighten the conditions on the licence. As a result, an application to vary the licence was submitted.

Members noted that the current licence permitted music inside and outside of the venue Monday-Sunday 12:00-00:00. Mr Macgregor explained that the proposed conditions would limit this, live music would only be held April-September with a terminal hour of 9pm every day. He explained that the pub was a community pub and it was important for the PLH that they got on with neighbours. Mr Macgregor provided to members that live entertainment would be crucial to the pub's viability.

Mr Macgregor explained that not all residents were in objection to the live entertainment, and a letter of support had been provided to the DPS, albeit this was not read out or submitted as part of the hearing.

Mrs Peet explained to the Sub Committee that she had lived in her property for 28 years and residents generally had good rapport with the local businesses. The disturbance first began in 2017. She explained that her representation was on behalf of a number of residents living in the area. Referring to the image shown on Google Maps, Mrs Peet pointed out her property and garden to the Sub Committee and advised that some gardens ran to the side of the pub. In 2017, residents had been in contact with the Council to complain about the noise and action was taken. When the pub re-opened following the easing of COVID restrictions, members noted that a large marquee had been built to the front of the property. Mrs Peet explained at times this is where the music would come from and it was every Sunday, when it first began the music was very loud.

Mrs Peet advised the Sub Committee that since the application had appeared in the Chorley Guardian the music has been a lot quieter and not interfered with resident's enjoyment of their property.

The Council's Legal Advisor explained to members that only representations from Mrs Peet could be taken into consideration and other residents had the opportunity to make representations but had not done so.

In response to a member question, Mrs Peet confirmed that the noise from the pub can get very loud at times, to the extent that they cannot sit in the garden and hold a conversation. Mr Macgregor also confirmed to the Sub Committee that the marquee was in the process of being removed and had been a temporary measure for Covid purposes.

In summing up, Mrs Peet repeated her concern that the removal of the condition regarding ambient noise could lead to noise levels being above what is considered as reasonable. The concern was the noise levels from the pub whilst live music was being played. There was no anti-social behavior or noise from spill out. Mrs Peet further explained that the past few weeks had been noticeably quieter, and this had been acceptable to residents. She explained that the pub was well managed and not troublesome.

In summing up Mr Macgregor explained to the Sub Committee that it was not surprising that the noise level of the pub had decreased since the meeting with Officers. The application arose out of discussions with Council officers. Mr Macgregor reminded the Sub Committee that there were no regulatory concerns and no representations from any responsible authorities had been received.

Mr Macgregor explained that there was no basis to install a sound limiter as no noise records had been submitted. The pub needed to balance the needs of the business with those of the community, however the provision of entertainment would be critical for the pub's survival.

The Sub Committee noted that the proposed conditions were stricter than the current conditions held on the licence, with the times and dates music could be played outdoors restricted.

RESOLVED:

In reaching their decision, the Sub Committee took into account the following: -

1. Both written and oral evidence presented in connection with the hearing
2. The Licensing Act 2003
3. Chorley Borough Council – Statement of Licensing Policy
4. S182 amended guidance of the Licensing Act 2003

The Sub Committee carefully considered all the facts and issues raised by the parties. The application requests the removal of condition 6 ii and 6ii (a) and the modification of the licence by alternative conditions which limit the use of the external area between April and September until 9pm.

Any event held in the external area is to be documented by risk assessment regarding preventing any noise disturbance to any nearby properties.

The Sub Committee have heard that the premises is well managed and not troublesome. Currently, the licence allows for the playing of live music between noon and midnight every day of the year. Concerns have been raised by residents living in the area in respect of noise nuisance from the playing of live music. This had led to discussions between the premises and Responsible Authorities and ultimately the application before the Sub Committee.

The premises appears to have gone the extra mile by offering up conditions which are more restrictive than currently on the licence, by reducing the permitted licensable hours in the external area. The representation made by Mrs Peet is relevant and the only issue mentioned is the level of noise emanating from the premises. However, no evidence has been provided in this regard and it is noted that there are no representations made by any Responsible Authorities, specifically Environmental Health who are experts in their area.

The Sub Committee make the following decision, which addresses the representation made and in the circumstances is appropriate and proportionate to promote the licensing objectives: -

- To grant the application in part, in that conditions 6 ii and 6ii(a) are removed from the licence.
- To modify the operating schedule by the addition of the following conditions:
- Any entertainment held within the external area of the premises shall only take place between the months of April and September inclusive and shall cease at 9pm – Mon-Saturday and 8pm on any Sunday.
- Any event held within the external area shall be documented by a risk assessment regarding preventing any noise disturbance to any nearby properties. Such risk assessment shall be held at the premises for not less than 6 months and shall be produced to a responsible authority on request.

Any party to a hearing has a right to appeal the decision to the Magistrates' Court within 21 days of receiving the written notice.

Chair

Date

Report of	Meeting	Date
Director of Planning and Development	Licensing and Public Safety Committee	Wednesday, 3 November 2021

Introduction of New Statement of Licensing Policy under the

Is this report confidential?	No
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Is this decision key?	No
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Licensing Act 2003

Purpose of the Report

- To advise members of the statutory review of the Council's Statement of Licensing Policy under the Licensing Act 2003 and request this Committee recommends approval of the policy to Full Council.

Recommendations to Licensing and Public Safety Committee

- That the Licensing and Public Safety Committee give due consideration to the report, the draft policy and the responses received during consultation and recommend to Council that the policy is approved and implemented from 17th November 2021.

Reasons for recommendations

- The Council has a statutory duty to publish its Statement of Licensing Policy at periods not greater than 5 years. The current policy expires on 17th November 2021.

Other options considered and rejected

- It is a legal requirement for the Council to have a published policy under the Licensing Act 2003 and so no further options were considered.

Corporate priorities

- The report relates to the following corporate priorities: (please bold all those applicable):

Involving residents in improving their local area and equality of access for all		A strong local economy	X
Clean, safe and healthy communities		An ambitious council that does more to meet	

	X	the needs of residents and the local area	
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Background to the report

6. The Licensing Act 2003 (the Act) is the legislation which governs alcohol sales, regulated entertainment and late-night refreshment; the licensable activities. It is concerned with the issuing of various authorisations to carry on these licensable activities such as premises licences, club premises certificates, temporary event notices and personal licences.
7. The Act requires a licensing authority to publish a statement of licensing policy every 5 years and Chorley's current policy was last issued in November 2016, meaning it is due for revision this year.
8. The current policy has served the Council well over the period however a complete re-draft of the policy has been carried out, taking into account the experience of the last few years.

Significant policy changes

9. The policy has been entirely re-written however a number of the principles have been applied from the previous policy. Of particular note are the following new policy areas:
 - a. **Core Hours for Licensable Activities.** The policy will state core hours between which it would expect licences to be granted between. This will not be a blanket policy applied arbitrarily but will guide applicants when considering what hours would likely attract representations.
 - b. **Code of Practice for Drinks Promotions.** It's a mandatory requirement that premises do not hold irresponsible drinks promotions. This new section sets out the Council's approach when considering whether a promotion would be considered irresponsible or not.
 - c. Significantly, a **Pool of Model Conditions.** Conditions on a licence form a key part of licensing control and, in the past, the Council has received poor operating schedules with conditions which are ambiguous and unenforceable. This entirely new pool on conditions gives applicants approved wording to use when completing applications.

Consultation

10. Prior to publishing a new policy, the Act requires a licensing authority to consult with the following bodies:
 - the chief officer of police for the licensing authority's area,
 - the fire and rescue authority for that area,
 - each Local Health Board for an area any part of which is in the licensing authority's area,
 - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
 - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,

- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area.

11. An extensive consultation exercise was carried out during the period of 20th September-20th October 2021. One response was received during the consultation period as follows:

Consultation Response	Consideration
<p>The policy was forwarded to me for observations. In general I found it quite positive but have some concerns re high number of TENs available which I believe should be modified on assessment of the physical space available and its surrounding area.</p> <p>More specifically on the Draft I think 3.19 should read "Require rather than Expect etc)</p> <p>On P44 Use of Outdoor area this should to my way of thinking include the requirement that if any bonfire, fireworks etc are to be promoted then a) prior written approval of the Fire Safety Officer as to suitability and b) formal proof of Insurance submitted prior to event</p>	<p>The number of TENs permitted is set out in legislation. The Police and Environmental Health are entitled to object to the Notice if the event undermining the Licensing Objectives.</p> <p>The application requirements are set out in legislation and it's not within the power of the Licensing Authority to refuse applications if they fail to provide documents other than those set out in legislation.</p> <p>The pool of model conditions are provided to assist applicants in completing their licence applications- they won't be applied to every licence and are there for anyone applying for a licence to "dip into". Any applicant is still required to offer any conditions they believe are appropriate and the responsible authorities (police, fire etc) are entitled to make representations if they don't believe what's been offered goes far enough.</p>

Climate change and air quality

12. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

13. This new policy introduces a section on the Promotion of Equality, acknowledging the duty on Licensing Authorities to have regard to eliminating unlawful discrimination etc when carrying out its functions.

Comments of the Statutory Finance Officer

14. No comments.

Comments of the Monitoring Officer

15. The statutory duties of the council under Section 5 of the Licensing Act 2003 to publish a statement of licensing policy and review it at least every 5 years are referred to in the body of the report, as is the duty to consult prescribed persons on changes proposed to it.
16. Approval of the policy is reserved by Section 7 of the Licensing Act 2003 to full Council. Therefore, this Committee may only recommend adoption of the revised policy to full Council.

Jonathan Noad
Director of Planning and Development

Appendix	Description
Appendix 1	Draft Statement of Licensing Policy

Report Author	Ext	Email	Date
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Statement of Licensing Policy

Licensing Act 2003



The policy was approved on DATE and remains in force between 2021 and 2026.

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Policy Vision Statement

We want Chorley to be a safe and clean town that offers a greater diversity in the night-time economy that is less focused on alcohol and protects the quality of life for residents.

DRAFT

1. Introduction

- 1.1 This Statement of Licensing Policy (“policy”) has been produced in accordance with the requirements of the Licensing Act 2003 (“the Act”) and is in line with guidance issued under Section 182 of the Act. Section 5 (as amended) of the Act requires Chorley Council (“the authority”), acting in its capacity as the Licensing Authority to prepare and publish a statement of its licensing policy at least every five years.
- 1.2 This policy was last reviewed in 2016. In determining this policy, the authority has taken into consideration any comments made by consultees. The authority has also taken into consideration the statutory guidance, changes in legislation and the experience of administering and enforcing the Act since its introduction.
- 1.3 The main purpose of this policy is to provide clarity to applicants, responsible authorities, elected Members and other persons on how the authority will determine applications for the sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment and also to provide a basis for all licensing decisions taken by the authority over the next five years. It will also inform elected Members of the parameters within which licensing decisions can be made.
- 1.4 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting tourism, increasing leisure provision and encouraging the regeneration of the town centre as well as controlling the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder.
- 1.5 Other matters also taken into account in formulating this policy:
 - a) Chorley Council’s corporate strategy and outcomes.
 - b) Local planning policy in particular the local Plan.
 - c) Lancashire’s Police and Crime Plan.
 - d) Section 182 statutory guidance.
- 1.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual licensees. There are a range of mechanisms including:
 - a) Planning controls;
 - b) Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including the provision of Closed-Circuit Television (CCTV);
 - c) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
 - d) The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;

- e) The confiscation of alcohol from adults and children in designated areas;
- f) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- g) The power to seek a review of the licence or certificate in question.

1.7 It should be understood that this policy and the statutory guidance cannot anticipate every scenario or set of circumstances that may arise and as such there may be circumstances where the policy or guidance may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the authority will give full reasons for departing from this policy.

Licensing Principles and Process

1.8 This policy sets out the process the authority will adopt in dealing with licence applications with particular regard to the various types of premises and permissions and the various conditions that can be attached to licences if relevant representations are made. It also highlights the authority's undertaking to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies.

1.9 The authority is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates, personal licences and administering temporary events notices in the borough.

1.10 The objective of this policy is to:

- a) promote the four licensing objectives;
- b) ensure that the premises are appropriate for their proposed use;
- c) ensure the premises layout and condition is acceptable for the proposed use;
- d) ensure that the premises are being managed responsibly; and
- e) promote the policy vision statement.

1.11 This policy also seeks to promote the authority's wider priorities, in particular those of:

- Involving residents in improving their local area and equality of access for all,
- Clean, safe and healthy homes and communities,
- A strong local economy, and
- An ambitious Council that does more to meet the needs of residents in the local area.

1.12 The authority's powers and duties as the licensing authority are delegated by Council to its licensing committee, sub-committees and officers. The authority approaches these delegations in accordance with the table of delegation setout below or otherwise in accordance with the authority's adopted constitution.

- 1.13 The policy will be used as a basis in coming to consistent and transparent decisions in respect of licence applications.
- 1.14 The policy does not:
- a) Undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits; or
 - b) Override the right of any person to make representations on an application, or seek a review of a licence or certificate, where the Act allows.

Scope

- 1.15 This policy relates to the licensable activities defined by section 1(1) of the Act, namely:-
- a) retail sales of alcohol;
 - b) the supply of alcohol by or on behalf of a club;
 - c) the provision of regulated entertainment; and
 - d) the provision of late night refreshment.

Licensing Objectives

- 1.16 The authority will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:
- a) The prevention of crime and disorder;
 - b) Public safety;
 - c) The prevention of public nuisance; and
 - d) The protection of children from harm.
- 1.17 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.
- 1.18 In determining a licensing application, the overriding principle adopted by the authority will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to promote the licensing objectives will be imposed.
- 1.19 The authority will also have regard to wider considerations affecting the residential population and the amenity of the area. These include littering, noise, street crime and the capacity of the infrastructure.
- 1.20 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity.

Consultation

- 1.21 In accordance with section 5 of the Act and prior to the publication of this Policy the Licensing Authority consulted with the persons and organisations stipulated in [Appendix A](#) of the policy.

Duration and Review

- 1.22 The policy takes effect **xx** and will remain in force for a period of no more than five years. During this time it will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation.

Promotion of equality

- 1.23 The policy recognise that the Equality Act 2010 places a legal obligation on this authority to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics through the functions outlined in this policy. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

2. The Borough of Chorley

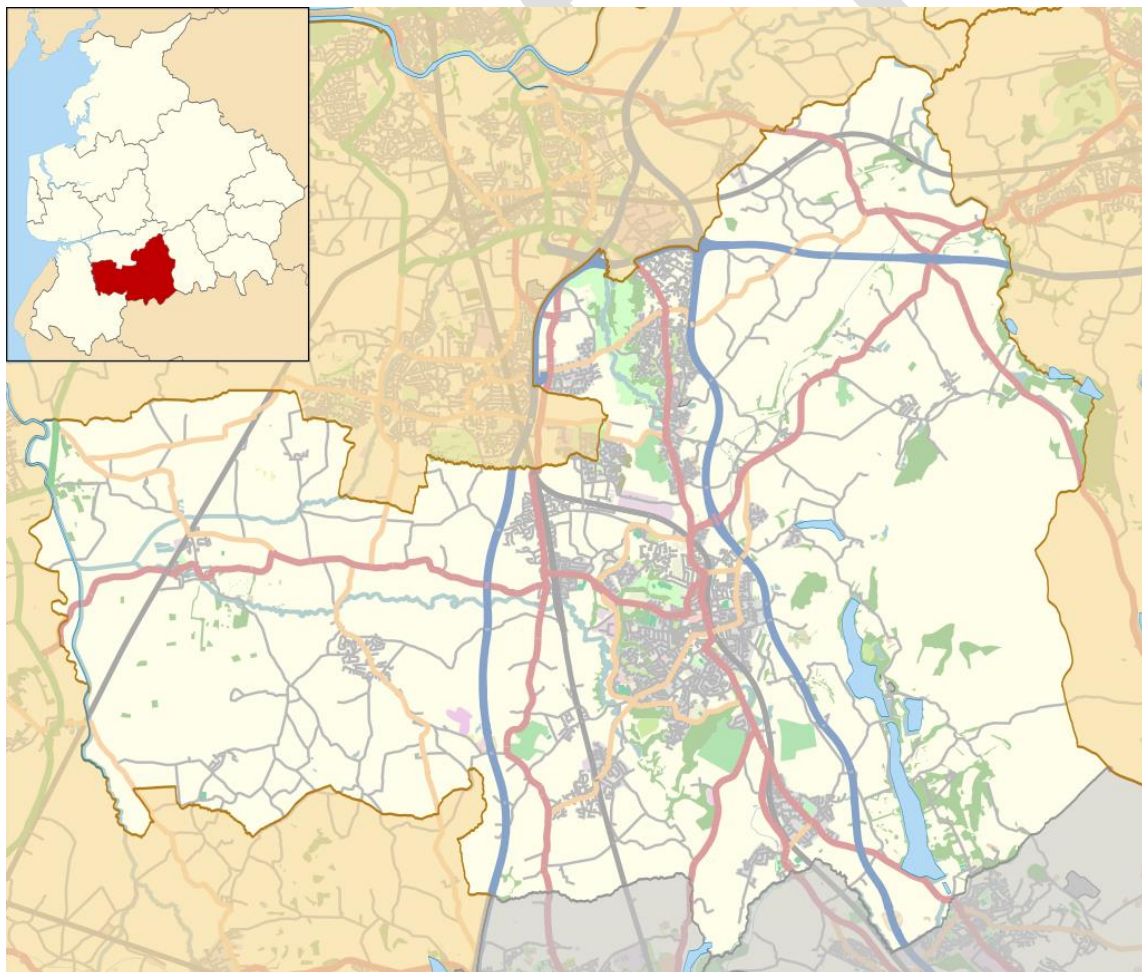
The Area

Like most Lancashire towns, Chorley gained its wealth from the Industrial Revolution of the 19th Century, with Chorley becoming a vital cotton town up to the late 20th Century. Over the years it has attracted investment and has gained a reputation for being a town which bucks the trend. This makes Chorley an attractive place to live, work and play.

Chorley's population stands at almost 120k and has been increasing steadily since 1991. It is estimated that between 2020 and 2043, the Borough's population will increase by 13.1%. Covering 203 square kilometres, Chorley is characterized by its large amount of green space, with 30.9% of the population living in rural areas.

Demography

The population is approximately 120,000, and these figures will continue to rise over the next 20 years.



3. Licensing Process - Making an Application

Premises Licences & Club Premises Certificates

- 3.1 The relevant application forms and associated documents are obtainable from the authority's website at [Licensing - Chorley Council](#) or from the licensing section during normal office hours.

The Operating Schedule

- 3.2 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The authority expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives.
- 3.3 All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application.
- 3.4 Applicants are strongly recommended to discuss their operating schedules with the responsible authorities prior to submitting them.
- 3.5 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. For premises such as a public house where public entertainment is not provided, only a relatively simple document will be required. For a major public entertainment venue, it will be expected that issues such as public safety and crime and disorder will be addressed in detail.
- 3.6 Applicants will also be expected to propose practical measures to prevent disturbance to local residents and to indicate what action will be taken to prevent or reduce noise emanating from the premises.
- 3.7 The operating schedule must be on the prescribed form and include a statement of the following:
- a) Full details of the licensable activities to be carried on at and the intended use of the premises;
 - b) The times during which the licensable activities will take place;
 - c) Any other times when the premises is to be open to the public;
 - d) Where the licence is only required for a limited period, that period;
 - e) Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
 - f) Whether alcohol will be supplied for consumption on or off the premises or both; and
 - g) The steps which the applicant proposes to promote the licensing objectives.

Guidance on Operating Schedule

3.8 The following guidance is intended to assist applicants by setting out criteria and considerations that they should bear in mind when drawing up an operating schedule. They alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review.

a) **Crime and Disorder**

3.9 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in promoting this objective.

3.10 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

Considerations

3.11 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These factors may include:

- a) Underage drinking;
- b) Drunkenness on premises;
- c) Public drunkenness;
- d) Drugs;
- e) Violent behaviour; and/or
- f) Anti-social behaviour.

3.12 In making their decision, regard should be given to the levels of crime and disorder in and around the venue, the level of compliance with conditions on existing licences and any available evidence on crime and disorder issues.

3.13 Applicants are recommended to consult the Reducing Alcohol Related Violence Codes of Practice when considering their operating schedule.

3.14 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the prevention of crime and disorder.

b) Public Safety

- 3.15 The authority in its role as licensing authority must try to ensure the safety of people visiting and working in licensed premises. The authority will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities and adequate means of escape are put in place and maintained, if not adequately provided for by other regulatory regimes.
- 3.16 Consideration should be given to whether:
- a) appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the authority, that demonstrate that the public will be safe within and in the vicinity of the premises;
 - b) the premises already has a licence or a fire certificate that specifies the maximum number of people that can attend it or be present and, if not, whether a risk assessment has been undertaken to assess the maximum number of people in terms of capacity in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency;
 - c) there are procedures proposed to record and limit the number of people on the premises with opportunities for going outside and readmission;
 - d) patrons can arrive at and depart from the premises safely;
 - e) music, dance and performance venues will use equipment or special effects that may affect public safety (i.e. moving equipment, pyrotechnics, strobe lights, smoke machines);
 - f) there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services; and/or
 - g) the levels of compliance with conditions on existing licences relating to public safety.
- 3.17 The authority seeks to encourage the use of toughened glassware and polycarbonate where appropriate in licensed premises. Where a relevant representation is received the authority will consider imposing a condition prohibiting the sale of alcohol in annealed glass containers and require the use of polycarbonate or other safer alternatives in order to promote public safety in licensed venues.
- 3.18 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for public safety.

c) Public Nuisance**Measures to limit nuisance**

- 3.19 The authority will expect applicants to set out in their operating schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises.
- 3.20 Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community.
- 3.21 Applicants will be expected to have included measures in their operating schedules that make adequate provision to:
- a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site;
 - b) limit the escape of noise from the premises or open air site;
 - c) restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping;
 - d) minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it;
 - e) minimise and control noise from staff, contractors and suppliers and their activities;
 - f) minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers;
 - g) determine whether people standing or sitting outside premises are likely to cause obstruction or other nuisance;
 - h) whether the premises are under or near to residential accommodation;
 - i) the hours of the sale of alcohol in open containers or food for consumption outside the premises;
 - j) measures to make sure that customers move away from outside premises when such sales cease;
 - k) measures to collect drinking vessels and crockery, cutlery and litter;
 - l) the extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink and for smoking;

- m) whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not).
 - n) adequate measures to prevent the following arising from the proposed licensable activity that may cause disturbance to people in the vicinity:
 - a. litter, smells, fumes, dust, smoke, or other emissions;
 - b. street fouling;
 - c. light pollution.
- 3.22 The role of the authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the town including businesses, workers, shoppers and visitors.
- 3.23 Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower.
- 3.24 Where relevant representations are received, the authority may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises. Where premises remain open after 23:00, the licence holder will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night. The authority also expects that premises which produce noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance.
- 3.25 The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas.
- 3.26 The 'smoke free public places' legislation in July 2007 has led to an increase in the number of people outside licensed venues. Where outside facilities are provided the authority expects applicants to provide details in their application of:
- a) the location of open air areas; and
 - b) how the outside areas will be managed to prevent noise, smell, or obstruction and nuisance to neighbours and the public.
- 3.27 Licensees and their staff are expected to have sufficient measures in place to prevent such problems arising including a suitable litter and waste management program to ensure that the area outside the premises is kept free of litter at all times.

- 3.28 Where the authority receives relevant representations, or where a responsible authority or an interested party seeks a review, the authority may consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.
- 3.29 Conditions may include maximum noise levels over particular time periods, the installation of acoustic lobbies, provision of signs, publicity and dispersal policies.
- 3.30 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the prevention of public nuisance.

d) Protection of Children from Harm

- 3.31 The authority needs to satisfy itself that there are appropriate measures in place to protect children from harm.
- 3.32 To this extent it will expect applicants, where necessary, to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises.
- 3.33 These measures may include staff training on how to control the entry of children and young people under 18 and the vetting of staff who will supervise them. Applicants will have to give particular regard to these measures in applications for licences involving:
- a) the sale of alcohol;
 - b) children's performances; and
 - c) attractions or performances likely to attract children.
- 3.34 It is an offence to sell alcohol to children. In this context, children are defined as individuals under 18. The provisions of the Act are that unaccompanied children under 16 should not be on "premises being used exclusively or primarily for the supply of alcohol" (eg "alcohol led" premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 05:00.
- 3.35 Issues for consideration include:
- a) installing effective measures to check the age of those young people who appear under 25 to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises;
 - b) exclusive or primary purpose of the services provided at the premises;
 - c) accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance;

- d) the hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises;
- e) due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks;
- f) are there adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult;
- g) the likelihood of children being attracted to the premises by the nature of activities or facilities provided whether or not these are licensed;
- h) is there evidence of heavy, binge or underage drinking on the premises;
- i) if the premises commonly provides entertainment or services of an adult or sexual nature;
- j) is there a strong element of gambling on the premises;
- k) age restricted films are to be shown classified in accordance with the recommendations of the British Board of Film Classification;
- l) the number of adults required for the supervision of children and the suitability and vetting of those adults to ensure they pose no risk to children.

3.36 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the protection of children of harm.

Plans

3.37 A plan must also be attached to an application for a premises licence or a club premises certificate. The plan should be at a scale of 1:100. The plans do not have to be professionally drawn, however, they must be to scale and contain the relevant information as required under regulation. The authority will accept plans of a scale other than 1:100, however this must be approved prior to submitting the application.

4. Determination of Applications

Decision Making Process

4.1 Decisions on licensing matters will be taken in accordance with an approved scheme of delegation below:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/ club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

Unopposed Applications

- 4.2 If no relevant representations are received 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 authority will have no discretion to refuse the application or to alter or add to the conditions offered through the operating schedule.

Opposed Applications

- 4.3 Where relevant representations are made, the authority must hold a hearing before a licensing sub-committee who will take such of the following steps as it considers necessary for the promotion of the licensing objectives.
- 4.4 The steps are:
- a) to grant the licence subject to the operating schedule modified to such extent as the sub-committee considers appropriate for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
 - 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.

Representations

- 4.5 The authority has discretion on whether to grant applications for licences and to impose conditions on granting and reviewing licences, only when relevant representations are made.
- 4.6 In brief "relevant representations" is the expression used in the Act for comments including objections on applications.
- 4.7 For a representation to be relevant it must:
- a) relate to the effect of the grant of the licence on the promotion of the licensing objectives;
 - b) be made by a responsible authority or other persons;
 - c) not be 'frivolous or vexatious' or, in the case of a review, 'repetitious' if made by other persons; or
 - d) if it concerns the designated premises supervisor be made by a chief officer of police and include a statement explaining the reasons for the objection.
- 4.8 Representations can also be made in support of an application.

Appeals

- 4.9 Anyone aggrieved by a decision of the authority has a right of appeal. This is set out in schedule 5 of the Act.
- 4.10 The authority will inform the appropriate parties of their right of appeal in accordance with the Act, when confirming a decision of the licensing sub-committee.
- 4.11 Aggrieved parties should lodge any appeal with the Magistrates' Court within 21 days of the notification of the decision.

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5. Temporary Event Notices (TENs)

- 5.1 The Act enables certain organised events for less than 500 people to take place following notification to the authority, the police and environmental health.
- 5.2 The limit on the number of TENs which may be given by any applicant is 5 within the same year, unless the applicant holds a personal licence, in which case the limit will be 50 within the same year.
- 5.3 A number of limitations are imposed on the use of TENs by the Act. The limitations apply to:
- the number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people;
 - the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
 - the number of times a TEN may be given for any particular premises is 15 times in a calendar year;
 - the maximum duration of an event authorised by a TEN is 168 hours (seven days);
 - the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
 - the maximum number of people attending at any one time is 499; and
 - the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours
- 5.4 Although the statutory legal minimum time required for the notification of a TEN to the authority, police and environmental health is 10 working days, or 5 working days for a late temporary event, it is essential that proper consideration of the proposed event is given. Statutory guidance allows the authority to publicise its preferred timescale for notification.
- 5.5 Where an existing premises licence is in operation the authority would encourage a TEN to be submitted at least 4 weeks but not more than 12 weeks before an event. For applications where there is not a current premises licence, for example community events, 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.
- 5.6 Notice givers are encouraged to consult responsible authorities prior to formal notices being submitted.

- 5.7 The authority expects those who have given notice of a temporary event to have identified the particular issues having regard to their type of premises and/or activities, and to have in place written policies for addressing issues such as drunkenness, crime/disorder and drugs on their premises and for ensuring staff are trained on these policies. The Reducing Alcohol Related Violence Codes of Practice contains guidance on promoting the licensing objectives including potential risks and possible solutions for the different types of licensable activities.
- 5.8 The processing of TENs by the authority is controlled by a strict statutory timetable, therefore, the authority will not accept a notice unless it is complete in all respects at the time of submission.

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6. Integrating Strategies & Specific Policies

- 6.1 The authority has established a good track record of partnership work and will continue to work in partnership with the police, local residents, businesses, licensees, communities and regulatory agencies towards safeguarding the quality of life for residents, and the creation of a safer and more pleasant environment for all.
- 6.2 In particular, Chorley has a vibrant night-time economy that exceeds other towns of similar sizes. The town offers a rich choice of entertainment and facilities making it a destination attracting usually high numbers of visitors some travelling considerable distances to enjoy what the late night economy has to offer.
- 6.3 Although the vast majority of people visiting the town do so safely and responsibly, an active night-time economy nonetheless demands additional resource and cost for the authority, police and other partners to deal with associated crime, disorder and other anti-social behaviour.
- 6.4 Although the challenges associated with the supply of alcohol are more prevalent during the night-time economy, there are nonetheless also challenges during other times of the days.
- 6.5 In addressing these challenges, the authority will continue to work with partners in particular the licensed trade, licensing enforcement, the police, the noise pollution team, community safety partnerships, Lancashire fire service and planning enforcement.

Encouraging diversity in the night-time economy that is less focused on alcohol

- 6.6 Chorley has a vibrant night-time economy that far exceeds other towns of similar sizes. It is recognised that the night-time economy plays an important part in creating a vibrant and sustainable economy but this must be balanced with the ambition to expand the offer for leisure, tourism and business by providing an attractive offer for all age and religious groups.
- 6.7 To this end, the authority will explore and support opportunities to increase events, activities and businesses which are not necessarily alcohol led which are more socially-inclusive and drive the economy.

Public Spaces Protection Order (PSPO)

- 6.8 The authority has adopted a Public Spaces Protection Order to control and regulate the public consumption of alcohol in Chorley.
- 6.9 The PSPO creates an offence for any person to disregard the instruction of a Police Officer, Police Community Support Officer or authorised officer of the authority to stop consuming alcohol in a designated public place.
- 6.10 An offence under the adopted PSPO can be discharged through the payment of a fixed penalty notice or a prosecution.

Management of Licensed Premises

- 6.11 A critical element of the proper control of licensable activity and a premises where such activity is provided is good management of those activities and the premises generally.
- 6.12 The authority will encourage everybody involved in providing or are involved in licensable activities, to consider what skills and competencies are appropriate in the safe delivery of regulated activities and secure these. This applies to managers, musicians, door staff, bar staff, performers and contractors as well as everyone associated with the activities.
- 6.13 Good management also extends to the appropriate advertising of events and premises users and licensees are expected to control advertising content as part of their role.
- 6.14 The authority undertakes proactive risk based inspections of all licensed premises to ensure that they are managed properly. Premises that consistently fail inspections may be subject to a licence review or other enforcement action.

Designated Premises Supervisor

- 6.15 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 who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).
- 6.16 The 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 the premises licence holder remain responsible for the premises at all times. During times the DPS is not present on site, the authority recommends that written delegation of duties are drawn up to ensure staff and regulators are clear about who is authorised to sell alcohol.
- 6.17 The authority will normally expect the DPS to have been given 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. The authority expects that this will be in excess of 50% of a 7-day week.
- 6.18 The premises licence holder will be 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.
- 6.19 Within all licensed premises, whether or not alcohol is to be sold, the authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises' licence.

Pubwatch

- 6.20 The borough-wide Pubwatch network encourages its members to work together to promote the licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the authority, the police and other responsible authorities. The authority actively supports the scheme and is keen to support the development of more schemes where there is a demand.
- 6.21 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in the town. These systems allow managers of licensed premises to communicate instantly with the police and other licensed venues in order to pass real-time information between venues.

Best Bar None

- 6.22 Best Bar None (BBN) is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises. It was piloted in Manchester in 2003 and found to improve standards in the night time economy, with premises now competing to participate.
- 6.23 The aim of BBN is to reduce alcohol related crime and disorder in a town centre by building a positive relationship between the licensed trade, police and local authorities. The authority will actively encourage licensed premises to sign up to the BBN scheme.

Sexual Entertainment

- 6.24 The authority has adopted the amended provisions of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 ('the 2009 Act') with respect to "relevant entertainment", that is:
- a) any live performance; or
 - b) any live display of nudity.
- which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 6.25 The adopted provisions came into effect on the 1st of January 2011 in Chorley.
- 6.26 Any premises that want to offer relevant entertainment on a regular basis, that is more frequent than 24 hours once a month on no more 11 occasions a year, can no longer offer this under the provisions of the Act as a result of the abovementioned adoption. These premises must apply for a Sexual Entertainment Venue (SEV) licence.
- 6.27 Premises that want to offer relevant entertainment on an irregular basis can still do so under the provisions of the Act. These premises must be authorised for the performance of dance and the performance of recorded music.
- 6.28 The Government has seen it fit to exempt infrequent sexual entertainment

from requiring a licence. Whilst the authority recognises and accepts this, it is also acutely aware that unless it is properly managed there are risks to public protection and safety, an increased likelihood of associated crime & disorder and an inability of regulatory bodies to respond accordingly.

Core Hours for Licensable Activities

- 6.29 The authority will avoid arbitrary restrictions on licensing hours that undermine the principles of flexibility and consideration of each application is on its own merit.
- 6.30 The authority believes that licensable activities carried on within the core hours set out below will generally not have a harmful impact on the licensing objectives, address the concerns raised by local residents and businesses and are less likely to attract representations.
- 6.31 Furthermore, earlier closing will result in less alcohol consumption and drunkenness and would also be consistent with the ability to get crowds dispersed from the town centre.

Type of premises	Commencement Hour No earlier than	Terminal hour No later than
Off licence	09:00	23:00
Restaurants	10:00	01:00
Theatres, cinemas and other performance venues	10:00	00:00
Pubs/Bars/Nightclubs	<u>Town Centre</u> 09:00	04:00
	<u>Local Neighbourhood Areas</u> 10:00	01:00
Takeaways	<u>n/a</u>	05:00

Table 1: Core Hours for Licensable Activities

- 6.32 Where relevant representations have been made, it will take the following matters into consideration when making a decision. These are not a definitive list and other matters may be considered:
 - a) Operating schedules - demonstration of compliance with management standards to support each of the licensing objectives.
 - b) Proximity to residential accommodation - the likelihood of the operation to have an adverse impact on the peace and quiet of local residents.

- c) Potential noise and nuisance from people leaving and entering the premises.
- d) Ability to demonstrate that systems in place to ensure timely dispersal of customers away from residential areas.
- e) Use of external areas for carrying out the licensable activities and potential noise impact on local residents.
- f) Proposed hours of the licensing activities and general opening times for the public – The use of winding down periods to enable more efficient dispersal.
- g) Type of use – alcohol led premises such as pubs, bars and nightclubs, off licenses and hot food take away premises are more likely to be associated with crime and disorder and public nuisance than other premises such as seated restaurants, theatres, cinemas and other cultural activities.
- h) Availability of public transport to assist in the timely dispersal of customers from the vicinity and to ensure safe travel home.
- i) The potential for contamination of the street environment through increased litter and other pollution of the streets by customers.

6.33 The hours of existing licensed premises will remain unchanged unless there are good reasons, based on the licensing objectives, for restricting these hours, and then they can be changed by a licensing sub-committee following a review of the premises licence.

Latest admission times

6.34 The authority considers it undesirable that persons should seek to 'top up' their alcohol intake by seeking out those premises that are admitting customers at the latest times because persons moving between venues late at night can lead to crime, disorder and public nuisance.

6.35 Establishing last entry times can reduce the tendency of customers to concentrate at those premises which remain open the latest, without restricting the hours of trading. This will encourage dispersal and reduce the pressure on late-night refreshment outlets and transport facilities which will assist with objectives to prevent public nuisance and crime and disorder in certain circumstances.

6.36 It is therefore this council's policy that the latest admission time, for licensed premises open past midnight, to be no less than:

- a) one hour for nightclubs & late night bars; and
- b) half an hour for pubs and other licensed premises

before the terminal hour for licensable activities.

Takeaway food premises

- 6.37 It is recognised that takeaway premises which open late at night can be associated with disorder as persons who are under the influence of alcohol and, in some cases, have been ejected from late night venues, congregate there.
- 6.38 As such the authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises.
- 6.39 Applicants for licences are recommended to have written policies for dealing with disorder and nuisance and should give consideration to the issues regarding takeaways.
- 6.40 The authority will normally require licensed premises principally used for selling hot food for consumption off the premises to have suitable CCTV installed and may impose a requirement to employ SIA doormen where such a requirement is deemed necessary.
- 6.41 Operators (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises.
- 6.42 Where the authority considers it appropriate, it may impose conditions on a premises licence to require the operators of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers.

Pavement Cafes and External Areas

- 6.43 The authority wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' in Chorley because of the added life and vitality this brings to the town.
- 6.44 Whilst the provision of tables and chairs outside a premises can enhance the attractiveness of a venue, regard should be had to the need to ensure that the use of such areas will not cause nuisance to local residents and other premises in the vicinity. To this end, the authority will normally restrict the use of external areas to 23:00.
- 6.45 Premises that make use of external areas are expected to manage those areas in such a way that its use does not impede access to the premises, obstruct the highway and does not cause disturbance.
- 6.46 In particular the authority will expect premises to provide ash trays or wall mounted cigarette bins for patrons, be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas.
- 6.47 Applicants for a licence should read the Council's Pavement Licence policy which is available on the website.

Promoting safe drinking limits

Irresponsible Drinks Promotions and Drunkenness on Premises

- 6.48 Low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. Through this policy the authority would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the authority will consider imposing controls on drinks promotions to deal with localised problems.
- 6.49 However, the authority would prefer an approach whereby it, along with the licensed trade and other partners, are able to promote responsible retailing of alcohol instead of having to dealing with the effects of irresponsible drinks promotions and drunkenness.

Code of Good Practice for Drinks Promotions

- 6.50 It is a known fact that the price of alcohol does have an effect on the amount people consume. It is also the case that people are more attracted to premises that offer low cost alcohol and low cost alcohol is likely to cause people to consume more alcohol than they would normally have done. Both of these situations can lead to crime, disorder and public nuisance issues.
- 6.51 The authority does not wish to unnecessarily impose operational restrictions and freedoms on licensed premises. It would therefore like to encourage a voluntary code of good practice in relation to drinks promotions and to encourage licence holders and others working at the premises to familiarise themselves with the mandatory conditions relating to drinks promotions.
- 6.52 To this end, the authority will encourage all licence holders to apply the following principles in relation to any drinks promotions:

Principle
Align pricing with Alcohol by Volume (ABV).
Start the sale of alcohol later in the day and not align it purely with opening hours.
Refrain from all inclusive offers.
Promotional information should clearly display: <ul style="list-style-type: none">- Factual information on the alcoholic strength of a drink(s);- That no-one under the age of 18 years may take part in the promotion;- display Drink Aware logo/information.
Promotions should not: <ul style="list-style-type: none">- focus on the strength of any alcohol product as the principle theme;- condone or encourage illegal, excessive or irresponsible drinking (such as binge-drinking, drunkenness or drink-driving);- refer in any favourable manner to the effects of intoxication or consumption;- suggest that alcohol consumption enhances sexual attractiveness or include promotion material that is linked to sexual imagery implying sexual success or prowess.
Restrict multi buy promotions.
No advertisements for alcohol in the shop window.
Alcohol should not be given away for free as part of a promotion or as an incentive.
Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks.
Make food and hot drinks available in late venues.

Shops Selling Alcohol (Off Licences)

- 6.53 There has been a trend towards more alcohol being purchased from shops and consumed at home and less being purchased and consumed in traditional pubs, restaurants and night clubs than used to be the case in the past. The growing practice of “pre-loading” has the potential to create specific problems and detriment to the licensing objectives *including the increased potential for underage and proxy sales which is detrimental to the protection of children from harm.*
- 6.54 Furthermore, the availability of alcohol for consumption off the premises has the potential to cause other problems that include ease of access to alcohol by children, ease of thefts, encouragement of street drinking, and increase of crime and disorder and public nuisance.
- 6.55 There are a number of ways in which licence holders and the authority can address these concerns.

Hours of Operation

- 6.56 See Table 1: Core Hours for Licensable Activities on page 27.

Layout and Operation of Premises

- 6.57 In most cases a licence holder will be able to address the potential problems and detriment to the licensing objectives, through the layout and the operation of the premises.
- 6.58 The authority will encourage all licence holders licensed for off sales to:
- a) Store high strength alcohol behind the shop counter;
 - b) Not store or display any alcohol at the entrance/exit points of the premises;
 - c) Not advertise alcohol in a shop window;
 - d) Not sell single cans of beer or bottles of beer under 1 litre;
 - e) Not sell beer or cider over 5.5% ABV;
 - f) Not store or display any alcohol at or near check-outs; and
 - g) Refuse to sell alcohol to persons known to be persistent offenders (where the offence(s) relates/associated with alcohol) or street drinkers.

Licence Conditions & Reviews

- 6.59 Where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the authority will consider imposing appropriate restrictions on a licence. This may include, although not limited to, restricting the hours for licensable activities, restricting the sale of alcoholic beverages over a specified limit of alcohol by volume and/or of specified quantities.

Late night refreshment exemptions based on designated locations, premises types and times

- 6.60 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment.
- 6.61 This authority has not resolved to exempt any premises from the requirement to have a licence to provide late night refreshment.

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7. Film Classifications

- 7.1 The authority has a statutory obligation to classify films for public screening. The BBFC is the nominated body that classifies films to be exhibited in cinemas on behalf of Licensing Authorities. Films that have not been classified by the BBFC and are to be screened in the borough must be submitted to the authority for classification.
- 7.2 All requests to classify a film must be accompanied by a synopsis of the film and a full copy of the film in DVD or other appropriate format. Requests shall be assessed by officers of the authority against the BBFC guidelines and the licensing objectives. Officers shall view the entire film and make a recommendation with regards to the appropriate classification. Officers do however reserve the right to refer the classification of a film to a licensing sub-committee in instances deemed necessary.
- 7.3 All requests must be submitted at least 28 days before the proposed screening. Failure to submit a request in time may result in the authority being unable to classify the film.

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8. Events on Council Land

- 8.1 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.
- 8.2 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.
- 8.3 All events will need to demonstrate how they intend to safely deliver their event in line with relevant H&S guidance and Council policy.
- 8.4 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.
- 8.5 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.
- 8.6 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).

9. Enforcement

- 9.1 In terms of regulation, our aim is to target those premises which are causing problems within our communities whilst supporting well managed premises and community activities, which provide worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises associated with disorder, threaten public safety, generate public nuisance, or threaten the well being of our children will be targeted for enforcement action.
- 9.2 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 9.3 The authority will monitor compliance with the licensing objectives through a programme of inspection visits. The proactive inspection visits are risk based so that those premises that are at a higher risk of adversely affecting the licensing objectives are more frequently inspected.
- 9.4 The authority will also establish enforcement protocols with the police and other enforcement agencies to ensure efficient and targeted joint enforcement is undertaken on a regular basis.
- 9.5 This does not prevent action being taken by any individual authority at any time should offences become apparent.
- 9.6 The authority will take in to account its adopted corporate enforcement policy when deciding what appropriate action to take.

Reviews

- 9.7 At any stage, following the grant of a premises licence, a responsible authority, or other person, may ask the authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 9.8 In every case, the application for review must relate to particular premises for which a licence is in existence and must be relevant to the promotion of the licensing objectives.
- 9.9 The necessary forms and documents is available from the authority's website at <http://www.chorley.gov.uk/licensing> or from the licensing section during normal office hours.

Appendix A –Consultees

This document has been developed by the authority in consultation with representatives of the following key stakeholder groups and organisations:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- each local authority's Director of Public Health in England (DPH);
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area.

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Appendix B – Responsible Authorities

<p>Licensing Civic Offices Union Street Chorley Lancashire PR7 1AL</p> <p>Telephone: 01257 515151 Email: licensing@chorley.gov.uk Web: www.chorley.gov.uk</p>	<p>Planning Services Civic Offices Union Street Chorley Lancashire PR7 1AL</p> <p>Telephone: 01257 515151 Email: contact@chorley.gov.uk Web: www.chorley.gov.uk</p>
<p>Lancashire Constabulary Licensing Unit: C Division Chorley Police Station St Thomas' Road Chorley Lancashire PR7 1DR</p> <p>Telephone: 01257 246215 Email: centrallicensing@lancashire.pnn.police.uk</p>	<p>Lancashire Fire & Rescue Services Chorley Fire Station Westway, Euxton Chorley Lancashire PR7 6DH</p> <p>Telephone: 01257 262919 Email: rorycrone@lancsfireandrescue.org.uk</p>
<p>Regulatory Services (Health and Safety) Chorley Council Civic Offices Union Street Chorley Lancashire PR7 1AL</p> <p>Telephone: 01257 515151 Email: contact@chorley.gov.uk Web: www.chorley.gov.uk</p>	<p>Regulatory Services (Environmental Health) Civic Offices Union Street Chorley Lancashire PR7 1AL</p> <p>Telephone: 01257 515151 Email: contact@chorley.gov.uk Web: www.chorley.gov.uk</p>
<p>Lancashire Safeguarding Adult Board and Lancashire Safeguarding Children Board, Lancashire County Council, Room D39, County Hall, Preston, PR1 0LD</p> <p>Email: Children.CYPsafeguarding@lancashire.gov.uk</p>	<p>Trading Standards Service Intelligence Management Team 4th Floor Lancashire Point County Hall Preston PR1 8XB</p> <p>Email: Intelligence.Management@lancashire.gov.uk</p>
<p>Home Office Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p>Email: alcohol@homeoffice.gsi.gov.uk</p>	<p>Director of Public Health and Wellbeing Licensing Lancashire County Council Level 1 Christ Church Precinct County Hall Preston PR1 8XB</p> <p>Email: PHLicensing@lancashire.gov.uk</p>
<p>Applications for larger establishments only. For queries on this please call 01257 515151 Health and Safety Executive Redgrave Court Merton Road Bootle Merseyside L20 7HS</p> <p>Tel: 0151 9514000</p>	<p>FOR VESSEL APPLICATIONS ONLY North West Waterways Canal & River Trust Waterside House Waterside Drive Wigan Greater Manchester WN3 5AZ</p> <p>Email: enquiries.northwest@canalrivertrust.org.uk</p>

Appendix C – Pool of Model Conditions

Introduction

The conditions shall not be regarded as “standard conditions” which are to be automatically imposed on premises licences and certificates in all cases. The following are designed to provide a range of possible conditions which may need to be attached to premises licences or club premises certificates, depending upon differing situations.

All conditions attached to a premises licence and club premises certificate must be appropriate and proportionate to the application received.

The wording of the conditions may need to be modified to suit a particular premises and/or situation.

This is not an exhaustive or exclusive list of conditions.

Additional conditions may be drafted and attached to such licences and certificates to meet individual circumstances, both by the applicant in question, any responsible authority, or the Licensing Authority as deemed appropriate.

The majority of conditions refer to the ‘premises licence holder’ however, in some circumstances, it may be more appropriate for the designated premises supervisor to be responsible for complying with the condition. In these circumstances, the conditions can be amended to read ‘the designated premises supervisor or a competent person nominated by the designated premises supervisor’.

C&D – The Prevention of Crime & Disorder | **PN** – The Prevention of Public Nuisance | **CP** – Protection of Children from Harm | **PS** – Public Safety

Reference	Model Condition	Primary Licensing Objective*
Sale of Alcohol		
	There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.	C&D CP
	No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.	C&D CP
	No single cans or bottles of beer or cider shall be sold at the premises.	C&D CP
	No more than x% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.	C&D CP
	Sales of alcohol for consumption off the premises shall only be supplied with, and be ancillary to, a take-away meal.	C&D CP

	Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.	C&D
	Alcohol may only be sold to persons having a table meal or those waiting to be seated prior to having a table meal.	C&D
	Alcohol shall be sold to customers by waiter/waitress service only.	C&D
	There shall be no sales of alcohol for consumption off the premises.	C&D CP
	Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.	C&D PN
	Any alcohol supplied for consumption off the premises must be in a sealed container.	C&D
	Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises during the periods when alcohol is authorised for sale.	C&D
Management of the Premises		
	A 'Winding-down and Dispersal' policy shall be adopted that includes measures to achieve a gradual and orderly dispersal of customers at the end of the trading session. These measures shall commence at least 15 minutes before the bar closes, and shall include slowing down the tempo of music, a significant reduction in the volume of music and announcements requesting customers to leave the premises quietly and respect the peace and quiet of the local residents.	C&D PN
	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.	C&D PN
	The Designated Premises Supervisor or premises licencs holder shall bring the contents of the licence and licence conditions to the attention of all door supervisors and other staff employed at the premises.	C&D PN CP PS

CCTV		
	A CCTV system consisting of a minimum of x cameras shall be installed at the premises. The CCTV system shall be maintained in good working order, shall record at all times the premises are open and shall correctly time and date stamp the recordings. Recordings shall be kept for not less than 28 days and be provided on DVD to officers of the authority, Trading Standards or Police on request.	C&D
	A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or Licensing Officer recent data or footage with the absolute minimum of delay when requested to do so.	C&D
	No alcohol shall be sold if the CCTV equipment is inoperative for any reason.	C&D CP
Radios		
	<p>The premises licence holder shall join the local radio scheme or any similar scheme operating in the town and ensure that:</p> <ul style="list-style-type: none"> • The communication equipment is kept in working order at all times. If the communication equipment breaks the equipment shall be repaired within a reasonable time period; • The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public; • Any police instructions/directions are complied with whenever given; and • All instances of crime and disorder are reported via the communication equipment by the designated premises supervisor or a responsible member of staff to an agreed police contact point. 	C&D

Best Practice Scheme		
	The Designated Premises Supervisor shall maintain an active membership of the Chorley Pubwatch (or successor 'pubwatch') including operation of the radio link.	C&D
Door Supervisors		
	A minimum of x SIA licensed door supervisors shall be on duty at the premises at all times it is open to the public [or after xx.xx / until the last admission time for the public].	C&D
	If door supervisors are required to undertake body searches then at least one female supervisor shall be available to undertake the body searches of female customers.	C&D
	A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.	C&D PS
	Where door supervisors are required, the premises licence holder [or Designated Premises Supervisor] shall keep records showing the names of the supervisor, their SIA badge number & expiry date, and the date/time that they were employed. A copy shall be produced to an authorised officer or police constable on request.	C&D
	All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.	C&D
	For a period of 30 minutes following the closure of the Bar, or until all customers have dispersed from the immediate vicinity if longer, there shall be a minimum of x door supervisors on the street outside the premises wearing high-visibility clothing to ensure the safe, orderly and quiet dispersal of customers in the immediate vicinity.	C&D PN
Hours		
	Consumption of alcohol shall cease [xx] minutes after the time authorised for the sale or supply of alcohol/ provision of licensable activities.	C&D

Entry to Premises		
	No public access to the premises shall occur through the [specify doors/area]. This condition shall not restrict the use of the doors in the event of an emergency.	C&D CP PS
	There shall be no entry or re-entry, other than staff members, to the premises after xx.xx save for customers using the agreed smoking area at the premises.	C&D PN
	On occasions where licensable activities are carried on past xx:xx hours, admission of customers will be restricted to [enter restriction e.g. a particular entrance, a particular area of the licensed premises etc].	C&D
	In relation to the specified function room there shall be no admission after x other than to: (1) residents of the hotel and their bona fide guests; or (2) persons attending the pre-booked function	C&D
	All functions in the <i>specified function room</i> shall be pre- booked or ticketed events.	C&D PN
	No events solely for those under 18 will be permitted on the premises.	C&D CP
	The rules of admission to the premises shall be clearly and prominently displayed at each entrance to the premises.	C&D CP
Alcoholic Containers		
	No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.	C&D PS
	No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises is open to the public.	C&D
	The premises licence holder/designated premises supervisor shall ensure that no customers take glasses or open bottles from the premises other than into the outside area shown and edged [red] on the plan forming part of the premises licence.	C&D PN
	The premises licence holder shall ensure that only plastic or toughened glass containers will be used for the supply of beverages.	C&D

	There shall be no sale of alcohol in unsealed containers for consumption off the premises.	C&D
Notices/Signage		
	The premises licence holder shall ensure that a sign, indicating the hours during which licensable activities are permitted to take place, is displayed in, on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.	C&D PN
	The premises licence holder shall ensure that a sign, detailing any restrictions on the admission of children, is displayed on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.	CP
Drugs		
	The Designated Premises Supervisor shall complete/attend a recognised 'drug awareness' training course [within **** weeks/by **** date, or the DPS shall have completed/attended such training].	C&D
	Staff shall be provided with 'drug awareness training', and be briefed on the drugs policy applicable to the premises.	C&D
	Any person found with illegal drugs must be reported to a police officer immediately.	C&D
	Whilst licensable activities are taking place, the toilets at the premises shall be checked at least hourly for illegal drug use or supply. A written log of all checks shall be kept at the premises for not less than 28 days and made available for immediate inspection on the request of an authorised officer or police constable.	C&D
Promotions		
	There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, at the premises.	C&D

	There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.	C&D
	28 days' notice shall be given to Lancashire Constabulary and the licensing authority of any events held which are organised by an outside promoter, including full details of the nature of the event and of the promoter.	C&D
Records		
	<p>An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the authority. The log will record the following:</p> <ul style="list-style-type: none"> • all crimes reported to the venue • all ejections of customers • any incidents of disorder (disturbance caused either by one person or a group of people) [There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity] • seizures of drugs or offensive weapons • any faults in the CCTV system or searching equipment or scanning equipment • any refusal of the sale of alcohol during 	C&D
Premises Layout		
	<p>The following alcoholic beverages shall be placed behind a staffed counter:</p> <ul style="list-style-type: none"> • mixed alcoholic beverages under 10% a.b.v. • beers or ciders over 5.5% a.b.v.; and • all spirits in bottles less than 70cl. 	C&D CP
	At least x members of staff shall be on duty on the shop floor between **** hours until closing time	C&D
	The physical location of alcohol displays shall be in an area within sight of staff as identified on the plan of the premises annexed to the licence.	C&D CP
	The XX area shall be designated as a "chill-out" area whilst music and dancing are permitted on the premises which shall include adequate ventilation or fresh air; ready access to free drinking water; suitable seating accommodation; and access to First Aid facilities	C&D

	Seating for no less than [specify number] persons shall be provided in the premises at all times the premises are [specify "open" or "are providing any licensable activity"].	C&D
Use of Outdoor Area		
	The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.	C&D PN
	Customers shall not be permitted to drink outside the premises save for in any seated area authorised under a pavement licence.	C&D PN
Disabled People		
	The premises licence holder shall ensure that, when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency and that disabled people on the premises are made aware of those arrangements.	PS
First Aid		
	The premises licence holder shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises and at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.	PS
	The Licensee shall ensure that at all times the public is present there is at least one competent person able to administer First Aid, that an adequate and appropriate supply of First Aid equipment and materials is available on the Premises and that adequate records are maintained in relation to the supply of any First Aid treatment.	PS
Special Effects		
	Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, performers and staff.	PS

	<p>The following special effects will only be used on 10 days prior notice being given to the Licensing Authority and Environmental Health where consent has not been previously been given:</p> <ul style="list-style-type: none"> • dry ice machines and cryogenic fog • smoke machines and fog generators • pyrotechnics including fireworks • real flame • fire arms • motor vehicles • strobe lighting • lasers • explosives and highly flammable substances 	PS
	<p>These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the Licensing Authority and Environmental Health.</p>	PS
	<p>All escape routes and exits shall be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.</p>	PS
	<p>All exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the checks shall be kept on the premises.</p>	PS
<p>Noise Nuisance (regulated entertainment)</p>		
	<p>The lobby doors at the premises shall be kept closed except for access and egress during the provision of regulated entertainment. Door staff, where employed, shall ensure that the doors are maintained closed as far as possible when regulated entertainment is taking place.</p>	PN
	<p>A noise limiting device shall be installed, fitted and maintained in such a manner so as to control all sources of amplified music at the premises during the provision of regulated entertainment. The noise limiting device shall be set at a limit determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.</p>	PN
	<p>Whenever any regulated entertainment occurs past 22:00 indoors all windows and doors shall be kept shut during these activities.</p>	PN

	Loudspeakers shall not be located in the entrance lobby, [or specify another location if appropriate] or outside the premises.	PN
	Live music shall be provided by no more than two (2) performers on any day.	PN
	After 23:00 hours all windows shall be closed and remain closed.	C&D PN
	Unless otherwise specified on this licence, no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.	C&D PN
	Where any regulated entertainment occurs at the premises, the Designated Premises Supervisor, or a person nominated by them, will ensure that noise from such activities is effectively inaudible inside the nearest noise sensitive premises.	PN
Noise Nuisance (people)		
	Prominent, clear notices shall be displayed at [all exits / in the beer garden] requesting customers to respect the needs of local residents and leave the premises and the area quietly.	PN
	The premises licence holder shall monitor the activity of persons leaving the premises [after xx:xx/are closed to the public] and remind them of their public responsibilities where necessary.	PN
	Customers permitted to temporarily leave and then re- enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.	C&D PN
	Deliveries to the premises shall only be made between **:.** hours and **:.** hours on Mondays to Saturdays only.	PN
	The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.	PN
Lighting		

	The premises licence holder shall ensure that, in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully operational when the public, members or guests are present.	C&D PS
	Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.	PN
	Lighting associated with regulated entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.	PN
	Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.	PN
Open Spaces		
	The area within which alcohol is served or consumed shall be clearly and effectively delineated using barriers, ropes, or similar so that the extent of the Designated Place where the licensable activity is temporarily permitted shall be clearly defined and notices shall be conspicuously placed in the area.	C&D PN
	Music noise levels from outdoor regulated entertainment must not exceed those defined in the Code of Practice on Environmental Noise Control at Concerts' (The Noise Council 1995 ISBN 0 900103	PN
	Use of the outdoor area will cease at 23:00 everyday.	PN
Other Nuisance		
	A public refuse bin shall be installed outside the premises subject to any necessary planning permission or listed building permission.	PN
	The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.	C&D PN
Litter		

	At the termination of business on each day the outside area immediately to the front of and adjacent to the premises shall be cleared of debris and litter.	PN
Other		
	In cases of an event involving a significant number of unaccompanied children, the premises licence holder shall have a child protection policy in place to carry out suitable checks on staff before they take up employment.	CP
	A Challenge [21/25/or any other suitable age] policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than [21/25/ or any other suitable age] years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, UK passport or a UK photographic driving licence.	CP
	Challenge [21/25/ or any other suitable age] materials shall be displayed at the premises, including at the point of sale of alcohol, to inform customers of the operation of the scheme.	CP
	A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under x years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the authority.	CP
	Children under the age of x years shall not be allowed on the premises after **.** hours unless accompanied by an adult.	CP
	Children under the age of x years shall not be allowed on the premises.	CP
	No single cans or bottles of beer or cider shall be sold at the premises.	C&D CP
	Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.	CP
	The licence holder or the licence holders, servants, or agents, shall ensure that no flyposting is undertaken by the licence holder or on behalf of the licence holder in respect of any performance or event taking place at the premises.	PN C&D

Queuing		
	Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear.	C&D
Dispersal		
	A minimum 30 minute 'drinking-up' time shall be provided to allow appropriate dispersal, use of lavatories etc.	C&D PN
	A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.	C&D CP
	Freephones or payphones shall be made available to all customers and have displayed contact telephone numbers for selection of hackney carriages and private hire services.	PN
Boxing & Wrestling		
	At least 28 days' notice of any event involving boxing or wrestling entertainment events shall be provided to the licensing authority.	C&D

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