



## Meeting Agenda

**Policy Development Scrutiny Committee,  
Town Hall, Lytham St. Annes  
Thursday 30 September 2010, 6:15pm**

**The main doors to the Town Hall will be open to the public at 6:00pm**  
The maximum capacity for this meeting room is 60 persons –  
once this limit is reached no other person can be admitted.

# **POLICY DEVELOPMENT SCRUTINY COMMITTEE MEMBERSHIP**

CHAIRMAN	Fabian Craig-Wilson
VICE-CHAIRMAN	Kiran Mulholland

## **Councillors**

Brenda Ackers	Ben Aitken
George Caldwell	Frank Andrews
Patricia Fieldhouse	Richard Fulford-Brown
Craig Halewood	Leonard Davies
John Davies	Howard Henshaw
David Chedd	Elizabeth Oades
Elaine Silverwood	Heather Speak

Contact: Annie Womack, St. Annes (01253) 658423  
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## **Our Vision**

*Fylde Borough Council will work with partners to provide and maintain a welcoming, inclusive place with flourishing communities.*

## **Our Corporate Objectives**

- To Promote the Enhancement of the Natural & Built Environment
  - To Promote Cohesive Communities
  - To Promote a Thriving Economy
- To meet the Expectations of our Customers

## **The Principles we will adopt in delivering our objectives are:**

- To ensure our services provide value for money
- To work in partnership and develop joint working



## A G E N D A

### PUBLIC PLATFORM

*To hear representations from members of the public in accordance with  
Committee procedure rules*

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Monitoring Officer in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
<b>2. CONFIRMATION OF MINUTES:</b> <i>To confirm as a correct record the minutes of the Policy Development Scrutiny Committee held on 25 August 2010. As attached at the end of the agenda.</i>	4
<b>3. SUBSTITUTE MEMBERS:</b> <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
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<b>5. HOSPITAL ACQUIRED INFECTIONS – UPDATE TO ORIGINAL REVIEW</b>	9 – 14
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**Personal interests**

**8.—(1)** You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
  - (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
  - (ii) any person or body who employs or has appointed you;
  - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (vii) any land in your authority's area in which you have a beneficial interest;
  - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

**Disclosure of personal interests**

- 9.—(1)** Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

#### **Prejudicial interest generally**

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of—
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

#### **Prejudicial interests arising in relation to overview and scrutiny committees**

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

#### **Effect of prejudicial interests on participation**

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DEMOCRATIC SERVICES	POLICY DEVELOPMENT SCRUTINY COMMITTEE	30 SEPTEMBER 2010	4
<b>VISION – A PRESENTATION BY BLACKPOOL FYLDE AND WYRE HOSPITALS NHS FOUNDATION TRUST</b>			

## Public item

This item is for consideration in the public part of the meeting.

## Summary

A representative from Blackpool Fylde and Wyre Hospitals NHS Foundation Trust will be attending committee to inform members about their IT system "Vision".

## Recommendations

1. That the committee notes the report and makes comments and / or recommendations as appropriate to Blackpool Fylde and Wyre Hospitals NHS Foundation Trust.

## Portfolio Holder

Social Wellbeing - Councillor Cheryl Little.

## Report

1. Democratic Services received a request from Blackpool Fylde and Wyre Hospitals NHS Foundation Trust to bring to scrutiny committee a presentation which details their new Electronic Patient Record system, which is called "Vision".
2. The presentation will give an overview of Vision to committee members, and will outline what it is; when it will be implemented; how it will work and what advantages and benefits it will bring both to healthcare professionals and patients.
3. The presentation will also cover the Privacy Impact Assessment so that members can be assured that safeguards are in place, providing solutions to the risks associated with privacy, so that there is public trust and confidence in the system.

IMPLICATIONS	
Finance	There are no direct financial implications arising from the report.
Legal	There are no direct legal implications arising from the report.
Community Safety	There are no direct community safety implications.
Human Rights and Equalities	There are no direct human rights and equalities implications arising from the report.
Sustainability	There are no direct sustainability implications arising from this report.
Health & Safety and Risk Management	There are no direct health and safety or risk management implications arising from the report.

Report Author	Tel	Date	Doc ID
Annie Womack	(01253) 658423	16 <sup>th</sup> August 2010	Vision - presentation

List of Background Papers		
Name of document	Date	Where available for inspection

List of appendices



# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DEMOCRATIC SERVICES	POLICY DEVELOPMENT SCRUTINY COMMITTEE	30 SEPT 2010	5

## HOSPITAL ACQUIRED INFECTIONS – UPDATE TO ORIGINAL REVIEW

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

In September 2007, the Community Outlook Scrutiny Committee nominated a task and finish group to review hospital acquired infections across Fylde. The overview of infection control procedures was based around key questions identified by the task and finish group, and was presented to committee in July 2008. Subsequent to that committee's recommendation, Cllrs Craig-Wilson and Mulholland met with the lead person for infection control at Blackpool Victoria Hospital, and also asked for an update report to a future committee meeting.

### Recommendation

1. To thank Johanne Lickiss, Consultant Nurse for Infection Prevention, for attending the committee.
2. To comment on the presentation and make appropriate recommendations

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:  
Social Wellbeing: Councillor Cheryl Little

### Report

1. In September 2007 the Community Outlook Scrutiny agreed to conduct a scrutiny review on hospital acquired infections. Councillor Kiran Mulholland and

Councillor Fabian Craig-Wilson were nominated to form the task and finish group.

2. Lancashire County Council holds the formal health scrutiny powers for Lancashire including the Fylde area and it had supported the review.
3. The original review focused on the preventative measures taken to avoid hospital acquired infections based around a set of key questions identified by the task and finish group. These included:
  - What is being done to reduce incidents of C-Difficile and MRSA in Blackpool Victoria Hospital? Have these actions seen positive results?
  - Who scrutinises Blackpool Victoria Hospital with regard to hospital acquired infections, what were the recommendations from scrutiny, has it made a difference?
  - What from the Acute Trust perspective can be done that is not be done presently to help eradicate hospital infections rates?
  - Is it possible to distinguish the source of infections from those acquired in hospitals and community settings?
  - What specifically can the citizens of Fylde do?
4. These questions were answered in a presentation to committee in July 2008. An extract from the minute of that meeting is appended for information for members.
5. Johanne Lickiss, Consultant Nurse for Infection Prevention, will be attending the committee to provide an update to the original overview of infection control procedures at the Acute Trust. Members will be given the opportunity to ask further questions and comment.

IMPLICATIONS	
Finance	None
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability	None
Health & Safety and Risk Management	None

Report Author	Tel	Date	Doc ID
Annie Womack	01253 658423	20 July 2010	Update to Review of Hospital Acquired Infections

List of Background Papers		
Name of document	Date	Where available for inspection
Document name		Council office or website address

Date	Thursday 24 <sup>th</sup> July 2008
Venue	The Town Hall, Lytham St Annes
Committee members	Kiran Mulholland (Chairman) Fabian Wilson (Vice Chairman) Brenda Ackers, Louis Rigby, Barbara Pagett, John Singleton
Other Councillors	
Officers	Dave Joy, Eugene Leal, Andrew Shore, Carolyn Whewell, Darren Wrigley
Others	Matthew Connor, Jonathan Croft, Anita Watson

#### 1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the council's Code of Conduct adopted in accordance with the Local Government Act 2000.

#### 2. Confirmation of minutes

RESOLVED: To approve the minutes of the Community Outlook Scrutiny Committee meeting held on 15<sup>th</sup> May 2008 as a correct record for signature by the chairman.

#### 3. Substitute members

The following substitutions were reported under council procedure rule 22.3:

Councillor Barbara Pagett for Councillor Elaine Silverwood

#### 4. North Lancashire PCT - Health Care Associated Infections

Anita Watson (Lead Nurse for Infection Control, North Lancashire Teaching Primary Care Trust) presented a report detailing the preventative measures undertaken to address incidents of MRSA and C-difficile in health care settings across North Lancashire.

Mrs Watson informed the committee that MRSA and C-Difficile were 2 distinctly different types of infection and were spread via different means. MRSA bacteria were usually spread through person-to-person contact with someone who had an MRSA infection, or who was colonised by the bacteria. Hospital patients were more at risk of developing MRSA infections due to a weakened immune system or an entry point for the bacteria to get into their body, such as a surgical wound. It was also possible for MRSA to be contracted from within the community via skin to skin contact with a carrier. All hospital wards had hand wash points and alcohol rub in place to prevent the spread of MRSA.

Mrs Watson reported that C-Difficile is a frequently identified cause of antibiotic-associated diarrhea in healthcare settings. The *Clostridium* family contains bacteria commonly found in the soil and in human and animal intestines. Typically, C. difficile bacteria live harmlessly until a disruption to the intestinal flora occurs, such as repeated, prolonged or inappropriate use of antibiotics, particularly the use of broad spectrum antibiotics. Antibiotics work by killing off the good bacteria in the gut enabling the C-difficile bacteria to spread and flourish. The spread of C-difficile can be prevented through maintaining a clean environment and thoroughly washing hands.

Mrs. Watson further reported that a number of measures were now in place to prevent the spread of both infections which had resulted in big improvements. These included:

- Hospital patients were now screened for MRSA before admittance. This had been a successful move in that only 3 case of MRSA (2 of which were acquired in a community setting) had been detected at Blackpool since April 2008.
- Healthcare staff for infection control meet twice a month to discuss root cause analysis and general preventative measures.
- Staff training on hygiene and dealing with blood culture specimens.
- Hand hygiene audits to check compliance now carried out weekly with the results published on the ward.
- A sustainable programme of cleaning has been introduced to maintain standards after the “superclean with steam” programme earlier this year.

Mrs. Watson further reported that the Strategic Health Authority was responsible for scrutinizing the PCT. The SHA were confident that all measures were being taken to prevent healthcare acquired infections. Since April 2008, Blackpool PCT had reported 3 cases of MRSA (2 acquired within the community) and 89 cases of C-difficile (30 acquired within the community).

There were a number of things that residents of Fylde could do to assist the prevention of healthcare acquired infections from within the community. These were listed as:

- Washing hands thoroughly including fingernails and between the fingers.
- Use the alcohol rub points made available before and after contact with hospital patients.
- Only take antibiotics when necessary.
- Stay at home for at least 48 hours after suffering from an infection.

Following the presentation, members questioned whether nurses were still able to travel to work in uniforms or whether suitable changing facilities were provided. Mrs. Watson reported that contact with uniforms did not cause infections for patients unless it came into contact with an open wound and this was very unlikely. Hospitals were now using plastic aprons for tasks and more changing facilities were being provided.

Members also questioned what measures were in place to address community acquired infections that were detected on entry into the hospital. Mrs. Watson reported that each case is investigated individually and both cases of MRSA at Blackpool which were acquired in a community setting were traced back to nursing homes. The PCT had facilitated some training to educate the staff on preventative measures for the future.

Members sought clarification on what public awareness campaigns had been undertaken. Mrs. Watson reported that the Association of the British Pharmaceutical Industry (ABPI) was undertaking work to reduce C-Difficile across three streams; restricted use of

antibiotics, General Practitioners and social care homes, and social marketing. A poster and sticker campaign was also in place to inform people to wash their hands.

The Chairman thanked Mrs Watson for the overview of North Lancashire. A number of Fylde residents also use facilities covered by Blackpool Victoria Hospital and members confirmed that they wished to request a meeting with the Director of Infection Control at Blackpool Victoria Hospital.

Following the discussion, it was RESOLVED:

1. To thank Mrs. Watson for her presentation
2. To make contact with the lead person for infection control at Blackpool Victoria Hospital to meet with Councillor Kiran Mulholland and Councillor Fabian Craig-Wilson.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
COMMUNITY SERVICES DIRECTORATE	POLICY DEVELOPMENT AND SCRUTINY COMMITTEE	30 <sup>TH</sup> SEPTEMBER 2010	6

## REVISION OF STATEMENT OF LICENSING POLICY

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

S5 of the Licensing Act 2003 requires the Licensing Authority to determine and publish a statement of Licensing Policy for a 3 year period to enable the proper discharge of the Council's responsibilities for the regulation of alcohol sales, public entertainment and late night refreshment in the Borough.

The current Statement of Licensing Policy must be re-considered by the 7<sup>th</sup> January 2011 and as such, the purpose of the Report is to inform Members of the consultation process undertaken and the amendments to the current policy.

### Recommendation

1. To consider and comment upon the revised Statement of Licensing Policy.

### Reasons for recommendation

The revised Statement has been drafted taking into account changes in the legislation and has been widely consulted upon.

## **Alternative options considered and rejected**

No alternative options considered.

## **Cabinet Portfolio**

The item falls within the following Cabinet portfolio:

Social Wellbeing: Cllr Cheryl Little

## **Report**

1. The Licensing Act 2003 requires the licensing authority (Fylde Borough Council) to prepare a statement of licensing policy every three years.
2. The Authority's current statement of licensing policy was approved by Council on 26<sup>th</sup> November 2007, coming into effect on the 7 January 2008.
3. A statement of licensing policy provides a local framework for decision making when considering applications for a licence or variation to a licence. The Licensing Committee and its licensing panels are required to have due regard to this policy when forming a decision upon an application.
4. As required by the legislation, and in accordance with the guidance issued by the Secretary of State, we are now required to prepare a statement of licensing policy for a further three year period. This revised policy must be in force with effect from the 7 January 2011 until 6 January 2014.
5. A revised version of the statutory guidance, issued by the Secretary of State, following consultation with a wide range of stakeholders including local authorities, the police, and industry and interest groups was published in March 2010. The revised licensing policy therefore reflects the recent changes to guidance.
6. Before finalising and implementing its policy, the Council must consult with those who may be affected by it. Accordingly, the views on what should be included in the statement of licensing policy have been sought from a wide range of both statutory and non-statutory consultees including:-
  - Lancashire Constabulary
  - Lancashire County Fire and Rescue Service
  - Representatives of the licensed trade
  - Existing licence holders (including local late night take – away food premises)
  - Representatives of business and residents associations in the Borough
  - Representatives of local and national retail and catering chains
  - Fylde councillors and Member of Parliament
  - Local town & parish councils
  - Fylde Community Safety Partnership
  - Local and national licensing solicitors
  - The Area Child Protection Committee
  - Drug Action Team



- Alcohol Concern
- North Lancashire Primary Care Trust
- Blackpool, Fylde and Wyre Hospitals NHS Trust
- Equity
- Other interested parties

8. In total well over 400 organisations and interested parties were consulted but at this stage there are few responses. A summary of each comment received along with officers comments and suggested amendments to the policy will be reported to the Committee but at this stage, the consultation process is still open until the 3<sup>rd</sup> October. The purpose of reporting to the Committee at this stage is to consider any comments the Policy Development Scrutiny Committee may have with regards to the revised Policy.
9. This document recognises that the licensed leisure and entertainment industry is important to the social and economic life of the area, and seeks to establish sensible controls and appropriate guidance to help prevent and deal with anti-social problems which can arise from licensed activities. It takes account of the new and revised statutory guidance, together with the experiences of the Council, as Licensing Authority, over the last three years
10. Finally, it should be noted that the Coalition Government have recently completed a consultation exercise entitled, "Rebalancing the Licensing Act – A Consultation on Empowering Individuals, Families and Local Communities to Shape and Determine Local Licensing." Although we are awaiting the results of the Consultation, the proposals suggested would lead to significant changes to the Act such as making the Licensing Authority a Responsible Authority and creating a licensing objective relating to Public Health. Should these proposals come into effect, then this consulted upon Policy will require significant revision. However, the government has indicated that authorities should nevertheless continue with the review of policies under the legislation and Secretary of State's guidance as it now stands

Report Author	Tel	Date	Doc ID
Chris Hambly	(01253) 658422	16 <sup>th</sup> September 2010	

List of Background Papers		
Name of document	Date	Where available for inspection
Document name		Council office or website address

#### **Attached documents**

1. Revised Statement of Licensing Policy.
2. Summary of Changes

IMPLICATIONS	
Finance	The adoption of the policy has no direct financial implications, although there are resource implications for enforcement of any licence conditions. Such implications will be delivered within existing revenue budget provision.
Legal	The Council continues to have the statutory responsibility to administer the alcohol and entertainment licensing system.
Community Safety	Views of community safety partners are incorporated into the policy.
Human Rights and Equalities	No direct implications arising from the report or policy
Sustainability and Environmental Impact	A balanced approach to regulating the licensed trade as part of a sustainable community is promoted through the policy.
Health & Safety and Risk Management	No direct implications arising from the report or policy. Those arising from enforcement activity will be managed operationally.



FYLDE BOROUGH COUNCIL



# Draft Statement of Licensing Policy 2011 – 2014 **FOR CONSULTATION**

Guidance for the leisure industry, residents and other community stakeholders within the Borough on the application of and approach to, the licensing procedures as administered by the Council (the Licensing Authority) under the Licensing Act 2003.

Rev/4

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*Note. Whilst this policy endeavors to reflect the legal requirements of the Licensing Act 2003. The Act rather than the Policy will be the definitive reference source for such requirements.*

## FYLDE BOROUGH COUNCIL'S LICENSING POLICY

*Many local and national businesses in the leisure industry have undertakings across the Fylde Coast. It is, therefore, helpful if the approach to licensing matters is consistent from one Licensing Authority to another. Wyre and Fylde Councils have, accordingly, worked together to produce this licensing policy*

### 1. AUTHORITY PROFILE

- 1.1** Fylde Borough Council is one of twelve district councils plus two unitary authorities, which comprise the County of Lancashire. It was formed in 1974 from the coastal towns of Lytham and St. Annes together with an extensive rural area. The borough is seen as peaceful, pleasant place to live; a rich green plain, dotted with hamlets and farms'. with larger townships at Kirkham, Wesham, Freckleton and Warton. Lytham and St Annes have a long history but today retain much of their Victorian and Edwardian character as popular resorts. More restrained and refined than Blackpool, they are noted for their open sands, excellent parks and gardens and for the peace and quiet that attracts many older people both as visitors and as residents.
- 1.2** The borough has a population of approximately 76,500 with an above average number of residents aged 45 and over. The attractive nature of the Borough has lead to a substantial number of people retiring to the area and tourists visiting the seaside resort of Lytham St Annes. In addition to tourism and the employment this brings, there are a number of large employers located within the Borough such as BAE SYSTEMS, BNFL Westinghouse and the Civil Service.
- 1.3** *Approximately 328 different premises have licences from the authority which allow regulated entertainment and/or the sale of alcohol. The main concentration of these can be found in the town centres of St Annes, Lytham and the market town of Kirkham and are broken down as follows:-*
- 55 pubs & clubs (including 3 nightclubs)
  - 29 certificated clubs (working mens', conservative, labour etc)
  - 27 hotels
  - 75 restaurants
  - 56 shops & off-licences
  - 26 village halls, schools & public spaces entertainment only)
  - 38 other premises (sporting clubs, holiday complexes etc and one cinema.)
  - 23 late night refreshment premises (food only)
- 1.4** There are many suburban and rural public houses in the district, many of these serving estates or rural villages that provide a focal point for community life. In other cases, this focal point may be provided by small stores and shops.

### 2 LICENSING AUTHORITY

- 2.1** Fylde Borough Council is a Licensing Authority as defined by section 3 of the Licensing Act 2003 ("the Act"), for its borough and will be referred to throughout this policy statement as the "Licensing Authority" or "the Authority" unless otherwise stated.

### 3. LICENSING OBJECTIVES

3.1 The Borough of Fylde has a duty under the terms of the Act to carry out its functions as a Licensing Authority with a view to promoting the following four licensing objectives:

- ❖ **the prevention of crime and disorder;**
- ❖ **public safety;**
- ❖ **the prevention of public nuisance; and**
- ❖ **the protection of children from harm**

3.2 These licensing objectives are of all equal importance and are the only matters which may be taken into account by the Licensing Authority.

3.3 To achieve these objectives the Licensing Authority will use a full range of measures including planning controls, transport controls, alcohol harm reduction strategy and crime and disorder policies and powers as well as those available to it as a Licensing Authority. It will use any relevant partnership arrangements with the police, the fire authority, the Primary Care Trust, local businesses, and the local community to assist in achieving these objectives.

### 4. PURPOSE & EXTENT OF POLICY

4.1 This document is a formal statement of the policy adopted by the Licensing Authority for Fylde Borough Council area setting out how it will secure the licensing objectives detailed at 3.1 above. It provides a framework for all decisions and actions of the Licensing Authority and its officers in connection with its functions under the Act. The main purposes of the policy are to:

- provide information for elected Members and officers about the powers of the.
- set out the boundaries within which decisions are made.
- inform applicants of the way in which the Licensing Authority will make licensing decisions and how a licensed premises is likely to be permitted to operate.
- inform residents and businesses of the way in which the Licensing Authority will make licensing decisions and how their needs will be addressed.
- support licensing decisions made by the Licensing Authority if it is challenged.

4.2 It is important for all parties to note that Licensing Authorities only have discretion on whether to grant applications for new premises licences, club premises certificates or variations to licences/certificates and to impose conditions on granting licences if representations relevant to the licensing objectives are made by or on behalf of “interested parties” (local residents and businesses) or by “responsible authority”(see *section 24*) in due time. Otherwise, the Licensing Authority must grant all applications in the terms sought by the applicant, with the imposition of only the relevant mandatory conditions. The Licensing Authority will, therefore, only consider the policies set out in this document when such relevant representations have been made.



- 4.3** The policy document does not set out an overview of all shades of opinion. It is a coherent statement of the Licensing Authority's policy which has been produced after careful consideration of many different and sometimes sharply opposing views. It adopts a single, clear position, having taken into account all of the suggestions put forward by stakeholders.

## **5. EXCLUSIONS FROM THE POLICY**

- 5.1** Excluded from the scope of the Licensing Act 2003 and, therefore, from this policy are such issues as health promotion, road safety, car parking, fly posting, employment rights etc. These and similar matters are of great importance but are covered by other legislation. The Licensing Act 2003 should not be used as a substitute for any other legal controls.
- 5.2** Nothing in this policy will apply to applications to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

## **6. STATUTORY GUIDANCE**

- 6.1** This statement of licensing policy is a requirement of Section 5 of the Licensing Act 2003 and has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act (*currently dated 30 March 2010*). The Licensing Authority is, therefore, bound by the Act, any regulations made under it and the guidance.
- 6.2** In relation to the guidance, the Licensing Authority must have regard to it, but can, if it considers it appropriate, deviate from the guidance. It must, however, have reason to do so. The individual circumstances must merit such a decision in the interests of the promotion of the licensing objectives and it must be able to provide full reasons for such a decision.

## **7. SCOPE OF POLICY**

- 7.1** The scope of this policy includes all licensable activities as defined in the Licensing Act 2003. These are:
- The licensing of individuals for the retail sale of alcohol (Personal Licences)
  - Licensing of premises for the retail sale of alcohol (Premises Licences)
  - The provision of regulated entertainment (Premises Licences)
  - The provision of late night refreshment (Premises Licences)
  - The supply of alcohol (Club Premises Certificates)
  - Provision of regulated entertainment at certain clubs (Club Premises Certificates)
  - The permitting of certain licensable activities on a temporary basis (Temporary Event Notices).

**7.2** Activities covered by the policy include:

- Retail sale of alcohol (including off licences)
- Supply of hot food or hot drink from a premise from 11.00pm to 05.00am (includes take- aways)
- Supply of alcohol to members of a club or sale of alcohol to guests of a member of a club

The provision of regulated entertainment, which includes entertainment provided solely or partly for members of the public, or exclusively to club members and its guests, or, which is provided with a view to for profit (including raising money for charity).

**7.3** The policy covers new applications, transfers, variations of licences and certificates and provisional statements as well as renewals of personal licences. It also includes the review of licences and certificates.

**8 FUNDAMENTAL RIGHTS**

**8.1** Under the terms of the Act any individual may apply for a variety of permissions and have its applications considered on its individual merits. Equally, any responsible authority or interested party has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

**8.2** Applicants and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the authority.

**9 LINKS TO OTHER POLICIES & STRATEGIES**

**9.1** The Licensing Statement as set out in this document does not stand in isolation. By consulting widely prior to this policy statement being published, the Licensing Authority will take full account of local policies covering crime prevention, anti-social behaviour, culture, transport, race equality, planning and tourism as part of an integrated strategy for the Council, police and other agencies. Many of these strategies may not be directly related to the promotion of the four licensing objectives, but could indirectly impact upon them.

**9.2 Diversity**

All licensing activities will be undertaken in the spirit of and in compliance with the authority's diversity policies and all related legislation.

**9.4 Human Rights Act 1998**

**9.4.1** The authority recognises that the Human Rights Act 1998 makes it unlawful for a public authority to act in a way that will be incompatible with a convention right. Consequently, an aim of this policy and in particular in relation to the decision-making processes of the Licensing Authority is to ensure that a licensing decision does not cause a breach of a convention right.

## **9.5 Crime and Disorder**

- 9.5.1** Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the District Council, Lancashire Police, Lancashire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 complements this duty for licensing authorities.

## **9.6 National Alcohol Harm Reduction Strategy**

- 9.6.1** The Council recognises the links between inappropriate alcohol consumption and ill health. Whilst the promotion of public health is not a licensing objective, the Council will seek to address the negative impacts associated with alcohol consumption by working with the Local Strategic Partnership and other relevant agencies e.g. the North Lancashire Teaching Primary Care Trust In this respect it will continue to support the National and Local Alcohol Harm Reduction Strategies.
- 9.6.2** The authority encourages licensees to give consideration to the National Alcohol Harm Reduction Strategy, in particular the contribution it can make to reducing the harm caused by irresponsible consumption of alcohol.

## **10 LIVE MUSIC, DANCING AND THEATRE**

- 10.1** The impact of this policy on regulated entertainment, particularly live music and dancing will be monitored. Proper account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives, the Licensing Authority will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a substantial nature. They will also be aware that the views of vocal minorities should not be allowed to predominate over the general interests of the community that the authority represents.
- 10.2** It is recognised that live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circus and street arts. The Council subscribes to the view expressed in the Guidance to the Act that the absence of cultural provision in any area can lead in itself to a loss of community awareness and can expose young people to anti-social activities that damage local communities.
- 10.3** The Licensing Authority will welcome reports to the Licensing Committee from officers concerned with tourism and cultural strategies, on the effects of licensing matters on these issues. Similarly, an opportunity will be given to provide the Committee with briefings on the employment and economic circumstances of the leisure and hospitality industry in the borough.

## **11. AVOIDANCE OF DUPLICATION**

**11.1** It is not the intention of this policy to duplicate other regulatory regimes by imposing conditions that require general compliance with them. If, therefore, other existing law (for example, health and safety at work or fire safety legislation) already places certain statutory responsibilities on an employer or operator of premises, it is not considered necessary or helpful to impose the same or similar duties through licensing controls. Nevertheless, licensees should maintain compliance with those other regulatory regimes and are encouraged to adopt best practice wherever possible.

**11.2** Conditions may, however, be attached to a licence which require measures to be taken to meet one or more of the licensing objectives to address a particular problem specific to those premises even if such measures may also be a general requirement of another regulatory regime.

### **11.3 Planning**

**11.3.1** The Licensing Authority is acutely aware that excessive bureaucracy provides poor value for money and has separated its planning and licensing regimes to avoid duplicity and inefficiency. Licensing applications will not, therefore, be a re-run of a planning application.

**11.3.2** There are several key differences between licensing and planning controls. Licensing is concerned with achieving the four licensing objectives whereas planning is concerned with such issues as establishing whether a building can be used for a broadly specified purpose, at a particular location. It is also concerned with the size of the building, its visual appearance and the demands it will impose on the local infrastructure.

**11.3.3** The Licensing Authority will generally not consider the status of any planning permissions when determining a licensing application. Objectors against planning applications will only be able to make representations concerning licence applications if they are relevant to one or more of the licensing objectives.

**11.3.4** Any decision of a licensing panel will not override the conditions attached to a planning consent. There may be circumstances where, for example, the hours agreed for a licence exceed those imposed by a planning condition for those premises. In these cases, the more restrictive hours must be adhered to. Premises operating in breach of its planning permission would be liable to prosecution under planning law.

### **11.4 Building Control**

**11.4.1** As with planning, the Licensing Authority has also separated its building control and licensing regimes. Whilst it is recognised that many requirements of the building regulations will have a direct influence on the licensing objective of public safety, dealing with such matters as part of a licensing application would be duplicitous. The Licensing Authority will not, therefore, consider the status of any building control application when determining a licence application. Any decision made by a licensing panel will, however, not override the need to obtain building control approval.

## **12 GENERAL APPROACH TO LICENSING**

- 12.1** In undertaking its licensing functions under the Licensing Act 2003, Fylde Borough Council will aim to ensure that licensable activities make a positive contribution to the social, economic, and environmental well-being of its Borough. The authority wish to see a diverse cultural offering, providing something for everyone, in a safe, healthy and welcoming environment. In particular it supports a mixed night-time economy, which attracts all parts of the community, including families, and is not dominated by premises whose primary focus is the sale of alcohol. It is keen to encourage family-friendly licensed premises where suitable entertainment is provided and to promote premises where parents and young people can enjoy their leisure time together. It recognises that premises within the leisure and hospitality sector of the economy are an important part of its district and are major contributors to the local economy, attracting tourists and visitors, and making for vibrant towns and communities, whilst at the same time providing employment.
- 12.2** To help achieve this, it will seek to give licence holders sufficient freedom and flexibility to enable them to satisfy the requirements of their customers. In return licence holders will be required to operate their undertakings in a socially responsible way, taking the lead role for preventing crime, disorder and disturbance arising from their undertaking and protecting the health, safety and well-being of employees, customers and all others who may be affected.
- 12.3** At the same time the policy statement takes account of the need to regulate the carrying on of licensable activities on licensed premises, qualifying clubs and temporary events in order to limit, within the terms of the 2003 Act the potentially adverse impact of those activities on the public living, working or engaged in normal activity in the area concerned. The Licensing Committees of the Council cannot, however, use the Licensing Act 2003 for any purpose not defined in the Act as a 'licensing objective'.
- 12.4** The Licensing Authority will ensure that the rights of people using licensed premises or participating in licensed activities are balanced against the rights of those exposed to the impact of those activities. For example, if there are specific cultural events that promote live music, dancing or theatre, the authority will take into consideration the specific cultural need, and the particular characteristics of the event. This will include the type, scale and duration of the proposed entertainment, especially where only limited disturbance may be caused. It is recognized, therefore, that there will, inevitably, be circumstances when the benefits to the majority are considered to outweigh any potential inconvenience to the few.
- 12.5** This policy is not capable of being a universal remedy for all the various forms of anti-social behaviour or other problems associated with licensable activities. It does, however, consider all such issues in and around licensed premises licensed premises. In situations where a licence holder really would not have been able to do anything that might have prevented an undesirable incident, the Licensing Authority will not hold the licence holder to account. Where it is plain though that they are indirectly or directly partly responsible for what has happened (perhaps by employing unsuitable people or exercising poor standards of management), then the Licensing Authority will make use of its powers under the Licensing Act 2003, where they offer a remedy.

- 12.6** The authority will not downgrade its commitment to the licensing objectives to assist a failing venue, even if that means that the business ceases trading.

### **13 APPLICATIONS FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

- 13.1** The Licensing Authority requires that all applications for the grant, variation or transfer of any licence, permit or certificate detailed in the Act are made in accordance with the statutory requirements and any guidance issued from time to time by the Council. In particular, all such applications must be accompanied by the appropriate fee, where applicable, for them to be deemed to be properly made. Where such applications are statutorily required to be advertised, or notified to other specified persons, applicants are advised to confirm that such advertising or notification has been properly made. Applicants should be aware that failure to make an application in accordance with the statutory requirements will result in the application being returned and that the period for determination will not commence until a valid application has been submitted. Applications will not, however, be returned because of small administrative errors which can be easily corrected.
- 13.2** It is important to ensure that the application accurately reflects the intended operation of the premises. The application must be accompanied by a plan of the premises which shows certain information as required by the Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005. This includes marking the areas of the premises which are proposed to be used for each licensable activity. It is important to note that, although consumption of alcohol is not itself a licensable activity, if the plan does not show outside areas (e.g. beer gardens or similar) then any premises licence which authorises the sale of alcohol 'for consumption ON the premises' only, as opposed to 'on and off the premises' would not authorise the use of such areas. In other words, the plan which is submitted as part of the application defines the 'premises' for the purpose of the licence.
- 13.3** As indicated above, the Act requires licence applicants to publicise their applications. This is to enable interested parties and responsible authorities to make a representation if they wish. Our experience as a Licensing Authority is that statutory publicity may not always bring applications to the attention of all parties. Therefore, in addition to putting applications on our web site, we will notify all members of the Council of applications for premises licences, club premises certificates and variations received on a weekly basis. Under certain circumstances, we may also notify interested parties and responsible authorities when we have received an application. In doing so, we will not solicit representations.
- 13.4** The Licensing Authority will offer guidance as appropriate to applicants on the completion of necessary documentation. It will issue and make readily available guidance notes on the procedures it requires for making applications for licences and will from time to time review such guidance.

## 14 APPLICATIONS MADE BY THE LOCAL AUTHORITY

- 14.1 The Council has sought premises licences for public spaces in the community in its own name and will continue to do so. This could include, for example, open spaces, town centre squares, community halls and similar public spaces. With regard to those places, performers and entertainers will not need to obtain a licence or give a temporary event notice themselves in order to perform. Instead they would simply require permission from the Council as the premises licence holder.
- 14.2 When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing Panel and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the Licensing Authority will generally be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision made.

## 15 VARIATIONS

- 15.1 *Where a premises licence holder wishes to make changes to their licence or to their premises, the Act allows, in most cases, for an application to vary the licence to be made rather than requiring an application for a new premises licence. The Licensing Authority considers that, in general, any changes to the licence which may impact on one or more of the licensing objectives requires an application under section 34 of the Act.*
- 15.2 *The Act does, however, allow for a simplified procedure for varying a licence where the changes **do not have a detrimental effect on the licensing objectives**. These are:*
- *Changes to the name or address of anyone mentioned on the licence*
  - *Variations to specify a new individual as the designated premises supervisor*
  - *To disapply the mandatory condition requiring the sale of alcohol to be carried out under the authority of a personal licence holder and the need to have a designated premises supervisor in community premises.*
  - *Minor variations which do not impact on the licensing objectives*
- 15.3 *Minor variations can include the following:*
- *Minor changes to the structure or layout of a premises*
  - *Small adjustments to the licensing hours*
  - *The removal of out of date irrelevant or unenforceable conditions*
  - *Adding certain licensable activities including live music.*
- 15.4 *Changes to the structure of the premises will not fall within the definition of a minor variation if they have an adverse impact on the licensing objectives. For example:*
- *If it increases the capacity for drinking on the premises;*
  - *Affects access between the public part of the premises and the rest of the premises or the street or public way e.g. block emergency exits or routes to emergency exits;*
  - *Impedes the effective operation of a noise reduction measure such as an acoustic lobby.*

**15.5** *The following alterations to licensing hours are excluded from the minor variation procedures:*

- Extending licensing hours for the sale of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- To increase the amount of time on any day during which alcohol may be sold or supplied for consumption off or on the premises.

**15.6** *Application to alter the times of other licensable activities under the minor variation procedure will be considered on a case by case basis but the following will be some of the matters considered:*

- *The nature of the licensable activity;*
- *The extent of the additional hours sought and whether it will involve later opening or opening between 23.00 and 07.00;*
- *Proximity of the premises to residential areas;*
- *Any licence conditions in already place to mitigate the impact of the activity and any additional conditions volunteered by the applicant;*
- *Arrangements for dispersal, i.e. when people leave the premises is there potential for noise and disturbance near the venue? Is the only means of dispersal a single route through residential areas?*
- *Whether the proposed extension applies only at weekends;*
- *Whether there will be any new admittances during the extended period;*
- *The track record of the premises;*
- *Whether the premises is already open during the extended period for other licensable activities;*
- *Proximity and density of public houses, nightclubs, etc. if customers from these premises are likely to be attracted to the proposed licensable activities in large numbers. For example, people visiting a takeaway after leaving a public house.*

**15.7** *Applicants for minor variations may volunteer conditions to remove the risk of an adverse impact on the licensing objectives either as a result of their own risk assessments or after informal discussions with the responsible authorities. The Licensing Authority cannot, however, impose their own conditions during a minor variation procedure.*

**15.8** *Where the Licensing Authority believes that a proposed minor variation will have an adverse effect on the licensing objectives the application will be refused. Any refusal of a minor variation application does not prevent an application for a full variation under section 34 of the Act being made.*

## **16 OPERATING SCHEDULES**

**16.1** Part of the application form requires that an 'operating schedule' is submitted for all applications and variation applications. The operating schedule which must be submitted in a prescribed form, should be completed for all relevant applications. Where the application is for a variation to an existing licence, the operating schedule should detail any additional steps required in relation to that variation. It should outline how the premises will be operated, and the arrangements for promoting the four licensing objectives.



- 16.2** The operating schedule must include all information necessary to enable the responsible authorities or interested parties to assess whether the steps outlined for the promotion of the licensing objectives are satisfactory. This will generally mean that applicants will need to complete their own detailed risk assessments on their businesses. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made. Where these representations are relevant to the promotion of the licensing objectives, a hearing will follow, unless all parties agree that this is unnecessary.
- 16.3** Applicants should have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the Licensing Authority and of the other responsible authorities. Specific requirements to be met are detailed in this policy document. Other specific requirements are detailed in relevant legislation and in guidance documents.
- 16.4** In order to minimise problems and the necessity for hearings, applicants should consult with responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.

## **17 LICENCE CONDITIONS**

- 17.1** If, after receiving relevant representations, the Licensing Authority believes it to be appropriate or necessary, in order to promote any of the licensing objectives; it will consider attaching conditions to licences. However, only those conditions necessary to meet the licensing objectives and only those which relate specifically to the representations received, will be imposed. The authority will not impose disproportionate and over burdensome conditions where there is no need for them. Any conditions considered appropriate will be tailored to the individual style and characteristics of the premises or event and standard conditions will be avoided.
- 17.2** Where no representations have been made, the power to impose conditions exists only when the Licensing Act 2003 makes them compulsory or when they reflect the operating schedule proposed by the applicant.
- 17.3** *There are a number of mandatory conditions that are attached to licences, strengthened in April 2010 with the addition of conditions that govern irresponsible drinks promotions. A further addition is a condition that requires venues to provide water to customers upon request. For a full list of all the mandatory conditions refer to Appendix 4.*

## **18 THE LICENSING OBJECTIVES**

- 18.1** The matters set out below under the headings of each licensing objective are intended to assist applicants by drawing attention to the issues that they should have in mind when drawing up an operating schedule. Although they will apply to all applications to some degree, they will not necessarily apply equally to all applications. They have, however, been developed with reference to the licensing objectives and in consultation with the responsible authorities. They, therefore, serve to alert applicants to the matters which responsible authorities will be likely to consider when deciding whether to make representations on an application or whether to call for a review. They also draw the attention of applicants to matters that are likely to be the subject of conditions designed to promote the licensing objectives that may be attached to a licence where

the Licensing Authority's discretion has been engaged as a result of relevant representations.

- 18.2** Where representations are made about matters which relate to one or more of the four licensing objectives, appropriate measures may be imposed as formal requirements of the licence. The need for such measures and extent to which they are appropriate in each individual case will be judged on a risk assessed basis, having regard to such factors as the type of clientele, the location and style of the premises, the activities carried on there and the times of operation.
- 18.3** When assessing operating schedules for the promotion of the licensing objectives particular regard will be taken of any evidenced representations from the relevant responsible authorities such as the police for crime and disorder and environmental health for public nuisance.
- 18.4** Special measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature. These can often have a significant impact on the achievement of the licensing objectives. Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.

## **19 PREVENTION OF CRIME AND DISORDER**

- 19.1** The extent to which conditions should be introduced to control the matters detailed below will be dependent on the individual style and characteristics of the premises, proposed events and activities. In general, more comprehensive measures should be in place at late night entertainment venues or in premises with a history of crime and disorder issues.

### **19.2 Duplication of Legal Requirements**

- 19.2.1** Licence conditions will not seek to replicate offences which are set out in the Licensing Act 2003. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour or serve alcohol to under 18s is unnecessary as this is already a criminal offence under the Act.

### **19.3 Underage Drinking**

- 19.3.1** The consumption of alcohol by persons under the age of 18 is recognised as a source of potential crime and disorder which also puts young people's health at risk. Children and young people can obtain alcohol from both on and off licence premises and therefore both carry equal responsibility to prevent such sales. The Licensing Authority supports the PASS accreditation scheme, which aims to approve and accredit various proofs of age schemes. Operating schedules should contain measures to ensure that the law and practice relating to age restricted sales is adhered to. This should include ensuring that staff have sufficient training and supervision to ensure that no alcohol is served to someone who is underage

### **19.4 Drunkenness on Premises**

- 19.4.1** Operating schedules should contain measure to prevent drunkenness on licensed

premises. This should include ensuring that staff have sufficient training and supervision to ensure that no alcohol is served to someone who is drunk or to someone on behalf of someone who is drunk.

## **19.5 Pub Watch Schemes**

- 19.5.1** The Licensing authorities value the contribution that Pub Watch schemes make to the reduction of crime & disorder in licensed premises. Where such schemes (including 'Best Bar None' or 'Nightsafe') exist, licensees are encouraged to become active members including implementing any banning orders issued under the scheme.

## **19.6 Drugs**

- 19.6.1** The Licensing Authority recognises that drug use is not something that is relevant to all licensed premises. They will, however, expect licensees of venues likely to be affected by illegal drugs to take all reasonable steps, including implementing security measures, to prevent the entry of illegal drugs into licensed premises, to take appropriate steps to prevent illegal drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse. These may include requirements for regular checks of toilet areas, maintaining records of incidents involving the use and/or detection of drugs and maintaining satisfactory arrangements for storing, disposing of and transferring confiscated and found drugs to the police.

In particular licensees of such venues should be following the recommendations of the book "Safer Clubbing" issued by the Home Office (ISBN 1840827807).

## **19.7 Crime, Disorder & Nuisance around Licensed Premises**

- 19.7.1** Public order matters such as noise from people in the streets, open spaces etc are dealt with by the Police as part of the normal policing plan. The Licensing Authority's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the area around the premises/place concerned. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from that premises/place and, therefore, beyond the direct control of the individual, business or club holding the licence or certificate concerned. The authority will, accordingly, only attempt to control activities centering on and in the area immediately outside licensed premises and qualifying clubs and, where temporary events are taking place.

- 19.7.2** The Licensing Authority does however expect all licensees, certificate holders and premises supervisors to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter.

*Since the introduction of the Health Act 2006 the requirement for patrons to go outside a premises to smoke has caused an increase in the number of noise and anti-social behaviour complaints received by this and other Councils.*

*It is therefore expected by the Licensing Authority that the management of licensed premises will ensure that adequate provision is made to supervise those patrons who leave the premises for a short time to smoke, having regard to the health and safety of their staff.*

*In certain cases some form of regular engagement between businesses and residents can lead to better understanding of the needs of each party and inspire a degree of trust.*

## **19.8 Door Supervisors**

- 19.8.1** Door supervisors perform a very useful task in preventing people who are drunk, dealing in drugs or carrying offensive weapons from entering licensed premises. When deciding if a condition requiring door supervisors is appropriate the Licensing Authority will consider the location and capacity of premises and the hours of operation. Generally speaking larger premises in town centre locations with several licensed premises close by would warrant the employment of door supervisors.

## **19.9 CCTV**

- 19.9.1** The presence of CCTV cameras both inside and immediately outside premises can actively deter disorder, nuisance and anti-social behaviour and crime generally. In some circumstances, therefore, the provision of CCTV cameras and video recording apparatus will be a formal condition of granting a premises licence, where an opportunity to impose conditions arises. Such conditions would, however normally be appropriate in town centre pubs and clubs and town centre late night refreshment premises where patrons move from one venue to another and can compliment any public CCTV systems. In rural and family pubs which have the service of meals as the key part of their business and which have a mature clientele, the provision of any CCTV facility will be left to the discretion of the owner, unless there is good evidence that licensable activities on the premises are or are likely to be responsible for crime and disorder problems. CCTV should be installed and maintained on the advice of a Lancashire Police Crime Prevention Officer.

## **19.10 Glasses & Bottles**

- 19.10.1** *Glasses and glass bottles can be dangerous weapons. As such the Licensing Authority would encourage the use of polycarbonate glasses, in premises. Where a particular issue has been hi-lighted, particularly if the premises has been brought to review by a responsible authority, a condition to this effect may be imposed.*  
*It is important that that glasses and bottles are frequently collected to ensure that empty containers do not accumulate in or around the licensed premises. Staff also must prevent the removal of bottles or glasses from the curtilage and grounds of licensed premises, to prevent them being used to cause harm.*

## **19.11 Open Containers**

- 19.11.1** Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Consideration may, however, be given to conditions preventing the taking of such drinks from the premises in open containers (e.g. glasses and opened bottles) to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

## **19.12 Drinks' Promotions**

- 19.12.1** *From 6 April 2010 all premises that are licensed for on sales are required to adhere to the additional mandatory conditions introduced by the Mandatory Licensing Conditions Order 2010. This makes irresponsible drinks' promotions illegal and requires that premises provide free tap water to customers on request. (See Appendix 4).*

## **19.13 Responsible Promotion of Alcoholic Drinks**

- 19.13.1** The authority recognises the impact of irresponsible consumption of alcohol on crime,

disorder and health. Licensees should, accordingly, ensure that alcoholic drinks sold in their premises are packaged, presented and sold in a socially responsible way. In this context the authority commends the use of the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks.

**19.14 Take aways & Alcohol**

- 19.14.1** The Licensing Authority will not normally approve applications, where relevant representations are received, for take away premises serving food between 11.00pm and 5.00am to include the sale of alcohol in their operating schedules.

**19.15 Police Closures**

- 19.15.1** The Licensing Authority will work closely with the police to review the licences of premises where a Police Closure Order has been served or a Certificate has been issued under Section 53A of the Violent Crime Reduction Act 2006.

**20 PROMOTION OF PUBLIC SAFETY**

- 20.1** The Licensing Authority is committed to ensuring the physical safety of those using licensed premises. Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with respect to public safety. Licensees, as providers of premises for the sale of alcohol or regulated entertainment, must be able to demonstrate that they have considered and put into effect measures to protect members of the public.

**20.2 Fire Safety**

- 20.2.1** The Regulatory Reform (Fire Safety) Order 2005 requires persons responsible for premises to put in place fire precautions where they are identified as necessary following a fire risk assessment. The Order is enforced, in most premises, by Lancashire Fire & Rescue Authority who have the power to inspect the premises for compliance. The Licensing Authority recognises that under the provisions of this order any conditions attached to licences which relate to any requirements or prohibitions that could be imposed by the order automatically cease to have effect. In order, therefore to avoid duplication and confusion, the Licensing Authority will not seek to impose fire safety conditions on a licence where the Regulatory Reform (Fire Safety) Order 2005 applies.

**20.3 Capacity Numbers**

- 20.3.1** Safe capacities should only be imposed where necessary for the promotion of public safety or the prevention of crime & disorder. Where capacities have been determined by other legislation, e.g. under the Regulatory Reform (Fire Safety) Order 2005, a condition duplicating that capacity limit is unnecessary. However, if following a representation, a capacity which would apply at a material time when licensable activities are taking place is felt desirable as for example when overcrowding is likely to lead to disorder because crowds become frustrated and hostile, then a condition may be imposed.

**20.4 Health & Safety**

- 20.4.1** The Health & Safety Etc. at Work Act 1974 places a duty on employers to ensure not only the safety of their employees but also their customers and others. It is therefore unnecessary to impose conditions that duplicate those provisions. It is, for example, unnecessary to attach a condition to a licence requiring the electrical installation to be maintained in a safe condition as this is also a requirement of Regulations made under the Health & Safety Etc. at Work act 1974.

## **21. PREVENTION OF PUBLIC NUISANCE**

- 21.1** Licensed premises have a significant potential to impact adversely on communities through public nuisances, which can arise from their operation. The Licensing Authority recognises the need to prevent public nuisance to residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.
- 21.2** In considering what constitutes a public nuisance the Licensing Authority will make a judgement as to whether the effect of the licensable activities on those living or working in the area around the premises is disproportionate or unreasonable. It is accepted that such disturbance could affect small numbers of people and does not need to cause a major disturbance to the whole community. Issues which could be considered as public nuisance are mainly noise, light pollution and litter.
- 21.3 Duplication of other Statutory Controls**
- 21.3.1** Conditions attached to licences are not necessary where the issue is covered by other legislation. However, in the case of, for example, noise nuisance the Environmental Protection and Noise Acts are designed to deal with nuisance once a problem has occurred and therefore conditions aimed at preventing nuisance from occurring in the first place may be imposed.
- 21.4 Disturbance by Patrons leaving the Premises**
- 21.4.1** Disturbance caused by pedestrians some distance away, once they have left licensed premises, is difficult to relate back to those premises and the premises operator has little or no legal responsibility at that point. If the individuals concerned had chosen instead to socialise at a private house, the effects would have been much the same. The Licensing Authority, therefore, accepts that annoyance caused by people in the street other than in the vicinity of licensed premises, falls outside the scope of licensing control.
- 21.4.2** Conditions will, accordingly, only be focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified.

- 21.4.3** Licensees should take appropriate measures to minimise disturbance in the immediate area of their premises caused by patrons leaving. These may include, during the final hour of daily trading, making appropriate announcements or projecting images to remind patrons of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises and displaying clear, legible and conspicuous notice/s requesting patrons to avoid causing noise, nuisance or disturbance to local residents. Door supervisors employed at the premises should ensure that customers leave the area quickly and quietly.

## **21.5 Noise Nuisance**

- 21.5.1** Conditions relating to noise nuisance will normally concern the measures necessary to control the levels of noise emanating from the premises. Any conditions necessary to promote the licensing objective will be tailored to the style and characteristic of particular premises and may include restrictions which ensure that the volume of amplified sound used in connection with entertainment is under the control of the licensee or management and that the controlling mechanism is operated from a part of the premises inaccessible to the public.
- 21.5.2** Where applications lead to representations about noise, any necessary and appropriate conditions will normally be focused on the most sensitive periods. For example music is more problematical when it is played from late evening until the early hours of the morning when nearby residents are attempting to get to sleep.

## **21.6 Noise Monitoring**

- 21.6.1** During special events, the Licensing Authority may require that the licensee conducts regular patrols to determine the likelihood of unreasonable disturbance to any nearby residential premises. Where such a condition is imposed, the applicant will need to maintain a log of such patrols indicating the time of the patrol, any incidents and what remedial action was taken.

## **21.7 Litter**

- 21.7.1** *The cumulative effects of litter around premises carrying on licensable activities can amount to public nuisance. The Licensing Authority requires that any premises that can cause litter, be it from a take away food establishment or cigarette debris left by its customers, must remove it at regular intervals. At the end of trading, management of the premises should arrange for a final check of the area immediately outside the premises, to ensure that no litter, spilled food or cigarette debris is left.*  
*In some cases it may be necessary to impose conditions on licences for take away premises which require litter bins to be provided or for litter dropped around of the premises to be collected and removed at regular intervals at the licence holder's expense including washing away to the gutter any spilled food.*

## **21.8 Light Pollution**

- 21.8.1** Measures introduced to control the use of lighting around the premises will take account of the benefits of such lighting in deterring crime & disorder. A balanced approach must therefore be sought when addressing such issues.

## **22 PROTECTION OF CHILDREN FROM HARM**

**22.1** The Licensing Authority is committed to protecting children from moral, psychological and physical harm and views this as an important licensing objective. In particular children should be protected from exposure to strong language, sexual expletives and adult entertainments. Nevertheless, the Licensing Authority has taken account of the view of the Government that the creation of family-friendly licensed premises should be encouraged. Overly restrictive conditions will not be imposed if they may frustrate this aim. For example the Licensing Authority will not normally impose conditions prohibiting the lawful admission of children to any premises, believing this should remain a matter of discretion of the licence holder. However, it will where necessary impose conditions designed to protect children.

**22.2** In matters concerning the protection of children from harm, the Licensing Authority regards the Lancashire Safeguarding Children Board as the 'responsible authority' within the terms of Section 13 (4).f of the Licensing Act.

**22.3** Venue operators seeking premises and club premises certificates may wish to volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations, to the contrary, are made to the Licensing Authority, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such.

### **22.4 Sale and Supply of Alcohol to Children**

**22.4.1** Conditions will not seek to prohibit any sales or supply of alcohol to children that are offences under the Act. However, conditions will be considered which aim to reduce the probability of such offences taking place

### **22.5 Proof of Age Schemes**

**22.5.1** The Licensing Authority considers preventing children from obtaining alcohol from licensed premises to be of great importance in protecting them from harm. Applicants must, therefore, be able to demonstrate that they have in place, satisfactory arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age scheme. The Licensing Authority would be supportive of arrangements, which include incorporating any of the following:

- Passport.
- Photo Card driving licence issued in the European Union
- Proof of Age Standards Scheme Card (PASS)
- 'New type' driving licences with photographs.
- Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder

The authority supports the PASS accreditation system, which aims to approve and accredit various proofs of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. Staff should have received suitable training in relation to the proof of age scheme to be applied upon the premises and records evidencing this should be kept.



## **22.6 Adult Entertainments**

**22.6.1** *Following the introduction of the Police and Crime Act 2009, schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 has been amended to incorporate Sexual Entertainment Venues and this council will adopt this legislation.*

**22.6.2** *Under the legislation, premises offering lap dancing or any live performance or display of nudity on more than 11 occasions within a 12 month period, in addition to any relevant entertainment, will be required to obtain a Sex Establishment Licence from the Authority authorising such activity. Applications for such premises will be considered on their individual merits.*

**22.6.3** *It is the view of the Licensing Authority that children should not be exposed to entertainments of a sexual nature or to strong language at a too early an age. Conditions may be imposed, if representations are received, aimed at preventing such exposure either intentionally or accidentally. In some premises entertainment of an adult nature may be occasional or restricted to certain times of the day. In these cases, any restrictive conditions to protect children will apply only at these times.  
When submitting an application, if no reference is made to the provision of adult entertainment or services within an operating schedule at "Box N", then the Authority will interpret this to mean that such entertainment will not be provided and a condition to this effect will be applied to the licence.*

**22.6.4** The Licensing Authority will have particular regard to representations from the Social Services and the Local Area Child Protection Committee (which it has recognised as the authority competent to advise it on protection of children) to determine if measures proposed are sufficient to ensure that children are adequately protected from harm. It will not normally grant an application for a licence or variation of a licence where representations are made by one of the above mentioned bodies expressing serious concern regarding child protection or safety, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

## **22.7 Children and Entertainment**

**22.7.1** Where children are present at an event as entertainers, an adult should be nominated as responsible for such child performers.

**22.7.2** Where there is provision of entertainment specifically for children (e.g. a children's disco or supervised play area) sufficient adults should be present to control the access and egress of the children and to secure the protection of children from harm. Those regularly caring for or supervising children will have to have undergone an appropriate criminal record check with the Criminal Records Bureau.

## **22.8 Film Classifications**

**22.8.1** In the case of premises giving film exhibitions, the Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age- restricted films classified according to the recommendations of the British Board of Film Censors or the Licensing Authority itself.

## 23 LICENSING HOURS

- 23.1** The Licensing Authority is mindful of the argument that in some situations, longer licensing hours for the sale of alcohol can help to minimise the impact of large concentrations of customers leaving premises simultaneously and that this can help to reduce the risk of nuisance and crime and disorder. Restricted licensing hours can, furthermore, serve to encourage binge drinking, create noise and disturbance at fast food outlets and generally produce peaks of disorder and disturbance.
- 23.2** The authority is aware that, in parts of the borough, many premises are already open for the sale of alcohol and late night refreshment as well as the provision of entertainment into the early hours of the morning without giving rise to any problems in the area.
- 23.3** Any application regarding licensing hours will, accordingly, be considered on its individual merits and this policy makes no presumption about closing times. In determining applications, the potential affect on the four licensing objectives will be paramount. The Licensing Authority will, however, be mindful that if the applicant's operating schedule has adequately addressed the licensing objectives there may be no justification for restricting opening hours. If representations are made, appropriate licence conditions may be applied, and these may be stricter if the application is for later hours.
- 23.4** The Licensing Authority will not establish zones within which it sets fixed trading hours that may be different to those set elsewhere, as this could lead to problems when customers move from one zone to another. However, it will always take due account of local circumstances and stricter conditions may be applied where there is denser residential occupation.
- 23.5** Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the hours they intend to open unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of shops known to be a focus of disorder and disturbance because youths gather there.

## 24. REPRESENTATIONS (OBJECTIONS)

- 24.1** The Chief Officer of Police, the Fire Authority, the enforcing authority for health and safety purposes, the local planning authority, the authority responsible for minimising or preventing the risk of pollution and the Local Child Protection Committee are all '**Responsible Authorities**' under the Act. These responsible authorities may make representations on applications for premises licences and club premises certificates, so far as they relate to the promotion of the four licensing objectives and can request reviews once licences have been granted. The Licensing Authority may, however, only consider representations from the Chief Officer of Police in respect of applications for personal licences and temporary event notices. Contact details for the local responsible authorities can be found in Appendix 1.

- 24.2** Local residents and businesses, in the vicinity (see paragraph 25 below for definition) of the premises subject to the application (known as '**Interested Parties**') or their representatives are free to raise relevant representations. The Licensing Authority may only consider representations from interested parties in respect of applications for premises licences and club registration certificates and for variations of the same. A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious. Representations can be made in opposition to, or in support of, an application.
- 24.3** Parish or town councils, as well as residents' associations, can, by virtue of the fact that they represent persons living in their vicinity, be "interested parties and may, therefore, raise a valid representation against an application.
- 24.4** *S33 of the Policing and Crime Act 2009 has amended the definition of an interested party to include a member of the relevant Licensing Authority. As such, a Councillor of Fylde Borough Council may now make representations as an interested party. This means that they could call for a review of a premises or continue to act in a representative capacity on behalf of ward residents for new or varied licence applications.*
- 24.5** Officers of the Licensing Authority will determine whether or not a representation qualifies as a "relevant representation" and therefore whether or not the representations may be taken into account by the Licensing Authority when it makes its decision. In determining whether or not a representation is a "relevant" representation, the Licensing Authority will have regard to the Government Guidance.
- 24.6** The Licensing Authority encourages all parties to discuss with each other any issues raised in representations in an attempt to reach agreement. Such an agreement may involve a modification to the application, including a reduction in operating hours or the addition of other measures to the operating schedule. Should an agreement be reached then it will not be necessary to have a hearing before a licensing panel.
- 24.7** Where representations are received which relate to a perceived potential for the application to have a detrimental affect on one or more of the licensing objectives, which are not substantiated by evidence, it will be accepted. The weight which the licensing panel attaches to such unsubstantiated representations will, however, be limited. It is considered that should the misgivings of the objector/s be realised, such matters are best dealt with through the licence review process. Members may then hear appropriate evidence and if considered necessary attach a condition or conditions to the licence or revoke the licence.

## **25 VICINITY**

- 25.1** The term "in the vicinity" is not defined in the Licensing Act or in the Guidance. In practice, what constitutes "the vicinity of premises" is a subjective issue and will ultimately be decided by the Courts. However, as a guideline and in order to ensure clarity of understanding, the Licensing Authority regards the term as meaning a residence or business sufficiently close to the premises to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside as a result of the activities taking place.

**25.2** The process followed to determine if representations are in the vicinity will be to initially determine if the property falls within a radius of 150m from the curtilage of the application premises. Any within that distance will be considered to be within the vicinity. Properties outside this perimeter will be looked at to determine if, in the circumstances of that particular case, they might still reasonably be affected by the licensable activities. Matters which will be considered are:-

- the density of buildings around the area, for example, a premises with a rural open aspect may potentially disturb residents at a greater distance than those in a developed area
- the topography of the land, for example, if the premises are elevated above residential properties
- whether the premises are separated from neighbouring properties by barriers such as rivers, wooded areas railway lines or motorways.

## **26. DISCLOSURE**

**26.1** Where a notice of a hearing is given to an applicant, the Licensing Authority will, as required under the Licensing Act 2003 (Hearings) Regulations 2005, provide the applicant with the notice and copies of the relevant representations that have been made.

**26.2** In some wholly exceptional and isolated circumstances it is recognised that interested parties may be reluctant to make representations because of fears of intimidation or violence if personal details, such as name and address, are divulged to the applicant. Where it is considered that the interested party has a genuine and well-founded fear of intimidation and may be deterred from making a representation because of this, they may be advised to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.

**26.3** The Licensing Authority may also decide to withhold some or all of the interested party's personal details from the applicant, giving only enough details (such as street name or general location within a street) which would allow an applicant to be satisfied that the interested party is within the vicinity of the premises. However, withholding such detail will only be considered in exceptional situations, where the circumstances justify such action and the Licensing Authority is satisfied that the complaints are not frivolous or vexatious.

## **27. HEARINGS**

**27.1** A hearing will be arranged to deal with any application which cannot be dealt with under delegated powers or resolved by agreement between applicants and interested parties and/or responsible authority.

**27.2** The Licensing Authority recognises the right of an individual to be represented at a hearing by another person such as a legal representative, friend, MP or local area councillor.

**27.3** Parish or Town Councillors may not make representations in their own right unless they live or have a business in the vicinity of the premises. But they may represent an interested party at a hearing if that person has asked them to in writing. *The authority will need to see the written request before the hearing. As referred to at 24.4, a ward*

*councillor may make a representation in their own right.*

- 27.4** All local councillors are subject to the authority's Code of Conduct. This normally means that they cannot participate in meetings to discuss matters, in which they have a 'prejudicial' interest (i.e. an interest that a member of the public would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest). But there is an exception where a councillor attends a licensing hearing to make representations, answer questions or give evidence as long as they withdraw from the meeting immediately afterwards.
- 27.5** No councillor, even if they are a member of the Licensing Committee, can vote or otherwise take part in making a decision at a hearing (as opposed to making representations as above) unless they are a member of the panel for that hearing.
- 27.6** Hearings before a licensing committee are quasi judicial in nature and therefore some degree of formality is needed to ensure that all parties receive a fair hearing. The procedure adopted by in Fylde is designed to ensure that all parties are able to express their views openly and fairly. The procedure is inquisitorial rather than adversarial and whilst applicants, interested parties, and responsible authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement.
- 27.7** Whilst the licensing panel usually meets in public, it does have power to hear certain applications in private. The panel will, however, always reach its decision in private. A public announcement of the decision will be made at the end of the hearing. The decision determined by the panel will be accompanied with clear, cogent reasons for the decision.

## **28. DETERMINATION OF APPLICATIONS**

- 28.1** In determining a licence application the overriding principle adopted by the authority will be that each application will be determined on its individual merits.
- 28.2** Upon receipt of a valid application, the Licensing Authority will consider the matter and determine it in accordance with:-
- (a) The case and evidence presented by all parties
  - (b) The promotion of the four licensing objectives
  - (c) The statutory requirements
  - (d) Guidance from the Secretary of State
  - (e) This Statement of Licensing Policy
- 28.3** To assist in the speed, efficiency and cost-effectiveness of administering the licensing process, the application will be determined in accordance with agreed delegation criteria detailed at Appendix 2.
- 28.4** The decisions taken by the authority will be focused on matters within the control of individual licensees and others granted relevant permissions. Accordingly, in addressing this matter, the authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.

- 28.5** The licensing panel will take full account of representations from the applicant and from interested parties or responsible authority making representations, treating each fairly and equally. Matters of fact will be decided on the balance of probabilities.
- 28.6** If the panel considers that the impact on the licensing objectives of granting the licence is likely to be acceptable it will grant the licence, subject to any conditions that it considers necessary to protect the objectives.

## **29. NEED FOR LICENSED PREMISES**

- 29.1** The Licensing Authority will not use its licensing powers to dictate whether there is a market need for additional licensed premises. That will always be a planning and/or a business decision. They will, furthermore, not impose a ceiling on the number of licensed premises overall nor will they have a quota system for broad classes of licensed premises, such as public houses.

## **30. CUMULATIVE IMPACT OF A CONCENTRATION OF LICENSED PREMISES**

- 30.1** In some circumstances, the Act allows licensing authorities to introduce a 'cumulative impact policy' covering specific target areas. "Cumulative impact" in this context is the potential impact that a significant number of licensed premises concentrated in one area may have on the licensing objectives. Whilst this is a proper matter for a Licensing Authority to consider in developing its licensing policy statement, the statutory guidance, advises that this situation is likely to occur in town centres and city centres "where the number, type and density of premises selling alcohol for consumption on the premises are unusual and serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises".
- 30.2** The night time leisure scene in Fylde is not entirely free of disorder problems but relative to the small number of areas throughout the country where the situation is seriously out of control, it is fortunate. The authority, nevertheless, acknowledge that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but this may not be attributable to any individual premises.
- 30.3** In any consideration of the introduction of a 'cumulative impact policy', the Licensing Authority will rely on objective evidence that crime and disorder or nuisance are occurring at an exceptional level and that these problems would not occur, were it not for the customers of licensed premises selling alcohol for consumption on the premises in the area. If this is established, then the extent of the area concerned will be identified.
- 30.4** Any discussion concerning the possible introduction of such a policy will also look at the alternatives to such a policy, to see if they might either achieve the same objective or be a complement to such a policy.
- 30.5** Only if it is demonstrated with hard evidence that a 'cumulative impact policy' is necessary and that no lesser measure is likely to have the desired effect, will such a policy be introduced.

- 30.6** This Licensing Authority, having regard to the guidance and to the evidence currently available, considers that there are no particular parts of the district which are causing a cumulative impact on any of the licensing objectives.
- 30.7** However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.
- 30.8** If such a special policy were to be adopted, it would form part of the statement of licensing policy. If relevant representations were received from responsible authorities or interested parties concerning a new application within the area covered by the special saturation policy, the outcome would normally be a refusal.
- 30.9** The Licensing Authority recognises, however, that such a policy could not be absolute and it would continue to consider each application properly on its merit. For licences that were unlikely to add significantly to the problems of saturation, the application would generally be approved.
- 30.10** Where there is no cumulative impact policy, there is no presumption against the grant of new licences. Nevertheless, the presence of other licensed premises in the area of the premises for which an application has been made and the future operation of premises which are due to open in the surrounding area are matters which may be raised by those making representations and if those representations are pertinent to the licensing objectives, it will have a bearing on the decision making process.

### **31. OTHER CONTROLS ON ANTI-SOCIAL BEHAVIOUR**

- 31.1** Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These controls include:
- Planning controls
  - 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
  - Power of local authority to designate parts of the District as areas where alcohol cannot be consumed in public places
  - Police enforcement of other regulatory regimes concerning disorder and anti-social behaviour including the issuing of fixed penalty notices
  - Potential prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
  - The confiscation of alcohol from adults and children in designated areas
  - Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises

- The power of the Police and other responsible authority or a local resident or business to seek a review of the licence or certificate in question

## **32. REVIEW of LICENCES**

- 32.1** The Act provides a mechanism for reviewing premises licences or club premises certificates where problems associated with achieving one or more of the four the licensing objectives occur. Consequently, it represents a crucial protection for the community. Reviews of licences may be triggered at any stage by responsible authorities or interested parties, in the vicinity (see section 25 for definition) of the premises. Reviews may also become necessary following the service of a closure order by the police or any formal enforcement action by officers of the local authority. However, no more than one review originating from an interested party will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances or where it arises following a Closure Order. The Council in its capacity as Licensing Authority may not request a review of its own volition.
- 32.2** Whilst responsible authorities and/or residents living in the vicinity of the premises can trigger a review, such requests must be in writing. Anybody requesting a review must indicate the grounds for review and provide as much evidence as possible to support the view that one or more of the licensing objectives are not being met.
- 32.3** The Licensing Authority must reject any request for a review if the reason does not relate to one or more of the four licensing objectives.
- 32.4** Requests for reviews will also be rejected from interested parties if the grounds are, in the opinion of the Licensing Authority, frivolous, vexatious or repetitive. Repetitive grounds are those, which mirror those considered at a previous hearing.
- 32.5** It is the Licensing Authority's belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews will, therefore, be mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises. Whenever possible, licence holders will be informed of any concerns that could lead to a review, in order that improvements can be made.
- 32.6** *The Licensing Authority supports the 'Red and Yellow card scheme' which the Home Office and DCMS (Department of Culture and Media and Sport) have promoted. This scheme which addresses problem premises through the review process, suggests that upon a first review conditions and measures should be placed upon the premises and if a second review is received, revocation of the licence. However each case is looked at on its own merits when brought before the licensing Committee.*

Any review of a licence will take place before the Licensing Committee or one of its panels. The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary *and whilst supporting the Red/yellow card scheme, will consider revocation of a licence, even in the first instance, if the Authority considers the crime prevention objective to be undermined.*

The Authority will, however, be mindful of the need to prevent the review process being used as an opportunity by responsible authorities and interested parties to re-run earlier representations without due cause.



### **33. PROVISIONAL STATEMENTS**

- 33.1** Where premises are being constructed for the purposes of being used for one or more licensable activities or are being extended or otherwise altered for that purpose (whether or not they are already being used for that purpose) a person may apply for a Provisional Statement if they have an interest in the premises and if an individual, they are aged 18 years or over.
- 33.2** Applications for provisional statements will be dealt with in a similar manner as applications for a premises licence.
- 33.3** If a provisional statement has been issued and the person subsequently applies for a premises licence in respect of those premises, any representations made at the time will not be considered provided that:
- 33.4**
- Given the information in the application for a provisional statement the person objecting could have made the same, or substantially the same, representations about the application but had failed to do so without reasonable excuse
  - There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.
- 33.5** The licence will not become effective until the start date stipulated by the Licensing Authority.

### **34. TEMPORARY EVENT NOTICES**

- 34.1** The Act allows a limited number of events for less than 500 people and lasting up to 96 hours, to be held without a premises licence, providing certain conditions are met and due procedure is followed. Such temporary events only need to be notified to the Licensing Authority using the Temporary Event Notice procedure. Such events may, however, depending on the nature and location of the event, have serious crime and disorder implications.
- 34.2** Organisers of these temporary events are encouraged to submit their notification as soon as reasonably practicable to enable the police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.
- 34.3** The Licensing Authority recommends that at least 28 days notice be given to hold such events, to allow it to help organisers to plan its events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice and any lesser time means that planning may be rushed and haphazard.
- 34.4** The law, however, requires that at least 10 working days notice must be given. Any notice of a temporary event which is received later than 10 working days from the event (not including either the day the notice is received or the day of the event) will, therefore, be rejected.

- 34.5** The most important aspects of the system of temporary event notices are that no permission is required for these events from the Licensing Authority. The procedure simply involves the authority being notified of such an event. Only the police may intervene to prevent the event or modify the arrangements for such an event and only if they consider there may be problems specifically with crime & disorder. The Licensing Authority will only ever intervene itself if the limits on the number of notices that may be given in various circumstances, as outlined in the Act, would be exceeded.
- 34.6** Many of those who give temporary event notices will not have commercial backgrounds or ready access to legal advice. It will include, for example, those acting on behalf of charities, community and voluntary groups, schools, churches and hospitals all of which may stage public events to raise funds at which licensable activities will take place. The Licensing Authority will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for these groups.
- 34.7** In the event of a relevant representation from the police, regarding temporary event notices, the Licensing Authority will hold a hearing not less than 24 hours before the event is due to take place. The Licensing Authority will only consider, at hearings, issues regarding the prevention of crime and disorder. No consideration can be given to the other three licensing objectives.

## **35. PERSONAL LICENCES**

- 35.1** Personal licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying on of that activity.
- 35.2** Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence.
- 35.3** The Licensing Authority recognises it has very little discretion regarding the granting of these licences. In general, provided an applicant has a qualification approved by the DCMS and does not have certain serious criminal convictions, the application has to be granted.
- 35.4** The Licensing Authority requires every application for a personal licence to be accompanied by a Standard Criminal Record Disclosure Form from the Criminal Records Bureau (CRB) issued within one month of the application. This assists the authority in determining whether the applicant has any relevant unspent convictions. Applicants who originate from, or who have lived under, foreign jurisdiction will be required to provide a document from that jurisdiction, equivalent to the criminal records disclosure form, or to make a clear statement as to whether they have been convicted outside England and Wales of a relevant offence or an equivalent offence. If an applicant has a relevant conviction the police can oppose the application and if such a representation from the police is lodged, a hearing has to be held.
- 35.5** At such hearings the Licensing Authority will consider carefully whether the grant of the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Licensing Authority will normally refuse applications where there are recent "relevant offences" and will only

grant the application if it is satisfied that there are compelling reason for so doing.

- 35.6** A personal licence holder who is charged with a relevant offence is required by Section 128 of the Licensing Act 2003 to produce the personal licence to the court on their first appearance in court in connection with the offence. If for any reason the personal licence cannot be produced, the holder must notify the court that they hold a personal licence and the reasons why it cannot be produced. Failure to comply with this requirement is in itself an offence, and is likely to result in further prosecution proceedings being taken against the individual by the Licensing Authority.
- 35.7** Where a personal licence holder is convicted by a court for a relevant offence, the Court will advise the Council accordingly. On receipt of such a notification, the Council will record the details on file for future reference

### **36. DESIGNATED PREMISES SUPERVISOR (DPS)**

- 36.1** The holder of a premises licence must nominate a personal licence holder as a Designated Premises Supervisor *except where in a case of a community premises the mandatory licence conditions in S19 of the Act have been disapplied*. The Designated Premises Supervisor will then be responsible for the day to day running of the premises. Whilst it is not essential for the Designated Premises Supervisor to be at the premises the whole time that alcohol is being sold, they should visit the premises regularly and be able to attend the premises in the case of an emergency.
- 36.2** Where the Designated Premises Supervisor is not available at the premises for whatever reason, an individual should be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.
- 36.3** The statutory guidance indicates that a Designated Premises Supervisor may supervise more than one premise. To do so, however, they must be able to ensure that the four licensing objectives are properly promoted and that all the premises supervised comply with licensing law and licence conditions. The Licensing Authority accepts that, whilst this may be achieved in respect of a small number of relatively closely located shops or off-licences, it would be more difficult to demonstrate where a DPS intended to supervise a number of large pubs or nightclubs with little or no geographic proximity.

### **37. AUTHORISATION FOR SALE OF ALCOHOL**

- 37.1** The sale of alcohol can only take place if it is authorised by a personal licence holder, *unless in the case of a community premises the mandatory licence conditions in S19 have been disapplied*. However, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make such sales or that they must be personally present at every transaction. A personal licence holder may authorise others to sell alcohol under their supervision and may then occasionally be absent at times from the premises when such a transaction takes place. Such authorisations should be given in writing and only to those persons who have been given sufficient training to ensure that the four licensing objectives are not compromised. The personal licence holder will, nevertheless, not be able to escape responsibility for the actions of those he authorises to make such sales. At least one personal licence holder would normally be expected to be on the premises when alcohol is being sold but if a personal licence holder is not on the premises for any

reason, provision should be made for the immediate contact of the personal licence holder or Designated Premises Supervisor in the event of an emergency.

### **38. COMPLAINTS AGAINST LICENSED PREMISES**

- 38.1** The Council will investigate all complaints against premises licensed by them. Complainants will, in the first instance, be encouraged to raise the complaint directly with the licensee or business concerned. In the case of a valid complaint, the Council will initially endeavour to seek a resolution through informal means.
- 38.2** All complaints must, in the first instance, be addressed to the offices of the Licensing Authority.
- 38.3** The Council will only investigate complaints under this policy if it relate to one or more of the four licensing objectives.
- 38.4** Where they consider appropriate, the Council may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

### **39. ENFORCEMENT**

- 39.1** Once licensed, it is essential that premises are maintained and operated in accordance with the requirements of the Licensing Act and operating schedule and to ensure the continued promotion of the licensing objectives. The Council will therefore make arrangements to monitor premises and take enforcement action to secure these criteria.
- 39.2** The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Enforcement action in respect of licensing matters will be taken in accordance with the authority's Enforcement Policy and will be targeted, proportionate and transparent. The inspection of premises will be undertaken, when necessary, on a risk assessment and targeted basis, ensuring that resources are concentrated on high risk and problem premises and activities.
- 39.3** The authority will liaise with the local police and other responsible authorities, on enforcement issues, to provide for a more efficient deployment of Local Authority staff and police officers who are commonly engaged in enforcing Licensing Law and the inspection of licensed premises. This will provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch in respect of those low-risk premises that are well run.
- 39.4** Where possible and appropriate, the Council, Lancashire Police and/or the Lancashire Fire and Rescue Service will give early warning to licence holders of any concerns about problems occurring at premises associated with the licensing objectives.

- 39.5** The Lancashire County Council Trading Standards Service and the Police enforce the legislation that imposes a lower age limit on customers purchasing alcohol. Such sales to under-age customers are a matter of particular concern to both these organisations and the Licensing Authority shares this concern. It will, accordingly, co-operate with these agencies in seeking to deal with the issues of excessive consumption of alcohol, binge drinking and underage drinking in so far as it is able to do so within the law.

#### **40. DELEGATION**

- 40.1** One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 40.2** The Council is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the guidance issued by the Secretary of State. These arrangements are set out more fully in the table at Appendix 2 of this policy.
- 40.3** The powers of the Council under the Act may be carried out by the Council's Licensing Committee, by a panel of that Committee or by one or more officers acting under delegated authority.
- 40.4** The Licensing Committee will be made up of 15 members and these may be split into panels of three councillors. The Committee or one of its panels will determine, by way of a hearing any application where relevant representations have been made. The only exemption to this is if all parties agree that a hearing is unnecessary.

#### **41. APPEALS**

- 41.1** Entitlement to appeal against any decision of the Licensing Authority is set out in Schedule 5 of the Act.

#### **42. COMPLAINTS ABOUT OUR SERVICE**

- 42.1** In accordance with the Council's complaints procedure, we will investigate any complaint about the way our officers dealt with a licensing issue, and we will inform the complainant of the outcome. If the complaint is justified, we will put the problem right if possible.

#### **43. COMMENCEMENT & REVIEW**

- 43.1** This Policy comes into effect on (DATE TO BE DETERMINED). It will be kept under review and the Council may make changes after consultation. It will be renewed every three years. We will be pleased to receive the views of responsible authorities, interested individuals or organisations at any time and, after consultation, may change the Policy. Any amendments will be published in the form of a new policy statement or, if appropriate, by publishing the amendment. View the Policy online at [www.fylde.gov.uk/licensing](http://www.fylde.gov.uk/licensing)

## APPENDIX 1 – CONTACT DETAILS RESPONSIBLE AUTHORITIES

### Contact details for Licensing Authority:

Licensing Team  
Fylde Borough Council  
Town Hall  
Lytham St Annes  
Lancs  
FY8 1LW  
Email: [licensing@fylde.gov.uk](mailto:licensing@fylde.gov.uk)  
Tel No: 01253 658658

### Contact details of responsible authorities:

<b><i>Responsible authority</i></b>	<b><i>Address</i></b>
<b>Health &amp; Safety Environmental Protection Planning</b>	C/O Licensing Team Fylde Borough Council Town Hall Lytham St Annes Lancashire FY8 1LW Email: <a href="mailto:licensing@fylde.gov.uk">licensing@fylde.gov.uk</a> Tel No: 01253 658658
<b>Police Authority</b>	Lancashire Constabulary Licensing Department Western Division Bonny Street Blackpool Lancs FY1 5RL Tel No: 01253 293933
<b>Fire Authority</b>	Technical Fire Safety Lancashire Fire and Rescue Service St Annes Fire Station St Andrews Road North St Annes Lancs FY8 2JQ Tel No: 01253 722268
<b>Protection of Children</b>	Childrens' Services Room B15A First floor County Hall Preston PR1 8 XJ Tel No: 01772 533495
<b>Weights &amp; Measures</b>	Mr D Johnnie Principal Officer for Underage Related Sales Lancashire Trading Standards 58-60 Guildhall Street Preston PR1 3PR Tel No: 01772 533573

## APPENDIX 2

### Table of Delegations in respect of the Licensing Functions

The delegation of decisions and functions will be as follows:

Matter to be dealt with	Full Committee/ Sub Committee	Officer Delegation
Application for personal licence	If the applicant has unspent convictions and police representations have been made	All other cases
Application for Premises Licence/Club Premises Certificate	If a representation made	If no representation made
Application for provisional statement	If a representation made	If no representation made
Application to vary Premises Licence/Club Premises Certificate	If a representation made	If no representation made
Application to vary Designated Premises Supervisor	If a police representation made	All other cases
Minor Variation Application		All cases
Applications to disapply the mandatory conditions	If a Police representation is made	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of Premises Licence	If a police representation made	All other cases
Applications for Interim authority	If a police representation made	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 lead authority		All cases

Determination of a police representation to a temporary event notice	All cases	
Decision as to whether to withhold some or all of an interested party's personal details from the applicant.		All cases



## APPENDIX 3

### GLOSSARY OF TERMS

<b>The Act</b>	Means the Licensing Act 2003.
<b>Alcohol</b>	Includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale.
<b>Appeals</b>	Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged in 21 days. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.
<b>Authorised Persons, Interested Parties and Responsible Authorities</b>	The Act creates three categories of people/bodies that can make representations to a Licensing Authority about an application for a licence. "Authorised persons" are specified people who have statutory duties in relation to the inspection of premises, e.g. fire, health & safety. "Interested parties" are persons living in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity and members of the relevant Licensing Authority. "Responsible authorities" include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection and other specified authorities. Only these groups can make representations about an application for a premises licence.
<b>Closure Order</b>	Powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.
<b>Club Premises Certificate</b>	A certificate which licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. Club premises certificates replace "registration" under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.
<b>Conditions</b>	A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. Secretary of State's guidance provides " <i>The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder</i> ". Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

<b>Designated Premises Supervisor</b>	The person designated in the premises licence as the person who is responsible for supervision of the premises e.g. the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.
<b>The Guidance</b>	The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. This is updated at regular intervals to reflect changes in legislation.
<b>Interim Authority Notices</b>	Where a premises licence lapses due to the death, incapacity or insolvency etc of the holder, specified persons can within 7 days serve an interim authority notice on the Licensing Authority. This revives the licence, subject to police objection, for a period of up to 2 months so the premises can continue trading.
<b>Late Night Refreshment</b>	Supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises e.g. will cover late night takeaways and fast food outlets but also restaurants open after 11pm
<b>Licensable Activities</b>	Activities that must be licensed under the Act: The sale by retail of alcohol; supply of alcohol by a club; provision of regulated entertainment; provision of late night refreshment
<b>Licensing Authority</b>	Local authorities (district or county councils). In the context of this document Fylde Borough Council
<b>Licensing Committee</b>	A committee of at least 10 but not more than 15 members of the local authority. May have one or more sub-committees consisting of at least three members
<b>Licensing Objectives</b>	The objectives of licensing set out in the Act: The prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.
<b>Licensing Panel</b>	A committee of 3 councillors appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act.
<b>Mandatory Conditions</b>	Conditions that the Act requires are imposed on a premises licence in specified circumstances. For example no supply of alcohol unless there is a designated premises supervisor; where films are exhibited film classifications must be observed; and where the premises licence includes a door supervision condition it must also require the door supervisors to be licensed by the Security Industry Authority
<b>Objection Notice</b>	A procedure whereby the police can object to the grant of a personal licence on the grounds that where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective
<b>Operator</b>	Includes all premises licence holders, club premises certificate holders and designated premises supervisors.

<b>Operating Schedule</b>	A document in a prescribed form that sets out information about how the applicant for a premises licence intends to operate his business. It sets out information such as the relevant licensable activities, the proposed licensed hours, any other opening hours, the name of the proposed premises supervisor and steps which it is proposed to take to promote the licensing objectives. Where an applicant for a premises licence submits an operating schedule, and there are no relevant representations (objections), the local authority licensing committee must grant the application and can impose only those conditions on the licence that are consistent with the operating schedule.
<b>Personal Licence</b>	A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned do not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).
<b>Premises Licence</b>	A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities. Has effect until revoked, surrendered or death, insolvency etc of the holder. Applications dealt with by the local authority licensing committee in the area where the premises are situated.
<b>Provisional Statement</b>	A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed
<b>Regulated Entertainment</b>	Specified entertainment that takes place in the presence of an audience for their entertainment; performance of a play, exhibition of a film, indoor sporting event, performance of live music, playing of recorded music, performance of dance, other entertainment similar to music and dancing
<b>Relevant Offences</b>	Offences relevant to the consideration of an application for the grant of a personal licence and about which the police may serve an "objection notice". The offences are listed in schedule 4 of the 2003 Act and generally relate to drink, dishonesty, drugs, duty, copyright, food safety, sexual offences & violence.
<b>Relevant Representations</b>	The 2003 Act does not use the term "objections". Instead authorised persons, interested parties and responsible authorities may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or responsible authority the local authority need only consider relevant representations. The making of relevant representations engages the Licensing Authority's discretion to take "steps" consistent with the licensing objectives when considering the application.

<b>Review of Licence</b>	Where a premises licence is in force an interested party or responsible authority may apply to the Licensing Authority for it to be reviewed. The authority must hold a hearing to review the licence and as a result must take any <u>necessary</u> steps to promote the licensing objectives, such as the modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to three months; or the revocation of the licence. E.g. neighbours of a public house causing a public nuisance could apply to the Licensing Authority for the premises licence to be reviewed.
<b>Statement of Licensing Policy</b>	Each Licensing Authority must every three years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.
<b>Temporary Event Notices</b>	Where it is proposed to use premises (the definition of which includes any place) for one or more licensable activities involving less than 500 people during a period not exceeding 96 hours a “temporary event notice” may be given to the Licensing Authority. The most important aspect of this system is that no permission is required for these events from the Licensing Authority – once the required notice is served in the specified way then subject to police objections on the crime prevention objective the event can proceed. Applicants for temporary event notices do not have to hold a personal licence but non-licence holders are limited to 5 in one year, a personal licence holder can have up to 50 temporary events. There is a maximum of 12 temporary events per year in respect of one premises.
<b>Transfer</b>	A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner
<b>Variation</b>	Changes in the operation of a premises, club or event, including variation of operating hours and modification of the premises or the specification of another person as the Designated Premises Supervisor.

## **APPENDIX 4**

### **Mandatory conditions applied to licences and club premises Certificates**

*Mandatory conditions where licence authorises the supply of alcohol*

- (1) *No supply of alcohol may be made under the premises licence –*
- (a) *at a time when there is no designated premises supervisor in respect of the premises licence, or*
  - (b) *at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.*
- (2) *The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.*

### **Mandatory Condition where the licence permits the performance of Films**

*Where a programme includes a film in the 12A, 15 or 18 category, as classified by the British board of Film Classification, no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms-*

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

*Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.*

*This condition does not apply to members of staff under the relevant age while on duty provided the prior written consent of the person's parents or legal guardian has first been obtained.*

### **Mandatory conditions where Door Supervisors are provided**

*All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)*

### **Mandatory Conditions for club Premises with off sales**

- 1) The supply of alcohol for consumption off the club premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.*
- 2) Any alcohol supplied for consumption off the premises must be in a sealed container.*
- 3) That any supply of alcohol for consumption off the premises must be made to a member of the club in person.*

***Mandatory conditions effective from 6 April 2010 where the licence or club premises certificate permits the sale or supply of alcohol for consumption on the premises***

*1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.*

*(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—*

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or*
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);**
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);*
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;*
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
  - (i) the outcome of a race, competition or other event or process, or*
  - (ii) the likelihood of anything occurring or not occurring;**
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.*

*2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).*

*3 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.*

***Mandatory conditions effective from 1 October 2010 where the licence or club premises certificate permits the sale or supply of alcohol for consumption on the premises***

*4 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.*

*(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.*

*5 The responsible person shall ensure that–*

*(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–*

*(i) beer or cider: ½ pint;*

*(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and*

*(iii) still wine in a glass: 125 ml; and*

*(b) customers are made aware of the availability of these measures*

1.2	Update of population
1.3	Numbers of licensed premises updated
6.1	Date amended to reflect updated Guidance
15	Re-written to encompass minor variation procedure
19.12.2	Amended to reflect additional mandatory conditions regarding drink promotions.
22.6.1 – 4	Re-written to reflect the introduction of Sexual Entertainment Venues
22.6.5	Paragraph amended to include the phrase “If no reference is made to the provision of adult entertainment or services within an operating schedule at “Box N”, then the Authority will interpret this that such entertainment will not be provided and condition appropriately. “
24.4	Updated to reflect S33 of Policing and Crime Act - Councillors as Interested Parties.
27.3	“Individual Ward” removed as irrelevant – see point 24.4
32.6	Insert <b>and will consider revocation of a licence, even in the first instance, if the Authority considers the crime prevention objective to be undermined</b>
36.1	Amended to reflect ability to disapply a DPS
37.1	Amended to reflect ability to disapply a DPS
App 2	Updated to reflect minor variation and disapplication of DPS processes
App 3	<b>Authorised Persons, Interested Parties and Responsible Authorities definition updated</b>



# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR OF STRATEGIC DEVELOPMENT SERVICES	POLICY DEVELOPMENT SCRUTINY COMMITTEE	30 <sup>TH</sup> SEPTEMBER 2010	7

## PLANNING ENFORCEMENT

### Public item

This item is for consideration in the public part of the meeting.

### Summary

The report reviews the progress made on planning enforcement following the recruitment of officers to two posts in November 2009. It looks at the capacity to deliver this element of the Development Management service, the performance and workload issues that are currently being faced and the future management of the enforcement process.

### Recommendation

That Members consider the report and make any recommendations to Officers and/or Cabinet.

### Cabinet Portfolio

The item falls within the following Cabinet portfolios:

Planning: Cllr Dr Fiddler

### Report

#### 1. Background

- 1.1 Previous scrutiny reports carried out a detailed review of the Council's enforcement functions and this included a progress report on the development control enforcement process.
- 1.2 A second enforcement post was created, in addition to the existing single post, and two new officers were appointed in November 2009. Their working areas were aligned with the existing development control teams that operate across the borough.

- 1.3 It is important to note that the council had previously only operated with one planning enforcement officer across the whole Borough. As a result it is difficult to accurately report on workload and outcomes at the time as the recording system was less than complete and the clear indications are that communications with customers fell short of expectations. Whilst some prioritisation took place the service could be characterised as “fire-fighting” in the face of constant and growing demands for action.
- 1.4 The two new officers have had to deal with the back log of complaints whilst setting up and developing a new and more efficient information and communications system. The targets for acknowledging new cases, visiting sites and communicating with customers are all being met.
- 1.5 In total there were 177 cases that were still “open” when the new officers started. Of these 124 have now been resolved and “closed”. From January to August 2010 a total of 260 new complaints have been received from external customers and 151 of these have already been resolved. All of the remaining “open” cases are under active management with timed and regular contacts being maintained with the customers concerned.
- 1.6 As was noted in an earlier report the enforcement officers have been devoting a significant amount of time to the traveller issues. These major cases are typical of the type of “planning” situations that call for joint action involving other council services, members and the community. They will regularly add to the demands on officer time and lead to re-prioritization of workloads.

## **2 Enforcement duties**

- 2.1 Reactive enforcement work involves responding where there has been a breach of planning control. A lot of this work is complaint or concern generated but information about breaches of control may also be obtained from individual planning officers, from other departments within the council or from outside organizations.
- 2.2 Proactive work is an area that is being developed as part of the overall service improvement plan for the Development Management team. The time spent on organising effectively to carry out more proactive enforcement will be saved later in less reactive work. The other benefits that will accrue from proactive enforcement also needs to be considered e.g. better informed residents and developers, the reduced demand for officer time on enquiries and a higher profile / image of the Council and this service. In identifying when it is appropriate for the Council to carry out this type of work consideration will be given to matters that have generated a lot of work and concern for the planning team and other related council services. Examples of areas that could be prioritised include town centres, “gate way” locations, conservation areas, advertisements, and advice notes to specific groups in an attempt to prevent enforcement action by education.
- 2.3 As part of Development Management greater priority will be given to ensure that developments are undertaken as planned. Planning case officers will still be involved with applications after planning permission has been granted through the discharge of conditions and even in the monitoring of compliance with the conditions. In these respects the planning and enforcement officers will work together.
- 2.4 Effective monitoring of S106 planning obligations is essential, including liaison with other departments to ensure that financial contributions are paid and where

work is to be undertaken by the developer or the Council that this is done in a timely manner.

### 3 Conclusions

- 3.1 There has been a noticeable increase in the organised management of reactive enforcement cases over the last 8 months which, together with the management of the inherited back log, indicates a far more effective, efficient and responsive enforcement service. The negotiated resolution of “complaints” is clearly a high priority, whether this is the closure of a case or the subsequent submission of a retrospective planning application. Similarly there has been an increase in the actions relating to the service of notices to remedy breaches.
- 3.2 Perhaps the most exciting opportunities are to move into the areas of proactive enforcement. This will require close working relationships with other partners (regeneration, conservation, arboriculture, environmental health, building control etc), the effective engagement with the community, parish and town councils and the promotion of the Borough Council’s objectives and “vision”.

Implications	
Finance	No direct implications
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	No direct implications
Health & Safety and Risk Management	No direct implications

Report Author	Tel	Date	Doc ID
Paul Rossington	(01253) 658457	17 <sup>th</sup> September 2010	

List of Background Papers		
Name of document	Date	Where available for inspection

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DEMOCRATIC SERVICES ON BEHALF OF THE TASK AND FINISH GROUP	POLICY DEVELOPMENT SCRUTINY COMMITTEE	30 SEPTEMBER 2010	8
THE TOURIST INFORMATION SERVICE – T&F REVIEW			

## Public item

This item is for consideration in the public part of the meeting.

## Summary

The Policy Development Scrutiny Committee meeting of 15 July 2010 received a report from the Director of Customer and Operational Services outlining the current position with regard to the Tourist Information Centre (TIC). His report recommended that alternative models for service delivery for the future should be considered, given the challenging financial situation that the Council will be facing in the near future. The committee appointed a Task and Finish Group to conduct a review.

## Recommendations

1. That the committee approves the Task and Finish group's proposal to refer the matter to Cabinet, with a recommendation that Fylde Borough Council should no longer take responsibility for providing a direct face-to-face service itself, but should investigate the potential for other groups or organisations to provide the service on its behalf.

## Portfolio Holder

Environment and Partnerships - Councillor Tommy Threlfall.

## Background

1. In 2007 the Council agreed a savings target of £49,000 to be achieved by integrating the Tourist Information Centre with a new One Stop Shop based at the Town Hall location as part of the accommodation project.
2. The strategic tourism service was a separate issue and currently remains separate from the provision of TIC, and is linked to the regeneration team.
3. Changes to the accommodation project meant that the proposed One Stop Shop to be based at the Town Hall was no longer scheduled for completion in April 2009. It was not possible to integrate the TIC into the existing One Stop Shop in the Public Offices building therefore the only alternative was to integrate the service into the reception area of the Town Hall.
4. A new staffing structure created posts that carried out corporate administrative support as well as tourist information services. It was not possible to offer the service at weekends or Bank Holidays because of the need to achieve the savings as well as the logistics and security implications of opening the Town Hall building for the service.
5. A seasonal service was retained at Lytham Windmill, operating at Easter and then from May through to October, and available at weekends. The Lytham Heritage Group provides support and volunteers to help run this service with a seasonal employee funded by the Council.

### **Current Issues**

6. Many of the enquiries to TIC are not specifically about tourism as such - the number one enquiry for is for bus time tables or routes, which could be obtained elsewhere; during the winter months this can often be the sole type of enquiry received on some days. Members of the public also use the service as an alternative for directory enquiries, on which staff spend a significant and unwarranted amount of time.
7. The success of the [www.visitlythamstannes.co.uk](http://www.visitlythamstannes.co.uk) website is a reflection of the fact that more and more people are choosing to engage with tourism services through the web. This has been matched by a decrease over the last few years in the number of phone calls and face to face contacts at TIC's not just here but all over the country.
8. TIC provision is currently under scrutiny at many local authorities as a result of the pressures on public spending and the continued decline in face to face customer demand, and in some cases has resulted in innovative means of delivering the service, sometimes at a reduced or even no cost to the local authority. Examples are TIC's being turned over to volunteer groups to operate, multi use TIC locations e.g. integrated with a library or other local facility, tapered grant funding, involvement of the private sector and parish or town councils operating the TIC. Other authorities are looking at providing self service touch screen kiosks in key locations.
9. The current limited TIC provision at Fylde has developed as a result of circumstances and the need to make savings, and it is primarily funded and

operated by the Council with all the staff directly employed through the Council, with support from the Lytham Heritage Group for the service at the Windmill. There is no provision in budget for any additional funding or resources.

### **Task and Finish Group findings**

10. The Task and Finish Group (Cllrs Craig-Wilson, Mulholland and Oades) met on 13 August 2010 to consider the future direction for TIC. Members wanted to look at options including whether Fylde Borough Council should look for an alternative both for direct provision of a TIC by FBC staff, and for the limited service Tourist Information Point (TIP) at Lytham Windmill; and if so, what that alternative might be; or whether the current service provision could be maintained in its existing format.
11. They received information on the current service from the Head of Customer Service, Joceline Greenaway, who has day to day operational responsibility for the face-to-face and telephone tourist information resource.
12. She advised members that there was a diminishing public demand for face-to-face and telephone contact, that figures showed the demand was to some extent being taken up by the website, and that the website showed rapidly increasing usage and appeared to be a favoured method of obtaining tourist information. She reminded them that the service provided by reception staff was unavailable at weekends and in the evenings which perhaps was not satisfactory, but could not be overcome because of security and cost issues around opening the Town Hall just for that purpose.
13. Ms Greenaway explained that some research had been undertaken into methods of indirect TIC provision by other authorities. One of these methods was to provide limited or tapered grant schemes over a set period to other organisations or community groups with the ability to manage the service on a stand-alone basis at the end of the funding period. However, since FBC currently provides the service through the main reception area at the Town Hall and has no dedicated building for any TIC, work would need to be done to establish whether this was a viable option for the council.
14. The group agreed that the best TIC service for the least cost and resource was the way forward for this council.
15. Members agreed that as a tourist area, we should have tourist information available, but were not convinced that the council should continue to provide it directly, given that it is not a statutory service, but rather the council should enable it to be provided by another interested party or community group. The over-riding concern was the current financial climate and the council's need to eliminate unnecessary expenditure and to focus on the provision of statutory services.
16. During a detailed discussion of the matter it was strongly suggested that the new Lowther Trustees could be approached to establish whether they had any interest in providing such a service from the Pavilion, or indeed whether it would be feasible and permissible under the terms of the Trust.

17. Other parties that could also be approached to assess their interest in providing a service might be HALSA, the Chambers of Trade, and St AnnesTown Council.
18. Members also proposed that the council should no longer bear any cost for the TIP at Lytham Windmill.
19. Nevertheless, the group acknowledged that tourist information can assist economic development and additionally proposed that the council should not withdraw immediately and fully, but should look to a future where tourist information may be made available in a professional manner by an alternative provider.
20. They suggested that the council could potentially provide information boards situated in key areas, which could be maintained by groups interested in promoting local activities and local attractions. However, it was acknowledged that further investigation would need to be done to establish the cost and practical issues of such a project.
21. A further consideration was that bus shelters should provide legible and up-to-date timetables for public use, and that it would be necessary to link with partners such as LCC and the bus companies to enable it. The group did not feel that it was a legitimate use of council resources to promote the services of bus companies.

## Conclusion

22. Overall, members concluded that preferably we should not be offering a tourist information service, but rather should concentrate on core services. They would like to see the council gradually easing away from direct provision of the service and engaging with and enabling other groups, willing and competent to take over.
23. The group agreed that this should form the basis of a recommendation to Cabinet and advised that if Cabinet were minded to agree, and to give some direction to the group, then the Task and Finish group would, if requested, investigate the topic in more detail.

IMPLICATIONS	
Finance	There are no direct financial implications arising from the

	report.
Legal	There are no direct legal implications arising from the report.
Community Safety	There are no direct community safety implications.
Human Rights and Equalities	There are no direct human rights and equalities implications arising from the report.
Sustainability	There are no direct sustainability implications arising from this report.
Health & Safety and Risk Management	There are no direct health and safety or risk management implications arising from the report.

Report Author	Tel	Date	Doc ID
<b>ANNIE WOMACK</b>	<b>(01253) 658423</b>	<b>SEPTEMBER 20<sup>TH</sup> 2010</b>	

List of Background Papers		
Name of document	Date	Where available for inspection

List of appendices



## Policy Development Scrutiny Committee



Date	25 August 2010
Venue	Town Hall, St Annes
Committee members	Councillor Fabian Craig-Wilson (Chairman) Councillor Kiran Mulholland (Vice-Chairman)  Brenda Ackers, Ben Aitken, Frank Andrews, David Chedd, Leonard Davies, John Davies, Patricia Fieldhouse, Richard Fulford-Brown, Craig Halewood, Ken Hopwood, Kath Harper, Barbara Pagett
Other Councillors	Albert Pounder
Officers	Paul Walker, Ian Curtis, Andrew Dickson, Annie Womack,
Others	Members of the public

### Public Platform

Two members of the public had made requests to address the committee on the topic relating to the call-in request. The Chairman invited them to speak at the start of the meeting, in accordance with the Public Platform rules.

#### 1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

Councillors Pagett and J Davies declared an interest as elected representatives of the ward in question.

#### 2. Confirmation of minutes

RESOLVED: To approve the minutes of the Policy Development Scrutiny Committee meetings held on 15 July 2010 as a correct record for signature by the chairman.

### 3. Substitute members

The following substitutions were reported under council procedure rule 22.3:

Councillor Ken Hopwood for Councillor Elizabeth Oades

Councillor Kath Harper for Councillor Elaine Silverwood

Councillor Barbara Pagett for Councillor Heather Speak

### 4. Request for Call-in – Charging on North Beach Car Park

Ten members of the council had invoked the recovery and call-in procedure to question an individual cabinet member decision made on 4 August 2010 relating to the introduction of car parking charges on North Beach Car Park. This decision was made by Cllr Albert Pounder, the Portfolio Holder for Environmental Wellbeing. Members of the committee were required to consider whether the decision was not in the interests of the inhabitants of the borough and ought to be reconsidered.

The Chairman invited the lead signatory, Councillor John Davies, to explain why he felt that the decision was not in the interests of the inhabitants of the borough and ought to be reconsidered.

Cllr Davies called into question the financial case, and gave his opinion that the income figures projected did not accurately reflect the actual income which could be achieved.

He also queried the level of expenditure which would be needed, including signage and lining the car parking spaces. Cllr Davies also suggested that the cost of clearing sand should be taken into account, and the potential loss of revenue from only having one pay and display machine which could be subject to breakdown through windblown sand. Additionally, the distance from town and from the next nearest car park would make servicing and enforcement less practical. The car park's remoteness also led Cllr Davies to suspect that vandalism and theft could potentially be a problem.

Cllr Davies argued that imposition of charges would lead to a large-scale increase in on-street parking in the surrounding residential areas, by people wanting to avoid the charge, leading to traffic and pedestrian safety problems and unwarranted disruption to local residents.

He felt that the concessions for Fylde Borough residents would be problematic and difficult to police and monitor, and wondered what cost had been in-built for administration of the scheme.

Cllr Davies ended by saying that he thought that the imposition of parking charges was in opposition to the aims of the Classic Resort initiative – Fylde is looking to encourage better use of the dunes, but parking charges could be counter-productive resulting in fewer visitors, and could be an obstacle in the development of the nearby wind sport centre.

The Chairman asked Councillor Albert Pounder, Portfolio Holder for Environmental Wellbeing, to respond.

Councillor Pounder addressed each of the issues which had been raised. He explained how the income figures had been arrived at, providing measurements which had been used to establish the number of parking spaces that would be available.

He pointed out that expenditure on the car park would be minimized as it would not be lined – this in turn meant that there would be no need for sweeping wind-blown sand away in order to keep the lines visible.

Cllr Pounder disagreed that the car park was remote, being overlooked on two sides and did not see vandalism of the pay and display machine, nor theft from it, as a problem. Additionally he said that the machines were robust enough to withstand such attempts and that they would also resist damage from wind-blown sand having a shelter around it.

He also did not agree that parking on the side roads by people seeking to avoid a charge would be an issue, as the roads were wide, or they already had parking restrictions on them.

Cllr Pounder agreed with Cllr Davies' assertion that there was a risk that income expectations might not be achieved, though he felt that officers had done their best to make a realistic projection – however, at the moment there was a substantial cost to run the car park as a free car park, and any income would be welcome.

He confirmed that any resident of the Fylde could pay the £50.00 annual charge for a permit as an alternative to "per visit" charges, and that they would show their eligibility through proof of payment of Council Tax and proof of vehicle registration. The permit would be assigned to the vehicle.

Cllr Pounder said that the charges would help to secure the future of the dunes, and of the overall area, and that the introduction of charges would not be a hindrance to any local business, such as the Trax wind-sports centre.

Members had several comments and questions for Cllr Pounder. They included:

- Would there be a problem with people causing more damage to the dunes if they parked off the car park and did not use established pathways?
- Had there been consultation, and if so what opinion had Natural England voiced?
- Whether the resource needed to manage the enterprise would reduce the effective income from North Beach, or whether the need to manage it

would draw resources away from town centre car park, resulting in reduced enforcement and lower income from those car parks.

- Whether the parking was time limited and whether controlled entrance and exits had been considered.

Cllr Pounder confirmed that consultation had taken place, that the dunes officer was aware of the proposal and had no objections, and in fact was looking at boardwalks as an option to reduce damage to the dunes whilst still encouraging visitors; also that Natural England had lodged no objection. He advised that 11 residents had sent in comments, but 3 of those were not residents of Fylde. He also stated that no extra staff were to be employed and confirmed for members that the charges applied between 9 am and 6 pm. Controlled “pay on exit” had been considered but was too expensive.

At this point, prior to the committee debating the topic, the Chairman asked Cllr Pounder to leave the room.

After an in-depth debate of the various issues raised, and following a recorded vote, the committee RESOLVED:

That the decision of the Portfolio Holder should not be called in, on the grounds that the decision was not against the interests of the residents of the Borough.

**Votes against a call-in (8)** Cllrs Ackers, Aitken, Andrews, Fieldhouse, L Davies, Halewood, Mulholland, Craig-Wilson

**Votes for a call-in (5)** Cllrs J Davies, Chedd, Pagett, Harper, Hopwood

**Abstentions (0)**

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