

Agenda

Public Protection Committee and Licensing Committee

Date:	Wednesday, 13 March 2024 at 10:00 am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Sandra Pitman (Chairman) Councillor Viv Willder (Vice-Chairman)</p> <p>Councillors Frank Andrews, Mark Bamforth, Martin Evans, Susan Fazackerley MBE, Gail Goodman JP, Noreen Griffiths, Gavin Harrison, Karen Henshaw JP, Paul Hodgson, Cheryl Little</p>

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the Public Protection Committee meeting held on 12 July 2023 as a correct record. To confirm the minutes, as previously circulated, of the Licensing Committee meeting held on 25 October 2023 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23(c).	1
	PUBLIC PROTECTION DECISION ITEMS:	
4	Caravan Site Licensing - West End Residential Park	3 - 5
5	Request for Consent to Licence Wheelchair Accessible Vehicles which fall outside the Hackney and Private Hire Vehicle Licensing Policy	6 -13
6	Training Standards	14 - 15
	LICENSING DECISION ITEMS:	

7	Cumulative Impact Assessment Request	16 - 81
8	Statement of Licensing Policy	82 - 119

Contact: Democracy - Telephone: (01253) 658658 – Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

© Fylde Council copyright 2024

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context.

The material must be acknowledged as Fylde Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication is also available on our website at www.fylde.gov.uk

Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to listening@fylde.gov.uk.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF ENVIRONMENTAL AND HOUSING SERVICES	PUBLIC PROTECTION COMMITTEE	13 MARCH 2024	4
CARAVAN SITE LICENSING - WEST END RESIDENTIAL PARK			

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Social Wellbeing (Councillor Chris Dixon).

PURPOSE OF THE REPORT

The current site licence for West End Residential Park does not reflect the Model Conditions 2008 for Caravan Sites in England issued by the then Department for Communities and Local Government. The Committee will be requested to update the licence to introduce the latest conditions.

RECOVERABILITY

This decision is not recoverable because it relates to:

A decision relating to the determining of any approval, consent, license, permission or registration

RECOMMENDATION

1. That the Committee considers approving the update of the site licence to reflect the latest edition of the Model Conditions.

REPORT

1. West End Residential Park, Blackpool Road, Kirkham benefits from a site licence issued under the Caravan Site and Control Development Act 1960. The site is a relevant protected site as defined by the Mobile Homes Act 2013 and is currently licensed for up to 43 caravans.
2. Part of the site have been licensed since at least 1961, although there have been numerous changes of operators since first licenced. In December 2019 following a change of ownership, Prestige Trading Co Ltd applied for a new licence for the site which was subsequently issued in June 2020.
3. Unfortunately, it has come to light that when the site licence was issued, an older version of the Model Conditions was attached to the licence. The up-to-date Model Standards were issued in 2008 and the explanatory notes comment that, " *The standards as laid out represent what would normally be expected as a matter of good practice on such sites. They should be applied with due regard to the particular circumstances*

of each case, including the physical character of the site, any facilities or services that may already be available within convenient reach and other local conditions."

4. These standards incorporated a number of new requirements in relation to the maintenance of sites and flood protection measures, but also removed some requirements such as the requirement for a telephone.
5. The Guidance also comments at 3, "These standards should be considered when applying licence conditions to new sites and sites that have been substantially redeveloped. In considering variations to existing site licences or applications for new site licences for existing sites local authorities should consider whether it is appropriate for these standards to apply. In relation to variation of a licence the local authority must consult the site licence holder on its proposed variations and may wish to consult with residents or a Residents' Association, where appropriate. Where a current licence condition is adequate in serving its purpose, the authority should not normally apply the new standard. Where it is appropriate to apply the new standard to a condition the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site. In deciding whether to apply a new standard the local authority must have regard to the benefit that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition."
6. Numerous complaints have been made to the Licensing Department from residents on site including the conditions of the roads, the general tidiness of the site, the adequacy of lighting etc. There are also challenges between some residents and the operator which do not necessarily relate to licensing issues which have been referred to the Property Tribunal by both parties.
7. The purpose of the report is to request the Committee to consider updating the schedule of conditions attached to the licence to the latest Model Standards, suitably adapted to reflect the arrangements on site.
8. Members should note that whilst the Licensing Team are seeking to encourage the operator to make improvements on site, the operator should be allowed a reasonable period of time after any licence alteration for compliance with the revised conditions, unless the reason for making the alteration was to address a matter requiring immediate attention.
9. The Licence Holder has been made aware of our intention to update the conditions and has been invited to the meeting. Should the Committee be minded to approve the request, the licence holder may appeal the decision to the Magistrates Court within 28 days of being notified of it.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	There are no implications arising directly from the report
Legal	As contained within the report
Community Safety	There are no implications arising directly from the report
Human Rights and Equalities	There are no implications arising directly from the report
Sustainability and Environmental Impact	There are no implications arising directly from the report
Health & Safety and Risk Management	There are no implications arising directly from the report

SUMMARY OF PREVIOUS DECISIONS

Whilst the site has been licensed since 1961, there have been no previous decisions relating to the current site licence and operator.

BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
Model Standards for Residential Sites	April 2008	Model-Standards-Residential-2008-1.pdf (fylde.gov.uk)

LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	Chris.hambly@fylde.gov.uk & Tel 01253 658422	23 rd February 2024

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF ENVIRONMENTAL AND HOUSING SERVICES	PUBLIC PROTECTION COMMITTEE	13 MARCH 2024	5
REQUEST FOR CONSENT TO LICENCE WHEELCHAIR ACCESSIBLE VEHICLES WHICH FALL OUTSIDE THE HACKNEY AND PRIVATE HIRE VEHICLE LICENSING POLICY			

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Social Wellbeing (Councillor Chris Dixon)

PURPOSE OF THE REPORT

To seek consent from the Committee for the Licensing Officers to review part 5 of the Hackney Carriage and Private Hire Licensing Policy relating to the required specification of Wheelchair Accessible Vehicles (WAVS)

RECOVERABILITY

This decision is not recoverable because it relates to:

- A decision relating to the determining of any approval, consent, license, permission or registration.

RECOMMENDATION

1. That the panel considers giving Licensing Officers authorisation to licence up to 5 wheelchair accessible vehicles which fall outside the remit of the Hackney and Private Hire licensing policy.
2. That a review of the Wheelchair Accessible Vehicle Policy is undertaken to encourage applications for appropriate vehicles.

REPORT

1. The Council Licensing Team have been approached by two current proprietors of Wheelchair Accessible Vehicles (WAV's) which are licensed under the authority of Hackey Carriage Plates. They are looking to replace them with other WAV's, however the replacement vehicles will fall outside the requirements of Part 5 of the Hackney and Private Hire Licensing Policy (Appendix 1). The vehicles in question will be over 6 years old and one of them is rear loading (see photos at appendix 2).
2. Fylde Council has a shortage of WAVs and relaxation of the previous policies has not been as successful as hoped. Since the Policy was introduced, 17 vehicles have been issued with the additional licence at various times – from those 17, only 3 are currently licensed as WAVs. There are also 5 wheelchair accessible hackney

carriages, but these do not have the requirement that they have to remain as wheelchair accessible placed on them. These 5 could be transferred to saloons at any time, further reducing the capacity of the fleet to carry wheelchairs.

3. When questioned Operators have advised that the cost of purchasing a second-hand wheelchair accessible vehicle under 6 years old and to the specification required by the Fylde Council is prohibitive (over £20,000), up to £55000 for a brand-new cab. London Taxis are about the same price new and £25000 upwards for a vehicle up to 6 years old, with the price reducing to around £2500 for vehicles which are up to 11 years old. In addition they report that customers are reluctant to use side loading WAV'S and will pick other vehicles on the rank for their journey instead.
4. Proprietors also report that the style of vehicle has increased running costs and that in responding to wheelchair bookings, they will often leave the Borough, therefore returning empty
5. Licensing Officers are contacted by wheelchair users on a regular basis, who express concerns at the lack of Wheelchair Accessible Vehicles available for hire in Fylde. They struggle to book WAVs in advance and have reported that they are told to phone back on the day to see if there is one available for them to book.
6. The current arrangements mean that when an enquiry is made regarding the possibility of licensing a WAV which is out of the policy guidelines, there is a delay as the application would be referred to the Public Protection Committee for determination. Frequently the need to change a vehicle is urgent, generally due to some form of mechanical breakdown, the proprietor is unable to wait and will licence a vehicle without wheelchair access instead.
7. Officers are therefore requesting that the Committee consider instructing them to commence a consultation exercise with regards to licensing of WAVs with the intention of encouraging more onto the fleet. Some considerations may include:
 - a. Relaxing the age limit
 - b. Allowing the use of side loading vehicles
 - c. Enquiring as to whether the licence fee could be waived for WAVs
8. It is acknowledged there is a shortage of WAVs in the Borough, and 2 of these licences have been surrendered in the past month. The current arrangements are not sufficiently flexible to quickly react to requests to licence vehicles which are outside Policy. Members will also be requested to consider authorising Officers to issue up to 5 additional hackney carriage licences which are outside scope but are wheelchair accessible. Any vehicle will be subject to inspection and must hold the necessary safety approvals. If the Committee are supportive, they may wish such applications to be determined in conjunction with the Chairman and Vice Chairman.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	There are no implications arising directly from this report
Legal	There are no implications arising directly from this report
Community Safety	There are no implications arising directly from this report
Human Rights and Equalities	There are no implications arising directly from this report
Sustainability and Environmental Impact	There are no implications arising directly from this report
Health & Safety and Risk Management	There are no implications arising directly from this report

SUMMARY OF PREVIOUS DECISIONS

2005 - The policy adopted required that any new Hackney Carriage vehicle licences are only granted in respect of vehicles that:

- (i) are less than a year old at the time of the initial grant of the Hackney Carriage licence and
- (ii) conform, initially and thereafter, to the Conditions of Fitness as laid down by the Metropolitan Police and the Road Vehicles (Construction and Use) Regulations 1986 until further conditions are issued by the Department for Transport concerning technical requirements.

20th September 2006 – The policy was amended - Any new Hackney Carriage vehicle licences are only granted in respect of vehicles that are:

- (i) less than two years old at the time of the initial grant of the new Hackney Carriage licence and
- (ii) a TX11 taxi or purpose-built Euro Cab, designed and developed for use as a wheelchair accessible taxi. Wheelchair access must be from the side and not from the rear. The vehicle must be unaltered from the manufacturers/converters specification and documentation must be produced to show that the vehicle is certified to M1, European Whole Vehicle Approval or Low Volume Approval standards. Any replacement vehicle must also meet the standard required of such newly licensed hackney carriage vehicles.

19th July 2017 - Public Protection Committee - RESOLVED to recommend the revised Hackney Carriage and Private Hire Licensing Policy for approval by full Council subject to amending the maximum age at first registration for wheelchair accessible hackney carriages to six years.

16th October 2017 – Full Council approved the revised Hackney Carriage and Private Hire Policy. Policy was subsequently amended to read - Any new Hackney Carriage vehicle licences are only granted in respect of vehicles that are:

- i) less than six years old at the time of the initial grant of the new Hackney Carriage licence and
- (ii) a purpose-built vehicle, designed and developed for use as a wheelchair accessible taxi. Wheelchair access must be from the side and not from the rear. The vehicle must be unaltered from the manufacturers/converters specification and documentation must be produced to show that the vehicle is certified to M1, European Whole Vehicle Approval or Low Volume Approval standards. Any replacement vehicle must also meet the standard required of such newly licensed hackney carriage vehicles.

BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
Hackney and Private Hire licensing policy		Hackney carriage and private hire licensing policy – Fylde Council

LEAD AUTHOR	CONTACT DETAILS	DATE
Joanne Gallagher	Joanne.gallagher@fylde.gov.uk Tel 01253 658609	28 th February 2024

Appendix 1 – Part 5 of the Hackney and Private Hire Licensing Policy

Appendix 2 – Examples of Vehicles

Part 5 – Hackney Carriage and Private Hire vehicles

Fylde Council does not have a general policy to limit the number of hackney carriages, which may be licensed within its area. The policy adopted in 2005 required that any new Hackney Carriage vehicle licences are only granted in respect of vehicles that:

- (i) are less than a year old at the time of the initial grant of the Hackney Carriage licence and
- (ii) conform, initially and thereafter, to the Conditions of Fitness as laid down by the Metropolitan Police and the Road Vehicles (Construction and Use) Regulations 1986 until further conditions are issued by the Department for Transport concerning technical requirements.

The effect of the introduction of this condition has been to relax the policy of on restriction of licensed hackney vehicle numbers whilst establishing a control measure in respect of the number of additional vehicles licensed. Any new vehicles to the licensed taxi fleet have now to be purpose-built taxis and are, therefore, wheelchair accessible.

The Policy was subsequently amended in 2006 to that shown below.

Any new Hackney Carriage vehicle licences are only granted in respect of vehicles that are:

- (i) less than two years old at the time of the initial grant of the new Hackney Carriage licence and
- (ii) a TX11 taxi or purpose built Euro Cab, designed and developed for use as a wheelchair accessible taxi. Wheelchair access must be from the side and not from the rear. The vehicle must be unaltered from the manufacturers/converters specification and documentation must be produced to show that the vehicle is certified to M1, European Whole Vehicle Approval or Low Volume Approval standards. Any replacement vehicle must also meet the standard required of such newly licensed hackney carriage vehicles.

It could be argued the policy has had limited success and the Council continues to be concerned about the availability of wheelchair accessible vehicles within the Borough.

Therefore, through this revised Taxi Licensing Policy it is proposed to update the Policy as follows:

Any new Hackney Carriage vehicle licences are only granted in respect of vehicles that are:

- i) less than six years old at the time of the initial grant of the new Hackney Carriage licence and
- (ii) a purpose-built vehicle, designed and developed for use as a wheelchair accessible taxi. Wheelchair access must be from the side and not from the rear. The vehicle must be unaltered from the manufacturers/converters specification and documentation must be produced to show that the vehicle is certified to M1, European Whole Vehicle Approval or Low Volume Approval standards. Any replacement vehicle must also meet the standard required of such newly licensed hackney carriage vehicles.
- iii) Any application should be submitted with supporting information in relation to the Intended Use Policy

Item 5 - Appendix 2



Item 5 - Appendix 2



Item 5 - Appendix 2



Item 5 - Appendix 2



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	PUBLIC PROTECTION COMMITTEE AND LICENSING COMMITTEE	13 MARCH 2024	6
TRAINING STANDARDS			

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for social wellbeing (Councillor Chris Dixon).

PURPOSE OF THE REPORT

The Local Government Association and the Institute of Licensing have jointly released a training standard for councillors engaged in licensing decisions. It includes a basic requirement for all members involved in licensing matters. Despite lacking statutory force, adherence to this standard is recommended as it signifies the commitment and expertise expected in licensing decision-making. The committee is urged to endorse the standard and implement recommended actions to ensure members meet training requirements.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATIONS

1. Endorse the training standard for licensing councillors issued by the Local Government Association and Institute of Licensing; and
2. Ask the Head of Governance to secure that training is available to members of the committee to enable them to meet the basic standard.

REPORT

THE TRAINING STANDARD

1. The Local Government Association and the Institute of Licensing have jointly published a training standard for councillors who are involved with making licensing decisions (which in this context means applications covered by both the Licensing Committee and the Public Protection Committee). The training standard comprises a 'basic standard', which all members with a role in determining licensing matters are expected to meet, together with a summary of 'other opportunities for further development'. The training standard can be accessed [here](#).
2. The training standard does not carry any statutory force. Nevertheless, it represents an important indication of degree of commitment and expertise that those determining licensing applications should possess. It is possible that nonconformity with the training standard might be used to support future challenges to individual

decisions. The committee is therefore asked to endorse the standard and make the recommendations set out above to ensure, as far as possible, that members of the committee meet the training standard.

3. While the training standard would also apply to members of the Licensing Committee, there is no need for that committee to consider this report as membership of that committee is identical to the membership of this committee.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	
Tourism – To create a great place to live and visit	

IMPLICATIONS	
Finance	Any training costs will be met from the existing approved Member Development budget.
Legal	The training standard is not directly enforceable. But it is possible that appellants against a licensing decision might use non-compliance with the training standard to try to show that the decision reached by a committee or panel is unreliable.
Community Safety	There are no implications arising directly from this report
Human Rights and Equalities	There are no implications arising directly from this report
Sustainability and Environmental Impact	Human rights and equalities are important factors in decision-making and would be covered by the training.
Health & Safety and Risk Management	There are no implications arising directly from this report

SUMMARY OF PREVIOUS DECISIONS
None

BACKGROUND PAPERS RELEVANT TO THIS ITEM		
Name of document	Date	Where available for inspection
Training standard for licensing councillors issued by the Local Government Association and Institute of Licensing		www.instituteoflicensing.org/news/local-government-association-and-institute-of-licensing-training-standard-published-dec-2023/

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	ian.curtis@fylde.gov.uk & Tel 01253 658506	3 January 2024

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF ENVIRONMENTAL AND HOUSING SERVICES	LICENSING COMMITTEE	13 MARCH 2024	7
CUMULATIVE IMPACT ASSESSMENT REQUEST			

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of Cllr Christopher Dixon, lead member for Social Wellbeing

PURPOSE OF THE REPORT

At a meeting of the Licensing Committee on the 25th October 2023, the Committee considered a request from a number of Lytham Residents for a Cumulative Impact Policy for an area of Lytham. The Committee resolved to 'instruct officers to commence a consultation process; the results of which to be reported to a future meeting of the Licensing Committee.'

That consultation exercise has now taken place and Members will be provided with the information to assist in determining the request.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATION

The committee is recommended:

1. To take no further action regarding the introduction of a Cumulative Impact Policy. Whilst there is a perception of crime, disorder and anti-social behaviour it is not supported by statistics. At this time, the concerns should be addressed by encouraging the reporting of incidents to the relevant authority, providing reassurance to residents and greater dialogue by the Licensing Authority and other agencies to address any concerns.

REPORT

1. Members will recall that at a meeting of the Licensing Committee on the 25th October 2023, a report was considered regarding a request from Mr John Barker on behalf of a number Lytham Residents for a Cumulative Impact Policy (CIP) for an area of Lytham, Lancashire. The area requested was the Henry Street/Queen Street Junction and ending at the Clifton Street/Station Road Junction (The Area) as shown overleaf.



2. [Section 5A of the Licensing Act 2003](#) refers to Cumulative Impact Policies and states at (1) " A licensing authority may publish a document ("a cumulative impact assessment") stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts."
3. It is a requirement that when considering such a policy consultation is undertaken with:
 - a) the chief officer of police for the licensing authority's area,
 - b) the Fire and Rescue Authority for that area,
 - c) The Local Health Board for an area any part of which is in the licensing authority's area
 - d) Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area
 - e) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
 - f) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
 - g) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority
 - h) such other persons as the licensing authority considers to be representative of businesses and residents in its area.
4. When undertaking the consultation, the statutory consultees must be provided with:
 - a) the reasons why it is considering publishing a cumulative impact assessment.
 - b) a general indication of the part or parts of its area which it is considering describing in the assessment.
 - c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind

5. The [Statutory Guidance](#) issued under S182 of the Licensing Act 2003 provides further information relating to the introduction of a CIP and comments at 14.9 that, "As noted above, there must be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - statistics on local anti-social behaviour offences;
 - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - environmental health complaints, particularly in relation to litter and noise;
 - complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
 - residents' questionnaires;
 - evidence from local and parish councillors; and
 - evidence obtained through local consultation.
6. The Guidance also helpfully provides the steps to be followed when publishing a CIP:
- Identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
 - Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).
 - For the purposes of the consultation provide the persons specified in section 5(3) with the following information:
 - Ø the reasons why it is considering publishing a CIA;
 - Ø a general indication of the part or parts of its area which it is considering describing in the assessment;
 - Ø whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.
 - Subject to the outcome of the consultation, include and publish details of the CIA, including the evidence in support of the assessment and the particular kinds of premises the assessment relates to. Licensing authorities are not restricted to using general terms such as on-trade, off-trade and late-night refreshment providers, and can apply their own descriptions such as vertical-drinking bars and night clubs if appropriate.
 - Summarise the licensing authority's opinion in light of the evidence of cumulative impact (or any revision to an existing opinion) in the licensing policy statement and explain within the policy statement how the authority has had regard to any CIAs it has published under section 5A. The summary within the licensing policy statement should include, but is not limited to: the nature of the problems identified and the evidence for such problems; the geographical extent of the area covered by the assessment; the types of premises described in the assessment; and the types of applications for which it would likely be inconsistent with the licensing authority's duty to promote the licensing objectives to grant.

7. Members should note that a CIP does not displace the rule that in the absence of any relevant representation in relation to an application, a licence is automatically granted. Secondly, that the power is discretionary, and that there is no statutory trigger to require one to be conducted. The existence of a CIA effectively sets up a presumption that new licence applications will be refused (if there is a relevant representation), but an applicant may seek to rebut that presumption at a panel hearing.
8. The consultation with the Authorities listed at point 3 of this report has been undertaken with one response received from PS Cox of Lancashire Constabulary's Licensing Department which states:

On behalf of the Police, I am happy that the data in relation to crime and disorder in Lytham town centre doesn't support a cumulative impact policy at this time. Any new application or variation that comes in is subject to scrutiny from myself and my team, to ensure that the licensing objectives would not be negatively impacted if it were allowed.

The data in Lytham is similar to Poulton, where there is a similar sized nighttime economy. Blackpool has far more crime and disorder, to match a far larger number of licensed premises, which supports the need for a cumulative impact zone.

While this is clearly subject to constant assessment, I am satisfied that the current system of treating every application on its merits in Lytham is sufficient.

This being said, we would clearly support the council if they wished to implement a cumulative impact zone, as we look to build on our already strong relations.

9. Consultation was also undertaken through the Community Safety Partnership, Pubwatch, operators of those businesses which may be affected by the introduction of such a Policy, Lytham Business Partnership, and residents. Responses were encouraged to be submitted via our website. The consultation exercise took place between 7th November 2023 and 14 January 2024. A total of 368 responses were submitted with 63% of residents responding to the survey agreeing with introducing a Cumulative Impact Policy. The data has been analysed by an external provider and their report may be seen at appendix 1.
10. Intelligence Analysts from Lancashire Constabulary have also provided information in relation to alcohol related crime and anti-social behaviour for Fylde as a whole and the FY8 5 postcode. That information may be seen at appendix 2 and shows that in the period 1st January 2023 to 31st December 2023, there were 73 crime/ASB reports with alcohol placed as marker in FY8 5, compared to 570 across the Borough.
11. The database used by the Environmental Health team for recording noise nuisance has also been interrogated. For the period 1st January 2023 to 31st December 2023, there are 37 complaints across the Borough of which 10 relate to licensed premises. From those 10, 3 are located in the "area". There are also 3 complaints regarding noise from a busker on Lytham Square.
12. The number of licence applications for the "area" between January 2020 and February 2024 has been summarised at appendix 3. It can be seen that in the period there were 17 applications for the grant of a Premises Licence, 3 of which related to Lytham Festival, 1 for an open-air event at Lytham Hall, 3 applications were withdrawn and one premises did not commence trading due to planning issues. There were 14 minor variation applications and two variation applications.
13. The remaining 9 new applications (excluding Lytham Green and Lytham Hall) that were granted in that period are together with the times and regulated entertainment applied for are summarised below:

5 th October 2023	Fig and Olive Ground Floor The Old Bakery Green St Lytham St Annes Lytham West Ward	Supply of alcohol Monday to Sunday 10.00 – 23.00	Approved with mediated conditions
22 nd August 2022	Divino Clifton Walks Lytham Clifton	Supply of alcohol Monday – Sunday 09.00-22.00	Approved with mediated conditions

19 th May 2022	75 Clifton Street Lytham Clifton Ward	Supply of Alcohol Sunday to Thursday 07.00 – 00.00 Friday and Saturday 07.00 – 01.00 Live music Sunday to Thursday 10.00 – 00.00 Friday and Saturday 10.00 – 01.00 Recorded music Sunday to Thursday 10.00 – 00.00 Friday and Saturday 10.00 – 01.00 Late night refreshment Sunday to Thursday 23.00 – 00.30 Friday and Saturday 23.00 – 01.30	Representations received, to be considered by Licensing Panel on 14 th July 2022 Approved subject to additional conditions and reduction in hours
31 st January 2022	Apex Cycleworks Bath Road Lytham Clifton Ward	Supply of Alcohol Monday to Sunday 10.30 – 22.30	Representations received; hearing scheduled for 28 th March 2022. Representation withdrawn; application approved.
10 th May 2021	Bosco Shambles Dicconson Terrace Lytham Clifton Ward	Supply of Alcohol Monday – Sunday 09.00 – 23.00 Regulated entertainment <i>Recorded music</i> <i>Friday and Saturday 23.00 – 23.30</i>	Approved
23 rd February 2021	Pepes 53 Clifton Street Lytham Clifton Ward	Supply of Alcohol Monday – Sunday 08.30 – 00.00 Late night refreshment Monday – Sunday 23.00 – 00.00	Approved
23 rd September 2020	The Courtyard 2 Queen Street Lytham	Supply of alcohol Monday to Sunday 08.30 – 19.00	Application approved subject to additional conditions.
8 th September 2020	Mode Hotel 1 Clifton Square Lytham	Supply of alcohol Monday to Sunday 00.01 – 00.00	Approved

14. From these 9 applications, 2 received representations from members of the public, of which one was subsequently determined by a Licensing Panel. It should be noted that should a Cumulative Impact Policy be introduced, without representations from either a responsible authority or “other person” the application would be granted.
15. It can be seen from these applications that the latest terminal hour granted for the sale of alcohol is midnight.
16. The licensed trade in the area appears to be entering an unusual phase. Two premises which were licensed prior to the introduction of the Licensing Act 2003, albeit with different operators, have now ceased trading with other operators commenting that the price of rent etc is making it difficult to run a viable business. Equally, it is also understood that at least two large retail premises in prime locations in Lytham are ceasing trading in the near future which may prove attractive to any potential licensed operator.
17. Officers do understand that there are real concerns from some residents in Lytham regarding licensed premises, and other matters highlighted during the consultation. Unfortunately, not all these concerns can be remedied through Licensing, but the exercise has been useful to hopefully identify the true feelings within the area so that steps may be taken to address them. Representatives from Lancashire Constabulary or the Council's Environmental Health Department do not believe that a Policy is necessary at this time, and that any challenges can be dealt with by dealing with the individual premises. The data indicates low levels of crime/ASB linked to

alcohol, but it is acknowledged this may be due to a lack of the formal reporting of incidents. To conclude, when considering the introduction of a Cumulative Impact Policy, Officers are concerned that there is insufficient evidence to support it and that the request should be rejected but the situation monitored.

18. Other legislation and mechanisms of enforcement are available to deal with licensed premises should the need arise. Examples are:

- Statutory nuisance as defined by the Environmental Protection Act 1990.
- Antisocial behaviour powers as defined by the Antisocial behaviour, Crime and Policing Act 2014.
- Increased enforcement of licensing conditions should conditions be in breach.
- To review a premises license, as defined by the Licensing Act 2003.

This is felt to be a proportionate approach which would deal with individual premises.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	There is insufficient resource within the Licensing Team currently to undertake a full consultation exercise and it is likely that financial support would be requested to conduct the exercise.
Legal	As contained within the report.
Community Safety	Current statistics relating to crime and ASB are included in the report.
Human Rights and Equalities	No implications arising directly from the report.
Sustainability and Environmental Impact	No implications arising directly from the report.
Health & Safety and Risk Management	No implications arising directly from the report.

SUMMARY OF PREVIOUS DECISIONS
<p>Licensing Committee, 25th October 2023</p> <p>The committee considered the report and RESOLVED unanimously to instruct officers to commence a consultation process regarding the request for a Cumulative Impact Assessment in the specified area of Lytham, the results of which to be reported to a future meeting of the Licensing Committee.</p>

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
S182 Guidance to the Licensing Act 2003	August 2023	https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

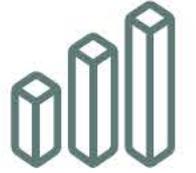
LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	chris.hambly@fylde.gov.uk 01253 658422	27 th February 2024

Attached documents.

App 1 – Request and Supporting Information

App 2 – Lytham Crime and ASB statistics

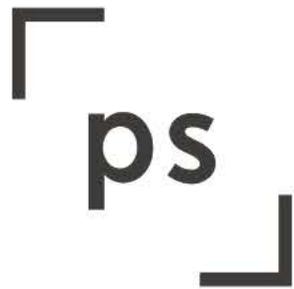
App 3 – New/Variation applications in Lytham from 1st January 2020.



Cumulative Impact Assessment Consultation.



Consultation Report: January 2024.



Contents.

Section	Page
Introducing the consultation	3
Summary	4
Feedback from members of the public	7
Feedback from stakeholders	35
Survey feedback	47



Introducing the consultation.



What was the consultation on?

Fylde Council received a request from members of the public to undertake a Cumulative Impact Assessment (CIA) for the area of Lytham Town Centre between Beach Street, Westby Street, Station Road and Lytham Green ('the area'). The introduction of such an assessment could potentially assist in managing the number, type and density of licensed premises within an area. Licensed premises include places which sell alcohol, provide late-night hot food or hot drinks (between 11pm and 5am), or where a range of sporting, music or performance events take place.



The approach

Fylde Council developed and hosted an online survey to understand people's views on this topic. The survey was also available in paper format; 12 paper responses were received.



368 responses were received to the consultation

The survey was available to complete between 7 November 2023 and 14 January 2024. Nine in ten responses (91%) were from members of the public and all but one of these are residents of the Fylde area.

33 responses were from individuals who run a local business, Councillors or people responding on behalf of either a regulatory body or a local voluntary, community or social enterprise.

Resident feedback: Summary (1 of 2).



Overall agreement with a CIA: Almost two-thirds (63%) of residents responding to the survey agree with introducing a Cumulative Impact Assessment for Lytham Town Centre

- The most common reasons given for agreeing with a CIA are that there are already enough/too many licensed premises, that Lytham is losing its charm/character or that it needs a better balance of venues and shops
- Amongst those who disagree with a CIA, most feel there is either no need for it or are concerned it will negatively impact the town



Noise: For each of the noise issues tested in the survey, more residents rate these as 'not at all a problem' than a large/moderate problem

The issues rated as most problematic are 'noise from people gathered outside licensed premises' and 'noise from people travelling through residential areas to get to or from licensed premises' (rated as a large/moderate problem by 38% and 36% respectively)



Anti-social behaviour: Residents appear to be more concerned about the impact of ASB on others rather than the fear of suffering this personally

- The most problematic issues, with just over a fifth of residents rating these as a large problem are: concern about ASB being seen by children/young people, concern about criminal damage and concern about public nuisance/disturbance
- A third of residents responding to the survey have had personal experience of anti-social behaviour in Lytham Town Centre, although less than a quarter notified the police and even fewer notified the Council



Litter: 'Overflowing litter bins' is seen as the most problematic litter issue amongst those tested in the survey, with two-fifths (42%) rating this as a large/moderate problem.

Resident feedback: Summary (2 of 2).



Number of venues: Most residents feel there are about the right number of each type of hospitality venues in Lytham Town Centre

Opinions are more mixed for family oriented bars, where just over 2 in 5 feel there are too few, and late night alcohol/music oriented bars with 2 in 5 saying there are too many.



Closing hours of venues: Most residents feel closing hours for each type of hospitality venue is about right, although 2 in 5 feel late night alcohol/music oriented bars are open too late



New venues being opened: Residents are most likely to agree with new family oriented or traditional pubs being opened and disagree with new late night alcohol/music oriented bars

Three-quarters of residents responding to the survey agree with new family oriented venues being opened in Lytham Town Centre and 65% agree with new traditional public houses being opened. Around three-quarters (76%) disagree with new late night alcohol/music oriented bars being opened and over half (56%) disagree with new late night fast food establishments being opened.



Factors influencing the decision to go for a night out in Lytham Town Centre: Convenience/closeness to home is the most important factor

Aside from convenience/closeness to home, the most important factors for residents are the choice of restaurants and that it is a good area for meeting friends; whilst nothing discourages a fifth of residents from choosing Lytham Town Centre for a night out, cost of a night out would discourage 39% and fear of crime/anti-social behaviour is off-putting for 37%.

Stakeholder feedback: Summary.

33 stakeholders responded to the survey, of which 17 run a business that has a premises licence, nine run a business that does not have a premises licence and four are Councillors.

- 

Overall agreement with a CIA: Two-thirds (21 of 33) disagree with introducing a CIA for Lytham Town Centre
- 

Noise, ASB and litter: The majority of stakeholders do not rate any of the noise, anti-social behaviour or litter issues in the survey as a problem
- 

Number of venues: Most stakeholders feel there are about the right number of each type of hospitality venues in Lytham Town Centre, although opinions are more mixed for live music venues and late night/music oriented bars

14 of the 33 stakeholders feel there are too few live music venues and 10 feel there are too few late night/alcohol music oriented bars.
- 

Closing hours of venues: Stakeholders generally consider the closing hours of different venues in Lytham town Centre to be about right
- 

New venues being opened: Stakeholders are more likely to agree than disagree with all types of new premises being opened in Lytham Town Centre

Most likely to disagree with new late night alcohol/music oriented bars being opened (18 agree, 12 disagree).

Feedback from members of the public.

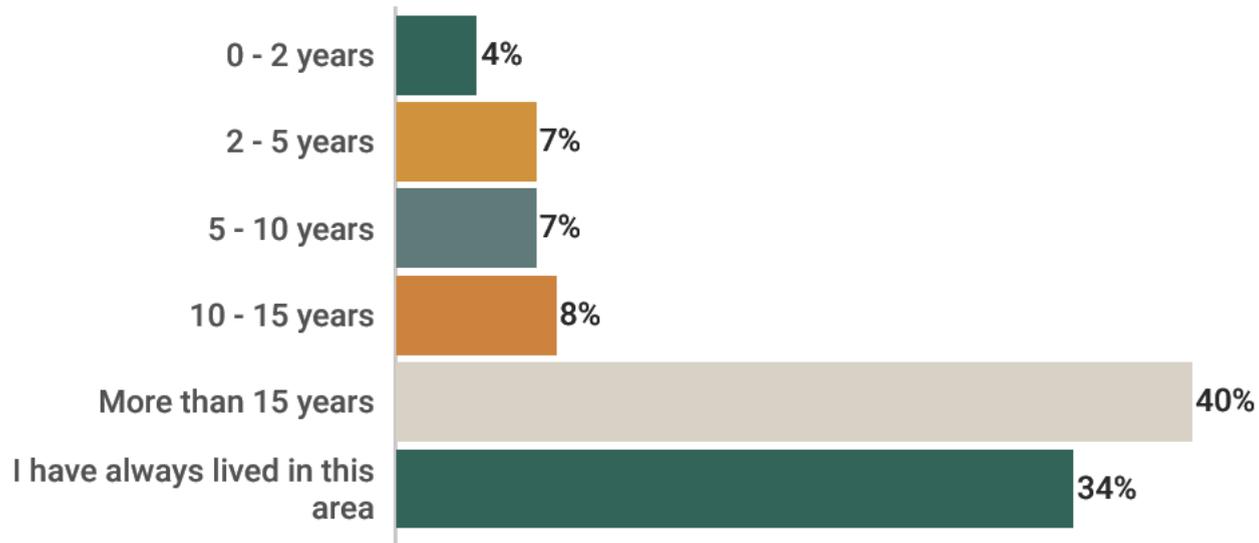
The majority of respondents live in the FY8 5 or FY8 4 postcode area.



91% of all respondents are members of the public and all but one are residents of the Fylde area

Three-quarters (74%) of the residents responding to the survey have either always lived in the Fylde area or have lived in the area for more than 15 years

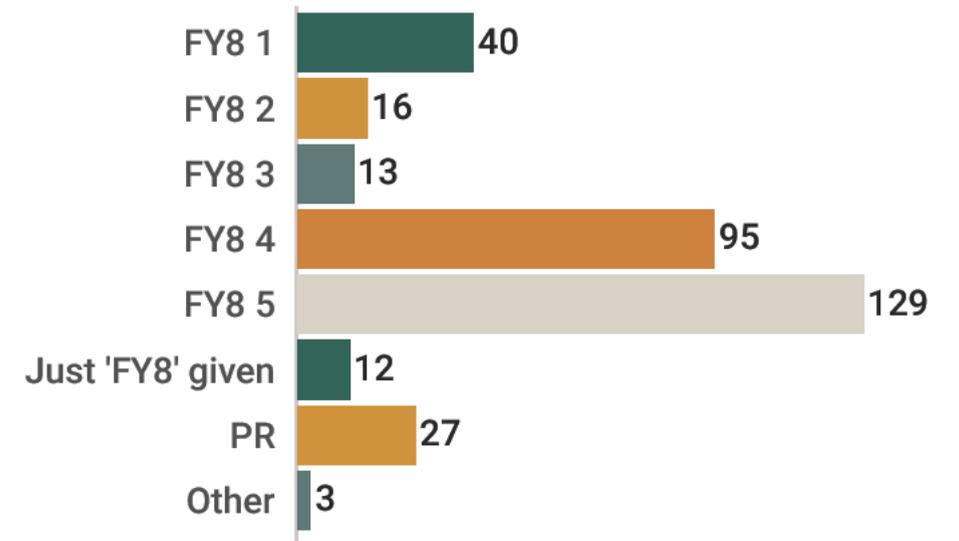
Q: How long have you lived in the Fylde area for?



Base: all Fylde residents (n=334)



The majority of responses came from residents in the FY8 5 or FY8 4 postcode areas



Base: Respondents who answered the survey as a member of the public (n=335)

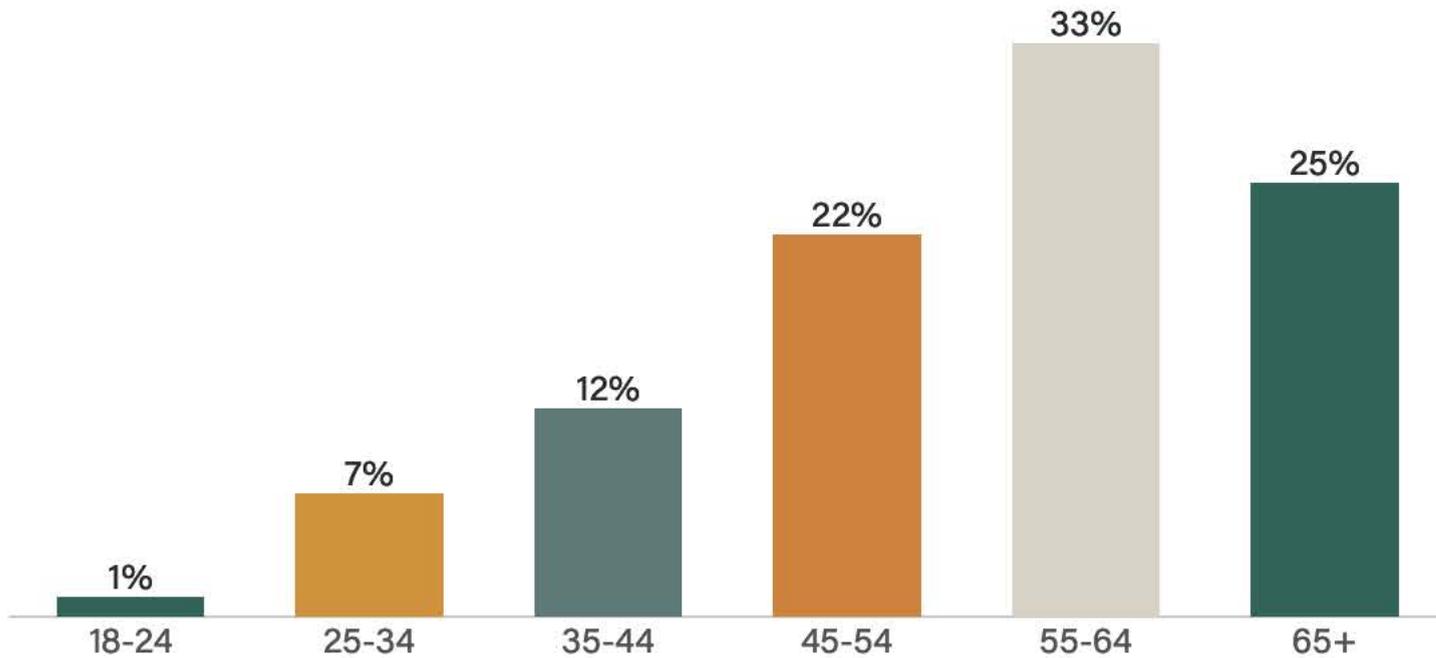
A note on further analysis throughout the rest of the report:

- Given that 334 of 335 respondents who responded to the survey as members of the public are also residents of the Fylde area, this group is referred to as 'residents'
- Postcode - to provide a robust enough sample size for sub-group analysis by postcode, the FY8 1, FY8 2 and FY8 3 have been grouped together

The majority of residents responding to the survey are aged 45 and over.

Context: in the 2021 Census, the average (median) age of the Fylde area is 50 years old, and 28% are aged 65 and over.

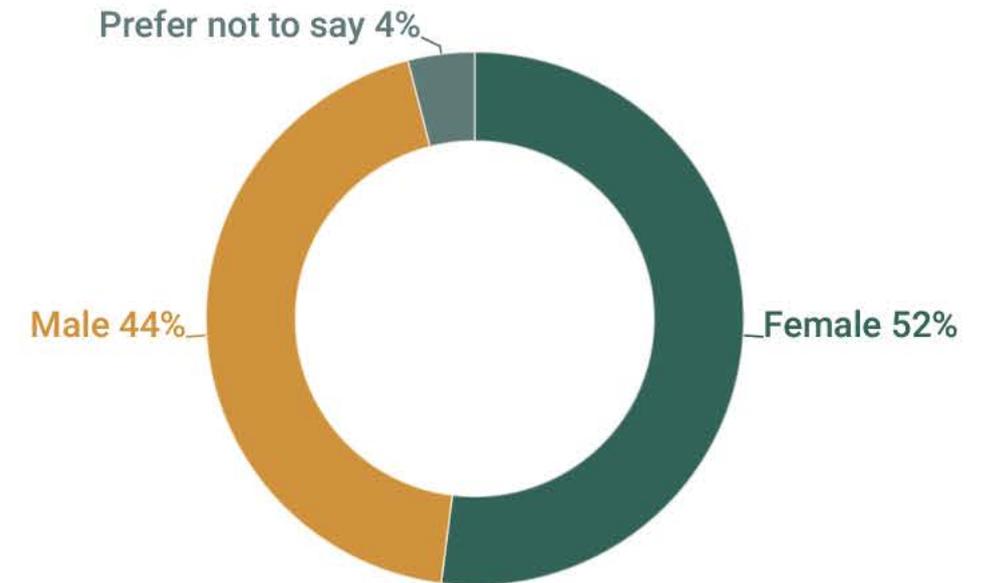
58% of residents responding to the survey are aged 55 and above



No significant differences by postcode

Base: all respondents responding as a member of the public and answering the question (n=328)

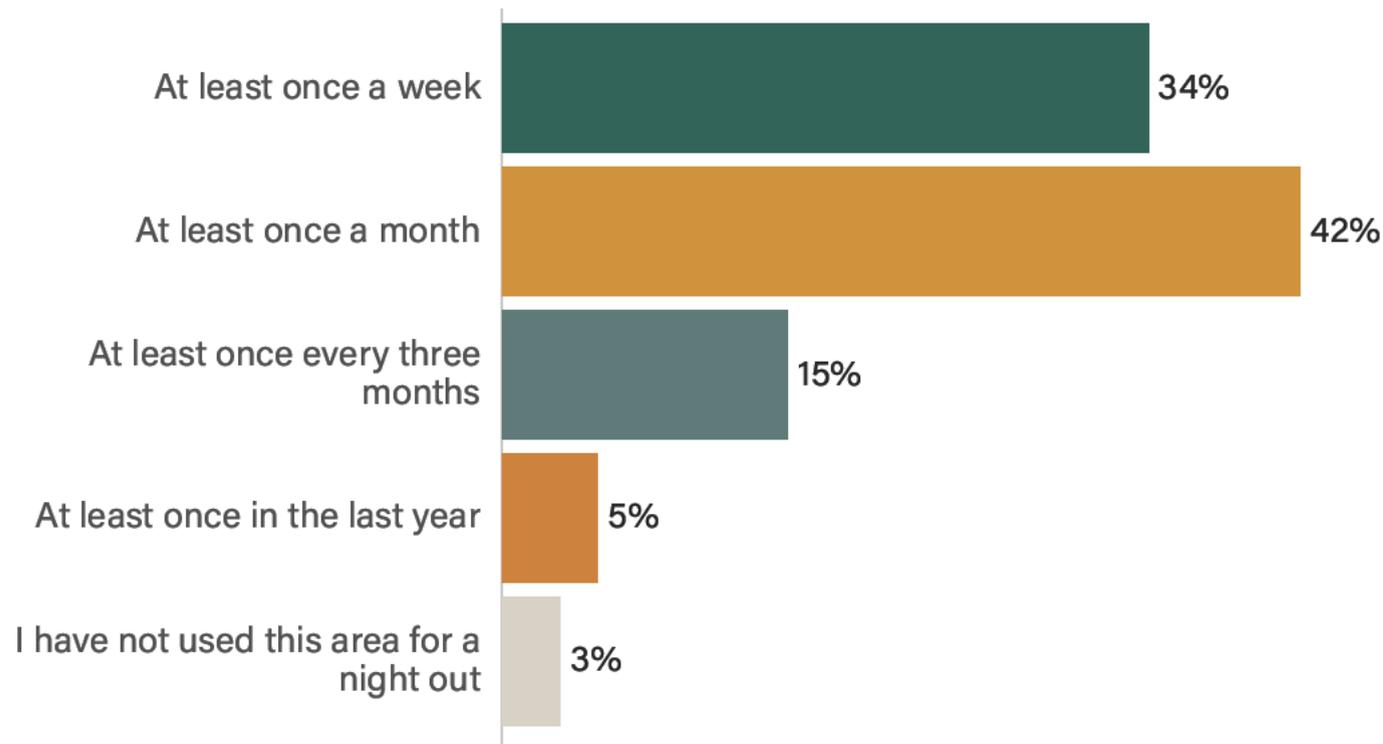
Slightly more female residents than males responded to the survey



Base: all respondents responding as a member of the public and answering the question (n=325)

Two-thirds of residents responding to the survey have visited the suggested area for a night out at least once a month or more often in the last 12 months.

Over the past 12 months, how often have you visited Lytham Town Centre, specifically the suggested area, after 7pm for a night out*?



Residents who go out most frequently are more likely to be older (45+)

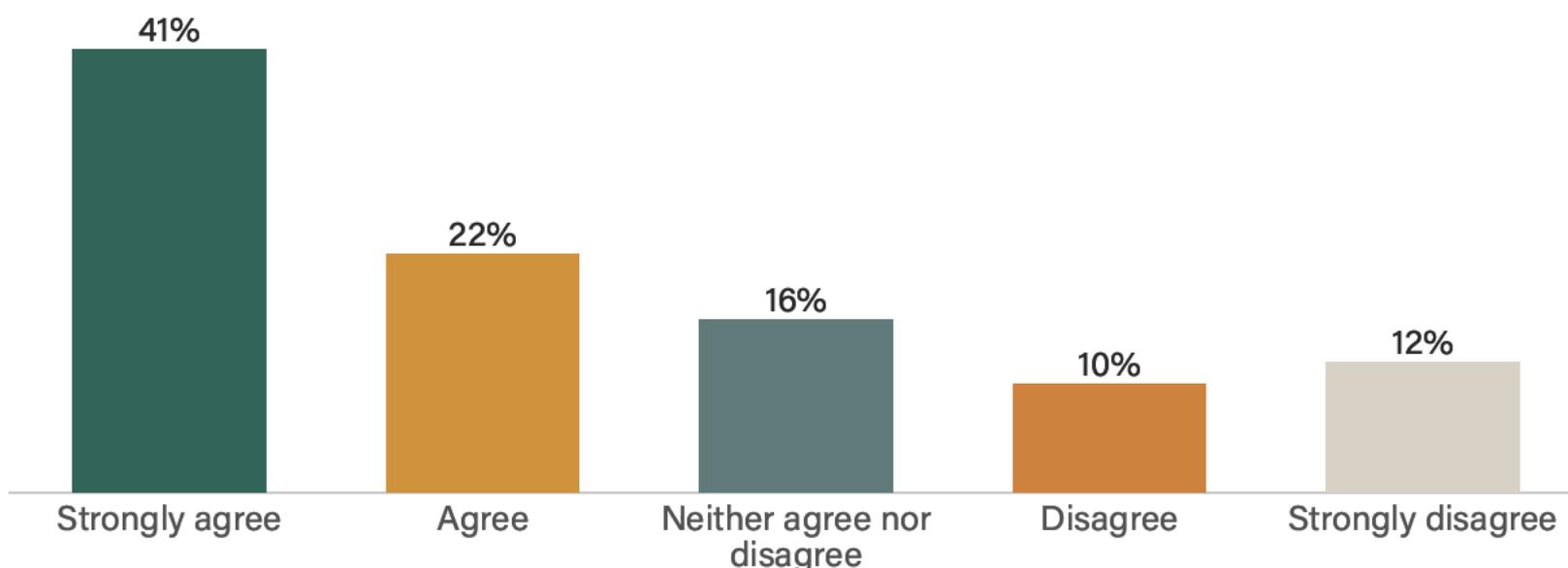
Older residents are more likely to say they go out in the suggested area more frequently: 8 in 10 residents aged 45+ say they have visited the suggested area for a night out at least once a month or once a week, compared to 63% of those aged 44 and under

Base: all respondents responding as a member of the public (n=334)

*Additional question text: By 'night out' we mean an evening of recreation or leisure spent outside of the home, e.g. eating, socialising or other entertainment activities.

63% of residents responding to the survey agree with introducing a Cumulative Impact Assessment (CIA) for Lytham Town Centre.

"To what extent do you agree or disagree with introducing a CIA for Lytham Town Centre?"



Base: all respondents answering the question (n=360)

Additional question text: A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.



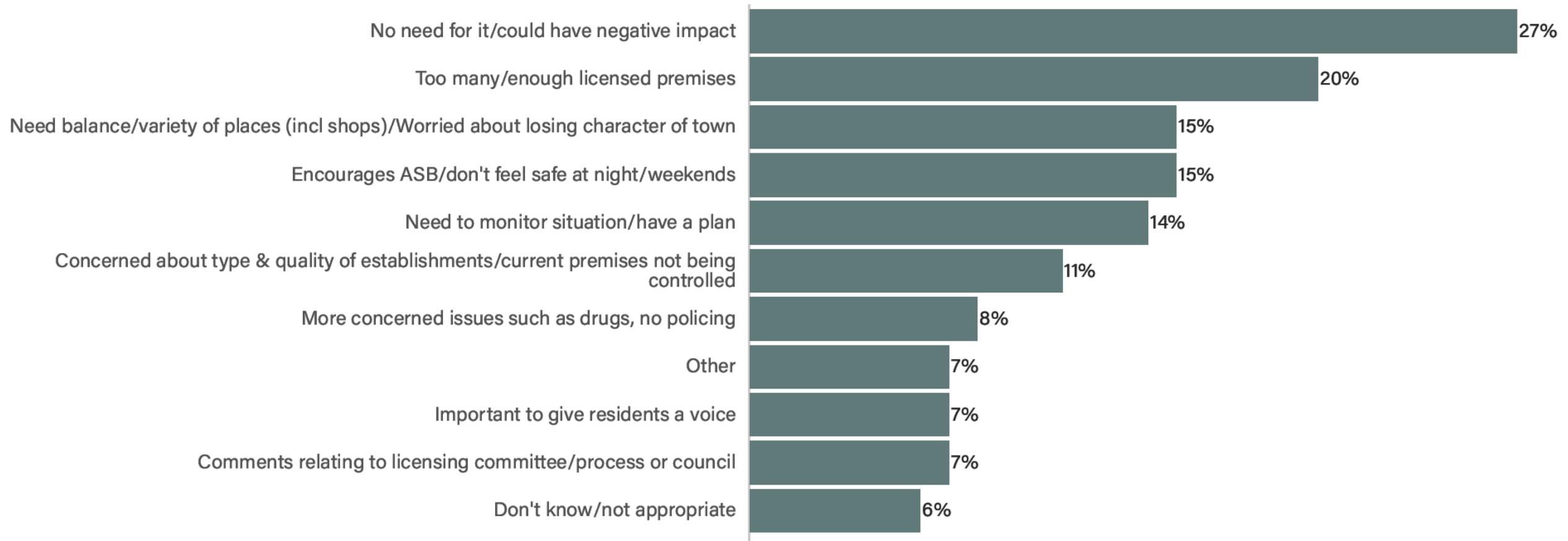
Differences in agreement levels by different groups

There are some differences in agreement by particular groups:

- Older residents are more likely to agree: half of residents aged 44 and under agree compared to 74% of those aged 65 and over
- Residents living in the FY8 5 postcode are more likely to agree compared to those in the FY8 1/2/3 postcode areas (68% compared to 51% respectively)
- Frequency of going for a night out in area: Although agreement levels are not impacted by how frequently residents have visited the area for a night out, disagreement levels are - 10% of those who go out at night in the area less frequently (at least once every three months /at least once a year) disagree, compared to 25% of those who go out at least once a month/once a week

Reasons given for agreeing or disagreeing with introducing a CIA: feedback from comments.

323 answers were given to the open-text question asking for details on why respondents agree or disagree with the introduction of a CIA to Lytham Town Centre. Comments have been coded into themes, as shown in the following chart. One comment may be included in more than one theme, and only themes with over 5% of responses are shown.



Base: all respondents answering as a member of the public and giving a response to the question = 323

Key reasons for agreeing or disagreeing with the introduction of a CIA: example comments (1 of 2).

Example comments from open-text survey responses.

No need for it/could have negative impact

Lytham has always had pubs, bars, restaurants and food takeaways. It used to have a lot more off-licences. Apart from very rare instances where problems may have arisen, Lytham is a vibrant little town from which people come to from across Lancashire for nights out or weekends away, due to the great choice of bars and restaurants. Don't let a few naysayers ruin what we have.

So many towns across the UK are dead now! Pubs and bars are closing left right and centre. We are lucky enough to have pubs, restaurants and bars that are busy and thriving. Please don't put restrictions on this!

Planning applications and current licensing conditions seem to be adequately doing this job already.

Lytham's strength lies in its vibrant social scene. It is the only thriving part of the high street in the UK. Limiting this in any way would make no sense whatsoever.

Too many/enough licensed premises

I feel we are over capacity for restaurants and late night venues. The focus has shifted from a pleasant small town business centre for locals to an evening focused entertainment area for the wider community and other areas of Lancashire, to the detriment of those living close to the square and therefore unable to avoid it. This is not just noise and anti social behaviour but also matters such as lack of thoroughfare where restaurants have taken over the pedestrian walk ways. I am therefore concerned that looking at new and existing applications in isolation does not capture the seriousness of the cumulative problem.

Need balance/variety of places (incl shops)/Worried about losing character of town

There are too many late night bars and expensive restaurants. Lytham has lost its lazy local charm and has become a money orientated tourist attraction.

It needs to be enforced, we have lost our local family town feeling. Far too much emphasis on drinking and not enough on family activities. It feels more like Blackpool than a lovely family town - which it used to be.

Key reasons for agreeing or disagreeing with the introduction of a CIA: example comments (2).

Example comments from open-text survey responses.

Encourages ASB/don't feel safe at night or at the weekend

It is important to monitor the impact of late night venues in a small town like Lytham. People get drunk and then behave badly having no regard for the town or its residents. They are sick on the pavements, relieve themselves in gardens, shout loudly while walking back to their cars.

Lytham was once upon a time quite a nice pleasant place to go for an evening out, and now, I'm in my early 30's and I'm starting to feel uneasy about going. There's too much going on, too much drugs and mess and shouting. It needs looking at.

Concerned about type & quality of establishments/current premises not being controlled

Seems that there is no regulation of venues types. A vacant premises is likely to become a charity shop or a bar. Then these premises encroach on street space without seemingly any planning permission. Leafy Lytham is losing its homely credentials.

A number of recently (5-6 years) opened establishments have changed the atmosphere of LTC and appear totally unconcerned that the business operations are negatively affecting the local residents of the town center, causing upset, anxiety and increasing the concern as to future of LTC.

Need to monitor situation/have a plan

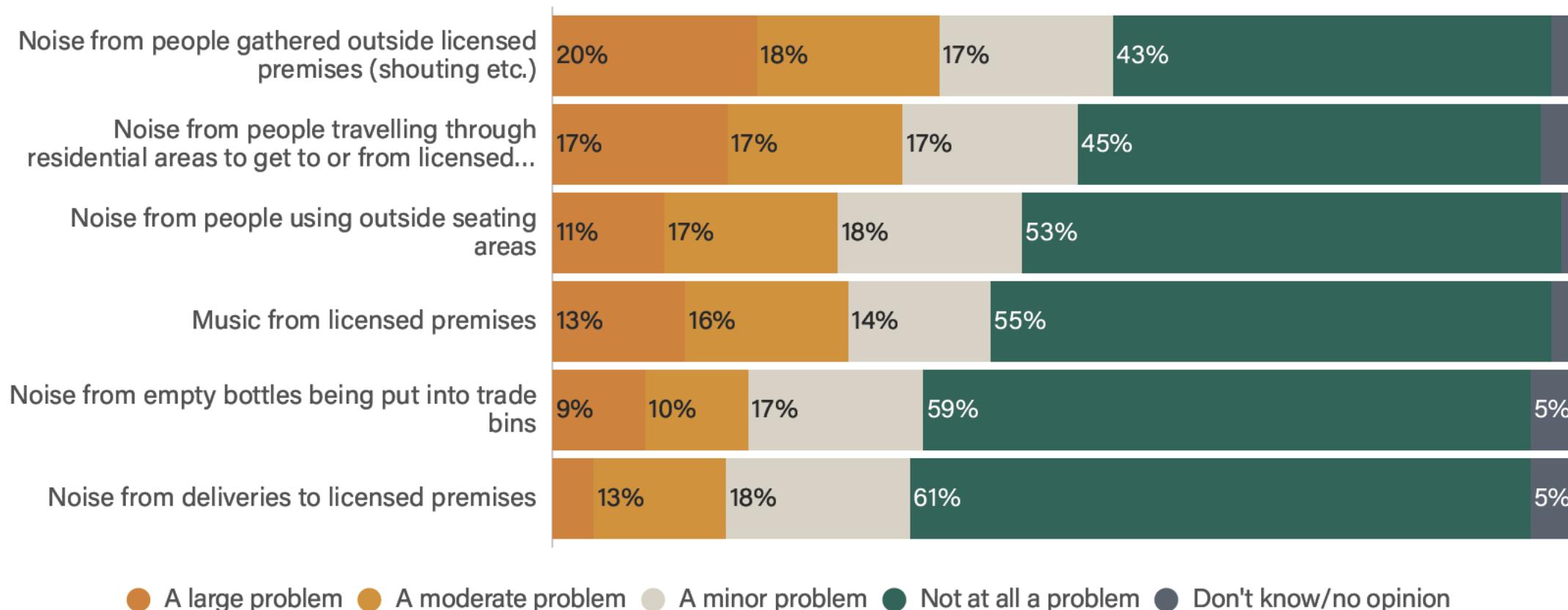
A careful watch should be kept on the amount of licenced premises in Lytham and this method would do that in a coordinated method.

The development of the centre needs a level of planning rather than the current free for all development attitude.

Unregulated licensing leads to unscrupulous people opening and closing premises with little regard for staff or patrons. Hopefully a CIA will result in full scrutiny of applicants prior to granting licenses.

Noise: Across all noise issues raised, residents are more likely to say that these are not a problem at all than a large/moderate problem.

Q. How much of a problem, if any, has the following caused for you in Lytham Town Centre?



Observations

Almost two-fifths (38%) feel noise from people gathered outside licensed premises is a large/moderate problem.

Around three-fifths do not feel that noise from deliveries or from empty bottles being put into trade bins is a problem.

Base: all respondents answering as a member of the public = 335

Further question text: This question asks you about noise. Questions 5-10 are about specific specific issues which a CIA may help to resolve, such as noise, crime and littering.

For the purpose of the questions below, licensed premises include places which sell alcohol, provide late-night hot food or hot drinks (between 11pm and 5am), or where a range of sporting, music or performance events take place.

Noise: How do different groups of residents feel about noise issues?



Difference in views amongst people living in different postcode areas

Residents in the FY8 5 postcode are more likely to rate some of the noise issues as a problem compared to residents in FY8 1/2/3

- Music from licensed premises: 43% of residents from the FY8 5 postcode rate this as a large/moderate problem compared to 9% of those living in a FY8 1/2/3 postcode
- Noise from people travelling through residential areas to get to or from licensed premises: 47% of residents from the FY8 5 postcode rate this as a large/moderate problem compared to 25% of those living in a FY8 1/2/3 postcode



Difference in views by age

Residents aged under 65 are more likely to say several noise issues are not a problem at all compared to those 65 and over

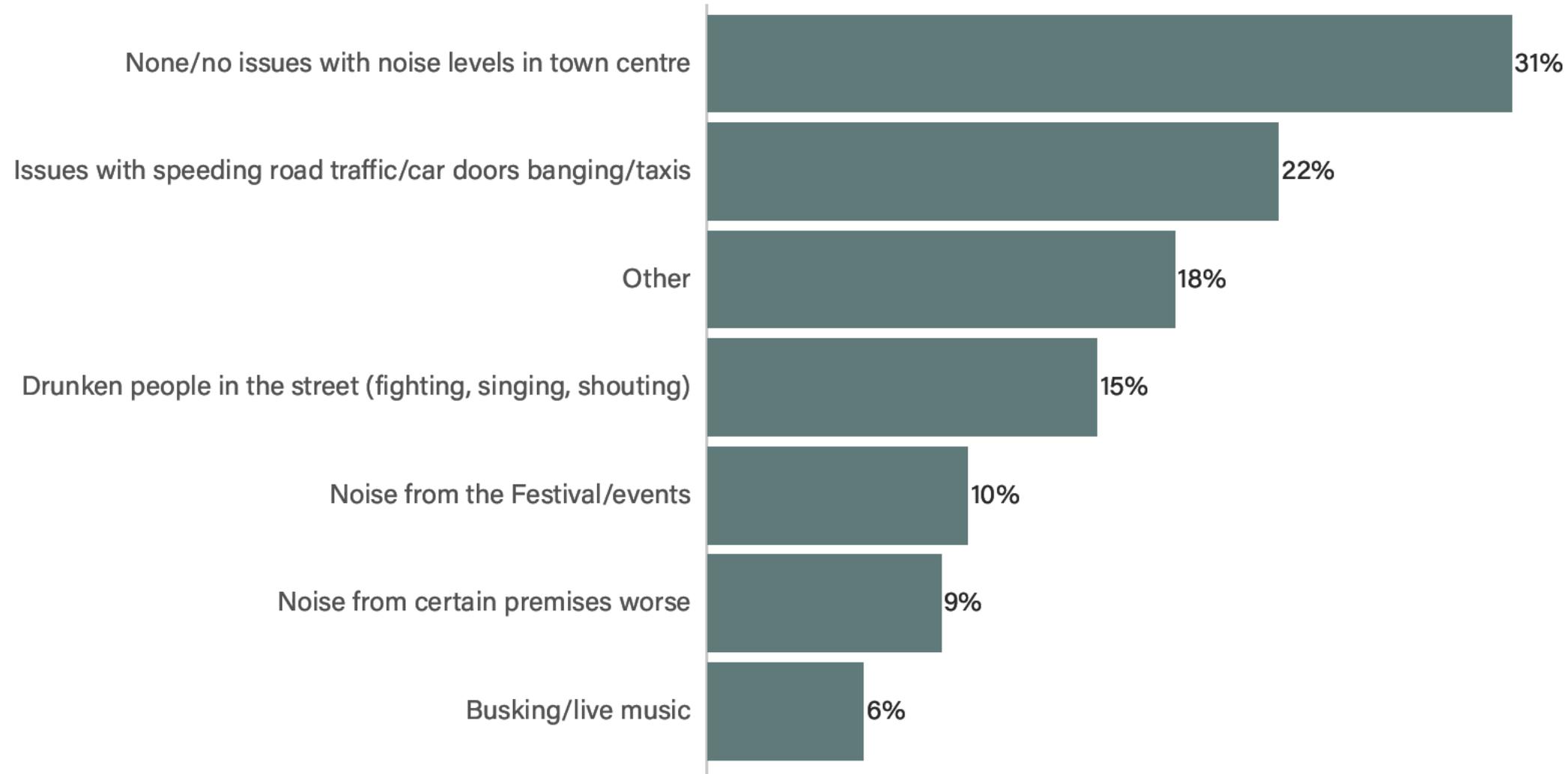
- Music from licensed premises: 62% of residents aged under 65 say this is not a problem at all, compared to 34% of those aged 65+
- Noise from people using outside seating areas: 59% of residents aged under 65 say this is not a problem at all, compared to 34% of those aged 65+
- Noise from people gathered outside licensed premises: 49% of residents aged under 65 say this is not a problem at all, compared to 27% of those aged 65+



Residents who agree with introducing a CIA for Lytham Town Centre are much more likely to say that the noise issues included in the survey are a large/moderate problem compared to those who disagree with the CIA overall. Almost none of the residents who disagree with introducing a CIA rate any of the noise issues as a large/moderate problem.

Noise: Further feedback - key themes amongst comments on 'any other noise issues'.

125 answers were given to the open-text question, "Please tell us what other noise issues, if any, should be considered". These have been coded into themes, as shown in the following chart. One comment may be included in more than one theme, and only themes with 5% or more of responses are shown.



Base: all respondents answering as a member of the public and giving a response to the question = 125

Noise: Example comments for the most common themes.

Example comments from open-text survey responses.

No issues with noise levels

-  None at all. Noise comes from people. People are good. People bring money and life to the local area. No one will come here otherwise & the town will die. If it dies that's when we'll see anti social behaviour & dereliction.
-  None - on the contrary the vibrancy around Lytham in the summertime especially is magical. An even more special place because of it.

Drunken people in the street

-  People shouting being drunk, when walking home or back to their cars late at night. They often park in our street as it's very close to bars and restaurants.
-  People attending late night venues cause considerable noise when leaving the premises and walking home. The shouting and arguing outside our home is very disturbing.

Issues with speeding road traffic/car doors banging/taxis

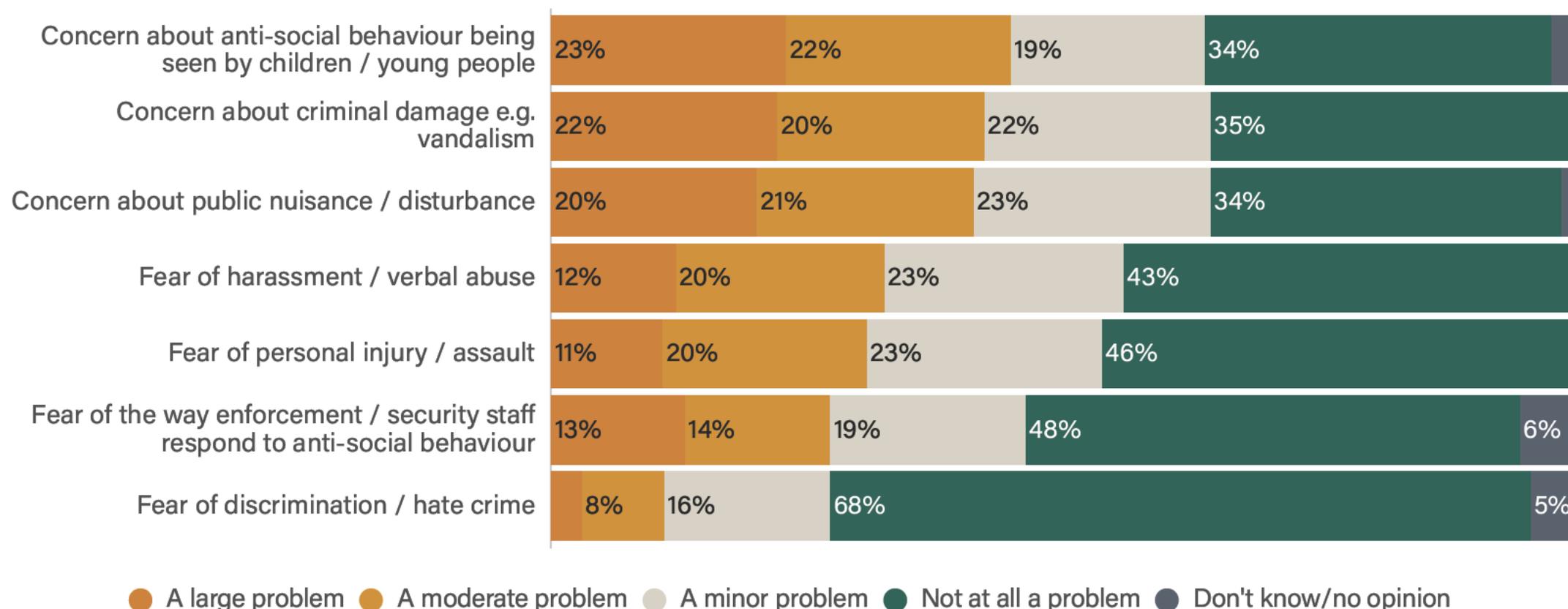
-  Loud motorbikes and cars racing round at night.
-  Traffic from people going to and from, the road rage, people pressing their horns really late and shouting, taxis and other cars parking on double yellows or junctions when waiting to pick someone up.

Noise related to the Festivals/events

-  Music festival on the Green is intolerable. Music at Lytham Hall is disturbing. Car parking with doors banging and music playing is a consequence of the events and activities.
-  Noise from outdoor events, vehicles blasting music and humans shouting.

Anti-social behaviour (ASB): Residents appear to be more concerned about the impact of ASB on others/property rather than the fear of suffering this personally.

**Q. How much of a problem, if any, has the following caused for you in Lytham Town Centre?
(this question asks you about aspects of anti-social behaviour)**



Observations

Almost two-thirds of residents see (64%) see concern about ASB being seen by children/young people, criminal damage and public nuisance/disturbance as being a problem to some degree.

32% say the fear of harassment or verbal abuse is a large/moderate problem and 31% say the fear of personal injury or assault is a large/moderate problem.

Base: all respondents answering as a member of the public = 335

ASB: How do different groups of residents feel about anti-social behaviour statements?



Difference in views amongst people living in different postcode areas

Residents in the FY8 1/2/3 are more likely to say some of the ASB issues are not a problem at all compared to residents in FY8 5

- Fear of the way enforcement / security staff respond to ASB: 65% of residents from the FY8 1/2/3 postcodes say this is not at all a problem compared to 40% of those living in FY8 5
- Concern about criminal damage: 49% of residents from the FY8 1/2/3 postcodes say this is not at all a problem compared to 22% of those living in FY8 5



Difference in views by age

Residents under 45 are more likely to say several noise issues are not a problem at all compared to those aged 65+

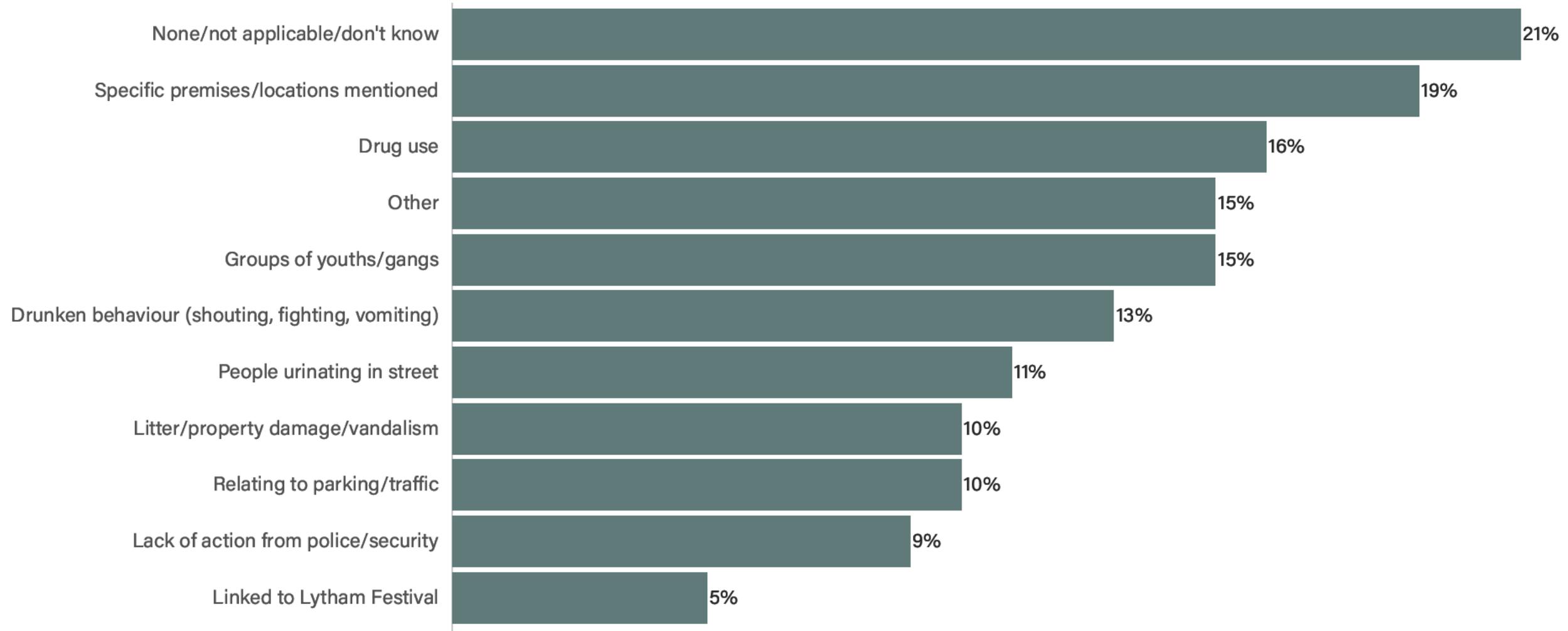
- Concern about public nuisance/disturbance: half of residents aged under 45 say this is not a problem at all, compared to 23% of those aged 65+
- Concern about anti-social behaviour being seen by children / young people: 44% of residents aged under 45 say this is not a problem at all, compared to 22% of those aged 65+



Residents who agree with introducing a CIA for Lytham Town Centre are much more likely to rate the anti-social behaviour statements as a large/moderate problem than those who disagree with the CIA overall

ASB: Further feedback - key themes amongst comments on 'any other noise issues'.

135 answers were given to the open-text question, "Please tell us what other anti-social behaviour issues, if any, should be considered". These have been coded into themes, as shown in the following chart. One comment may be included in more than one theme, and only themes with 5% or more of responses are shown.



Base: all respondents answering as a member of the public and giving a response to the question = 135

ASB: Example comments for the most common themes.

Example comments from open-text survey responses.

None/don't know

-  The only thing I consider to be anti-social behaviour is coming from people who don't want to hear noise of other people enjoying themselves with their families.
-  Very little in the way of behaviour issues on the whole. High jinx after the festival sometimes causes some issues and security could be stepped up at that time but really love and enjoy the festival being here.

Drug use

-  There is a prominent culture where security staff (particularly [Venue A]) are not concerned by blatant drug taking and drug dealing in plain sight.
-  There is considerable drug taking in Lytham which peaks at festival time but is a year round problem. Its known as white city!

Specific premises/locations mentioned

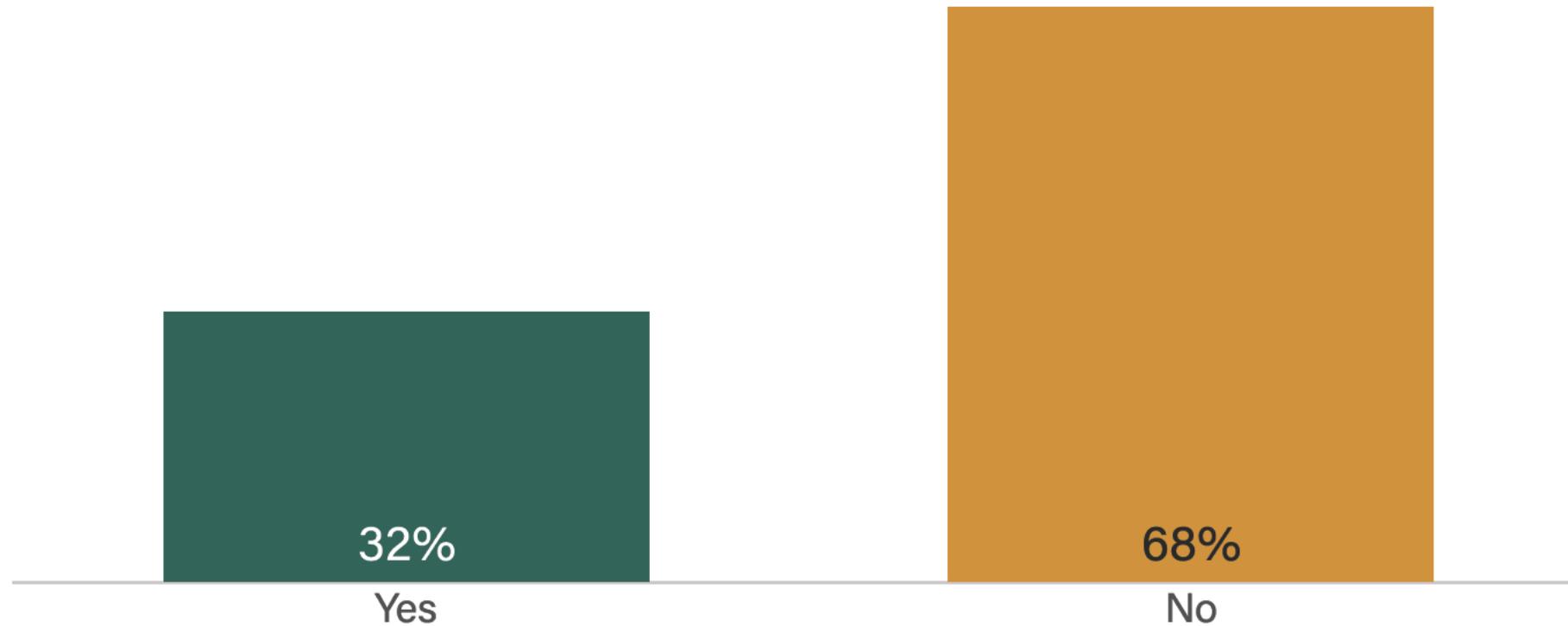
-  Have observed violent incidents in and around Henry Street, particularly at weekends and during Lytham Festival.
-  In the summer the noise emanating from some of the premises feels anti social. My son worked in a well known bar/restaurant in Lytham for over a year. He commented on the prolific drug use in the establishment and was glad to leave.

Groups of youths

-  Young people late at night in places such as Park view causing damage and noise. Young males cycling in middle of roads such as Mythop.
-  Youths around the windmill and in park view late into the night is an issue
-  Large gatherings of youth outside Tesco express, Sainsbury's and Lytham green.

ASB: A third of residents responding to the survey have had personal experience of anti-social behaviour in Lytham Town Centre.

Q. Have you had personal experience of anti-social behaviour in Lytham Town Centre?

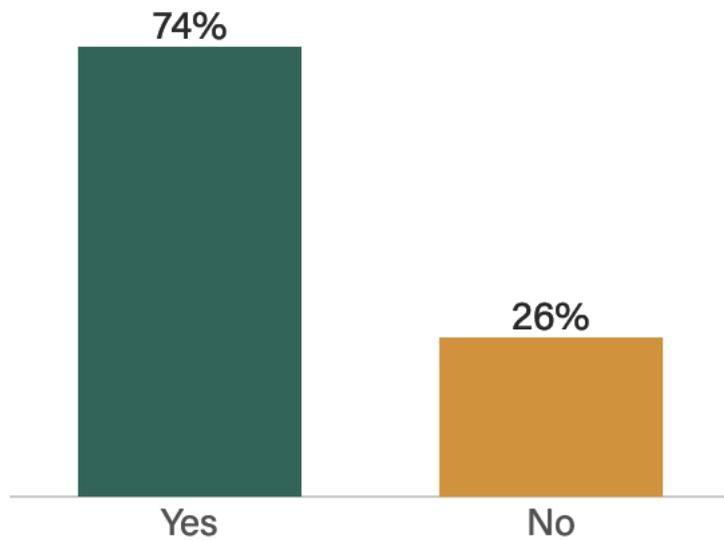


No significant differences by different resident groups, such as age, gender, or postcode.

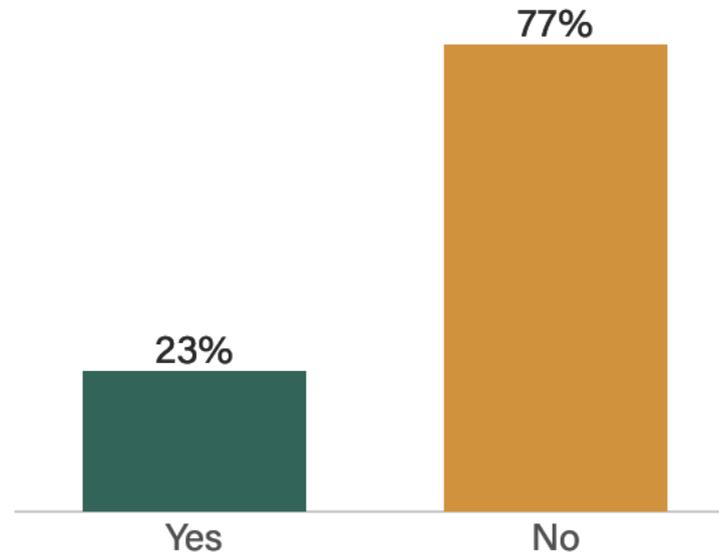
Base: all respondents answering as a member of the public = 334

ASB: Of those who have had personal experience of ASB in Lytham Town Centre, just less than a quarter notified the police and even fewer notified the Council.

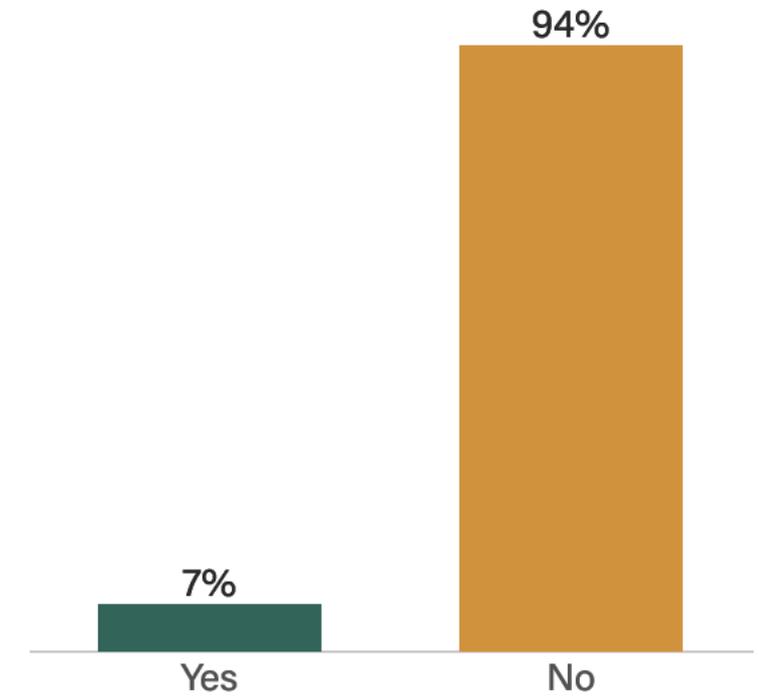
Q. Did the incident take place within the last 12 months?



Q. Did you notify the Police?



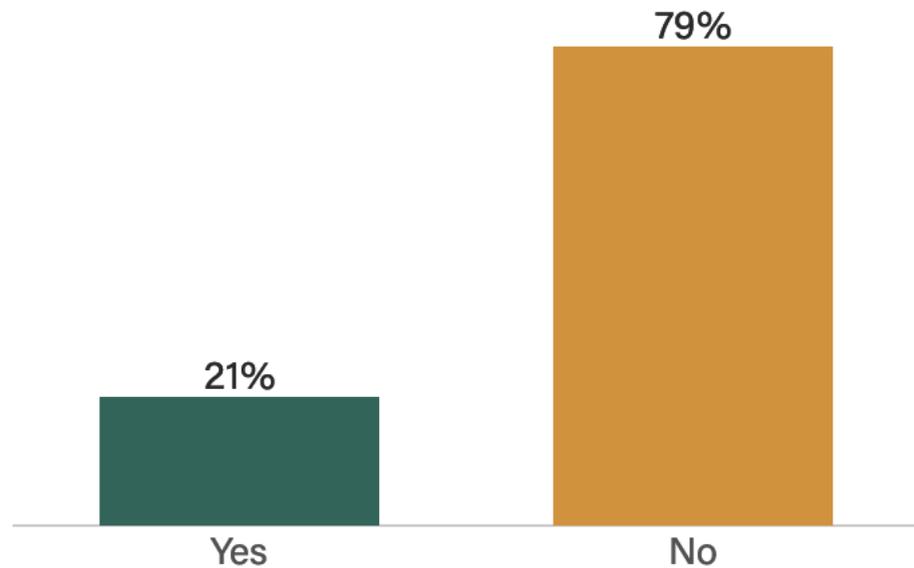
Q. Did you notify the Council?



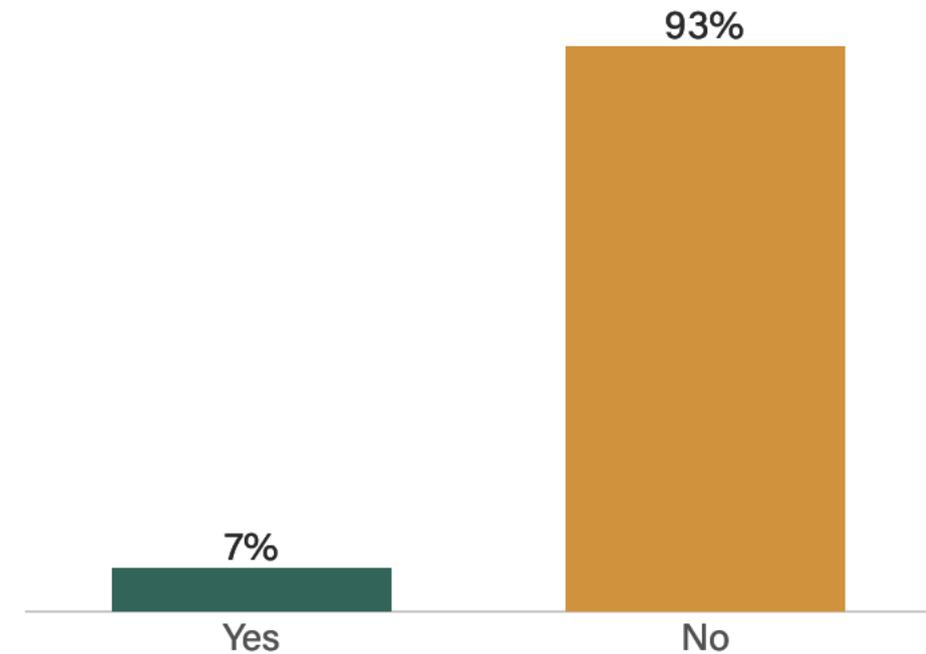
Base: all respondents answering as a member of the public and who experienced ASB in Lytham Town Centre = 108

ASB: Only 7% of those experiencing ASB in Lytham Town Centre feel measures have are now in place to prevent a similar incident happening again.

Q. Were you satisfied with the response, action taken and outcome from the above authorities (Police/Council)?



Q. Do you feel measures are now in place to prevent a similar incident happening again?



Base: all respondents answering as a member of the public and who experienced ASB in Lytham Town Centre = 108

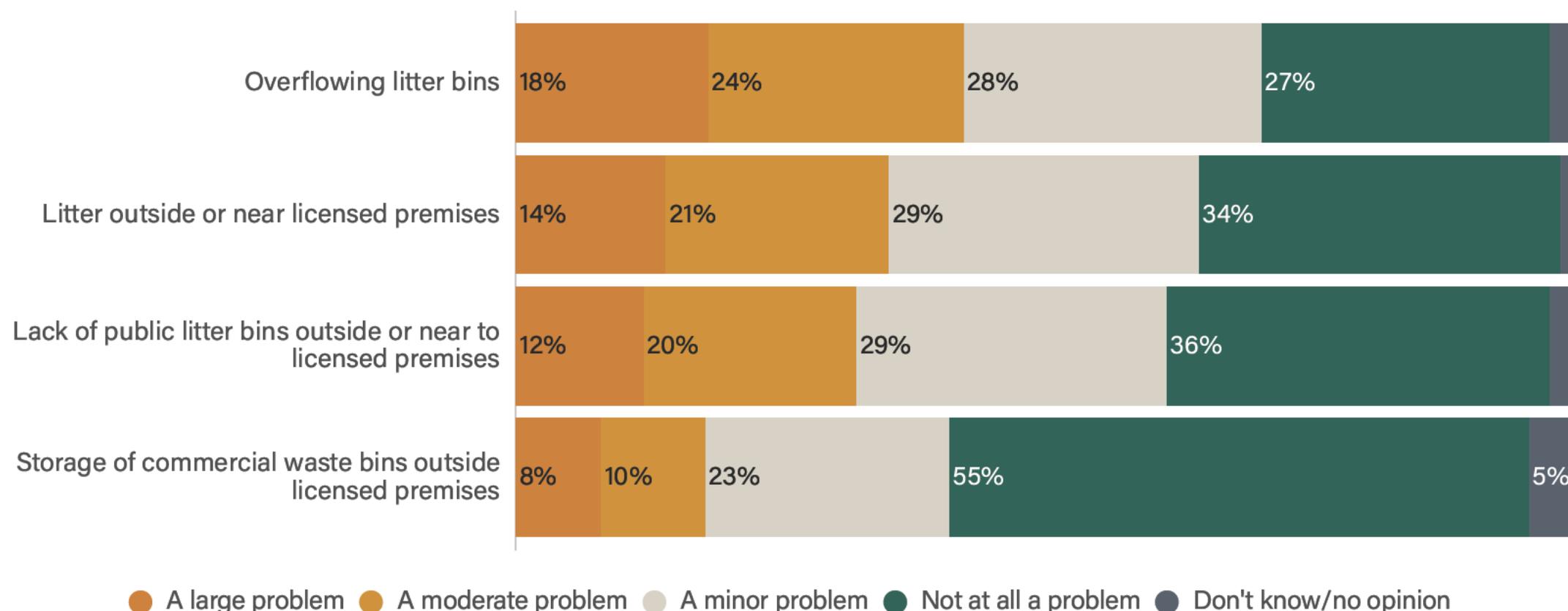
ASB incidents: Further feedback on specific ASB incidents experienced.

Example comments from open-text survey responses.

- Challenged a youth urinating against a house and was verbally abused and threatened. On another occasion myself and my wife were racially abused and threatened. Both within 50 metres of home address.
- Violent incident on Henry Street where Door Staff from venues did not respond, no police presence in the square or Henry Street and general public not prepared to become involved because of threat to their safety.
- Drug use in all bars, but mainly the ones around Henry Street. Report to the police, they do nothing. Security staff turn a blind eye. We know who one of the main supplier is, but again, the authorities do nothing.
- Instances of unacceptable behaviour and vandalism are very regular occurrences in Henry Street. One of my neighbours has had to install, at considerable expense, acoustic glazing in his bedroom window in order to have any chance of sleep before circa 2am. In addition, in certain climatic circumstances the "music" emanating from the night clubs is intolerable for hours on end. And I've lost count of how often I've had to repair our fencing and remove glasses and bottles from our planters. Luckily, the vomit seems to be cleared up by the early morning street cleaners although this process also adds to the noise nuisance experienced by residents. Does no-one monitor all this before licence renewals?
- Cars parking on pavements, totally restricting view and blocking pedestrian access. Verbal abuse from driver when politely asked to move.
- Kids on Lytham Road near to McDonalds throwing stones at cars driving past and running into the road acting stupid.
- I didn't officially report anything but I let police patrolling know but nothing has changed and nothing came of mentioning it. Everything falls on deaf ears and leaves no hopes for improvement.
- Drug sellers in Henry Street attracting undesirables. Drunken idiots threatening takeaway staff in Henry St. Loud music from the bars on Friday and Saturday nights affecting residents of The Homestead.

Litter: Residents are most likely to say overflowing litter bins is a problem, with two-fifths rating this as a large/moderate problem.

Q. How much of a problem, if any, has the following caused for you in Lytham Town Centre? (this question asks you about aspects of litter)



Observations

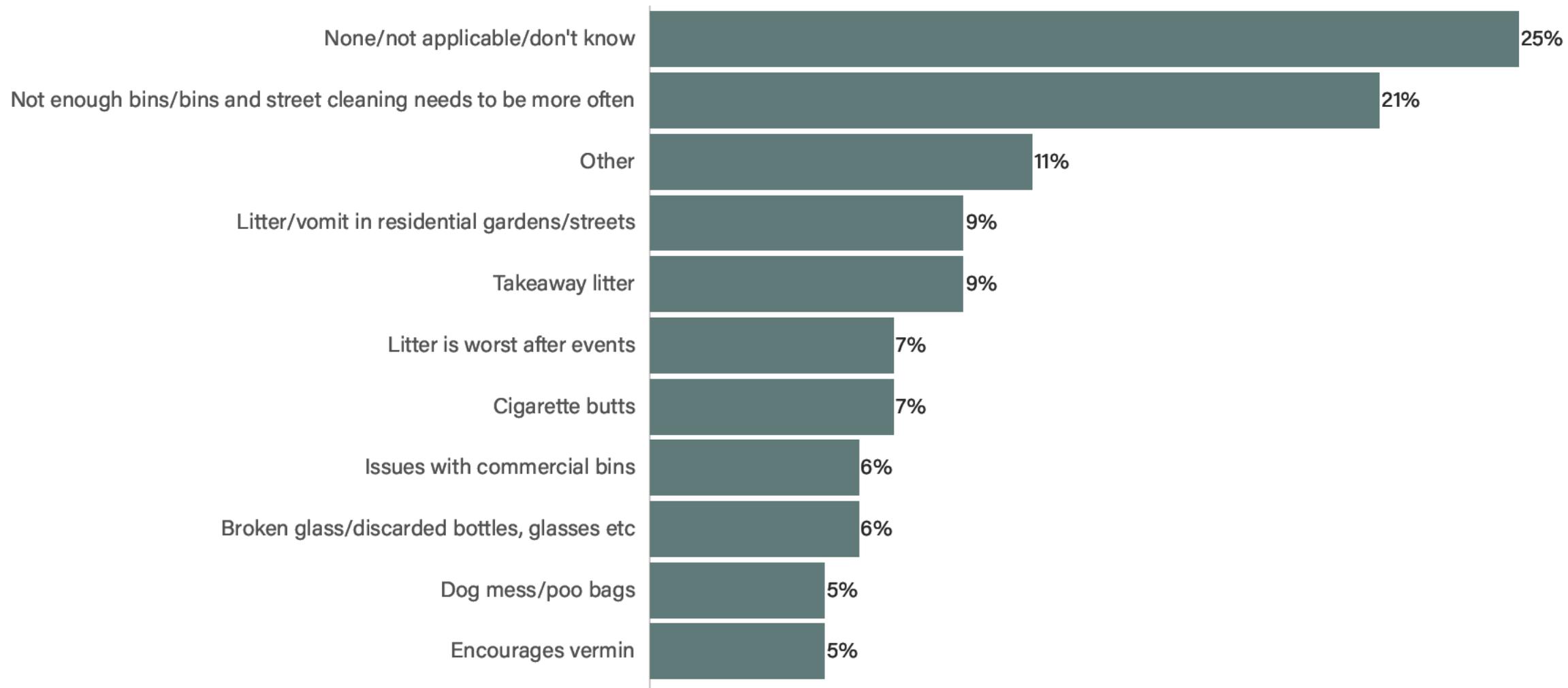
- Around two-fifths (42%) feel overflowing litter bins is a large/moderate problem
- Around a third (35%) see litter outside or near licensed premises as a large/moderate problem
- Over half of residents say the storage of commercial waste bins outside licensed premises is not at all a problem

No notable differences by different groups.

Base: all respondents answering as a member of the public = 335

Litter: Further feedback - key themes amongst comments on 'any other litter issues'.

102 answers were given to the open-text question, "Please tell us what other anti-litter issues, if any, should be considered.". These have been coded into themes, as shown in the following chart. Comments have been coded into themes, as shown in the following chart. One comment may be included in more than one theme, and only themes with 5% or more of responses are shown.



Base: all respondents answering as a member of the public and giving a response to the question = 102

Litter: Example comments for the most common themes.

Example comments from open-text survey responses.

None/don't know

- “ The council are brilliant at keeping tidy along with the Tossers litter group.
- “ None, well managed, a very clean town.

Litter/vomit in residential gardens/street

- “ Every weekend without fail I have litter, takeaway cartons and vomit in my front garden.
- “ Visitors and some local residents throwing waste food from takeaways and empty bottles bring left on my garden wall or in my hedge!
- “ Vomit and urine in shop doorways.

Not enough bins/street cleaning needs to be more often

- “ The state of Street cleaning in general is appalling.
- “ When it's busy the bins need emptying more frequently. It's stupid that it isn't already being done.
- “ Not enough waste bins generally in the town.

Takeaway litter

- “ Generally ok, but Clifton Square often left in a poor state at weekends due to takeaway shops.
- “ All the rubbish that is thrown out of cars visiting MacDonalds and other take aways, discarded coffee cups, the grass verges on the approach to Lytham are full of rubbish and the maintenance of that area is shocking along with the mud and leaves adding to the mess.

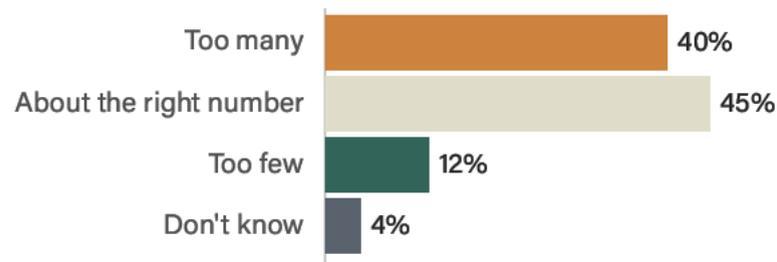
Venues: Most residents feel there are about the right number of each type of venue

However opinions are more mixed for family oriented venues, where just over 2 in 5 feel there are too few, and late night alcohol/music oriented bars with 2 in 5 saying there are too many.

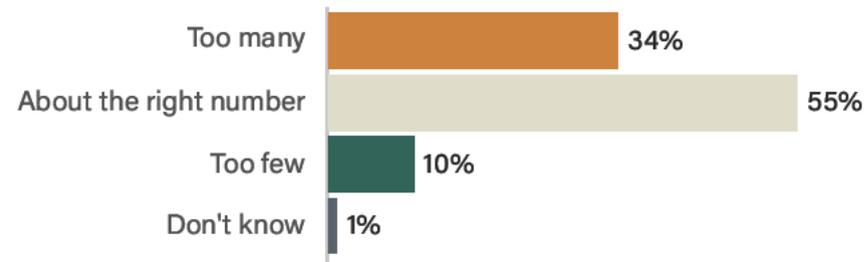
Q. What is your opinion on the number of each of the following types of venues in Lytham Town Centre?



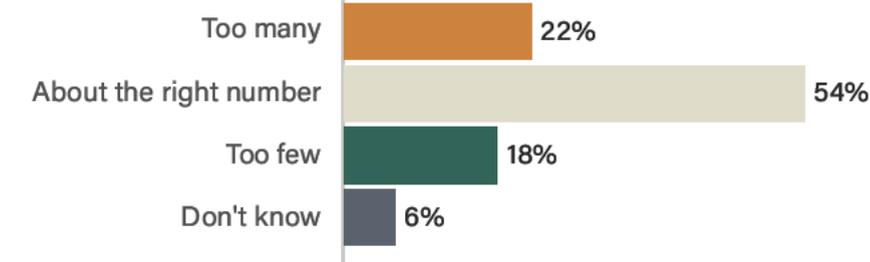
Late night alcohol/music oriented bars



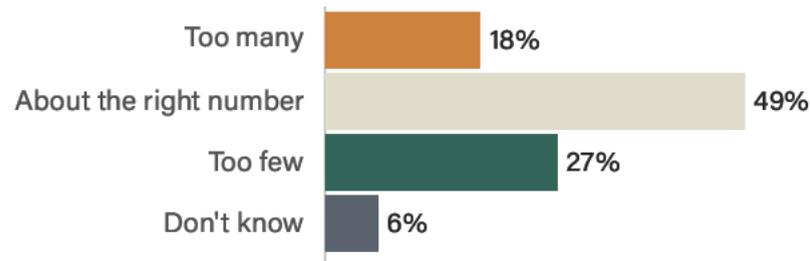
Food oriented premises



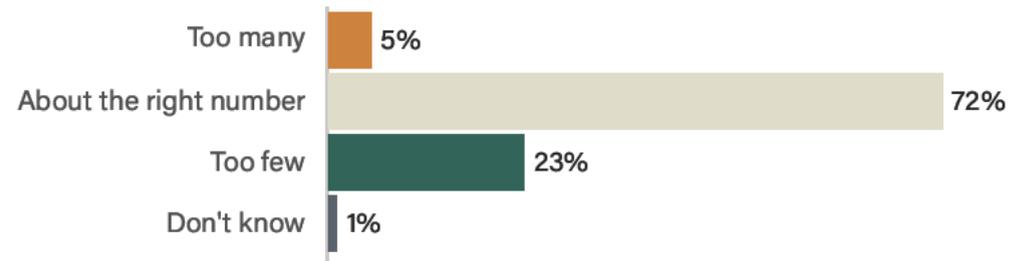
Late night food establishments*



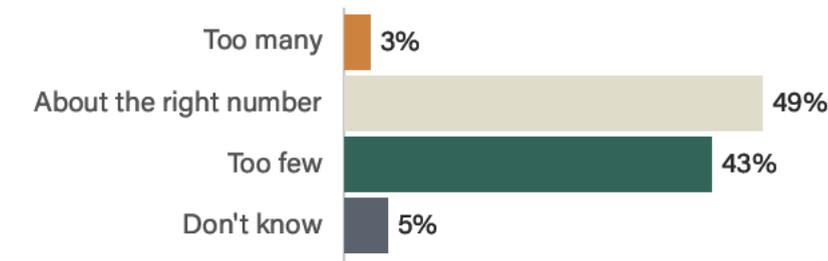
Live music venues



Traditional public houses



Family oriented venues



Base: all respondents answering as a member of the public = 335

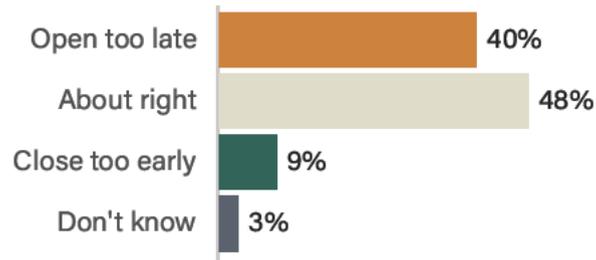
*Open later than 11pm

Venues: Most residents feel closing hours for venues are about right, although 2 in 5 feel late night alcohol/music oriented bars are open too late.

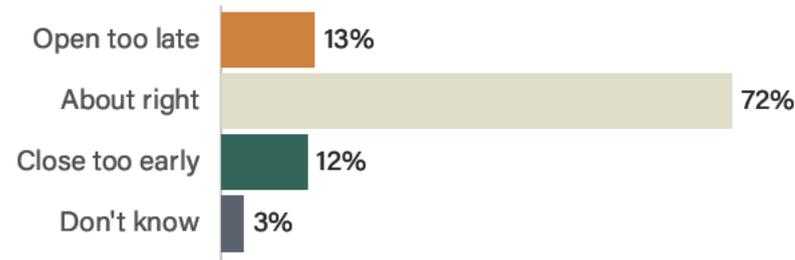
Q. How suitable do you feel the closing hours of food and alcohol outlets are for Lytham Town Centre?



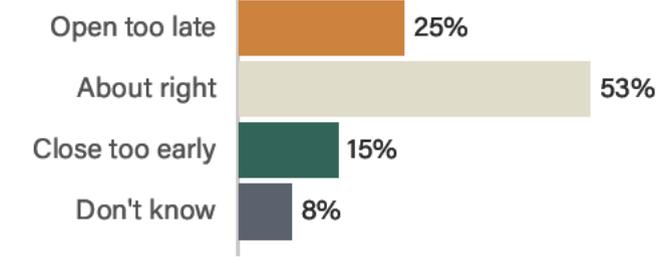
Late night alcohol/music oriented bars



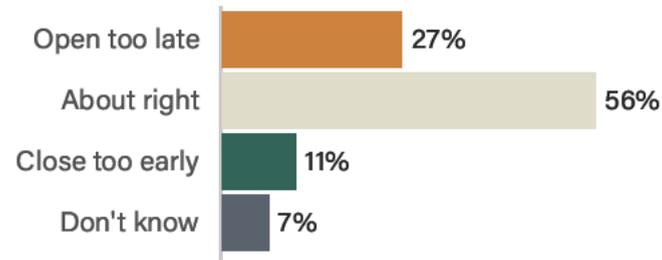
Food oriented premises



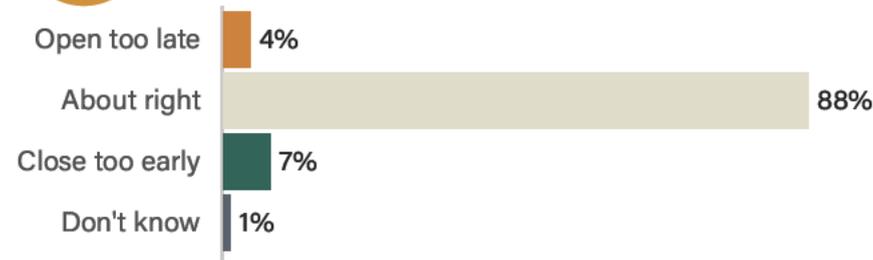
Late night food establishments*



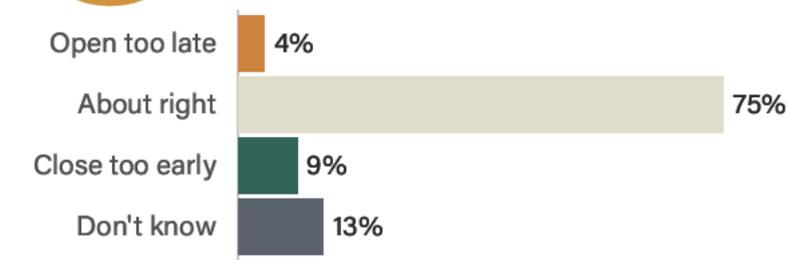
Live music venues



Traditional public houses



Family oriented venues

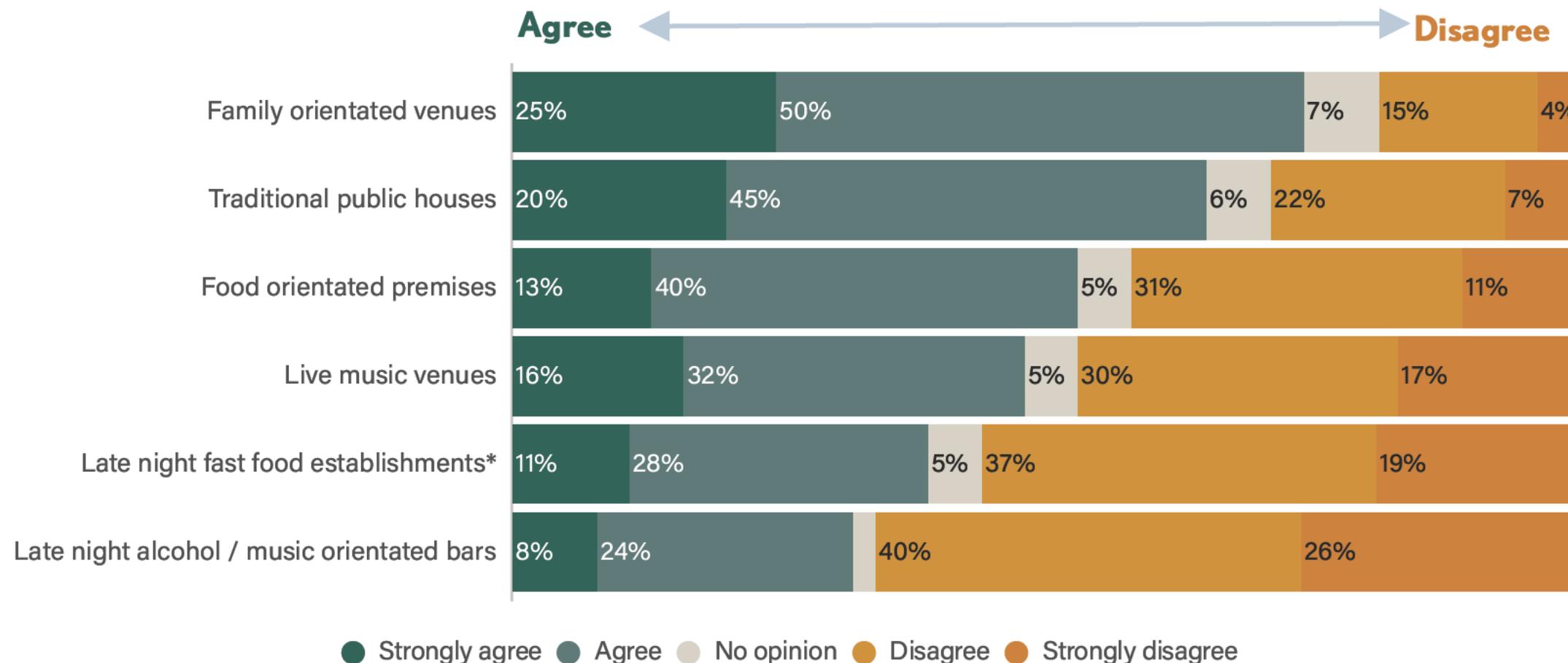


Base: all respondents answering as a member of the public = 335

*Open later than 11pm

Venues: Residents are most likely to agree with new family oriented or traditional pubs being opened and disagree with new late night alcohol/music oriented bars.

Q. To what extent do you agree or disagree with the following new premises being opened in Lytham Town Centre?



Observations

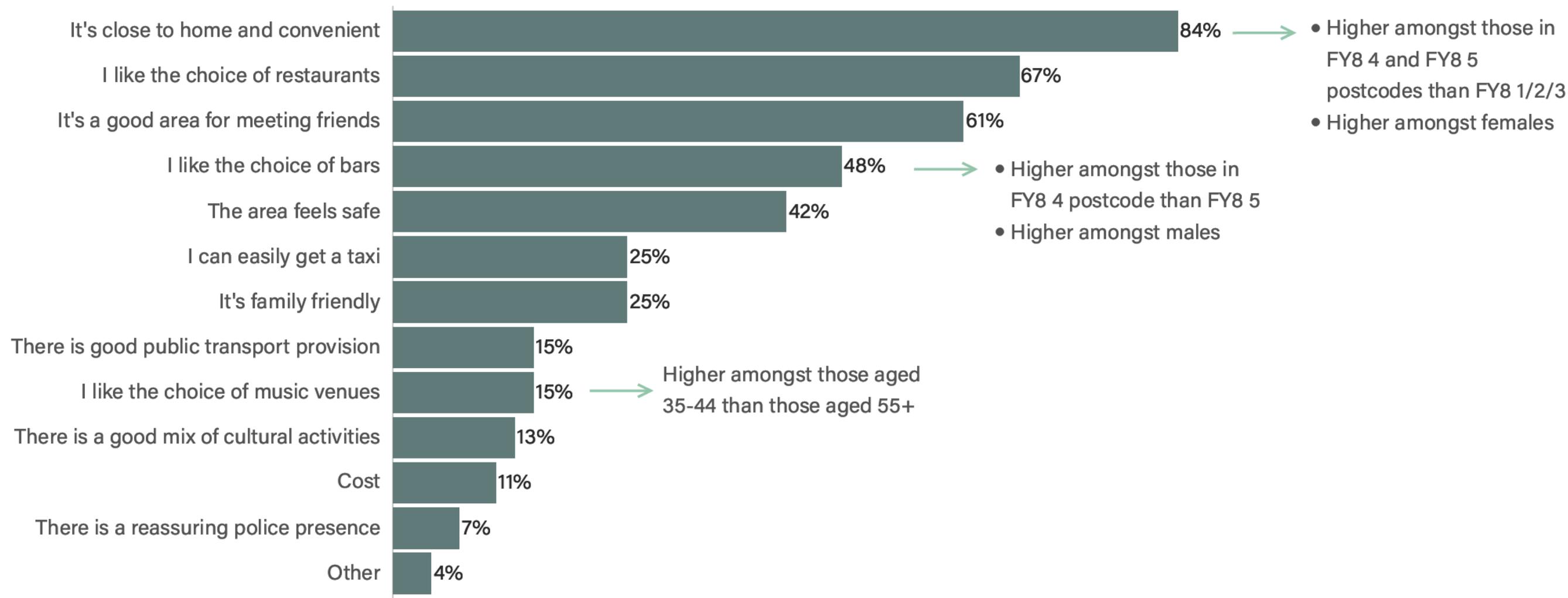
- Three-quarters agree with new family oriented venues being opened
- And 65% agree with new traditional public houses
- However, 76% disagree with new late night alcohol/music oriented bars
- And 56% disagree with new late night fast food establishments being opened

Base: all respondents answering as a member of the public = 335

*Open later than 11pm

After being close to home/convenient, the most important factor for residents when deciding to visit Lytham Town Centre for a night out is the choice of restaurants.

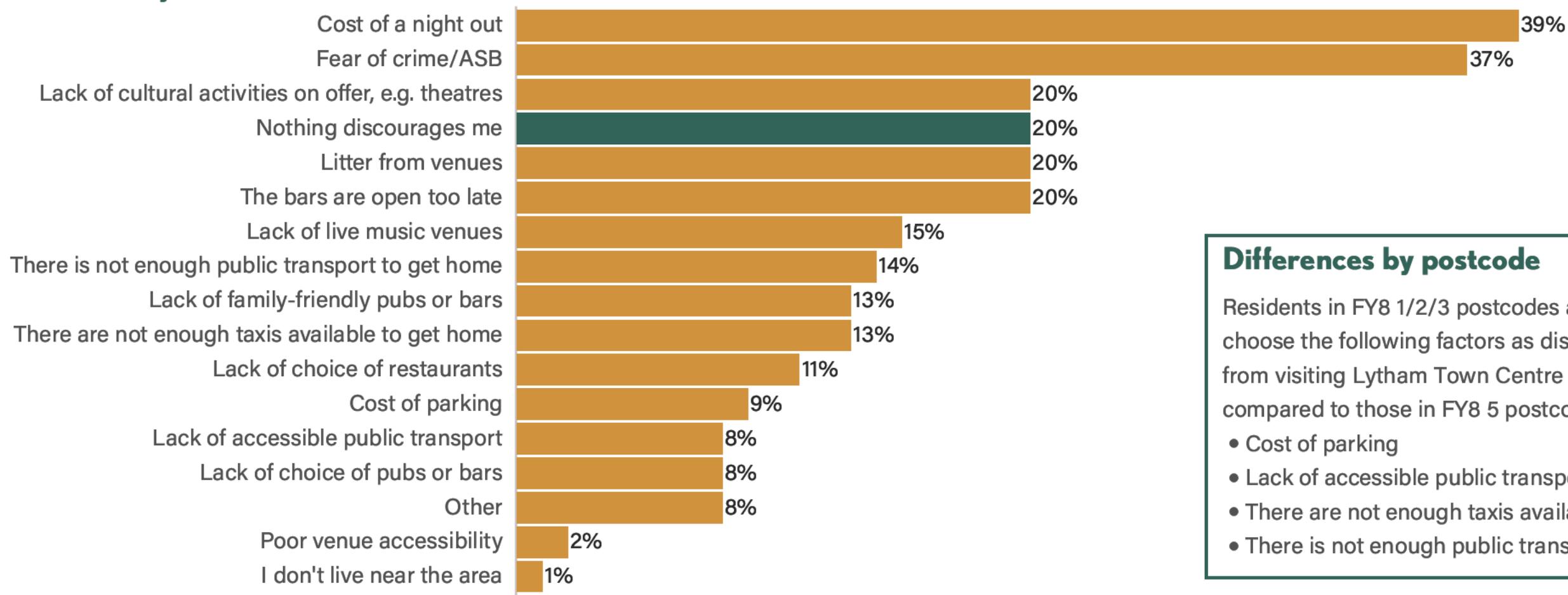
Q. When deciding to visit Lytham Town Centre for a night out, what is important to you?



Base: all respondents answering as a member of the public and giving a response to the question = 324

A fifth say nothing discourages them from choosing Lytham Town Centre for a night out, however cost is a factor for 39% and fear of crime/ASB for 37%.

Q. What factors, if any, discourage you from choosing Lytham Town Centre for a night out? You can choose as many factors as you consider suitable.



Differences by postcode

Residents in FY8 1/2/3 postcodes are more likely to choose the following factors as discouraging them from visiting Lytham Town Centre for a night out compared to those in FY8 5 postcode:

- Cost of parking
- Lack of accessible public transport
- There are not enough taxis available to get home
- There is not enough public transport to get home

Additional question text: We would like to know if there is anything that deters you from visiting Lytham for a night out. By 'night out' we mean an evening of recreation or leisure spent outside of the home e.g. eating, socialising or other entertainment activities. We want to hear from as many people as possible, so we can understand all viewpoints.

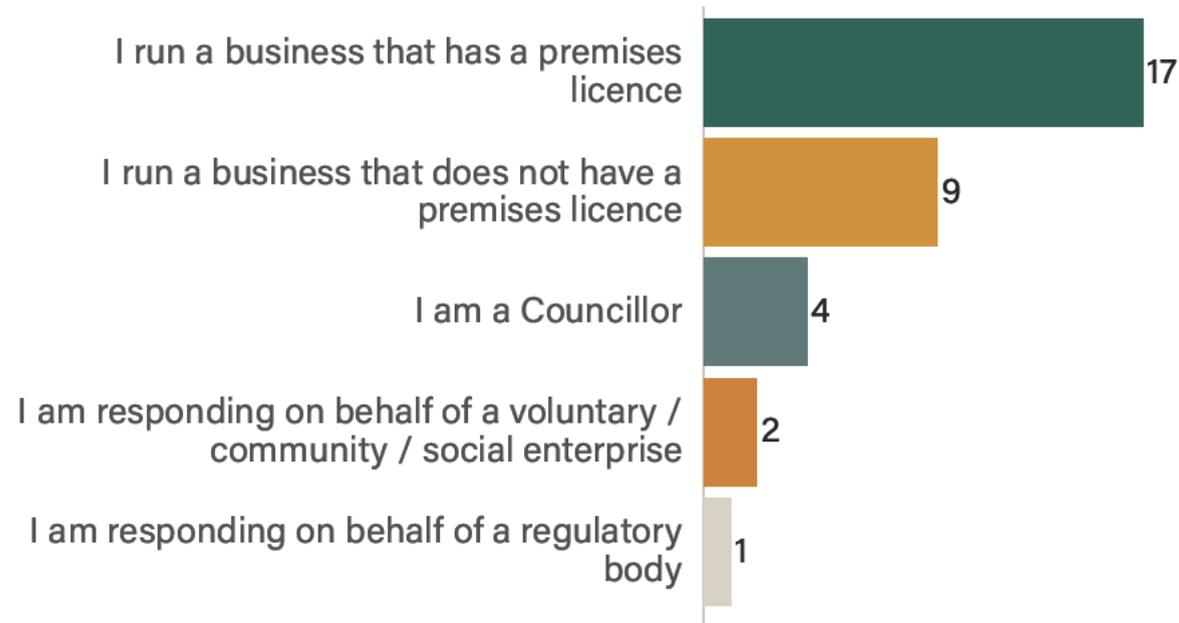
Base: all respondents answering as a member of the public and giving a response to the question = 334

Feedback from stakeholders.

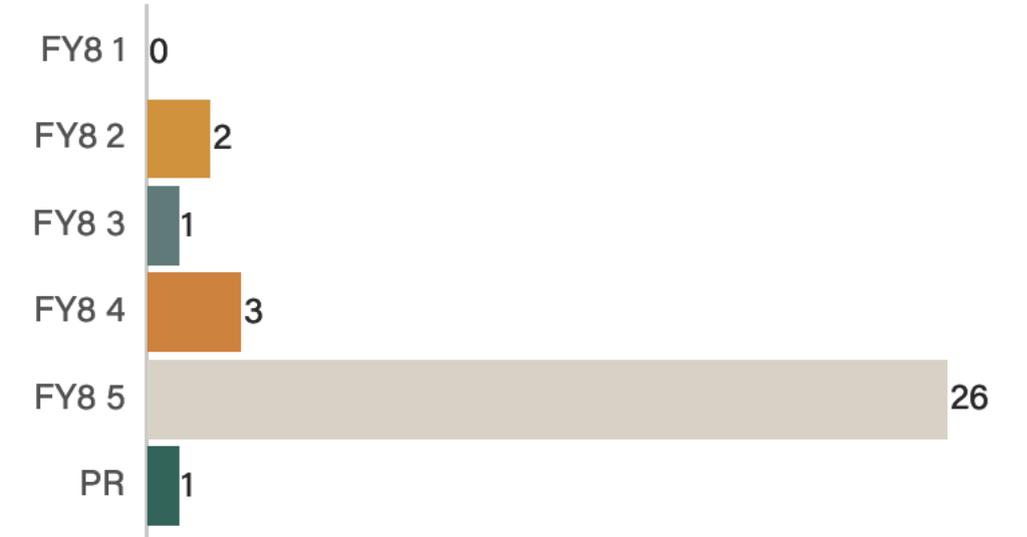
33 people answered the survey in another capacity.



33 people answered the survey in another capacity; of these 17 run a business that has a premises licence



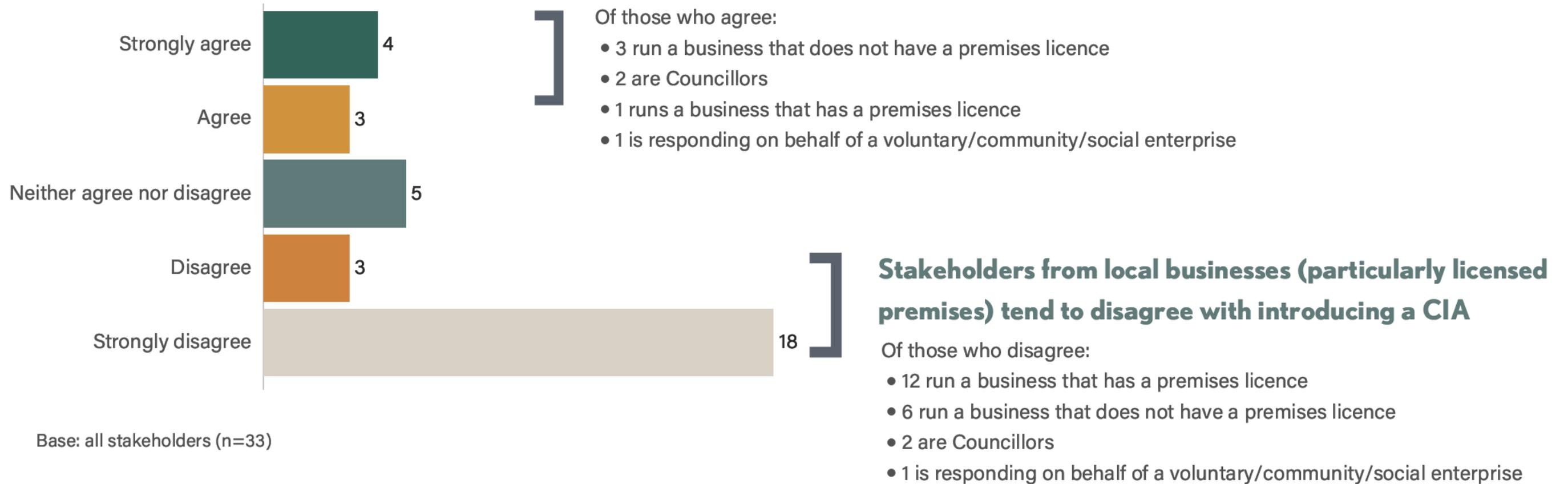
The majority of businesses or organisations that these individuals think may be affected by the CIA are within the FY8 5 postcode area



Base: all respondents who are not responding as a member of the public (n=33)

Survey respondents from local businesses, particularly licensed premises, generally disagree with introducing a CIA for Lytham Town Centre.

"To what extent do you agree or disagree with introducing a CIA for Lytham Town Centre?"



Additional question text: A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

Reasons given for agreeing or disagreeing with the introduction of a CIA.

All 33 stakeholders answered the subsequent open-text question "Please explain why". These answers have been grouped into key themes which are shown below with some example comments.

The majority of stakeholders (22 of 33) comment that they there is no need for a CIA/a CIA could have a negative impact on the area

- 

Currently the high street is thriving because of the hospitality venues found there. To stop further venues from opening would be shortsighted.
- 

Because Lytham is not a hot bed of crime. The night life adds to what is a bustling and thriving town centre and both retail day and night time economy must succeed for the symbiotic relationship to continue to thrive. This is one or two disgruntled residents trying to ruin the town for their personal gain - may I suggest they move if they dislike the town so much.
- 

We believe that the current licensing strategy is about right and provides the wider area with a great selection of venues with varying attributes. These all contribute to a thriving town centre which sets the bar for all of its competitors on the Fylde coast and wider afield.

A couple of stakeholders are unhappy with the current situation

- 

I believe we have reached saturation of premises with 2 town centre venues closed and up for let/sale, not enough law enforcement, very different atmosphere from day time to night time, number of venues attract groups into town for a night out rather than local people. Need a cooling off period to establish better licensing policies.
- 

Licensed premises are out of control

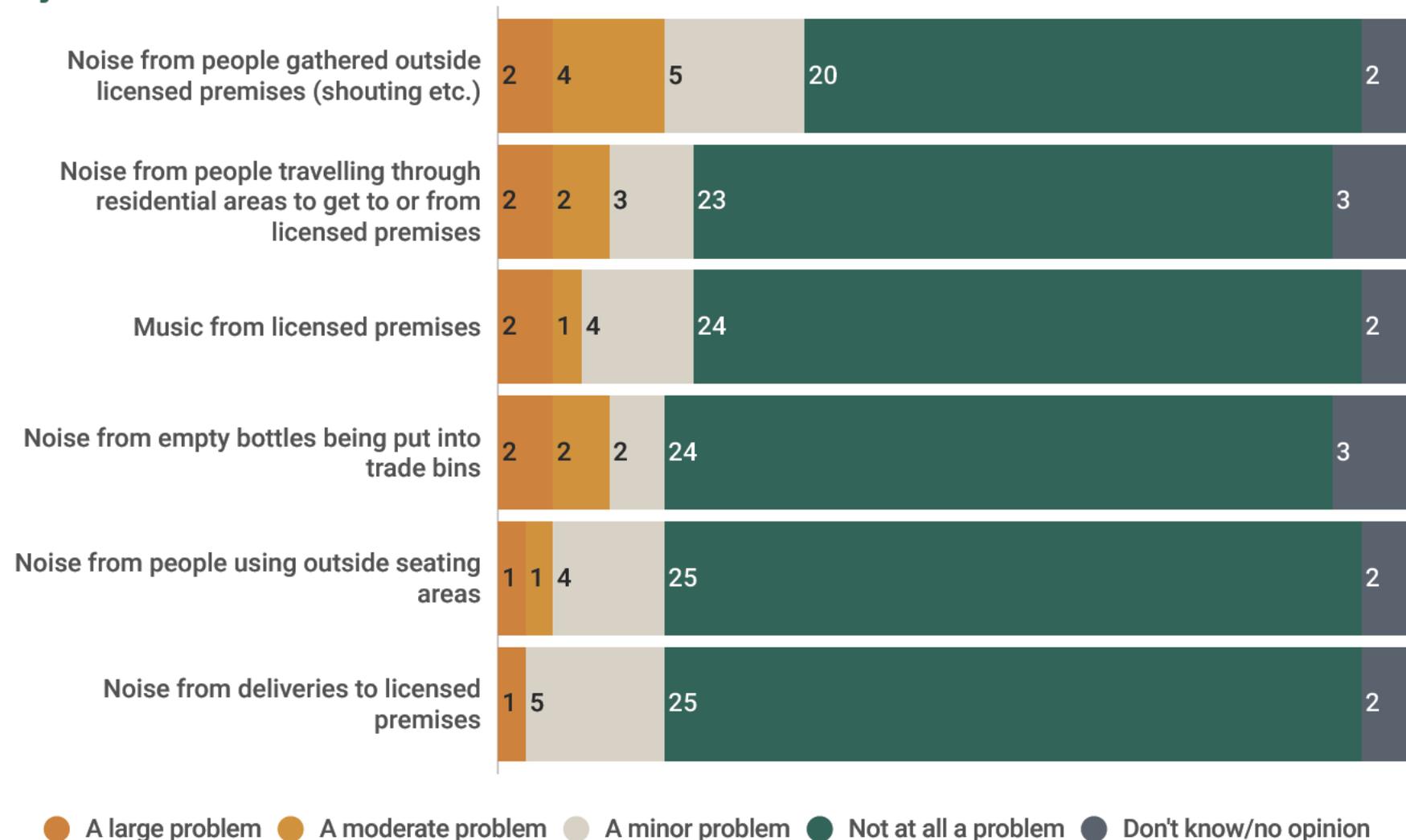
And some feel unable to comment

- 

Sorry I can't comment we open at 9 am at the earliest and close at 9pm we have had these opening hours for over 20 years. Therefore we don't see or hear of any of these problems. Except for once when we opened up to find graffiti on our wall.

Noise: the majority of stakeholders do not feel any of the noise issues are a problem.

Q. How much of a problem, if any, has the following caused for you in Lytham Town Centre?



● A large problem
 ● A moderate problem
 ● A minor problem
 ● Not at all a problem
 ● Don't know/no opinion

Base: all stakeholders (n=33)



Observations

Amongst respondents from licensed premises

- 11 of the 17 do not feel that any of the noise issues raised are a problem at all

Amongst respondents from business that do not have a licence:

- 6 of the 9 do not feel that any of the noise issues raised are a problem at all
- 8 do not see 'music from licenced premises' as a problem at all
- One feels all noise issues raised are a large problem

Other stakeholders:

- No-one rated any of the noise issues a large problem
- One Councillor chose 'not a problem at all' for all issues
- The individual responding on behalf of a regulatory body had no opinion/didn't know for all noise issues raised

Noise: example comments.

Example comments from open-text question on 'any other noise issues'

Stakeholders that run licensed premises

-  Literally the only issues regarding noise seem to be at kicking out time, 1 am onwards . People do eventually disperse but more of a police presence specifically at that time may help.
-  People getting in and out of Taxis down Henry street. Taxi ranking should queue the other way to take noise away from the residential area or re locate to outside assembly rooms facing to beach.
-  None, Lytham has a fantastic town centre with a great host of respectable venues.

Stakeholders that run businesses that do not have a licence

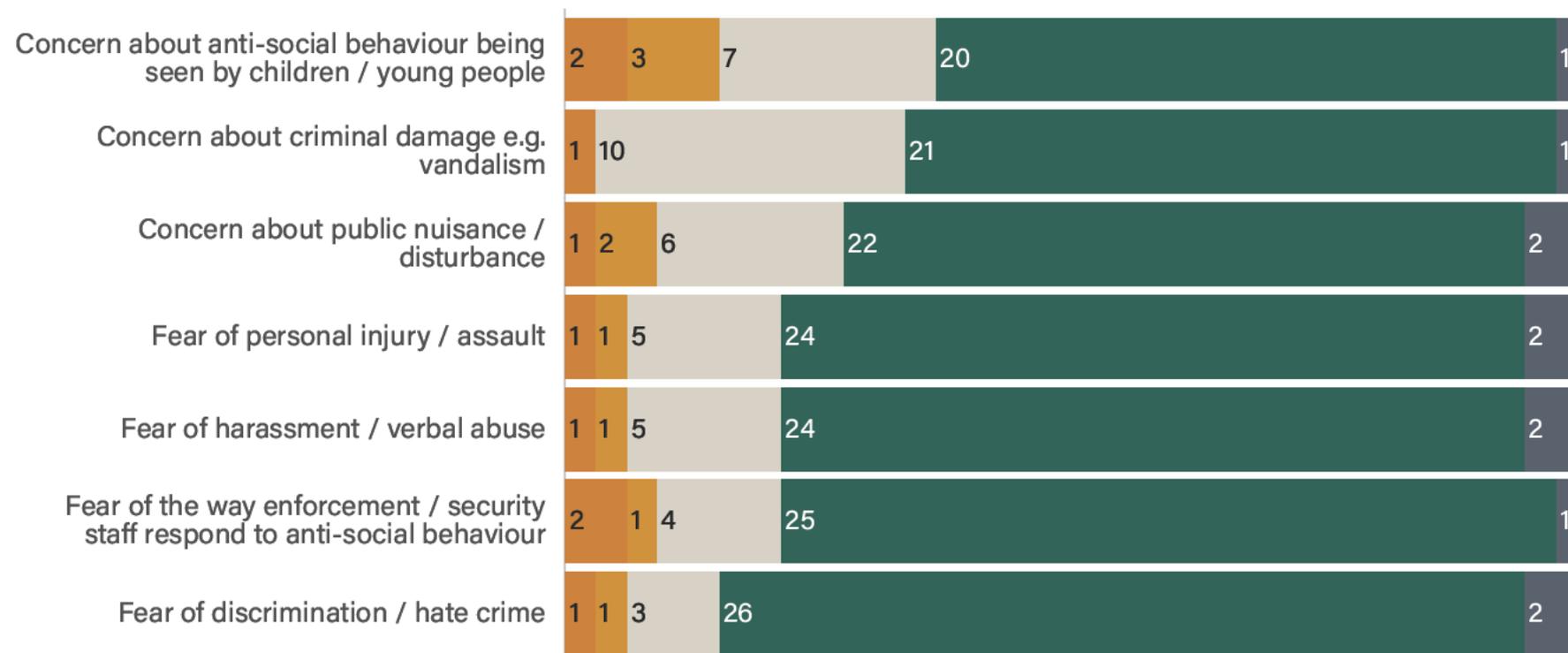
-  We have never encountered any noise issues. Any noises heard are those that one would expect in an active, thriving town centre.

Other stakeholders

-  Licensed premise projecting music into Clifton Square sometimes live. Powerful cars and motorbikes accelerating hard, in the case of motorbikes on Monday evenings. The manager at The Homestead says that [Venue A] is a continual emitter of late night music. Anecdotal evidence suggests that drug taking is visibly being taken at [Venue A]. Is there any "inspection" of premises to ascertain that the licensees are operating their licence within the terms of that license?

ASB: Stakeholders do not generally see ASB in Lytham Town Centre as a big problem.

Q. How much of a problem, if any, has the following caused for you in Lytham Town Centre? (this question asks you about aspects of anti-social behaviour)



● A large problem ● A moderate problem ● A minor problem ● Not at all a problem ● Don't know/no opinion

Base: all stakeholders (n=33)



Observations

Amongst respondents from licensed premises

- 12 of the 17 do not feel that any of the ASB issues raised are a problem at all

Amongst respondents from business that do not have a licence:

- 3 of the 9 do not feel that any of the ASB issues raised are a problem at all
- One feels all ASB issues raised are a large problem

Other stakeholders:

- One Councillor chose 'not a problem at all' for all issues
- The individual responding on behalf of a regulatory body had no opinion/didn't know for all noise issues raised

Of all stakeholders, five have had personal experience of ASB behaviour in Lytham Town Centre.

ASB: example comments.

Example comments from open-text question on 'any other anti-social behaviour issues'

Stakeholders that run licensed premises

“ I can't recall ever seeing any anti social behaviour in Lytham and we practice precautionary measures in our establishment by employing door staff at weekends and having a zero tolerance policy to drug use.

Stakeholders that run businesses that do not have a licence

“ The car park behind the salon - soiled underwear, rubbish being left and phone lines being cut etc. bottles of beer left.

“ I object to scaremongering notices on public posts last summer indicating Lytham has drug and violence issues. This is intimidating and deters tourists and day trippers.

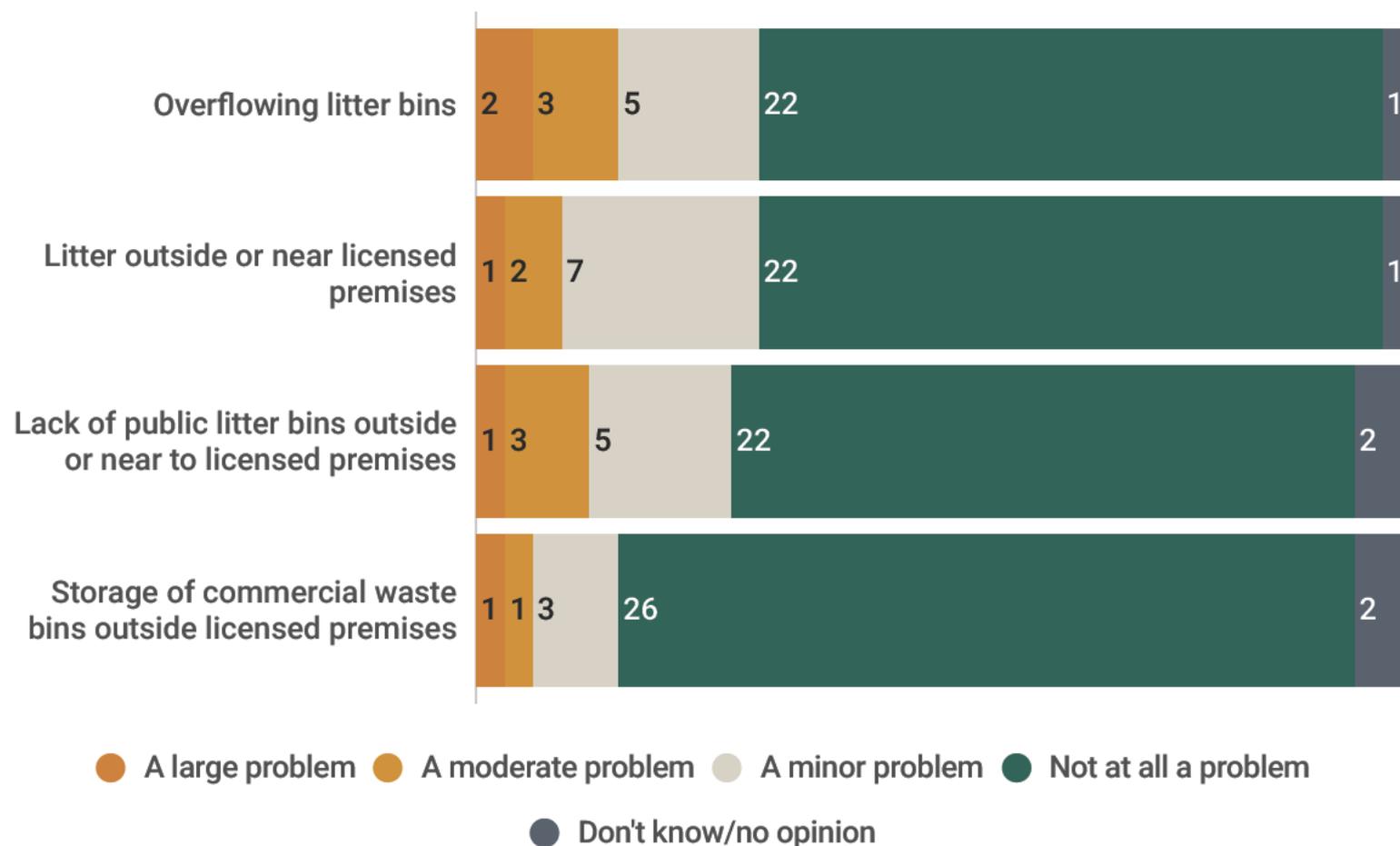
“ Cocaine use in the town is ridiculous.

Other stakeholders

“ Lytham operates in two ways morning to 9 pm and thereafter. Most of the problems occur in the night time culture normally related to drugs and drink. Unfortunately most people of a certain age who have influence to resolve these problems are not around to witness what is going on in this free for all environment. I suggest that the licensing committee make it their business to visit our town to witness what exactly is going on and come to some consensus as to what is needed. Granting extended licenses during The Festival is totally inappropriate.

Litter: two-thirds of stakeholders do not feel litter issues raised are a problem.

Q. How much of a problem, if any, has the following caused for you in Lytham Town Centre? (this question asks you about aspects of litter)



Base: all stakeholders (n=33)



Observations

Amongst respondents from licensed premises

- 14 of the 17 do not feel that any of the litter issues raised are a problem at all

Amongst respondents from business that do not have a licence:

- 3 of the 9 chose 'not a problem at all' for all litter issues
- One feels all litter issues raised are a large problem

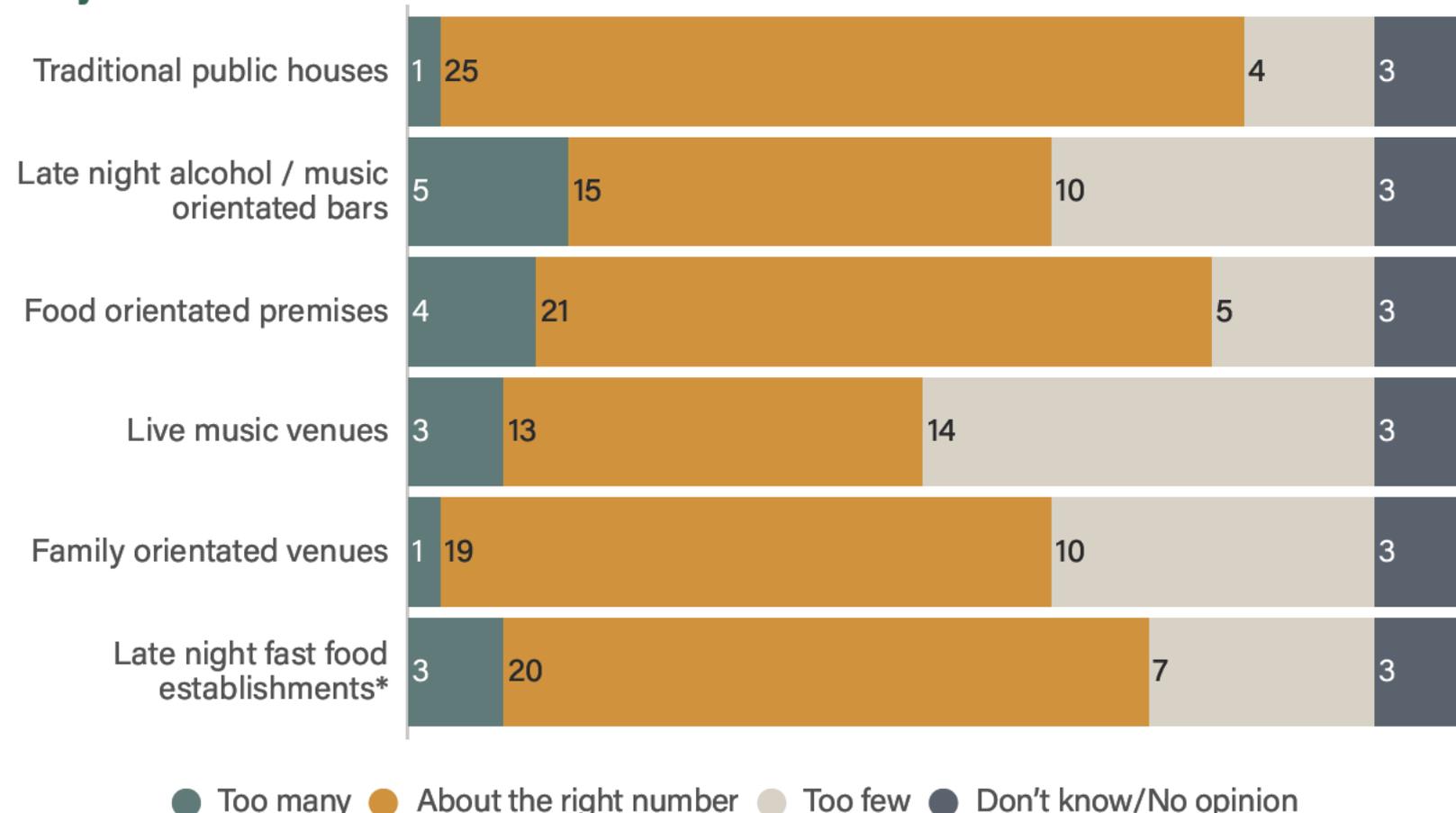
Other stakeholders::

- No-one rated any of the litter issues a large problem
- The individual responding on behalf of a regulatory body had no opinion/didn't know for all noise issues raised

Venues: Most stakeholders feel there are about the right number of most venue types.

Opinions are more mixed for live music venues and late night alcohol/music orientated bars, with several feeling there are too few

Q. What is your opinion on the number of each of the following types of venues in Lytham Town Centre?



Observations

Respondents who run businesses with a premises licences feel there are the right number of most types of venues, although eight feel there are too few live music venues and six feel there are too few late night alcohol/music orientated bars.

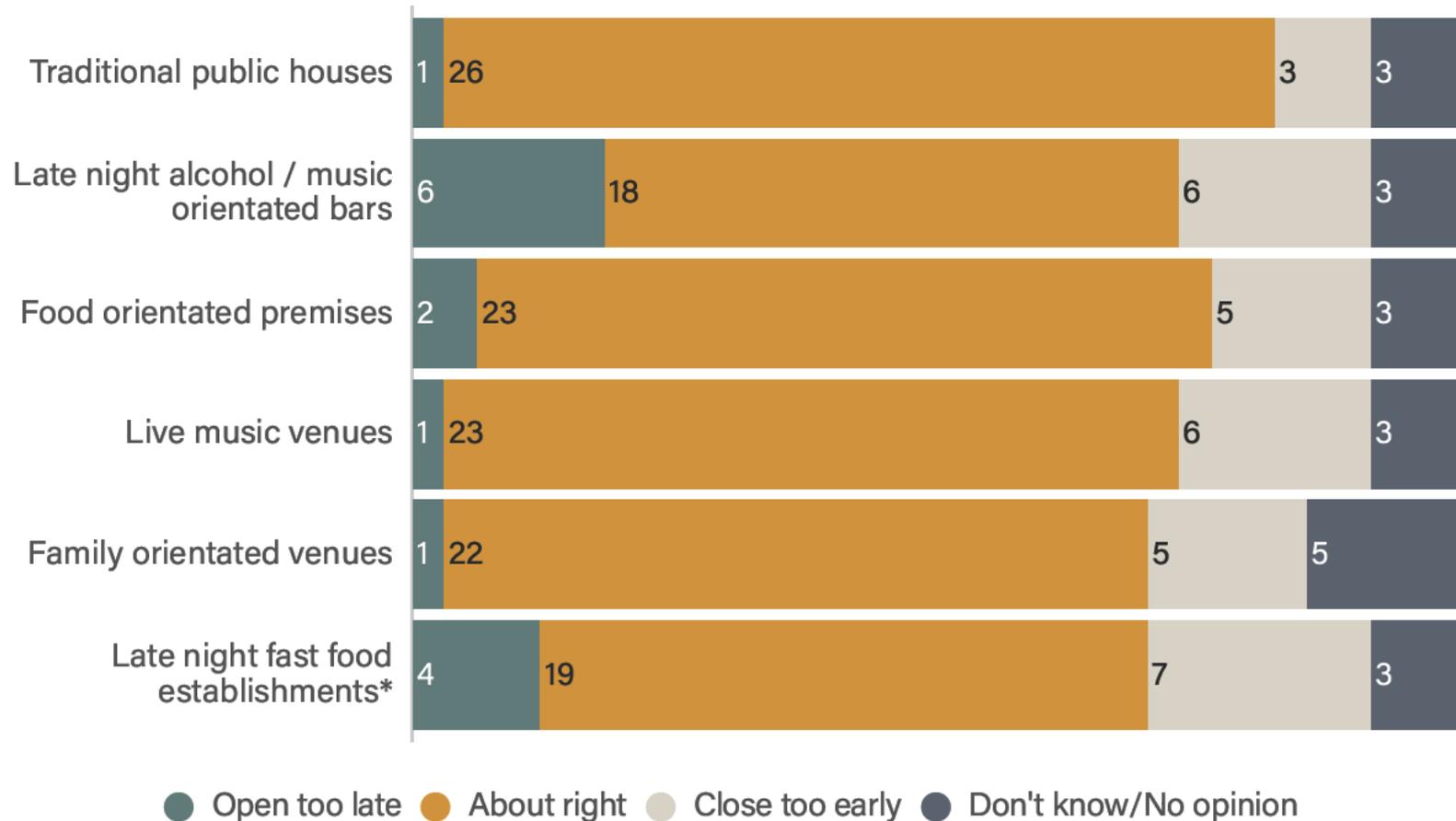
Amongst the nine respondents who run businesses that do not have a premises licence, four feel there are too few live music venues and family orientated venues.

With the exception of the individual responding on behalf of a regulatory body (who answered 'don't know/no opinion' for all), amongst the other stakeholders, all feel there are the right number of traditional public houses and food orientated premises. Three of the seven feel there are too few family-oriented venues.

Base: all stakeholders (n=33)

Venues: Closing hours of different venue types in Lytham Town Centre are generally considered to be about right.

Q. How suitable do you feel the closing hours of food and alcohol outlets are for Lytham Town Centre?



Observations

Most respondents who run businesses with a premises licences feel the opening hours are about right for each type of venues, although five feel late night alcohol/music orientated bars close too early.

Most respondents who run businesses that do not have a premises licence feel the opening hours are about right for all venues; three say late night fast-food establishments close too early.

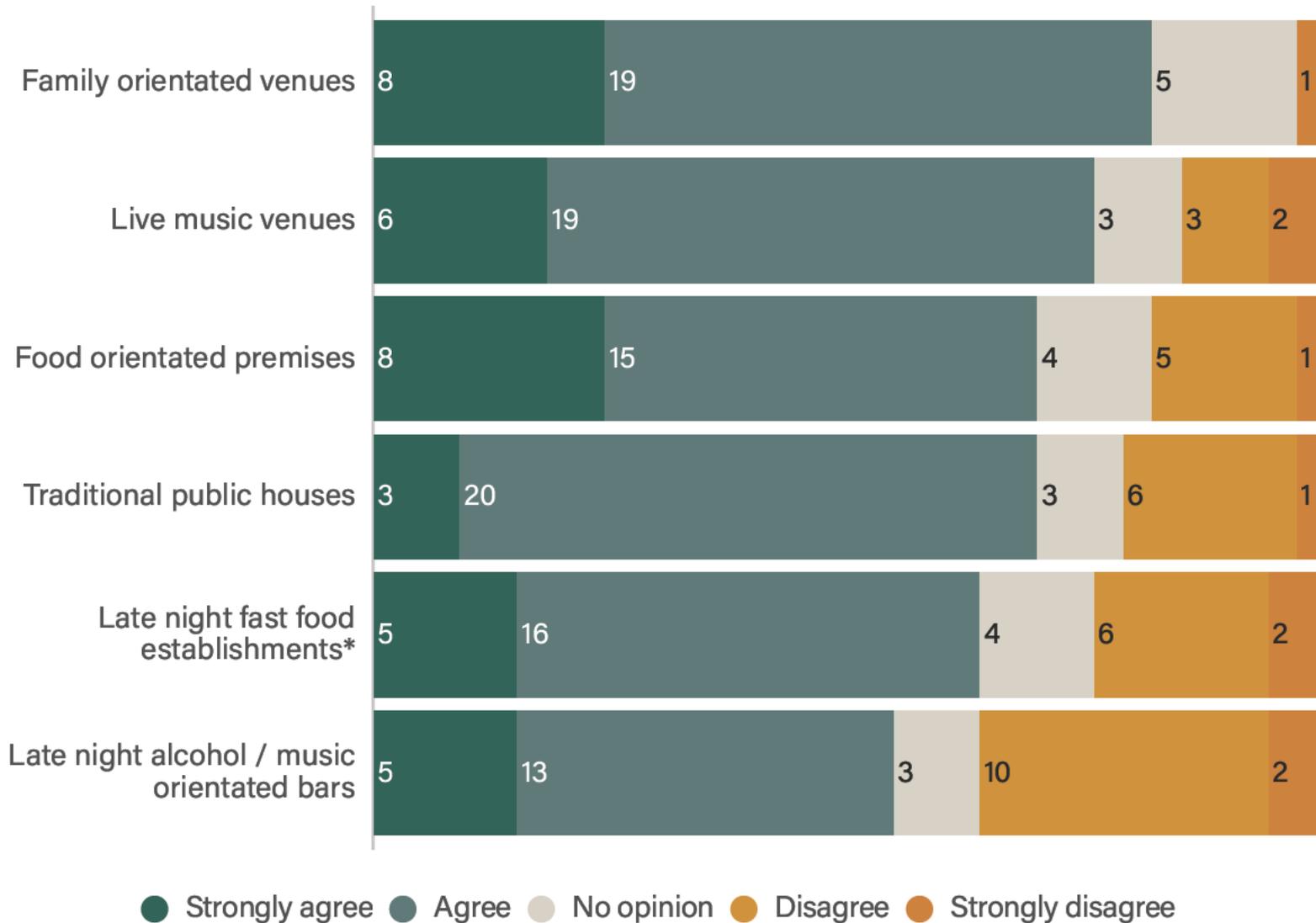
With the exception of the individual responding on behalf of a regulatory body (who answered 'don't know/no opinion' for all), feel the late night alcohol/music orientated bars are open too late.

Base: all stakeholders (n=33)

*Open later than 11pm

Venues: Stakeholders generally agree with most new premises being opened.

Q. To what extent do you agree or disagree with the following new premises being opened in Lytham Town Centre?



Base: all stakeholders (n=33)



Observations

Overall, respondents who run businesses with a premises licences agree with all types of new venues being opened in Lytham Town Centre; in particular, they agree with more family oriented venues and traditional public houses being opened.

Amongst the other stakeholders, all four Councillors disagreed with new traditional public houses, late night alcohol/music oriented bars and late night fast food establishments being opened; their opinions are spilt for new live music venues and food oriented premises.

Two people responded on behalf of a voluntary/community/social enterprise: one agreed with all types of premises stated being opened, the other had no opinion on all.

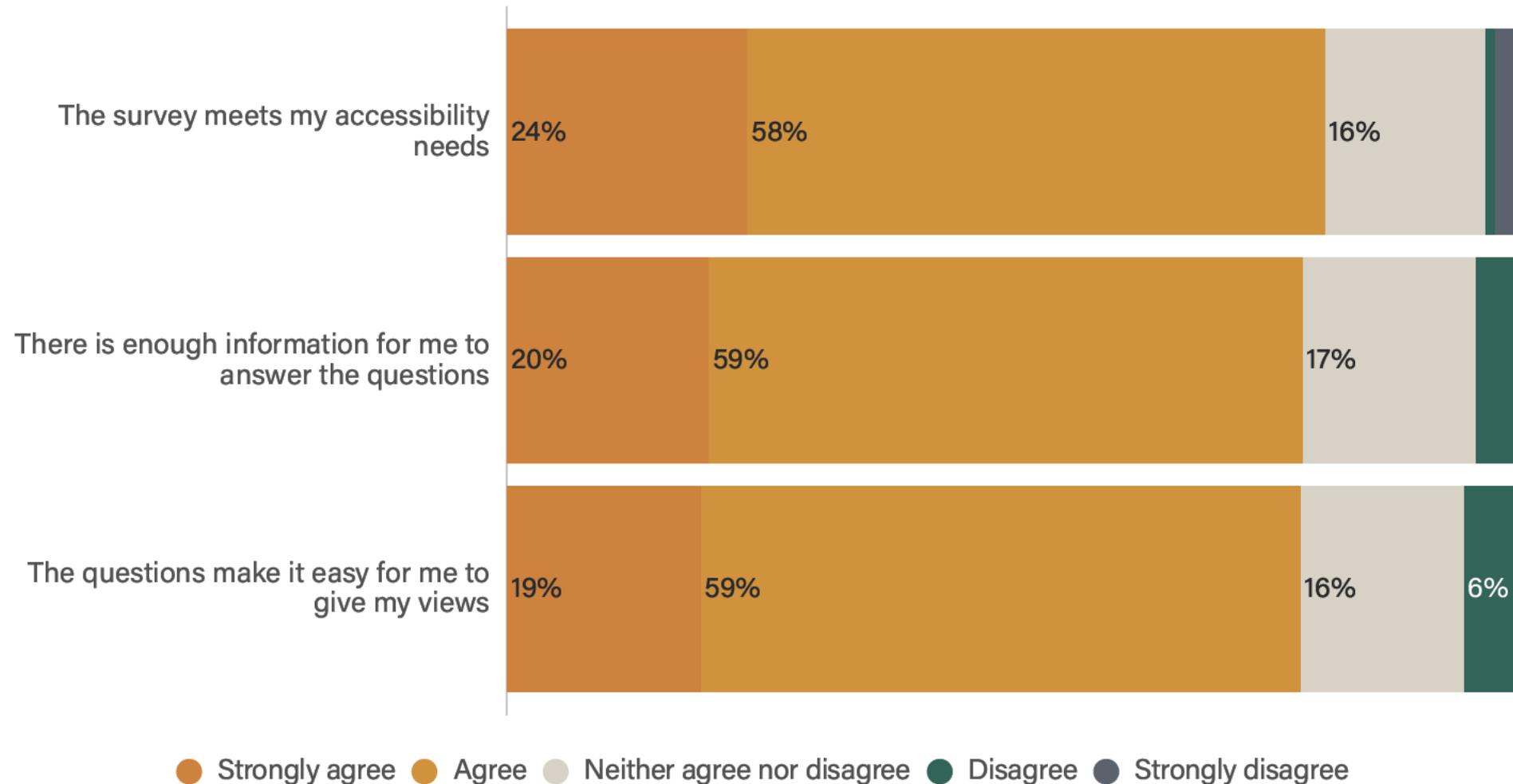
The individual responding on behalf of a regulatory body did not have an opinion/didn't know for all venue questions.

*Open later than 11pm

Survey feedback.

Survey feedback: Respondents did not feel there were any issues with the survey.

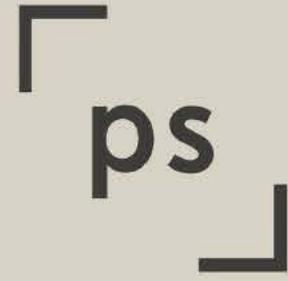
Q. Please tell us if you agree or disagree with the following statements. We want to make sure our surveys are as good as possible.



Comments relating to the consultation from open-ended questions

- You need public support but a random survey through social media is not very scientific and will not give accurate feedback!
- Too few people will respond and it will be severely biased by those people that constantly moan about these type of premises.
- Need to know more about a CIA: how it's formed, how it's managed and by who.
- It is not clear to me what the purpose or function of a CIA is, what it would do and how it would improve things.

Base: all respondents = 361



ps research

Report by Emma Slater and Adam Pearson.

psresearch.co.uk | hello@psresearch.co.uk

Fylde – Alcohol related crime and Anti-Social Behaviour 2023

The below information has been extracted from Lancashire Constabulary's crime and incident recording systems.

All crime and anti-social behaviour incidents have been extracted for the period 1st January 2023 to 31st December 2023, that are alcohol related.

Crime – there is an alcohol marker placed on the crime if the victim/suspect/both are known to be under the influence at the time of the offence.

Anti-social behaviour – a marker is placed on the log if it is known that alcohol is involved at the time of the incident. Also, free text searching within the report is undertaken to ensure a more complete dataset. The hour for ASB is when the incident is reported/recorded.

CRIME			ASB		
Hour	Fylde	FY8 5	Hour	Fylde	FY8 5
0	36	9	0	6	0
1	35	5	1	8	3
2	17	2	2	6	2
3	17	2	3	1	0
4	10	1	4	3	1
5	9	0	5	3	0
6	7	0	6	1	0
7	2	0	7	2	0
8	3	0	8	0	0
9	5	1	9	4	0
10	7	0	10	0	0
11	5	1	11	4	0
12	10	1	12	3	0
13	11	1	13	5	1
14	7	1	14	4	1
15	11	3	15	10	4
16	11	3	16	13	0
17	22	0	17	8	0
18	17	0	18	9	2
19	27	1	19	13	3
20	20	0	20	13	0
21	28	1	21	11	2
22	42	8	22	13	2
23	37	10	23	20	1
Not stated	14	1			
Total	410	51	Total	160	22

Date	Premises	Application	Proposed Activities & Hours	Comments
5 th January 2024	County Hotel Church Road Lytham	Minor Variation	To amend the layout plans linked to the premises licence. No change to licensable activities	Approved as applied for
19 th October 2023	Lytham Festival Event site Lytham Green Lytham Lytham West Ward	New	Supply of Alcohol Monday – Sunday 12.00 – 23.00 Regulated Entertainment <i>Plays, Films, Live Music, Recorded Music and Performances of Dance and entertainment of a similar description</i> Monday – Sunday 12.00 – 23.00 Late night refreshment Monday to Sunday 23.00 – 23.30 The application is for a new Premises Licence for the Lytham Green Event Site to increase the proposed capacity from 19,999 to 25,000. If the Premises Licence is granted the existing Premises Licence for the Lytham Green Event Site (FY PL00502) will be surrendered and the approved licence take effect for five consecutive event days each calendar year.	Representations received – licensing hearing arranged for 4 th December 2023

5 th October 2023	Fig and Olive Ground Floor The Old Bakery Green St Lytham St Annes Lytham West Ward	New	Supply of alcohol Monday to Sunday 10.00 – 23.00	Approved with mediated conditions
12 th September 2023	Marvins Henry St Lytham Lytham West Ward	Minor Variation	The purpose of the application is to add conditions relating to the protection of children from harm including a requirement for a Challenge 25 Police, and restrictions on under 18's entering the premises. No change to licensing activities or hours	Approved as applied for
6 th September 2023	The Rooms 35 Church Road Lytham Lytham West Ward	Minor Variation	No change to licensable activities Removal of restrictions in relation to opening hours of café/restaurant Amendment to restriction on supply of alcohol to non-residents Variation of Condition 2.2 on premises licence & CCTV condition offered	Approved as applied for
25 th July 2023	Pizza Express 82a Clifton St Lytham Lytham West Ward	Minor variation	To vary the lay out the premises The alterations comprise:- <ul style="list-style-type: none"> • Reconfiguration to pizzaiola area. • Counter (dispense bar) relocated to the right side of the premise. • Low wall added opposite the deserts & dispense bar. Reconfiguration to lobby door near the main entrance. No change to licensable activity	Approved as applied for

7 th June 2023	The Old Bakery (ex Neil Marshall Hair Salon) Green Street Lytham Lytham West Ward	New	<p>Supply of alcohol Sunday to Thursday 12.00 – 00.00 Friday & Saturday 12.00 – 01.00</p> <p>Regulated Entertainment (Dance, live & recorded music) Sunday to Thursday 12.00 – 00.00 Friday & Saturday 12.00 – 01.00</p> <p>Late Night Refreshment Sunday to Thursday 23.00 – 00.00 Friday & Saturday 23.00-01.00</p>	Representations Received – Application rejected (failure to advertise correctly)
28 th February 2023	Lytham Festival Event site Lytham Green Lytham Clifton Ward	New	<p>Supply of Alcohol Monday – Sunday 12.00 – 23.00</p> <p>Regulated Entertainment <i>Plays, Films, Live Music, Recorded Music and Performances of Dance and entertainment of a similar description</i> Monday – Sunday 12.00 – 23.00</p> <p>Late night refreshment Monday to Sunday 23.00 – 23.30</p> <p>The application is for a new Premises Licence for the Lytham Green Event Site to increase the proposed capacity from 19,999 to 29,999. If the Premises Licence is granted the existing Premises Licence for the Lytham Green Event Site (FY PL0415) will be surrendered.</p>	Awaiting comment Representations received, to be heard by a licensing panel on 26 th April
17 th November 2022	Coffee Bean 77 Clifton Street Lytham Clifton Ward	Minor Variation	<p>To amend conditions on licence</p> <p>No change to licensable activities</p>	Approved as applied for

22 nd August 2022	Divino Clifton Walks Lytham Clifton	New	Supply of alcohol Monday – Sunday 09.00-22.00	Approved with mediated conditions
5th July 2022	The Courtyard 2 Queen Street Lytham St Annes Clifton Ward	Variation	Extend the opening times of the premises as follows – Monday to Sunday 08.30 – 22.30 Extend the times for supply of alcohol as follows - Monday to Sunday 08.30 – 22.00 Remove condition 3.1 from the premises licence	Representations received – to be considered by Licensing Panel 11th August 2022 Granted subject to reduction in hours applied for
19 th May 2022	75 Clifton Street Lytham Clifton Ward	New	Supply of Alcohol Sunday to Thursday 07.00 – 00.00 Friday and Saturday 07.00 – 01.00 Live music Sunday to Thursday 10.00 – 00.00 Friday and Saturday 10.00 – 01.00 Recorded music Sunday to Thursday 10.00 – 00.00 Friday and Saturday 10.00 – 01.00 Late night refreshment Sunday to Thursday 23.00 – 00.30 Friday and Saturday 23.00 – 01.30	Representations received, to be considered by Licensing Panel on 14 th July 2022 Approved subject to additional conditions and reduction in hours

31 st January 2022	Apex Cycleworks Bath Road Lytham Clifton Ward	New	Supply of Alcohol Monday to Sunday 10.30 – 22.30	Representations received, hearing scheduled for 28 th March 2022. Representation withdrawn, application approved.
19 th July 2021	Live Nation Ltd Lytham Green (Proms) Lytham Clifton Ward	New	<p>Supply of Alcohol Monday – Sunday 12.00 – 23.00</p> <p>Regulated Entertainment <i>Plays, Films, Live Music, Recorded Music and Performances of Dance and entertainment of a similar description</i> Monday – Sunday 12.00 – 23.00</p> <p>Late night refreshment Monday to Sunday 23.00 – 23.00</p> <p>The application is for a new Premises Licence for the Lytham Green Event Site to take effect for 10 (ten) event days within a 2 (two) week period in 2022 and for a capacity of 19,999. If the Premises Licence is granted in the terms applied for and subsequently operated for the event, the existing Premises Licence for the Lytham Green Event Site (FY PL0415) will not be operated in 2022.</p>	<p>Representations received, to be referred to Licensing Panel.</p> <p>Approved as submitted</p>

10 th May 2021	Bosco Shambles Dicconson Terrace Lytham Clifton Ward	New	Supply of Alcohol Monday – Sunday 09.00 – 23.00 Regulated entertainment <i>Recorded music</i> <i>Friday and Saturday 23.00 – 23.30</i>	Approved
29 th March 2021	Lytham Hall Event Site Ballam Road Lytham Clifton Ward	New Limited to 6 event days in any calendar year	Supply of Alcohol Monday – Sunday 12.00 – 23.00 Regulated entertainment Plays, Films, Recorded Music, Live Music, Performances of Dance and Entertainment of a similar description Monday to Sunday 12.00 – 23.00 Late Night Refreshment Monday to Sunday 23.00 – 23.300	Representations received, hearing to be arranged
25 th March 2021	Savers Clifton Street Lytham Clifton Ward	Minor variation	Change premises layout No change to licensable activities	Approved
24 th March 2021	Lowther Gardens (Lytham) Management Ltd Lowther Gardens (outside) West Beach Lytham Clifton Ward	Variation	To add the Supply of Alcohol Monday – Saturday 10.00 – 22.30 Sunday 10.00 – 22.00	Approved subject to reduction in hours to Monday to Sunday 10.00 – 21.00

24 th March 2021	Clifton Arms Hotel West Beach Lytham Clifton Ward	Minor variation	Change layout of ground floor and remove redundant conditions No change to licensable activities	Approved
16 th March 2021	Novello 9 Clifton Street Lytham Clifton Ward	Minor variation	To amend conditions on licence To allow for the sale of alcohol for consumption on and off the premises No change to times	Approved
10 th March 2021	Central Beach 46 Clifton Street Lytham Clifton Ward	Minor variation	To amend conditions on licence No change to licensable activities or times	Approved
1 st March 2021	The Hop Shoppe 15 Clifton Street Lytham Clifton Ward	New	Supply of Alcohol Monday – Sunday 10.00 – 23.30	Application withdrawn
23 rd February 2021	Pepes 53 Clifton Street Lytham Clifton Ward	New	Supply of Alcohol Monday – Sunday 08.30 – 00.00 Late night refreshment Monday – Sunday 23.00 – 00.00	Approved

8 th February 2021	Pepes 53 Clifton Street Lytham Clifton Ward	New	Supply of Alcohol Monday – Sunday 12.00 – 00.00	Application withdrawn
8 th October 2020	Booths Haven Road Lytham	Minor Variation	Vary the layout of premises Remove redundant conditions No change to licensable activities	Approved
23 rd September 2020	The Courtyard 2 Queen Street Lytham	New	Supply of alcohol Monday to Sunday 08.30 – 19.00	Application approved subject to additional conditions.
8 th September 2020	Mode Hotel 1 Clifton Square Lytham	New	Supply of alcohol Monday to Sunday 00.01 – 00.00	Approved
24 th July 2020	Jimbrew Ltd 13b Queen Street Lytham	New	Supply of alcohol Monday to Sunday 9.00-23.00	Approved subject to additional conditions and restrictions

19 th June 2020	Lowther Gardens (Management) Lytham Ltd Lowther Gardens Lytham	Minor variation	To add the provision of films to the licence Monday to Sunday 9.00am – 00.30am (silent after 10.30pm)	Approved
19 th June 2020	Lowther Gardens (Management) Lytham Ltd Lowther Pavilion Lowther Gardens Lytham	Minor variation	To amend and remove some conditions on the licence including some of those linked to the supply of alcohol. No change to licensable activities	Approved
10 th June 2020	Bosco 3 Clifton Square Lytham	Minor variation	To allow the provision of both off and on sales of alcohol (currently on sales only) and to provide additional conditions in this respect	Approved
3 rd June 2020	Olive Tree Brasserie Dicconson Terrace Lytham	Minor variation	To allow the provision of both off and on sales of alcohol (currently on sales only) and to provide additional conditions in this respect	Approved
24 th February 2020	The Rooms Church Road Lytham	New	Supply of alcohol Monday to Sunday 08.00 – 22.30	Representations received, hearing rescheduled for 17 th June 2020 Application approved

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF ENVIRONMENTAL AND HOUSING SERVICES	LICENSING COMMITTEE	13 MARCH 2024	8
STATEMENT OF LICENSING POLICY			

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of Cllr Christopher Dixon, lead member for Social Wellbeing

PURPOSE OF THE REPORT

At its meeting of the 25th October 2023, the Committee considered a report regarding the review of the Statement of Licensing Policy and resolved, "to request Officers to commence a consultation process to introduce the updated Statement of Licensing Policy, with the results being reported to a future meeting of the Licensing Committee."

The consultation exercise has now taken place and the Committee will be requested to recommend adoption of the Statement of Licensing Policy to Full Council.

RECOVERABILITY

This decision is not recoverable because it relates to:

- A recommendation to the council or to any other committee or sub-committee of the council

RECOMMENDATION

1. That the Committee considers the report and recommends adoption of the Statement of Licensing Policy to Full Council.

REPORT

1. The Licensing Act 2003 requires the licensing authority (Fylde Borough Council) to prepare a statement of licensing policy which 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 making a decision upon an application.
2. In accordance with the guidance issued by the Secretary of State under S182 of the Licensing Act, a Statement of Licensing Policy has been prepared for a further five-year period.
3. 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 Fire and Rescue Service
 Representatives of the licensed trade
 Existing licence holders
 Representatives of business and residents' associations in the Borough
 Fylde councillors and Member of Parliament
 Local town & parish councils
 Fylde Community Safety Partnership
 Other interested parties

4. The consultation was also publicised on our webpages at [Consultation – Fylde Council](#) and ran between the 10th November 2023 and 17th December 2023. There were no responses to the consultation.
5. Officers believe that the 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 the Licensing Authority.
6. The Committee is therefore requested to consider the report and recommend its adoption to Full Council.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	There are no implications arising directly from the report.
Legal	Contained within the report.
Community Safety	There are no implications arising directly from the report.
Human Rights and Equalities	There are no implications arising directly from the report.
Sustainability and Environmental Impact	There are no implications arising directly from the report.
Health & Safety and Risk Management	There are no implications arising directly from the report.

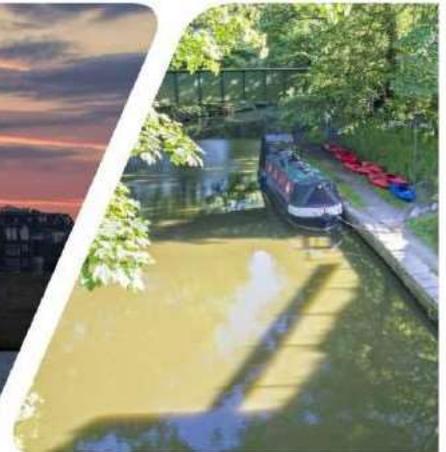
SUMMARY OF PREVIOUS DECISIONS
<p>Licensing Committee 25th October 2023 The Committee considered the report, and it was RESOLVED to request Officers to commence a consultation process to introduce the updated Statement of Licensing Policy, with the results being reported to a future meeting of the Licensing Committee.</p>

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
S182 Guidance to the Licensing Act 2003	December 2023	https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	chris.hambly@fylde.gov.uk	1 st March 2024

Attached documents

Statement of Licensing Policy 2024-2029



Draft Statement of Licensing Policy 2023-2028 for consultation

This page is intentionally blank.

CONTENTS

1.	Purpose and Scope of the Licensing Policy	5
2.	Development of this Policy	5
3.	Authority Profile	6
4.	Fundamental Principles	7
	4.1 Personal Licences	7
	4.2 Premises Licences	7
	4.3 Club Premises Certificates (CPC)	7
	4.4 Temporary Event Notices (TEN)	7
	4.5 Applications	8
	4.6 Key Messages	8
5.	Links to Other Policies and Strategies	8
6.	Avoidance of Duplication	9
	6.1 Planning	9
	6.2 PSPO	9
7.	General Approach to Licensing	10
8.	Adult Entertainment	10
9.	The Licensing Process	11
	9.1 Making an Application	11
	9.2 The Application Form	11
	9.3 Consultation on Applications	11
	9.4 Representations	12
	9.5 Determination of Applications	12
	9.6 Licensing Panel Hearings	13
10.	Conditions	13
	10.1 Mandatory Conditions	13
	10.2 Conditions Offered on the Application Form	13
	10.3 Conditions imposed by Licensing Committee	15
11.	Variation Applications	15
	11.1 Full Variation	16
	11.2 Minor Variation	16
12.	Temporary Event Notices (TENs)	17
	12.1 Standard TENs	17
	12.2 Late TENs	17
13.	Applications made by Fylde Borough Council	18
14.	Licensing Objectives	18
	14.1 The Prevention of Crime and Disorder	19
	14.2 Public Safety	20
	14.3 The Prevention of Public Nuisance	21

14.4	The Protection of Children From Harm	22
15.	Regulated Entertainment	23
15.1	Live Music	23
15.2	Exemptions	23
16	Personal Licences	24
17	Designated Premises Supervisor (DPS)	24
16.1	Role of the DPS	24
16.2	Authorisation of Alcohol	25
16.3	Need for licensed premises	25
18	Cumulative Impact of a Concentration of Licensed Premises	25
19	Enforcement	26
19.1	General Enforcement	26
19.2	Complaints Against Licensed Premises	27
20	Reviews	27
21	Late Night Levy (LNL)	28
22	Early Morning Alcohol Restriction Order (EMRO's)	28
22.1	Process	29
22.2	Exemptions	29
No	Appendices	
1	Responsible Authorities Contact Details	30
2	Table of Delegations	32
3	Map of Fylde Borough	34

Fylde's Vision Statement

We want Fylde to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly, and attractive environment. By operating responsibly and safely, such venues will enhance the attractiveness of the area to visitors, while maintaining our residents' quality of life and the special and valued character of the area.

Definitions in the Licensing Policy

In this policy:

"the Act" means the Licensing Act 2003

"We", "our" and "us" means Fylde Council operating as the licensing authority under the Act

Any expression which is defined in the Act has the same meaning as in the Act.

1 Purpose and Scope of the Licensing Policy

- 1.1 The Act requires licensing authorities to publish a 'statement of licensing policy' every five years, which sets out how they intend to exercise their functions. The policy sets out the general approach of the licensing authority to making licensing decisions. However, each application must be considered on its own individual merits. Further, the licensing authority can only decide on an application if relevant representations have been made about it.
- 1.2 The policy covers regulated licensable activities at licensed premises, by qualifying clubs and at temporary events. Nothing in this policy will prevent a person applying for a variety of permissions under the Act. The policy covers the following licensable activities:
 - retail sales of alcohol
 - supply of alcohol by or on behalf of a club
 - provision of regulated entertainment
 - provision of late night refreshment (hot food and drink at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises)
- 1.3 In exercising its powers, the licensing authority will have regard to this policy and statutory guidance issued by the Secretary of State, but this does not mean that the policy and guidance must be followed at all times to the letter. The authority may depart from it, if it is satisfied that it is appropriate in the circumstances to do so.
- 1.4 Under the Act, we must carry out our licensing role with a view to promoting the four licensing objectives, which are:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.

2 Development of this Policy

- 2.1 In accordance with the Act and prior to the publication of this policy, the licensing

authority has consulted a wide range of bodies in developing this policy. Although not an exhaustive list, this included the licensed trade, responsible authorities (including Police, Fire and Rescue, Trading Standards, Health Authority), organisations representing residents, current licence holders and organisations who work in the alcohol harm field. The draft policy has been publicised in the community via our website.

This Policy takes effect on ***** and will remain in force for up to five years. During this time we may update the policy to reflect legislative changes or any local changes that materially affect it.

3 Authority Profile

Fylde Council is one of fourteen licensing authorities in the County of Lancashire. It comprises 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 retain much of their Victorian and Edwardian character as popular seaside 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 both young and old as visitors and as residents.

The borough has a population of approximately 81845 with an estimated 25% of the population over 65 . The attractive nature of the Borough has led to a substantial number of people retiring to the area and tourists visiting the seaside resorts of Lytham and 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 and BNFL Westinghouse.

In addition, around 200 Temporary Event Notices are given to the licensing authority each calendar year to authorise licensable activities which are not covered by existing premises licences or club premises certificates

There are many suburban and rural public houses in the district. These often serve estates or rural villages and provide a focal point for community life. Village halls, and licenced shops and stores also provide an important resource for many sectors of the community.

A number of public open spaces are licenced for public entertainment. A range of community and other events are organised at these spaces, attracting a wide range of age groups and sectors. Local businesses which provide catering, entertainment and event specialisms also benefit from such events.

However during the past few years there has also been a change to the drinking behavior of the nation, to which Fylde is no exception. There is more consumption of alcohol at home, bought at a lower cost from off-licences or supermarkets . This often takes the form of pre-loading (drinking alcohol at home before going out to pubs and clubs), especially by young people. This, together with the change to consumption habits can have a detrimental effect on the area.

Health problems caused by the over-consumption of alcohol not only financially impacts the NHS, but can have devastating effects on families and the general health of the population. The four licensing objectives do not include the promotion of a healthy lifestyle. However, we recognise the important role of licensing in relation to public

health and will take it into account where it is appropriate to do so.

This policy is part of an overall strategy which compliments other documents and policies, multi-agency practices and the alcohol strategy that Fylde Borough Council supports.

4 Fundamental Principles

4.1 Personal Licences

Every supply of alcohol under a Premises Licence must be made or authorised by a person who holds a Personal Licence. Applicants must have the right to work in the UK and must produce a Basic Disclosure which is no older than a calendar month from submission of the application and attain the recognised training qualification, before applying to the Licensing Authority where they live. Licences have no end date but may be suspended or revoked by the issuing authority or forfeited by the Courts in certain circumstances. If a personal licence holder changes their name or address, they must inform the issuing Authority and request an updated licence, for which there is a charge set by the government.

4.2 Premises Licences

These are issued to premises who wish to provide one or more licensable activities. This can be for the sale of alcohol, regulated entertainment or late-night refreshment (sale of hot food or drinks between 23.00 and 05.00). Premises include off-licences, shops, supermarkets, pubs, clubs, takeaways, village halls and community spaces.

In most cases, if alcohol is sold from a premise it must have a Designated Premises Supervisor (DPS) in place who supervises the sale of alcohol. A DPS must also be the holder of a personal licence. There is no end date on Premises Licences, however an annual fee is required and failure to pay this will result in suspension of the licence and the premises will not be able to trade.

4.3 Club Premises Certificate

Club Premises Certificates (CPC) are granted to qualifying members clubs who can prove through the operation of the club that they are a 'qualifying club'. As a club must adhere to its rulebook, elect a committee, and be run for the benefit of its members there is no requirement to appoint a DPS. Only members and guests that have been signed in by a member of the club are permitted to be supplied with alcohol, so therefore members of the public who are neither members nor guests are not permitted.

4.4 Temporary Event Notices

Under the Act a 'light touch' notification process permits temporary licensable activities to be provided that are of a short duration. A Temporary Event Notice (TEN) can be used to allow activities at a non-licensed premise or to extend hours or activities for those that already hold a permission. A TEN can allow events such as school PTA events where organisers wish to sell alcohol, at functions where a pay bar is provided (weddings etc) or simply allow an existing licensed premise a temporary extension to their operating hours. There is a limit of 499 persons that can attend an event held under a TEN and a time limit of 168 continuous hours. Applications must be sent to the Police and the Council's Environmental Health Officer, either of which may object.

4.5 Applications

Under the terms of the Act, any individual or body may apply for a variety of permissions and have each application considered on its individual merit. Equally, any responsible authority or other person 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.

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.

4.6 Key Messages

In this policy there are several key messages that set out the authority's expectations regarding applications. These key messages do not add to or replace the four statutory licensing objectives. But the licensing authority considers that where applications are consistent with the messages:

- it is less likely that responsible authorities and other parties will make representations; and
- the Licensing Authority will be more likely to be satisfied that the applicant has sought to address any issues arising from the application in a responsible way.

Each application will nevertheless be judged on its own merits.

5 Links to Other Policies and Strategies

The Council's statement of licensing policy 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, antisocial 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.

Equality and Diversity

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

Human Rights Act

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 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.

Crime and Disorder

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 Constabulary, Lancashire County Council, and others, to consider crime reduction in the exercise of all their duties. The Licensing Act 2003 complements this duty for licensing authorities.

6 Avoidance of Duplication

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, licensing controls will not impose the same or similar duties. Nevertheless, licensees should comply with those other regulatory regimes and adopt best practice wherever possible. See Appendix 5 for a list of relevant legislation for operators.

6.1 Planning

The use of premises for licensable activities normally requires planning permission. Such use will normally require express planning consent or must otherwise be lawful i.e. have a certificate of lawfulness issued by the planning authority.

Conditions attached to planning permissions may set a terminal hour for the use of premises. Where these hours are different to the licensing hours, the premises must close at the earlier time. A licence issued under the Act does not override any restriction placed on the premises by the planning authority. Premises operating in breach of their planning permission may be subject to enforcement under planning law.

The grant of a licence by the Licensing Authority does not relieve an applicant of the need to apply for building control authorisation.

Key Message

Licence applications should normally be from premises where -

- *The activity to be authorised by the licence is a lawful planning use*
- *The hours sought do not exceed those authorised by any planning permission; and*
- *any existing hours are appropriate for the use of the premises.*

Note – Where the appropriate planning consent has not been obtained in advance and relevant representations are made, applicants will need to demonstrate that the operation of the premises would not be detrimental to the promotion of the licensing objectives.

6.2 Public Space Protection Orders

The authority supports the use of Public Space Protection Orders (PSPO's) as a tool to prevent alcohol related crime and disorder in the streets. The Orders give police and council officers powers to request someone who is drinking to stop or to hand over alcohol. If an individual refuses to follow an officer's instruction, then an offence is committed.

Details of orders in place may be obtained from the Authority's website, www.fylde.gov.uk.

Key Message

The Authority expects premises that operate in areas where PSPO's have been implemented to have measures in place to ensure that their customers do not contribute to drink related antisocial behaviour and breach any order that is in place.

7 General Approach to Licensing

In undertaking its licensing functions under the Licensing Act 2003, Fylde Council will aim to ensure that licensable activities make a positive contribution to the social, economic, and environmental well-being of the borough. The authority aims to support a diverse cultural offering, providing something for everyone, in a safe, healthy and welcoming environment. 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 whilst sustaining vibrant towns and communities. Leisure income provides employment for those service sectors with a knock-on effect for supporting businesses, often in the daytime economy.

Applications for premises whose predominant offer is vertical drinking are not encouraged, but if applications are made for such premises, it is expected that the operating schedule will demonstrate robust arrangements for promoting the licensing objectives.

This policy statement takes account of the need to regulate businesses that operate under the Act whilst balancing any adverse impact of activities on members of the public who live or work in the area concerned. The licensing authority and its committees cannot, however, use the Act for any purpose not defined in the Act as a 'licensing objective'.

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.

Where it is evident that a licensed premise is responsible for an undesirable event (perhaps by employing unsuitable people or exercising poor standards of management), then the licensing authority will make use of its powers under the Act, where they offer a remedy.

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.

8 Adult Entertainment

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 has adopted 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 under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (if adopted) from the Authority authorising such activity. Applications for such premises will be considered on their individual merits.

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.

9 The Licensing Process

9.1 Making an Application

All applications for personal and premises licences, club premises certificates, variations and provisional statements must be made in accordance with the Act, associated regulations and guidance, having regard to the content of this policy. Guidance notes are available from the licensing department or the Home Office, but, and the Licensing Authority supports, an applicant may seek independent professional advice from an agent or solicitor.

Key Message

The key messages that are included in this policy will assist applicants when preparing applications, as a guide to the expectations of Fylde Borough Council. Each Council area is unique and issues that one area has, would not be appropriate to be dealt with in the same way as perhaps a neighbouring borough. It is unlikely that any two licences are identical, as timings, licensable activities, conditions and operations vary enormously. We encourage pre-application dialogue between applicants, licensing officers and responsible authorities to fully understand the requirements of the Act, and the expectations of the responsible authorities.

9.2 The Application Form

The operating schedule should include all the necessary information to enable responsible authorities, or other persons, to assess whether the steps to be taken to promote the licensing objectives are satisfactory and have been fully addressed.

Applicants are strongly recommended to undertake a thorough and appropriate risk assessment of their business in order to arrive at a detailed operating schedule which identifies and meets all necessary steps to promote the licensing objectives in relation to the application made. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made, which could lead to a hearing.

The Licensing Authority will expect the operating schedule to have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures, and the needs of the local community in addressing the four licensing objectives.

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 application requirements are detailed in this policy document. Relevant legislation and guidance documents should also be accessed before submitting an application.

9.3 Consultation on Applications

Applicants are legally obliged to give notice of their application in two ways,

- by displaying an A4 blue notice at the premises for a period of 28 days and
- placing a notice in a local newspaper.

Each notice must clearly state the nature of the application, date by which representations must be made, where the application can be viewed in full and where representations must be sent.

This is to ensure that all who are affected by an application, who have rights under the Act to make representations, are aware of the application being made.

9.4 Representations

Only relevant representations may be taken into account when considering an application. To be relevant, a representation must address the likely effect of the grant of a premises licence on the promotion of at least one of the licensing objectives. They must also not be irrelevant, frivolous, or vexatious.

Representations may be received from the responsible authorities. These include the Licensing Authority itself, Lancashire Constabulary, Lancashire Fire and Rescue, Home Office, Trading Standards, Public Health Lancashire, Child Safety Advisory Partnership, local authority professionals in health and safety, planning and Environmental Health.

Representations may also be received from other persons. Greater weight will be given to representations from those who live or are involved in a business in the Council's area and who are likely to be affected by the application.

Elected members may make a representation in their own right. They may also make representation on behalf of residents or the applicant; in both cases the elected member may not take part in the decision process.

Once submitted to the licensing authority, a representation becomes a public document. A copy of the representation is sent to the applicant and / or the agent acting on their behalf and is included in any report that is presented at a licensing committee hearing.

The licensing authority may choose to withhold some or all of the person's personal details from the applicant, providing instead minimal details, such as the street name. However, withholding such details would only be considered where the circumstances justify the action i.e. where the person has genuine and well founded fear of intimidation and might otherwise be deterred from making a representation.

9.5 Determination of Applications

Unless relevant representations are made, applications will be granted on the terms set out in the application, under delegated powers, effective from the day after the 28 day representation period ends. The licensing authority has no discretion on the granting of licences unless representations are made.

Where relevant representations are made the licensing authority will consider each application whilst having regard to this Statement of Licensing Policy, the Act and section 182 guidance. In determining a licence application, the overriding principle adopted by the Licensing Authority will be that each application will be determined on its individual merits.

In most cases, officers from the licensing authority will act to mediate between applicants and persons making relevant representations: seeking to resolve issues, provide additional information such as conditions agreed or amendments to the application to assist in preventing unnecessary hearings.

Where relevant representations remain unresolved, the licensing authority will

determine the application by way of a hearing by members of the Council's licensing committee.

When determining an application which has attracted representations relating to the prevention of crime and disorder and/or prevention of public nuisance, particular consideration will be given to the following in the context of the licensing objectives:

- location and impact of licensed activity;
- intended use and the numbers likely to attend the premises;
- proposed hours of operation;
- scope for mitigating any impact and
- how often the activity occurs;

and in considering any application that is already licensed, the Licensing Authority will take into account any evidence:

- of past good operation of the premises and
- past demonstrable adverse impact from the activity especially on local residents or businesses;

9.6 Licensing Panel Hearings

Following due consideration of the application, the representations made and the case put forward by the applicant, the Licensing Panel have the following options to consider. Members may:-

- grant the application as applied for
- grant the application but with amendments to the licensable activities and /or hours of operation
- as above but impose additional conditions which are appropriate for the promotion of one or more of the Licensing Objectives
- refuse to grant the application

In considering imposing conditions as a result of relevant representations, there should be openness, transparency and reasonableness. Licence conditions will be tailored to the individual application and only those deemed appropriate and proportionate to meet the licensing objectives, following representations, will be applied.

The licensing authority will not impose conditions that duplicate controls in other regulatory regimes.

Any party to the hearing aggrieved by the decision of the licensing authority has the right of appeal to the Magistrates' Court. Any appeal must be lodged within 21 days of the notification of the decision.

10 Conditions

10.1 Mandatory Conditions

These are applied to all licences/certificates and address issues such as irresponsible drinks promotions, measures of alcohol sold and the price of alcohol. The current conditions are printed in Appendix 4 of this Policy but are subject to change at any time by the Secretary of State.

10.2 Conditions Offered on the Application Form

An application requires the applicant to demonstrate how the business will be run and what measures the applicant proposes in order to promote the four licensing objectives. The information provided in the operating schedule will be included on all

licences or certificates granted. Conditions are required which will be transferred onto any licence or certificate granted. These should be meaningful, achievable and understandable. To assist applicants the licensing department has produced a list of suggested conditions that applicants may refer to, however these are not prescriptive. Applicants may suggest conditions that they wish to have included on any granted licence, but these must be practical and meaningful and not overlap with other legislation, such as fire safety.

Key Message

Where the following conditions are not offered by applicants who are applying for the relevant licensable activity in order to promote the licensing objectives, the licensing authority will, if representations are received, expect the applicant to explain why they are not appropriate.

Applications for the sale or supply of alcohol (on or off the premises)

There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 25 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence indicating that they are over 18 years of age. Armed Forces ID are also acceptable.

All staff will successfully complete training in age related products prior to operating a till on the sales floor. Refresher training will also be successfully completed not more than every 3 months, this will be fully documented and be available for inspection to police officers or other authorised persons upon request.

The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.

The premises licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premise to be collected and removed at the end of operating hours each night.

No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

Applications for the Provision of Late-Night Refreshment

There shall be provided at the premise's containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal

of waste food, food containers, wrappings etc, which will be emptied so as to prevent waste overflowing.

Applications that include regulated entertainment after 2300

The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a logbook kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action. These records will be made available for inspections to Police Officers and other authorised persons upon request.

There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).

No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.

All external doors and windows shall be kept closed when regulated entertainment is being provided except for access and egress and in the event of an emergency.

10.3 Conditions that the Licensing Committee may impose

If, after receiving relevant representations, the licensing authority believes it to be appropriate or necessary, in order to promote any of the four licensing objectives; it will consider attaching conditions to licences. However, only those conditions appropriate 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.

In addition, 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.

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 Variation Applications

There are two types of variation that can be applied for with regard to a premises licence or a club premises certificate where an applicant seeks to alter the hours of operation, licensable activities, conditions or the layout of a premises.

The Licensing Authority requires that all variation applications are made in accordance

with the statutory requirements and any guidance issued from time to time by the Council. Applications must be accompanied by the appropriate fee, advertised, and notified to the responsible authorities.

11.1 Full Variation

There is a 28 day representation period and the criteria for this and a representation is the same as new applications. The variation process also mirrors the procedure that new licence applicants are required to follow.

11.2 Minor Variation

The Act allows for a simplified procedure for varying a licence where the proposed changes will not have a detrimental effect on the licensing objectives. It cannot be used to enlarge the licensed area or to increase the hours for the sale or supply of alcohol.

This Minor Variation process may be used for changes such as:

- minor changes to the structure or layout of a premises
- small adjustments to the licensing hours
- removal of out of date irrelevant or unenforceable conditions
- addition of certain licensable activities including live music

Applications to alter the times of other licensable activities under the minor variation procedure will be considered on a case by case basis but there are a variety of matters that will be considered, such as, the nature of the licensable activity, the extent of the additional hours sought, proximity of the premises to residential areas, when the proposed extension will apply and the track record and history of the premises.

The proximity and density of public houses, nightclubs, etc will be taken into account when making the decision on the minor variation application 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.

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. There is no mechanism for the Licensing Authority to impose their own conditions during a minor variation procedure. If a Minor variation is refused by the licensing authority, there is no right of appeal.

Key Message

Applicants should contact the licensing authority at an early stage to determine if the proposed changes contained within a minor variation application are appropriate and acceptable, or if they warrant an application for a full variation.

12 Temporary Event Notices (TEN)

The system of permitted temporary activities is intended to be a light touch process. Instead of applying for an authorisation, a person wishing to hold an event gives notice to the licensing authority they propose to carry out licensable activities.

Temporary Event Notices are subject to the following limitations:

- The number of times a premises user may give a TEN (50 times in a calendar year

- for a personal licence holder and five times in a calendar year for other people);
- The number of times a TEN may be given for any particular premises (15 times in a calendar year);
- The maximum duration of an event authorised by a TEN is 168 hours (seven days);
- The maximum total duration of the events authorised by TENS in relation to individual premises (21 day in a calendar year);
- The maximum people attending at any one time (fewer than 500); and
- The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premise's user (24 hours)

Key Message

The system of permitted temporary activities is intended to be a light touch process. Instead of applying for an authorisation, a person wishing to hold an event gives notice to the licensing authority they propose to carry out licensable activities.

Proposed activities that exceed these limits will require a premises licence or club premises certificate.

Premises users should note that an event beginning before midnight and continuing into the next day counts as two days towards the 21-day limit.

12.1 Standard TEN's

A standard TEN must be given no later than ten working days before the event to which it relates. Where the Police or Environmental Health (EH) object to the TEN the applicant can agree to modify the TEN. If no agreement is reached, a hearing will be arranged before a panel of the licensing committee. Following the hearing the panel may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead.

Conditions can only be applied to a TEN:

- If the Police or EH have objected to the TEN;
- If that objection has not been withdrawn;
- There is a licence or certificate in relation to at least one part of the premises in respect of which the TEN is given;
- And the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions

12.2 Late TEN's

A 'late TEN' may be given up to five working days but no earlier than nine working days before the event is due to take place.

Where the Police or EH object to a late TEN, there is no provision for a hearing and the authority must serve a counter notice to prevent the event going ahead.

Key Message

Where events qualify for a Temporary Event Notice, applicants are encouraged to submit notifications at least 4 weeks in advance, but not more than 12 weeks before an

event where an existing premises licence is in operation. For applications where there is not a premises licence, for example community events, 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.

13 Applications made by Fylde Borough Council

The Licensing Authority wishes to continue to promote a broad range of entertainment within the borough, including live music, dancing, theatre and other entertainment. To promote this policy the council has obtained premises licences for a number of public spaces within the community.

This will encourage activities within these areas and ensure that full use of made of such facilities.

Should an application be received from a department within Fylde Borough Council, or by an organisation working in conjunction with Fylde Borough Council, members and 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.

14 The Licensing Objectives

Key Message

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 compiling an operating schedule. Although they will apply to all applications to some degree, they will not necessarily apply equally to all applications.

Additional 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.

They 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

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 effect on the four licensing objectives will be paramount. Any premises that is open to patrons after midnight has the potential to negatively affect the licensing objectives, be it through noise, customers entering or leaving the vicinity, customers smoking outside the premises, litter or anti-social behaviour. With this in mind applicants should look carefully at the provision within the application for upholding the objectives.

Applicants should also refer to section 10 (conditions) for examples of conditions that will assist in promoting the licensing objectives.

If representations are made, appropriate licence conditions may be applied, and these may be stricter if the application seeks to allow licensable activities after midnight.

15.1 The Prevention of Crime and Disorder

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 problems.

Underage Drinking

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. 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.

Key Message

We expect all licensed premises to have a policy in place and implement the Challenge 25 scheme.

Drunkenness on Premises

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.

Key Message

The licensing authority expect licensees of venues likely to be affected by illegal drugs to take all reasonable steps to prevent the entry, use and exchange of illegal drugs on a licensed premise. This should include regular checks of toilet areas, recording of incidents and suitable storage, disposal and transfer of confiscated and found drugs to the police. Management of the premises have a duty to inform and co-operate with the Police.

Door Supervisors

We recognise that good security plans and provision can prevent crime and assist in the fight against young people unlawfully gaining entry or accessing alcohol. When deciding if a condition requiring door supervisors is appropriate, we will consider the location and capacity of premises and the hours of operation. Generally speaking, larger premises in town centres with several licensed premises close by will need door supervisors.

Key Message

We will expect relevant premises to have an adequate number of Licensed Door supervisors in line with an appropriate risk assessment.

CCTV

CCTV is seen as an important means of deterring and detecting crime at and immediately outside licensed premises. For appropriate premises, applicants are encouraged to consider the installation of CCTV at licensed premises to assist with the protection of staff and the promotion of the licensing objectives.

Key Message

The applicant should identify in the operating schedule what systems of security, supervision by staff, and/or CCTV will be in place to promote the licensing objectives.

Any CCTV systems must be able to be accessed and downloaded at any time by a member of staff when requested by a Police Officer or other responsible authority. and hold at least 21 days of images, but preferably 31.

Glasses and Bottles

Glasses and glass bottles can be dangerous weapons. As such, we encourage the use of toughened or polycarbonate glassware in premises where the location or character of the premises justifies it.

14.2 Public Safety

We are committed to protecting the physical safety of visitors to licensed premises. Members of the public have a right to expect that they will be able to visit licensed premises safely. Licensees, as providers of premises for the sale of alcohol or regulated entertainment, must be expected to demonstrate that they have considered and put into effect measures to protect members of the public.

There is legislation that regulates the safety of customers and staff in addition to any provisions under the Act and these are identified at Appendix 5.

14.3 The Prevention of Public Nuisance

Licensed premises have a significant potential to impact adversely on communities through public nuisance. We recognise the need to prevent the occurrence of public nuisance from the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.

In considering what constitutes a public nuisance we 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 include noise, light pollution and litter.

Disturbance by Patrons Leaving the Premises

Once patrons have left the curtilage of a licensed premises staff may not be able to deal with associated noise and disturbance. However, those managing the premises should take appropriate measures to minimise noise and disturbance.

Key Message

Notices should be placed at exits to ask patrons to respect neighbours and door supervisors employed at premises should encourage patrons leaving the curtilage of the premises to do so in an orderly manner.

Noise Nuisance

Conditions relating to noise nuisance will normally concern 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.

Key Message

Outside areas used for smoking should be monitored through the evening, with particular attention to hours after 22.00hrs. Door supervisors should monitor, limit numbers or corral customers in specific areas, where possible.

Beer Gardens

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) in 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.

Key Message

*If an outside area falls within the licensed area it is expected that a condition will be included in the operating schedule as follows:
Any outside area used for the consumption of alcohol will cease to be used by patrons after 22.00hrs .*

Litter

The cumulative effects of litter around premises carrying on licensable activities can amount to public nuisance. The licensing authority require that any premises that can cause litter, be it from a takeaway food establishment or cigarette debris left by its customers, must remove it at regular intervals. This is essential for any type of licensed premises (including takeaways) which has a terminal hour of midnight and beyond.

Key Message – All Premises

Any area used for smoking by patrons must be supervised and cigarette debris cleared away on a regular basis, including at the end of trading.

Key Message – Take away Premises

Premises must provide suitable litter bins for customers to dispose of litter and these must be emptied regularly.

14.4 The Protection of children from harm

The licensing authority are committed to protecting children from moral, psychological and physical harm. In particular, we seek to protect children from exposure to strong language, sexual expletives and adult entertainment.

Proof of Age Schemes

The licensing authority consider that preventing children from obtaining alcohol from licensed premises to be of great importance in protecting them from harm. We expect applicants to demonstrate that they have made satisfactory arrangements to prevent sales of alcohol to children including an appropriate proof-of-age scheme. We support arrangements which include using the following documents to verify the age of customers:

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

The licensing authority support 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 receive suitable training in relation to the proof of age scheme to be applied upon the premises and records evidencing this should be kept and made available upon request.

Exposure to Adult Behaviour

We consider that children should not be exposed to entertainment of a sexual nature or to strong language. 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 we will interpret this to mean that such entertainment will not be provided and apply a condition to this effect to the licence.

The Licensing Authority will have regard to representations from the responsible authority consulted with regard to the protection of children, to ensure that children are adequately protected.

Key Message

A new or variation application will not normally be granted where a representation expresses serious and justified 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.

In the case of premises giving film exhibitions, we 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.

15 Regulated Entertainment

Live Music

The licensing authority recognise the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community and in particular, for children and young people.

Background live and recorded music is not a licensable activity. However,

- Karaoke is generally classed as a performance of live music
- A backing track, drum beat or band that accompanies live singer(s) is classed as amplified live music

Any performance of dance of a sexual nature will require a licence.

When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, we will carefully balance the need to promote the licensing objectives against these wider cultural benefits.

When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merit.

16 Personal Licences

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.

We require every application for a personal licence to be accompanied by a standard Disclosure, a pass certificate from a recognised training provider, application form, 2 photographs (one endorsed), documentation to demonstrate a right to work and the fee.

Any individual with the lawful right to live and work in the UK, may apply for a personal licence whether or not they have current employment or business interests associated with the use of the licence.

Any disclosure presented must not be more than one month old, to ensure currency of data.

Should the application present any relevant convictions then the police will be consulted and should an objection be submitted a hearing will be held to

determine the application.

At a hearing a panel of the licensing committee will consider whether the granting of the licence would undermine the crime prevention objective. The panel will consider the seriousness of the conviction(s), the time that has elapsed since the offence(s) were committed and any mitigating circumstances.

Applications will normally be refused unless there are exceptional and compelling circumstances, which justify grant.

A personal licence does not need to be renewed. However, the holder must inform us of any change of address or name to enable the licence to be updated. It is an offence under the Act not to do so.

Under the Policing and Crime Act 2017 the licensing authority has a discretion to revoke, or suspend personal licenses for up to 6 months if it becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty.

16.1 Designated Premises Supervisor (DPS)

The holder of a premises licence which permits the sale of alcohol must nominate a personal licence holder as a Designated Premises Supervisor. The DPS will then be responsible for the day to day running of the premises. Whilst it is not essential for the DPS 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.

The statutory guidance indicates that a DPS may supervise more than one premises, 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 relevant licence conditions.

There is no requirement for a person to be named as a DPS on a Club Premises Certificate or where an application has been applied for and granted to dis-apply the DPS at a community premises.

Key Message

It is expected that a DPS supervising two or more premises can ensure that the licensing objectives are properly promoted and that each premises complies with the 2003 Act and conditions on the premises licence. The geographic location of the premises may be taken into consideration.

16.2 Authorisation of Alcohol

The fact that every sale/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 for 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.

17 Need for Licensed Premises

The licensing authority will not consider the need for licensed premises in our decision making. Need is for planners and the commercial decision-makers to consider. We will not seek to impose a ceiling on the number of licensed premises either overall or by class of premises, either by use of policy or practice.

18 Cumulative impact

The licensing authority 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 to increase crime, anti-social behaviour, noise pollution, littering and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure, but this may not be attributable to any individual premises

A licensing authority may adopt a Cumulative Impact Policy (CIP) for an area or areas that problems are being experienced by residents, visitors or agencies, due to the number of licensed premises in that area. Evidence should be obtained as to the nature and location of the problems occurring and a thorough consultation must take place before the licensing authority can decide whether such a policy is appropriate. It will then form part of the authority's Statement of Licensing Policy.

The CIP creates a rebuttable presumption that new or varied applications for premises licences or club premises certificates that will add to the existing cumulative impact will normally be refused. However, in order for this to be effective, a representation must be received first, otherwise, an application will be granted, as applied for, under delegated powers.

The licensing authority recognises that such a policy cannot be absolute and if a policy were to be adopted it would still be required to consider each application properly on its own merit. For licences that were unlikely to add significantly to the problems of saturation, the application could be approved, despite being in a CIP area.

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.

In the absence of a Cumulative Impact Policy, the licensing authority may still consider representations where a body or person believes that an application (new or varied) will have a negative impact on one or more of the licensing objectives. If cumulative impact is being highlighted as the reason for an objection, the responsible authority or other person will be expected to state why the application will impact on the area of concern, what the implications will be and if possible produce examples or evidence.

It may be that the type of premises or offering will attract more people into an already busy and problematic area, therefore impacting on the licensing objectives that address disorder and/or nuisance.

Key Message

We encourage applications for restaurants and other predominantly seated venues which do not adversely impact upon the licensing objectives in contrast to those that predominantly offer vertical drinking. Applications should demonstrate how the licensing objectives are to be promoted.

19 Enforcement

19.1 General Enforcement

The licensing authority believe that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. We will therefore enforce incrementally and reviews will mainly be reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

If we consider it appropriate, we may pass a complaint on for investigation by another statutory agency.

19.2 Complaints Against Licensed Premises

The licensing authority will investigate all complaints against premises licensed by us, sometimes in conjunction with other agencies. If the complaint is justified, we will initially endeavour to seek a resolution through informal means, but adopt an incremental approach to compliance.

We will liaise with the police and other responsible authorities on enforcement issues, to provide for a more efficient deployment of our staff and police officers. This will allow us to target 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.

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 we share this concern. We will 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.

20 Reviews

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person may apply to the licensing authority to review the licence or certificate. The written review application should relate to the adverse impact that the premises is having on one or more of the licensing objectives. 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. Evidence to highlight the areas of concern should be included to give members sufficient information on which to base a decision.

The licensing authority must refuse any request for review if we consider the grounds to be frivolous, vexatious or repetitive. Repetitive grounds are those, which mirror those considered at a previous hearing.

There is opportunity within the 28 day period following submission of the review to the licensing authority for support to be given by other persons or a responsible authority.

Any review will take place before a licensing panel. The panel will consider the full range of powers available to it on the review of a premises licence.

At the review application hearing the panel has the power to select from the following options:-

- revoke the licence/certificate
- suspend the licence/certificate for a period of up to 3 months
- remove the DPS
- add additional conditions
- amend existing conditions
- remove one or more licensable activities
- change licensing hours

Suspension of a licence/certificate may be considered in some circumstances in order to allow the premises time to look at procedures, staffing, conditions and general management of the premises. The suspension period can be used to rectify issues that led to the review and to prevent further occurrences.

Key Message

The licensing authority views all repeat sales of alcohol to children gravely and should an application for a review of the licence be brought to a hearing, members will always consider revocation of the licence alongside other options.

21 Late Night Levy

The licensing authority can introduce a Late Night Levy across its area by virtue of section 125 of the Police and Social Responsibility Act 2011. A levy would empower the licensing authority to charge licence/certificate holders that supply alcohol late into the night for the extra enforcement costs that can be created for the police and the licensing authority by late night trading. Any such levy would apply to all licensed premises supplying alcohol between midnight and 6.00am save for any category of premises exempted by the licensing authority.

The Police would receive at least 70% of the revenue generated by levy with the Licensing authority receiving the remaining 30%.

Before a Late Night Levy can be introduced, we would be required to consult with police and licence/certificate holders that supply alcohol after midnight in accordance with the appropriate regulations.

There is currently no Late Night Levy in Fylde.

22 Early Morning Alcohol Restriction Order (EMRO)

The Police Reform and Social Responsibility Act 2011 (the 2011 Act) amends existing provisions to allow EMROs to be applied more flexibly between midnight and 6am. It is proposed that licensing authorities will be able to make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. However, it is believed that some types of premises should not be subject to an EMRO.

EMROs are designed to address recurring problems with alcohol-related crime and disorder in specific areas. The licensing authority will be able to decide during which hours the EMRO will apply, whether it is applied every day or on particular days; whether it will run for a limited or unlimited period; and whether it will apply to whole or part of the licensing authority's area. In each case, the decision will be based on what is appropriate for the promotion of the licensing objectives.

There may however be alternative measures that can be taken with problem premises i.e. review or in extreme cases closure orders issued by the Police which should be considered before introducing an EMRO.

The licensing authority must ensure it has necessary evidence to demonstrate that the decision to introduce an EMRO is 'appropriate' for the promotion of the licensing objectives.

22.1 Process

The licensing authority sets out the basis for the proposed order in a document which should be posted on the licensing authority website. Evidence must be obtained (mainly from the police) and a 28 day consultation period will follow with all premises licence holders in the borough, all the responsible authorities and neighbouring Local Authorities. Representations will be collated both for

and against the proposals. These will be included in a report for the Licensing Committee. If satisfied that the proposed order is 'appropriate' for the promotion of the licensing objectives, the authority will have the order approved by full council. The final order must be no different to the original order proposed.

22.2 Exemptions

Premises with overnight accommodation, restaurants, theatres and cinemas, casinos and bingo halls. Community amateur sports clubs and Community premises that have requested to remove the mandatory requirement to have a DPS.

Appendix 1

Contact details for Responsible Authorities

Contact details for Licensing Authority:

Licensing Department
 Fylde Borough Council
 Town Hall
 Lytham St Annes
 Lancashire
 FY8 1LW
 Email: licensing@fylde.gov.uk
 Tel 01253 658658

Contact details of responsible authorities:

Health and Safety Planning Environmental Protection	c/o Licensing Team Fylde Council Town Hall Lytham St Annes FY8 1LW 01253 658422 licensing@fylde.gov.uk environmentalprotection@fylde.gov.uk planning@fylde.gov.uk commercial@fylde.gov.uk
Police	Lancashire Constabulary Licensing Department Bispham Police Station Red Bank Road Blackpool western-blackpoollicensing@lancashire.pnn.police.uk
Fire Authority	Technical Fire Safety Lancashire Fire and Rescue St Andrews Road North Lytham St Annes FY8 2JQ westernfiresafety@lancsfireandrescue.org.uk
Protection of Children From Harm	Childrens' Services Room B15A First floor County Hall Preston PR1 8 XJ jpbu@lancashire.gov.uk

Trading Standards	<p>Lancashire Trading Standards 58-60 Guildhall Street Preston PR1 3PR</p> <p>intelligence.management@lancashire.gov.uk</p>
Public Health	<p>Lancashire County Council Public Health LICENSING First floor Christ Church Precinct County Hall Preston Lancashire PR1 8XJ</p> <p>PHLicensing@lancashire.gov.uk</p>
Home Office	<p>Home Office (Immigration Enforcement), Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p>alcohol@homeoffice.gsi.gov.uk</p>

APPENDIX 2

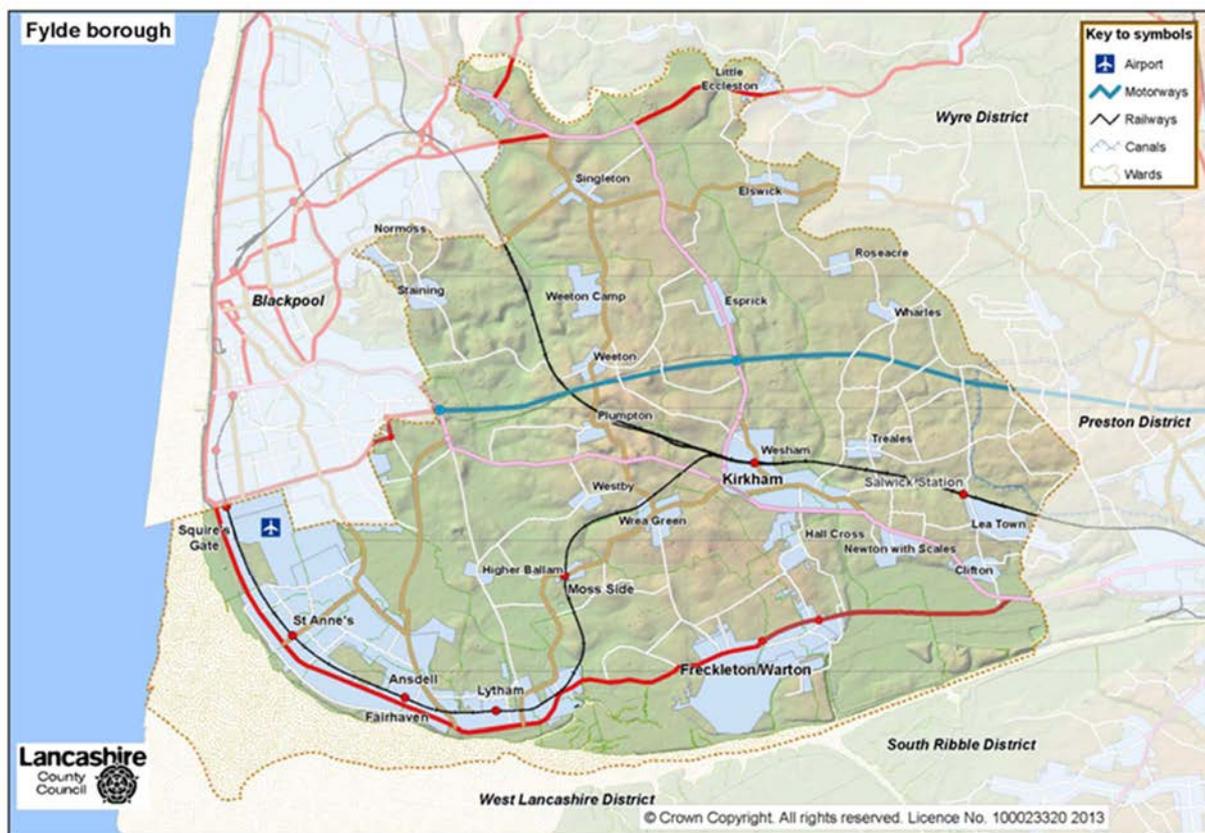
Table of delegations in respect of licensing authority functions

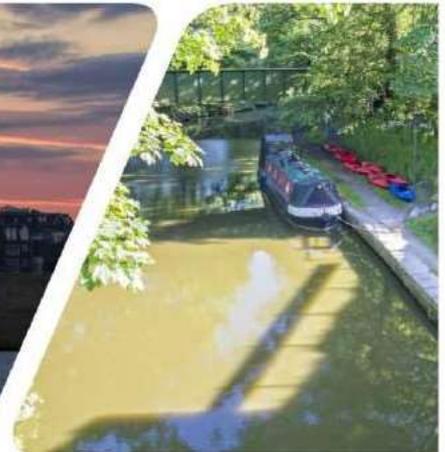
The delegation of decisions and functions will be as follows:

Matter to be dealt with	Full Committee/ Sub Committee	Officer Delegation
Application for personal licence	If police objection is made	All other cases
Application for Premises Licence/Club Premises Certificate	If a relevant representation is made	If no representation made
Application for provisional statement	If a relevant representation is made	If no representation made
Application to vary Premises Licence/Club Premises Certificate	If a relevant representation is made	If no representation made
Application to vary Designated Premises Supervisor	If a police objection is 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 is made	All other cases
Applications for Interim authority	If a police representation is 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 relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases unless all parties agree to conditions	Where all parties agree to the imposition of conditions
Decision as to whether to withhold some or all of an interested party's personal details from the applicant.		All cases
Decision to suspend a premises licence/club certificate for failure to pay the annual fee or late night levy		All cases

Appendix 3 – Map of Fylde Borough





© Fylde Borough Council copyright 2016

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context. The material must be acknowledged as Fylde Borough Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication is also available on our website at www.fylde.gov.uk.

Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to listening@fylde.gov.uk.

Date: October /2023

Review Date: Consultation Document