

# Agenda

## Council

Date:	Monday, 18 March 2024 on the rising of the Special Council meeting
Venue:	Town Hall, St Annes, FY8 1LW
	<p>Mayor : Councillor Cheryl Little Deputy Mayor : Councillor Peter Anthony</p> <p>Leader : Councillor Karen Buckley Deputy Leader : Councillor Richard Redcliffe</p> <p>Councillors Frank Andrews, Tim Armit, Mark Bamforth, Liz Bickerstaffe, Julie Brickles, Damian Buckley, Edward Collins, Peter Collins, Chris Dixon, Martin Evans, Kelly Farrington, Susan Fazackerley MBE, Joanne Gardner, Ellie Gaunt, Gail Goodman JP, Noreen Griffiths, Gavin Harrison, Paul Hayhurst, Karen Henshaw JP, Paul Hodgson, John Kirkham, Jordan Ledger, Matthew Lee, Michelle Morris, Ed Nash, Jayne Nixon, Sandra Pitman, Andrew Redfearn, Vince Settle, William Taylor, Tommy Threlfall, Viv Willder, Michael Withers.</p>

	<b>PROCEDURAL ITEMS:</b>	<b>PAGE</b>
<b>1</b>	<p><b>Declarations of Interest:</b> 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.</p>	<b>1</b>
<b>2</b>	<p><b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meetings held on <a href="#">4 March 2024</a> as correct records.</p>	<b>1</b>
	<b>ANNOUNCEMENTS:</b>	
<b>3</b>	<b>Mayor’s Announcements</b>	<b>1</b>
<b>4</b>	<b>Chief Executive’s Communications</b>	<b>1</b>
	<b>REPRESENTATIONS:</b>	
<b>5</b>	<p><b>Questions from Members of the Public</b> For procedure to ask a question at a Council meeting see <a href="#">Public Speaking at Council Meetings</a>.</p>	<b>3</b>
<b>6</b>	<b>Questions from Members of the Council</b>	<b>4</b>
	<b>DECISION ITEMS:</b>	

7	Appointment of Leader and Deputy Leader 2024/25	5 – 6
8	Confirmation of Committees and Allocation of Membership	7 – 10
9	Confirmation of Appointments to Outside Bodies	11 – 15
10	Standards Independent Persons	16 – 17
11	Statement of Licensing Policy	18 - 54

Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: [democracy@fylde.gov.uk](mailto: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>

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# REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
DEPUTY CHIEF EXECUTIVE	COUNCIL	18 MARCH 2024	5

## QUESTIONS FROM MEMBERS OF THE PUBLIC

### PUBLIC ITEM

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

### SUMMARY

No questions have been received from members of the public before the requisite deadline for publication of the agenda.

If any questions are received before the constitutional deadline, which is, for the purpose of this meeting, 4.30pm on Tuesday, 12<sup>th</sup> March 2024, they will be circulated prior to the meeting for members' information, under separate cover.

### Article 15 – Public Speaking at meetings of the Council and its Committees

#### 15.01 Questions from Members of the Public at Full Council Meetings

- (a) Any resident of the Council's district may, subject to (b), submit a question to be asked at an ordinary meeting of the council.
- (b) Questions will only be asked under (a) if:
  - (i) the question has been given in writing to the proper officer before 4.30 p.m. on the fourth working day before the meeting (this means that if the meeting is to be held on a Monday, the question must be given before 4.30 p.m. on the Tuesday before);
  - (ii) the question will take no longer than two minutes to ask;
  - (iii) the maximum number of questions is not exceeded; and
  - (iv) The Head of Governance is satisfied that the question as submitted does not take the form of, or substantially comprise, recitations of fact or expressions of opinion, instead of a question.
- (c) The 'proper officer' means the Chief Executive, the Deputy Chief Executive or any officer in the governance team.
- (d) The maximum number of questions at each meeting is four.
- (e) The Leader of the Council will be given at least 24 hours' notice of any questions to be asked under this rule.
- (f) The question will be put at the meeting by the person who has submitted the question or, if the person is not present or does not wish to put the question themselves, by the Chief Executive or another senior officer, and will be answered by the Leader of the Council or any other member nominated by them, so long as that member has consented before the meeting.
- (g) If the question was put by the person who submitted it, that person may then ask one supplementary question, which must arise out of the answer given to the original question and take no longer than two minutes to ask, and the member who answered the original question must answer the supplementary question.
- (h) No debate will be allowed arising out of a question asked or answer given under this rule.
- (i) No person may ask more than one question under this rule at any meeting.

# REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
DEPUTY CHIEF EXECUTIVE	COUNCIL	18 MARCH 2024	6

## QUESTIONS FROM MEMBERS OF THE COUNCIL

### PUBLIC ITEM

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

#### SUMMARY

No questions have been received from a member of the council before the requisite deadline for publication of the agenda.

If any questions are received before the constitutional deadline, which is, for the purpose of this meeting, 4.30pm on Tuesday, 12<sup>th</sup> March 2024, they will be circulated prior to the meeting for members' information, under separate cover.

#### Part 4 – Rules of Procedure

##### 9 Questions from Members of the Council

- 9.1 A councillor may, subject to 9.2, ask a question of the Leader of the Council or the chairman of a committee at an ordinary meeting of the council.
- 9.2 Questions may only be asked under 9.1 if:
- (i) The councillor who wants to ask the question has given it in writing to the Deputy Chief Executive before 4.30 p.m. on the fourth working day before the meeting (this means that if the meeting is to be held on a Monday, the question must be given before 4.30pm on the Tuesday before) and has identified who they want to answer it;
  - (ii) The question is relevant to the terms of reference of the committee whose chairman is to answer it, or is to be answered by the leader of the council;
  - (iii) The question will take no longer than two minutes to ask; and
  - (iv) At the time the question is given to the Deputy Chief Executive, no more than four questions to be asked under this rule at the meeting concerned have previously been given to them.
- 9.3 The member who is to answer the question will be given at least 24 hours' notice of it.
- 9.4 The question must be answered at the meeting by the member to whom it is directed, unless:
- (i) the member is not present, or
  - (ii) the question is directed to the leader of the council,
- in either of which cases, the Leader of the Council may nominate any other member to answer, so long as that member has consented before the meeting.
- 9.5 The councillor who has asked the question may then ask one supplementary question, which must arise out of the answer given to the original question and take no longer than two minutes to ask, and the member who answered the original question must answer the supplementary question.
- 9.6 No debate will be allowed arising out of a question asked or answer given under this rule.
- 9.7 No councillor may ask more than one question under this rule (excluding supplementary questions under 9.5) at any meeting.

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	COUNCIL	18 MARCH 2024	7
<b>APPOINTMENT OF LEADER AND DEPUTY LEADER 2024/25</b>			

### 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 Finance and Resources, Councillor Ellie Gaunt.

#### PURPOSE OF THE REPORT

Members are invited to confirm the appointment of the Leader and Deputy Leader of the Council for the Municipal Year 2024/25.

#### RECOVERABILITY

This decision is not recoverable because it relates to a recommendation to the council.

#### RECOMMENDATIONS

1. To confirm Councillor Karen Buckley as Leader of the Council.
2. To confirm Councillor Richard Redcliffe as Deputy Leader of the Council.

### REPORT

1. Members are invited to confirm the appointment of Councillor Karen Buckley as Leader of the Council and Councillor Richard Redcliffe as Deputy Leader of the 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	None arising directly from the report.
Legal	None arising directly from the report.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

SUMMARY OF PREVIOUS DECISIONS
A Leader and Deputy Leader were last appointed by Council on 24 May 2023

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
N/A		

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	<a href="mailto:ian.curtis@fylde.gov.uk">ian.curtis@fylde.gov.uk</a>	15 February 2024

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	COUNCIL	18 MARCH 2024	8

### CONFIRMATION OF COMMITTEES AND ALLOCATION OF MEMBERSHIP

#### 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 Finance and Resources, Councillor Ellie Gaunt.

#### PURPOSE OF THE REPORT

The council is required annually to confirm the committees that it wishes to appoint and allocate the membership of certain committees in accordance with the principles of political balance under the Local Government and Housing Act 1989.

#### RECOVERABILITY

This decision is not recoverable because it relates to a recommendation to the council.

#### RECOMMENDATIONS

1. Appoint the committees and joint committees set out in appendix 1 for the municipal year 2024-2025, with the same terms of reference as presently agreed.
2. Allocate committee seats in accordance with the principles of political balance as set out in the table in paragraph 6.
3. Appoint members to seats on committees required to be politically balanced in accordance with the nominations made by the political groups.
4. Reconfirm the panel members of the JNC (Chief Executives) Independent Panel as the Independent Persons Mr Peter Clements, Mr Brian Horrocks and Mrs Helen Broughton.
5. Reconfirm the Leader of the Council as the representative to the Blackpool, Fylde and Wyre Economic Prosperity Board.
6. Appoint members to the Licensing Committee, which is not required to be politically balanced.

#### REPORT

##### APPOINTMENT OF COMMITTEES

1. Under its constitution, the council is required annually to decide which committees to establish for the municipal year; decide the size and terms of reference for those committees; and decide the allocation of seats on those committees to political groups in accordance with the political balance rules where applicable.

- Appendix 1 sets out the proposed committees for the council for 2024-25. The proposed committees reflect the committees for the present municipal year. The council is invited to appoint those committees as its committees for the municipal year 2024-25 with the size as set out and the terms of reference as set out in the constitution.

#### POLITICAL BALANCE

- The Local Government and Housing Act 1989 requires the council to calculate the membership of committees in accordance with the requirements of political balance set out in the act. The act also requires that the council give effect to those calculations by allocating seats in accordance with the wishes of the political groups<sup>1</sup> to whom the seats have been allocated<sup>2</sup>. The four principles of political balance can be summarised like this:
  - All seats on a committee must not be allocated to the same group;
  - The majority group must have the majority of seats on each committee;
  - The total number of committee seats across the council must be allocated proportionately to the number of seats each group has on the full council; and
  - The seats on each committee must be allocated in proportion to the number of seats of each group on the full council.
- The four principles are in order of priority. This means that the second principle is applied subject to the first. Similarly, the third principle is applied subject to the first and the second, and so on.
- Neither the Licensing Committee<sup>3</sup> nor the Blackpool, Fylde and Wyre Economic Prosperity Board<sup>4</sup> is subject to the political balance rules.
- The table below sets out a distribution of seats across committees, which reflects the current distribution of seats and which fulfils the requirement for political balance. Committees that are not required to be politically balanced are not included.

Committee	Total seats	Con	Ind	Lab	Non-aligned
Executive	12	7	5	0	0
Internal Affairs Scrutiny	12	7	4	1	0
Community Focus Scrutiny	12	7	4	0	1
Planning	12	7	4	1	0
Public Protection	12	7	5	0	0
Audit and Governance	9	5	3	0	1
Standards	5	3	2	0	0
Chief Officers Employment	6	4	2	0	0

The table above is not the only possible permutation which would meet the requirements for political balance.

- The proposed committee membership reflects the committee membership for the municipal year 2023/24. The council is invited to make those individual appointments at today's meeting or make amendments, whilst being obliged to follow the seats allocated to each group. The nominations are set out in appendix 1.

<sup>1</sup> A political group must have at least two members to count for the purposes of the 1989 act.

<sup>2</sup> Where a seat is allocated in accordance with the political balance principles to a member who do not belong to a political group, the choice of non-aligned member to fill the seat rests with the council.

<sup>3</sup> The Licensing Committee is not subject to the political balance rules because it is appointed under the Licensing Act 2003, not the Local Government Act 1972.

<sup>4</sup> The joint committee is not subject to the political balance rules because it is a not a body at least three seats on which fall from time to time to be filled by appointments made by the council (see paragraph 1(c) of schedule 1 to the Local Government and Housing Act 1989).



BLACKPOOL, FYLDE AND WYRE ECONOMIC PROSPERITY BOARD

8. The council is part of a joint committee with Blackpool and Wyre councils known as the Blackpool, Fylde and Wyre Economic Prosperity Board. The membership of the joint committee is one councillor from each authority, with the joint committee also having three co-opted members. The joint committee is not required to be politically balanced<sup>5</sup>.

LICENSING COMMITTEE

9. The Licensing Committee is not subject to the political balance rules. It is concerned exclusively with carrying out the council’s responsibilities under the Licensing Act 2003 and the Gambling Act 2005. The committee has a membership of 12 and the council is invited to appoint that number of members to the committee, including appointments as chairman and vice-chairman. By convention, all Public Protection Committee members also sit as members of the Licensing 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	None arising from the report
Legal	Political balance is a legal requirement for most committees of the council.
Community Safety	None arising from this report
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

SUMMARY OF PREVIOUS DECISIONS
The council receives a similar report each year at the meeting preceding its annual meeting. In an election year, the report must be presented to the annual meeting.

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
N/A		

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	<a href="mailto:ian.curtis@fylde.gov.uk">ian.curtis@fylde.gov.uk</a>	15 February 2024

<sup>5</sup> The joint committee is not subject to the political balance rules because it is a not a body at least three seats on which fall from time to time to be filled by appointments made by the council (see paragraph 1(c) of schedule 1 to the Local Government and Housing Act 1989).

Committee Membership 2024/25 - Draft

Programme and Scrutiny			Regulatory					Other			
Executive	Internal Affairs Scrutiny	Community Focus Scrutiny	Planning	Public Protection	Licensing *	Audit & Governance	Standards	Chief Officer Employment	Blackpool, Fylde & Wyre Economic Prosperity Board *	JNC (Chief Executives) Independent Panel	
CH	Buckley, Karen	Fazackerley, Susan	Settle, Vince	Redcliffe, Richard	Pitman, Sandra	Pitman, Sandra	Withers, Michael	Fazackerley, Susan	Buckley, Karen	Buckley, Karen	Broughton, H*
VC	Redcliffe, Richard	Kirkham, John	Andrews, Frank	Harrison, Gavin	Willder, Viv	Willder, Viv	Redfearn, Andrew	Collins, Peter	Lee, Matthew		Horrocks, B*
3	Armit, Tim	Buckley, Damian	Anthony, Peter	Armit, Tim	Andrews, Frank	Andrews, Frank	Anthony, Peter	Gaunt, Ellie	Bickerstaffe, Liz		Clements, P*
4	Collins, Peter	Farrington, Kelly	Brickles, Julie	Collins, Peter	Bamforth, Mark	Bamforth, Mark	Bickerstaffe, Liz	Lee, Matthew	Fazackerley, Susan		
5	Dixon, Chris	Gardner, Joanne	Buckley, Damian	Dixon, Chris	Evans, Martin	Evans, Martin	Gaunt, Ellie	Willder, Viv	Redcliffe, Richard		
6	Gaunt, Ellie	Little, Cheryl	Collins, Edward	Evans, Martin	Fazackerley, Susan	Fazackerley, Susan	Gardner, Joanne	Broughton, H*	Withers, Michael		
7	Henshaw, Karen	Nash, Ed	Evans, Martin	Farrington, Kelly	Goodman, Gail	Goodman, Gail	Hayhurst, Paul	Horrocks, B*			
8	Lee, Matthew	Pitman, Sandra	Goodman, Gail	Griffiths, Noreen	Griffiths, Noreen	Griffiths, Noreen	Kirkham, John	Clements, P*			
9	Morris, Michelle	Redcliffe, Richard	Harrison, Gavin	Ledger, Jordan	Harrison, Gavin	Harrison, Gavin	Nash, Ed				
10	Nash, Ed	Redfearn, Andrew	Hodgson, Paul	Nixon, Jayne	Henshaw, Karen	Henshaw, Karen					
11	Nixon, Jayne	Taylor, William	Kirkham, John	Pitman, Sandra	Hodgson, Paul	Hodgson, Paul					
12	Threlfall, Tommy	Willder, Viv	Withers, Michael	Settle, Vince	Little, Cheryl	Little, Cheryl					
				Substitutes x 10 max							
				Andrews, Frank							
				Morris, Michelle							
				Willder, Viv							
				Anthony, Peter							
				Buckley, Damian							
				Bickerstaffe, Liz							
				Collins, Ed							
				Taylor, W							
	Conservative: 7	Conservative: 7	Conservative: 7	Conservative: 7	Conservative: 7		Conservative: 5	Conservative: 3	Conservative: 4		* Statutory Independent Persons
	Independent: 5	Independent: 4	Independent: 4	Independent: 4	Independent: 5		Independent: 3	Independent: 2	Independent: 2		
	Labour: 0	Labour: 1	Labour: 0	Labour: 1	Labour: 0		Labour: 0	Labour: 0	Labour: 0		
	Non Aligned: 0	Non Aligned: 0	Non Aligned: 1	Non Aligned: 0	Non Aligned: 0		Non Aligned: 1	Non Aligned: 0	Non Aligned: 0		
						* not required to be politically balanced		* Statutory Independent Persons		* not required to be politically balanced	
											as per Council 2/10/23

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEPUTY CHIEF EXECUTIVE	COUNCIL	18 MARCH 2024	9

### CONFIRMATION OF APPOINTMENTS TO OUTSIDE BODIES

#### 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 Finance and Resources, Councillor Ellie Gaunt.

#### PURPOSE OF THE REPORT

The report deals with nominations to Outside Bodies and Working Groups.

Appointments to Outside Bodies are made annually at Full Council.

In line with the Protocol for Members on Outside Bodies (Part 5f of the Council's Constitution), every member serving on an outside body is required to complete a reporting form every six months, which is to be submitted to the Community Focus Scrutiny Committee.

#### RECOVERABILITY

This decision is not recoverable because it relates to a recommendation to the council.

#### RECOMMENDATION

Council is invited to agree that the currently appointed members to the outside bodies are to continue for a further twelve months.

#### REPORT

1. The Council makes a number of appointments to outside bodies in each municipal year.
2. Following the borough election last year the appointments to outside bodies were made at Council in July. Outside of an election year Council is asked to make the appointments at the last full Council meeting prior to the annual meeting.
3. As the appointed members have not yet been in place for a full twelve months, it is proposed that the appointed members are confirmed for a further twelve months.
4. The table below includes the name of the body/group, the role/purpose, the frequency of the meetings and the current appointed representative.

5. It is important that the members nominated to represent the Council on outside bodies/working groups have an appropriate interest in the body/partnership/subject, can commit to positively represent the Council and be available to commit the time to attend the majority of the meetings involved.
6. The current protocol, Part 5f of the Constitution, requires members to produce regular reports about the outside bodies on which they serve, currently every six months. Members last reported to Community Focus Committee in January and will report again in June.

Outside bodies/partnerships			
Outside body / partnerships	Role/Purpose	Frequency of meetings	Representative
BAE Systems Co-ordination	Liaison with major employer in Fylde to explore opportunities of mutual interest, particularly in relation to environmental priorities	Ad hoc	Lead Member for the Environment
Blackpool Airport EZ Project Board	Responsible for the operational delivery of the two EZs, with a remit encompassing activity including commercial, financial, development, legal, planning, land, infrastructure, and highways works and, marketing and promotion.	As required	Deputy Leader
Community Project Fund	Decision making body allocating small grants to local volunteer groups and organisations from the Community Project Fund	Decision making is via email	The Mayor
Community Safety Partnership	Partnership meeting with Police, Fire and other partners.	Quarterly	Lead Member for Social Wellbeing
Duty to Co-operate – Planning	Joint member/officer steering group established to oversee the work under the Duty to Cooperate.	Ad hoc	Chairman of Planning Lead Member for Economic Development
Fylde Citizens Advice Bureau	CAB provide free independent, impartial advice to residents on their rights, responsibilities and services available to them.	Every two months	Lead Member for Customer and Operational Services Councillor Gail Goodman JP
Fylde Coast YMCA Partnership Board	To represent the Council on the YMCA Partnership Board.	Quarterly	Councillor Gavin Harrison
Fylde & Wyre Health & Wellbeing Partnership	Partnership that links the activities of the CCG, local authorities and health providers to ensure they are all working to address the priority health needs of the community preventing waste and duplication.	Meets every two months	Lead Member for Social Wellbeing
Fylde Peninsular Water Management Group	Partnership between the Environment Agency, United Utilities, Blackpool, Fylde and Wyre Councils, LCC and Keep Britain Tidy. It looks at 3 aspects of water management, coastal defence, bathing water quality and surface water management.	Quarterly	Lead Member for the Environment
Growth Lancashire Ltd	FBC signed up to Growth Lancashire Ltd to commission work for Kirkham Futures and a representative is required to sit on the Board.	Quarterly	Leader of the Council (alternate Deputy Leader of the Council)

Lancashire Enterprise Partnership (LEP) Joint Scrutiny Committee	Lancashire County Council Scrutiny Committee	Every 2 months	Chairman of Planning
Lancashire Health and Wellbeing Board	Representatives of all the district councils together with Lancashire County Council focusing on Health and Wellbeing. Meets at locations across Lancashire.	Every 2 months	Lead Member for Social Wellbeing
Lancashire Health and Adult Services Scrutiny Committee	Non-voting co-opted district member. To review and scrutinise issues around public health and health inequalities. To discharge the statutory health overview and scrutiny functions under the provisions of the Health and Social Care Act 2012.	Every 2 months	Councillor Viv Willder
Lancashire Waste Partnership	15 Lancashire waste authorities at both officer and member level in an active approach to integrated waste management across the whole county area	Every 2 months	Lead Member for Customer and Operational Services
Local Government Association General Assembly (LGA)	The General Assembly, the 'Parliament of Local Government', meets once a year, and is the only LGA decision making forum which all authorities in full membership are eligible to attend and to vote.	Annually	Leader of the Council
Lowther Trust	To represent the Council as a Trustee in the management of the Lowther Trust	Meets monthly	Lead Member for Tourism and Culture
Lytham Town Trust	To represent the Council as a Director on the Lytham Town Trust.	Quarterly	Councillor Michael Withers
North West Employers Organisation	Provides a network of support, advice and consultancy regarding human resources, policy and practice, leadership, development, organisational design and performance. It works with regional and national partners representing North West authorities as employers including consultation on pay and conditions.	Quarterly (4xp/a)	Deputy Leader
North West of England & the Isle of Man Reserve Forces & Cadets Association	To support and maintain Armed Forces Reserves and Cadets in North West England.	Annually with two optional outside days	Councillor Frank Andrews
One Fylde	To act as a Trustee of the organisation. The trust works with and supports people with learning disabilities, formally Ormerod Trust.	Every two months	Councillor Gail Goodman J.P
Park View 4 U Group	Supports the running of the park and facilities available.	Ad hoc but at least quarterly	Councillor Andrew Redfearn
PATROL	Organisation that co-ordinates the independent adjudication service (Traffic Penalty Tribunal) which Local Authorities have to support as part of the Traffic Management Act 2004 to enforce parking in our area. The funding for PATROL comes from a levy set by the Joint Committee, which is formed by Member representatives from each Local Authority, and currently stands at £0.50 per Penalty Charge Notice (PCN) issued.	Infrequently but online	Lead Member for Customer and Operational Services

	In addition to setting fees the Committee forms an over-sight of the work of the adjudicators as well as reviewing compliance by all Local Authorities.		
Police Crime Commissioner Panel	The Panel is a joint committee made up of representatives from the 15 local authorities in the Lancashire Police Force area. This Panel is politically balanced.	Every two months	Lead Member for Social Wellbeing
South Fylde Line Community Rail Partnership	The group comprises Northern Rail, Arriva North West, Network Rail, Lancashire County Council, Fylde Council, Blackpool Council the Police. Its aim is to improve both the passenger usage and facilities on the line by considering ways of accessing government and other grants and new projects to promote increased use as an alternative to private transport. It forms one of the lines within the Lancashire Community Rail Partnership as approved by the Department of Transport.	Quarterly	Councillor Vince Settle
Springfield Site Stakeholder Group	To act as a channel of communication between local community, Westinghouse, Springfield Fuels Ltd, the Nuclear Decommissioning Authority (NDA) and Regulatory Authorities. To scrutinise Springfields emergency and environmental plans.	Every six months	Lead Member for Environment and Councillor Evans

#### 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	None arising from this report
Legal	None arising from this report
Community Safety	None arising from this report
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

#### SUMMARY OF PREVIOUS DECISIONS

Full Council approves appointments to Outside Bodies annually.
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BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
None		

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning	<a href="mailto:tracy.manning@fylde.gov.uk">tracy.manning@fylde.gov.uk</a>	5 March 2024

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	COUNCIL	18 MARCH 2024	10
<b>STANDARDS INDEPENDENT PERSONS</b>			

### 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 Finance and Resources, Councillor Ellie Gaunt.

#### PURPOSE OF THE REPORT

To consider an extension of the term of office for the Independent Persons (IP) appointed by the Council to support the standards framework.

#### RECOVERABILITY

This decision is not recoverable because it relates to a recommendation to the council.

#### RECOMMENDATION:

Pursuant to Section 28 (7) of the Localism Act 2011, to extend the appointment of Mrs Helen Broughton, Mr Peter Clements and Mr Brian Horrocks as Independent Persons until 28 February 2027.

### REPORT

- The role of Independent Person (IP) is required in law as part of the standards process in dealing with allegations of member misconduct. The Council has three IP's which are a shared resource with Blackpool Council fulfilling this statutory role on behalf of both councils..
- All three of the current IP's were recruited in line with the following criteria:
  - no formal political party affiliation*
  - not be an employee of or an elected member of Fylde or Blackpool Councils*
  - not a close friend or relative of an elected member of Fylde or Blackpool Councils*
- Each IP has served in the role for varying lengths of time during which they have supported the Council (and Blackpool Council) in dealing with matters under the standards framework, as well as helping to develop standards codes, protocols and processes. They also have a statutory role in disciplinary action in relation to Chief Officers.



4. Their term of office was extended by Council in February 2021 and the three IP's have indicated their willingness to serve a further term and it is recommended that a further three-year extension is agreed. A similar recommendation has also been considered by Blackpool Council who have approved the same.

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	The Members' Allowances Scheme provides for special responsibility allowance for Independent Persons.
Legal	Section 28 (7) of the Localism Act 2011 states the requirement to appoint at least one Independent Person for standards matters.
Community Safety	None associated with this report.
Human Rights and Equalities	None associated with this report.
Sustainability and Environmental Impact	None associated with this report.
Health & Safety and Risk Management	There are no significant risk management considerations other than not having sufficient members to serve as part of the standards process.

SUMMARY OF PREVIOUS DECISIONS
<p>Council – 15 February 2021 –</p> <ol style="list-style-type: none"> <li>1. Approve the appointment of Mr Peter Clements to the role of Independent Person;</li> <li>2. Agree the appoint of Mr Peter Clements, Mr Brian Horrocks and Mrs Helen Broughton as statutory Independent Persons pursuant to Section 28 (7) of the Localism Act 2011, for a period of 3 years until 31 March 2024; and</li> <li>3. Confirm the continuation of the sharing arrangement with Blackpool Council for the use of the Independent Persons.</li> </ol>

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
None		

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning	tracy.manning@fylde.gov.uk	7 February 2024

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF ENVIRONMENTAL AND HOUSING SERVICES	COUNCIL	18 MARCH 2024	11
<b>STATEMENT OF LICENSING POLICY</b>			

### 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 Christopher Dixon.

#### PURPOSE OF THE REPORT

The Licensing Committee is set to consider the revised Statement of Licensing Policy at its meeting, to be held on 13<sup>th</sup> March 2024, with a recommendation to Council for the adoption of the policy.

As the Licensing Committee meeting takes place following the publication of the council agenda the final recommendation will be confirmed at the council meeting.

#### RECOVERABILITY

This decision is not recoverable because it relates to a recommendation to council.

#### RECOMMENDATION

1. That council considers the resolution from the 13<sup>th</sup> March 2024 Licensing Committee in relation to the adoption of the Statement of Licensing Policy.

### 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. At its meeting of the 25<sup>th</sup> October 2023, the Licensing 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."
4. 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

5. The consultation was also publicised on our webpages at [Consultation – Fylde Council](#) and ran between the 10<sup>th</sup> November 2023 and 17<sup>th</sup> December 2023. There were no responses to the consultation.
6. 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.
7. The Licensing Committee was requested to consider the report at its 13<sup>th</sup> March 2024 meeting 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><a href="#">Licensing Committee 25<sup>th</sup> October 2023</a>            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	<a href="https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003">https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003</a>

LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	<a href="mailto:chris.hambly@fylde.gov.uk">chris.hambly@fylde.gov.uk</a>	1 <sup>st</sup> March 2024

Attached documents

Statement of Licensing Policy 2024-2029



# Draft Statement of Licensing Policy 2023-2028 for consultation

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### **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](http://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](mailto:licensing@fylde.gov.uk)  
 Tel 01253 658658

Contact details of responsible authorities:

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

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

APPENDIX 2

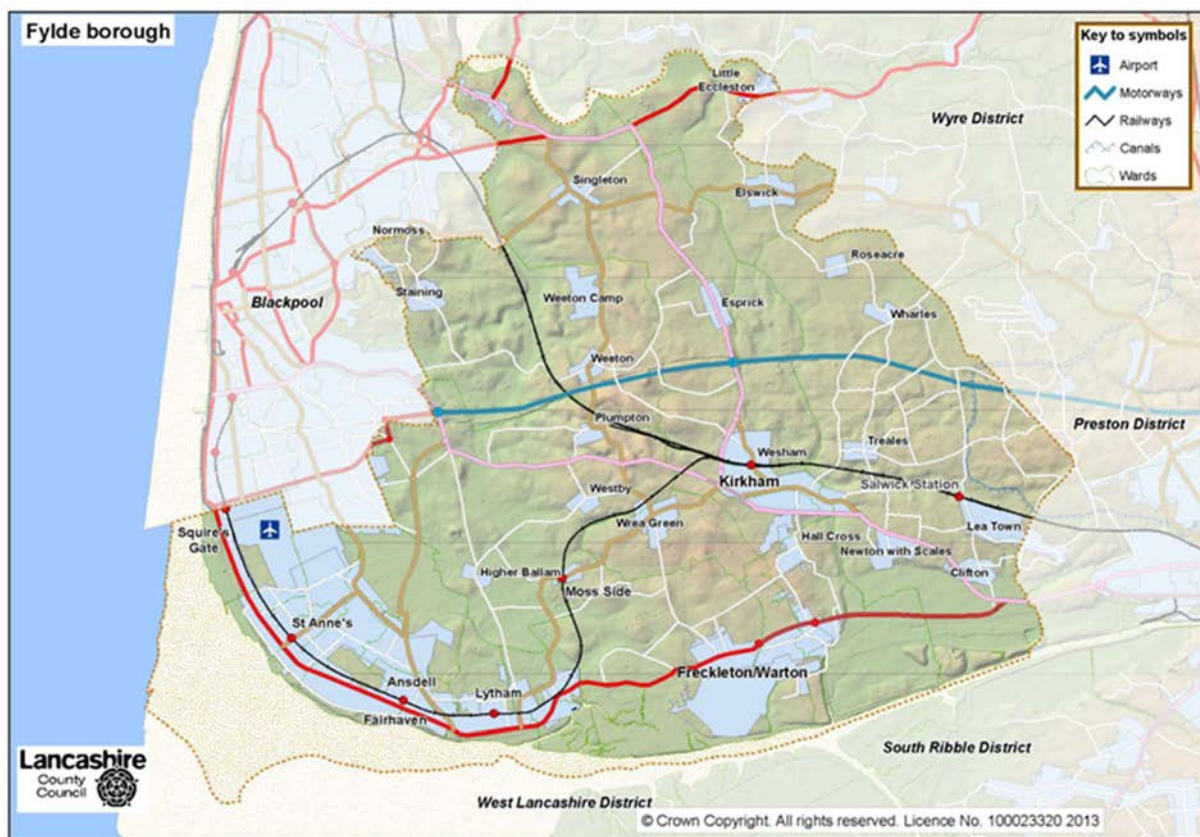
Table of delegations in respect of licensing authority functions

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





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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](mailto:listening@fylde.gov.uk).

Date: October /2023

Review Date: Consultation Document