

Agenda



LICENSING COMMITTEE

Date:	Friday, 27 November 2015 at 12:00 noon
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Angela Jacques (Chairman)</p> <p>Councillor Barbara Nash (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Frank Andrews, Jan Barker, Keith Beckett ISO, Brenda Blackshaw, Alan Clayton, Peter Collins, David Donaldson, Gail Goodman JP, Shirley Green, Peter Hardy, Neil Harvey, Raymond Thomas.</p>

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated , of the meeting held on 1 st April 2014 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24(c).	1
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	INFORMATION ITEMS	
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	LICENSING COMMITTEE	27 NOVEMBER 2015	4

REVIEW OF STATEMENT OF LICENSING POLICY

PUBLIC ITEM

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

SUMMARY

S5 of the Licensing Act 2003 requires the Licensing Authority to determine and publish a statement of Licensing Policy for a 5 year period to enable the proper discharge of the Council's responsibilities for the regulation of alcohol sales, public entertainment and late night refreshment in the Borough.

The current Statement of Licensing Policy must be re-considered by the 7th January 2016 and as such, the purpose of this Report is to inform Members of the consultation process undertaken and the amendments to the current policy.

RECOMMENDATION

1. The revised Statement has been drafted taking into account changes in the legislation and has been widely consulted upon. The Committee is therefore requested to recommend its approval to Full Council.

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

The current Statement of Licensing Policy was adopted by Full Council on the 22nd November 2010.

REPORT

1. The Licensing Act 2003 requires the licensing authority (Fylde Borough Council) to prepare a statement of licensing policy every five years.
2. The Authority's current Statement of Licensing Policy was approved by Council on 22nd November 2010 and came into effect on the 7 January 2011.
3. A Statement of Licensing Policy provides a local framework for decision making when considering applications for a licence or variation to a licence. The Licensing Committee and its licensing panels are required to have due regard to this policy when making a decision upon an application.
4. As required by the legislation, and in accordance with the guidance issued by the Secretary of State, we are now required to prepare a Statement of Licensing Policy for a further five year period. This revised policy must be in force with effect from the 7 January 2016 until 6 January 2021.
5. A revised version of the statutory guidance, issued by the Secretary of State, following consultation with a wide range of stakeholders including local authorities, the police, and industry and interest groups was published in May 2015. The revised licensing policy therefore reflects the recent changes to guidance.
6. Before finalising and implementing its policy, the Council must consult with those who may be affected by it. Accordingly, the views on what should be included in the statement of licensing policy have been sought from a wide range of both statutory and non-statutory consultees including:-
 - Lancashire Constabulary
 - Lancashire County Fire and Rescue Service
 - Representatives of the licensed trade
 - Existing licence holders (including local late night take – away food premises)
 - Representatives of business and residents associations in the Borough
 - Representatives of local and national retail and catering chains
 - Fylde councillors and Member of Parliament
 - Local town & parish councils
 - Fylde Community Safety Partnership
 - Local and national licensing solicitors
 - The Area Child Protection Committee
 - Drug Action Team
 - Alcohol Concern
 - Public Health
 - Blackpool, Fylde and Wyre Hospitals NHS Trust
 - Equity
 - Other interested parties
7. In total well over 300 organisations and interested parties were consulted with a small number of responses received. Those responses and a summary of the comments and any suggested amendments are detailed at appendix 3.
8. This document recognises that the licensed leisure and entertainment industry is important to the social and economic life of the area, and seeks to establish sensible controls and appropriate

guidance to help prevent and deal with anti-social problems which can arise from licensed activities. It takes account of the new and revised statutory guidance, together with the experiences of the Council, as Licensing Authority, over the last five years.

9. The Committee is therefore requested to consider the report and recommend its adoption to Full Council.

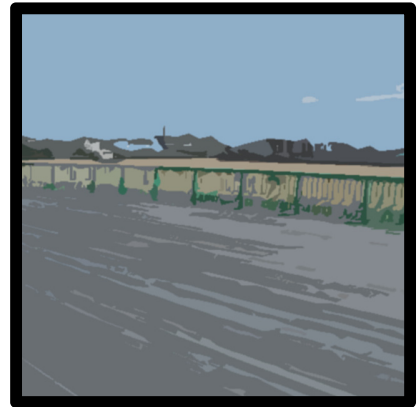
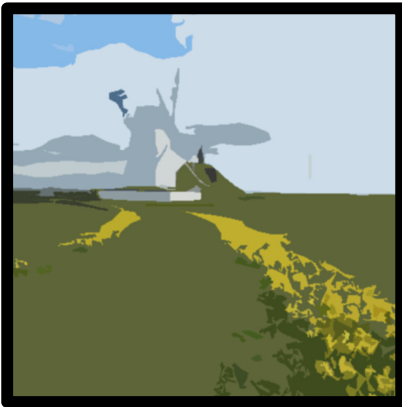
IMPLICATIONS	
Finance	The adoption of the policy has no direct financial implications, although there are resource implications for enforcement of any licence conditions. Such implications will be delivered within existing revenue budget provision.
Legal	The Council continues to have the statutory responsibility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

LEAD AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	16 th November 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Draft Statement of Licensing Policy 2016 - 2021	November 2015	http://www.fylde.gov.uk/business/licensing/consultation-council-39-s-proposed-revised-stateme/

Attached documents

1. Statement of Licensing Policy
2. Key Messages
3. Summary of Responses as at 16/11/15



Draft Statement of Licensing Policy

2016 - 2021



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DRAFT LICENSING POLICY v01d

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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** The policy has been prepared in accordance with the Act and statutory guidance issued by the Secretary of State.
- 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.

Whilst we must also have regard to this Statement of Licensing Policy and any statutory guidance issued by the Secretary of State, it does not mean that we have to always follow the policy and guidance. We can depart from it if proper consideration has been given, it is appropriate to do so and we can justify our reasons.

2 Development of this Policy

2.1 We consulted a wide range of bodies in developing this policy. They 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 and XX members of the public commented on it. We carefully considered all representations.

2.2 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 77,000 with an estimated 25% of the population over 65¹. 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.

¹ 2014 Lancashire Overview and District Profile

Approximately 311 different premises are licenced for regulated entertainment and/or the sale of alcohol. The main concentration of these can be found in the town centres of St Annes, Lytham and the market town of Kirkham and are broken down as follows:-

- 56 pubs & clubs (including 3 nightclubs)
- 29 certificated clubs (working mens', conservative, labour etc)
- 21 hotels
- 83 restaurants
- 62 shops & off-licences
- 19 village halls, schools & public spaces entertainment only)
- 24 other premises (sporting clubs, holiday complexes etc and one cinema.)
- 17 late night refreshment premises (food only)

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 supermarkets². 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.

² <https://www.drinkaware.co.uk/about-us/research-and-impact/databank/data-and-facts-on-alcohol-consumption-and-the-consequences/consumption>

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

4.1.1 Every supply of alcohol under a Premises Licence must be made or authorised by a person who holds a Personal Licence. Applicants 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, however 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

4.2.1 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.

4.2.2 If alcohol is sold from a premises 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 Certificates (CPC) are granted to members clubs who are able to 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 to enter a club and be served alcohol, or take part in licensable activities.

4.4 Temporary Event Notices

Under the Act a 'light touch' notification process permits events that are of a short duration. A Temporary Event Notice (TEN) can be used to allow activities

at a non-licensed premises 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 premises a temporary extension to their operating hours. There is a limit of 500 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

4.5.1 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.

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

4.6 Key Messages

In this policy there are several key messages that set out the authority's expectations with regard to 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

5.1 The Licensing Statement as set out in this document does not stand in isolation. By consulting widely prior to this policy statement being published, the Licensing Authority will take full account of local policies covering crime prevention, anti-social behaviour, culture, transport, race equality, planning and tourism as part of an integrated strategy for the Council, police and other agencies. Many of

these strategies may not be directly related to the promotion of the four licensing objectives, but could indirectly impact upon them.

5.2 Diversity

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

5.3 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 particular in relation to the decision-making processes of the Licensing Authority is to ensure that a licensing decision does not cause a breach of a convention right.

5.4 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 regular use of premises for licensable activities normally requires planning permission.

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 Designated Public Places Orders /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 can give police and council officers powers to request someone who is drinking to stop or to hand over alcohol. If an individual refuses to follow an officer's instruction then an offence is committed.

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

Key Message

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

7 General Approach to Licensing

7.1 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. In particular it supports a mixed night-time economy, which attracts all parts of the community, including families, and is not dominated by premises whose primary focus is the sale of alcohol.

7.2 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.

- 7.3** 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'.
- 7.4** 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 premises 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.
- 7.5** 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 The Licensing Process

8.1 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 an applicant may seek independent 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.

9 Applications

Key Message

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.

9.1 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.

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 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.

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.

9.2 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.

9.3 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](#), Environmental Protection Unit, Lancashire [Safeguarding](#) Children Board, 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.

9.4 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 the 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.

However, 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;

9.5 Licensing Panel Hearings

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

- grant the application as applied for
- grant the application but with changes 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

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.

We 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 licensing objectives. 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.

10.2.1 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.

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.

10.2.2 Applications for the Provision of Late Night Refreshment

There shall be provided at the premises 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

10.2.3 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 log book 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.

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 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.

11.1 Full Variation

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.

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

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 (12 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 premises user (24 hours)

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 21day 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

The matters set out below under the headings of each licensing objective are intended to assist applicants by drawing attention to the issues that they should have in mind when drawing up an operating schedule. Although they will apply to all applications to some degree, they will not necessarily apply equally to all applications.

Special measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature. These can often have a significant impact on the achievement of the licensing objectives. Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.

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.

Key Message

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.

14.1 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 issues.

14.1.1 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 standard.

14.1.2 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

We encourage all licensees to actively participate in any voluntary scheme to promote the responsible consumption of alcohol.

14.1.3 Pubwatch Schemes

We value the contribution that Pub Watch schemes make to the reduction of crime and disorder in licensed premises. Where such schemes (including 'Best Bar None' or 'Nightsafe') exist, licensees are encouraged to become active members including implementing any banning orders issued under the scheme. The pub watch scheme is run independently by licensees and supported by

council and police officers. It is a valuable resource and also helps premises support the licensing objectives, whilst addressing the issues of safety for employees on licensed premises.

Key Message

We actively support the local schemes and expect licensees to take an active part in them.

14.1.4 Drugs

We recognise that drug use is not something that is relevant to all licensed premises. However applicants should offer appropriate conditions as part of the application to assist in the prevention of drug use in their premises.

Key Message

We 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 premises. 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.

14.1.5 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.

14.1.6 CCTV

CCTV can be 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 any 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 and hold at least 21 days of images, but preferably 31.

14.1.7 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.

14.1.8 Open Containers

Drinks purchased in licensed premises or clubs may only be taken from those premises for consumption elsewhere, if the licence/certificate permits off sales and only in sealed containers.

No bottles or glasses (sealed or unsealed) can be taken from a premises whose licence permits on sales only. This is to prevent the use of glasses and open bottles as offensive weapons in surrounding streets, after individuals have left the premises.

Key Message

The inclusion of the condition “No drink shall be removed from the premises in an unsealed container, should be included in the operating schedule for any premises licence or club certificate that permits off sales.”

14.2 Promotion of 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 in safety. Licensees, as providers of premises for the sale of alcohol or regulated entertainment, will 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 Prevention of Public Nuisance

Licensed premises have a significant potential to cause 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.

14.3.1 Disturbance by Patrons Leaving the Premises

Although once patrons have left the curtilage of a licensed premises staff may not be able to deal with associated noise and disturbance, 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.

14.3.2 Noise Nuisance

Conditions relating to noise nuisance will normally concern the measures necessary to control the levels of noise emanating from the premises. Any conditions necessary to promote the licensing objective will be tailored to the style and characteristic of particular premises and may include restrictions which ensure that the volume of amplified sound used in connection with entertainment is under the control of the licensee or management and that the controlling mechanism is operated from a part of the premises inaccessible to the public.

Conditions intended to deal with noise will normally be focused on the most sensitive periods. For example music is more problematical when it is played from late evening until the early hours of the morning when nearby residents are attempting to get to sleep. Areas used for smoking may lead to noise issues for nearby residents and where possible designated areas that are away from nearby residents should be used for smoking.

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.

14.3.3 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) then any premises licence which authorises the sale of alcohol 'for consumption ON the premises' only, as opposed to 'on and off the premises' would not authorise the use of such areas.

Use of outside areas can cause nuisance to neighbours, so operators must make sure that staff regularly check that patrons using them are not causing a nuisance. Staff should ensure that glasses and bottles are collected regularly and are not permitted to build up.

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

14.3.4 Litter

The cumulative effects of litter around premises carrying on licensable activities can amount to public nuisance. We require that any premises that can cause litter, be it from a take away food establishment or cigarette debris left by its customers, must remove it at regular intervals.

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 Protection of Children From Harm

We 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 entertainments.

14.4.1 Proof of Age Schemes

We 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

We 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 have received suitable training in relation to the proof of age scheme to be applied upon the premises and records evidencing this should be kept.

14.4.2 Exposure to Adult Behaviour

We consider that children should not be exposed to entertainments 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 particular 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

15.1 Live Music

We 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.

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.

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.

15.2 Exemptions

Due to legislative changes there has been a partial de-regulation of regulated entertainment, and the exemptions are noted below:

	timings	days	audience	Premises	Notes
Live unamplified music	Between 08.00 and 23.00	any	Less than 500 persons	any	
Live amplified music	08.00 and 23.00	any	Less than 500 persons	Alcohol on-licensed premises*	Premises must be open and alcohol available for purchase under the terms of the licence
Live amplified music	08.00 and 23.00	any	Less than 500 persons	Non-licensed workplace	
Live amplified music	08.00 and 23.00	any	Less than 500 persons	Non-licensed Church hall, village hall,	Consent required from person responsible for premises

				community hall or similar	
Live amplified music	08.00 and 23.00	any	Less than 500 persons	Non-licensed residential premises of a local authority, hospital,	Consent required from organisation responsible for premises
Recorded music	08.00 and 23.00	any	Less than 500 persons	Alcohol on-licensed premises	Premises must be open and alcohol available for purchase under the terms of the licence
Recorded music	08.00 and 23.00	any	Less than 500 persons	Non-licensed Church hall, village hall, community hall or similar	Consent required from person responsible for premises
Recorded music	08.00 and 23.00	any	Less than 500 persons	Non-licensed residential premises of a local authority, hospital,	Consent required from organisation responsible for premises
Any regulated? entertainment	08.00 and 23.00	any	Less than 500 persons	Local authority premises, hospital, school	Entertainment provided by the local authority, health care provider or school
Plays	08.00 and 23.00	any	Less than 500 persons	Any premises	
Dance	08.00 and 23.00	any	Less than 500 persons	Any premises	
Films	08.00 and 23.00	any	Less than 500 persons	Community premises	Not for profit event

					Consent required from organisation responsible for premises Screening is suitable for age of attendees
Indoor sporting events	08.00 and 23.00	any	Less than 1000 persons	Any premises	
Greco-Roman wrestling or Freestyle wrestling	08.00 and 23.00	any	Less than 1000 persons	Any premises	
Travelling circuses	08.00 and 23.00	any	No limit	Any moveable structure that the audience is held within	Circus may not be located on same site for more than 28 days

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.

Any individual may apply for a personal licence whether or not they have current employment or business interests associated with the use of the licence.

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

Key Policy

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 contacted and should an objection be submitted a hearing will be held to determine the application.

Following the grant of a personal licence, should the licence holder be convicted by a court for a relevant offence, the holder must notify us. On receipt of such a notification, we will record the details on file for future reference. The personal licence holder must also notify the court at the time of conviction that he/she holds such a licence.

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.

17 Designated Premises Supervisor (DPS)

17.1 Role of the 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.

Where the DPS is not available at the premises for whatever reason, an individual should be nominated as a point of contact who will have details of where the DPS can be contacted.

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 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 is able to 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.

17.2 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 at every transaction. A personal licence holder may authorise others to sell alcohol under their supervision and may then occasionally be absent at times from the premises when such a transaction takes place. Such authorisations should be given in writing and only to those persons who have been given sufficient training to ensure that the four licensing objectives are not compromised. The personal licence holder will, nevertheless, not be able to escape responsibility for the actions of those he authorises to make such sales.

At least one personal licence holder would normally be expected to be on the premises when alcohol is being sold but if a personal licence holder is not on the premises for any reason, provision should be made for the immediate contact of the personal licence holder or Designated Premises Supervisor in the event of an emergency.

18 **Need for Licensed Premises**

We 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.

19 **Cumulative impact of a concentration of licensed premises**

We 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 issues 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 issues 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 continue 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.

Any discussion concerning the possible introduction of such a policy will also look at the alternatives to such a policy, to see if they might either achieve the same objective or be a complement to such a policy.

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, we 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.

20 Enforcement

20.1 General Enforcement

We 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.

20.2 Complaints Against Licensed Premises

We 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.

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

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.

The Lancashire County Council Trading Standards Service and the Police enforce the legislation that imposes a lower age limit on customers purchasing alcohol. Such sales to under-age customers are a matter of particular concern to both these organisations and 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.

21 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. We 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.

We must reject a 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 Authority 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 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 committee will view 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.

22 Late Night Levy

We 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.

23 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 ie 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.

23.1 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.

23.2 Exemptions

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

APPENDIX 1

Contact details for Responsible Authorities

Contact details for Licensing Authority:

Licensing Department

Fylde Borough Council

Town Hall

Lytham St Annes

Lancashire

FY8 1LW

Email: licensing@fylde.gov.uk

Tel 01253 658658

Contact details of responsible authorities:

Responsible authority	Address
Health & Safety Environmental Protection Planning	C/O Licensing Department Fylde Borough Council Town Hall Lytham St Annes Lancashire FY8 1LW Email: licensing@fylde.gov.uk Tel 01253 658658
Police	Police Licensing Officer Lancashire Constabulary Licensing Department Western Divisional HQ Bonny Street Blackpool FY1 5RL
Fire Authority	Technical Fire Safety Lancashire Fire and Rescue St Andrews Road North Lytham St Annes FY8 2JQ
Protection of Children	Childrens' Services Room B15A First floor County Hall Preston PR1 8 XJ

Trading standards

Principal Trading Standards Officer
Lancashire Trading Standards
58-60 Guildhall Street
Preston PR1 3PR

Public Health

Lancashire County Council
Public Health LICENSING
First floor
Christ Church Precinct
County Hall
Preston
Lancashire
PR1 8XJ

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

Glossary of terms

The Act	Means the Licensing Act 2003.
Alcohol	Includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale.
Appeals	Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged in 21 days. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.
Authorised Persons, Other Persons and Responsible Authorities	The Act creates three categories of people/bodies that can make representations to a Licensing Authority about an application for a licence. "Authorised persons" are specified people who have statutory duties in relation to the inspection of premises, e.g. fire, health and safety. "Other Persons" covers any individual, body or business entitled to make a relevant representation. "Responsible Authorities" include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection, the health authority and the licensing authority.
Closure Order	Powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.
Club Premises Certificate	A certificate which licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.
Designated Premises Supervisor	The person designated in the premises licence as the person who is responsible for supervision of the premises e.g. the day-to-day manager. Any premises

where alcohol is supplied as a licensable activity must have a designated premises supervisor.

The Guidance	The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. This is updated at regular intervals to reflect changes in legislation.
Interim Authority Notices	Where a premises licence lapses due to the death, incapacity or insolvency etc of the holder, specified persons can within 7 days serve an interim authority notice on the Licensing Authority. This revives the licence, subject to police objection, for a period of up to 2 months so the premises can continue trading.
Late Night Refreshment	Supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises e.g. will cover late night takeaways and fast food outlets but also restaurants open after 11pm
Licensable Activities	Activities that must be licensed under the Act: The sale by retailers of alcohol; supply of alcohol by a club; provision of regulated entertainment; provision of late night refreshment
Licensing Authority	Local authorities (district or county councils). In the context of this document Fylde Borough Council
Licensing Committee	A committee of at least 10 but not more than 15 members of the local authority. May have one or more sub-committees consisting of at least three members
Licensing Objectives	The objectives of licensing set out in the Act: The prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.
Licensing Panel	A committee of 3 councillors appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act.
Mandatory Conditions	Conditions imposed on all premises licences and club premises certificates. The Secretary of State may add to these at any time and they are written in to each licence/certificate appropriately.
Objection Notice	A procedure whereby the police can object to the grant of a personal licence on the grounds that where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective
Operator	Includes all premises licence holders, club premises certificate holders and designated premises supervisors.

Operating Schedule	A document in a prescribed form that sets out information about how the applicant for a premises licence intends to operate his business. It sets out information such as the relevant licensable activities, the proposed licensed hours, any other opening hours, the name of the proposed premises supervisor and steps which it is proposed to take to promote the licensing objectives. Where an applicant for a premises licence submits an operating schedule, and there are no relevant representations (objections), the local authority licensing committee must grant the application and can impose only those conditions on the licence that are consistent with the operating schedule.
Personal Licence	A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the police can object to the grant of a personal licence.
Premises Licence	A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities. Has effect until revoked, surrendered or death, insolvency etc of the holder. Applications dealt with by the local authority licensing committee in the area where the premises are situated.
Provisional Statement	A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.
Regulated Entertainment	Specified entertainment that takes place in the presence of an audience for their entertainment; performance of a play, exhibition of a film, indoor sporting event, performance of live music, playing of recorded music, performance of dance, other entertainment similar to music and dancing.
Relevant Offences	Offences relevant to the consideration of an application for the grant of a personal licence and about which the police may serve an “objection notice”. The offences are listed in schedule 4 of the 2003 Act and generally relate to drink, dishonesty, drugs, duty, copyright, food safety, sexual offences & violence.
Statement of Licensing Policy	Each Licensing Authority must every five years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.

Transfer

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

Variation

Changes in the operation of a premises, club or event, including variation of operating hours and modification of the premises or the specification of another person as the Designated Premises Supervisor.

APPENDIX 4**Mandatory conditions applied to licences and club premises Certificates**

Mandatory conditions where licence authorises the supply of alcohol

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

Mandatory Condition where the licence permits the performance of Films

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

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

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

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

Mandatory conditions where Door Supervisors are provided

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

Mandatory Conditions for club Premises with off sales

- 1) The supply of alcohol for consumption off the club premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

- 2) Any alcohol supplied for consumption off the premises must be in a sealed container.
- 3) That any supply of alcohol for consumption off the premises must be made to a member of the club in person.

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

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following

activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

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

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

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

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

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

5 The responsible person shall ensure that–

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

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

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

Licensing Act 2003 (Mandatory Licensing Conditions) Order May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price

on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

APPENDIX 5

The Licensing Act 2003 may be amended periodically by legislation, however there are a number of Acts and statutory regimes that also impact on licensed premises, as below.

Other relevant legislation (correct at time of print)

1. Planning Legislation and Building Regulations

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications will not be a re-run of the planning application. The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate.

2. Health and Safety at Work Act 1974 and associated legislation

Fylde Council is the authority for this legislation for most licensed premises in the area.

3. Human Rights Act 1998

Fylde Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operate their business without undue interference (Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

4. Disability Discrimination Act 2005

The Disability Discrimination Act introduced measures to tackle discrimination encountered by disabled people. It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services to disabled people.

5 Crime and Disorder Act 1998 Section 17

This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states, *“Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”*.

This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific

licensing objective of the prevention of crime and disorder fulfils the requirement under this Act.

6. Criminal Justice and Police Act 2001

This Act introduces provisions for combating alcohol related disorder giving the local authority and/or the police the powers to prohibit alcohol consumption in designated public places, to close certain licensed premises due to disorder or disturbance and to close unlicensed premises.

7. Policing and Crime Act 2009

This Act introduces measures to tackle alcohol misuse.

8. Environmental Protection Act 1990

This covers a wide range of types of pollution including noise pollution.

9. The Clean Neighbourhoods and Environment Act 2005

This provides local authorities with an additional power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11.00pm and 7.00am.

10. Anti-Social Behaviour Act 2003

Sections 40 and 41 of the Act provides that if the noise from a licensed premise is causing a public nuisance, an authorised environmental health officer will have the power to issue a closure order effective for up to 24 hours. This compliments the police powers under Part 8 of the 2003 Act to close licensed premises for temporary periods.

11. Health Act 2006 (Workplace Smoking Ban)

The ban on smoking in all enclosed work places and public places came into force on the 1 July 2007. The ban includes smoking in pubs, restaurants and members clubs where bar or other staff are employed.

12. The Regulatory Reform (Fire Safety) Order 2005

Lancashire Fire and Rescue Service enforce fire safety legislation. The Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaces previous fire safety legislation.

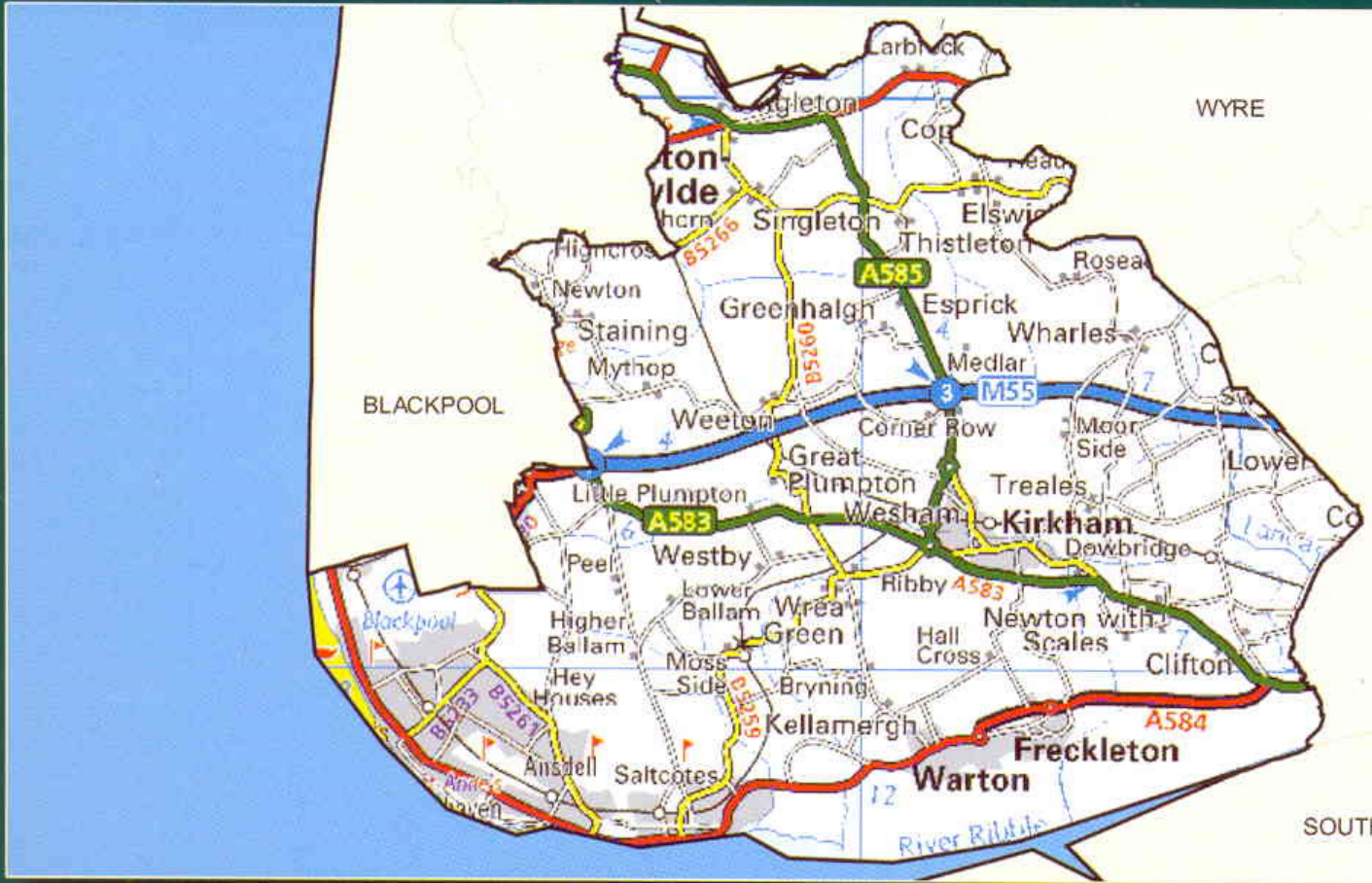
13. Race Relations Act 1976 (as amended 2000)

Local authorities have a legal obligation to have regard to the elimination of unlawful discrimination; promote equality of opportunity and good relations between persons of different racial groups.

14. Data Protection Act 1998

Applicants should have regard to the provisions of the Data Protection Act 1998 in relation to their premises and in particular to the Information

The boundary of Fylde Borough Council is detailed below.



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Date: September 2016
Review Date: December 2016

Our Ref:Chris Hambly



Fylde Borough Council Statement of Licensing Policy (2016 – 2021)

Summary of Key Messages

Contained within the policy are several key messages that set out the authority's expectations with regard to applications. Whilst applicants are not obliged to meet these expectations it is more likely that responsible authorities and other parties will make representations if they do not. However if an application does attract a representation, leading to determination by members, applications that demonstrate that proper consideration has been given to Key Message statements within the policy will be looked upon favourably. However this does not conflict with the guidance that each application must be judged on its own merits

For the ease of reference, those key messages are listed below:

1. 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.

2. 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.
3. 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.
4. 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.
5. 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.

10.2.1 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.

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.

10.2.2 Applications for the Provision of Late Night Refreshment

There shall be provided at the premises 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

10.2.3 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 log book 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.

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.

6. 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.
7. 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.
8. 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.
9. We expect all licensed premises to have a policy in place and implement the Challenge 25 standard.
10. We encourage all licensees to actively participate in any voluntary scheme to promote the responsible consumption of alcohol.
11. We actively support the local schemes and expect licensees to take an active part in them.
12. We 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 premises. 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.

13. We will expect relevant premises to have an adequate number of Licensed Door supervisors in line with an appropriate risk assessment.
14. 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 and hold at least 21 days of images, but preferably 31.
15. The inclusion of the condition “No drink shall be removed from the premises in an unsealed container, should be included in the operating schedule for any premises licence or club certificate that permits off sales.”
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. It is expected that a DPS supervising two or more premises is able to 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.

22. 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.
23. The licensing committee will view 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.

FYLDE BOROUGH COUNCIL

LICENSING POLICY 2016-2021

CONSULTATION

UNDER THE LICENSING ACT 2003

REPRESENTATIONS and RESPONSES RECIEVED

Consultation Period: 21st September 2015 to 22nd November 2015

Issued November 2015

REVISED LICENSING POLICY - SCHEDULE OF RESPONSES

Relevant Paragraph of Policy	Respondent	Comments Received	Assessment of Comments	Recommended Action
Whole Document	Hon Alderman BJ Whittle OBE Fylde Community Partnership	The document represents a reasonable policy for the licensing and gambling and allows for the appropriate representation to be made to any change of conditions. This policy contributes to the wellbeing and safety of people in the Fylde.	The response is in relation to both the Gambling and Licensing Policies which are under review. No action is required.	No policy change required
Whole Document	The Rt Revd Julian Henderson Bishop's House Ribchester Road Clayton Le Dale Blackburn BBI 9EF	Thank you for the paperwork about the review of both your Licensing and Gambling policy and for this period of consultation. One of my team have read through the draft policies and confirm that what you propose is good and proportionate. At one level I would want to reduce the opportunities for gambling, as it usually hurts and harms the most vulnerable in our society. Similarly I would want to reduce the opportunities for purchasing and drinking alcohol, as so many people's lives are ruined by excessive alcohol consumption. But I know we have to deal with where we are rather than where we would like to be. Thank you for all you are doing to keep the situation as under control as possible.	As above.	No policy change required

Whole Document	Peter Bell Network Control Manager Community Services Lancashire County Council	Further to your letter dated the 22 nd September regarding your review of the licensing policy statement due to be published in January 2016. I would like to confirm that Lancashire County Council do not have any comments, in relation to the highways service, on the policy. A copy of the document has been passed to our Public Health colleagues who will respond separately should they have any comments on the document.	Not applicable	No policy change required
Whole Document relating to Key Messages	Naphthens Solicitors	<p>Clause 4.3 states that <i>“whilst applicants are not obliged to meet these expectations it is more likely that responsible authorities and other parties will make representations if they do not. However, if an application does attract a representation, leading to determination by members, applications that demonstrate that proper consideration has been given to Wyre Key Message statements within this policy will be looked upon favourably.”</i></p> <p>This could mean that if the key messages are not offered, the applicant is more than likely to attend a licensing hearing. As you know some applicants do not feel confident or comfortably in attending a licensing hearing without representation. As you will appreciate representation costs the applicant’s money. I understand that some of the key messages are quite reasonable and mirror the legislation or law. However,</p>	Both Fylde and Wyre Councils are currently reviewing the Licensing Policies and the policies are similar apart from some differences within the key messages. The response was initially sent to Wyre Council but subsequently copied to Fylde, hence references to Wyre in the response.	No policy change required.

		<p>there are some key messages that I would advise some applicants to avoid, such as:</p> <ul style="list-style-type: none"> - Key message 01: Licence applications should normally be from premises where: a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015. b) The hours sought do not exceed those authorised by any planning permission. 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. My concern is that planning and licensing are two separate regimes. Licensing applications can be made without planning in place and can apply for later hours than those granted by planning. Of course, the premises will have to abide by which ever hours are the earliest but it should not hinder a licensing application. - Key message 07: If representations 	<p>In response to key message 1, we acknowledge Licensing and Planning are two separate regimes and that a lack of appropriate planning permission on its own would be sufficient for a representation to be relevant.</p> <p>We are seeking to clarify at an early stage that where appropriate planning permission is not in place, the operating schedule should demonstrate that the operation of the premises will not be detrimental to the promotion of the licensing objectives.</p>	
			Acknowledged but the Fylde Key Message refers	

		<p>are made, appropriate licence conditions will be applied, and these may be stricter if the application seeks to allow licensable activities after midnight. The conditions should only be stricter if the operating style of the premises requires it. Trading past midnight should not be the reason for stricter conditions, it depends on the operating style.</p> <ul style="list-style-type: none"> - Key message 13: 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 all times by a member of staff and hold at least 21 days of images, but preferably 31. As you will appreciate a premises does not have to offer CCTV. However, in this key message it looks like premises should have CCTV or security supervision by staff. I am unsure what security supervision by staff includes? - Key message 24: It is expected that a personal licence holder is named as a DPS on only one premises licence, other than in exceptional short term 	<p>to “may” be applied as opposed to “will”. To be relevant, any representation should take into account the operating style of the premises rather than just the time it operates too and as such, should conditions be appropriate they will be tailored to the premises.</p> <p>The Fylde Key Message states, “what systems of security, supervision by staff, and/or CCTV will be in place to promote the licensing objectives” rather than “security supervision”.</p> <p>To promote the licensing objections it would expected there be some form of either a) security or b) supervision by staff or c) CCTV</p> <p>The Fylde key message is slightly different in that it comments, “it is expected that a DPS supervising two or more premises is able to ensure that the licensing objectives are properly</p>	
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		<p>circumstances, for instance for a period of less than one month. The geographic location of the premises must also be taken into consideration. There is no guidance that prevents a personal licence holder being a DPS at more than one premises. I appreciate you have mentioned that the geographic location will be taken into consideration, but it is usual for a personal licence holder to be DPS at two quieter premises located close together.</p>	<p>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 account.”</p> <p>The Key Message acknowledges that there is no time limit on a person being nominated as DPS at more than premises, providing the objectives are being promoted.</p>	
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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	LICENSING COMMITTEE	27 NOVEMBER 2015	5

REVIEW OF STATEMENT OF GAMBLING POLICY

PUBLIC ITEM

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

SUMMARY

To present members with the draft revised Gambling Policy Statement and inform them of the results of the consultation exercise.

RECOMMENDATION

That the Committee note the contents of the report and recommends the draft Policy for approval by Full Council.

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

The current Policy was approved by Full Council on the 3rd December 2012.

REPORT

1. The Gambling Act received Royal Assent in April 2005 and consolidates regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling in one Act.
2. The Act established the Gambling Commission which has responsibility for advising both central and local government on issues relating to Gambling. In addition, the Gambling Commission has responsibility for issuing Operating Licences and Personal Licences to organisations and individuals who wish to undertake certain activities under the Act.

3. Fylde Borough Council has responsibility under the Act to issue premises licences, permits and temporary use notices in respect of premises where it is proposed that gambling should take place. Additionally, the Authority continues to be responsible for the registration of Small Society Lotteries.
4. Members will be aware that under the Act the Council, as Licensing Authority, is required to produce a policy every 3 years setting out how it intends to implement the Act.
5. S25 of the Gambling Act requires the Gambling Commission to issue Guidance to Licensing Authorities on the discharge of functions under the Act. The Guidance was originally issued in April 2006 and dealt primarily with matters intended to assist the Licensing Authorities in the development of Gambling Policy.
6. The Guidance has been subject to several revisions, the latest being in September 2015 following emerging issues since the implementation of the Act. This Guidance sets out the principles that must be applied by the Licensing Authority in exercising its functions under the Act.
7. The draft revised Gambling Policy was issued for consultation on the 29th September 2015 and the final date for any comments to the proposals is the 22nd November 2015.
8. The existing Policy has been kept under review since coming into force on 1st January 2013 and no revision has been deemed necessary to the existing policy apart from references which have become outdated and an addition at part 4 concerning Local Risk Assessments.
9. The Act requires the Council to consult with various groups before the Policy is determined as follows:
 - the chief officer of police for the authority's area
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act
10. In respect of paragraph 8 above, the consultation has included the following organisations:
 - Lancashire Constabulary
 - The Fire Authority
 - Representatives of businesses and residents in the borough
 - Representatives of persons representing the interests of persons carrying on gambling businesses in the borough
 - Fylde Community Safety Partnership
 - Local licensing solicitors
 - Representatives of child welfare groups
 - Town and Parish Councils
 - Youth organisations
 - Gambling industry organisations and associations
 - Gambler support organisations
 - Faith groups

11. The purpose of this report is to inform the Committee of the consultation process and seek the approval of the Licensing Committee so that the revised policy may be finally approved by a meeting of the Full Council on the 14th December 2015.

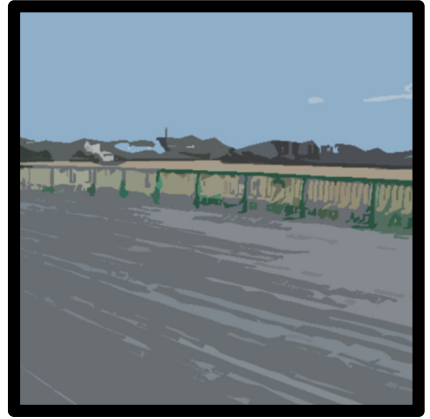
IMPLICATIONS	
Finance	The adoption of the policy has no direct financial implications, although there are resource implications for enforcement of any licence conditions. Such implications will be delivered within existing revenue budget provision.
Legal	The Council continues to have the statutory responsibility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

LEAD AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	16 th November 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Revised Statement of Gambling Policy for Consultation	November 2015	http://www.fylde.gov.uk/business/licensing/consultation-council-39-s-gambling-licensing-polic/

Attached documents

1. Draft Statement of Gambling Policy 2016-2019
2. Summary of Responses as at 16/11/15



Draft Statement of Gambling Policy 2016 - 2019



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Fylde BOROUGH COUNCIL
Gambling Policy Statement

1. BACKGROUND

- 1.1** The Gambling Act 2005 (The Act) gave effect to the Government's proposals for the reform of the law on gambling. The Act, which received royal assent on the 7 April 2005, replaces most of the existing law about gambling in Great Britain and puts in place an improved, more comprehensive structure of gambling regulation covering practically all forms of gambling other than the national Lottery and spread betting.
- 1.2** The Act introduces two comprehensive offences which are:-
- providing facilities for gambling or
 - using premises for gambling without the appropriate licence, permit, or registration granted under the Act.
- 1.3** The Act introduced an independent unified regulator for commercial gambling in Great Britain, the Gambling Commission, and a licensing regime to be operated by the commission or by licensing authorities depending on the matter to be licensed.
- 1.4** The Act also puts in place a strong role for local authorities in licensing gambling premises in their area, as well undertaking functions in relation to lower stake gaming machines.
- 1.5** Local authorities, as Licensing Authorities, will grant premises licenses for: casinos, betting offices and race tracks, bingo clubs, adult gaming centres and family entertainment centres. They will also issue permits for: gaming machines in members' clubs and licensed premises, gaming in members' clubs, prize gaming and unlicensed family entertainment centres. The issuing of temporary use notices and provisional statements (permission issued before a building is built or altered for the purpose of gambling) will also be the responsibility of Licensing Authorities. The Authority will also be responsible for the issue of occasional use notices at tracks.
- 1.6** Licensing Authorities may also authorise premises that are not generally licensed for gambling purposes to be used for gambling for limited periods.
- 1.7** The Gambling Act 2005 requires the Council to prepare and publish a "Statement of Licensing Policy" that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

2 THE LICENSING OBJECTIVES

2.1 In exercising most of their functions under the Gambling Act 2005, licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Act namely:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

(It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling")

INTRODUCTION

3.1 General

3.1.1 The Gambling Act 2005 requires the Licensing Authority to determine a statement of the principles that they proposed to apply when exercising their functions under the Act. Those who may be affected by it must be consulted as part of the process. This statement must be published at least every three years and must also be reviewed from "time to time". Any amended parts must be re-consulted upon. The statement must then be re-published.

3.1.2 This "Gambling Policy Statement" in respect of the Gambling Act 2005 has been prepared having regard to the licensing objectives of the Gambling Act 2005 listed in paragraph 2.1 above and the Guidance issued by the Gambling Commission.

3.1.3 The Council recognises that gambling is a legitimate pastime of many of the residents of Fylde but also understands the problems that can be caused by debt as a result of gambling. It is therefore necessary to ensure that the necessary safeguards are in place to protect the young and vulnerable. It will, accordingly, regulate gambling in the public interest but is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it considers that it is:-

- in accordance with any codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives; and
- in accordance with this Gambling Policy Statement

3.1.4 This Gambling Policy Statement will not override the right of any person to make an application, make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005. Nothing in this Gambling Policy Statement will detract from the principle that every application will be determined on the merits of the particular case.

3.1.5 This policy was adopted by the Full Council at its meeting on the *Date to be inserted once adopted*.

3.2 Types of Licence

3.2.1 This document sets out the policies that this Licensing Authority will apply when making decisions upon applications or notifications made for:-

1. Premises Licences;
2. Temporary Use Notices;
3. Permits as required under the Act;
4. Registrations as required under the Act.

3.3 Licensable Premises and Permits

3.3.1 This policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, including:-

1. Casinos;
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Family Entertainment Centres;
7. Club Gaming Permits;
8. Prize Gaming and Prize Gaming Permits;
9. Temporary Use Notices;
10. Registration of small society lotteries.

3.3.2 This policy does not address remote gambling as this is entirely controlled by the Gambling Commission. Remote gambling means gambling not associated with a premises such as internet gambling.

3.4 Licensing Authority Functions

3.4.1 This policy covers all the functions of the Licensing Authority which include:-

- Responsibility for the licensing of premises where gambling activities take place by issuing premises licences
- Issue of Provisional Statements
- Regulation of members clubs and miners welfare institutions who may wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue of Club Machine Permits to Commercial Clubs
- Granting of permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of not more than two gaming machines
- Granting of Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the premises where two or more machines are required
- Registering small society lotteries
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use notices
- Receiving Occasional Use notices
- Providing information to the Gambling Commission regarding details of licences issued
- Maintaining registers of the permits and licences that are issued under these functions

3.5 Profile of the Authority

3.5.1 Fylde Borough Council is a coastal borough situated in the County of Lancashire, which contains 14 Licensing Authorities in total. The Council area has a population of 77,000 with an estimated 25% of the population over 65 (2014 Lancashire Overview and District Profile). A large proportion of the area is rural in nature. The main towns within the borough are the resorts of Lytham and St Annes. Further inland the borough contains smaller urban areas at Wesham, Kirkham, Freckleton and Warton. It has a geographical area of 166 square km. Fylde is a reasonably affluent area, ranking 235th out of 354 English authorities, based on the government's indices of multiple deprivation. (Fylde District Profile 2011-12).

3.5.2



3.5.3 The main concentrations of premises in the district providing any form of gambling and indeed the sale of alcohol, can be found in the town centres of St Annes, Lytham and the market town of Kirkham. As of Summer 2015, there is one casino in the Borough which is located within St Annes (not currently trading), six betting shops are located in the area with 3 in St Annes and 2 in Kirkham and one in Lytham. There are 7 amusement arcades associated with the holiday trade mostly located on holiday centres or complexes, caravan sites or on the pier at St. Annes. At present around 64 pubs and 13 clubs have permits for gaming machines.

3.6 Consultation

3.6.1 There are a number of groups that have a stake in the gambling industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration. In determining this policy, the authority consulted widely and in particular with the following individuals and organisations:

- The Chief Officer of Police
- The Fire Authority
- Representatives of businesses and residents in the borough
- Representatives of persons representing the interests of persons carrying on gambling businesses in the borough
- Fylde Community Safety Partnership
- Local licensing solicitors
- Representatives of child welfare groups
- Town and Parish Councils
- Youth organisations
- Gambling industry organisations and associations
- Gambler support organisations
- Faith groups

3.6.2 Proper weight will be given to the views of all those consulted prior to this Gambling Policy Statement being finalised and taking effect.

4 Local Risk Assessments

4.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015, formalise the need for operators to consider local risks. Local risk assessment apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision comes into force on 6 April 2016.

4.2 Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

4.3 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

4.4 Licensees must review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c) when applying for a variation of a premises licence; and
- d) in any case, undertake a local risk assessment when applying for a new premises licence.

4.5 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessment must also be updated:

- when applying for a variation of a premises licence
- to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
- when there are significant changes at a licensee's premises that may affect their

mitigation of local risks.

- 4.6** The new social responsibility provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority. Both provisions take effect from 8 May 2015.
- 4.7** Where concerns do exist, perhaps prompted by new or existing risks, a licensing authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of licence conditions is required.
- 4.8** The licensing authority have an expectation that all local risk assessments will take into account the local social profile of the area.

5 DUPLICATION WITH OTHER REGULATORY REGIMES ETC.

5.1 Legislation

5.1.1 In undertaking its licensing function under the Gambling Act 2005, this authority is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-Social Behaviour Act 2003;
6. The Race Relations Act 1976 (as amended);

5.1.2 The intention of this policy is not to duplicate other legislation or regulatory regimes. Every effort will be made to avoid any duplication with other statutory / regulatory systems that already place obligations on employers and operators, including planning. Whilst it will not consider whether a licence application is likely to be awarded planning or building consent, it will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

5.1.3 No account will be taken as to whether buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and will not form part of considerations for the premises licence.

5.2 Human Rights

5.2.1 The Human Rights Act 1998 incorporated the European Convention on Human rights and makes it unlawful for a local authority to act in a way, which is incompatible with a Convention right. This Authority will have particular regard to the following relevant provisions in determining licence applications:

Article 1 - of the First Protocol that every person is entitled to a peaceful enjoyment of his or her possessions

Article 6 - In the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law

Article 8 - That everyone has the right to respect for his home and family life

Article 10 - Right to freedom of expression.

5.3 Discrimination

5.3.1 In undertaking its licensing function, the Council will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of all diversity groups in accordance with the Councils Equality and Diversity Policy.

6 EXCHANGE OF INFORMATION

6.1 In fulfilling its functions and obligations under the Gambling Act 2005 this Licensing Authority will exchange information which it holds with other regulatory bodies including

the Gambling Commission. In doing so it will have regard to any Guidance issued by the Gambling Commission on this matter as well as to any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Should any protocols be established relating to information exchange with other bodies then they will be made available.

- 6.2 The Gambling Commission will, similarly, provide to the Licensing Authority any information it holds for use in the exercise of the Authority's functions under the Act.
- 6.3 The Licensing Authority is required to maintain a register of the premises licences that it has issued. This register will be made available at any reasonable time to members of the public. Details of the availability of the register will be advertised on the Council's website. Copies of entries in the register may be taken subject to a reasonable charge being made.
- 6.4 The exchange of information will be in full compliance with the requirements of the Data Protection Act and Freedom of Information legislation in accordance with the Council's existing policies.
- 6.5 Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

7 PREMISES LICENCES

- 7.1 Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations made thereunder, as well as to specific mandatory and default conditions detailed in the regulations. This Authority may exclude default conditions and also attach others, where it believes it to be appropriate.
- 7.2 **Demand for Premises**
 - 7.2.1 This Licensing Authority will not take into account whether or not there is a demand for gambling premises when considering applications for premises licences. It also recognises that moral objections to gambling are not a valid reason to reject applications for premises licences.
- 7.3 **Definition of Premises**
 - 7.3.1 The Gambling Act prohibits more than one premises licence applying to single premises. The term premise is defined in the Act as "any place" and therefore it is possible for a single building to consist of more than one premises providing that the different parts of the building can reasonably be considered as separate premises. Every application will be judged on its merits but in general the authority will consider a single building to be single premises unless it can be shown that the parts are truly separate. Examples of this are where different floors of a building are distant and separate or where shopping centres have discrete trading units.
 - 7.3.2 The Authority will not support the artificial separation of premises by temporary or artificial means where it is believed that the purpose of such separation is to circumvent the intention of the Act to limit the number of gaming machines allowable at that particular type of premises. The Authority will expect all separations between different premises to be clearly defined permanent structures.

- 7.3.3** In determining whether two or more proposed premises are truly separate, the Authority will take into account the following:
- Are the different parts subject to separate business rates?
 - Are the different parts of the premises in the same ownership?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from other gambling premises?
- 7.3.4** The proper application of section 152 of the Act also means that, with the single exemption of tracks (i.e. a horse-race course, dog track or other premises where races or sporting events take place), different premises licences cannot apply in respect of a single premises at different times. There is no temporal element to a premises licence. Therefore, premises will not, for example, be licensed as a bingo hall on week days and a betting shop at weekends.
- 7.3.5** In considering applications for multiple licences for a building or for a discrete part of a building used for other non gambling purposes the Authority will be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from being in close proximity to gambling. Therefore the Authority will expect the premises to be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not drift into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
 - Customers should be able to participate in the activity named on the premises licence.
- 7.3.6** The Authority will expect that any premises licensed for a particular activity such as betting or bingo will provide that activity as the primary gambling activity and any gaming machines authorised to be provided under this licence should be subsidiary to this main activity.
- 7.3.7** Applicants will need to be aware that they cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to 'the premises' are to the premises in which gambling can now take place. A licence to use premises for gambling will, accordingly, only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that can be considered for a premises licence. By requiring the building to be complete, the authority can, ensure that it and other responsible authorities with inspection rights may, if necessary, inspect it fully.

7.4 Location of Premises

- 7.4.1** This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises and will only consider the location of premises in the context of the licensing objectives. It will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

7.4.2 Likewise when an application for premises close to a school or other building holding vulnerable people or to a centre for gambling addicts is received the Licensing Authority will have to be satisfied that protecting children and vulnerable persons can be met.

7.4.3 Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Gambling Policy Statement will be updated. It should be noted that any such policy would not preclude any application being made and each application will always be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

7.5 Achieving the Licensing Objectives

7.5.1 Decisions taken by this Licensing Authority and premises licences granted will, as far as possible, be consistent with the three licensing objectives detailed above at 2.1 and in accordance with any guidance issued to local authorities by the Gambling Commission. Specific policy issues in respect of each of the licensing objectives are set out below.

(i) Preventing Crime and Disorder

7.5.2 Where an application is received for a premises licence in an area which has high levels of organised crime or a history of crime and disorder the Licensing Authority will pay particular attention to the proposed location of the gambling premises in terms of this licensing objective and may decide to attach additional conditions such as the employment of door staff.

7.5.3 This Licensing Authority is aware of the distinction between disorder and nuisance and will only seek to address issues of disorder under the Act if the disorder amounts to activity that is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance was required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.

7.5.4 The Gambling Commission has powers to make enquiries and investigate those who are involved in the control of a company or the provision of gambling. In considering applications for operating and personal licences the commission has stated it will take a serious view of any offences involving dishonesty committed by applicants or persons relevant to the application.

7.5.5 As it is a requirement for any applicant for a premises licence to also hold an operators licence, this Authority will not investigate the suitability of an applicant. However, if any information becomes apparent during the course of the processing of application which causes concern, the details will be forwarded to the Gambling Commission.

7.5.6 This Licensing Authority places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough. The exercise of a high standard of control over licensed premises is, therefore, considered necessary. Applicants will be encouraged to discuss any necessary crime prevention procedures in their premises with the Authority's Licensing Officers and Lancashire Constabulary before making a formal application.

7.5.7 This Authority will take into account any representations made by responsible authorities, especially the police, when deciding if a particular application would be detrimental to this licensing objective and potentially result in an increase in crime and disorder.

(ii) Ensuring that Gambling is Conducted in a Fair and Open Way

7.5.8 It is noted that the Gambling Commission do not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. They point out that this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions

of an individual and therefore subject to the personal licence. It is recognised, however, that there is more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

7.5.9 The Gambling Commission is concerned to ensure that, not only is gambling fair in the way it is played, but that the rules are transparent to players and they know what to expect.

It will achieve this by:-

- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry.
- easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted.
- the rules are fair
- advertising is not misleading
- the results of events and competitions on which commercial gambling takes place are public; and
- machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.

(iii) Protecting children and other vulnerable persons

7.5.10 This Licensing Authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children (defined in S45 of the Act as being less than 16 years old or a young person as between 16 and 18 years old) from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). It accepts that, whilst the licensing objective refers to protecting children from being harmed or exploited by gambling, in practice, that often means preventing them from taking part in or being in close proximity to gambling. It will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective.

7.5.11 This Authority will consult with the Lancashire Safeguarding Children Board on any application that indicates there may be concerns over access for children or vulnerable persons.

7.5.12 Each separate application will be judged on its merits before a decision is taken as to whether conditions to protect children are imposed on particular categories of premises. These may include such requirements as:-

- the supervision of entrances,
- the segregation of gambling from other areas where children are admitted
- the supervision of gaming machines in non adult gambling specific premises
- the introduction of 'proof of age' schemes'

7.5.13 The authority will make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos. It will be a condition of a casino licence that adherence to any code of practice produced on access of children will be mandatory. The requirements of the code may include controls for the protection of children which:-

- specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter the casino premises.
- ensure that each entrance to the casino or gambling area is supervised by at least one person who is responsible for compliance with the code of practice; and

- require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino.

7.5.14 It is not an aim of this policy to exclude any particular groups of adults from gambling, however, where vulnerable persons may come into contact with gambling appropriate measures will be taken to protect them. Whilst the neither the Gambling Commission nor the legislation offer no definition of “vulnerable persons” it will be assumed, for the purposes of this policy, that this group includes those who

- gamble more than they want to
- gamble beyond their means
- may not be able to make informed or balanced judgements about gambling because of mental impairment, alcohol or drugs.

This Authority will balance the need to introduce measures to protect vulnerable persons against the overall aim to permit the use of premises for gambling.

7.6 Conditions

7.6.1 The Act allows for conditions to be attached to premises licences by the following methods:-

- automatically, having been prescribed in the Act
- being attached by virtue of a Regulation made by the Secretary of State
- at the discretion of the Licensing Authority

7.6.2 Licensing Authorities are specifically precluded from conditions on licences which:-

- make it impossible to comply with an operating licence condition;
- relate to gaming machine categories, numbers, or methods of operation;
- provide that membership of a club or body is necessary to participate in the gambling facilities;
- relate to stakes, prizes or winnings.

7.6.3 Decisions will be taken on the imposition of individual conditions on a case by case basis, however this will be against the background contained in the Gambling Commission guidance and this Gambling Policy Statement.

7.6.4 The starting point in determining applications will be to grant the application without discretionary conditions. Conditions will only be considered where they are needed to meet the requirements of the licensing objectives, They will generally be considered unnecessary if they are already adequately covered by other legislation. Any conditions imposed by this Authority will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises. They will not be overly onerous and will be proportionate to the scale of the application and the risks involved. In particular any conditions imposed on licences will be: -

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

7.6.5 When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Control measures this Licensing Authority will consider utilising should there be a perceived need, include:-

- the use of door supervisors,
- supervision of adult gaming machines,
- appropriate signage for adult only areas

These are specifically dealt with under each of the licence types below. This Licensing Authority will, however, also consider that the licence applicant should offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

7.6.6 In the case of buildings which are subject to multiple premises licences, consideration will be given to specific measures which may be required. These may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

7.6.7 Where category C or above machines are on offer in premises to which children are admitted, this authority will ensure that:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

7.6.8 Where there is concern that a particular premises will attract disorder or be subject to attempts at unauthorised access by, for example, children or vulnerable adults a condition may be added to a licence requiring that the entrances to such premises be controlled by door supervisors. Where the Private Security Industry Act 2001 requires such door supervisors to be licensed by the Security Industry Authority (SIA) (or successor body) then this requirement will normally also be deemed to be a condition of the premises licence. Where, however, door supervisors are employed as 'in house' staff in casinos and bingo halls they do not need to be licensed by the SIA.

7.6.9 For premises other than casinos and bingo premises, this authority may decide that for particular premises where there is evidence that supervision from counters or other normal staff positions has proved inadequate to meet the licensing objectives, that additional supervision of entrances / machines is appropriate. The Authority may decide, in the light of the particular circumstances, that these need to be SIA licensed. It will, however, not be automatically assumed that they need to be so licensed.

7.7 Adult Gaming Centres

7.7.1 The term adult gaming centre was introduced by the Gambling Act 2005. Such premises are entitled to provide gaming machines which payout higher jackpots. The numbers and categories of higher jackpot machines that can be placed in adult gaming centres are specified in Regulations made by the Secretary of State.

7.7.2 This Authority's main concern in these premises is to protect children and vulnerable persons.

7.7.3 In considering applications for a premises licence for an adult gaming centre the Licensing Authority will, in particular, consider the measures put in place to prevent under 18s from gaining access to the premises. Such matters as the position of entrances, supervision and the use that other parts of the premises are put will be relevant.

7.7.4 Conditions may be attached to such licences to cover, amongst other matters, issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

7.8 Family Entertainment Centres (Licensed)

7.8.1 The Act created two classes of family entertainment centres, only one of which requires a premises licence.

7.8.2 Licensed family entertainment centres are permitted to provide category C and D gaming machines. Unlicensed family entertainment centres can only provide category machines. No limits are set on the numbers of machines in these categories.

7.8.3 Children and young persons are permitted in licensed family entertainment centres but are not allowed to use any category C machines. In determining applications the Licensing Authority will consider any guidance issued by the Gambling Commission regarding the marking and segregation of such machines and the level of supervision required to protect children.

7.8.4 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling and considers that the applicant should be able to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover the issues detailed in paragraph 6.7.4 above.

7.9 Casinos

7.9.1 This Licensing Authority currently has one licensed casino within its area. It has not passed a 'no casino' resolution under section 166 of the Gambling Act 2005 but is aware of its power to do so. Should at any time the Authority decide to pass such a resolution, this decision will be taken by way of a resolution of the Full Council following considered debate, the reasons for making the resolution will be given and this policy will be updated accordingly.

7.9.2 If the Secretary of State, by Regulation, enables the Authority to issue a new style casino licence they are aware that there may be a number of operators wishing to run such a casino. In such a situation this Licensing Authority will determine the successful bidder by following the procedure laid out in Schedule 9 of the Act and in line with any regulations / codes of practice issued under the Gambling Act 2005.

7.9.3 This Licensing Authority is aware that powers are provided, in the Act, to allow them to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching conditions to a casino premises licence (where betting is permitted in the casino). It will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7.10 Bingo Premises

7.10.1 This Licensing Authority acknowledges that children and young people can be allowed entry into bingo premises but are not allowed to take part in bingo or use category B and C machines that are on the premises. This Authority will wish to ensure that sufficient measures are in place to prevent children participating in these activities.

7.10.2 The Licensing Authority will take into account guidance or codes of practice from the Gambling Commission on the suitability and layout of bingo premises when determining any applications for premises licences. This guidance includes a requirement that:-

- all category B & C gaming machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

7.11 Betting Premises

7.11.1 Children are not permitted to enter premises licensed for betting and therefore this Licensing Authority will consider the measures which an applicant for a premises licence will be taking to prevent this.

7.11.2 This Licensing Authority will generally only consider whether to impose a condition on a premises licence for a betting premises restricting the number and or nature of betting machines (not to be confused with gaming machines) and the circumstances in which those machines are available for use when there is evidence that such machines have been or are likely to be used in breach of the licensing objectives. The authority will take into account those issues set out in 6.9.3 above when considering the number/nature/circumstances of betting machines an operator wants to offer.

7.12 Tracks

7.12.1 There are currently no tracks within the Borough. It is recognised, however, that tracks are different from other premises in that there may be more than one premises licence in effect (provided each licence relates to a specified area of the track.) and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.

Should an application be made for a track premises licence, it will be determined in accordance with the guidance of the Gambling Commission. This Licensing Authority will, however, especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

7.12.2 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling at tracks. This Authority

considers that premises licence applicants should be able to demonstrate that suitable measures will be in place to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided. As well as the introduction of a proof of age scheme, appropriate licence conditions may cover the issues detailed in paragraph 6.7.4 above.

- 7.12.3** Further guidance from the Gambling Commission is awaited as regards where Gaming Machines (as distinct from betting machines) may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority notes the Commission's Guidance that it will need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 7.12.4** In respect of betting machines at tracks, this authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 7.12.5** In accordance with Gambling Commission advice, this Authority will attach a condition to any track premises licences issued requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. (For example, the rules could be printed in the race-card or made available in leaflet form from the track office.)
- 7.12.6** This Licensing Authority awaits regulations setting-out any specific requirements for applications for premises licences. It, however, accepts the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to licence they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- 7.12.7** This Licensing Authority also accepts the Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would then ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

7.13 Travelling Fairs

- 7.13.1** Whilst the Act defines a travelling fair as wholly or principally providing amusements, this Licensing Authority will decide, in each case, whether this the statutory definition is met on the evidence available.
- 7.13.2** Any number of category D (small stake and prize) gaming machines may be made available for use at travelling fairs subject to a requirement that the facilities for gambling

amount to no more than an ancillary amusement at the fair. This Licensing Authority will, decide, in each case, whether this requirement is met on the evidence available.

- 7.13.3** It is recognised that land may only be used for a travelling fair up to a maximum of 27 days in any calendar year and that such use applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will monitor whether land is used in excess of the statutory limit and will work with its neighbouring authorities to ensure that land that crosses its boundaries is similarly monitored so that the statutory limits are not exceeded.

8 REPRESENTATIONS

- 8.1** Only *Interested Parties* and *Responsible Authorities* (see below for definition) can make representations about licence applications, or apply for a review of an existing licence.

8.2 Admissible and Relevant

- 8.2.1** A representation will only be admissible if it is from a responsible authority or interested party.

- 8.2.2** The only representations that are likely to be considered as relevant are those that relate to the licensing objectives (set out in 2.1 above), or that raise issues under the licensing Gambling Policy Statement, or the Commission's guidance or codes of practice. For example a representation which concerns public nuisance or public safety at the premises would not be considered to be relevant, as these are not licensing objectives but concerns over crime and disorder or the protection of children would be.

8.3 Frivolous or Vexatious or Likely to have no Influence on a Decision

- 8.3.1** This Licensing Authority will determine an application without a hearing if the representations are considered to be either frivolous or vexatious.

- 8.3.2** Decisions as to whether representations are frivolous, vexatious or likely to have no Influence on a Decision will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or a Panel of the Licensing Committee. These words will be judged to have their normal dictionary definitions. Frivolous will be interpreted as having little substance, as not serious or flippant whilst vexatious will be interpreted as having an ulterior motive or as vindictive.

- 8.3.3** A hearing will also be dispensed with if in the opinion of this Authority the substance of the representation will certainly not influence the Authorities determination of the application.

- 8.3.4** In the event of this Authority considering a representation to be frivolous or vexatious or as likely to have no influence on the decision, then the person who made the representation will be informed and the reasons for coming to such a conclusion will be clearly stated. There is no right of appeal against a determination that representations are not admissible

8.4 Responsible Authorities

- 8.4.1** A Responsible Authority is defined in the Act as:-

- A Licensing Authority in England and Wales in whose area the premises are wholly or partly situated
- The Gambling Commission
- The Chief Officer of Police for the police area in which the premises are wholly or partly situated

- The Fire and Rescue Authority for an area in which the premises are wholly or partly situated
- The local planning authority
- An Authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area where the premises is wholly or partly situated
- A body which is designated in writing for by the Licensing Authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm
- Her Majesty's Commissioners of Custom and Excise.

Although current contact details for all responsible authorities listed above are included in Appendix A to this policy, it should be noted that the Secretary of State may from time to time amend this list by Regulation.

- 8.4.2** The Authority accepts that the protection of children and vulnerable persons is key responsibility under the Act. It considers that the most appropriate body to advise them about the protection of children to be the Lancashire Safeguarding Children Board.

8.5 Interested Parties

- 8.5.1** Although each case will be determined on its individual merits, a person will generally be considered to be an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority, the person :

- lives sufficiently close to the premises to be likely to be affected by the authorised activities
- has business interests that might be affected by the authorised activities or
- represents either of the above

- 8.5.2** In determining whether or not a person "lives sufficiently close to the premises to be likely to be affected by the authorised activities", account will be taken of the following factors:-

- The size of the premises
- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment) and
- The nature of the complainant. (In terms of the nature of their interest rather than their personal. For example 'sufficiently close to be likely to be affected' could be interpreted differently for a private resident as distinct from a residential school with truancy problems or a hostel housing vulnerable persons.)

- 8.5.3** In determining whether a person's business interest might be affected by the authorised activities, consideration will be given to the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. It will not, however, be considered sufficient only to argue that a rival business will be a competitor in the same gambling sector. The Authority will have to be satisfied that the business would be likely to be directly affected. The question of demand will likewise not be considered. Factors which will be taken into account include:-

- the size of the premises
- the catchment area of the premises (i.e. how far people travel to visit) and;

- whether the person making the representation has business interests in that catchment area that might be affected.
- 8.5.4** The Gambling Commission has recommended that licensing authorities include trade associations and trade unions, and residents' and tenants' associations as interested parties. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an Interested party under the terms of the Gambling Act 2005. (e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.)
- 8.5.5** Interested parties may be represented by advocates which include legal representatives and others, provided that they can produce written evidence that they have been authorised to act on behalf of the interested party.
- 8.5.6** Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required in these cases as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these, however, written evidence will generally be required that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be considered sufficient.
- 8.5.7** If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee or Panel dealing with the licence application. If there are any doubts then the Council's Licensing Section should be contacted.

9 REVIEW OF PREMISES LICENCES

- 9.1** The review of a premises licence may be instigated by this Licensing Authority or at the request of a responsible authority or interested party. It is, however, for the Licensing Authority to decide whether the review is to be carried-out.
- 9.2** A request for review will not be granted by this Authority unless it is: is "relevant" i.e.
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Is consistent with the licensing objectives (see 2.1 above) and In accordance with the Authority's Gambling Policy Statement.
- 9.3** The Licensing Authority will similarly not hold a review if, in the opinion of the authority, the grounds :-
1. are frivolous (see paragraph 7.3 above)
 2. are vexatious (see paragraph 7.3 above)
 3. will certainly not' cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence. (see paragraph 7.3 above)
 4. are substantially the same grounds cited in a previous application for a review relating to the same premises
 5. are substantially the same as representations made at the time of an application for a premises licence.

In the case of reasons 4 and 5 above, the Authority will take into account the time, which has passed since the earlier application.

- 9.4** A review can be held in relation to a class of premises or in relation to a particular premises.
- 9.5** This Licensing Authority will consider initiating a review themselves against a premises or class of premises if complaints are made against the use made of those premises or the measures put in place by licensees to comply with licence conditions. It may, however, decide to initiate a review of a licence on the basis of any reason relevant to its duties and functions under the Act, which it thinks is appropriate. The outcome of such a review may be the introduction of default conditions attached to all premises licences within that class.

10 PROVISIONAL STATEMENTS

- 10.1** An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. It is recognised, therefore, that developers may wish to have some assurance that a premises licence would be granted before entering into a contract to develop land or renovate a property. In these circumstances an application can be made for a provisional statement.
- 10.2** This Licensing Authority recognises that it is a question of fact and degree as to whether premises are finished to such a degree that they can be fully inspected and considered for a premises licence.
- 10.3** Unlike an application for a premises licence applicants for provisional statements do not have to hold an operating licence from the commission. This Licensing Authority, when determining any such application will not speculate or take any account the likelihood or not of an operating licence being granted. Should the commission subsequently refuse an operating licence the provisional statement will not be able to be converted into a premises licence.
- 10.4** Any application for a provisional statement shall be treated in exactly the same way as would have been the case if the application had been for a premises licence and no regard will be taken of the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.
- 10.5** When an application is made for a premises licence for a premises which has the benefit of a provisional statement, this Licensing Authority will disregard any representations from responsible authorities or interested parties unless:
- They address matters that could not have been addressed in representations relating to the application for the provisional statement. or
 - They reflect a change in the applicants circumstances.

11 PERMITS, NOTICES & LOTTERIES

- 11.1** The Act allows for a number of gambling activities to take place outside of the licensing regime. These are authorised by permits which are issued by the Authority. These are :-
- Unlicensed family entertainment centres
 - Club gaming permits and club machine permits
 - Alcohol licensed premises gaming machine permits
 - Prize gaming permits.
- 11.2** The issue of all such permits will be undertaken by the Licensing Authority in accordance with the statutory procedures with regard to any guidance issued by the Gambling Commission.
- 11.3** **Unlicensed Family Entertainment Centres-Gaming Machine Permits**

- 11.3.1** Where a premises does not hold a Premises Licence and wishes to provide gaming machines but does not wish to apply for a Family Entertainment Centre (FEC) premises licence as they only wish to offer category D gaming machines, it may apply to the Licensing Authority for a permit to do so. An application for a permit will only be considered if this Authority is satisfied that the premises will be used as an unlicensed FEC, and that the Chief Officer of Police has been consulted on the application.
- 11.3.2** In considering applications for such permits this Authority will give weight to child protection issues. It will take into account the applicant's suitability including any convictions that they may have that would make them unsuitable to operate a family entertainment centre, the suitability of the premises in relation to their location as well as issues about disorder.
- 11.3.3** Although this Licensing Authority recognises that it cannot attach conditions to this type of permit, it is suggested that initial applicants for permits will be able to show that there are policies and procedures in place to protect children from harm. Harm in this context will not be construed as limited to harm from gambling but to include wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include CRB checks for staff, appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 11.3.4** Applicants will also be expected to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres;
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 11.3.5** This Licensing Authority has not currently formally adopted a Statement of Principles that they propose to apply when exercising their functions in considering applications for permits. Should it decide to do so it will be available from the licensing section (*see below*). Potential applicants / other interested persons are advised to check with the licensing department as to whether such a policy has been adopted.
- 11.3.6** Applications for renewal of a permit may only be refused on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.
- 11.4 Alcohol Licensed Premises - Gaming Machine Permits**
- 11.4.1** Premises licensed to sell alcohol for consumption on the premises may automatically have 2 gaming machines on the premises, of categories C and/or D, provided that they notify the Licensing Authority. The Licensing Authority can only remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

- 11.4.2** If a premises wishes to have more than 2 machines, then it must apply for a permit. This Authority will consider such applications based upon the licensing objectives, as well as any guidance issued by the Gambling Commission and such matters as it considers to be relevant.
- 11.4.3** This Licensing Authority considers that such applications will be decided on a case by case basis. It will, however, have particular regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling. Applicants should be able to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to any adult only gaming machines.
- 11.4.4** Measures which will satisfy the authority that there will be no access may include the adult only machines being in site of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 11.4.5** This Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot, however, be attached. It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 11.5 Prize Gaming Permits**
- 11.5.1** The Act provides for Licensing Authorities to prepare a statement of principles that they propose to apply in exercising their functions in respect of prize gaming permits which may, in particular, specify matters that it proposes to consider in determining the suitability of the applicant for a permit. This Licensing Authority has not prepared such a formal statement of principles. Should it decide to do so it will include details in a revised version of the statement of principles.
- 11.5.2** In making its decision on an application for prize gaming permits licensing authorities do not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 11.5.3** In considering applications for such permits this Authority will give particular weight to child protection issues. It will take into account the applicant's suitability including any convictions that they may have that would make them unsuitable to hold a prize gaming permit.
- 11.5.4** It should be noted that there are conditions in the Gambling Act 2005 by which a permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

11.6 Club Gaming and Club Machines Permits

- 11.6.1** Members Clubs and Miners' welfare institutes (but not Commercial Clubs) can provide equal chance gaming and may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B[4], C or D), equal chance gaming and games of chance. A Club Gaming Machine Permit will only enable the premises to provide gaming machines (3 machines of categories B[4], C or D).
- 11.6.2** This Licensing Authority is aware that: it may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - an objection has been lodged by the Commission or the police.
- 11.6.3** A 'fast-track' procedure is available for premises which hold a Club Premises Certificate under the Licensing Act 2003 whereby there is no opportunity for objections to be made by the Commission or the police. The grounds upon which an authority can refuse an application for such a permit are therefore reduced to the following:-"
- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 11.6.4** Gambling Commission guidance indicates that members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. (This may cover bridge and whist clubs). A members' club must be permanent in nature, not established to make commercial profit, and be controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.
- 11.6.5** There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- 11.7 Temporary Use Notices**
- 11.7.1** The notices allow for the temporary use of premises for gambling by the holder of a gambling operator licence without the building having the benefit of a premises licence. Such premises could include such places as hotels, conference centres and sporting venues.
- 11.7.2** Temporary Use Notices will only be granted to operators holding the relevant operators licence. For instance a betting operator could be permitted a licence to provide betting facilities at a snooker tournament.

- 11.7.3** The Act makes reference, in the context of temporary event notices, to a “set of premises” and provides that a set of premises is the subject of a temporary event notice if “any part” of the premise is the subject of the notice. This Licensing Authority considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, it will look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, this Authority will need to consider whether different units are in fact different “sets of premises”, given that they may be occupied and controlled by different people. This Authority is likely to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.
- 11.7.4** This Licensing Authority will hold a hearing if an objection notice is served unless all parties agree that a hearing is unnecessary.
- 11.7.5** In determining at a hearing whether to allow a temporary use notice to have effect the Licensing Authority will aim to permit the provision of gambling facilities in so far as it considers that it is :-
- in accordance with any code of practice or guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with this Gambling Policy Statement.

11.8 Occasional Use Notices

- 11.8.1** The Licensing Authority has very little discretion with regard these notices which can be used to permit betting on tracks that operate on limited occasions. It will, however, ensure that the statutory limit of 8 days in a calendar year is not exceeded. It will also give careful consideration to the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

11.9 Small Society Lotteries

- 11.9.1** This Licensing Authority will take account of any guidance issued by the Gambling Commission in registering and controlling non commercial societies which are established and conducted:-
- for charitable purposes;
 - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
 - for any other non-commercial purpose other than private gain

12 ENFORCEMENT

- 12.1** This Authority considers that, in general, the authority which issues the licence or permit should take the lead in ensuring compliance with the licence and any conditions attached to it, including compliance with the relevant codes of practice. The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 is, therefore, to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for Operator and Personal Licences

- 12.2** The authority intends that the regulatory burden imposed by it will be the minimum consistent with the carrying out of its statutory duties. Accordingly its approach to ensuring compliance with licence conditions and codes of practice will be to apply a lighter touch to operators perceived by it as low risk and a heavier more intrusive touch to higher risk operators. There may be occasions in which particular circumstances give rise to breaches of both a premises and an operating licence. In such circumstances, it may be appropriate for the Licensing Authority and the Gambling Commission to each review the licences for which they are responsible, and the Gambling Commission will be a responsible authority in the premises licence review.
- 12.3** This Authority recognises that, in general, the Gambling Commission will also take the lead on the investigation and, where appropriate, the prosecution of illegal gambling and that it will deal with unlicensed premises and concerns about manufacture, supply or repair of gaming machines. It accepts, however that there may be occasions on which the Authority is better placed to take the lead, particularly where there is illegal activity on a smaller scale that is confined to its area.
- 12.4** This Authority will have regard to relevant guidance issued by the Gambling Commission, the Regulatory Compliance Code (formally the Enforcement Concordat) and the Authority's own Enforcement Policy in all its enforcement actions. It will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 12.5** In general any enforcement actions which the Authority takes or proposes will be-
- **Proportionate** - It will intervene when necessary to promote the licensing objectives. Remedies will be appropriate having regard to the risks posed and the costs of such remedies will be minimised.
 - **Accountable** - All decisions will be justified and will be subject to public scrutiny.
 - **Consistent** - All rules, conditions or standards will be imposed or implemented fairly across all.
 - **Transparent** - It will be open at all times and will endeavour to present regulations in a simple and user friendly way.
 - **Targeted** - Enforcement focus will be on those areas which are causing the most problems and will be aimed at minimising those problems and side effects.
- 12.6** A graduated response will always be taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Licensing-Committee or Panel, the issue of a Formal Caution or a referral for prosecution.
- 12.7** This Licensing Authority intends to use appropriate enforcement to promote the licensing objectives under the Act. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises.
- 12.8** The Authority will seek to work actively with the Police in enforcing gambling licensing legislation and intends to establish protocols with Lancashire Constabulary, Lancashire Trading Standards Department and Lancashire Fire and Rescue Service on enforcement issues to ensure an efficient deployment of police and council officers.

- 12.9** In accordance with the principle of transparency, the authority's enforcement/compliance protocols/written agreements as well as its risk methodology will be made available upon request.

13 COMPLAINTS AGAINST LICENSED PREMISES

- 13.1** This Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
- 13.2** Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Authority may initially arrange a conciliation meeting to address and clarify the issues of concern.
- 13.3** This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

14 APPEALS

- 14.1** A right of appeal exists to the applicant or any person making a relevant representation against a decision of the Licensing Authority.
- 14.2** An application for an appeal has to be made to the Magistrates Court within 21 days of being notified in writing of the decision.
- 14.3** This Licensing Authority will ensure that attention is drawn to this right of appeal when decision notices are served.

15 POLICY REVIEW

- 15.1** This policy takes effect on the *DATE TO BE INSERTED*. It will be subject to periodic reviews and further consultation in line with current Government guidance.
- 15.2** When reviewing this policy account will be taken of any additional guidance issued by the Gambling Commission and the results of any consultations received.

APPENDIX A CONTACT DETAILS RESPONSIBLE AUTHORITIES

Contact details for Licensing Authority:

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

Contact details of responsible authorities:

<i>Responsible Authority</i>	<i>Address</i>
The Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Tel No. 0121 230 6500 Fax. 0121 237 2236 info@gamblingcommission.gov.uk
Police Authority	Lancashire Constabulary Licensing Department Western Division Bonny Street Blackpool Lancashire FY1 5RL Tel No: 01253 293933
Fire Authority	Technical Fire Safety Lancashire Fire and Rescue Service St Annes Fire Station St Andrews Road North St Annes Lancashire FY8 2JQ Tel No: 01253 722268
Environmental Protection and Planning	C/O Licensing Team Fylde Borough Council Town Hall Lytham St Annes Lancashire FY8 1LW Email: licensing@fylde.gov.uk Tel No: 01253 658658
Protection of Children	Lancashire Safeguarding Children Board, Room B52, PO Box 61 County Hall Preston PR1 8RJ

**Her Majesty's Commissioners of
Custom and Excise.** Operational Team,
HM Revenue and Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ

APPENDIX B

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for gaming machine permits		For more than a total maximum of 4 machines	For up to a total maximum of 4 machines
Applications for other permits			X
Decisions as to whether representations are frivolous, vexatious or likely to have no influence on a decision			X
Decisions as to whether to make representations against an application or review a premises licence.			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use		X	

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Date: Month / Year

Review Date: Month / Year

Our Ref: XXXXXXXXX

Authorised by: Insert Name and Position



FYLDE BOROUGH COUNCIL

GAMBLING POLICY 2016-2019

CONSULTATION

UNDER THE GAMBLING ACT 2005

REPRESENTATIONS and RESPONSES RECIEVED

Consultation Period: 29th September 2015 to 22nd November 2015

Issued November 2015

REVISED LICENSING POLICY - SCHEDULE OF RESPONSES

Relevant Paragraph of Policy	Respondent	Comments Received	Assessment of Comments	Recommended Action
Whole Document	Hon Alderman BJ Whittle OBE Fylde Community Partnership	The document represents a reasonable policy for the licensing and gambling and allows for the appropriate representation to be made to any change of conditions. This policy contributes to the wellbeing and safety of people in the Fylde.	The response is in relation to both the Gambling and Licensing Policies which are under review. No action is required.	No policy change required
Whole Document	The Rt Revd Julian Henderson Bishop's House Ribchester Road Clayton Le Dale Blackburn BBI 9EF	Thank you for the paperwork about the review of both your Licensing and Gambling policy and for this period of consultation. One of my team have read through the draft policies and confirm that what you propose is good and proportionate. At one level I would want to reduce the opportunities for gambling, as it usually hurts and harms the most vulnerable in our society. Similarly I would want to reduce the opportunities for purchasing and drinking alcohol, as so many people's lives are ruined by excessive alcohol consumption. But I know we have to deal with where we are rather than where we would like to be. Thank you for all you are doing to keep the situation as under control as possible.	As above.	No policy change requ

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
CHIEF EXECUTIVE	LICENSING COMMITTEE	27 NOVEMBER 2015	6

THE CORPORATE PLAN 2016-2020

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The link in the report is to the proposed Corporate Plan strategic objectives and outcomes for the period 2016-2020. The Corporate Plan is developed through consultation and feedback with stakeholders based on the key strategic responsibilities of the Council. The Plan takes into consideration emerging legislation, policy and changes in resources and responsibilities and is informed by partners, elected members and external organizations.

The Corporate Plan is a high level strategic document that forms part of the Council's budget and policy framework. The document has developed over time and is presented as a single sided 'poster' style matrix with long term outcomes, medium term targets and short term specific actions. The plan is part of a wider performance management framework and links with the Directorate Service Plans developed each year.

The current Corporate Plan expires in 2016, the revised plan outlines the key achievements that the council will deliver between 2016 and 2020. Members can submit comments, suggestions or feedback on the Corporate Plan by emailing alex.scrivens@fylde.gov.uk or calling 01253 658543. The final draft will be presented to Full Council in December for approval.

SOURCE OF INFORMATION

Current legislation in all service areas.
Local Government Association guidance.
District Council Network advice, initiatives and projects.
Service Plans.
Partner consultation, research and feedback.
Medium Term Financial Forecast.
Resident Survey and other customer feedback mechanisms.

LINK TO INFORMATION

[Proposed Corporate Plan 2016-2020](#)

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The information is being included on the agenda of every committee in the November cycle of meetings to ensure that all elected members are aware of the opportunity to provide comment, suggestion and seek clarification on the proposed Corporate Plan.

FURTHER INFORMATION

Allan Oldfield, allano@fylde.gov.uk 01253 658500

Priorities & achievements...

VALUE FOR MONEY

Spending your money in the most efficient way to achieve excellent services we will:

- Increase income through new and existing means
- Deliver the accommodation project
- Continuously review services and assets
- Manage and invest effectively in the council's finances
- Maximise marketing opportunities
- Create a digital council

CLEAN & GREEN

Delivering the services that customers expect of an excellent council we will:

- Continue to deliver high standards of cleanliness
- Mitigate the impact of the loss of the LCC waste subsidy
- Deliver high quality parks and open spaces
- Ensure beaches and waters are clean and safe
- Build on the achievements of the In Bloom initiative

A VIBRANT ECONOMY

Working with all partners we will:

- Improve the transport infrastructure and traffic flow
- Support Enterprise Zones
- Improve car parking
- Enhance and improve our town and village centres
- Deliver the coastal defence project at Fairhaven and Church Scar with the Environment Agency
- Attract new businesses and develop existing ones

A GREAT PLACE TO LIVE

To make sure Fylde continues to be one of the most desirable places to live we will:


- Achieve adoption of the Local Plan
- Deliver housing that meets the need in all communities
- Ensure high standards of housing across all markets
- Approve development that enhances the community
- Implement enforcement action on unauthorised development
- Support and promote volunteers' efforts to improve their local community
- Involve local residents in the future of their community
- Deliver activities for all age groups
- Champion the quality and reputation of Fylde
- Recognise the significance of our heritage assets

A GREAT PLACE TO VISIT


Promoting Fylde as a great destination to visit, we will:


- Deliver and support quality events throughout the Fylde
- Maximise the natural assets of our coast and countryside by improving their facilities
- Offer an arts collection that is available to everyone
- Provide a positive first impression of Fylde
- Use technology effectively to make Fylde more accessible
- Encourage visitor feedback to improve our tourism offer

The actions we plan to take to deliver our priorities...

- 
- ACTIONS**
- Agree funding approach for the remaining phases of the accommodation project
 - Produce and implement an investment strategy
 - Further reduce the requirement for paper/print through the use of technology
 - Increase online service /information provision
 - Explore and initiate new income streams

- 
- ACTIONS**
- Actively enforce waste and cleansing legislation
 - Identify and target fly tipping hotspots to reduce their levels
 - Promote initiatives to reduce dog fouling
 - Focus resources on the reduction of seasonal litter
 - Maintain and increase Green Flag status for parks and open spaces
 - Strive to achieve Blue Flag status for the beaches
 - Work with partners to improve the quality of the bathing water
 - Review the waste service to deliver savings through changes
 - Improve signage in areas where dog controls are in place

- 
- ACTIONS**
- Assess the benefits of becoming a member of the Combined Authority
 - Engage effectively with the Local Enterprise Partnership
 - Progress the re-opening of the M55/ Moss Road link
 - Support the Fylde Coast highways and transport masterplan projects (junction 2)
 - Enforce car parking regulations and review car parking options
 - Develop the digital high street
 - Engage positively in the Duty to Co-operate on planning initiatives
 - Facilitate and support Town Centre Partnerships
 - Channel business rates funding opportunities to economic development

- 
- ACTIONS**
- Implement the timetable for the Local Plan delivery
 - Provide appropriate provision for Travellers
 - Take enforcement action on unauthorised encampments
 - Carry out resident surveys and act upon the findings
 - Review and improve bus shelter provision
 - Deliver the actions within the heritage strategy
 - Build on the success of the Residents' Car Parking Scheme
 - Review public information systems for residents

- 
- ACTIONS**
- Develop a policy on events including Club Days, festivals and concerts
 - Implement actions from the arts review
 - Improve information in tourist areas and about tourist areas including entrance signage and welcome points
 - Develop and promote rural tourism
 - Decide the most effective way to market Fylde, including the future of the holiday guide
 - Carry out visitor surveys and act upon the results
 - Review and develop social media and online information
 - Improve the Promenade and its attractions
 - Revisit the strategy for the development of Fairhaven Lake