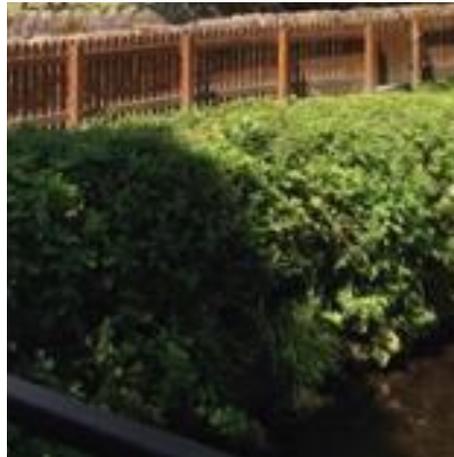


# Pendle Borough Council



## Statement of Licensing Policy 2021 - 2026



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## **Introduction**

The Licensing Act 2003 came into effect in 2005. Under Section 5 of the Licensing Act 2003 ("the Act") the Licensing Authority (Pendle Borough Council) is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This policy must be reviewed every five years. Pendle last adopted a Licensing Policy on 6<sup>th</sup> January 2016

The Licensing Act prescribes that there are four objectives that a licensing policy must have. These are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

This policy covers the licensable activities as specified in the Act which are:

- Sale by retail or supply of alcohol
- Regulated entertainment
- Late night refreshment

The Secretary of State issues guidance under Section 182 of the Act. This Policy must have regard to this guidance. Additionally this policy has had regard to other Council policies such as the Sustainable Communities Strategy, the Strategic Plan and the Local Plan and Family Support and Safeguarding Policy.

We have the ability to grant licences for premises and certificates for club premises. It also grants personal licences and accepts temporary event notices. Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

Where relevant we consult with the responsible authorities as described in the Act. Local people and Councillors are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications for premises licences or requesting reviews of licences for problem premises.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council. This policy describes the Council's enforcement principles and the principles underpinning the right of review.

# Pendle Borough Council Statement of Licensing Policy 2021 - 2026

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The Secretary of State issues guidance under Section 182 of the Act. This Policy must have regard to that guidance. Additionally this policy has had regard to other Council policies such as the Sustainable Communities Strategy, the Strategic Plan and the Local Plan.

Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. In addition to this policy we have prepared local licensing guidance specific to certain areas of the Borough to assist applicants in preparing their applications and operating schedules. Where relevant the Council consults with the responsible authorities as described in the Act. Local people and Members of the Council are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications for premises licences or requesting reviews of licences for problem premises. The policy includes four special policies which seek to limit the cumulative effect of licensed premises in certain areas. Enforcement of the legislation is a requirement of the Act that is undertaken by the Council. This policy describes the Council’s enforcement principles and the principles underpinning the right of review.

## 1 Purpose of the policy

- 1.1 This policy has been prepared under Section 5 of the Licensing Act 2003 (“the Act”) and was approved by Pendle Borough Council and is effective from 6<sup>th</sup> January 2021. It will be kept under review and as a minimum will be reviewed no later than December 2026, unless statute changes. Unless otherwise stated any references to the Council are to the Pendle Licensing Authority.
- 1.2 In preparing this policy the Council has consulted with and considered the views of a wide range of people and organisations including:
- Parish and Town Councils
  - Member of Parliament
  - The British Beer and Pub Association
  - The responsible authorities namely:
    - a) Lancashire Constabulary
    - b) Lancashire Fire and Rescue Service
    - c) Pendle Borough Council – Environmental Health
    - d) Pendle Borough Council – Health & Safety
    - e) Pendle Borough Council – Planning
    - f) Lancashire County Council – Children’s Social Care
    - g) Lancashire Trading Standards
    - h) Public Health
    - i) Home Office Immigration
  - Licensing Authorities adjoining the Borough
  - Charitable organisations that deal with the social impact of alcohol misuse
- 1.3 This policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 1.4 We will carry out its functions under the Act with a view to promoting the licensing objectives, namely:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 1.5 We have the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. Following relevant representations we will refuse applications, restrict hours and activities or impose conditions where it is appropriate to do so to promote the licensing objectives. It will undertake effective enforcement to address premises where there are problems, in partnership with key agencies such as the Police, Trading Standards, Immigration and the Security Industry Authority.
- 1.6 This policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that we attach to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.

- 1.7 We aware however that the prevention of public nuisance is widely defined in the Act and can include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other people living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 1.8 We will monitor the effect of this policy throughout the period it covers through licensing liaison meetings with representatives of licence holders and also by way of meetings with the responsible authorities.

## **2 Scope of the Policy**

- 2.1 This policy covers licensable activities within the Pendle district as defined by the Licensing Act 2003.

These are:

- The sale of alcohol
  - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
  - The provision of regulated entertainment
  - The provision of late night refreshment
- 2.2 Advice on whether a licence is required for premises or an event can be obtained from the Licensing Service, Pendle Borough Council, Town Hall, Market Street, Nelson, Lancashire BB9 7LG or [licensing@pendle.gov.uk](mailto:licensing@pendle.gov.uk)
- 2.3 Throughout this policy we will refer to ‘applicants’ for licences. However it should be noted that the principles set out within this policy apply equally to new applications, applications for variations and consideration of any request to review a licence.
- 2.4 The mechanism prescribed in the Licensing Act is that applicants should make applications and assess what needs to be included within the operating schedule to address the licensing objectives. If an application is lawfully made, and no relevant representations are received, then we must grant the application as submitted. Only if relevant representations are made will the Council’s discretion be engaged.
- 2.5 Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. This policy seeks to provide advice to applicants about the approach they should take to making applications and the view we are likely to take on certain key issues where representations have been made.
- 2.6 Pendle is a mixture of historic urban areas, market towns, mixed together with rural areas of outstanding beauty. It has a multi-cultural population that is growing which currently consists of around 90,000 people. The diverse nature of the Borough means that there are different issues that will face each licence applicant. This diversity needs to be recognised and understood by each applicant for a licence.

2.7 Each area of the district has its own character and challenges. The Council has provided general advice in this policy to assist applicants in preparing applications. Applicants are expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

### **3 Cultural Activities in Pendle**

3.1 Pendle has a strong tradition in supporting community events. It has nationally renowned events such as the Blues Festival. It has a growing reputation for holding national cycling events such as the Colne Grand Prix.

3.2 Commercially promoted events take place in a variety of locations throughout the district.

3.3 Within local communities, groups and associations use church and village halls and community centres for social and fund raising activities and these are often licensed for regulated entertainment and/or the sale or supply of alcohol.

3.4 Pendle has a long established reputation for the encouragement of community and diverse cultural events and public entertainment as an essential aid to community involvement and an increasing sense of common identity.

3.5 In preparing this licensing policy we have had regard to, and sought to integrate the licensing policy with, the following strategies:

- Pennine Lancashire Housing Strategy
- Pendle Local Plan and Emerging Core Strategy
- Pendle Strategic Plan
- Pendle Borough Council – Anti-Social Behaviour Statement
- Pendle Borough Council – Environmental enforcement policies.

3.6 The production of these other policies and documents as well as any others should have regard to this licensing policy.

3.7 The Council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the Committee. Subject to the general principles set out in this policy, and the overriding need to promote the four licensing objectives, it may have regard to them when making licensing decisions.

3.8 The Committee may, after receiving such reports, make recommendations to us or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

### **4 Vision for Pendle**

- 4.1 Pendle has a strong tradition of supporting its residents and ensuring that our decisions provide the best quality environment for its citizens. Pendle's Strategic Plan seeks to achieve this by supporting four key objectives:
- Working with partners and the community to sustain services of good value (Strong Services)
  - Helping to create and sustain jobs with strong economic and housing growth (Strong Economy)
  - Help to create and sustain resilient communities (Strong Communities)
  - Maintaining a sustainable, resilient and efficient organisation (Strong Organisation)
- 4.2 Pendle is faced with a number of key challenges. The Borough's population is set to rise to around 95,000 by 2030. It is still recovering from the effects of global recession and the local economic and housing challenges that has brought.
- 4.3 This licensing policy seeks to promote the licensing objectives within the overall context of the objectives of the Strategic Plan which in turn sets out how Pendle will encourage growth and prosperity for its citizens. Licensing activity should assist in reaching these strategic goals whilst also ensuring that the four licensing objectives are robustly taken into account in every licensing decision.

## **5 Child Friendly**

- 5.1 Events over the last few years nationally have shown an increasingly alarming vulnerability of children to abuse and exploitation. This is a major concern for all communities. Licensing authorities are a vital element in ensuring that they protect young people everywhere (see 10 Protection of Children from Harm).
- 5.2 Pendle, as the Licensing Authority, will ensure its decisions are child friendly. Licensing will form one part of the Councils' wish for Pendle to be a child friendly place where children are protected and nurtured. This should include, but not be exclusively, the ability to travel safely, to have access to friendly places to play, to be treated fairly and with respect, to have clean streets free of dog fouling and to be able to have a voice in their communities.

## **6 Consideration of Licensing Applications**

- 6.1 We will carry out our functions under the Licensing Act 2003 with a view to promoting four licensing objectives. These are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 6.2 Each objective is of equal importance, and the four objectives will be a paramount consideration for the Council at all times. It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence. Applicants should have a sound understanding of the

environment in which activity will operate in. This should then be looked at in the context of the four licensing objectives. Applicants will be expected to have a thorough understanding of the relationship between the four licensing objectives and their environment. We recommend that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.

- 6.3 Applicants are reminded that responsible authorities or other persons may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.
- 6.4 We recommend early consultation with responsible authorities. Many responsible authorities have produced guidance which applicants can take into account when assessing whether they need to include any measures in their application to promote the licensing objectives. In addition, many responsible authorities would be prepared to discuss matters on site with an applicant with a view to reaching agreement on measures to be proposed.

## **7 Crime and Disorder**

- 7.1 Under the Crime and Disorder Act 1998, the Council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder. Where its discretion is engaged, we will seek to promote the licensing objective of preventing crime and disorder in a manner which supports the prevention and reduction of crime.
- 7.2 There are many steps an applicant may take to prevent crime and disorder. We will look to the Police for the main source of advice on these matters. In accordance with the Secretary of State's Guidance, police views on matters relating to crime and disorder will be given considerable weight.
- 7.3 If relevant representations are made in relation to a premises licence or club premises certificate, we will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.
- 7.4 Conditions will be targeted on deterrence and the prevention of crime and disorder. We may consider:
  - The need for and location of CCTV cameras
  - The need for door supervision
  - The need for a text or radio pager system allowing communication between premises and with the Police
  - Conditions setting capacity limits where this is necessary to prevent overcrowding likely to lead to disorder and violence
  - Membership of a recognised pub watch or similar scheme

7.5 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity, and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety or the protection of children from harm if they relate to occasional use of the premises for adult entertainment.

## **8 Public Safety**

8.1 The public safety objective is concerned with the physical state of people using the premises. Public safety includes safety of performers appearing at any premises.

8.2 In October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. We will not seek to impose fire safety conditions as conditions on licences where the Order applies.

8.3 Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.

8.4 Applicants are advised to consult with Environmental Health who can offer advice as to appropriate measures to be included in risk assessments, and potentially in operating schedules. On receipt of relevant representations we will have regard to the views received. The team can also offer advice in relation to workplace health and safety matters, including compliance with the Health Act 2006 (smoke-free).

8.5 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered necessary in light of the evidence on each individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals, and evidence of the checks to be retained. Conditions may also seek to require equipment of particular standards to be maintained on premises.

8.6 Special considerations will apply to night clubs and similar venues. Applicants are encouraged to consider the Safer Clubbing Guide published by the Home Office and DCMS, which gives advice on these issues.

8.7 Special events in the open air or temporary structures raise particular issues. Applicants are referred to other sections of this document where guidance on holding these types of event is given.

## **9 Public Nuisance**

9.1 In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on persons living and working in the area around the premises which may be disproportionate and unreasonable.

9.2 Public nuisance in this context is not narrowly defined and can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community. Issues will mainly concern noise nuisance, light pollution, noxious smells and litter. These include issues arising from the implementation of the

smoking ban where customers may now be more inclined to use external areas of premises. This has proved a particular problem in parts of Pendle and licence applications will need to address how this will be monitored and controlled.

- 9.3 Where applicants are completing operating schedules the Council encourages them to have regard to the location of the proposed or actual premises, and in particular whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, old people's accommodation, hospitals, hospices or places of worship.
- 9.4 Applicants are recommended to consult Environmental Health Services for advice on measures that may need to be incorporated into an operating schedule.
- 9.5 If relevant representations are made, we will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. We consider that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.
- 9.6 We will consider whether issues relating to public nuisance can be effectively dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep. When considering such matters, we will have regard to representations of Environmental Health Services, and by local residents.
- 9.7 We may consider the following matters:
- Whether doors and windows will or can be kept closed after a particular time.
  - Whether other noise control measures such as acoustic curtains or other speaker mounts are required.
  - The fact that lighting outside the premises may help to prevent crime and disorder, but may give rise to light pollution for neighbours.
  - Signs placed at the exit to buildings can encourage patrons to be quiet until they leave the area, and to respect the rights of residents.
  - The size and location of smoking areas and any facilities provided may encourage patrons to use the external areas more extensively than for just smoking and returning to the inside of the premises
  - Provision of litter bins in the vicinity of premises serving hot food after 11pm.
  - Display of contact details or a direct telephone link to a private hire/taxi firm.
- 9.8 We recognise that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities, and those who wish to use such facilities. Ultimately if it is necessary for the prevention of public nuisance where conditions do not adequately address the issues an application can be refused.

## 10 Protection of Children from Harm

- 10.1 We recognise the Lancashire Safeguarding Children Board as the principal responsible authority for the protection of children from harm. However, all of the responsible authorities have a duty to protect children from harm. This includes protection from physical and psychological harm. We note that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed unless there is good reason to restrict entry or exclude children completely.
- 10.2 Issues about access of children to premises may give rise to concern where premises authorised to sell alcohol and/or provide regulated entertainment;
- where adult entertainment is provided on an occasional basis and is not already licensed under other legislation;
  - where there have been convictions of the current management for serving alcohol to minors;
  - where the premises have a reputation for allowing under- age drinking;
  - where requirements of proof of age is not the norm;
  - where premises have a known association with drug taking or dealing;
  - where there is a strong element of gambling on the premises; and
  - where the supply of alcohol consumption on the premises is the exclusive or primary purpose of the services provided.
- 10.3 The protection of children from harm is not solely focused on premises selling alcohol. Premises that hold a licence to provide Late Night Refreshments (LNR) can also be a cause of concern particularly as they tend to open later hours than, for example, off licences.
- 10.4 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition, licensees may identify that the access of children to particular parts of the premises poses more risk than others, and seek only to exclude children from areas of highest risk.
- 10.5 On receipt of applications and relevant representations, we will consider whether conditions are necessary in order to protect children. If conditions are necessary these may include:
- limitations on the hours when children will be present
  - limitation upon the presence of children of certain ages when specified activities are taking place
  - limits on the parts of the premises to which children may have access
  - age limitations
  - limitations or exclusions only when certain activities are taking place
  - requirements for an accompanying adult
  - full exclusion of people under the age of 18 when any licensable activities are taking place
  - Displaying posters highlighting the NSPCC helpline, 24 hours a day, on 0808 800 5000.

10.6 In such cases, representations by the Safeguarding Children Board and the Police will be given considerable weight where they address issues regarding the admission of children

10.7 On the occasions where information is received regarding the safety of children in licensed premises we will, without delay, first of all report the details to the Council's Designated Safeguarding Officer and the appropriate Line Manager. Depending on the individual circumstances, we will also liaise with Officers from the Police Engage Team, Local Police Neighbourhood Teams and the Divisional Licensing Officers in order to investigate and undertake a joint premises visit at the earliest opportunity

10.8 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. However, along with the Police and Lancashire County Council Trading Standards we favour the Challenge 25 type schemes and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when we determine the licence application.

10.9 No condition will be imposed requiring the admission of children to any licensed premises except in the case of exhibition of film where a mandatory condition is applied to all licences with this activity

## **11. Principles**

11.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this policy we will give clear and cogent reasons for doing so.

11.2 Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act.

11.3.1 Applicants are reminded of the Government's Alcohol Strategy. Matters set out in the Strategy may be relevant to general licensing principles and to one or more of the licensing objectives.

## **12 Human Rights**

12.1 The European Convention on Human Rights enshrined in UK law under the Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. We will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and 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 private life.
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions.

## **13 Impact of Licensed Activity**

- 13.1 Where no representations are made we will grant a licence subject to conditions consistent with the operating schedule.
- 13.2 When determining any application where relevant representations are made, we will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in this policy. The requirement to promote the licensing objectives will be the paramount consideration. We will focus upon the impact of the activities taking place on members of the public living, working or engaged in normal activity near the premises.
- 13.3 Where relevant representations are made in relation to a premises licence, club premises certificate or temporary event notice the following factors will normally be taken into account when looking at the impact of the activities concerned:
- the style of operation, the numbers of customers and customer profile likely to attend the premises
  - the location of the premises and the proximity of noise sensitive properties
  - the proposed hours of operation
  - the transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses
  - any proposed methods for the dispersal of customers
  - the scope for mitigating any impact
  - the extent to which the applicant has offered conditions to mitigate the impact
  - how often the activity occurs
- 13.4 In considering any application for a variation to a premises licence or club premises certificate where a relevant representation has been received, we may take into account, in addition to the above matters, any evidence:
- of past demonstrable adverse impact from the activity especially on local residents or businesses
  - that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact
- 13.5 Other relevant matters may be considered as the individual case dictates.

## **14 Special Events in the Open Air or in Temporary Structures**

- 14.1 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the district. However, the success of such events by way of contribution to the Council's cultural and tourist strategies depends upon the quality, levels of safety and consideration for the rights of people who live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.
- 14.2 In recognition of the special factors that are relevant, particularly with respect to major open air events such as events like the Blues Festival, the Council liaises with multi-agencies to assist organisers in co-ordinating such events via regular meetings of the Events Safety Advisory Group (ESAG). This group includes Council

departments who have an interest in or legislative role relevant to such events, together with representatives of Lancashire County Council and the various emergency services.

- 14.3 A useful document which organisers are recommended to obtain is 'The Event Safety Guide' (known as the purple guide), published by the Health & Safety Executive. This is currently being revised and organisers are advised to check online for the latest version.
- 14.4 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.

## **15 Community Applicants**

- 15.1 Whilst this policy is aimed at all licensable activities under the Licensing Act 2003 it should be noted that we see a distinction between large or permanent activities, such as those proposed by commercial operators and small or temporary activities such as those which might be proposed by cultural or community groups.
- 15.2 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same skill or expertise or access to professional advice. Such groups may seek assistance and guidance by contacting the Licensing Section.
- 15.3 Whatever the nature of the applicant and activity proposed, the overriding matter is that we will consider the individual merits of the application and act so as to promote the licensing objectives.

## **16 Other Regulatory Regimes**

- 16.1 This licensing policy is not intended to be the primary mechanism for the general control of nuisance, anti-social behaviour and environmental crime but nonetheless is a key aspect of such control and the licensing policy and licensing decisions are intended to be part of a holistic approach to the delivery of services.
- 16.2 In preparing this policy we sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However on occasions it has been necessary to set out some of the detail in this policy for ease of understanding. Nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with all other legal requirements. All applicants are advised to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations. The responsibility to act in accordance with the law is that of each property owner and/or licensee.

## **17 Application Process**

- 17.1 Applications must be made in the form prescribed by Regulations. Guidance is available to applicants setting out the detail of the process. Forms for applications are available on the Council's website.

## 18 Licensing Committee

- 18.1 The Council has appointed a licensing committee of 15 Councillors. The Committee is responsible for the administration of the Licensing Function under the Act. A scheme of delegation to Council Officers is also operated in accordance with the adopted constitution of the Council.
- 18.2 Councillors will have regard to the Code of Conduct for Members. Where a Councillor who is a member of the Licensing Committee or subcommittee has a disclosable pecuniary interest in the application before them, in the interests of good governance, they will disqualify themselves from any involvement in the decision making process in respect of that application.

## 19 Representations

- 19.1 Depending on the type of application representations may be made by a responsible authority or other persons (as defined by the Licensing Act 2003). The Council has agreed protocols with responsible authorities and issued guidance to other persons making representations, setting out the detail of the process. Guidance is available on the Council website or by contacting the Licensing Service.
- 19.2 Members of the public who wish to submit a representation in regards to a premises licence or club premises certificate application need to be aware that their personal details may be made available to the applicant. If this is an issue they may contact a local representative such as a ward, parish or town Councillor or any other locally recognised body such as a residents association about submitting the representation on their behalf. We are not able to accept anonymous representations. In addition we cannot accept petitions which do not follow the guidance on the Council website.
- 19.3 Where a representation is received which is not from a responsible authority we will in the first instance make a judgement on whether it is relevant, i.e. based upon one or more of the four licensing objectives.
- 19.4 Relevant representations' are representations:
- about the likely effect of the premises licence on the promotion of the licensing objectives;
  - which have not been withdrawn and are not, in our opinion, frivolous or vexatious.
- 19.5 Where relevant representations are received about an application we will hold a hearing to consider them unless the Council, the applicant and everyone who has made representations agree that the hearing is not necessary. Applicants and those making representations should seek, in advance of any hearing, to try to reach agreement or to narrow the areas in dispute, particularly where both are professionally represented.
- 19.6 Where hearings are required as a result of relevant representations, we may extend the time limits involved in calling hearings in order to allow the parties to negotiate suitable conditions to be added to the operating schedule and avoid the need for a hearing. Such an extension of time is considered to be in the public interest.

19.7 Every decision made by the Licensing Committee or officers will be accompanied by clear reasons for the decision.

## **20 Premises Licences and Club Premises Certificates**

20.1 A premises licence and club premises certificates authorises the sale or supply of alcohol, regulated entertainment and late night refreshment (sale of hot food and drink after 11pm). Businesses wishing to apply for a licence or certificate must use the prescribed form which includes details of the hours of operation, any hours for licensable activities and an operating schedule.

## **21 Planning**

21.1 The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

21.2 In line with the Secretary of State's Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

21.3 Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

21.4 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.

21.5 All new developments and premises which have been subject to structural alterations since 1994 will have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that any structural alterations have been approved by building control. Failure to do so may result in representations and the licence being refused or granted subject to conditions.

## **22 Licensing Hours**

22.1 The Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Act gives us the power to make decisions regarding licensed opening hours based on local knowledge and in consultation with other responsible authorities.

22.2 In some circumstances, staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is reduced. The intention behind this is to reduce the friction at late

night fast food outlets, taxi ranks and other sources of transport which currently lead to disorder and disturbance.

- 22.3 Providing the customers with greater choice is an important consideration in the development of a thriving and safe evening and night-time economy in Pendle. However any licensable activity has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving, leave litter or use on-street car parking. The impact of these activities can be particularly intrusive at night when ambient noise levels are much lower.
- 22.4 The Council supports the development of a wide ranging and culturally diverse night-time economy where this can be achieved whilst promoting the four licensing objectives and without compromising the ability to resource local services associated with the night-time economy such as street cleansing.
- 22.5 Under the Act there are no permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their existing licences if they wish to open beyond their current permitted hours. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.
- 22.6 If relevant representations are made we will only grant the hours of use proposed where the operating schedule and any risk assessment adequately demonstrates that:
- the applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for
  - the potential effect on the licensing objectives is not significant
  - the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses
  - How the premises will operate in the context of other premises in the vicinity.
- 22.7 Restrictions may be made to the proposed hours of use where, after receiving relevant representations, we consider it appropriate for the promotion of the licensing objectives to do so. We will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.
- 22.8 As a general rule shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

## **23 Local, National and International Occasions**

- 23.1 It should be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year, for

example bank holidays, and to incorporate appropriate opening hours for these occasions in their operating schedules.

23.1 Additional occasions for which extensions may be required may be covered by a Temporary Event Notice.

## **24 Drinking Up Time**

24.1 The traditional 'drinking up time' was not carried over into the Licensing Act 2003. However the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants of premises licensed for the on-sale of alcohol are recommended to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. We consider that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the area.

24.2 Where relevant representations are made we will consider imposing a condition on drinking up time where such a condition is appropriate in order to promote the licensing objectives in any individual case.

## **25 Operating Schedules**

25.1 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. Applicants are expected to have regard to the Council's Statement of Licensing Policy. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

25.2 Operating schedules are the key to ensuring that the four licensing objectives are promoted. An operating schedule should include enough information to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.

25.3 Whilst applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. We encourage cooperation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

25.4 Applicants should make their own enquiries and demonstrate how they have considered the following in their operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate.
- Any risk posed to the local area by the applicants' proposed licensable activities; and

- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes such as local taxi-marshalling schemes, street pastors and other schemes, which may help mitigate potential risks.

25.5 We expect individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on rather than in general or standard terms. Information should be given to demonstrate how the individual application proposes to address and promote the licensing objectives. Applicants are referred to Section 26 below which contains information on carrying out a risk assessment.

25.6 Any application or operating schedule not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the forms correctly before the application is accepted by Council.

## **26 Risk assessments**

26.1 We recommend that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables us and responsible authorities to assess how they will seek to promote the licensing objectives.

26.2 We are aware that any risk assessment will vary according to the nature of the business. It is for applicants to decide what is appropriate in each case.

26.3 The risk assessment contains many of the key factors which the responsible authorities will be expecting applicants to meet in order to fulfil the licensing objectives. The contents are not exhaustive but the risk assessment approach will reduce the possibilities of adverse representations.

26.4 It is recognised that some areas of the risk assessment may duplicate issues which applicants have previously addressed in order to satisfy other legislation. Where this does occur the operating schedule may cross reference to alternative documents.

26.5 We recognise that it cannot insist on a risk assessment. It is a legal requirement for all premises to have one. However an applicant who decides not to complete or provide a risk assessment may face additional representations and the expense of hearings as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.

## **27 Excessive Consumption of Alcohol**

27.1 We are acutely aware of the link between the supply of alcohol that is subject to certain promotions and the possibility of resultant incidents of alcohol related crime and disorder and implications for public safety, public nuisance and the risk of harm to children. We also recognise the impact that excessive or binge drinking can have on public health and that positive action on promoting the licensing objectives is equally likely to have an indirect impact on public health.

27.2 The British Beer and Pub Association states that a promotion is irresponsible where it encourages or incites individuals to drink to excess, behave in an anti-social manner

or fuels drunkenness. We will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the licensing objectives.

27.3 In April 2010 new mandatory conditions came into effect which:

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.

27.4 The legislation makes it clear that an irresponsible promotion is one that is "carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carried a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children". We would see irresponsible behaviour such as this as a serious breach of the licence and would give significant weight to this in reviewing any licence.

## **28 Conditions**

28.1 We may only impose conditions where relevant representations are made following an application to grant or vary a licence or where a review request is being considered.

28.2 We recognise that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.

28.3 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned. Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the Council.

## **29 Designated Premises Supervisor**

29.1 An applicant for a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor ("the DPS"). That person will normally have been given day to day responsibility for running the premises. The DPS must also be in possession of a personal licence. The Act does not require the presence of the DPS at all material times.

29.2 The DPS will be readily identifiable on the premises as a person in a position of authority. No sale or supply of alcohol may be made at a time when no DPS has been specified on the licence or at a time when the DPS does not hold a Personal Licence.

## **30 Staff Training**

30.1 We recommend that all persons employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise awareness of their responsibility and particularly of the offences

contained within the Act. Similarly persons employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all staff involved in managing or supervising the premises. Links with local training providers such as INSPIRE are in existence. Licensees and their staff will be signposted at the regularly held joint meetings towards accessing any relevant training.

- 30.2 It is also recommended that persons employed on premises providing entertainment for children and young people attend training programmes in basic child protection and safety, and if appropriate have the necessary DBS checks.
- 30.3 All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

### **31 Club Premises Certificate**

- 31.1 The Act recognises that premises to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason qualifying clubs may apply for a Club Premises Certificate as an alternative to a premises licence.
- 31.2 A Designated Premises Supervisor and Personal Licence Holders are not required where a Club Premises Certificate is in force. However, an applicant for a Club Premises Certificate is still required to act in a manner which promotes the licensing objectives. An application for a Club Premises Certificate must be in the form prescribed by Regulations.
- 31.3 Any qualifying club may choose to obtain a Premises Licence if it decides that it wishes to offer its facilities commercially for use by the public, including the sale of alcohol. Any individual on behalf of the club may also provide Temporary Events Notices. We have issued guidance to clubs on applying for a Premises Licence. .

### **32 Community Halls**

- 32.1 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc) Order 2009 amends the Licensing Act 2003 to allow management committees of community premises to make an application for a premises licence or to vary an existing premises licence which includes an application to remove the requirement of a designated premises supervisor and the authorisation of the sale of alcohol by a personal licence holder.
- 32.2 Advice on how to apply can be obtained by contacting the Licensing Service.

### **33 Minor Variations**

- 33.1 It is now possible to make small changes to premises licences or club premises certificates through the minor variation process, which is cheaper, easier and quicker than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. Applications

to increase the hours for the sale of alcohol cannot be made via the minor variation process.

### **34 Alcohol Deliveries**

34.1 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- The person they are selling alcohol to is over the age of 18
- That alcohol is only delivered to a person over the age of 18
- That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

### **35 Cumulative Impact**

35.1 Licensing Polices are able to identify areas where clusters of activity are having a particular impact on that locality. Cumulative Impact Areas (“CIA”) are designated within which applications for new licensed premises are scrutinised in detail to assess if they would further exacerbate the problems which led to the designation of those areas initially.

35.2 Pendle does not have any areas that merit consideration to be designated as a CIA. Nevertheless there will be occasions where objections to new licenses may be received based on cumulative impact issues.

35.3 In cases where either responsible authorities or other persons seek to establish that an application should be refused on the grounds that it would result in a cumulative impact which would undermine one or more of the licensing objectives, they shall:

- Identify the boundaries of the area from which it is alleged problems are arising
- Identify the licensing objective which it is alleged will be undermined
- Identify the type of licensable activity alleged to be causing the problem (e.g. sale of alcohol, late night refreshment)
- Provide full details and evidence to show the manner and extent to which it is alleged that the licensing objectives are being, or at risk of being, undermined in the area
- Provide evidence to show that the undermining of the objective is caused by the patrons of licensed premises in the area.

35.4 The reason for this is to ensure that objections are neither frivolous nor vexatious and that there is an evidential basis for the licensing subcommittee to reach a decision.

### **36 Personal Licences**

36.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a

Personal Licence holder at all material times but if any sales are made when a Personal Licence Holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those he authorises to make such sales.

36.2 We recommend that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence holders. This paragraph should be read in conjunction with Section 29 Designated Premises Supervisor.

36.3 We recognise it has no discretion regarding the granting of personal licences where:

- the applicant is 18 or over,
- possesses a licensing qualification,
- has not had a licence forfeited in the last five years and
- has not been convicted of a relevant offence.

36.4 An application for a personal licence to sell alcohol must be made in the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee and proof that the applicant has the right to work in the UK. The applicant should also be able to produce evidence of the relevant qualifications.

36.5 Applicants should also produce a Criminal Disclosure Certificate along with the application form. The certificate must be within one calendar month old and comply with the regulations on personal licence applications. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.

36.6 Where the application discloses relevant unspent convictions we will notify the police of that application and the convictions. The police may make objection on the grounds of crime and disorder. If an objection is lodged a hearing must be held.

36.7 We will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. We will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

## **37 Temporary Events Notices**

37.1 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or TEN).

37.2 Temporary event notices are subject to various limitations. These are concerned with:

- 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 person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a TEN may be given for any particular premises (15 times in a calendar year);
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year);
- the maximum number of people attending at any one time (499); and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

37.3 The most important aspect of the system of temporary event notices is that no permission is required for these events from the Council. In general, only the police or Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. We will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

37.4 Many premises users giving temporary event notices will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, all of which may stage public events to raise funds, at which licensable activities will take place. We will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.

37.5 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event. The day of application and the day of the event are not included in calculating either of the notice periods.

37.6 We will encourage notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through multi agency forum meetings (ESAG).

37.7 We will provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

## **38 Police or Environmental Health Intervention**

- 38.1 The Act provides that in exceptional circumstances, the Police or Environmental Health may issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The Police or Environmental Health must issue an objection notice within three working days of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by us at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN is cancelled and licensable activities are not authorised.
- 38.2 The ability of Police and Environmental Health to serve such a notice is a further reason why event organisers are strongly encouraged by the Council not to rely on giving the minimum amount of notice and to contact the local police and Environmental Health at the earliest possible opportunity about their proposals.

## **39 Additional Limitations**

- 39.1 On receiving temporary event notices we will check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.
- 39.2 The Act defines an associate as being:
- the spouse or civil partner of that person;
  - a child, parent, grandchild, grandparent, brother or sister of that person; or
  - an agent or employee of that person;
  - the spouse or civil partner of a person listed in either of the two preceding bullet points.
- 39.3 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.
- 39.4 The Licensing Act contains measures to ensure that we, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives. The Council and responsible authorities are committed to encouraging a thriving day time and evening licensed economy but will not tolerate those premises whose activities infringe upon the quality of life for local residents and businesses.
- 39.5 We have established an enforcement protocol with the Police which sets out the framework for the risk based enforcement of the Licensing Act 2003.
- 39.6 Both parties to this protocol recognise their responsibility in the promotion of the licensing objectives and thus providing a safe environment for the community of Pendle.

## **40 Prosecution of Breaches**

- 40.1 In accordance with the enforcement protocol, the Council adopts a joint approach to the prosecution of offences under the Licensing Act.

40.2 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental protection and trading standards also have their own powers.

40.3 Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.

40.4 We will follow a zero tolerance approach to anti-social behaviour and environmental crime.

#### **41 Reviews of Licences**

41.1 We recognise that the ability of the police, other responsible authorities and other persons to apply for a review of a premises licence, is an incentive to effective self-regulation.

41.2 On receipt of a relevant request to carry out a review we have a range of options available to it under the Act. These include:

- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- To exclude a licensable activity from the scope of the licence (permanently or temporarily)
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

41.3 We will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.

41.4 We have agreed protocols with responsible authorities and published guidance on the review process which is available from the Licensing Service or on the Council's website.

41.5 Where a Magistrates Court makes a Closure Order under part 8 of the Licensing Act 2003 (on grounds of disorder) the Council must carry out a review of the licence.

41.6 Where a Magistrates Court makes a Closure Order under part 1 of the Anti-Social Behaviour Act 2003 (on grounds of the use, supply or production of Class A drugs associated with disorder or serious nuisance) the Police will usually ask the Council to carry out a review of the licence.

41.7 Where a closure order has been made under part 6 of the Anti-Social Behaviour Act 2003 (on grounds of noise) the Council's Environmental Health section will normally request a review of the licence.

## 42 Matters to be Considered

42.1 When considering a review request or the possibility of enforcement action we will take into account all relevant circumstances but will view the following matters particularly seriously:

- use of the premises for criminal activities such as the supply of drugs or money laundering
- failure to promptly respond to a warning properly given by a responsible authority
- failure to engage with the RAs in an effective manner?
- previous convictions for licensing offences
- previous failure to comply with licence conditions.

## 43 The Violent Crime Reduction Act 2006

43.1 The Violent Crime Reduction Act 2006 has amended parts of the Licensing Act 2003 and now expands police and Council powers to deal with problem premises in a more expedient manner.

44.2 A new power to carry out summary reviews in serious cases of crime and disorder is brought in at section 53A of the Licensing Act 2003. Where a review application is accompanied by a certificate issued by a senior Police officer, the Licensing Authority is required within 48 hours to consider whether it is necessary to take any interim steps pending the completion of the review process. This may include the immediate suspension of the premises licence.

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## **Glossary**

The Act  
CIA  
DBS Check  
DPS  
The Council  
The Licensing Authority

The Licensing Act 2003  
Cumulative Impact Area  
Disclosure Barring Service  
Designated Premise Supervisor  
Pendle Borough Council  
Pendle Borough Council

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in a way which is better for you,  
please telephone us.**

اگر آپ یہ معلومات کسی ایسی شکل میں چاہتے ہیں، جو کہ  
آپ کے لئے زیادہ مفید ہو تو برائے مہربانی ہمیں ٹیلیفون کریں۔

