

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT & REGULATORY SERVICES MANAGER**

**TO: LICENSING COMMITTEE**

**DATE: 23<sup>rd</sup> NOVEMBER 2020**

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## **LICENSING POLICY – STATEMENT OF PRINCIPLES**

### **PURPOSE OF REPORT**

1. To consider the responses to the Council's Draft Licensing Statements of Principles.
2. To agree the content of the Statement to go to Council for adoption.

### **RECOMMENDATIONS**

That Committee agrees to the modifications made to the Statement and recommends to Full Council that the Statement is adopted.

### **REASONS FOR RECOMMENDATION**

To ensure that Pendle has an up to date Statement in order to comply with the Licensing Act 2003.

### **ISSUE**

1. Under the provisions of Section 5 of the Licensing Act 2003, Pendle is obliged to have in place a Statements of Principles (Policy) for their Licensing functions.
2. The Statement, which has to be reviewed every five years and needs to be in place by early January 2021, sets out the approach that the Council, as the Licensing Authority, will have for dealing with all matters relating to the Licensing Act 2003.
3. It is heavily influenced by the complex legislation that governs alcohol licensing and the associated licensing activities and it also has to take into account the guidance offered by the Secretary of State in relation to licensing.
4. There has been an 8 weeks public consultation period in relation to Statement content. In total, five responses were received of which three of them offered no suggested additions or

content amendments to the draft document. One response related to some suggested minor formatting changes which have been implemented and the remaining response, from INSPIRE, a substance misuse organization, offered the opportunity for Pendle licensees and their staff to access their locally based training courses.

5. Officers have positively considered this response and have inserted the paragraph in italics below into Item 30 on page 21 of the Statement, which outlines the Council's approach in encouraging licensees and their staff to undergo regular training.

### **Item 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.*

6. The only other amendment made to this draft document which is different from the current Statement, is in item 10 on page 12. This refers to child safety and child exploitation as being main considerations in determining licence applications and the procedures that the Council will follow in terms of enforcement when dealing with such matters. Officers have updated this section of the Statement (below) to align with improved internal working practices and to support new and existing operational procedures in place with partner organisations such as the Police.

### **Item 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.

## **IMPLICATIONS**

<b>Policy:</b>	The Council must adopt the Statement in order to comply with the requirements of the Licensing Act 2003.
<b>Financial:</b>	None
<b>Legal:</b>	None
<b>Risk Management:</b>	None
<b>Health and Safety:</b>	None

**Sustainability:** None

**Community Safety:** The statement refers to child safety and child exploitation as main considerations in determining licence applications and the procedures that the Council will follow in terms of enforcement when dealing with such matters.

**Equality and Diversity:** None

## **APPENDICES**

1. Draft Licensing Statement of Principles

## **LIST OF BACKGROUND PAPERS**

None