

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 16/7/12) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/2/13 – 19/2/17)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Prescribed description

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

PRESENT: Councillor Wright (In the Chair)

Councillors: Baybutt
C Evans
Oliver

Officers: Principal Solicitor (Mr L Gardner)
Assistant Solicitor (Mrs J Williams)
Senior Licensing Officer (Mrs M Murray)
Member Services/Civic Support Officer (Mrs J Brown)

In attendance: (DWF Solicitors) Mr D Crank
(DPS) Mr R Jacques
Objectors

17. APOLOGIES

There were no apologies for absence received.

18. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

19. URGENT BUSINESS

There were no items of urgent business.

20. URGENT BUSINESS

There were no items of urgent business.

21. DECLARATIONS OF INTEREST

There were no declarations of Party Whip.

22. MINUTES

RESOLVED: That the Minutes of the meeting held on 12 September 2014 be received as a correct record and signed by the Chairman.

23. LICENSING HEARING PROCEDURE

The Chairman outlined the Licensing Hearing Procedure.

24. APPLICATION FOR VARIATION OF A PREMISES LICENCE IN RESPECT OF LEGH ARMS, THE GRAVEL, MERE BROW, TARLETON PR4 6JX

Consideration was given to the report of the Assistant Director Community Services as contained on pages 109 to 152 of the Book of Reports in respect of an application for variation of a Premises Licence in respect of Legh Arms, The Gravel, Mere Brow, Tarleton, PR4 6JX.

In considering this matter the Sub – Committee had regard to its Licensing Policy and the guidance issued under S. 182 of the Licensing Act. It considered the relevant Licensing Objectives on this occasion was the 'prevention of crime and disorder', 'public safety', 'prevention of public nuisance' and 'prevention of children from harm'.

On hearing evidence from the Applicant's Solicitor and Objectors the Sub – Committee:-

- RESOLVED:
- A. That the premises shall be open to the public 10.30 hours to 00.30 hours Sunday to Thursday and 10.30 hours to 01.30 hours Friday and Saturday.
 - B. That the supply of alcohol shall be permitted between 10.30 hours to 00.00 hours Sunday to Thursday and 10.30 hours to 01.00 hours Friday and Saturday.
 - C. That late night refreshment shall be permitted between 23.00 hours to 00.00 hours Sunday to Thursday and 23.00 hours and 01.00 hours Friday and Saturday.
 - D. That the provision of live music and recorded music, shall be permitted to take place 10.30 hours to 00.00 hours Sunday to Thursday and 10.30 hours to 01.00 hours Friday and Saturday.
 - E. That all external doors and windows shall be kept closed other than for access and egress when there is live regulated music playing at the premises.
 - F. That the Premises shall only be granted the facility of the extended hours past 00.00 hours for supply of alcohol and past 00.30 hours Friday and Saturday on 12 occasions per calendar year. The said dates shall not be used where the Premises already is granted additional operating hours under Annex 2 of the existing Licence.
 - G. That the Premises Licence holder will notice the Licensing Authority of the 12 nights they intend to operate the extended operating hours in writing with a minimum of 4 weeks' notice.

- CHAIRMAN -

LICENSING AND GAMBLING COMMITTEE

HELD:31 MARCH 2015

Start: 7.00pm

Finish: 7.25pm

PRESENT: Councillor Kay (Chairman)

Councillors: Barron Oliver
Baybutt Owen
Delaney Pryce - Roberts
Mrs R Evans Pye
Jones West
Mee Wright
Ms Melling

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)
Principal Solicitor (Mr L Gardner)
Senior Licensing Officer (Mrs S Jordan)
Member Services/Civic Support Officer (Mrs J Brown)

In attendance: Principal Solicitor (Mrs K Lovelady)

17. APOLOGIES

There were no apologies for absence received.

18. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor's Mrs C Evans, Sudworth and Wilkie and the appointment of Councillors Baybutt, Barron and Pryce–Roberts for this meeting only, thereby giving effect to the wishes of the political groups.

19. URGENT BUSINESS

There were no items of urgent business.

20. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

21. DECLARATIONS OF INTEREST

There were no declarations of interest.

22. MINUTES OF LICENSING SUB-COMMITTEE

The Minutes of the Licensing Sub – Committee held 12 September 2014 were submitted.

RESOLVED: That the above Minutes be noted.

23. MINUTES

RESOLVED: That the Minutes of the meeting held on 2 December 2014 be received as a correct record and signed by the Chairman.

24. LICENSING ACT 2003 - NIGHT TIME LICENSING OPTIONS UPDATE

Consideration was given to the report of the Assistant Director Community Services as contained on pages 180 to 197 of the Book of Reports, the purpose of which was to provide Members with an update on progress against identified night time licensing options and to provide interim feedback from a night time economy study.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions from Members of the Committee. He further informed Members that a full report would be brought to the meeting on 2 June 2015.

RESOLVED: That the content of the report be noted.

CHAIRMAN



AGENDA ITEM: 8

**LICENSING & GAMBLING
COMMITTEE: 2 JUNE 2015**

CABINET: 16 June 2015

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor Kevin Wright

**Contact for further information: Mr Paul Charlson (Extn 5246)
(E-mail: paul.charlson@westlancs.gov.uk)**

**SUBJECT: APPROVAL OF DRAFT STATEMENT OF LICENSING POLICY AND
AUTHORISATIONS REQUIRED BY THE GAMBLING ACT 2005**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 That the necessary action be taken to approve the draft Statement of Licensing Policy required under Gambling Act 2005 prior to public consultation.

2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE

2.1 That the draft Statement of Licensing Policy attached at Appendix 2 be approved.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the draft Statement of Licensing Policy attached at Appendix 2 be approved.

3.2 That the Assistant Director Community Services be given delegated authority to publish the draft Statement of Licensing Policy and conduct a period of public consultation prior to returning the final policy for approval before the 31st January 2016.

4.0 BACKGROUND

4.1 Members will be aware that the Council acts as Licensing Authority (the Authority) when discharging its functions under the Gambling Act 2005 (the Act). As part of these responsibilities, Section 349 of the Act requires the Authority to produce a Statement of Licensing Policy (the Policy) every 3 years. The current Policy came into force on 31 January 2013, and so a revised Policy must be approved and published before the end of January 2016.

5.0 ISSUES

5.1 The draft Policy attached at Appendix 2 to this report has been compiled using all available legislation and guidance. Whilst there are no significant policy changes from the previous version, the highlighted changes serve only to improve the clarity of the document.

5.2 In order for the Council to function as Licensing Authority, the appended draft Policy must be approved for publication and consultation for a minimum of 12 weeks. Accordingly, if approved, the draft Policy will be subject to public consultation from July 2015 to October 2015 [dates to be specified].

5.3 Additionally, Section 349(3) of the Act lists the minimum consultees whom all Licensing Authorities must contact. These are:

- Chief Officer of Police for the Licensing 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 the Act.

5.4 This list has been made deliberately wide to enable the Authority to undertake a comprehensive consultation exercise with anyone who may be affected by, or otherwise have an interest in, the draft Policy.

5.5 In a similar manner to the consultations carried out for the Council's previous Policies, it is intended that consultees be contacted directly in writing, requesting their comments on the draft statement. A specific response form will be used for ease of respondents' use.

5.6 In addition, the following activities will be undertaken to ensure increased awareness of the draft statement:

- Updates in the local press to draw attention to the draft Policy and the need for contributions
- The draft Policy will be posted on the Council's website
- The continued use of a dedicated licensing email address to receive comments on the draft Policy or other licensing queries
- Presentation of the draft Policy to the Council's MALT (Multi Agency Licensing Team)

5.7 Once the consultation period is complete, the draft Policy will be amended to take account of any views received. The final version of the Policy will be submitted to the Licensing and Gambling Committee (1 December 2015) and Cabinet (12 January 2016) for approval before publication. The final Policy must be published by 31 January 2016.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

6.1 This legislation has the potential to impact upon many areas within the Community, particularly upon the leisure time of the public of West Lancashire. The Objectives of the Act, therefore, fit closely with many aspects of the Community Strategy. The proposal has the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D); Health and Social Care (issue A); Culture, Leisure and Sport (issue B).

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 Publication and consultation upon the draft Policy will be conducted within existing resources.

8.0 RISK ASSESSMENT

8.1 The Council has a legal duty to carry out the functions of the Act; therefore failure to do so is a breach under the Act. Accordingly, there is significant involvement from, and impact upon, statutory bodies, the gambling trade, the public and other interested parties associated with this legislation and its administration.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment.
2. Draft Statement of Licensing Policy required under the Gambling Act 2005

Equality Impact Assessment Form



Directorate: People and Places	Service: Community Services
Completed by: Paul Charlson	Date: 02/06/15
Subject Title: APPROVAL OF DRAFT STATEMENT OF LICENSING POLICY AND AUTHORISATIONS REQUIRED BY THE GAMBLING ACT 2005	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	Yes
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	
<i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All licence holders and stakeholders to the licensable activities under the Gambling Act 2005.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	N/A

Which of the protected characteristics are most relevant to the work being carried out?	
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All licence holders and stakeholders to the licensable activities under the Gambling Act 2005.
What will the impact of the work being carried out be on usage/the stakeholders?	To respond to the public consultation on the draft statement of licensing policy.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The policy will be subject to a 12 week public consultation to ascertain views.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The policy will be subject to a 12 week public consultation to ascertain views.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None. Applied equally to all affected by the Gambling Act 2005.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	None. Applied equally to all affected by the Gambling Act 2005.
What actions do you plan to take to address any other issues above?	No actions.
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	Following public consultation the policy will be resubmitted for Member approval.

West Lancashire Borough Council

Gambling Act 2005 Statement of Licensing Policy

January 2016

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PART A: GENERAL

1.0 Introduction

1.1 In exercising most of the functions under the Gambling Act 2005 (the Act), West Lancashire Borough Council (the Council) is designated the Licensing Authority (the Authority) and must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:

- 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.

1.2 The Gambling Commission (the Commission) has specifically stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling, to which the Authority will have regard.

1.3 In accordance with Section 153 of the Act, the Authority shall aim to permit the use of premises for gambling in so far as it thinks fit:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives, and
- In accordance with this Statement of Licensing Policy.

2.0 Declaration

2.1 In producing this Statement of Licensing Policy, the Authority declares that it has had regard to the Licensing Objectives of the Act, the Guidance, and any responses from those consulted on the Statement.

3.0 Legal background and rationale

- 3.1** This Statement of Licensing Policy (this Statement) sets out the manner in which the Authority will generally apply to promote the Licensing Objectives when considering and making decisions on applications made under the Act. This Statement has been prepared under Section 349 of the Act and in accordance with the Commission's Guidance for Licensing Authorities issued under Section 25 of the Act (the Guidance). The Authority is therefore constrained by the provisions of the Act, the Guidance and any Regulations made under the Act. However, the Authority may depart from the Guidance if it has reason to do so, but will give full justification for such departure.
- 3.2** The Authority is required by Section 349 of the Act to publish this Statement, which it proposes to apply when exercising its functions. This Statement shall be effective from the 31 January 2016, and shall remain in effect for three years; therefore this Statement will be reviewed in January 2019. Following this full review of its Statement, and prior to its publication, the Authority will consult fully those groups and individuals consulted on this version.
- 3.3** This Statement will also be kept under review during this three year period, and accordingly, the Assistant Director Community Services will maintain an 'Issues Log' in which all issues pertaining to this Statement will be recorded. Therefore the Authority will make revisions to the Statement from "time to time" as it considers appropriate. For example, where relevant issues have arisen, or where matters recorded in the 'Issues Log' indicate that that such a review is required. A further consultation will be carried out on any amendments made to the Statement, and the Statement will be re-published. No such issues were recorded that affect this revised Statement.
- 3.4** Nothing in this Statement will override the right of any person to apply under the Act for a variety of permissions and have that considered on its own merits and according to the statutory requirements of the Act.
- 3.5** Nothing in this Statement will override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
- 3.6** The Council also has a responsibility under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to reduce crime and disorder in its area. Accordingly, it is recognised that prevention of crime and disorder is a vital element of ensuring the quality of life in a community and an important aspect of a successful and vibrant economy.
- 3.7** The Authority recognises that under Article 8 of the European Convention on Human Rights everyone has the right to respect for his/her private and family life. The Authority also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable nuisance caused by licensed premises/activities. Full consideration has been given to these issues in formulating this Statement.

3.8 This Statement recognises the Equality Act 2010; no condition will be attached to a licence or certificate that conflicts or duplicates the requirements of the Act.

Development process and consultation

3.9 The Council consulted widely upon this Statement before finalising and publishing the document. A list of the persons consulted is maintained separately from this Statement and is available on request from the Licensing Service using the details provided at Appendix 3.

3.10 The Act requires the Authority to consult the following parties:

- Chief Officer of Police;
- 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 the Act.

3.11 The consultation took place between XXXX July 2015 and XXXX October 2015 and followed the Revised Code of Practice for public consultations, which came into effect in April 2004, and the Cabinet Office Guidance on consultations by the public sector.

3.12 The full list of comments made, and the consideration by Council of those comments, is available from the Council using the contact details given at Appendix 3.

3.13 This Statement was approved at a meeting of the Licensing and Gambling Committee on 1st December 2015 and Cabinet on 12th January 2016. It was published on the Council's website on 13th January 2016 and is available from the Council's Licensing Service at the address given in Appendix 3.

3.14 If you have any comments on this Statement, please send them via e-mail or letter to:

Paul Charlson – Commercial, Safety and Licensing Manager
Robert Hodge Centre, Stanley Way, Skelmersdale, Lancashire WN8 8EE
Telephone: 01695 585246
Fax: 01695 585126
Email: licensing.enquiries@westlancs.gov.uk
Webpage: www.westlancs.gov.uk/licensing

4.0 Responsible Authorities

4.1 Section 157 of the Act details the necessary Responsible Authorities. When exercising its powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the Authority about the protection of children from harm, the Authority is required to state the principles it will apply. These principles are:

- The need for the body to be responsible for an area covering the whole of the licensing Authority's area;
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

4.2 Therefore, in accordance with the Guidance, the Authority designates Lancashire County Council Social Services Safeguarding Children's Board.

4.3 The contact details of all the Responsible Authorities under the Act are given at Appendix 2 and are also available at www.westlancs.gov.uk/licensing

5.0 Interested Parties

- 5.1** Section 158 of the Act defines an Interested Party. An Interested Party can make representations about licence applications, or apply for a review of an existing licence.
- 5.2** The Authority will determine whether a person is an interested party if 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;
 - Acts as a representative of those persons who satisfy either of the above points.
- 5.3** The Authority will consider each case and make a decision upon its merits, the Authority will also aim not to apply a rigid rule to its decision making.
- 5.4** The Authority will consider the examples of considerations provided in the Guidance when making the decisions whether a person is an interested party. If the Authority does not wish to follow the Guidance in any respect, it will provide written reasons as to why this deviation has taken place, noting that decisions on Premises Licences must be “in accordance” with the Guidance.
- 5.5** Interested Parties can include trade associations and trade unions, and residents’ and tenants’ associations. The Authority will not, however, generally view these bodies as Interested Parties unless they have a member who can be classed as one under the terms of the Act, as outlined in paragraph 5.2.
- 5.6** Interested Parties can be persons who are democratically elected such as ward Councillors, Members of Parliament and Parish Councillors. Other than these persons, the Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the Authority’s activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be deemed as sufficient.
- 5.7** If individuals wish to approach ward Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Committee that will deal with the licence application. If there are any doubts, please contact the Council’s Licensing Service using the contact details given at Appendix 3.

6.0 Exchange of Information

- 6.1** Sections 29 and 30 of the Act require the Authority to state the principles to be applied by the Authority with respect to the exchange of information between it and the Commission. In addition, Section 350 of the Act also requires the Authority to state the principles to be applied with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2** In this regard, the Authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened and that the requirements of the Freedom of Information Act 2000 will be adhered to. The Authority will also have regard to any guidance issued by the Commission to Local Authorities on this matter, as well as any relevant regulations, codes of practice etc.
- 6.3** Where any protocols are established to facilitate such exchange of information, these will be made available at www.westlancs.gov.uk/licensing
- 6.4** Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a Hearing being required, will form part of a public document. Any person making a representation, or applying for review of a Premises Licence, will be informed that their details will be disclosed.

Multi Agency Licensing Team (MALT)

- 6.5** The coordination of its duties under the Act requires the Authority to maintain close and regular liaison with Responsible Authorities as well other bodies involved in the licensing process. The MALT has been established for this purpose and is coordinated by the Authority.

7.0 Integration Strategies

General

- 7.1** There are many stakeholders in the gambling industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives. The Authority, therefore, recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage such activities for the wider cultural benefit of the community. The Authority will aim to monitor the impact of its decisions to ensure that this principle is being upheld.
- 7.2** Many of these strategies deal in part with the licensing function, and the Authority will establish appropriate liaison arrangements to ensure proper integration of local crime prevention, planning, local transport, tourism and cultural strategies.
- 7.3** Coordination of duties will involve close, and regular, liaison with Responsible Authorities. This shall be principally carried out through regular MALT meetings, which will address strategic and operational issues raised by the Act.
- 7.4** The Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including the Council's Planning Service. The Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. However, the Authority will listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.
- 7.5** The Authority recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. The Authority will therefore ensure that the two regimes are kept separate. Planning Officers will be kept regularly apprised of the situation regarding licensed premises within the Borough through the MALT meetings.

8.0 Inspection and criminal proceedings

8.1 The Authority is required by regulation to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and its powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

8.2 In this regard, the Authority will undertake its inspection and enforcement functions in accordance with the relevant legislation, the Guidance and the principles of better regulation in the Regulator's Code. The Authority's principles for enforcement are:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

8.3 The main enforcement and compliance role for the Authority will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Commission will be the enforcement body for Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority, but will be notified to the Commission. The Commission will also be responsible for compliance as regards unlicensed premises.

8.4 The MALT ensures that a coordinated and proactive approach to the issues arising from licensed premises can be formulated and delivered. This is conducted on a priority basis. Those premises that have been identified as presenting a risk from the perspective of one or more MALT members will be targeted. Such premises could expect increased monitoring and MALT members may conduct more frequent visits to such premises. This affords the licensed operation sufficient opportunity, as well as support, to address the problems. Should the matter be sufficiently serious and/or the operation does not take the necessary action to address the problems, the premises will be subject to further intervention. These premises will be subject to close scrutiny and a coordinated approach to enforcement devised between the appropriate MALT members. This approach ensures an efficient and proportionate deployment of resources engaged in enforcing relevant legislation within licensed premises, as only problem and/or high-risk premises are targeted.

8.5 However, the role of the MALT is not solely focused upon enforcement activity. It also sees the promotion and encouragement of best practice within the industry as being fundamental in the development of responsibly managed licensed operations. Accordingly, the Authority will carry out

proactive visits to premises on a risk based programme to ensure operators are provided with appropriate support.

- 8.6** To ensure transparency in its enforcement action, the Authority maintains an enforcement policy that all staff must comply with. A copy of the enforcement policy is available upon request to the Licensing Service, using the contact details provided at Appendix 3.

DRAFT

9.0 Licensing Authority functions

9.1 The Act requires the Authority to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

9.2 The Authority is not involved in the licensing of remote gambling at all. This is the responsibility of the Commission, which is controlled via Operator Licences.

10.0 Hearings

- 10.1** A Hearing will be arranged to deal with any applications, which cannot be dealt with under delegated powers or resolved by agreement between applicants and Interested Parties and/or Responsible Authorities.
- 10.2** Each case will be determined on its individual merits.
- 10.3** Hearings will be held at the earliest possible date having regard to the regulations published under the Act and the laws of natural justice. The Licensing Sub-Committee will conduct a quasi-judicial consideration of the application, objections and representations. Members will carefully consider their position should they be requested to hear a matter which occurs in their own ward.
- 10.4** A legal advisor, advocate or a friend may represent applicants where they do not choose to represent themselves. The Authority will endeavour to assist applicants in preparing for and participating in a Hearing.
- 10.5** Whilst the Committee and Sub-Committees will usually meet in public, they do have the power to hear certain applications in private. If this happens, a public announcement of the decision will be made at the end of the Hearing. The decision of the Committee or Sub-Committee will be accompanied by clear reasons for the decisions, having regard to the Human Rights Act 1998, the four Licensing Objectives and all other relevant legislation.
- 10.6** Conditions may be attached to licences where relevant representations are received. Any condition attached to a licence will be related to one or more of the Licensing Objectives and conditions will not relate to matters that are the subject of other legislation.

PART B: PREMISES LICENCES

11.0 General Principles

11.1 Premises Licences will be subject to the permissions/restrictions set out in the Act and associated Regulations, as well as specific mandatory and default conditions. The Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

11.2 The Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with this Statement.

Definition of “premises”

11.3 Premises is defined in the Act as “any place”. Different Premises Licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one Premises Licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Whether different parts of a building can be properly regarded as being separate premises will always be a question of fact in the circumstances. However, the Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

11.4 The Authority will consider each case on its merits and the relevant section of the Guidance when considering applications for:

- multiple licences for a building;
- a specific part of the building to be licensed;
- access to the licensed premises is through other premises (which themselves may be licensed or unlicensed)

Local area profile

11.5 West Lancashire Borough Council is situated in the County of Lancashire, which contains 12 District Councils and 2 Unitary Councils, and is the most southerly of the Local Authorities within the County. The Borough has a population of 110,700 (National Census 2011) and covers an area of over 34,000 hectares, a large proportion of which is good and versatile agricultural land. The Borough has two market towns: Ormskirk and Burscough, with mainly rural parishes and villages to the north and the former New Town of Skelmersdale to the east. A map of the Borough is detailed at Appendix 1.

11.6 West Lancashire is an attractive area and has a good transport links. The Borough benefits from social, retail and leisure links with the nearby urban areas of Liverpool, Southport, Preston and Wigan. These factors have led to

Ormskirk and other parts of the Borough becoming popular areas to live for commuters.

- 11.7** There are a relatively low number of licensed premises in the Borough. These premises mainly comprise of betting shops and bingo establishments. Whilst there are differing demographics between the residential and commercial areas within the Borough, there are currently no concentrations of licensed premises that would necessitate any specific policy requirements other than those detailed below.
- 11.8** If the Authority is mindful to make any specific decision that states any area(s) where gambling premises should not be located, this Statement will be updated.

Location and demand for premises

11.9 The Authority will aim to reflect the aim to permit principle of the Act and will not comment on whether there is a demand for gambling premises. However, the Authority does consider the location of premises in so far as it relates to the Licensing Objectives to be relevant. The Authority 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. For example, the Authority would have regard to the proximity of the premises to:

- Schools;
- Vulnerable adult centres;
- Residential areas where there may be a high concentration of families and children;
- An area with known high levels of organised crime and/or disorder and nuisance.

Conditions

- 11.10** Any conditions attached to licences will be proportionate and 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.
- 11.11** Decisions upon individual conditions will be made on a case by case basis. However, there are a number of control measures that the Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. as detailed below. The Authority will also expect applicants to offer their own suggestions as to ways in which the Licensing Objectives can be met effectively.

Consideration of applications

11.12 Each case will be determined on its merits and will depend to a large extent on the type of gambling proposed. The Authority recognises that the good management of licensed businesses and the street environment within which

they operate is vital to the infrastructure of the Borough and to attracting a wide range of people to work, visit or live in the Borough. However, the varied nature of the Borough means that the impact of a given operation can vary. The Authority will expect all applicants to, where appropriate, specify the methods, precisely and clearly, by which they will promote the Licensing Objectives and address the specific issues relating to the nature and location of the premises.

11.13 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Authority will take the approach that, in practice, this would often mean preventing such persons from taking part in gambling, and therefore when determining a relevant application, the Authority will consider whether specific measures are required at the premises.

11.14 Applicants are expected to satisfy the Authority that there will be sufficient controls in place so as to reduce the risk to such persons. For example, appropriate licence conditions may cover 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.

Please note that this list is not mandatory, nor exhaustive.

11.15 It is important that if children are allowed to enter licensed premises that they do not participate in gambling - other than category D machines. Where other machines are available in the premises to which children are not permitted to use, applicants are expected to ensure that:

- The suitability and layout of the premises promotes restricted access to relevant areas;
- All such machines are located in an area of the premises separate 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 this area where the machines are located;
- Access to the area where the machines are located is supervised;
- 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.

- 11.16** Similarly, the Authority will 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 machines by children and young persons or by vulnerable persons when considering the number, nature and/or circumstances of machines an operator wants to offer. The Authority may also consider restricting the number and location of any machines to facilitate the protection of children and other vulnerable persons from being harmed or exploited by gambling.

Unlicensed Family Entertainment Centre Gaming Machine Permits - Statement of Principles

- 11.17** Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this permit. Applicants should note that they must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 11.18** An application for a permit may be granted only if the Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, and if the Licensing Unit of Lancashire Constabulary has been consulted on the application. The Authority would take into account considerations such as the applicant's suitability (e.g. 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, and issues about disorder.
- 11.19** The Authority will invite the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. However they may include 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. The Authority will also expect, as per the Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 11.20** The Authority cannot attach conditions to this type of permit, and the "Statement of Principles" only applies to initial applications and not to renewals.

(Alcohol) Licensed Premises Gaming Machine Permits

- 11.21** The Act makes provision for premises that holds a Premises Licence under the Licensing Act 2003 for the sale/supply of alcohol on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Authority. The Authority can 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 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 Act has been committed on the premises.

11.22 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Authority will consider that application based upon the Licensing Objectives, the Guidance, and “*such matters as they think relevant.*” This Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant 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 machines. Measures which will satisfy the Authority that there will be no access may include the adult 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 of help. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

11.23 The Authority can 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 be attached. The holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

Prize Gaming Permits - Statement of Principles

11.24 The Authority expects applicants to set out the types of gaming that there are intending to offer and that the applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law.

11.25 In making its decision on an application for this permit the Authority does not need to have regard to the Licensing Objectives but must have regard to any guidance produced by the Commission.

Club Gaming and Club Machines Permits

11.26 Before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members’ club and may grant the permit if the majority of members are over 18.

11.27 The Authority 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.

Tracks

- 11.28** Tracks are different from other premises in that there may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track.
- 11.29** The Authority will have particular regard to 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.
- 11.30** The Authority would expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. However, 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.
- 11.31** The Authority may attach a condition to track Premises Licences 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.
- 11.32** The Authority also notes that in the Commission's view, 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, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Travelling Fairs

- 11.33** The Authority will decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 11.34** The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

11.35 The 27-day statutory maximum for the land being used as a fair is per calendar year, and it 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. The Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

Door Supervisors

11.36 The Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. However, it is noted that the Security Industry Authority cannot license door supervisors at casinos or bingo premises. The Authority therefore may produce specific requirements for door supervisors working at casinos or bingo premises. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

11.37 Where conditions requiring the presence of door supervisors may be attached to Premises Licences or other permissions, the Authority will take account of available evidence, trading history and whether the presence of door supervisors is both necessary and proportionate.

12.0 Casinos

12.1 In accordance with Section 166 of the Act, the Authority has passed a 'no casino' resolution. This was determined on 26th April 2006 by full Council.

13.0 Provisional Statements

13.1 When considering Provisional Statements, it is a question of fact and degree whether premises are finished to a degree that they can be considered for a Premises Licence. Similarly, requiring the building to be complete ensures that the Authority can inspect it fully.

13.2 In terms of representations about Premises Licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by objectors at the provisional licence stage; or
- Which, in the Authority's opinion, reflect a change in the operator's circumstances.

13.3 The Authority will not take into account irrelevant matters. An example of such an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

14.0 Reviews

14.1 Responsible Authorities and Interested Parties may request a review of a Premises Licence at any time. However, it is for the Authority to decide whether the review is to be conducted. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with this statement.

14.2 The Authority can also initiate a review of a licence on the basis of any reason that it considers is appropriate.

APPENDICES

Appendix 1: Map detailing key locations in West Lancashire



Appendix 2: List of Responsible Authorities

For the purposes of this Act, the following are Responsible Authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated (“West Lancashire Borough Council”);
2. The Gambling Commission;
3. Lancashire Constabulary;
4. Lancashire Fire and Rescue Service;
5. Development Control, Planning Dept, West Lancashire Borough Council;
6. Environmental Protection Service, West Lancashire Borough Council;
7. Children and Young Persons Division, Lancashire County Council;
8. HM Customs and Excise.

Lancashire Constabulary
Licensing Unit: C Division
County Police Office, St Thomas's Road
Chorley Lancashire PR7 1DR

Telephone: 01257 246215
Fax: 01257 246217
Email:
anthony.bushell@lancashire.pnn.police.uk

West Lancashire Borough Council
Development Control Service
52 Derby Street, Ormskirk
Lancashire L39 2DF

Telephone: 01695 577177
Email: plan.apps@westlancs.gov.uk

HM Customs and Excise
Boundary House
Cheadle Point
Cheadle
Cheshire
SK8 2JZ

Telephone: 0845 010 9000
Email: enquiries.nw@hmrc.gsi.gov.uk

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Telephone: 0121 230 6500
Fax: 0121 233 1096

Email: info@gamblingcommission.gov.uk

Lancashire Fire and Rescue Service
Fire Safety Officer - Skelmersdale Fire Station
Tanhouse Road, Skelmersdale,
Lancashire WN8 9NN

Telephone: 01695 723853
Fax: 01695 731172
Email:
skelmersdaleFireSafety@lancsfireandrescue.org.uk

Andrew Hill - Environmental Protection &
Community Safety Manager
West Lancashire Borough Council
Robert Hodge Centre, Stanley Way, Skelmersdale
Lancashire WN8 8EE

Telephone: 01695 585243
Fax: 01695 585126
Email: a.hill@westlancs.gov.uk

Lancashire County Council
Lancashire Safeguarding Children's Board Manager
Room B52, PO Box 61
County Hall
Preston
Lancashire PR1 8RJ

Appendix 3: Useful contacts

Further information on West Lancashire Borough Council's Statement of Licensing Policy or the Gambling Act 2005 can be obtained from the Council's Licensing Service:

West Lancashire Borough Council, Licensing Service, Robert Hodge Centre, Stanley Way, Skelmersdale, Lancashire WN8 8EE

Telephone: 01695 577177
Fax: 01695 585126
Email: licensing.enquiries@westlanacs.gov.uk
Webpage: www.westlanacs.gov.uk/licensing

Information on the Gambling Act 2005 is also available from:

The Department for Culture, Media and Sport
2-4 Cockspur Street,
London SW1Y 5DH
Telephone: 020 7211 6200
Email: enquiries@culture.gov.uk
Internet: www.culture.gov.uk

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Telephone: 0121 230 6500
Fax: 0121 233 1096
Email: info@gamblingcommission.gov.uk



AGENDA ITEM: 9

**LICENSING & GAMBLING
COMMITTEE: 2 June 2015**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

**Contact for further information: Mr Paul Charlson (Extn 5246)
(E-mail: paul.charlson@westlancs.gov.uk)**

SUBJECT: LICENSING ACT 2003 – NIGHT TIME ECONOMY SCOPING STUDY

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To provide Members with the night time economy scoping study commissioned by this Committee.

2.0 RECOMMENDATIONS

2.1 That the content of this report be noted.

3.0 ISSUES

3.1 Members will recall the report of the 31 March 2015, which is attached as Appendix 2.

3.2 The Night Time Economy scoping study report has been received and is provided to Members at Appendix 3.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

4.1 The 2003 Act has the potential to impact upon the Community Strategy. The contents of this report have the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D).

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 The financial implications of each of the options are detailed in this report.

6.0 RISK ASSESSMENT

- 6.1 The Council is not under an obligation to introduce the options contained in this report. However, concerns regarding antisocial behaviour are not solely linked to issues that can be addressed by licensing controls. Members must therefore be mindful of the remit of this Committee when considering this report.
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Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

- 1 Equality Impact Assessment.
- 2 Licensing and Gambling Committee Report: 31 March 2015
- 3 NTE Report

Equality Impact Assessment Form



Directorate: People and Places	Service: Community Services
Completed by: Paul Charlson	Date: 02/06/15
Subject Title: LICENSING ACT 2003 – NIGHT TIME ECONOMY SCOPING STUDY	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	No <i>*delete as appropriate</i>
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	No
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No <i>*delete as appropriate</i>
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	Report provides a commissioned piece of academic study for Member's information.
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	
What will the impact of the work being carried out be on usage/the stakeholders?	
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	
If any further data/consultation is needed and is to be gathered, please specify:	
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	
What actions do you plan to take to address any other issues above?	<i>If no actions are planned state no actions</i>
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	



AGENDA ITEM:

**LICENSING & GAMBLING
COMMITTEE: 31 MARCH 2015**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Contact for further information: Paul Charlson (ext 5246)

(E-mail: paul.charlson@westlancs.gov.uk)

SUBJECT: LICENSING ACT 2003 – NIGHT TIME LICENSING OPTIONS UPDATE

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To provide Members with an update on progress against identified night time licensing options and to provide interim feedback from a night time economy study.

2.0 RECOMMENDATIONS

2.1 That the content of this report be noted.

3.0 BACKGROUND

3.1 Members will recall the report of the 1 April 2014 (attached as Appendix B) which outlined several options in response to this Committee's decision not to proceed with the proposed EMRO on 30 July 2013. The decision of this Committee in response to the report of 1 April 2014 is attached at Appendix C.

4.0 UPDATE

4.1 The following comments are provided as an update on progress in relation to the resolution of this Committee detailed in Appendix C:

Review of the Council's Licensing Policy

Members will recall reports to this Committee and Full Council seeking approval of a revised Statement of Licensing Policy. The Policy was agreed by full Council on 17 December 2014, published on 7 January 2015 and is effective from 7 February 2015.

Review of the Council's Licensing Service Web Pages

All Licensing Service pages have been reviewed and amended to provide clearer guidance on the licensing process.

Review of Licensing Fees

Members will be familiar with the licensing fee structure under the Licensing Act 2003, which is set nationally. At the time of writing the report on 1 April 2014, it had been the Government's intention to seek legislation to allow local authorities to set their own licensing fees based on local circumstances. However, following a period of consultation, the Home Office rejected a move toward locally set fees on 5 March 2015.

Development of initiatives with Edge Hill University (EHU)

After subsequent debate on this item, it was more appropriate that the offer of £5k match funding for the development of initiatives with EHU be administered by the Community Safety Partnership, rather than the Licensing Service. This was because the issues were more diverse than those directly relevant to the Licensing Act 2003. Updates on the progress of this matter have therefore been reported directly to the Community Safety Partnership.

Improved taxi facilities at EHU

The Licensing Service made an approach to EHU to support a pilot study to provide lower cost taxi facilities at the university. Several meetings took place to provide advice and guidance to EHU, but ultimately EHU decided not to pursue this opportunity.

Improved liaison between the licensed trade and the community

The Licensing Service continues to support liaison with the licensed trade. The issues arising out of the Night Time Economy (NTE) study will also help to identify potential options to improve liaison between licensed trade and the community, but the Licensing Service has no direct power to facilitate this.

Cumulative Impact Policy

Following the review of the Council's Licensing Policy in line with this Committee's instruction, a report is currently being prepared outlining the potential use of a Cumulative Impact Policy and/or Late Night Levy. This report will be presented to a future meeting of this Committee.

NTE Study for Ormskirk

In accordance with the decision of this Committee, the Terms of Reference of a NTE study were agreed with the Chair and Vice Chair of this Committee in May 2014. It was agreed with the Chair and Vice Chair of this Committee that the study should not take place during the summer months to take account of the activity of EHU.

5.0 INTERIM FEEDBACK FROM NTE STUDY

- 5.1 After obtaining approval of the Chair and Vice Chair of this Committee, Lancaster University (LU) was selected to undertake the study, but as the original Terms of Reference were too detailed to be delivered within budget, the limitations of this study would mean that it could not (on its own) provide the necessary information to fully consider policy issues such as cumulative impact. The research methodology is therefore limited by the available budget, and as such, it amounts to an independent scoping study on the major issues of the NTE in Ormskirk, rather than to accurately identify and measure such issues.
- 5.2 The NTE study report was anticipated to be available by the March 2015 session of this Committee. However, LU have highlighted a number of factors that have complicated the project and caused some unexpected delay. Firstly, LU were due to conduct interviews with key personnel affected by the night time economy prior to Christmas 2014, but these were delayed until February 2015 by several of the organisations due to be interviewed. Further delays were also caused by the online questionnaire. LU had accounted a specific time to analyse the responses, but had received more and differing responses than expected. Faced with this emerging information, LU decided to conduct more analysis than is usual to inspect the consistency of responses across the submitted questionnaires.
- 5.3 Following consultation with the Chair of this Committee on 18 March 2015, it was agreed to provide Members with some interim feedback from the NTE study pending the full report being available to the June session of this Committee. Appendix D provides this information.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 The 2003 Act has the potential to impact upon the Community Strategy. The contents of this report have the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D).

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The financial implications of each of the options are detailed in this report.

8.0 RISK ASSESSMENT

- 8.1 The Council is not under an obligation to introduce the options contained in this report. However, concerns regarding antisocial behaviour are not solely linked to issues that can be addressed by licensing controls. Members must therefore be mindful of the remit of this Committee when considering this report.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

- A Equality Impact Assessment.
- B Report to the Licensing and Gambling Committee: 1 April 2014
- C Resolution of Licensing and Gambling Committee: 1 April 2014
- D Interim feedback from Ormskirk NTE Study

Appendix A

Equality Impact Assessment - process for services, policies, projects and strategies

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races/ethnicities/nationalities;</i> <i>Men; Women;</i> <i>People of different religions/beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p><i>No. The matter contained in this report applies equally to all activities and premises with a focus on Ormskirk town centre area.</i></p>
2.	<p>What sources of information have you used to come to this decision?</p>	<p><i>The study was open to any person affected by Ormskirk NTE.</i></p>
3.	<p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p><i>The study was open to any person affected by Ormskirk NTE.</i></p>
4.	<p>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</p> <p><i>Eliminate discrimination, harassment and victimisation;</i></p> <p><i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i></p> <p><i>Foster good relations between people who share a protected characteristic and those who</i></p>	<p><i>No. The legislation applies equally to relevant licensable activities.</i></p>

	<i>do not share it.</i>	
5.	What actions will you take to address any issues raised in your answers above?	<i>None required.</i>



AGENDA ITEM:

**LICENSING & GAMBLING
COMMITTEE: 1 APRIL 2014**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

**Contact for further information: Paul Charlson (ext 5246)
(E-mail: paul.charlson@westlancs.gov.uk)**

SUBJECT: LICENSING ACT 2003 – NIGHT TIME LICENSING OPTIONS

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To provide Members with options and an action plan to address concerns regarding night time antisocial behaviour in the Borough, including Ormskirk town centre.

2.0 RECOMMENDATIONS

- 2.1 That the Licensing and Gambling Committee identify those options stated in paragraph 4.3 and the associated action plan provided at Appendix 2 it considers appropriate.
- 2.2 That the Assistant Director Community Services be instructed to implement the chosen options as a result of the recommendation at paragraph 2.1.

3.0 BACKGROUND

- 3.1 Members will recall the report of the 4 February 2014 regarding a proposed Early Morning Restriction Order (EMRO). Following significant debate, this Committee resolved not to proceed with the proposed EMRO as detailed in the resolution of

this Committee on 30 July 2013. In reaching this decision, this Committee instructed the Assistant Director Community Services to:

- Provide detailed information to this Committee regarding the options outlined in the report of 4 February 2014;
- Write to the Home Office outlining Member's concerns regarding the EMRO adoption process. (A letter was duly sent to the Home Office on 28 February 2014. Members will be informed of the reply).

3.2 In preparing the options and action plan attached at Appendix 2 to this report, the following have been consulted:

- Ormskirk Residents Group
- Lancashire Constabulary – local police and licensing unit
- Edge Hill University (EHU) and Student Union
- Hartlepool Council Licensing Service
- Charnwood Borough Council Licensing Service
- Loughborough University

3.3 Cabinet have also approved one-off funding of £10k to assist in the delivery of the options detailed in this report.

4.0 OPTIONS

4.1 Not all of the options detailed below can be implemented and/or sustained for any significant period within the provided funding. Members are therefore requested to choose those options which are considered appropriate.

4.2 Members' attention is drawn to the remit of this Committee under the Licensing Act 2003 (the 2003 Act). In the development of these options, it is apparent that the implications of some options are beyond the remit of this Committee, and are identified as such. If Members are supportive of such an option, it can be endorsed, but it may also require further consideration by full Council, Cabinet, the Licensing and Appeals Committee and/or the Community Safety Partnership. There is also significant cross over with the responsibilities of EHU and the Ormskirk Town Centre Task and Time Group, which should be recognised by the Committee.

4.3 The available options are:

- *Review of the Council's Licensing Policy*
Whilst a statutory review of the Council's Licensing Policy is not currently required until 2016, it would be prudent to amend the Policy during 2014/15 to reflect the current legislative position so as to provide information on the available controls. Members will be aware that any significant amendment to the Council's Licensing Policy must be subject to a minimum 12 week public consultation. There is no budget to support this consultation and so only the minimum statutory requirements can be met. Funding of £1k would allow more effective communication methods to be adopted in order to raise public awareness of the consultation throughout the Borough.

- Review of the Council's Licensing Service web pages*

Members will be aware that a new content management system is currently being implemented to improve the look and functionality of the Council's website. The Licensing Service webpages can be reviewed during 2014/15 to provide improved information on the available controls under the 2003 Act. No additional resources are required to implement this option.
- Review of licensing fees*

Members will note a separate report regarding a current Home Office consultation to reform the fee structure under the 2003 Act. If the Government were to adopt these proposals, this would allow fees to be calculated so that higher fees are paid by those premises operating late at night and/or principally supplying alcohol. The calculation and allocation of fees must be transparent and used to administer and monitor the licensing regime. Accordingly, fees could be used to improve the number and frequency of compliance inspections of licensed premises without further additional resources.
- Voluntary reduction in licensed hours in relevant premises*

Members raised this issue during the debate on 4 February 2014, as it had been identified that some local authorities had facilitated a voluntary reduction in licensed hours within relevant businesses. However, investigations have revealed that such agreements had been reached in those areas where a number of licensed premises had operated beyond 04:00 and the expense of operating those businesses until that time was not offset by income. This does not currently appear to be the case within the Borough. A voluntary agreement can be breached at any time, and so without an economic pressure to reduce licensed hours, it is unlikely to occur.
- Encouraging business lead initiatives including Best Bar None and the Purple Flag Scheme*

Whilst supportive of the ideology, Lancashire Constabulary are unable to facilitate and fund the significant coordination required to introduce and sustain the Best Bar None initiative. Accordingly, the Licensing Service would require a staff resource to promote, facilitate and coordinate this scheme, costing approx. £10k per annum. However, Members will be aware that there has previously been little interest in this scheme within the licensed trade in the Borough. There also appears to be no public demand or pressure in the Borough that would generate the necessary competition between licensed premises that would allow the Best Bar None scheme to develop. This option is therefore not recommended at this time.

The Purple Flag scheme aims to create and maintain a safe and clean town centre environment in partnership with local businesses and organisations, transport operators and Council services. The even greater resources and coordination required to implement this option are much wider than the remit of this Committee. Accordingly, if Members are supportive of this scheme, the matter would need to be presented to DSH (for identification of the resources required across services areas) and full Council.

- *Taxi marshals*
 Whilst Private Hire Operator offices (predominantly within Ormskirk town centre) employ methods of marshalling customers at peak times, a similar provision is not made at the Hackney Carriage ranks in Ormskirk town centre. As a means to control customers and facilitate their transport away from the town centre, marshals could be posted at peak times during the night. To provide 2 marshals for 4 nights per week (4 hours per night) would cost approx. £500 per week. This equates to approx. £24k per annum, so the available funding could only provide a limited pilot scheme. If Members are supportive of this option, the matter should be presented to the Licensing and Appeals Committee for approval, as it has the appropriate delegation to determine matters of taxi management policy in the Borough.

- *Development of initiatives with EHU*
 Based on experiences to address similar issues at Loughborough University, it appears that additional community liaison initiatives funded and operated by that university have helped to address concerns of potential noise and disturbance from student activity. Such initiatives include:
 - i. Use of Community Wardens who respond to and deal with transient noise issues in the vicinity of the university and also to conduct follow up visits to students and residents regarding reported noise issues – including multi agency visits as needed;
 - ii. Use of Security Officers who respond to residents experiencing noise / or antisocial behaviour in the Community and conduct general patrols. Officers are able to intervene and take action – either through university powers or by contacting the police;
 - iii. A single contact within the university to respond to public concerns;
 - iv. Improved communication in the locality - including information for students living in residential areas and a Community Newsletter incorporating key contacts at the university;
 - v. Formal disciplinary procedure for students involved in noisy parties in residential premises;
 - vi. Introduction of data sharing agreements with relevant agencies to ensure awareness of complaints;
 - vii. A night time bus service for students – potentially utilising Section 106 monies. (For example, operating between EHU and Ormskirk town centre until approx. 03:00 using designated stops).

The issues detailed above are beyond the licensing remit of this Committee. If Members are supportive of this approach, a formal request could be made to EHU and/or the Community Safety Partnership seeking a response to these issues. Members may also consider offering any or all of the available £10k as match funding for this purpose.

- *Improved taxi facilities at EHU*
Discussions have already taken place with EHU and the Student Union to review taxi provision at the campus and to examine the feasibility of providing a low cost taxi scheme between EHU and Ormskirk town centre. EHU aim to organise this scheme with the support of the Licensing Service, and so there would be no additional resource requirements.
- *Improved liaison between the licensed trade and the community*
It is proposed that a representative of the licensed trade in Ormskirk attend the routine Ormskirk town centre Task and Time meetings. Lancashire Constabulary are supportive and would facilitate a suitable representative to attend the meetings. No additional resources would be required.
- *Provision of temporary public toilet facilities in Ormskirk town centre*
This option has been suggested by Ormskirk Residents Group. Two self-contained public conveniences would cost approx. £500 per day (including transport and cleansing/disposal). By way of example, if such facilities were provided two days per week, this equates to approx. £48k per annum and so the available funding could only provide a limited pilot scheme. The location of such facilities would also need to be carefully considered to address any potential implications for noise and/or disturbance.
- *Cumulative Impact Policy*
A cumulative impact policy can be put in place in a particular area where unacceptable levels of crime, disorder or public nuisance have been identified. Such a policy specifies that applications for the grant or variation of certain types of licensed premises will normally be refused if representations are received unless the applicant demonstrates in their operating schedule that there will be no adverse impact on one or more of the licensing objectives.

The evidential requirements are similar to an EMRO and there would be similar financial and staff resource implications for the Council to consider and adopt such a policy. Furthermore, the Council's Licensing Policy would need to be reviewed and implemented before a cumulative impact policy could be considered. Counsel Advice is also essential prior to any preparatory work to ensure the current available data would withstand the scrutiny required to implement such a policy. Counsel Advice would be approx. £2k and a further report would be required to outline the implications.

- *Night time economy study*
A study could be commissioned to fully and independently ascertain the issues in the Ormskirk area. This option would have financial and staff resources for the Council to commission and interpret the findings of such a study. A basic study would cost approx. £5k.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 The 2003 Act has the potential to impact upon the Community Strategy. The contents of this report have the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D).

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The financial implications of each of the options are detailed in this report.

8.0 RISK ASSESSMENT

- 8.1 The Council is not under an obligation to introduce the options contained in this report. However, concerns regarding antisocial behaviour are not solely linked to issues that can be addressed by licensing controls. Members must therefore be mindful of the remit of this Committee when considering this report.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

- 1 Equality Impact Assessment.
- 2 Night time licensing options action plan

Appendix 1

Equality Impact Assessment - process for services, policies, projects and strategies

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races/ethnicities/nationalities;</i> <i>Men; Women;</i> <i>People of different religions/beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p><i>No. The matter contained in this report applies equally to all activities and premises with a focus on Ormskirk town centre area.</i></p>
2.	<p>What sources of information have you used to come to this decision?</p>	<p><i>A pre consultation was carried out and the results reported to the Licensing and Gambling Committee. Several options detailed in this report would require appropriate consultation with the public and relevant organisations.</i></p>
3.	<p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p><i>A pre consultation was carried out and the results reported to the Licensing and Gambling Committee. Several options detailed in this report would require appropriate consultation with the public and relevant organisations.</i></p>
4.	<p>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</p> <p><i>Eliminate discrimination, harassment and victimisation;</i></p> <p><i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of</i></p>	<p><i>No. The legislation applies equally to relevant licensable activities.</i></p>

<p><i>people);</i></p> <p><i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	
<p>5. What actions will you take to address any issues raised in your answers above?</p>	<p><i>None required.</i></p>

Appendix 2
Night Time Licensing Options Action Plan

Item	Action	Approx. cost	Target completion
1	Review of the Council's Licensing Policy	£1k	March 2015
2	Review of the Council's Licensing Service web pages	None	August 2014 – pending roll out of new content management system
3	Review of licensing fees	None	March 2015 – pending publication of new regulations
4	Voluntary reduction in licensed hours in relevant premises	None	N/A
5	Encouraging business lead initiatives including Best Bar None and the Purple Flag Scheme	Best Bar None: £10k pa Purple flag: requires Council debate	Scheme available from April 2015
6	Taxi marshals	£500 per week pending L&A Committee approval	September 2014
7	Development of initiatives with EHU	Total funding to be decided	Formal requests submitted by May 2014
8	Improved taxi facilities at EHU	None – pending continued EHU involvement	September 2014
9	Improved liaison between the licensed trade and the community	None	May 2014
10	Provision of two temporary public toilet facilities in Ormskirk town centre	£500 per day	June 2014
11	Cumulative Impact Policy	£2k – initial Counsel advice	June 2015 initial advice
12	Night time economy study	£5k	April 2015

Appendix C

Resolution of Licensing and Gambling Committee: 1 April 2014

RESOLVED:

A. That the following options from those stated in paragraph 4.3 of the report and the associated Action Plan at Appendix 2, be approved:-

- I. Review of the Council's Licensing Policy with no additional funding.
- II. Review of the Council's Licensing Service Web Pages.
- III. Review of Licensing Fees.
- IV. Development of initiatives with Edge Hill University – That Council be asked to endorse the resolution that initiatives be developed with Edge Hill University and the Assistant Director Community Services be authorised to approach Edge Hill University with an offer of £5k match funding for the development of these initiatives.
- V. Improved taxi facilities at Edge Hill University.
- VI. Improved liaison between the licensed trade and the community.
- VII. Cumulative Impact Policy - Following the review of the Council's Licensing Policy at I above.
- VIII. Night Time Economy Study - That delegated authority be given to the Assistant Director Community Services in consultation with the Chairman and Vice Chairman of the Licensing & Gambling Committee to agree the Terms of Reference of the Study and that £5k be allocated for the delivery of this option.

B. That the Assistant Director Community Services be instructed to implement the chosen options as listed above.

Appendix D

Interim feedback from Ormskirk NTE (ONTE) Study

WLBC commissioned Lancaster University to Undertake a scoping study, to “conduct independent research to assist them in developing a better understanding of the positive and negative impacts of the night time economy for those residing, working and visiting Ormskirk Town Centre” (WLBC Brief November 2014).

With this brief in mind, a multi method, multi perspective study was undertaken between November 2014 and March 2015. Five data sets were compiled:

1. Mobile observations between 7pm and 3am on a Wednesday and Saturday evening in Ormskirk’s town centre and surrounding areas, during term time (November 2014). During these observations LU spoke with customers and those working in the ONTE (door staff, fast food restaurants, street pastors, police, and ambulance).
2. Ten expert stakeholder interviews were conducted with those directly involved or affected by the ONTE (including the Police, local Councillors, WLBC officers, Street Pastors, and representatives from the Residents Group and the local university).
3. A concise public facing electronic survey aimed at all Ormskirk citizens. 192 people responded to the survey across a two week period following considerable publicity from WLBC and the local media. The ten questions produced demographic data, and respondents’ opinions about positives and negatives of the NTE. There was also a free Comment Box, filled in by over 100 people.
4. Time was spent in the CCTV suite viewing live footage and discussing issues with the CCTV operatives. Secondary data was also provided from CCTV operative records.
5. Secondary data was also provided from call records to a previously established ‘Residents Hotline’. Between October 2012 and December 2014 this line recorded 742 calls.

Emergent Headline Themes

Theme One: The Complexity of Balancing Positives and Negatives of NTEs

It is clear that balancing the positives and negatives of the ONTE is difficult for those tasked with the health and wellbeing of all Ormskirk citizens. The study found diverse views, a good illustration being found in the e-survey. Here 46% of respondents stated the NTE had predominantly created benefits (later explained as increased employment, business revenues and a better leisure experience), whilst 28% believed it had generated problems, and 26% seeing both benefits and problems. Overall, the study found those charged with regulating the ONTE were knowledgeable and committed to the task.

Theme Two: Serious Crime, Violent Disorder and Illegal Drugs

Although such incidents can occur, there is little evidence of serious crime and violent disorder occurring regularly in the ONTE. Stakeholder interviews, CCTV records, and discussions with ONTE staff and consumers supported this finding; indeed no arrests were made on the two nights of our observations. Time spent with the CCTV operatives, coupled with mobile observations found some evidence of illegal drug

and/or novel psychoactive substance use, although this was not a particular concern amongst citizens.

Theme Three: Personal Safety

The vast majority of e-survey respondents (77%) experienced the Ormskirk NTE and surrounding areas as either “Safe” or “Very Safe”, with female respondents more likely than males to indicate they felt “Unsafe” or “Very unsafe”. CCTV operators logged a ‘drink related incident every other day’ (although not necessarily occurring at night). Concerns were voiced about disorderly conduct, threatening behaviour and sexual harassment, each of which can affect male and female citizens. Personal safety concerns were highlighted both within the ONTE environment and when returning home from a night out. This issue emerged in the interviews LU undertook with the Street Pastors for example, who expressed concern about young intoxicated people unable to “find their way home”.

Theme Four: Disorderly conduct and noise in residential areas

The theme that has generated the most interest and elicited the most emotional responses relates to disorderly behaviour and noise in residential areas. Overall the most significant problem highlighted within the ONTE e-survey was noise in residential areas (46%). Whilst those respondents who self-identified in the e-survey as ‘Students Living in Ormskirk’ were more likely to look on the Ormskirk NTE favourably than those who self-identified as ‘Residents of Ormskirk’, both groups placed ‘Noise in Residential Areas’ as their principal concern. The residents’ hotline found complaints peaked in September/October and virtually stopped during June, July and August, coinciding with the University academic year. Although residents from 19 streets chose to record complaints, 91% of all calls affected 6 residential streets. This concern of noise and disorderly behaviour was also borne out by our mobile observations, and in particular LU’s ‘journeys’ along the routes that are taken by NTE customers when homeward bound. This problem was exacerbated by the lack of available transport to convey people out of the town centre.



**The Ormskirk Night-time Economy Project:
Exploring Positives and Negatives of a Lancashire Town's NTE**

Final report

May 2015

Dr Stuart Kirby & Dr Karenza Moore

INTRODUCTION

During November 2014, West Lancashire Borough Council (WLBC) commissioned Lancaster University (LU) to undertake a scoping study. The aim was to “conduct independent research to assist them in developing a better understanding of the positive and negative impacts of the night time economy for those residing, working and visiting Ormskirk Town Centre” (WLBC Brief November 2014). This report is in three sections, and finishes with some concluding remarks. The first section describes Ormskirk and its Night Time Economy (ONTE). The second section explains the methodology used in the research and explores the strengths and weaknesses of the approaches used. The final section sets out the findings using four main headings.

ORMSKIRK AND WEST LANCASHIRE

Ormskirk was designated a market town by Royal Charter in 1286. It is situated within the district of West Lancashire, an area of 347 square kilometres, and is ranked as 153/325 most deprived district in England. 60% of the areas 111,314 population are of working age (NOMIS,2010), and whilst Lancashire experienced a small contraction in employment, West Lancashire increased by 2.8% between 2009-13. Whilst manufacturing has generally declined this is compensated for by the service sector. Between 2012 and 2037 the district is expected to experience a population growth of 1.4%, which is significantly less than the predicted 5% increase in Lancashire as a whole. West Lancashire is also expected to experience an increasingly older population over the next 20 years, which will make it the third oldest local authority area in Lancashire (ONS, 2006). Whilst average house prices are high compared to the rest of Lancashire, they remain below the average for England and Wales. Crime in West Lancashire is also lower than the County average.

In the past two decades the challenges to the economic base of many UK towns and cities has underlined the importance of the night time leisure industry. The simple rationale is that safe and enjoyable spaces attract more people, who spend more money (Helms, 2008). Indeed during the period of this study, WLBC published a draft consultation strategy regarding the proposed future for Ormskirk town centre. The strategy highlights the importance of the night time economy as a ‘crucial element in the success of the town centre’, and whilst recognizing it as ‘currently strong’, explores the further potential for growth. This study examines the present position of the Ormskirk night time economy (ONTE).

POLICING THE NIGHT TIME ECONOMY (NTE)

The proliferation within the UK of alcohol based night time economies has led to many areas voicing concerns about antisocial behavior and violence (Hobbs et al. 2005), with many areas placing it at the top of their community safety agenda (Hadfield & Measham, 2015). However the relationship between the NTE and antisocial behavior is not straightforward (Graham & Homel, 2008). As Brands et al. (2015: 442), observes.....‘What triggers fear differs not simply from person to person, but also between unfolding situations’ For example, commentators point out that females often experience more fear in the NTE, and that police presence can both reassure and concern - depending on the method of approach. Further, studies have also shown that antisocial behavior can be mediated by the quality of the environment (Marsh & Fox-Kibby, 1992); levels of intoxication (Homel et al. 1992); reduced anonymity (Levine et al. 2012) as well as the effective use of lighting and wider environmental design (Clarke, 1995). Indeed, Levine et al. (2012) also shows that in small and medium sized towns the familiarity of consumers assist in the reduction of violence. This is because many individuals know each other and influence behavior in a positive way. Studies show consumers often ‘watch out’ for their friends in an attempt to navigate them around potential problems, such as over intoxication, or possible flashpoints.

Although many districts across the UK invest considerable efforts to control and mitigate the negative effects of the NTE, research shows this is rarely to the satisfaction of those affected by it (Hadfield et al. 2009). The Licensing Act 2003 (LA2003), sets out four statutory objectives, notably: the prevention of crime and disorder, the prevention of public nuisance, the promotion of public safety, and the protection of children from harm. Attempts to achieve these objectives rely on multi-agency approaches, with public and private partnerships working together, to supplement the limited numbers of police available ((Hadfield & Measham, 2015; Hobbs et al. 2005). Indeed although the term ‘Policing’ is often synonymous with the local Constabulary, the concept has a much wider application. It has been defined as a “...process of preventing and detecting crime, and maintaining order. As such it is an activity that might be engaged in by any number of agencies or individuals” (Mawby, 2009:17). The table below provides a breakdown of all those who are involved in the policing of the Ormskirk night time economy (ONTE). These consist of agencies and individuals who set and implement policy. The table also shows the level of consultation the researchers had with these agencies and individuals

ORGANISATION	ROLE IN THE NIGHT TIME ECONOMY	CONSULTATION
Lancashire Constabulary	Provide assistance (advice or attendance) following a request for service. Provide a dedicated post of Licensing Sergeant to: monitor / support licensed premises, advise on good practice and recommend further action against licensed premises.	Informal discussion with patrol officers whilst on research observations. Formal interview with Licensing Sergeant.
NHS	Provide assistance in relation to injuries sustained in the night time economy.	Informal discussion with paramedic.
West Lancashire Borough Council	Enforcement officers respond to specific problems regarding the management of licensed premises. Licensing Committee grants licenses, set conditions of use, and can remove license. WLBC also coordinate formal multi agency partnerships (Community Safety Partnership; and the Multi Agency Licensing Team meeting (MALT).	Formal interviews with: Commercial, Safety & Licensing Manager; Economic Regeneration Manager; Environmental Protection and Community Safety Manager; Enforcement officers; Chair of the Licensing Committee. Also attendance at MALT meeting.
Owners / mgrs. licensed premises	Adhere to their conditions of license and maintain well managed premises. Maintain effective communication with Police and Council; engage in good practice.	License holders were a specific respondent category in the online survey.
Door Staff	Deal with violent or intimidating incidents swiftly and appropriately. Communicate with other NTE agencies, via personal radio, to highlight potential problems. Take early intervention to reduce the threat of harm.	Informal discussions with numerous door staff at various licensed premises during observations.
Fast Food establishments	Deal with incidents appropriately and inform appropriate agencies (i.e. CCTV, Police). Maintain an efficient environment that minimizes confrontation.	Informal discussions with owner of one fast food outlet during observation period.
Transport (Train/bus/taxi)	The provision of a system that assists consumers leave the town centre in an orderly way, minimizing bad behavior and confrontation (i.e. effective queuing systems).	Observations of the transport system and discussions with users.
Ward Councilors	Act as voice for residents and businesses in the area.	Formal interview with Councillor (Derby ward)
Street Pastors	Maintain good communication with CCTV staff/ other agencies. Assist night time users within sphere of competency, which relates predominantly around safety.	Formal interview with coordinator. Informal discussions with 4 street pastors
Edge Hill University	Increase student awareness re safety and encourage good citizenship to assist integration with the local community.	Formal discussions with focus group comprising former Director Student Services; President Students Union; Head of Student Engagement.
Citizens who use the area	Conform to behavioural standards required to generate a safe environment. Communicate with official agencies to assist in policing of area.	Informal consultation with users of Ormskirk NTE; online survey; formal interview Residents Committee.

METHODOLOGY

Methodology is a complex subject and one in which many books and articles have been written. It is important to understand all recognized methodologies have strengths and weaknesses. Quantitative approaches allow straightforward collation and analysis of information and trends (O’Leary, 2004), and are less affected by researcher bias (O’Leary, 2004). However quantitative data, in the form of recorded police or CCTV data can not capture all incidents and may merely reflect the effectiveness of the agency in detecting a particular phenomena (Jupp, 1989). Whilst quantitative approaches show what is happening, qualitative approaches are more effective in answering why it is happening by focusing on the individual’s subjective view of the world, to provide further understanding and meaning (Sarantakos, 2005). Unfortunately limitations also exist in qualitative approaches, with questionnaires showing variability in the veracity of respondents, ambiguity in both understanding and responses, and distortion through memory or bias (Mason, 2006; Maxfield, 2005). These problems are particularly exacerbated for online questionnaires. This is because a representative sample cannot be guaranteed due to an inherent bias towards internet competent respondents, coupled with the fact that participants are anonymous and multiple submissions are possible.

Problems with methodology can always be mitigated. For example face-to-face interviews by trained researchers, on a representative sample of the population, can generate more reliable results. Also accuracy could be improved by an extended period of observations over a longer time frame. However these improvements come at significant cost. Following discussions with WLBC a **multimethod, multiperspective study** was decided to be the most cost effective option within the resources available. In essence this uses a variety of methods to mitigate the limitations of specific quantitative or qualitative methods, producing a range of data, which can be loosely triangulated to ensure that multiple perspectives on any particular issue are captured as best as possible. The research was undertaken between November 2014 and March 2015, and appropriate ethical procedures followed, with all respondents remaining anonymous and providing informed consent before taking part. Six data sets were compiled:

1. Mobile foot observations between 7pm and 3am on a Wednesday and Saturday evening in Ormskirk’s town centre and surrounding areas, during term time (November 2014). During these observations the researchers spoke with customers and those working in the ONTE (venue security staff, fast food restaurants, street pastors, police, ambulance).

2. Ten expert stakeholder interviews were conducted with those directly involved or affected by the ONTE (including the police, local Councillors, WLBC officers, Street Pastors, and representatives from the Residents Group and the local university).
3. A concise public-facing online electronic survey aimed at all Ormskirk's citizens. 192 people responded to the survey across a two week period following considerable publicity from WLBC and the local media. The ten questions produced demographic data, and respondents' opinions about positives and negatives of the ONTE. There was also a free Comment Box, filled in by over 100 people.
4. Time was spent in the CCTV suite viewing live footage and discussing issues with the CCTV operatives. Secondary data was also provided from CCTV operative records.
5. Secondary data was provided from call records to a previously established 'Residents Hotline'. Between October 2012 and December 2014 this line recorded 742 calls.
6. An internet search was made to identify any previously highlighted problems associated with the ONTE.

A SUMMARY OF FINDINGS

This section will be divided into two parts. The first will examine findings from previously commissioned work on the topic. The second section will outline the four most prevalent issues emanating from the data.

Prior concerns

Prior to commencing the project the research searched for any previously highlighted problems regarding the ONTE. One example was found within the Community Safety Partnership plan (2012/13), relating to Edge Hill University freshers week. Whilst outlining concerns about student safety the plan also described problems emanating from a small proportion of the 1100 students residing on campus, as well as the significant numbers (estimated between 2000 – 3000) residing within the town, in predominately privately rented multi occupancy

accommodation. It states “The rising numbers of students creates various issues including a clash of lifestyles with the established residential community, noise, anti social behaviour and parking”. As such freshers week (the period in September when new students are welcomed to the University, prior to classes starting) was seen as a community safety priority. It aimed to “ensure the safe integration of students into West Lancashire and to reduce the risk of anti-social behaviour linked to the night time economy”. The plan was put into place relying on a variety of initiatives, supported by a wide range of both statutory and non statutory agencies, covering areas as diverse as enforcement, sexual health, crime prevention, fire safety, alcohol / substance misuse advice, and a good neighbour initiative. During September 2011 the initiative was evaluated by the CSP as very successful with very low numbers of reported incidents (ASB and alcohol related issues). The initiative also highlighted increased concerns in the following week, which was to be tackled in future initiatives.

Throughout this study Edge Hill University was a recurrent and prominent theme. Free text answers on the online survey often illustrated tensions between local residents and the University. Unsurprisingly as the residential population for West Lancashire has not increased significantly, many of the respondents perceive a direct association between the expansion of the University and the ONTE. In the interests of balance it useful at this stage to highlight some of the benefits the campus brings. Awarded the Times University of the Year 2015, the main campus is at the south east edge of Ormskirk, and covers 160 acres. The University is one of West Lancashire’s biggest employers, directly employing 1040 people on campus, 41% of whom live within the local authority area. The location has seen a significant growth of students. In 1985 there were only 2000 students attending courses on the campus and these have increased over time, especially since 2006 when the College became Edge Hill University. Applications have increased fourfold since 2000, with £100m invested during the past decade (Regeneris, 2011:1). The University currently has 10672 full time students and 6078 part time students (total 16750) (Edge Hill, 2015). A study undertaken for the University in 2011, argued it generated benefit in a number of different ways. The most obvious was business impact, delivered through the direct employment of people and purchase of goods and services. This injected an estimated £2.9m into the local economy, which rises to £27.3m in the North West (Regeneris, 2011:24). It was further estimated the students put approximately £26.6m into the West Lancashire economy, and £86m in the wider North West economy. In fact Regeneris estimated that Edge Hill University generates 1580 full time jobs (1 in every 23 FTE jobs and £1 every £23 Gross Value Added in West Lancashire). Further benefits included: Community and regeneration impact (such as providing theatre and sporting activities); improving the supply of skilled labour; and

providing knowledge transfer (where University expertise can be used locally to assist the private and public sector).

The current study

The data in this particular study highlighted four specific themes, which will now be explored.

Theme One: The Complexity of Balancing Positives and Negatives of Night-time Economies

It is clear that balancing the positives and negatives of the ONTE is difficult for those tasked with the health and wellbeing of all Ormskirk citizens. This was graphically illustrated in the online survey, which received 192 responses, evenly divided across gender (52% male, 48% female), and spread across ages: 18-24 (38%), 25-44 (25%), 45-64 (23%), and 65+ (14%). Here 46% of respondents believed the NTE had predominantly created benefits (explained as increased employment, business revenues and a better leisure experience), whilst 28% believed it had predominantly created problems, with the remaining 26% observing both benefits and problems. However whilst 25% felt the benefits created by the ONTE had increased over the past five years, 35% felt associated problems had increased. It was this changing environment that seemed to generate concerns from a significant proportion of respondents. Although one interviewee felt that the bars and restaurants had changed in format (rather than the actual number of licensed premises increasing), this view was not shared. Indeed two bars/ pubs had emerged in 2014/15, having been modified from a haberdashery shop and an amusement arcade. Many of the survey comments illustrated polarized opinion. For example one stated, "The economy in Ormskirk at night has destroyed the town I grew up in. Money over community. The business people don't care as long as they make money. Students have little regard for Ormskirk, surveys won't change a thing". However this view was opposed by others, an example being, "I love Ormskirk and think its missing out on greater economic benefits due to 'stuck in their ways' residents".

There was also evidence that indicated the night time economy generates employment, especially in entry level jobs. It was also felt to have maintained consumer spending in the town centre, and at the time of this study (November 2014) vacancy levels for ground floor units stood at 6.5%, compared to the North West average of 10.1%.

It should also be added that during the data gathering process the researchers found those individuals tasked with regulating the ONTE were knowledgeable, experienced and committed to the task.

Theme Two: Serious Crime, Violent Disorder and Illegal Drugs

Although such incidents can occur, the study found no evidence of serious crime and violent disorder occurring regularly in the ONTE. Stakeholder interviews, CCTV records, and discussions with ONTE staff and consumers supported this finding; indeed no arrests were made on the two nights of the town centre observations. Time spent with the CCTV operatives, coupled with mobile observations found some evidence of illegal drug and/or novel psychoactive substance consumption, although this was not a particular concern amongst citizens.

None of the Police officers, Council Officers or other stakeholders spoken to during this study highlighted violence as a significant or disproportionate problem in the town centre. Further, a representative from the University felt overall it was a relatively safe environment for students to enjoy. During the two nights of observation the researchers spoke to many revelers, door staff, police officers, street pastors, and a paramedic. Not one highlighted violence as a disproportionate problem. During these two nights of observation the researchers witnessed one minor violent incident, and the Police were observed to respond to one further incident (which wasn't witnessed). Both of these incidents were minor, were quickly resolved, and did not affect innocent bystanders. During the two nights of observation there were no arrests or crimes reported. The general consensus from those consulted with (whether formally or informally) was that the increased numbers entering the town centre, coupled with the availability of alcohol unfortunately led to some incidents of violence; however these were relatively rare and minor. During the period of this study one serious incident was brought to the attention of researchers. This involved police officers being called to the scene of a brawl involving 15 men, at 11:45pm on the 23rd December, outside licensed premises on Moor Street. Two men were taken to hospital; one suffering cuts to the head whilst the second suffered a bloodied and swollen face. Two men were later arrested, and at the time of this report the investigation was continuing. However incidences of violence at this level were extremely rare and it also showed how the wider policing process worked. The Police had already highlighted some concerns about the management of nearby licensed premises, and the incident brought this to a head. Following discussions between the Police and the owner, the premises were voluntarily closed and a new manager was found.

Useful evidence was also produced from the CCTV suite. Ormskirk town centre benefits from excellent CCTV coverage and during the two nights of observation the researchers used the premises as a base. The CCTV operators were found to be extremely motivated, and used the cameras proactively (i.e. continually searching hot-spots and monitoring potentially problematic incidents), communicating well with the police and other partners (door staff, street pastors). For example during one of the visits the researchers witnessed an operator identifying a heated discussion between a male and female. Whilst also monitoring the wider town centre the operator continued to track the movements of the pair until the female was seen to safely drive away with a friend.

The CCTV operators maintain limited records, which since January 2014 are kept in electronic form. The study was provided with access to three months data (between April and June 2014 - 91 days). The definition of the incidents can be interpreted quite widely and relate to the whole day, rather than just the night time. So, for example, the recording of an assault might relate to a lunchtime incident of domestic violence. In the period examined the cameras were specifically directed at 508 incidents, which amounted to 5.58 incidents a day. The following incident classifications were recorded: Assault (18), Burglary (7), Disturbance (43), Drink related incident (47), Drugs (14), MFH (32), Sexual offences (2), Theft (48), Vandalism (11), Warrants / wanted person (5), Traffic related incidents (49), Suspicious Activity (70) General observations (162). Closer analysis of these specific statistics indicated that a drink related incident appeared to be observed and recorded, by the CCTV operators, every other day.

Theme Three: Personal Safety

The perception of personal safety can be very subjective, mediated by individual characteristics, the environment and the context. The vast majority of ONTE online survey respondents (77%) stated the NTE as either "Safe" or "Very Safe", with female respondents more likely than males to indicate they felt "Unsafe" or 'Very unsafe'. Some concerns were voiced about disorderly conduct, threatening behaviour and sexual harassment, each of which can be experienced by male and female citizens. Personal safety concerns were highlighted both within the Ormskirk NTE environment and when returning home from a night out. This issue emerged in the interviews we undertook with the Street Pastors for example, who expressed concern about young intoxicated people unable to "find their way home".

Theme Four: Disorderly conduct and noise in residential areas

This theme generated the most interest and elicited the most emotional responses. Overall the most significant problem highlighted within the ONTE online survey was noise in residential areas (46%). Interestingly, whilst respondents who self-identified themselves as 'Students Living in Ormskirk' were more likely to look on the ONTE favourably than those who self-identified as 'Residents of Ormskirk', both groups placed 'Noise in Residential Areas' as their principal concern. To emphasise this point students were also affected negatively by noise in residential areas.

There were two elements connected with this concern. A smaller proportion of complaints referred to noise generated by young people in their accommodation (mainly relating to house parties). Indeed an example of this was seen during the mid week night time observations, where two parties were seen to be taking place (one had 21st birthday banners visible). During the evening the music was clearly audible on the street and individuals were also stood outside the buildings drinking, and at times shouting. The tension between students residing in the town and other residents was raised by a number of people in the study, and previous attempts had been made to improve this situation. Restrictions in relation to HMOs have been made in the town centre and the researchers were informed that the sleeping capacity on campus had increased to 1947, with further plans to increase it by a further 144.

The more common complaint related to people walking away from the town centre during the early hours of the morning. A local councilor concerned by the level of complaints arranged for a dedicated 'phone number allowing people to record their complaint. The Councilor kindly provided this information to the researchers, with personal information redacted, and as with all self reported information these figures should be treated with caution. 742 calls were made to the 'phone number between October 2012 and December 2014. The calls show a clear peak in September/ October and virtually stop in June, July and August, which coincide with the presence or absence of the students during the academic year. Further analysis showed that although recorded complaints were made from 19 roads, 91% of these calls came from 6 streets. These included St Helens Road (44%); Ruff Lane (12%); Knowsley Road (16%); Station Road (8%); Burscough Street (7%); Wigan Road (4%). The calls cover the period from 10pm – 4am, with the majority between 1am -3am. The main complaint referred to large groups of young pedestrians who disturbed residents through generating a high level of noise (often described as shrieking, shouting, chanting), as well as sometimes urinating in public places; engaging in vandalism (damage to gates, fences, cars and signage), and littering (smashed bottles, take away food packaging, vomit).

The researchers witnessed some examples of this behavior during the two nights of observation. For example on one of the nights a researcher was shown CCTV footage from the previous evening. The footage showed a group of about 14 young people walking along Burscough Street about 1.30am, singing and in general high spirits. Whilst walking a number of the group were banging on steel shutters protecting shop premises, whilst one took a running kick at a shop doorway. The group momentarily congregated outside a bar and whilst doing so a number of them pushed on a restaurant door, which was clearly closed for business. The door opened and two or three of them appearing to go in momentarily. The Police were called by the CCTV operator but were unable to respond immediately. The group then walked back through the town centre, and along St Helens Road where they could be observed singing, walking in middle of road and playfully jostling each other. The group were stopped by the Police and warned about their behavior. Later that night one of the researchers went to St Helens Road, where groups of young people were observed singing loudly and shouting, prior to entering the University grounds.

The level of litter caused by night time consumers was later confirmed by a council employee who stated that staff litter pick, inspect and empty the litter bins three times a week (Mon, Wed and Fri) out of term time which changes to every day (inclusive of Saturdays and Sundays) during term time. However whilst there were significant concerns about this behavior, there was also a consensus that some areas had improved over recent years. One example of this was the rear entrance (Ruff Lane) to the University, which was now closed at 8.30pm, leading to a significant reduction of complaints.

These problems appeared exacerbated by the difficulty people had with leaving the town centre. Trains and buses do not operate in the early hours of the morning, which meant those leaving the area often had to walk or rely on taxis. There are two main taxi ranks in the area but insufficient taxis to cope with the demand. The Police and CCTV operators viewed the taxi ranks as hot spots for potential problems. This is not unusual in town centres and a constant stream of taxis, together with an orderly queueing system, is required to avert confrontation. Although a taxi marshal had previously been employed in this role at the time of the study this position was vacant. The researchers observed queues forming at the main taxi rank (opposite the bus station) from 11pm.

CONCLUDING REMARKS

Similar to many towns in the UK and Europe, WLBC has sought to increase the leisure facilities and prosperity of the area by developing the NTE. Although this study was limited in scope, it has been sufficient to highlight the main themes. It is not uncommon that an increase in night time venues, predominantly selling alcohol, creates emotive and polarized views. This is perhaps even more predictable in a town, such as Ormskirk, that has been built on a very traditional image.

During the period of the study WLBC published a draft strategy asking for views on how the ONTE could be improved (albeit acknowledging the care in which this should be done). It suggested that the ONTE could be improved through such things as improved lighting, art work, and events (WLBC TC draft strategy). Hadfield (2014) argues that the governance of the NTE is multi disciplinary and can be mediated by four modes: type 1: law, statute and urban design; type 2: police governance; type 3: the private governance of affect; and type 4: informal governance. The academic literature and media are full of initiatives that public, private and voluntary agencies have implemented and the researchers found many used in Ormskirk.

Whilst serious night time violence is relatively rare in Ormskirk there is a persistent problem of lower level behavior that disturbs local residents. Previous attempts have been made to tackle these issues, however they prove difficult to eradicate completely and appear to need renewed attention. Some participants we spoke to desired robust action, utilizing such powers as the Early Morning Restriction Order (EMRO). However whilst these and other powers are available the difficulties associated with their implementation should not be underestimated. Home Office guidance classifies such action as being of 'last resort' (Home Office, 2014). Further at the time of this study there were no EMROs in place and only four local authorities had adopted a Late Night Levy (LNL), applied to premises that sold alcohol between 00.01 and 6am (Hadfield, 2015). As such attempts to regulate the NTE need to show proportionality in their response.

This scoping study has shown that polarized views are present in relation to the night time economy. WLBC have set out some ideas in terms of how this experience can be improved, although they highlight this should not be at the expense of local residents, (WLBC, 2015: 30). However balancing the diverse needs of different groups affected by the night time economy will continue to be a significant challenge for WLBC and its partners.

Acknowledgements

The research on the positive and negatives of Ormskirk's NTE (ONTE) was funded by West Lancashire Borough Council (WLBC) and conducted by staff from Lancaster University Law School and Department of Sociology (LU). The researchers would like to thank the Expert Stakeholders for their time, support and enthusiasm for this study. Further, thanks are also due to the WLBC Marketing Team for advertising the ONTE online electronic survey as widely as possible. The researchers are also hugely grateful to those Ormskirk citizens who took the time to complete the survey. Finally many thanks to all the NTE workers (doorstaff, take-away staff, taxi drivers, bar staff, CCTV operatives) and NTE customers who cooperated during the observation phase.

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