



Jacqui Sinnott-Lacey
Chief Executive

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Monday, 9 December 2024

TO: THE MAYOR & COUNCILLORS

Dear Councillor,

Please find attached revised reports for the meeting of the **COUNCIL** being held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **WEDNESDAY, 11 DECEMBER 2024** at 7.30 PM.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS', written over a circular scribble.

Jacqui Sinnott-Lacey
Chief Executive

AGENDA
(Open to the Public)

- | | | |
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(Not Open to the Public)

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We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

MOBILE PHONES: These should be switched off or to 'silent' at all meetings.

For further information, please contact:-
Jacky Denning on 01695 585384
Or email jacky.denning@westlancs.gov.uk



Report of: Assistant Director of Planning and Regulatory Services

Relevant Lead Member: Councillor G Dowling

Contact for further information: Lyndsey Key (ext 3236)
(E-mail: Lyndsey.key@westlancs.gov.uk)

**SUBJECT: APPROVAL OF REVISED STATEMENT OF LICENSING POLICY
REQUIRED BY THE LICENSING ACT 2003**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To approve the revised Statement of Licensing Policy as required by the Licensing Act 2003.

2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE

2.1 That the Statement of Licensing Policy attached as Appendix 3 to this report be endorsed, prior to submission to Council for final approval and publication.

3.0 RECOMMENDATIONS TO COUNCIL

3.1 That the Statement of Licensing Policy attached as Appendix 3 to this report be approved.

3.2 That the Assistant Director of Planning and Regulatory Services be given delegated authority to publish and administer the Statement of Licensing Policy attached as Appendix 3 to this report.

4.0 BACKGROUND

4.1 Members of the Licensing and Gambling Committee will recall the report of 1 October 2024 attached as Appendix 2 to this report (excluding Appendices), which requested approval of a revised draft statement of Licensing Policy (the Policy).

4.2 The draft Policy was approved and, in accordance with the statutory guidance issued under Section 182 of the Act (the Guidance), was subject public consultation between 14th October 2024 and 25th November 2024. Relevant statutory consultees were contacted directly in writing, requesting their comments on the draft statement.

5.0 ISSUES

5.1 An analysis of the consultation responses can be found in Appendix 4.

5.2 Final approval of the Policy must be granted by Council as the Act prevents this from being delegated to the Licensing and Gambling [or any other] Committee. In order for the Council to function as Licensing Authority under the Act, the revised Statement of Licensing Policy attached at Appendix 3 to this report must be approved for publication and use.

5.3 The Licensing and Gambling Committee is requested to review Appendix 3 and determine whether the draft document be approved. Subject to the draft Policy being approved by Licensing and Gambling Committee on 3rd December 2024, Council is requested to approve the Policy and approve on 11th December 2024.

6.0 SUSTAINABILITY IMPLICATIONS

6.1 The operation of the Act has the potential to impact upon many areas within the Community, particularly upon licensed premises directly and the Council's ongoing licensing responsibilities to the public within West Lancashire.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are no financial implications associated with this report.

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, relevant statutory bodies, the licensed trade, the public and other interested parties.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Guidance issued under section 182 of the Licensing Act 2003 – December 2023


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: 1 October 2024 and related minutes
- 3 Licensing Act 2003 – Statement of Licensing Policy 2025
- 4 Consultation response analysis

Appendix 1

<h1>Equality Impact Assessment Form</h1>	
	
Directorate: Planning and Regulatory Services	Service: Licensing
Completed by: Lyndsey Key	Date: 20/11/24
Subject Title: APPROVAL OF REVISED DRAFT STATEMENT OF LICENSING POLICY REQUIRED BY THE LICENSING ACT 2003	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	<i>*delete as appropriate</i>
	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:	
<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):	<i>*delete as appropriate</i>
	No
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)?	Licensing Authorities, service users, members of the public.
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)?	All sections of the public and businesses use or operate the licences outlined in this report.

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?	Licensing Authorities, Responsible Authorities, licensed trade, service users, and members of the public.
What will the impact of the work being carried out be on usage/the stakeholders?	The draft Policy has been subject to consultation and the responses shaped the final document for approval and use.
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 draft Policy has been subject to consultation and the responses shaped the final document for approval and use.
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 draft Policy has been subject to consultation and the responses shaped the final document for approval and use.
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.
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.).	N/A
What actions do you plan to take to address any other issues above?	No actions <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?	Upon further review of the Policy.



Licensing Act 2003

Statement of Licensing Policy

2025

Forward

The Licensing Act 2003 became law on 24th November 2005. Since that time West Lancashire Borough Council, like all local authorities in England and Wales, has taken the role of 'Licensing Authority' and overseen these controls. As part of these responsibilities, the Act requires Licensing Authorities to produce a statement of Licensing Policy to provide all stakeholders with guidance on the approach that it will take under the Act.

The aim of this Policy is therefore to promote West Lancashire as a safe and healthy environment in which responsible operators can provide lawful and responsible facilities for the enjoyment of the Borough's residents and visitors.

Licensed businesses and operations are vital to the Borough and for related sectors such as retail and tourism. Accordingly, the Council is keen to encourage a diverse range of premises catering for a wide range of age groups and uses. However, the Council also recognises the problems that can be caused if licensable activities are not properly managed, and premises well run.

This Policy aims to reflect these issues and provides guidance for both Officers and elected Members to ensure that decisions are made in a fair and consistent manner, as well as being an invaluable tool for applicants, residents and other occupiers of property and investors.

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1.0 Introduction

1.1 West Lancashire Borough Council (the Council) is designated as the Licensing Authority (the Authority) under the Licensing Act 2003 (the Act), and is responsible for granting all authorisations / permissions designated under the Act in respect of the sale and / or supply of alcohol, the provision of regulated entertainment and late night refreshment within its boundaries.

1.2 This Statement of Licensing Policy (this Policy) has been prepared under Section 5 of the Act and in accordance with the current version of the Secretary of State's Guidance issued under Section 182 of the Act (the Guidance). The Authority is therefore constrained by the provisions of the Act, the Guidance and the 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.

1.3 This Policy covers all relevant provisions of the Act and it will not ignore, or be inconsistent with, these provisions. The Authority is committed to working with its licensing partners and stakeholders in delivering the licensing function. Accordingly, this Policy sets out the manner in which the Authority will generally take when exercising the functions of the Act. It replaces the 2020 version and was agreed by full Council on the XXXX, was published on the XXXX 2025 and came into force on the XXXX 2025. It shall remain in effect for five years and will be reviewed no later than the XXXX 2030. However, this Policy can be reviewed and revised by the Authority at any time.

1.4 This Policy seeks to establish sensible controls and appropriate guidance to encourage and build upon the efforts that are being made by the Council and its partners, together with the licensed trade, to help the Authority deal with issues such as anti-social behaviour, crime and disorder, irresponsible promotions, noise and other nuisance, underage sales and poor licensing practices that arise from licensable activities. This will be achieved by:

- Establishing and building upon best practice within the industry;
- Recognising and facilitating the role of partners and stakeholders;
- Encouraging self-regulation by licensees and managers;
- Providing a clear basis for the determination of applications;
- Supporting related policies and strategies of the Council; and
- An inspection and enforcement regime targeted at premises that present a high risk i.e. those operations that have a track record of non-compliance.

1.5 The Authority recognises the varied nature of the licensed operations within the Borough, which differ in size, occupancy, location and clientele. The management of these operations will have a differing impact on the Licensing Objectives (Section 4.0) depending on whether the focus is on the provision of alcohol, entertainment, late night refreshment or a combination of two or more of these activities.

1.6 Accordingly, there is no definitive list of control measures that could (or should) be introduced by all premises. Licensed premises are assessed according to the activities

they provide and the manner of their provision. Procedures should be in place to appropriately address the individual risks at each premises.

- 1.7** Preventing crime, disorder, public nuisance, ensuring public safety and protecting children (those aged under 18) from harm are on-going responsibilities for all those licensed under the Act. Premises operators should address the risks relating to the activities their premises provides. Failure to do so may result in the relevant authorisation being reviewed and subsequently suspended or revoked.
- 1.8** The Authority does not want operators to lose their licences; it wants to see well managed premises that benefit from being able to provide the hours and the activities their customers and communities want. This means licensees should regularly consult with their local communities to inform them of the hours and activities they provide, gauging their concerns and addressing these. Licensees are encouraged to be both imaginative and proactive, seeking advice from Responsible Authorities (Appendix 2 - useful contacts) and other local organisations that have professional advice to offer.
- 1.9** Accordingly, the Authority recommends that existing licensed operations, as well as those undertaking any potential application, consider the following matters. The Authority will give due regard to the presence or absence of such action when determining applications or considering potential action against existing licensed operations:
- Read this Policy carefully – reading it indicates that the promotion of the Licensing Objectives is being taken seriously.
 - Think about the activities provided, the risks from those activities and the appropriate steps to tackle them.
 - Consult local residents, businesses and the Responsible Authorities to ascertain concerns or current problems.
 - Undertake appropriate risk assessments and take appropriate steps to address any risks.
 - Take action to put steps in place that will address risks and meet the concerns of the community.
 - Consider whether a variation of the authorisation is required to ensure all necessary measures are in place to meet the four Licensing Objectives. This can reassure local residents, businesses and Responsible Authorities that operators are taking their responsibilities seriously and are a valuable asset to the community.
 - Licensed premises will be monitored (Section 14.0 – Enforcement) on how they impact on their local communities. Where operators fail to adequately address the concerns of local residents / businesses with respect to the Licensing Objectives, their premises may have its Premises Licence (PL) or Club Premises Certificate (CPC) reviewed at any time.

- 1.10** The Act and this Policy are not the primary mechanisms for the general control of nuisance and antisocial behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the licensee. Licensing is about regulating licensable activities on licensed premises and activities within the terms of the Act. However, to the extent that such matters are within their control, licensees are expected to take reasonable steps to prevent risks to the Licensing Objectives in the immediate vicinity of their premises. For example, the behaviour of customers as they enter or leave, or the use of a beer garden, car park or smoking shelter. Nonetheless, licensing law will always be part of holistic approach to the management of the evening and nighttime economy.
- 1.11** Nothing in this Policy will undermine the rights of any person to apply for a variety of authorisations / permissions under the Act and have any such application considered on its individual merits.
- 1.12** Nothing in this Policy will override the right of any person to make relevant representations on any application or seek a Review of a PL or CPC where they are permitted to do so under the Act.
- 1.13** This Policy will also avoid duplication with other regulatory regimes (for example, the Health and Safety at Work etc. Act 1974) as far as is possible.
- 1.14** This Policy will also be kept under review. The Environmental Health Manager will maintain an Issues Log in which all issues pertaining to this Policy will be recorded. Therefore, the Authority will make revisions to this Policy at such times 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. The Issues Log is not a public document, but any concerns regarding this Policy Statement can be submitted to the Licensing Service (Appendix 2 – useful contacts).

2.0 The Borough of West Lancashire

- 2.1** West Lancashire is the most southerly of the Local Authorities within Lancashire. It has a population of 117,400 (National Census 2021) and covers an area of over 34,000 hectares. 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 provided at Appendix 1.
- 2.2** There are approximately 350 premises that hold either a PL and / or CPC within the Borough. These premises mainly comprise of public houses, members only clubs, late bars/nightclubs, off licences and restaurants. In addition, there are approximately 100 hot food takeaways throughout the Borough.
- 2.3** The Council receives approximately 600 complaints about noise per year, with approximately 100 complaints relating to commercial premises, or their customers. Further information relating to the potential impact of licensed operations on public nuisance is provided in Section 4.0.
- 2.4** 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 Licensable Activities can vary. For example, the licensing issues in Ormskirk town centre can differ from those in Skelmersdale or other parts of the Borough. The Authority will expect all applicants to, where appropriate, specify the methods, precisely and clearly, by which they will promote the four Licensing Objectives and address the specific issues relating to the nature and location of the premises.

3.0 Development Process / Consultation

- 3.1** This Policy has been developed after proper consultation with statutory consultees and other interested parties. A period of public consultation operated from the 14th October 2024 until the 25th November 2024 and the Authority has given due regard to the responses from this consultation process when formulating this Policy. The list of consultees is maintained separately from this Policy and is available from the Licensing Service using the contact details in Appendix 2.
- 3.2** This Policy has not been developed in isolation. The Authority has given regard to the Guidance and to good practice advice issued by approved Government advisory bodies. As such, this Policy also supports the Council's Corporate Vision, Values and Priorities.
- 3.3** Partnership working between licensing authorities in Lancashire has also enhanced the production of this Policy and will help ensure consistency in terms of both policy and enforcement where licensing boundaries meet.

4.0 Licensing Objectives and Licensable Activities

Licensing Objectives

4.1 In carrying out its functions under the Act, the Authority must have regard to the Licensing Objectives, namely:

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

4.2 Each of the Licensing Objectives is considered of equal importance for the purposes of the Act and this Policy. The promotion of the four objectives is always the paramount consideration. Accordingly, the Authority will expect all applicants and licence holders to, where appropriate, specify and implement the methods, precisely and clearly, by which they will promote the four Licensing Objectives. Guidance on the Licensing Objectives is available at www.gov.uk

Licensable Activities

4.3 The Act covers certain ‘Licensable Activities’, namely:

- The sale by retail of alcohol.
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.
- The provision of regulated entertainment, and
- The provision of late-night refreshment.

4.4 Many aspects of regulated entertainment, particularly live music, have been deregulated and are not subject to control under the Act. This Policy recognises the need to facilitate a broad range of entertainment provision for enjoyment by the public, but this must be offset by any risk to the Licensing Objectives and then only where the legislation permits. Accordingly, this Policy will not inadvertently deter any entertainment that is not subject to control under the Act by imposing indirect costs or controls of a disproportionate nature.

4.5 Schedule 1 to the Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime. The definition of what constitutes regulated entertainment is complex and it cannot be assumed that a licence is required for all forms of entertainment or, even if a licence is required, that the Authority will necessarily have the power to impose restrictions or conditions on such entertainment. Guidance on Regulated Entertainment is available at www.gov.uk or from the Licensing Service using the contact details in Appendix 2.

- 4.6** Where an activity is licensable, the promotion of the Licensing Objectives is the paramount consideration for the Authority. Except for minor variation applications, in the absence of valid representations from Responsible Authorities or Interested Parties, all applications must be granted subject only to any prescribed mandatory conditions and such other conditions which are consistent with the Operating Schedule provided by the applicant. Mandatory conditions are dictated by legislation are imposed on all relevant PLs / CPCs and address such issues as irresponsible drinks promotions, availability of free drinking water, age verification policies. Where valid representations are received and maintained, the application will normally be determined at a hearing before the Council’s Licensing Committee. [The term ‘the Committee’ is used throughout this Policy and shall be deemed to refer to the Council’s Licensing and Gambling Committee, or Sub-Committee thereof unless otherwise stated.]
- 4.7** The Committee will then assess whether the application would result in the Licensing Objectives being undermined to such an extent that the application should be refused, or whether it would be possible to grant the authorisation subject to such conditions as are felt appropriate by the Authority.
- 4.8** Conditions will reflect the general principles set out in the Guidance. They will be tailored to the size, style, characteristics, and activities taking place at the premises concerned and will be focused on matters that are within the control of individual licensees and others granted relevant authorisations. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 4.9** In addressing such matters, consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Whilst the imposition of standardised conditions is prohibited as being disproportionate and burdensome, the Authority will use standard wording when applying conditions in similar situations. This is done to promote consistency of approach.

Authorisations or permissions

- 4.10** The Act provides for four different types of authorisation or permission, as follows:
- Premises licence – to use premises for licensable activities.
 - Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
 - Temporary Event Notice (TEN) – to carry out licensable activities at a temporary event.
 - Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

Prevention of Crime and Disorder

- 4.11** Whilst the Authority considers the Police to be the main source of advice on crime and disorder, it will also seek to involve the Community Safety Partnership (CSP) in its holistic approach to licensing. The duty of the Authority under Section 17 of the Crime and Disorder Act 1998 is in addition to its duty under Section 4 of the Act to promote the prevention of crime and disorder. The Authority is therefore committed to supporting its partnership work in the fight against crime and disorder in West Lancashire. Accordingly, the Authority strongly encourages businesses to actively participate in local Pub Watch schemes, as these have proven to improve communication and therefore help to secure and / or promote the Licensing Objectives.
- 4.12** Licensed premises, especially those offering late night entertainment, alcohol and refreshment can be a source of crime and disorder problems. Therefore, the Authority will have regard to the likely impact on licensing related crime and disorder within the Borough, particularly when considering the location and impact of any application or existing authorisation.
- 4.13** National and local (available at www.saferlancashire.co.uk) crime statistics and research indicate that the consumption of alcohol can be a significant contributory factor to levels of crime and disorder. Applicants and existing licence holders will be expected to demonstrate in their Operating Schedule that sufficient measures have been identified, implemented, and maintained to address crime and disorder within the premises and in the vicinity of the premises. Controls must be relevant to the style and characteristics of the proposed activities.
- 4.14** The Authority recognises that only a minority of customers will behave badly, and this Policy cannot address issues relating to behaviour of individuals or groups, unless they are in the vicinity of the applicant's licensed premises. However, applicants and existing licence holders should note that this Policy is an integral part of a coordinated approach to reducing crime and disorder and they should therefore demonstrate in their Operating Schedules, and day-to-day operations, how they participate in and promote local policies and initiatives.
- 4.15** The Authority will pay equal regard to relevant representations from Responsible Authorities but will pay regard to relevant representations from the Police to determine if the proposed measures are sufficient to reduce the risk of crime and disorder. The Authority will not grant an authorisation where representations have been made by the Police that express serious concern regarding the potential for crime and disorder unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.
- 4.16** To ensure Operating Schedules adequately address these issues, applicants are advised to seek advice from the Police Licensing Unit before preparing their application (Appendix 2 - useful contacts).
- 4.17** The issues in the following list, which is not exhaustive, are particularly relevant to the exercise of the Authority's licensing functions and ones which applicants and existing licensees need to consider:

- The capability of the Designated Premises Supervisor (DPS) or any other person appointed to be in charge of the premises to ensure effective and responsible management of the premises.
- Provision of sufficient numbers of staff and managerial support to run the premises effectively.
- The training given to staff in crime prevention measures. This would include how to identify offences, how to handle potential troublemakers and defuse difficult situations, how to recognise those who are drunk and to prevent sales to those who are drunk or passing alcohol to those who are drunk.
- Physical security features installed in the premises (i.e. location and standard of CCTV equipment);
- Procedures for risk assessing drinks promotions and events, and the plans to minimise such risks.
- Measures to control entry, including the employment of door supervisors licensed by the Security Industry Authority and weapon detection / search facilities.
- Measures to address the risk of drink-spiking.
- Measures to prevent the supply of illegal drugs, including staff training and search and entry policies (such policies also to include the banning of known offenders / targets);
- The participation in local 'Pub Watch' initiatives (where available) and methods to share information with the Police.
- The presence, or otherwise, of sufficient transport facilities to ensure that customers can leave the premises safely and swiftly.
- The use of plastic bottles and glasses and / or toughened glasses.
- Provision of sufficient numbers of toilets (in accordance with the relevant British Standard), which are sufficiently lit, kept clean and well maintained / routinely inspected.
- Adoption of best practice guidance in relation to safer clubbing etc.
- The use of display materials conveying clear, relevant, and consistent messages regarding safe drinking.
- The implications of the Health Act 2006 (smoking ban).
- For premises licensed for late night refreshment – risk assessment of persons congregating outside the premises and the methods to address potential problems.

4.18 To meet the Public Safety and Crime and Disorder objectives, the Council reserves its right to use powers under the Anti-social Behaviour Crime and Policing Act 2014 to designate a Public Spaces Protection Order (PSPO) to address potential problems of anti-social alcohol drinking in public places.

Public Safety

4.19 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the Act. The provision of Licensable Activities may involve potential risks to the safety of the public and to persons working at the premises. Additionally, crime and disorder both inside and outside the premises may also compromise public safety. The Authority is committed to ensuring the safety of

persons visiting and working in licensed premises. Accordingly, where other legislation fails to make suitable provision to ensure public safety and the Authority's discretion is engaged, the Authority will exercise its licensing functions to secure the safety of members of the public and staff. Accordingly, the Authority expects the standards of safety, which are evidenced by full compliance with the Health and Safety at Work etc. Act 1974 (and associated secondary legislation/guidance) and Fire Safety Legislation. A voluntary commitment in the Operating Schedule to higher standards of safety, such as the use of British Standard Specification accreditation for safety measures, would be encouraged and positively considered.

4.20 The Authority will pay equal regard to relevant representations from Responsible Authorities but will pay particular regard to relevant representations from the Council's Technical Officers as well as from Lancashire Fire and Rescue Service (the Fire Service) and the Police to determine if measures proposed are sufficient to ensure the safety of the public. The Authority will not grant an authorisation where relevant representations are made by one of these bodies expressing serious concern regarding public safety unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

4.21 To ensure Operating Schedules adequately address these issues, applicants are advised to seek advice from the Council's Health and Safety Officers (or the Health and Safety Executive, where appropriate), the Fire Service and the Police before preparing their application (Appendix 2 – useful contacts).

4.22 The issues in the following list, which is not exhaustive, are particularly relevant to the exercise of the Authority's licensing functions and ones which applicants and existing licensees need to consider:

- The safe design and construction of the premises to relevant standards.
- The age, design, and layout of the premises. This would include any features of the premises that may cause potential problems (i.e., stairwells, fireplaces, roof terraces, uneven flooring, external areas, lighting levels / special effects devices), as well as the necessary means of escape.
- The safe occupancy capacity of the premises, having regard to floor area and means of escape.
- A facility to monitor and control capacity at the premises.
- The nature and duration of the licensable activities provided, in particular the sale of alcohol.
- Customer profile (age, disability etc.).
- The use of door supervisors (licensed by the Security Industry Authority).
- Any necessary heating or cooling of the premises and access to free drinking water.
- The necessary health and safety and fire risk assessments for the premises and other measures to reduce risk to public safety.
- The number of people employed or engaged to secure the safety of all persons attending the premises or event.

- Measures for the appropriate instruction, training, and supervision of those employed or engaged to secure the safety of all persons attending the premises or event – including the response to emergencies.
- Where appropriate, noise exposure controls, for both staff and public, which have been detailed in accordance with the appropriate legislation.
- Arrangements to ensure that litter, generated by activities at the premises, does not present a fire hazard.
- The implications of the Health Act 2006 (smoking ban).
- Implementation of appropriate crowd management measures.

4.23 The Authority will work closely with the Fire Service to assist in assessing/determining an appropriate maximum capacity, where required and not imposed by other legislation, at individual venues. This will be in accordance with the service protocol issued by Fire Service, which is maintained separately from this Policy and is available from the Fire Service using the contact details in Appendix 2.

Prevention of Public Nuisance

4.24 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the Act and retains its broad common law meaning.

4.25 The Act enables the Authority and Responsible Authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific PLs and CPCs. In considering the promotion of this Licensing Objective, the Authority and Responsible Authorities focus on the effect of the Licensable Activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.

4.26 Accordingly, the Authority is committed to ensuring that the operation of licensed premises does not unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community. The impact of night-time activity has caused some considerable concern to residential and business communities in the Borough. The Authority can address problems arising from the provision of licensable activities at licensed premises. However, the licensing process can only seek to control those measures within the control of the licensee and in the immediate vicinity of the premises.

4.27 Where appropriate, the Authority will expect Operating Schedules to satisfactorily address these issues and provide information as to how the relevant nuisances will be prevented. It is essential that such measures, and the appropriate controls, described in the application relate to:

- Noise transmission and escape.

- Potential noise and / or disturbance associated with patrons – for example patrons using outside areas for smoking or awaiting entry or leaving the premises.
- Potential noise from car parking and transport facilities.
- The use of outside areas.
- Any light pollution risks.

4.28 Applicants are advised to seek advice from the Council’s Environmental Protection Section before preparing their application (Appendix 2 – useful contacts).

4.29 In considering all relevant applications, the Authority will assess the impact of the proposed licensable activities and consider the evidence provided by the applicant, and any relevant representations, as to the adequacy of the measures proposed to deal with the potential for nuisance and disorder having regard to all the circumstances of the application. The issues in the following list, which is not exhaustive, are particularly relevant to the exercise of the Authority’s licensing functions and ones which applicants and existing licensees need to consider:

- The type of activity, its frequency and the number and nature of customers likely to attend.
- Measures taken, or proposed, to prevent noise and / or vibration escaping from within the premises, or from the use of outside areas, given the location of the premises and proximity to residential and other noise sensitive premises (e.g., hospitals, hospices, and places of worship). This would include music, ventilation equipment noise and human voice, whether amplified or not.
- Measures taken, or proposed, for management and supervision of the premises and open areas to minimise unreasonable disturbance by customers and staff arriving or leaving the premises, including the delivery of goods and services.
- The proposed hours of operation for all, or part, of the premises.
- The levels, and impact, of public transport available for customers and the likely means of public or private transport to be used.
- Means of access to the premises, including customer entrances and exits on principal pedestrian routes.
- Whether routes to and from the premises pass residential premises.
- The level of car parking on surrounding residential streets and its effects on local residents and traffic movements.
- The cumulative impact of licensed premises in an area and scope for mitigation for or against a Cumulative Impact Policy – should one be declared; (Section 15.0)
- Measures taken, or proposed, to prevent queuing. Where queuing is inevitable, measures to divert queues away from neighbouring premises, or otherwise manage the queue to prevent disturbance or obstruction.
- Arrangements made, or proposed, for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents.
- Whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises, including measures

taken to ensure collection of litter and disposal of litter and waste outside the premises.

- Measures to be taken to reduce drunkenness on the premises.
- If appropriate, a 'wind down' period between the end of the licensable activities and closure of the premises.
- Methods to promote access to local public transport.
- The implications of the Health Act 2006 (smoking ban) and the potential for disturbance by patrons using external areas for smoking.
- The times at which 'bottling up' or waste disposal is undertaken.
- A 'last admission time' policy.

4.30 The extent to which the above matters need to be addressed will be dependent upon the nature of the area where the premises is situated, the type of premises, the licensable activities to be provided, operational procedures and the needs of the local community. In general, the Authority will expect more comprehensive measures to be in place at late night entertainment venues or in premises with a history of public nuisance problems.

4.31 The Authority will pay equal regard to relevant representations from Responsible Authorities but will pay regard to relevant representations from the Council's Technical Officers, as well as the Police, to determine if measures proposed are sufficient to reduce the risk of public nuisance. The Authority will not grant an authorisation where representations are made by one of these bodies expressing serious concern regarding the potential for public nuisance unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations. Such representations can include previous noise and / or statutory nuisance complaints and any formal action taken.

4.32 Where appropriate, applicants and existing licensees will be expected to propose practical steps to prevent nuisance to local residents and have regard to the 'Good Practice Guide on the control of Noise from Pubs and Clubs' produced by the Institute of Acoustics and / or other suitable available guidance that is to the satisfaction of the Authority. In relation to noise from within the building, and where appropriate, the Authority will expect the applicant to have carried out sound tests to ascertain whether there is sound leakage. Noise problems may not only relate to music, but also to ventilation equipment or customers. If there is sound leakage, the Authority will expect this to have been addressed in practical ways, such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation, or if appropriate, air conditioning.
- Understanding the implications of the weather on the above point and making suitable contingencies.
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level.
- Installing soundproofing measures to contain sound and vibration.

4.33 In premises where customers leave the premises late at night, or early in the morning, if appropriate, the Authority will expect the applicant to have included in the Operating Schedule such practical steps as:

- Erecting prominent notices at the exits to the premises asking customers to leave quietly and not to slam car doors.
- At appropriate times making suitable loudspeaker announcements to the same effect.
- Instructing door supervisors (licensed by the Security Industry Authority) to ask customers leaving the premises to leave the area quietly.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Improving availability of licensed hackney carriages or private hire vehicles to take customers from the premises.
- Where appropriate, requiring door staff (licensed by the Security Industry Authority) to monitor adjacent streets to assess for themselves whether there is a noise problem and how best to deal with it (having regard to only operating controls within the vicinity of the premises);
- Refusing entry to people who regularly leave in a noisy manner.
- The supervision of any queues to keep noise and disturbance to a minimum.
- The implications of the Health Act 2006 (smoking ban) and the need to take action to control potential disturbance by patrons using external areas for smoking.

Protection of Children from Harm

- 4.34** Activities associated with premises that sell alcohol or provide regulated entertainment may, in certain circumstances, give rise to concerns for the health and welfare of children (a child for the purpose of this Policy is any person under the age of 18).
- 4.35** The Authority recognises Lancashire County Council Social Services Safeguarding Children's Board as being competent to advise on matters relating to the protection of children from harm (Appendix 2 – useful contacts). The Authority will pay equal regard to relevant representations from Responsible Authorities but will pay regard to relevant representations from Social Services to determine if measures proposed are sufficient to reduce the risk to children. The Authority will not grant an authorisation where representations are made by this organisation expressing serious concern regarding the potential for harm to children unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.
- 4.36** The Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral, or psychological harm. In all other cases it will be left to the discretion of the licensee. The Authority is committed to protecting children from harm and applicants will therefore need to demonstrate how they will promote this Licensing Objective – including any necessary supervision / safeguarding arrangements and relevant staff training. Where appropriate, conditions preventing or restricting the admission of children will be imposed. The Authority will not, however, impose any condition that requires the admission of children to licensed premises.

4.37 It is an offence to allow unaccompanied under 16s into primarily drinking venues. However, the Authority recognises that family friendly premises typically experience fewer problems of crime, disorder, and public nuisance. The issues in the following list, which is not exhaustive, are particularly relevant to the exercise of the Authority's licensing functions and ones which applicants and existing licensees need to consider:

- What measures have been put in place to create a safe, child-friendly environment.
- How vigilance regarding the sale of alcohol to under 18s, to those who are drunk and to those passing on drinks to under 18s / those who are drunk is maintained.
- Controls preventing those who are drunk from gaining entry to the premises and methods employed to require those who become drunk on the premises to leave.
- The specification of areas, activities and times that are suitable for children instead of merely placing restrictions on access to those areas, activities and during those times that are appropriate.

4.38 It is obviously not possible to properly anticipate every issue of concern that could arise in respect of children regarding individual premises, therefore each application will be considered on its individual merits. However, where appropriate, applicants will be expected to demonstrate, and provide evidence that, suitable controls are in place. Such areas of particular concern in respect of children would include premises where:

- There have been convictions of members of the current staff at a given premises for serving alcohol to minors or with a reputation for underage drinking.
- There is a known association with drugs, drug taking or drug dealing.
- (Without prejudice to the controls set out in the Gambling Act 2005) there is a strong element of gambling on the premises.
- There is entertainment or services of an adult or sexual nature. This would include controls ensuring that underage persons cannot enter the premises and the prevention of advertising (including the use of photographs or visual images) such entertainment outside or in the vicinity of the premises. It should also be noted that the Council has passed a resolution that the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 be adopted and shall apply to the Borough of West Lancashire. A Sexual Entertainment Venue Policy is maintained separately from this Policy. More information can be obtained from the Licensing Service using the contact details in Appendix 2.
- There is risk of being exposed to incidents of violence or disorder.
- There is a risk of child sexual exploitation.
- There is risk of being exposed to excessive noise.
- There is risk of being exposed to other specific hazards including falls from height.
- There is a risk of purchasing cigarettes from vending machines.

- The supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

4.39 Where appropriate and taking account of the above information and the controls contained in the Gambling Act 2005, in premises where there are suitably permitted gaming machines, the Authority will expect Operating Schedules to demonstrate the measures to be taken to prevent access by children in accordance with the Gambling Act 2005. The Authority will also expect that where there is access by children, all such machines are located within sight of bar staff so to prevent their use by children.

Underage / proxy sales

4.40 Applicants and existing licensees must have satisfactory arrangements in place to prevent underage alcohol sales. The issues in the following list, which is not exhaustive, are particularly relevant to the exercise of the Authority's licensing functions and ones which applicants and existing licensees need to consider:

- The adoption of a well-publicised Challenge 21 policy (i.e., asking those who appear to be under 21 to produce appropriate ID proving they are over 18 before considering serving them).
- The refusal of service to those believed to be passing on alcohol to under 18s (except where over 18s are buying beer, wine or cider for 16 or 17 year olds for consumption with a table meal).
- The provision of appropriate accredited staff training on the law relating to alcohol and those aged under 18 (e.g., a 'Responsible Retailing' course).
- Methods to ensure sufficient staffing and managerial support to monitor outside areas and to make the identification of those passing on drinks to under 18s practicable.
- How instances of potential proxy sales are reported to the Police.
- The use of a 'refusal book' to record details of instances where staff have refused a customer thought to be underage.
- The use of CCTV to assist the above controls.
- Where necessary, the use of an identified child 'safeguarder'.

4.41 To ensure compliance with underage and proxy sales legislation, test purchasing initiatives will be conducted with liaison with the Police and / or Lancashire County Council Trading Standards, which will be coordinated via the Council's Multi Agency Licensing Team (MALT) (Section 14.0).

5.0 Integration Strategies

General

- 5.1** There are many stakeholders affected by the Act, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives, particularly those relating to the prevention of crime and disorder and public nuisance. Accordingly, there is a range of strategic influences and statutory controls which affect the licensing regime in terms of policy formulation, administration, and enforcement activities. The Authority will seek to have an active involvement in the development and review of these and all other related Council strategies by ensuring an appropriate exchange of dialogue between the Authority and other relevant regimes. Such involvement may result in the imposition of conditions and formulation of policies supporting the relevant strategies where appropriate.
- 5.2** Therefore, whilst many of the issues arising from licensable activities will be under the remit of one or more of the Responsible Authorities, the Authority will use the MALT (Section 14.0) to ensure that appropriate liaison arrangements are in place to ensure proper integration of local crime prevention, planning, local transport (including taxis, buses, and rail), tourism, equality, economic and cultural strategies.

Planning and Building Control

- 5.3** Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. The proposed development / provision of licensed premises involves an assessment of the planning merits of the scheme and therefore is a matter for the Council's Planning Committee and the market, not the Authority or this Policy.
- 5.4** The granting of an authorisation / permission will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However, there will be overlapping issues of interest (e.g., disturbance) which will remain material considerations for planning purposes as well as being relevant in terms of the Licensing Objectives. Applicants and existing licensees should ensure that they have due regard to any planning restrictions on the use of premises to avoid any possible enforcement action.
- 5.5** The Act does not prevent an application being submitted before any relevant planning permission has been sought or granted. However, it is advisable to only submit licensing applications for businesses with planning permission or that are lawful for other reasons. The planning consent or other reason for the use being lawful in planning terms should be demonstrated in the supporting documentation in the PL or CPC application. Therefore, prospective applicants must be aware of potential breaches of legislation arising from the decision process of both regimes. This is particularly pertinent in relation to opening hours. For example, if a closing time has been set through the planning regime, which is different from the time set through the licensing regime, the applicant must observe the earlier closing time. Similarly, where the variation of an authorisation involves a material alteration to a

building, this does not relieve the applicant of the need to obtain the relevant planning or building control permissions.

- 5.6** To preserve these arrangements, Officers involved in the planning regime will be kept regularly appraised of licensed premises within the Borough through the MALT meetings (Section 14.0).

Electronic applications

- 5.7** All applications and relevant provisions under the Act, with the exception of applications for, and renewals of, Personal Licences, reviews and representations, can be accessed at www.gov.uk or www.westlancs.gov.uk/licensing

- 5.8** Plans, for written and electronic applications, will not be required to be submitted in any scale, but they must be in a format which is 'clear and legible in all material respects', i.e., they must be accessible and provide sufficient detail for the Authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn if they clearly show all the prescribed information.

Promotion of equality

- 5.9** This Policy recognises that the Equality Act 2010 places a legal obligation on the Authority to have due regard to the need to eliminate unlawful discrimination, harassment, and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. All reports submitted to the Committee contain an Equality Impact Assessment Form, which aims to highlight any such issues relevant to the report and the matter to be determined.

6.0 Administration, Exercise and Delegation of Functions

- 6.1** The Authority is involved in a wide range of licensing decisions and functions and the Licensing and Gambling Committee will administer this responsibility, where required by the Act. This Committee consists of 15 elected Members and has 1 chairman and 1 vice chairman. This Committee is further divided into a Sub-Committee of 3 elected Members.
- 6.2** A meeting of the full Licensing and Gambling Committee will be held when it is considered necessary to review the contents of this Policy, to comply with any requirements of the Act or to determine any other matter of relevance to the Authority.
- 6.3** The Sub-Committee will sit to hear applications for authorisations as required in the Act. In practice this will mean those applications that have attracted relevant representations from an Interested Party and / or Responsible Authority or a Review of an existing authorisation.
- 6.4** Applications that do not attract relevant representations are determined under delegation to the Assistant Director Planning and Regulatory Services. Table 6.8a summaries this delegation procedure.
- 6.5** Where a representation is considered to be irrelevant, repetitious, frivolous or vexatious, the Authority will inform the author of the representation in writing and give reasons for this decision. The Authority will also inform the applicant and / or licensee when such a decision is taken.
- 6.6** In exceptional circumstances it may be appropriate for the Licensing Sub-Committee to refer any matter that it is unable to deal with because of the number of its Members who are unable to take part in the consideration or discussion of any matter on any question with respect to it, to the Licensing and Gambling Committee.
- 6.7** In exceptional circumstances it may be appropriate for the Licensing and Gambling Committee to refer any matter that it is unable to deal with because of the number of its Members who are unable to take part in the consideration or discussion of any matter on any question with respect to it, to the Licensing Authority, which in normal circumstances will mean Full Council.
- 6.8** All decisions made by either the Licensing and Gambling Committee, a Sub-Committee thereof or the Assistant Director of Planning and Regulatory Services will be confirmed in writing to the applicant and any person who has made a relevant representation forthwith or within the requirements of the Act, relevant Regulations, or the Guidance.

Table 6.8a - delegations

Matter to be dealt with	Delegated authority to:	
	Licensing Committee	Assistant Director of Planning & Regulatory Services
Application for a Personal Licence	If a Police objection is made	If no objection is made
Application for a Personal Licence with unspent convictions	All cases	-
Application for a PL / CPC	If a relevant representation is made	If no relevant representation is made
Application for a Provisional Statement	If a relevant representation is made	If no relevant representation is made
Application to vary a PL / CPC	If relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor	If a Police objection is made	All other cases
Request to be removed as Designated Premises Supervisor	-	All cases
Application for transfer of a PL	If a Police objection is made	All other cases
Applications for Interim Authorities	If a Police objection is made	All other cases
Application to Review a PL / CPC	All cases	-
Decision on whether a representation is irrelevant, frivolous, vexatious, etc.	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	-
Determination of an objection to a Temporary Event Notice	All cases	-
Determination of application to vary premises licence at community premises to include alternative licence condition	If a Police objection is made	All other cases
Decision whether to consult other responsible authorities on minor variation application	-	All cases
Determination of minor variation application	-	All cases

7.0 Applications, notifications, and determination

7.1 The procedure and documentation required for the various applications and notices is prescribed by the Act and Regulations. Failure to comply with the statutory requirements may result in an application or notice being invalid and / or rejected. Further advice on these processes is available from www.gov.uk or the Licensing Service using the contact details in Appendix 2.

Representations

7.2 Making a comment relating to any application or notification is called a 'representation', but not everyone has the right to make a representation. There is a prescribed period from the time the Authority receives an application for representations to be received. This is usually 28 days but varies depending on the type of application under consideration. Representations can include positive / supportive comments as well as objections.

7.3 Responsible Authorities (Appendix 2 – useful contacts) and Interested Parties (including members of the public, businesses, or their representatives) can submit a representation whenever the Authority receives an application for a new PL or CPC, for a full variation to an existing authorisation or an application for a Review. In addition, certain Responsible Authorities (but not Interested Parties) can also make representations on other types of applications and notifications such as applications for Personal Licences or notifications for temporary events. Except for a minor variation application, if no representations are received, the Authority must grant the application as applied for (including where appropriate any conditions volunteered by the applicant,) and events become authorised.

7.4 Applications where only the Police have a right to make representations on limited grounds (for example transfer of licences, transfer of Designated Premises Supervisor etc.) are not covered by this Policy but will be determined on their own individual facts.

7.5 All representations should relate to the likely effect of the application on the promotion of at least one or more of the Licensing Objectives. Any representation that fails to do this will be considered as 'irrelevant' for the purposes of the Act. Therefore, it is important to note that Responsible Authorities or Interested Parties who submit representations cannot expect their views to be automatically considered. Representations must be based on the requirements of the law before they can be accepted as relevant. Responsible Authorities or Interested Parties (and members of the public in particular) have a vital role in the licensing process, but this cannot be in contradiction with legislation, natural justice and decided case law.

7.6 Representations must be made in writing to the Licensing Service (Appendix 2 – useful contacts). Representations may be made by email if the email contains the name and address of the person (or body) making the representation.

7.7 Representations cannot normally be made anonymously, even if a local MP, councillor, or organisation etc. is making the representation on behalf of another.

This is because the Authority needs to be satisfied that the representation is not irrelevant, frivolous, vexatious, or repetitious. It is also important that an applicant can respond to a representation; for example, if they believe that it is not a 'relevant' representation. If Interested Parties are concerned about possible intimidation or other repercussions, they could consider approaching the Police or another appropriate Responsible Authority, which could make a representation on their behalf - so long as the Responsible Authority was satisfied with the available evidence. Where the Authority considers that an Interested Party has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, it may decide to withhold some or all the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details will only be considered where the circumstances justify such action.

7.8 Representations will be determined on their own merits as to whether they are considered to be relevant, frivolous, vexatious or repetitious.

7.9 The content of each representation will form part of a report to the Committee. Responsible Authorities and / or Interested Parties must note that such reports are public documents and therefore subject to public scrutiny. Any matters of a confidential nature should be considered carefully. The Authority will remove any personal information from its reports; however, the specific details of all representations must be given to the applicant, including the name and address of each representation. Where the Authority considers a representation to be libellous, it will ask for the representation to be reworded. If the representation is not suitably reworded, the Authority reserves the right to refuse to publish the representation.

Representations submitted on behalf of others (including MPs, Councillors and community / residents' associations etc.)

7.10 It must be clear who has submitted any representation. Community / residents associations may submit a representation on behalf of its members; however, these must state the names and addresses of all persons who wish to be party to the representation. Accordingly, each person who wishes a representation to be submitted on their behalf should make their request in writing so that the individual / organisation can demonstrate the origin of the representation and the permission to address the Authority on their behalf. It will be a matter for the MP, Councillor, community / residents association etc. to decide whether they should agree to such requests. However, it should be noted that Councillors who are part of the Committee hearing a specific application will not be able to enter into discussions with any person about that application, outside of the formal hearing.

Content of representations

7.11 Any representation must provide the following information as a minimum:

- The name and address of the person (or body) making the representation.
- The grounds for the representation, including supporting evidence.
- The signature of the person (or representative of the body) making the representation.
- The date the representation was made.

7.12 There is no requirement to produce a recorded history to support a representation, which of course would not be possible for new premises. However, it will assist the Authority if representations are specific to the premises and evidence based. The Authority must be satisfied that there is an evidential and causal link between the representations made, and the effect on the Licensing Objectives, to place any restrictions upon any premises. In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation.

7.13 Whilst Regulations allow for further information to be put forward at any subsequent hearing, that material must relate to the initial representation. It is therefore vitally important that as much detail and evidence as possible is included at the time the representation is made. Representations made without supporting detail and evidence may be viewed as frivolous or vexatious and disregarded.

7.14 In the case of Reviews, it should be noted the evidence must be specific to the given premises. For example, evidence regarding the nuisance caused by patrons returning home would need to prove that this problem came from the premises in question and the reason that patrons are causing a nuisance is that the licence holder was not implementing suitable controls.

7.15 Regarding applications to vary existing authorisations, the Authority can only consider the part(s) of the authorisation proposed to be amended. Accordingly, any representations that do not relate to the variation, or are not linked some way to what the authorisation holder is asking to be changed, will be considered irrelevant and the representation dismissed.

Determination of applications – Licensing Principles

7.16 The matters which can be considered once the Authority's discretion has been engaged vary depending on the type of application / notification concerned. These matters are discussed in Sections 8.0, 9.0 and 10.0. The text in bold type within each section states the Authority's discretionary rules in relation to these matters – these are called 'Licensing Principles'. The reason for each Principle is shown in bold italics.

7.17 The Licensing Principles contained in this Policy are discretionary and are distinct from the statutory Licensing Objectives contained in the Act. Whilst applicants are not obliged to meet any of the Licensing Principles in their Operating Schedules, they may find that Responsible Authorities and other persons and businesses are more likely to raise representations if they do not. This can lead to a delay with the application having to be considered by the Committee, which may then either refuse the application or impose conditions if the application is not found to sufficiently promote the Licensing Objectives and meet this Policy. On appeal, the Court is also

obliged to have regard to the terms and requirements of this Policy and can only depart from it if it has good reason.

- 7.18** Any reference made to the imposition of conditions refers to conditions imposed in accordance with the requirements of the Act.

8.0 Consideration of Premises Licences (PL) & Club Premises Certificates (CPC)

- 8.1** A PL or CPC is required for any premises where it is intended that a licensable activity (not otherwise authorised by a Temporary Event Notice) should take place. Applications for new PLs or CPCs, or variations of the same, should be made in accordance with the Act and relevant Regulations. Applications should also take account of the discretion of this Authority as detailed in this Policy. The application should clearly and precisely identify the steps by which the applicant intends to meet the Licensing Objectives. Therefore, the information contained in the Operating Schedule should address practically how the proposed steps (and associated controls) are to be achieved.
- 8.2** The process of applying for new PL or CPC and full variations of current PLs or CPCs are dealt with in same way and involve serving the application on all Responsible Authorities and advertising the application in the prescribed way. If representations are received (and are not subsequently withdrawn following negotiation) the matter will be heard by the Committee.
- 8.3** For a representation to be accepted by the Authority it must be considered 'relevant', that is it should be positively tied or linked by a causal connection to the application premises and should relate to one or more of the Licensing Objectives. In most cases, the Act creates a presumption that applications will be granted unless a valid representation is raised. An application will then be determined by the Committee unless the issue that lead to the representation can be negotiated to an agreed conclusion between the parties. The Licensing Service will seek to facilitate mediation between parties in such cases.
- 8.4** The Authority will also seek to facilitate mediation between licensees, relevant agencies, other persons, and businesses where significant issues have arisen relating to an existing authorisation. This will not override the right of any, person or business from making an application for the Review of a PL or CPC. However, where possible and appropriate, the Authority expects Responsible Authorities, other persons, and businesses to give early notice to PL / CPC holders of any concerns about problems identified at a premises and of the need for improvement. It is expected that requests for a Review of any authorisation will be sought only if such notice has failed to resolve the matter or problem.
- 8.5** Where representations are received, the characteristics of an area and the impact that the premises may have upon that area in terms of the promotion of the Licensing Objectives will be a fundamental consideration in determining whether a licence should be granted and, if so, what conditions should be attached to it.

Minor variations

- 8.6** The process for a Minor Variation to a current PL or CPC is different. Minor Variations are those which should not have a material effect on the way in which the premises are operated. For example, Minor Variations can be used to:
- Vary times of licensable activities (but not to increase the hours when alcohol can be sold).

- Make minor structural alterations to the premises (which are to be reflected by an amendment to the Licence Plan).
- Add or remove conditions from the authorisation.

8.7 The granting of a Minor Variation is determined by Officers after consultation with those Responsible Authorities affected. If the application is refused, the applicant can still apply to make the same changes under the full variation process.

Licensing Principle 1

8.8 **The Authority expects to see evidence of the effective and responsible management of the licensed premises, the effective instruction, training and supervision of staff and the adoption of best practice being specifically addressed within the Operating Schedule.**

REASON: To ensure the promotion of the Licensing Objectives.

8.9 Licensing law is not the primary mechanism for the general control of the antisocial behaviour of patrons once they have left the vicinity of the licensed premises, rather it is part of a holistic approach to the management of such issues.

8.10 Where appropriate, the Authority will seek to identify mechanisms that are available to address the potential impact of anti-social behaviour arising both in respect of the management and operation of licensed premises themselves and that arising once patrons leave the licensed premises. Regard will be made to the Guidance in this respect and the following may be employed to address such behaviour and the potential for Cumulative Impact:

- Planning controls.
- Measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other Council departments.
- The provision of CCTV surveillance, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Powers of Local Authorities to designate parts of the Local Authority area as places where alcohol may not be consumed publicly.
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of Fixed Penalty Notices.
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale).
- Police powers to close instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
- The power of the police, other Responsible Authorities, or other persons to seek a review of a licence or a certificate.
- Any other local initiatives that similarly address these problems.

Licensing Principle 2

8.11 **When preparing or considering applications, Applicants, Responsible Authorities, Interested Parties, and the Authority should, where appropriate, take into account**

the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of, any conditions which may be offered or imposed on any resulting licence, certificate or permission:

- The nature of the area within which the premises are situated.
- Any measures proposed by the applicant as outlined in the Operating Schedule.
- The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.
- Means of access to and exit from the premises.
- Transport provision in the area and the likely means of public or private transport that will be used by customers either arriving or leaving the premises.
- Parking provision in the area.
- The cumulative impact of licensed premises in an area and scope for mitigation; (Section 15.0)
- The precise nature, type, and frequency of the proposed activities.
- Other means and resources available to mitigate any impact.
- Such other matters as may be relevant to the application.

REASON: To ensure that all relevant matters are taken into consideration during the application process.

- 8.12** Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower. The impact of customers arriving, queuing, and leaving should be confined to principal pedestrian routes as far as possible. The impact of noise arising from patrons that are temporarily outside the premises (e.g., smoking) must be recognised and mitigated against.
- 8.13** Applicants should carefully consider the hours that they will wish to operate for each licensable activity and when to close their premises for the entry of customers and to require them to leave. They should consider each licensable activity separately and carefully and reflect this in their Operating Schedule. Shops, stores, and supermarkets will normally be permitted to sell alcohol and / or late-night refreshment at any time when they are open for shopping unless there are good reasons related to the promotion of the Licensing Objectives for restricting these hours. Applicants applying for new off-licences in residential areas should carefully consider the hours that they are applying for and, the Authority encourages and expects applicants to limit their terminal hour 23:00 in such circumstances to reduce the impact of noise and antisocial behaviour on the community.
- 8.14** Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas, operators should consider ceasing the playing of dance music and switching to quieter, slower tempo music with a less pronounced beat for a period prior to the closure of the premises.

- 8.15** Applicants should also consider making arrangements with local transport operators to provide information to customers to ensure they can access public transport and leave the vicinity of the premises quickly by the most appropriate route.
- 8.16** The Authority is mindful of the responsibilities that licence holders have for preventing antisocial behaviour on their premises and within the vicinity. The Authority must, however, also bear in mind its statutory duty under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the Borough. Where appropriate, conditions will be imposed which reflect local Crime Prevention Strategies.
- 8.17** Applicants are expected to have carried out the relevant risk assessments under other legislation (e.g., fire precautions, health, and safety at work, etc.) prior to submitting their applications. These risk assessments should be used to identify issues which may need to be addressed in the Operating Schedule to ensure that the Objectives will not be undermined.
- 8.18** In some cases, it may be helpful for applicants and / or their advisors to discuss the draft Operating Schedule with Council Officers and representatives of Responsible Authorities before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise to concern.
- 8.19** Any conditions imposed by the Authority will be focused on matters that are within the control of individual licensees and others in possession of relevant authorisations. Consideration will primarily be given to the direct impact of the licensed activity on those who live, work or are engaged in business or other activities in the area concerned. Any condition attached to a PL or CPC should be:
- Clear.
 - Enforceable.
 - Evidenced.
 - Proportionate.
 - Relevant.
 - Expressed in plain language capable of being understood by those expected to comply.
- 8.20** Applicants and those making representations should bear these principles in mind when suggesting conditions to be attached to an authorisation.

Licensing Principle 3

- 8.21** **Where representations have raised concerns in respect of individual premises and it is felt that access of children should be restricted, the Authority will consider imposing conditions which may include the following:**

- Limitations on the hours when children may be present.
- Age limitations for persons under 18.
- Limitations or exclusion when certain activities are taking place.
- Full exclusion of persons under 18 when certain licensable activities are taking place.
- Limitations of access to certain parts of the premises for persons under 18.
- A requirement for an accompanying adult to be present.

REASON: To protect children from harm.

8.22 The issues and related concerns relating to the presence of children in licensed operations are provided in Section 4.0.

9.0 Consideration of Personal Licences

9.1 A Personal Licence is granted to an individual that authorises the sale and supply of alcohol in accordance with a PL. Applications for Personal Licences must be made to the Authority if the applicant is normally resident in the Borough of West Lancashire. All Personal Licences granted by the Authority must also be renewed with the Authority, until the Personal Licence lapses, is surrendered or revoked.

9.2 Where an applicant for a Personal Licence has relevant convictions, a licence will still be granted unless the Police lodge an objection within the prescribed period that states that the granting of the licence would undermine the Licensing Objectives. In such circumstances the application will be considered at a hearing of the Committee.

Licensing Principle 4

9.3 **In determining initial and renewal applications for Personal Licences where the Police has lodged an Objection Notice, the Authority will take the following matters into consideration:**

- The circumstances in which the offences were committed.
- The period that has elapsed since the offence(s) were committed.
- Whether the offences reveal a pattern of offending or were a one-off occurrence; and
- Any mitigating circumstances.

The Authority will reject the application unless the applicant can show exceptional and compelling grounds and that it is unnecessary to do so to promote the Crime Prevention Objective.

REASON: Prevention of crime is both an objective of the Act and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the Crime Prevention Objective.

9.4 Where a Personal Licence holder is convicted of a relevant offence, the Court may order that the licence be forfeit. If an applicant is convicted of a relevant offence during the application period and this only comes to light after the licence has been granted or renewed, then the Authority must notify the Chief Officer of Police and if an objection notice is lodged within the relevant period a Hearing will be held to determine whether the licence should be revoked.

10.0 Consideration of Temporary Event Notices

10.1 There are two types of types of Temporary Event Notice (TEN) - a Standard TEN and a Late TEN. A standard TEN must be served no later than ten working days before the event to which it relates and this does not include the day it is given or the day of the event, and a late TEN is served no more than nine and not less than five working days before the event to which it relates.

10.2 Whilst the Authority recognises that a standard TEN may be served at least ten clear working days prior to the commencement of a Permitted Temporary Activity (the event), the Guidance encourages a locally established preferred period of notice. There is a case for not serving such Notices too early as this could make it difficult for a sensible assessment to be made of the implications of such an event on the Crime and Disorder and Prevention of Public Nuisance Licensing Objectives.

10.3 Accordingly, the Authority considers that a reasonable period of notice for the service of a standard TEN is 28 days. In any event, a standard TEN should not be served any more than 3 months before the event is due to take place. An exception is made for large or complex events where a greater period to adequately plan the event would be required.

10.4 Persons serving TENs must also serve a copy notice on the Police and the Responsible Authority for Environmental Health functions i.e., the Council's Environmental Protection section.

10.5 Only the Police and Environmental Health Officer have the right to make representations in respect of TEN. In the event of representations being received from either, the Authority's powers are limited to either allowing the event to:

- Proceed as notified.
- Serve a Counter Notice to render the event unauthorised.
- In cases where the notification relates to premises which are already licensed, to applying any relevant conditions on the licence to the event.

Temporary Structures

10.6 The Authority has adopted the provisions of Section 35 of the County of Lancashire Act 1980 which must be followed when dealing with applications relating to temporary structures.

10.7 It should be noted that the giving of a TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

10.8 More information can be obtained from the Licensing Service using the contact details in Appendix 2.

11.0 Hearings

- 11.1** A Hearing will be arranged to deal with any applications that have attracted representations, and which cannot be dealt with under delegated powers or resolved by agreement between applicants and Interested Parties and / or Responsible Authorities. The details of the specific Hearing will be provided in the format of a report to the Committee which will contain all the relevant information to the case. Copies of this report will be provided to all parties to the Hearing.
- 11.2** Each case will be determined on its individual merits and the Authority will give appropriate weight to:
- The Act and relevant Regulations.
 - The steps appropriate to promote the Licensing Objectives.
 - The Licensing Officer's report.
 - The information provided by all parties to the Hearing.
 - The Guidance.
 - This Policy.
- 11.3** Hearings will be held as soon as possible having regard to the Regulations and the laws of natural justice. The Committee will conduct a quasi-judicial consideration of the application and relevant representations. Members of the Committee will carefully consider their position should they be requested to hear a matter which occurs in their own Ward.
- 11.4** A legal advisor, advocate or a friend may represent any party to the Hearing, where such individuals choose not to represent themselves. Accordingly, to assist all parties when preparing for and participating in a Hearing, the Authority has prepared a Hearing procedure. This procedure will be adhered to in all Hearings, a copy of which will be provided to all parties in advance of the Hearing. This Hearing procedure is maintained separately from this Policy and is available from the Licensing Service using the contact details in Appendix 2.
- 11.5** Whilst the Committee will usually meet in public, they do have the power to hear certain applications in private. Where this is required all parties to the Hearing shall be informed.
- 11.6** The Authority will aim to provide all parties to the hearing with the decision in writing within five working days of the date of the hearing. The decision determined by the Committee will be accompanied with clear reasons for the decision, having regard to the Licensing Objectives and all relevant legislation.
- 11.7** The decision of the Committee may involve the imposition of conditions on authorisations. Any such condition(s) will be appropriate for the promotion of one or more of the Licensing Objectives and in accordance with this Policy.

Site visits

11.8 Site visits will normally be made to the premises concerned (and any relevant locations) where the following applications have been submitted:

- New application for a PL and / or CPC.
- Application to Review a PL and / or CPC.

11.9 Site visits will not normally be conducted for any other application or authorisation. However, notwithstanding the previous sentence, any contested application or authorisation that presents one or more of the following may also attract a site visit:

- A substantial number of representations have been made in relation to the application or authorisation.
- The nature of the application or authorisation is sufficiently complex.
- It is reasonably foreseeable that the nature of the application or authorisation could present a significant impact on the Licensing Objectives.

11.10 The Members of the Committee that will hear the application will conduct the site visit. The visit is conducted to ensure Members have a full understanding of the application, the premises, and the locality. To preserve the integrity of the Hearing process, any such visit will be carried out in accordance with a strict protocol. This protocol is maintained separately from this Policy and is available from the Licensing Service using the contact details in Appendix 2.

Decisions

11.11 The Authority will provide comprehensive written reasons for its decisions following any hearing. These reasons will address the extent to which the decision has been made regarding the matters of the case, the legislation, the Guidance and this Policy. The reasons will be given to all parties to the hearing.

12.0 Reviews

12.1 The review process is a key protection for the community and Responsible Authorities where problems associated with the Licensing Objectives occur after the grant or variation of a PL or CPC.

12.2 At any stage following the grant of a PL or CPC, a Responsible Authority or an Interested Party may ask for a review of that specific authorisation. In all cases, evidence will be required to demonstrate that the concerns relate to a particular premises and is relevant to one or more of the Licensing Objectives. Requests for reviews will therefore be rejected where, in the view of the Authority, the request is not relevant (to the Licensing Objectives), or in the case of requests from Interested Parties, it is frivolous, vexatious, or repetitious.

12.3 The powers of review are to be used in the interests of the wider community and not that of the individual authorisation holder. However, it will always be important that any detrimental financial impact that may result from the Authority's decision is appropriate and proportionate to the promotion of the Licensing Objectives. But where premises are found to be trading irresponsibly, the Authority will not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

12.4 Accordingly, where authorised persons and Responsible Authorities have concerns about problems identified at premises, the Authority would expect them to give licence holders early warning of their concerns and the need for improvement, including what steps they need to take to address those concerns. Where such warnings have been issued by any Responsible Authority, these will normally be discussed at the MALT meetings (Section 14.0) to ensure that the Authority, as well as the other Responsible Authorities, are aware of the issues. To this end, the Authority recognises that the promotion of the Licensing Objectives requires a partnership approach and will seek to promote cooperation in this regard, and whilst a review should not be used to undermine this cooperation, any failure by the holder to respond to such warnings would be likely to lead to a review.

Determination of a review

12.5 Where a review hearing is held, the Authority has a variety options:

- Take no action and /or issue an informal warning.
- Modify conditions, including adding new conditions or any alteration or omission of an existing condition permanently or for a temporary period not exceeding 3 months.
- Exclude a licensable activity.
- Remove the Designated Premises Supervisor.
- Suspend the PL / CPC for a period not exceeding three months.
- Revoke the PL / CPC.

12.6 In deciding which of these powers to invoke, the Authority will aim to establish the cause or causes of the concerns that the representations identify. The remedial action taken will generally be directed at these causes and will be appropriate and

proportionate to address the causes of problems identified. However, where Responsible Authorities have already issued oral and /or written warnings requiring improvement that have failed as part of their own stepped approach to address concerns, the Authority is unlikely to repeat this approach and will take this into account when considering what further action is appropriate.

Reviews associated with crime

12.7 A review may arise in connection with crime that is not directly connected with Licensable Activities. In such cases, the Authority will not judge the criminality or otherwise of any issue. Its role is not to establish the guilt or innocence of any individual, but to ensure the promotion of the crime prevention objective. Reviews therefore need not be delayed pending any court action, but where such action has been taken, it will not be for the Authority to attempt to go beyond any finding by the courts, which will be treated as a matter of undisputed evidence. To this end, it will treat those criminal matters listed in the Guidance particularly seriously.

12.8 Conversely, it is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the Authority still has the option to take any appropriate steps to remedy the problems.

Persistent sales of alcohol to children

12.9 Where there are systems in place designed to prevent underage sales, the Authority will take a proportionate approach toward any identified breaches. However, where persistent sales of alcohol to children have occurred, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, the Authority would expect Responsible Authorities to consider taking steps to ensure that a review of the licence takes place. This is particularly the case where there has been a prosecution for the offence under Section 147A or a Closure Notice has been given under section 169A of the Act. In determining the review, the Authority will consider revoking the licence if it considers this appropriate.

Summary reviews

12.10 Summary reviews can be undertaken when the Police consider that the premises concerned are associated with serious crime or serious disorder (or both) and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. It allows interim conditions to be attached to a PL and a fast-track licence review. However, the powers apply only where a PL authorises the sale of alcohol. They do not apply in respect of other PLs or to CPCs.

12.11 The summary review process is set out under sections 53A-53D of the Act and is detailed in the Guidance.

Licensing Authority representations

12.12 The Authority may apply for a review if it is concerned about licensed activities at premises. However, this will not normally be on behalf of other persons, such as local residents or community groups, as these individuals or groups are entitled to apply for a review in their own right. Furthermore, the Authority would not normally seek a review on behalf of, or instead of, another Responsible Authority where the basis for the intervention falls within the remit of that other authority. For example, the Police would take appropriate steps regarding crime and disorder, or the Council's Environmental Protection team would address concerns about noise nuisance.

Repetitious grounds for review

12.13 The Authority is required to safeguard the review process and prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the Authority on an earlier occasion. It will therefore examine each application in the context of previous applications and decisions.

13.0 Appeals

13.1 There is a right of appeal against the decision and / or any condition attached to an authorisation. An appeal would normally be lodged with the Justices' Chief Executive of the Southwest Lancashire Magistrates' Court within a period of 21 days, beginning from the day on which the Authority notified the applicant of the decision.

13.2 On determining an appeal, the Court may review the merits of the decision on the facts and consider points of law or address both. It is obliged to have regard to the terms and requirements of this Policy and can only depart from it if it has good reason. In addition, the court is entitled to disregard any part of this Policy that it holds to be ultra vires to the Act and therefore unlawful.

13.3 On determining an appeal, the Court may:

- Dismiss the appeal.
- Substitute for the decision appealed against any other decision which could have been made by the Authority.
- Remit the case to the Authority to dispose of it in accordance with the direction of the Court.
- Make such order as to costs as it thinks fit.

13.4 As soon as the decision of the Magistrates' Court has been made, the Authority will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example because of a Judicial Review). Except in the case of Closure Orders, the Act provides no further appeal against the decision of the Magistrates' Courts and normal rules of challenging decisions of Magistrates' Courts will apply.

14.0 Enforcement

General

- 14.1** Once licensed, it is essential that premises are maintained and operated to ensure the continued promotion of the Licensing Objectives and compliance with the specific requirements of the Act.
- 14.2** Where the Authority considers enforcement is necessary, any such action will be taken in accordance with its Enforcement Policy, which is available from the Licensing Service using the contact details in Appendix 2. Accordingly, the key principles of consistency, transparency and proportionality will be maintained.
- 14.3** The Authority will make arrangements to monitor premises and take appropriate enforcement action so as to ensure the continued promotion of the Licensing Objectives through compliance with the conditions attached to the PL / CPC. Enforcement visits will therefore be carried out as a response to a complaint(s) or as part of a proactive risk-based inspection regime and / or targeted initiative.

Multi-Agency Licensing Team (MALT)

- 14.4** 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.
- 14.5** The MALT ensures that a coordinated and proactive approach to the issues arising from licensable activities can be formulated and delivered. Those premises that have been identified as presenting a risk to the Licensing Objectives 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 risks to the Licensing Objectives 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 scrutiny and a coordinated approach to enforcement devised between the appropriate MALT members. Such premises may also be the subject of further action taken by any Responsible Authority outside of the licensing regime and / or be the subject of a review application.
- 14.6** 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.
- 14.7** 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.

15.0 Cumulative Impact

Cumulative impact vs need

- 15.1** The concept of cumulative impact has been used since the commencement of the Act and 'Cumulative impact assessments' were introduced Act by the Policing and Crime Act 2017 on 6 April 2018. Cumulative impact is the potential impact on the promotion of the Licensing Objectives of several licensed premises concentrated in one area. The 'need' for licensed premises concerns the commercial demand for another pub or restaurant or hotel and is a matter for the Council's Planning Authority and for the market. This is not a matter for the Authority in discharging its licensing functions or for this Policy and it will not seek to limit the number of licensed premises that will be permitted based on 'need'.
- 15.2** Where the number, type, or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur because of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 15.3** Queuing may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic, and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 15.4** Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises. It is such situations that cumulative impact could be considered.

Cumulative impact assessments

- 15.5** A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new PLs and CPCs and applications to vary existing PLs and CPCs in a specified area.
- 15.6** The legislation and Guidance describe the process to publish a CIA, which clearly states that there must be an evidential basis for the decision and also outlines the types of evidence that should be considered.

Current situation

- 15.7** At time of publication of this Policy, no CIA has been published. However, the number of licensed premises within the Borough has increased - particularly within

Ormskirk town centre, where the student population from Edge Hill University has also increased. The MALT (Section 14.0) will continue to regularly monitor the need for a CIA.

15.8 Furthermore, other mechanisms, both within and outside the licensing regime, also exist to address such issues, including:

- Planning controls.
- West Lancashire CSP – which works towards, and supports initiatives designed to have a positive impact on, maintaining a safe environment throughout the Borough, including best practise schemes such as Best Bar None or Pubwatch.
- Community Protection Notices.
- The provision of CCTV surveillance.
- The power to designate parts of the Borough as places where alcohol may not be consumed publicly.
- The confiscation of alcohol from adults and children in designated areas.
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale).
- Raising a contribution to policing the late-night economy through the Late-Night Levy.
- Early Morning Alcohol Restriction Orders.

16.0 Provisional Statements

16.1 Where premises are being or are about to be constructed, extended, or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a PL covering the desired licensable activities would be granted for the premises when the building work is completed. In such cases, where sufficient information may not be available to allow the Authority to issue a PL which would include the date on which it would come into effect, a person (if an individual aged 18 years or over) who has an interest in the premises may apply for a Provisional Statement.

16.2 The procedure for a provisional statement is detailed in the legislation and Guidance. Where relevant representations have been made, applications for Provisional Statements will be dealt with in a similar manner to applications for PLs.

16.3 An application for a Provisional Statement must be accompanied by a schedule of the following details:

- Details of the premises.
- The works to be done.
- Licensable activities proposed.
- Plan of the premises.
- Any such other information as prescribed by Regulation.

16.4 If voluntarily available, the Authority would find the following additional information useful:

- Whether planning consent has been granted for the application.
- Proposed times of activities.
- Proposed hours of opening.
- Where the applicant wishes the licence to have effect for a limited period, that period.
- The name of the proposed Designated Premises Supervisor (where the sale or supply of alcohol is proposed).
- Basic details as to how the Licensing Objectives would be promoted.

16.5 Applicants will be required to notify Responsible Authorities and advertise their application in a similar way to the arrangements for applications for PLs. Therefore, where Responsible Authorities or Interested Parties make representations, a Hearing will be held. In such circumstances, the Authority will determine whether, based on any representations and the provisional statement application, it would consider it appropriate to:

- Attach conditions to the licence.
- Rule out any of the licensable activities applied for.
- Refuse to specify the person nominated as the premises supervisor.
- Reject the application.

16.6 If, on the work being satisfactorily completed, the Authority believes it would grant a PL in the form described in the Provisional Statement, it will issue the applicant with a statement which:

- Gives details of the determination; and
- States the Authority's reasons for its decision as to the steps, if any, to take as outlined in above.

16.7 If a Provisional Statement has been issued and the person subsequently applies for a PL in respect of the premises (or a part of the premises or premises which are substantially the same) representations by Responsible Authorities and Interested Parties will be excluded in certain circumstances. These are where:

- The application for a licence is in the same form as the licence described in the Provisional Statement; and
- The work in the schedule of works has been satisfactorily completed.
- Given the information in the application for a Provisional Statement, the person objecting could have made the same, or substantially the same, representations about the application but has failed to do so without reasonable excuse; and
- There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

16.8 Applicants are advised that whilst there is no limit to the duration of a Provisional Statement, the longer there is a delay before a PL is applied for, the greater the potential is for representations not to be excluded due to a genuine and material changes in circumstances. Accordingly, the PL will not become effective until a date stipulated by the Authority.

17.0 Interim Authorities

17.1 Generally, a PL / CPC will remain in force for as long as the holder continues to operate the business, unless:

- It is specified that the licence has effect for a limited period and that period has expired.
- The authorisation has been surrendered.
- The authorisation has been suspended.
- The authorisation has been revoked.

17.2 If a PL holder dies, becomes bankrupt or mentally incapable then the licence will lapse. However, if within a seven-day period of such circumstances (beginning with the day after the licence lapsed) a person who had an interest in the premises or who is connected to the former holder or if the licence, gives the Authority an Interim Authority Notice, the PL will be reinstated for a period of two months.

17.3 A person is deemed to be connected to the former holder of a PL, if:

- The person is the personal representative in the event of the holder's death.
- In respect of someone who has become mentally incapable is acting under Section 6 of the Enduring Powers of Attorney Act 1985; or
- In the event of insolvency/bankruptcy is acting as an Insolvency Practitioner.
- Any other person prescribed by Regulation.

17.4 Interim Authority Notices must also be served on the Police within the seven-day period of being served on the Authority. Where required, the Police may raise an objection to the notice under the 'prevention of crime and disorder' Licensing Objective. The Authority will then hold a Hearing to consider the objection.

17.5 The Authority recognises the need to consider any objections in these circumstances quickly.

Appendix 1: Key locations in the Borough of West Lancashire



Appendix 2: Useful contacts

Licensing Service:

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

Telephone: 01695 585015

Email: licensing.enquiries@westlancls.gov.uk

Internet: www.westlancls.gov.uk/licensing

Crime and disorder:

Lancashire Constabulary

Licensing Unit: C Division

County Police Office, St Thomas's Road

Chorley Lancashire PR7 1DR

Telephone: 01257 246215

Email: centrallicensing@lancashire.pnn.police.uk

Fire Safety:

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

Planning:

West Lancashire Borough Council

Development Control Service

52 Derby Street, Ormskirk

Lancashire L39 2DF

Telephone: 01695 577177

Email: plan.apps@westlancls.gov.uk

Protection of children:

Lancashire County Council

Lancashire Safeguarding Children's Board Manager

Room B52, PO Box 61

County Hall

Preston

Lancashire PR1 8RJ

Trading Standards:

Lancashire County Council

Licensing

County Hall

Pitt Street

Preston

Lancashire PR1 0LD

Telephone: 01772 533569

Email: tsgeneralmail@lancashire.gov.uk

Director of Public Health:

Lancashire County Council

Licensing, Level 1 Christ Church Precinct

County Hall

Preston PR1 8XB

Telephone: 0300 123 6701

Email: PHLicensing@lancashire.gov.uk

Health & Safety, Statutory Nuisance, Community Safety:

Lyndsey Key – Environmental Health Manager

West Lancashire Borough Council

Robert Hodge Centre, Stanley Way, Skelmersdale

Lancashire WN8 8EE

Telephone: 01695 583236

Email: Lyndsey.key@lwestlancls.gov.uk

The Licensing Act 2003, except for regulated entertainment, is the responsibility of the Home Office. Regulated entertainment licensing law is controlled by the Department for Digital, Culture, Media and Sport.

The Home Office
2 Marsham Street
London SW1P 4DF

Telephone: 020 7035 4848

Email: alcohol@homeoffice.gsi.gov.uk

Internet: www.homeoffice.gov.uk

The Department for Digital, Culture, Media & Sport
2-4 Cockspur Street
London SW1Y 5DH

Telephone: 020 7211 6200

Email: enquiries@culture.gov.uk

Internet: www.culture.gov.uk



FEEDBACK REPORT

Licensing Act Policy

1. Executive Summary

Licensing Act

Between 14/10/2024 to 25/11/2024, the Council invited residents and those that have an interest in licensing to give their views on our draft Licensing Policy 2025.

2. Reason for the Consultation

To gather people's views on the draft policies in line with the Act.

3. Session Details

Digital survey opens from 04/10/2024 to 25/11/2024.

4. Feedback

Licensing Act

- **37** Completed surveys submitted.
- **100%** of surveys completed by a local resident. (37 responses)
- **72%** of respondents agree/strongly agree the policy contains sufficient detail and information for a good understanding of the Policy. (36 responses)
- **81%** of respondents feel the policy is fair to residents (37 responses)
- **91.5%** of respondents feel the policy is fair to licensed premises (35 responses)
- **33%** of respondents agree/strongly agree WLBC is effectively enforcing the legislation. It is worth noting that **51.5%** of respondents neither agree/disagree. (37 responses)

Respondents who answered disagree/strongly disagree were invited to tell us why, comments highlighted the following themes:

- Policy does not recognise the impact of loud music on residents
- Anti-social behaviour (outside of licensed premises, issues with spiking, violence, vaping, and abuse)
- **67%** of respondents said the Policy is easy to read/understand (36 responses)

Respondents who felt the policy was not easy to read were invited to tell us why, comments highlighted the following themes:

- Jargon not plain English.
- Too long (wordy)

Respondents were invited to provide any other comments on the policy. Themes identified similar to those above:

- Policy needs to be simplified (too long)
- Too many licensed in premises in Ormskirk
- Policy may not be adhered to in smaller villages.

Equality data

Top three age ranges of **37** participants responded to the survey.

- 65-74 (35%)
- 55-64 (32.5%)
- 45-54 (16%)

Gender split of **37** participants **51%** Female, **46%** Male, **3%** prefer not to say

Of **37** responses **30%** have a disability

There is further equality data that you can review in appendix 2.

5. Recommendations

- Consider the comments around the policy wording and length.
- Consider resident focus group to review the policy and make recommendations to simplify the policy and ensure written in plain English.

5. Appendix

1. Consultation data set- Excel

2. Consultation overview - PDF

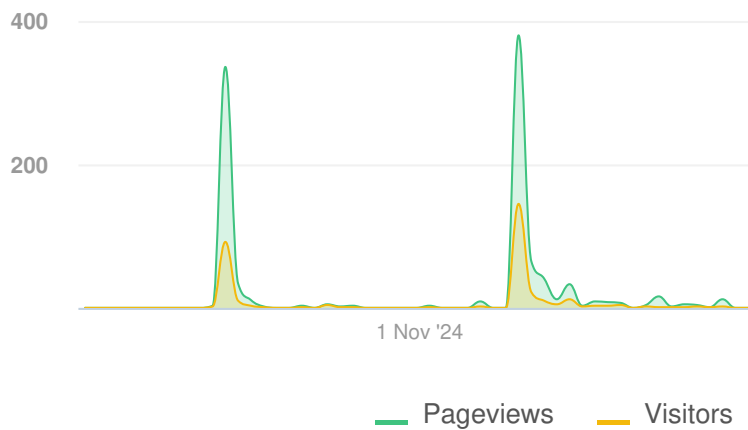
Project Report

21 September 2021 - 25 November 2024

Your Voice West Lancashire Licensing Act Policy 2025-2030



Visitors Summary

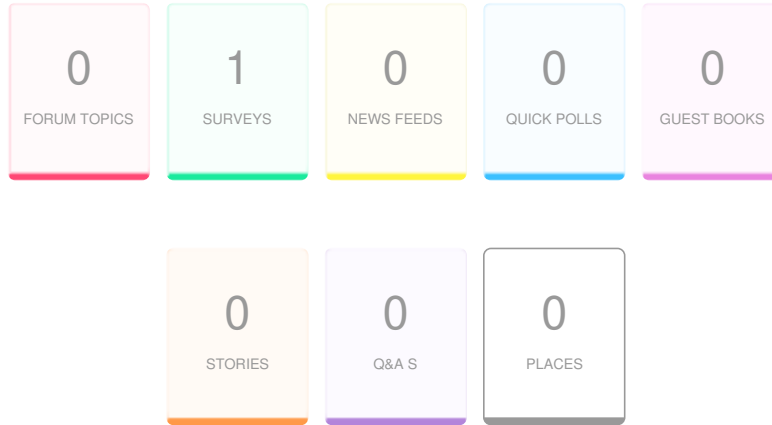


Highlights



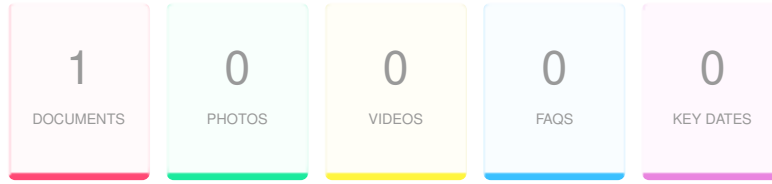
Aware Participants	310	Engaged Participants	37		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	310				
Informed Participants	177	Contributed on Forums	0	0	0
Informed Actions Performed	Participants	Participated in Surveys	37	0	0
Viewed a video	0	Contributed to Newsfeeds	0	0	0
Viewed a photo	0	Participated in Quick Polls	0	0	0
Downloaded a document	87	Posted on Guestbooks	0	0	0
Visited the Key Dates page	6	Contributed to Stories	0	0	0
Visited an FAQ list Page	0	Asked Questions	0	0	0
Visited Instagram Page	0	Placed Pins on Places	0	0	0
Visited Multiple Project Pages	143	Contributed to Ideas	0	0	0
Contributed to a tool (engaged)	37				

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Draft Licensing Policy 2025 - 2030	Archived	140	37	0	0

INFORMATION WIDGET SUMMARY



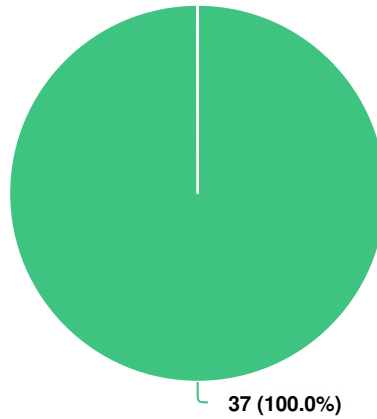
Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	WLBC LA03 Policy 2025 DRAFT.pdf	87	99
Key Dates	Key Date	6	6

ENGAGEMENT TOOL: SURVEY TOOL

Draft Licensing Policy 2025 - 2030

Visitors 140	Contributors 37	CONTRIBUTIONS 37
---------------------	------------------------	-------------------------

Do you consent for the Council to collate and process your feedback?



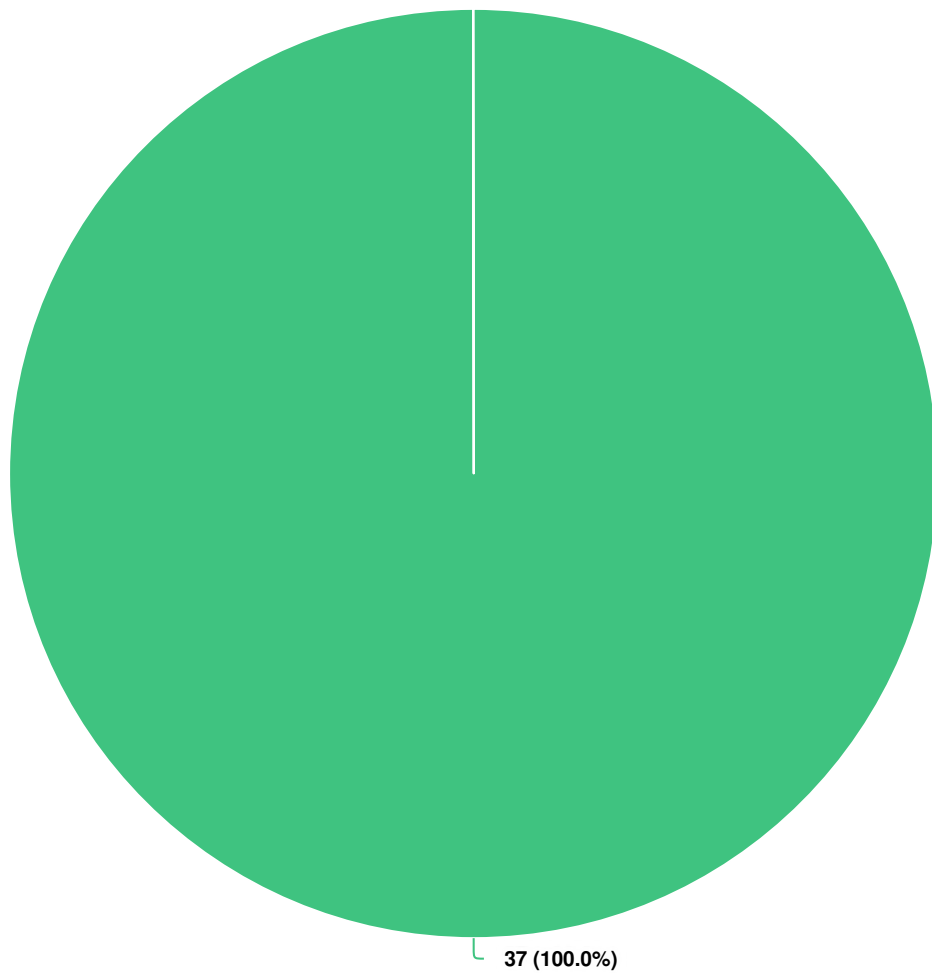
Question options

- Yes

Mandatory Question (37 response(s))

Question type: Radio Button Question

How best describes how you are responding to this consultation?



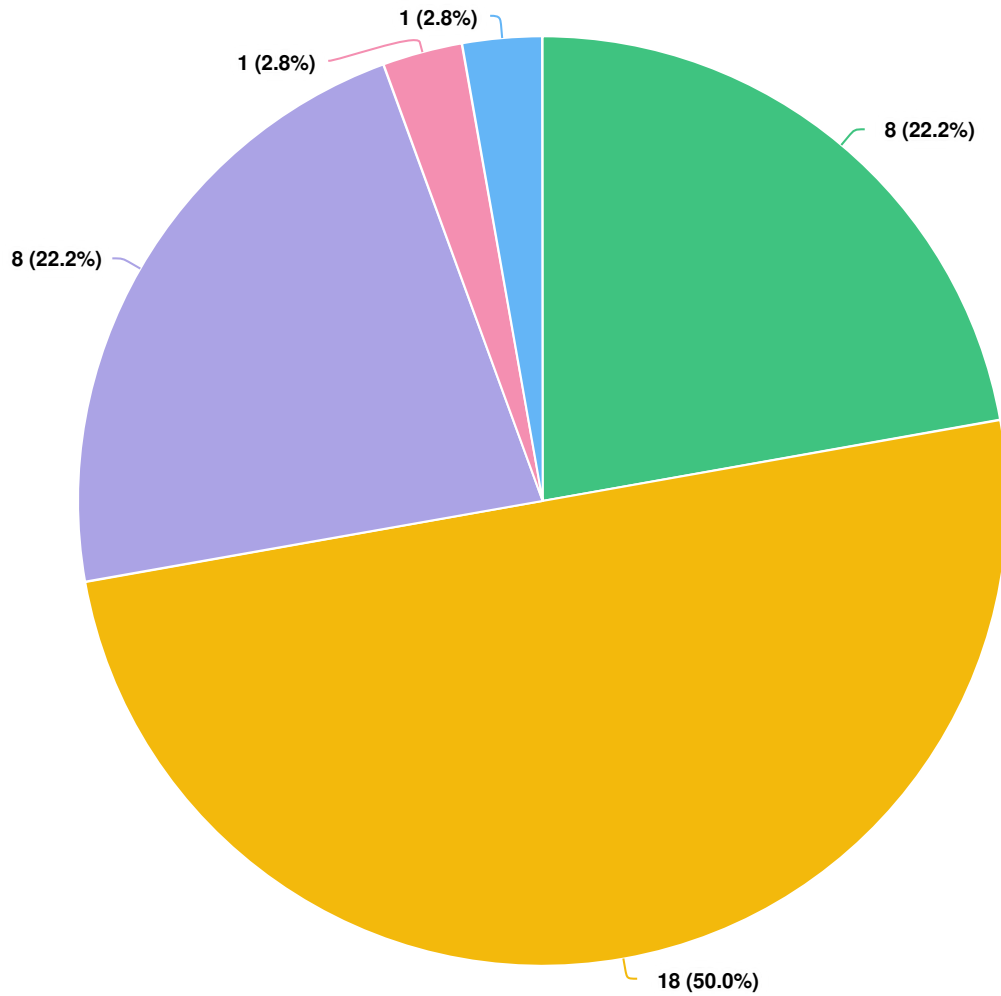
Question options

- A local resident

Optional question (37 response(s), 0 skipped)

Question type: Radio Button Question

I believe the Licensing Policy contains sufficient detail and information for a good understanding of the policy



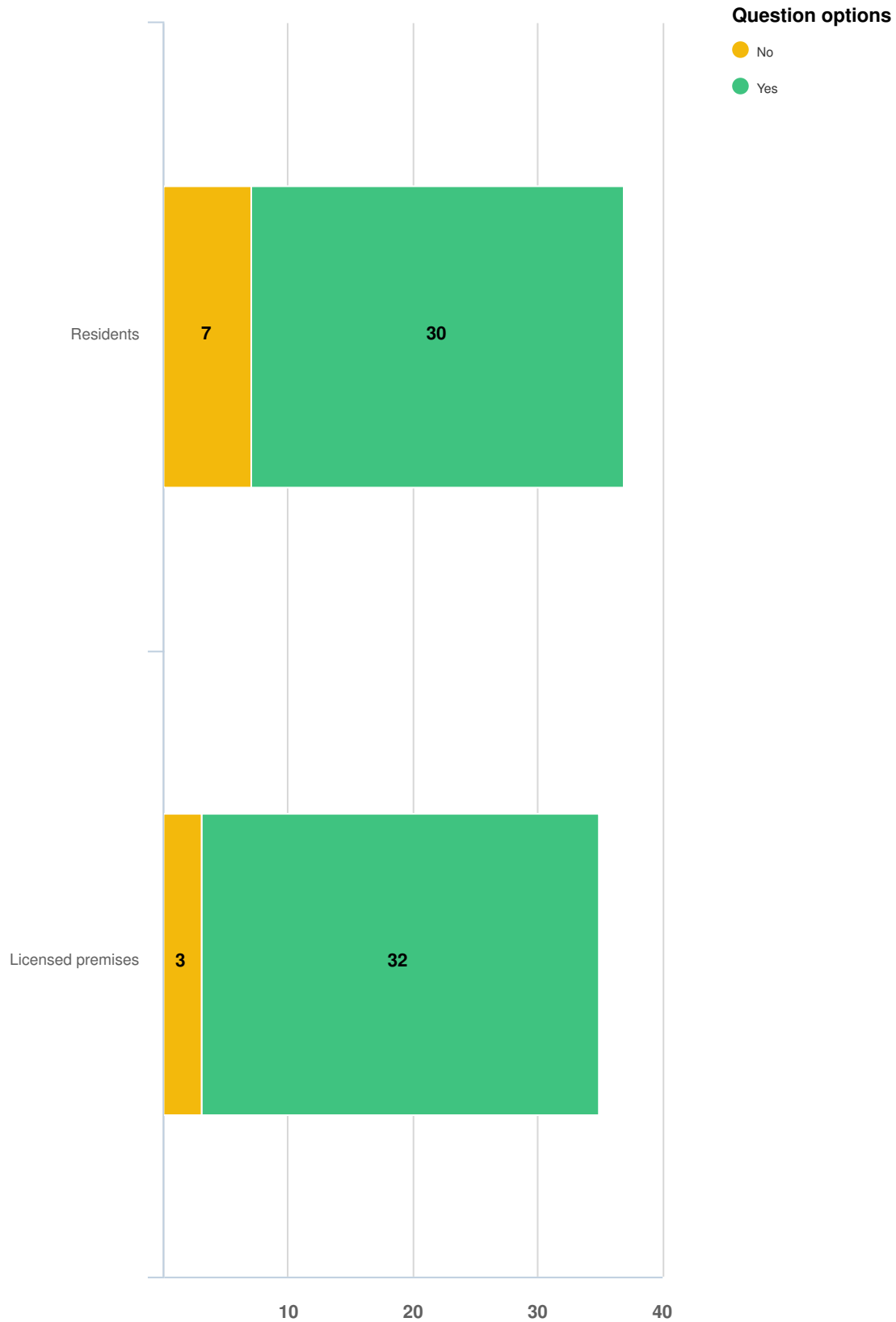
Question options

Strongly agree Agree Neither agree or disagree Disagree Strongly disagree

Optional question (36 response(s), 1 skipped)

Question type: Radio Button Question

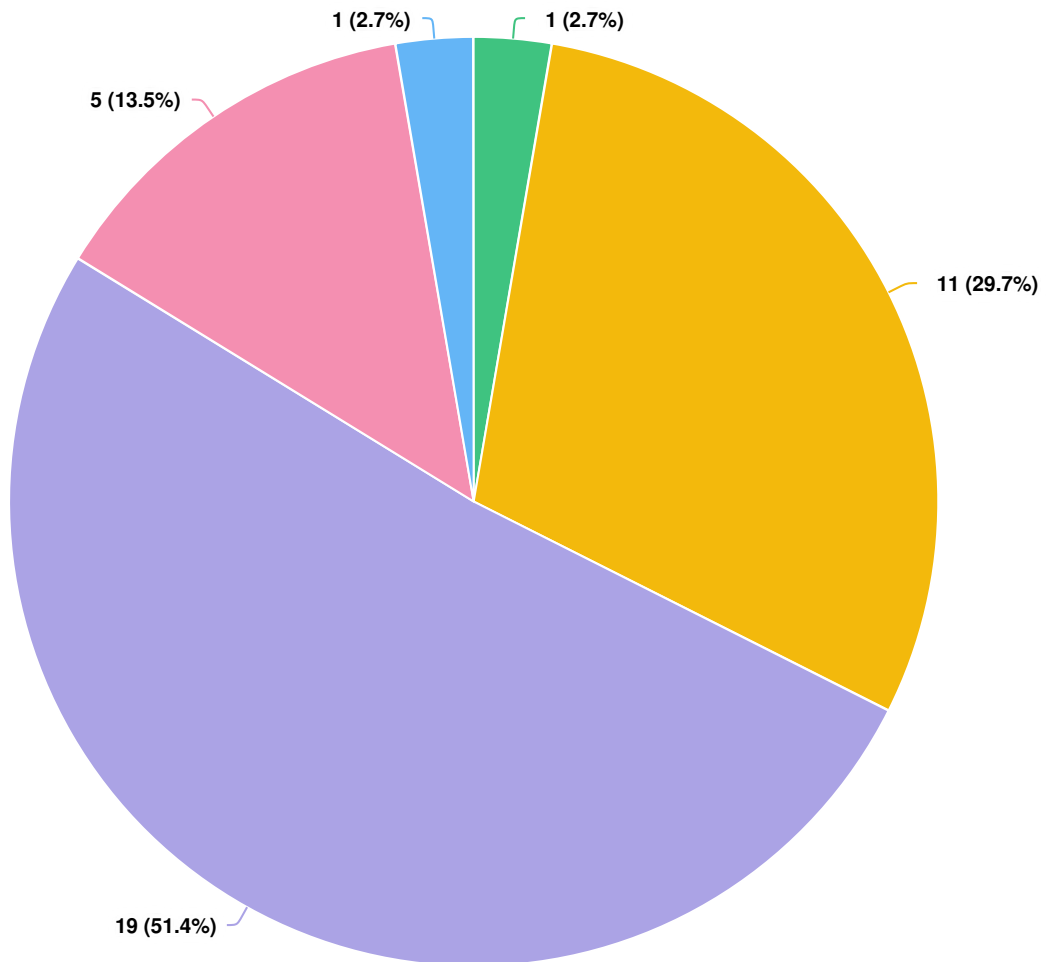
Do you consider the Licensing Policy to be fair to both



Optional question (37 response(s), 0 skipped)

Question type: Likert Question

To what extent do you agree that West Lancashire Borough Council is effectively enforcing the legislation in relation to the licensing policy?



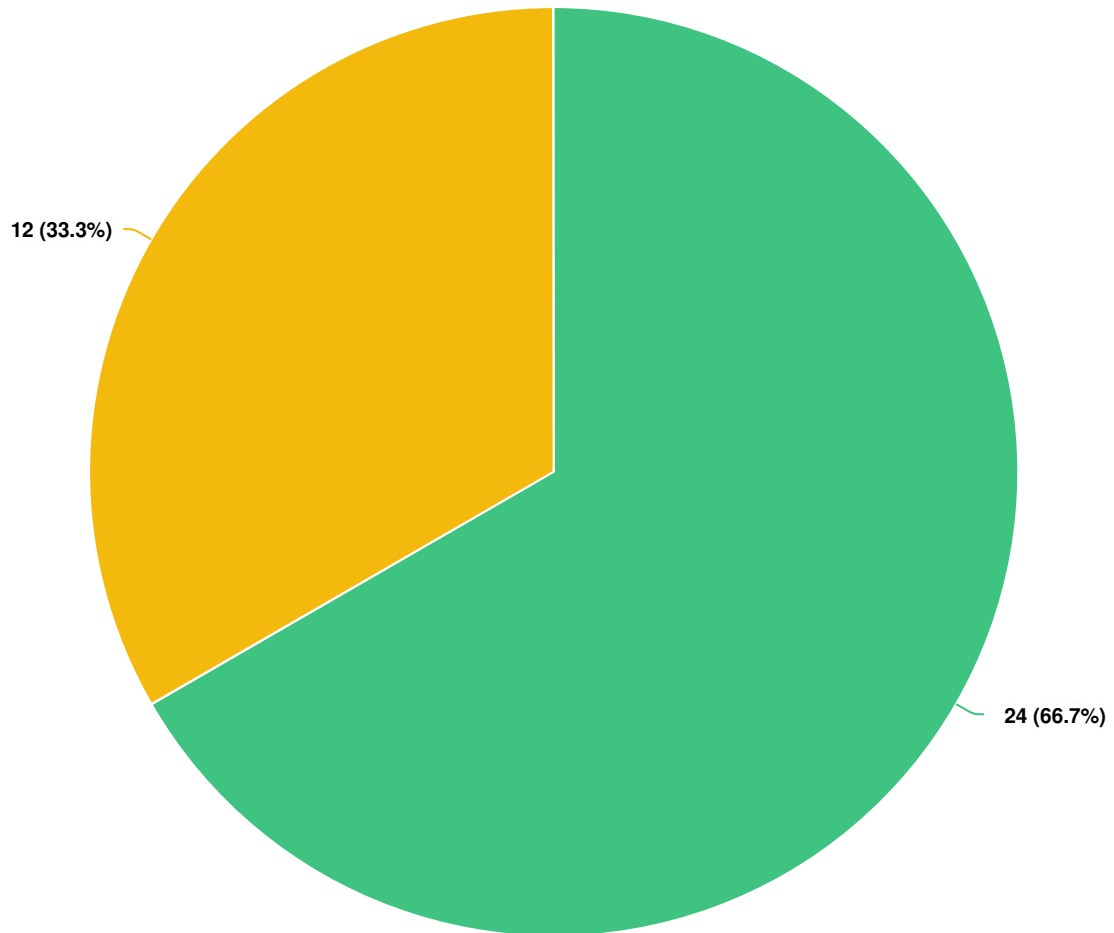
Question options

- Strongly disagree
- Disagree
- Neither agree or disagree
- Agree
- Strongly agree

Optional question (37 response(s), 0 skipped)

Question type: Radio Button Question

Is the Licensing Policy easy to read/understand?



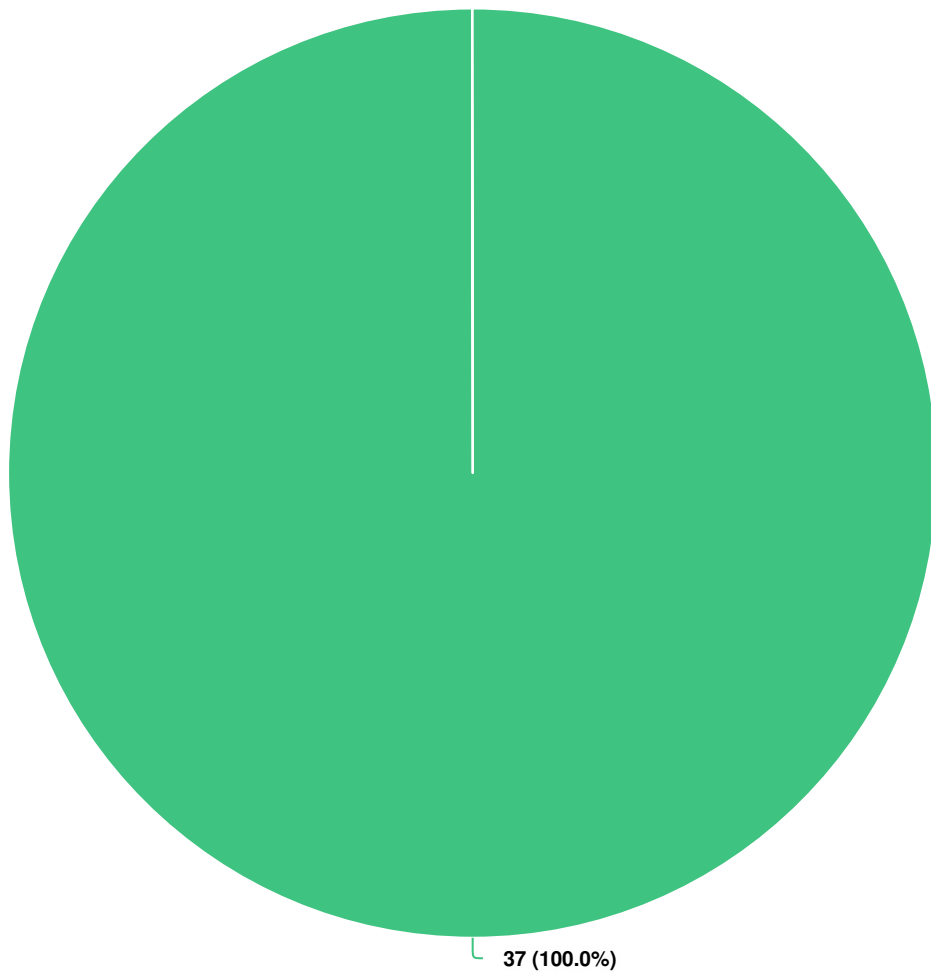
Question options

- No
- Yes

Optional question (36 response(s), 1 skipped)

Question type: Radio Button Question

Do you consent for the Council to collate your data for this purpose only?



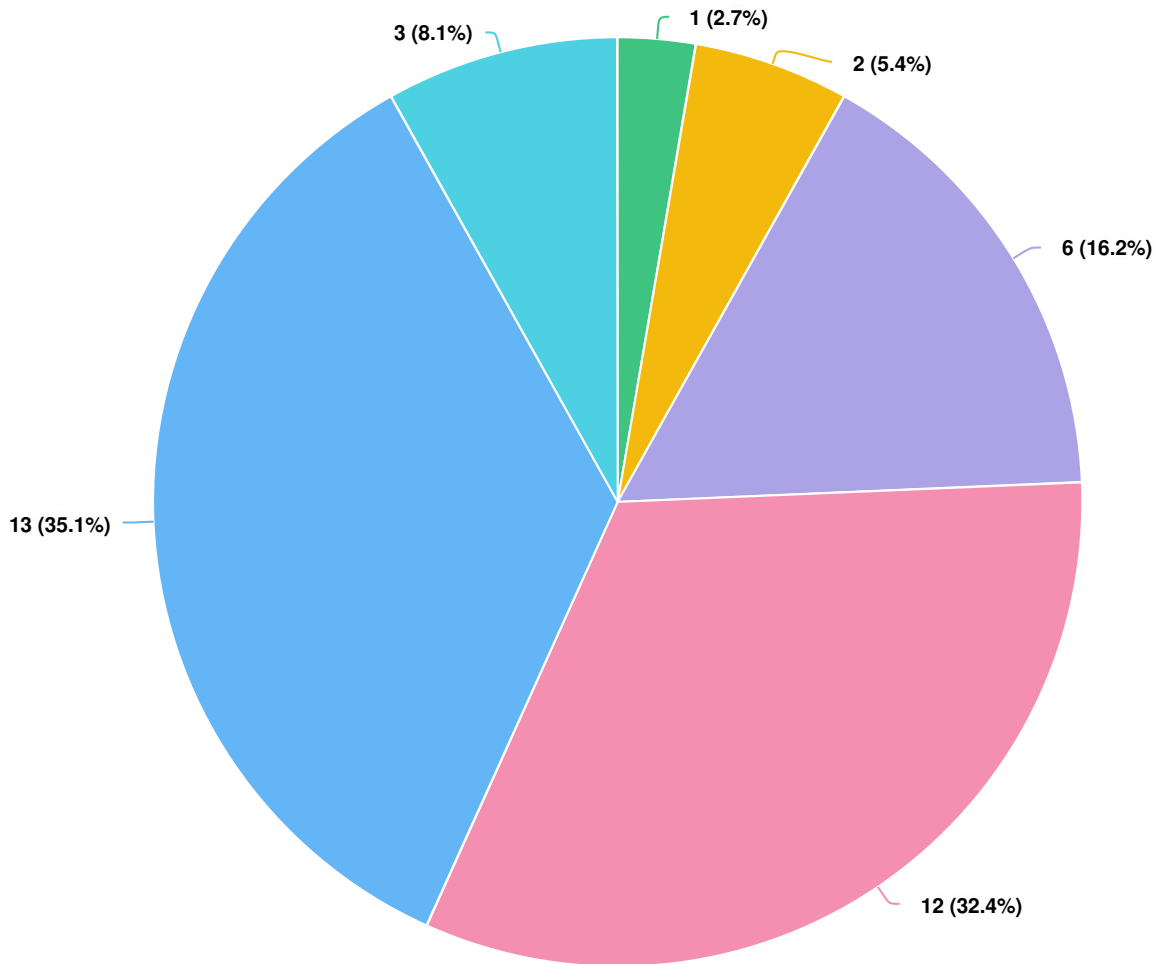
Question options

- Yes

Optional question (37 response(s), 0 skipped)

Question type: Radio Button Question

In which of the following age ranges are you?



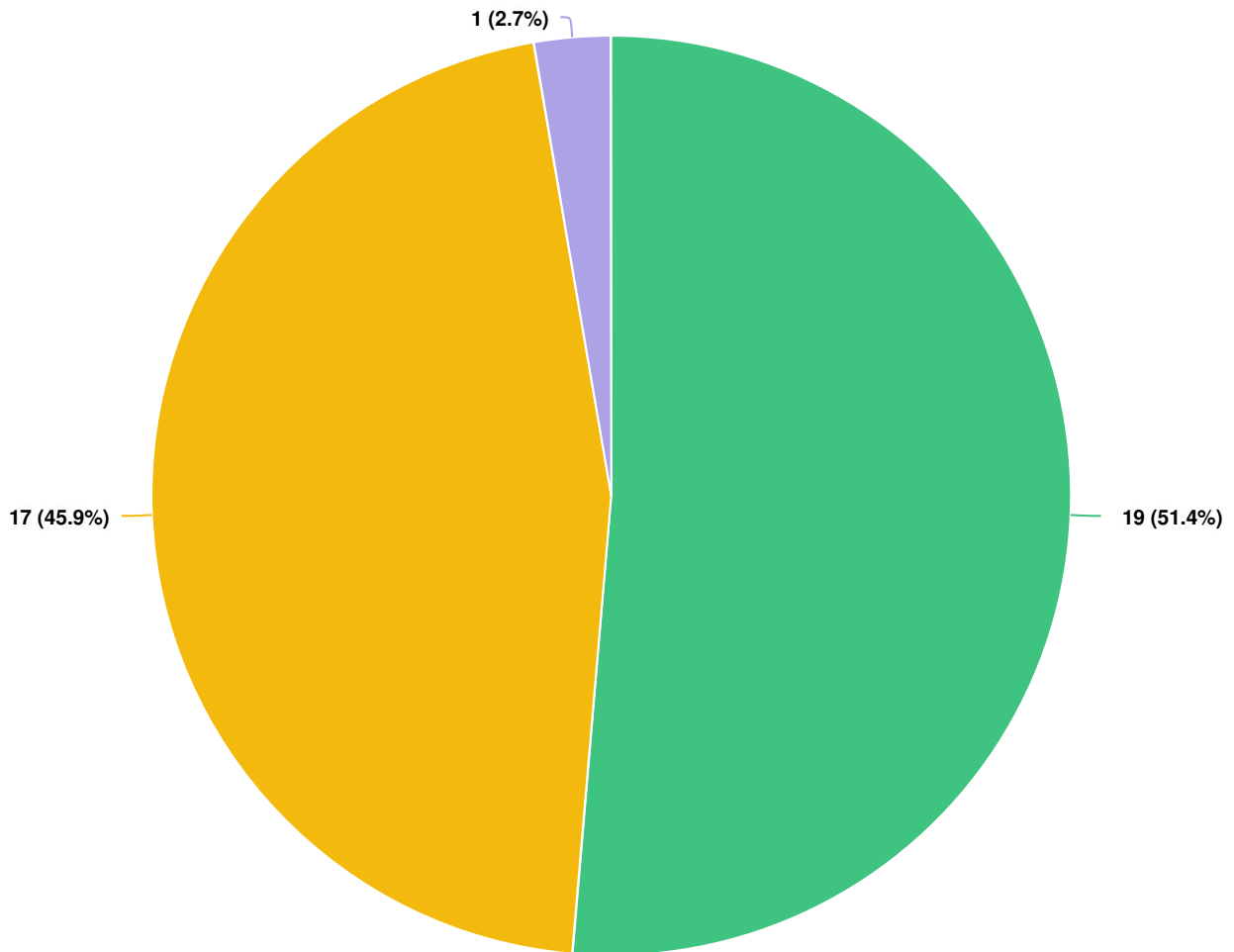
Question options

- 75-84
- 65-74
- 55-64
- 45-54
- 35-44
- 25-34

Optional question (37 response(s), 0 skipped)

Question type: Radio Button Question

What is your gender?



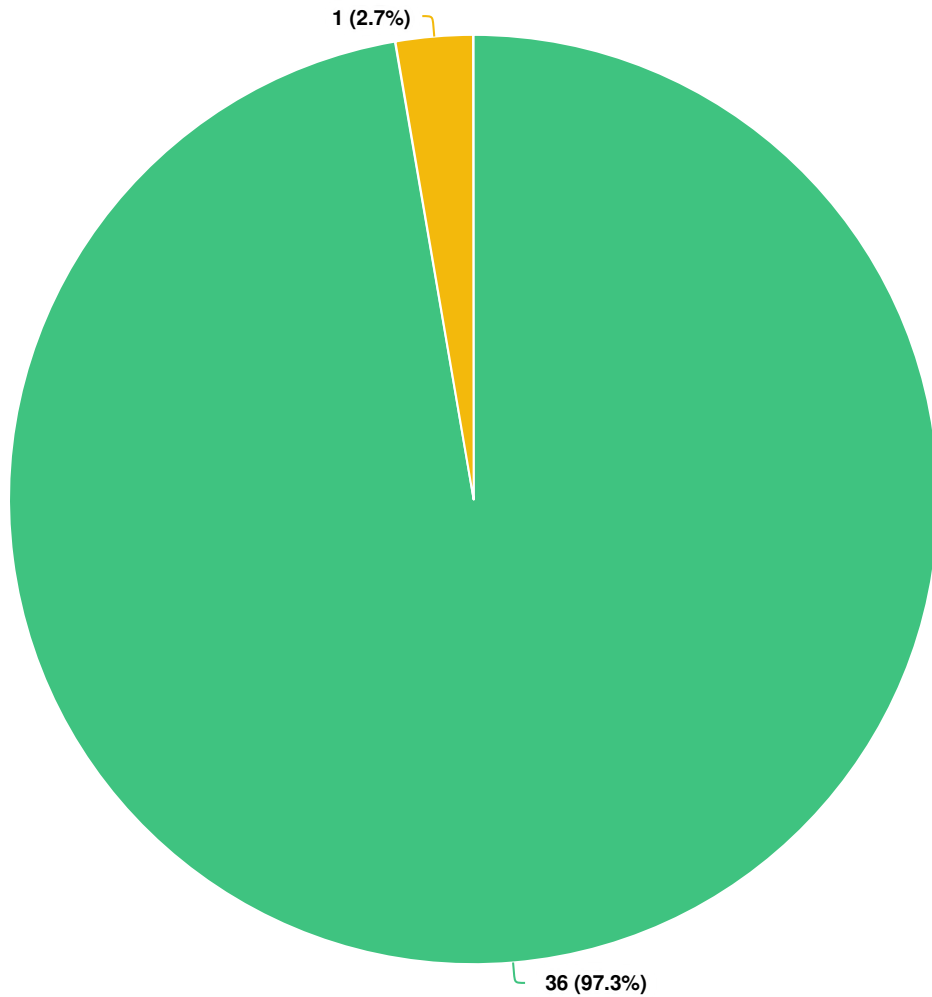
Question options

- Prefer not to say
- Male
- Female

Optional question (37 response(s), 0 skipped)

Question type: Radio Button Question

Is the gender you identify with the same as your gender registered at birth?



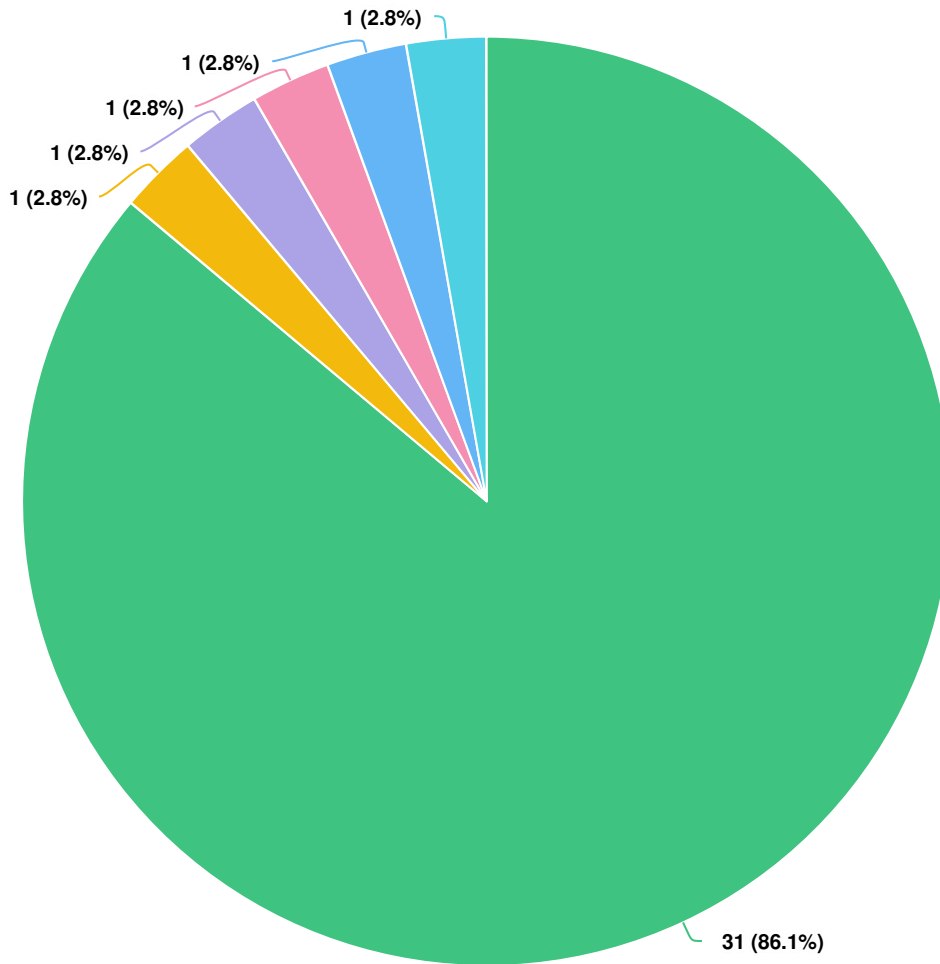
Question options

- No
- Yes

Optional question (37 response(s), 0 skipped)

Question type: Radio Button Question

What is your sexual orientation?



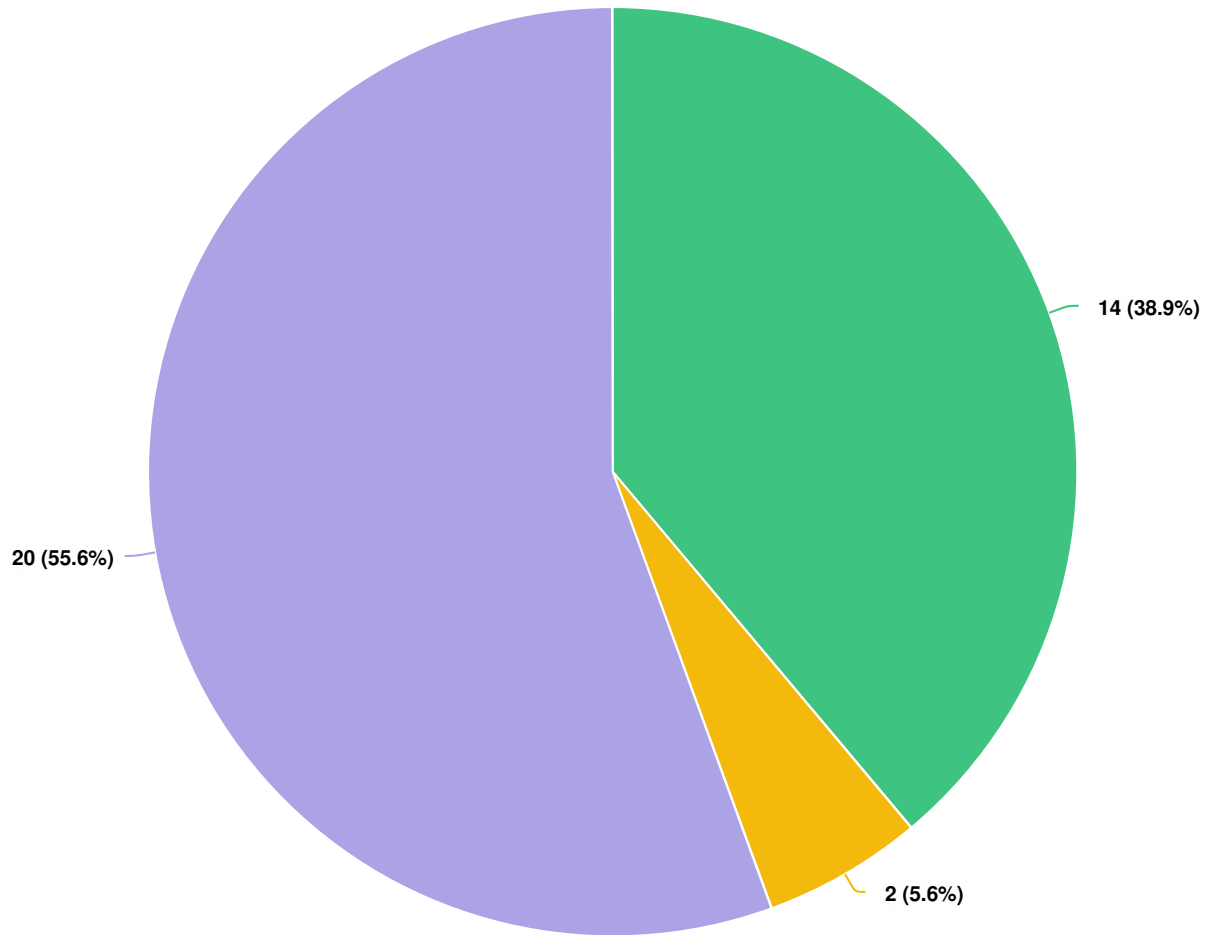
Question options

- Prefer not to say
- Undecided
- Asexual
- Lesbian
- Gay
- Heterosexual

Optional question (36 response(s), 1 skipped)

Question type: Radio Button Question

What is your religion?



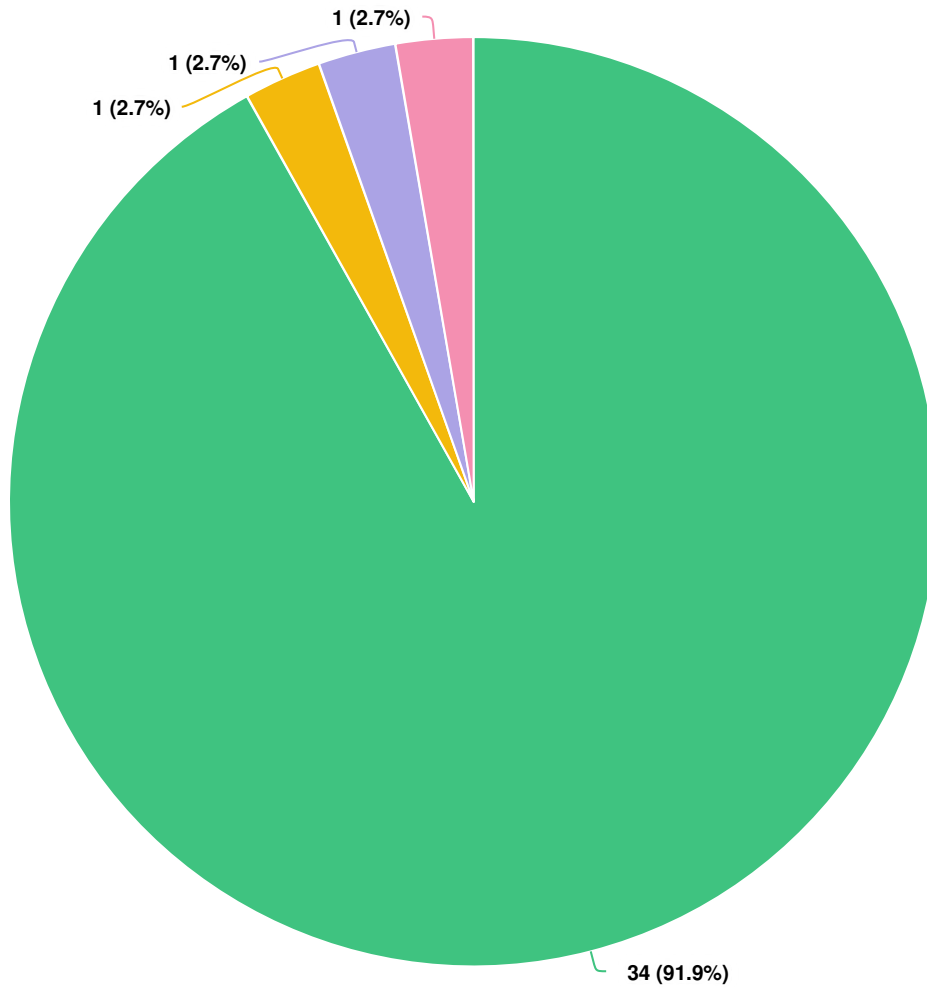
Question options

- Christian
- Buddhist
- No religion or belief

Optional question (36 response(s), 1 skipped)

Question type: Radio Button Question

What is your ethnicity? Ethnic origin is not about nationality, place of birth or citizenship. It is about the group to which you perceive you belong. To which of these groups do you consider you belong?



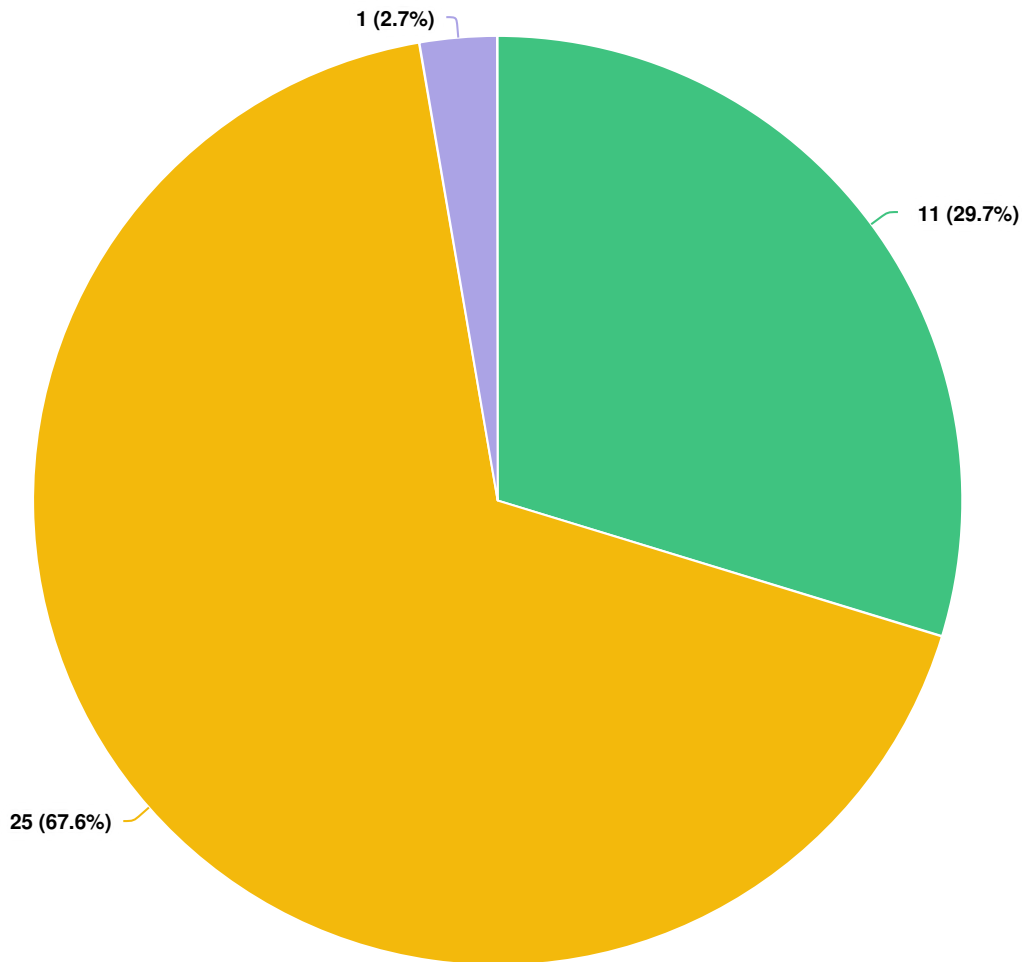
Question options

- Prefer not to say
- Other White background
- White Irish
- White - British/English/Scottish/Welsh/Northern Irish

Optional question (37 response(s), 0 skipped)

Question type: Radio Button Question

The Equality Act 2010 defines a disabled person as anyone who has had a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day to day activities. Do you have a disability as defined by th...



Question options

- Prefer not to say
- No
- Yes

Optional question (37 response(s), 0 skipped)

Question type: Radio Button Question



Agenda Item 20

AGENDA ITEM:

**LICENSING & GAMBLING
COMMITTEE:
3 DECEMBER 2024**

**COUNCIL:
11 DECEMBER 2024**

Report of: Assistant Director of Planning and Regulatory Services

Relevant Lead Member: Councillor G Dowling

**Contact for further information: Lyndsey Key (ext 3236)
(E-mail: Lyndsey.key@westlancs.gov.uk)**

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

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To approve the revised Statement of Licensing Policy required by the Gambling Act 2005.

2.0 RECOMMENDATIONS THE LICENSING AND GAMBLING COMMITTEE

2.1 That the Statement of Licensing Policy attached at Appendix 3 be endorsed, prior to submission to Council for final approval and publication.

3.0 RECOMMENDATIONS TO COUNCIL

3.1 That the Statement of Licensing Policy attached at Appendix 3 be approved.

3.2 That the Assistant Director of Planning and Regulatory Services be given delegated authority to publish and administer the Statement of Licensing Policy attached as Appendix 3 to this report.

4.0 BACKGROUND

4.1 Members of the Licensing and Gambling Committee will recall the report of 1 October 2024 attached as Appendix 2 to this report (excluding Appendices), which requested approval of a revised draft statement of Licensing Policy (the Policy).

- 4.2 In accordance with relevant legislation, the draft Policy was subject to public consultation between 14th October 2024 and 25th November 2024. Relevant statutory consultees were contacted directly in writing, requesting their comments on the draft statement.

5.0 ISSUES

- 5.1 An analysis of the consultation responses can be found in Appendix 4.
- 5.2 Final approval of the Policy must be granted by Council as the Act prevents this from being delegated to the Licensing and Gambling [or any other] Committee. In order for the Council to function as Licensing Authority under the Act, the revised Statement of Licensing Policy attached at Appendix 3 to this report must be approved for publication and use.
- 5.3 The Licensing and Gambling Committee is requested to review Appendix 3 and determine whether the draft document be approved. Subject to the draft Policy being approved by Licensing and Gambling Committee on 3rd December 2024, Council is requested to approve the Policy and approve on 11th December 2024.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 The legislation and policy has the potential to impact upon many areas within the Community, particularly upon the leisure time of the public of West Lancashire. They also serve as a means to address crime or the fear of crime through the focus on any potential offences associated with regulated activities under the Act.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no financial implications associated with this report.

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.

9.0 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 Gambling is a legitimate leisure activity that many people enjoy. However, the controls contained in the legislation and policy are needed to balance this against the wider negative impacts that problem gambling can create. This includes direct links to poverty, ill health, adverse family relationships, and the psychological and social impact on the vulnerable and/or children.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

None.

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: 1 October 2024 and related minutes
3. Gambling Act 2005: Statement of Licensing Policy 2025
4. Consultation response analysis

Appendix 1

<h1>Equality Impact Assessment Form</h1>	
Directorate: Planning and Regulatory Services	Service: Licensing
Completed by: Lyndsey Key	Date: 20/11/24
Subject Title: APPROVAL OF STATEMENT OF LICENSING POLICY AND AUTHORISATIONS REQUIRED BY THE GAMBLING ACT 2005	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	*delete as appropriate 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:	
<p><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></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	*delete as appropriate 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)?	Licensing Authorities, Responsible Authorities, gambling trade, service users, and members of the public.



<p>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)?</p>	<p>All sections of the public and businesses that use or operate the licences relevant to the Policy contained in this report.</p>
<p>Which of the protected characteristics are most relevant to the work being carried out?</p> <p>Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity</p>	<p><i>*delete as appropriate</i></p> <p>No No No No No No No No No No</p>
<p>4. DATA ANALYSIS</p>	
<p>In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?</p>	<p>All sections of the public and businesses that use or operate the licences relevant to the Policy contained in this report.</p>
<p>What will the impact of the work being carried out be on usage/the stakeholders?</p>	<p>The draft Policy has been subject to consultation and the responses have been considered in compiling the final document.</p>
<p>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?</p>	<p>The draft Policy has been subject to consultation and the responses have been considered in compiling the final document.</p>
<p>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?</p>	<p>The draft Policy has been subject to consultation and the responses have been considered in compiling the final document.</p>
<p>If any further data/consultation is needed and is to be gathered, please specify:</p>	<p>N/A</p>
<p>5. IMPACT OF DECISIONS</p>	
<p>In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?</p>	<p>None.</p>
<p>6. CONSIDERING THE IMPACT</p>	
<p>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.).</p>	<p>N/A</p>

<p>What actions do you plan to take to address any other issues above?</p>	<p>No actions.</p> <p><i>If no actions are planned state no actions</i></p>
<p>7. MONITORING AND REVIEWING</p>	
<p>When will this assessment be reviewed and who will review it?</p>	<p>The Gambling Act requires that the Policy be reviewed every 3 years. This assessment will be reviewed at that time.</p>



Gambling Act 2005

Statement of Licensing Policy

January 2025

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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 to regulate gambling in the public interest:

- 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.

1.4 This Statement of Licensing Policy applies to the Borough of West Lancashire. A map detailing the key locations in the Borough is provided at Appendix 1. The Local Area Profile for the Borough is provided at Appendix 2.

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 way the Authority will have regard to 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 2025, and shall remain in effect for three years; therefore, this Statement will be reviewed in January 2028. 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 Environmental Health Manager 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. However, it should be noted that the Authority has passed on 'no casino' resolution under Section 166(1) of the Act – Section 15.0.
- 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 the Borough 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 4.

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 14th October 2024 and 25th November 2024 and followed best practice issued by the Department for Business, Energy and Industrial Strategy.

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 4.

3.13 This Statement was approved at a meeting of the Licensing and Gambling Committee on **XXXX** and Council on **XXXX**. It was published on the Council's website on **XXXX**, prior to the required date of 3 January 2025, and is available from the Council's Licensing Service at the address given in Appendix 4.

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

Lyndsey Key – Environmental Health Manager
Robert Hodge Centre, Stanley Way, Skelmersdale, Lancashire WN8 8EE
Telephone: 01695 583236
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 3 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 Those organisations that the Authority may consider having business interests will be interpreted widely and could include partnerships, charities, faith groups and medical practices.

5.7 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.

5.8 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 application. If there are any doubts, please contact the Council’s Licensing Service using the contact details given at Appendix 4.

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 General Data Protection Regulation (Data Protection Act 2018) will not be contravened and that the requirements of the Freedom of Information Act 2000 will be adhered to. Privacy Notices relating to any information provided to the Authority in the exercise of its duties under the Act are available at www.westlancs.gov.uk/licensing. However, it should be noted that 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.
- 6.3** 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.
- 6.4** Where any protocols are established to facilitate such exchange of information, these will be made available from the Licensing Service using the details provided at Appendix 4.

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 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:** The Authority will only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised.
- **Accountable:** The Authority will justify its decisions and be subject to public scrutiny.
- **Consistent:** The Authority's rules and standards will be joined up and implemented fairly.
- **Transparent:** The Authority should be open, and keep regulations simple and user friendly; and
- **Targeted:** The Authority's 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 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 4.

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 6.0).
- 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 as soon as possible 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 Licensing Objectives and all other relevant legislation and the Guidance.
- 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; conditions will not relate to matters that are the subject of other legislation.

PART B: OPERATIONAL REQUIREMENTS

11.0 General Principles

11.1 Each case will be determined on its merits. 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 the public interest and:

- 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)

Conditions

11.5 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, the type of licence applied for and any associated risks.
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

11.6 Decisions upon individual conditions will be made on a case by case basis. However, there are several 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.

12.0 Safeguarding Requirements

12.1 The Council has formulated a Safeguarding Policy and operates a Lead Officer Group to coordinate its response and responsibilities in respect of children and vulnerable adults to provide a simple / clear pathway to report any safeguarding issues / concerns.

12.2 In respect of its duties under the Act that relate to safeguarding, the Council's Licensing Service is represented on the Lead Officer Group. Any operational safeguarding issues can be raised to Responsible Authorities through the Multi Agency Licensing Team (MALT) and/or to other partner agencies through the Lead Officer Group.

12.3 Accordingly, the Authority expects operators to address safeguarding risks directly in relevant applications through their Local Risk Assessments. See Section 13.0.

12.4 In order that the Authority can be best placed to address local safeguarding issues [and not to duplicate and/or carry out the functions of the Commission], where requested, Operators will provide to the Authority with details (where available) of:

- Results of any underage testing carried at licensed premises within the Borough.
- Details of where a child or young person repeatedly attempts to gamble at licensed premises within the Borough.

12.5 Operators are also encouraged to engage with Lancashire County Council Social Services Safeguarding Children's and Adult's Boards to obtain guidance on identifying vulnerable groups and what can be done to reduce the risks to these groups. Contact details are given at Appendix 3 and are also available at www.westlancs.gov.uk/licensing

13.0 Local Risk Assessments

- 13.1** The Licence Conditions and Codes of Practice issued by the Commission require operators to consider local risks to the Licensing Objectives posed by the provision of gambling facilities and to operate control measures to mitigate those risks. The Authority will expect operators to undertake these Local Risk Assessments (LRAs) in accordance with the requirements of the Commission and this Statement. This would include the need to refer to the requirements for safeguarding in Section 12.0 and the Local Area Profile provided at Appendix 2.
- 13.2** Accordingly, all operators must undertake an LRA in accordance with this Statement. Operators must also submit an LRA to the Authority with any new or variation application. LRAs must also be reviewed when changes in the local environment to the respective premises warrant the LRA to be conducted again.
- 13.3** LRAs must be kept at the individual premises to which they relate and must be available for inspection by the Authority.
- 13.4** LRAs will be determined to a large extent by 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 LRAs to precisely and clearly specify the methods by which the operator will promote the Licensing Objectives and address the specific issues relating to the nature and location of the premises.
- 13.5** LRAs will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.
- 13.6** As a minimum, all LRAs must consider:
- The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather.
 - The demographics of the area in relation to vulnerable groups - for example hospitals, residential care homes, Council housing offices, drug and/or alcohol dependency services, unemployment, homelessness and/or other gambling premises.
 - How vulnerable people, including people with gambling dependencies and/or financial difficulties are protected;
 - Whether the premises is in an area subject to high levels of crime and/or disorder.
 - Age verification policies.
 - The proximity of machines to the entrance door.

- Consideration of line of sight from any staff counter to gambling machines.
- Details of exclusions, self-exclusions, and incidences of underage gambling.

13.7 In considering the above matters, the following are examples of operational controls that LRAs may need to consider:

- Suitable staff provision.
- CCTV.
- Door supervisors.
- Supervision of entrances / machine areas.
- Physical separation of areas.
- Location of entry.
- Notices / signage.
- Ensuring that any promotional material does not encourage the use of the premises by children or young people if they are not legally allowed to do so.
- 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.

13.8 If children are allowed to enter licensed premises, it is important 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, LRAs 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.

Premises Plans

13.9 Any plans that accompany an application should not simply provide an outline of the licensed premises and the exit points. Plans should include sufficient detail resulting from the LRA. For example, the plan should include details of the location of the gaming machines and staff counter(s).

Numbers of machines

13.10 LRAs 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.

13.11 The Authority may 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 where LRAs do not provide sufficient safeguards.

14.0 Requirements for Specific Premises

Unlicensed Family Entertainment Centre Gaming Machine Permits

- 14.1** 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 of the Act).
- 14.2** 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.
- 14.3** 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.
- 14.4** 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

- 14.5** 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.
- 14.6** However, the Authority can remove the automatic authorisation in respect of any 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.

14.7 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. Regarding the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

14.8 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 the Code of Practice for gaming machines in alcohol licensed premises and/or the Code of Practice for equal chance gaming in alcohol licensed premises, both issued by the Commission.

Prize Gaming Permits

14.9 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.

14.10 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

14.11 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.

14.12 The matters detailed in paragraphs 13.7 and 13.8 are also relevant. 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

14.13 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.

14.14 The Authority will have 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.

14.15 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.

14.16 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.

14.17 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.

Fairs

- 14.18** 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.
- 14.19** The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 14.20** 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

- 14.21** 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 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.
- 14.22** 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.

15.0 Casinos

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

16.0 Provisional Statements

16.1 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.

16.2 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 considered 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.

16.3 The Authority will not consider 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.

17.0 Reviews

17.1 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. Whilst each case will be determined on its merits, this will be assessed based on 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, suitable reference to the details contained in the Local Area Profile and the requirements for Local Risk Assessments.

17.2 The Authority can also initiate a review of a licence based on any reason that it considers is appropriate.

APPENDICES

Appendix 1: Map detailing key locations in West Lancashire



Appendix 2: Local Area Profile

General

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 117,400 (National Census 2021) 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.

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.

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.

If the Authority is mindful to make any specific decision that states any area(s) where gambling premises should not be located, this Local Area Profile will be updated separately from this Statement.

Location and demand for premises

The Authority will 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 and/or other facilities frequented by children and young people.
- Vulnerable adult centres.
- Residential areas where there may be a high concentration of families and children.
- Services treating gambling addiction, substance misuse.
- Existing gambling outlets, pawnbrokers and pay day loan outlets.
- An area of known deprivation.
- Foodbank locations.
- An area with known high levels of organised crime and/or disorder and nuisance.

Appendix 3: List of Responsible Authorities

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

- The Licensing Authority in whose area the premises are wholly or mainly situated (“West Lancashire Borough Council”).
- The Gambling Commission.
- Lancashire Constabulary.
- Lancashire Fire and Rescue Service.
- Development Management Team, Planning Services, West Lancashire Borough Council.
- Environmental Protection Service, West Lancashire Borough Council.
- Children and Young Persons Division, Lancashire County Council.
- HM Customs and Excise.

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

Telephone: 01257 246215
Email: centrallicensing@lancashire.pnn.police.uk

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

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

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

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

Principal Environmental Health Officer
(Environmental Protection)
West Lancashire Borough Council
Robert Hodge Centre, Stanley Way, Skelmersdale
Lancashire WN8 8EE

Telephone: 01695 577177
Email: envprotection@westlancs.gov.uk

HM Revenue and Customs - Excise Written
Enquiries Team
Ground Floor, Portcullis House
21 India Street
Glasgow
G2 4PZ
Telephone: 0300 200 3700

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

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Telephone: 0121 230 6666
Email: info@gamblingcommission.gov.uk

Appendix 4: 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 585015
Email: licensing.enquiries@westlancls.gov.uk
Webpage: www.westlancls.gov.uk/licensing

Information on the Gambling Act 2005 is also available from:

The Department for Digital, Culture, Media and Sport
100 Parliament Street,
London SW1A 2BQ
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 6666
Email: info@gamblingcommission.gov.uk



FEEDBACK REPORT

Gambling Act Policy

1. Executive Summary

Licensing Act

Between 14/10/2024 to 25/11/2024, the Council invited residents, businesses and responsible authorities and partner agencies to give their views on our draft Licensing Policy 2025-2028.

2. Reason for the Consultation

To gather people's views on the draft policies in line with the Act.

3. Session Details

Digital survey opens from 04/10/2024 to 25/11/2024.

4. Feedback

Licensing Act

- **30** Completed surveys submitted.
- **90%** of surveys completed by a local resident. (30 responses)
- **58.5%** of respondents have a L postcode, **38%** WN postcode, **3.5%** EC postcode
- **80%** of respondents agree/strongly agree the policy contains sufficient detail and information for a good understanding of the Policy. (30 responses)
Respondents who answered disagree/strongly disagree where asked to tell us why, only a few comments were provided with no reoccurring themes identified.
- **73%** of respondents feel the policy is fair to residents (30 responses)
- **93%** of respondents feel the policy is fair to licensed premises (30 responses)
- **63.5%** of respondents agree/strongly agree with the way WLBC meet the prevention of gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime? It is worth noting that **27%** of respondents neither agree/disagree. (30 responses)
Respondents who answered disagree/strongly disagree where invited to tell us why, comments highlighted the following themes:
 - Gambling is increasing anti-social behaviour and crime
 - No further licenses should be approved/blanket ban on gambling machines

- **60%** of respondents agree/strongly agree that the Gambling Policy will be effective in ensuring that gambling is conducted in a fair and open way? It is worth noting that **27%** of respondents neither agree/disagree. (30 responses)

Respondents who answered disagree/strongly agree were invited to tell us why, comments highlighted the following themes:

- Gambling should not be encouraged
- Gambling brings no benefits for residents
- **53.5%** of respondents agree/strongly agree that the Gambling Policy does enough to help protect children and other vulnerable people from being harmed or exploited by gambling? It is worth noting that **33.5%** of respondents neither agree/disagree (30 responses)

Respondents who answered disagreed/strongly disagree feel some establishments are not acting responsibly and feel unsure whether the Council can enforce the policy

- **87%** of respondents said the Policy is easy to read/understand (30 responses)

Respondents who felt the policy was not easy to read were invited to tell us why, comments highlighted the following themes:

- Policy is vague and complicated
- Too long (wordy) and needs to be simplified.

Respondents were also invited to provide any other comments on the policy. Only a few comments were provided with no recurring themes identified.

Equality data

Top three age ranges of **30** participants responded to the survey.

- 65-74 (33.5%)
- 55-64 (27%)
- 75-84 (13.5%)

Gender split of **30** participants **50%** Female, **43%** Male, **3.5%** Non-binary and **3.5%** prefer not to say

Of **30** responses **33%** have a disability

There is further equality data that you can review in appendix 2.

5. Recommendations

- Consider the comments around the policy wording and length.
- Consider resident focus group to review the policy and make recommendations to simplify the policy and ensure written in plain English.

5. Appendix

1. Consultation data set- Excel

2. Consultation overview - PDF

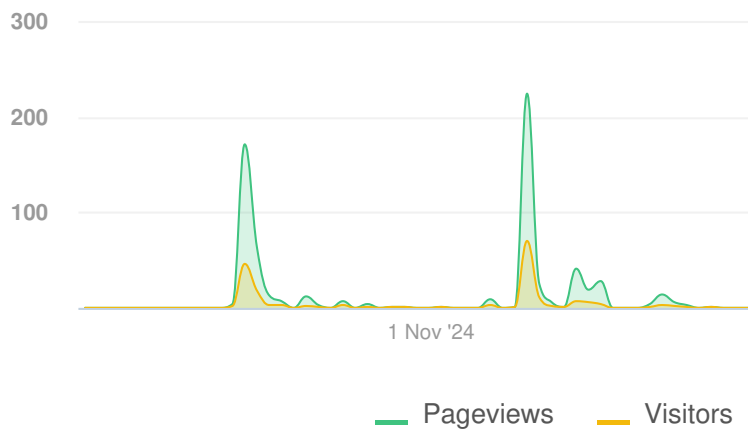
Project Report

21 September 2021 - 25 November 2024

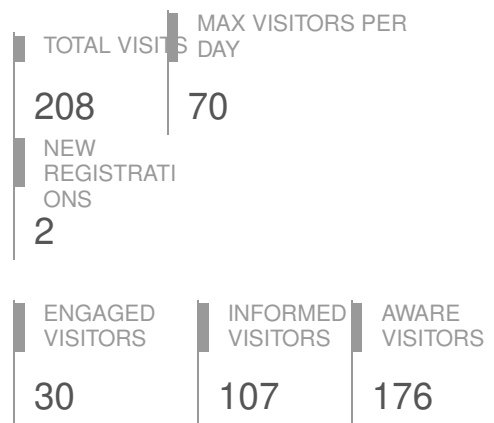
Your Voice West Lancashire Gambling Act Policy 2025-2028



Visitors Summary

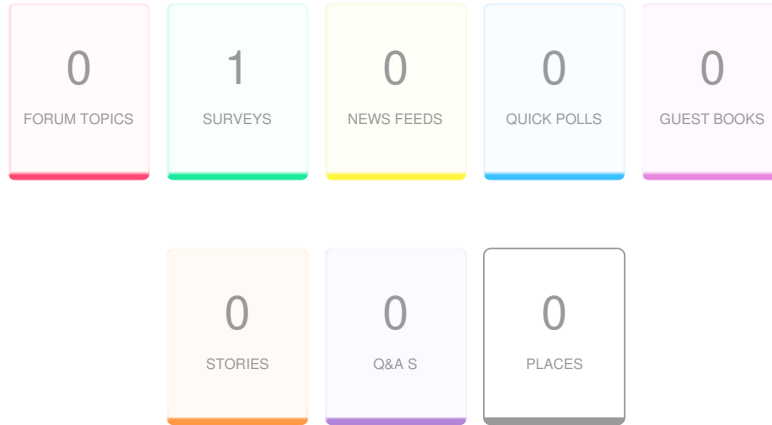


Highlights



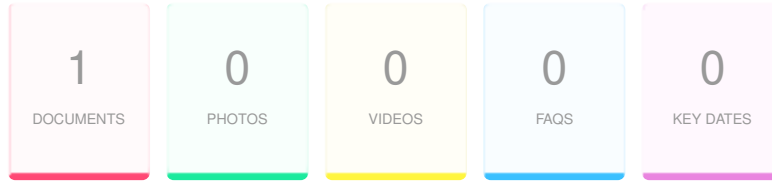
Aware Participants	176	Engaged Participants	30		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	176				
Informed Participants	107	Contributed on Forums	0	0	0
Informed Actions Performed	Participants	Participated in Surveys	30	0	0
Viewed a video	0	Contributed to Newsfeeds	0	0	0
Viewed a photo	0	Participated in Quick Polls	0	0	0
Downloaded a document	51	Posted on Guestbooks	0	0	0
Visited the Key Dates page	5	Contributed to Stories	0	0	0
Visited an FAQ list Page	0	Asked Questions	0	0	0
Visited Instagram Page	0	Placed Pins on Places	0	0	0
Visited Multiple Project Pages	77	Contributed to Ideas	0	0	0
Contributed to a tool (engaged)	30				

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Draft Gambling Policy 2025 - 2028	Archived	94	30	0	0

INFORMATION WIDGET SUMMARY



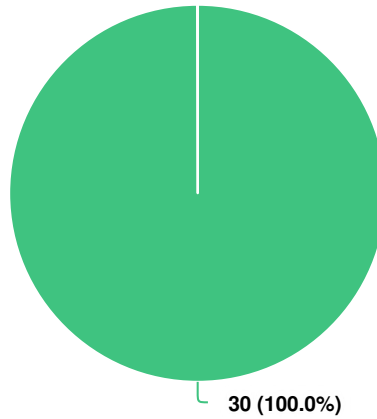
Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	GA05 Policy 2025 DRAFT.pdf	51	57
Key Dates	Key Date	5	5

ENGAGEMENT TOOL: SURVEY TOOL

Draft Gambling Policy 2025 - 2028

Visitors 94	Contributors 30	CONTRIBUTIONS 30
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Do you consent for the Council to collate and process your feedback?



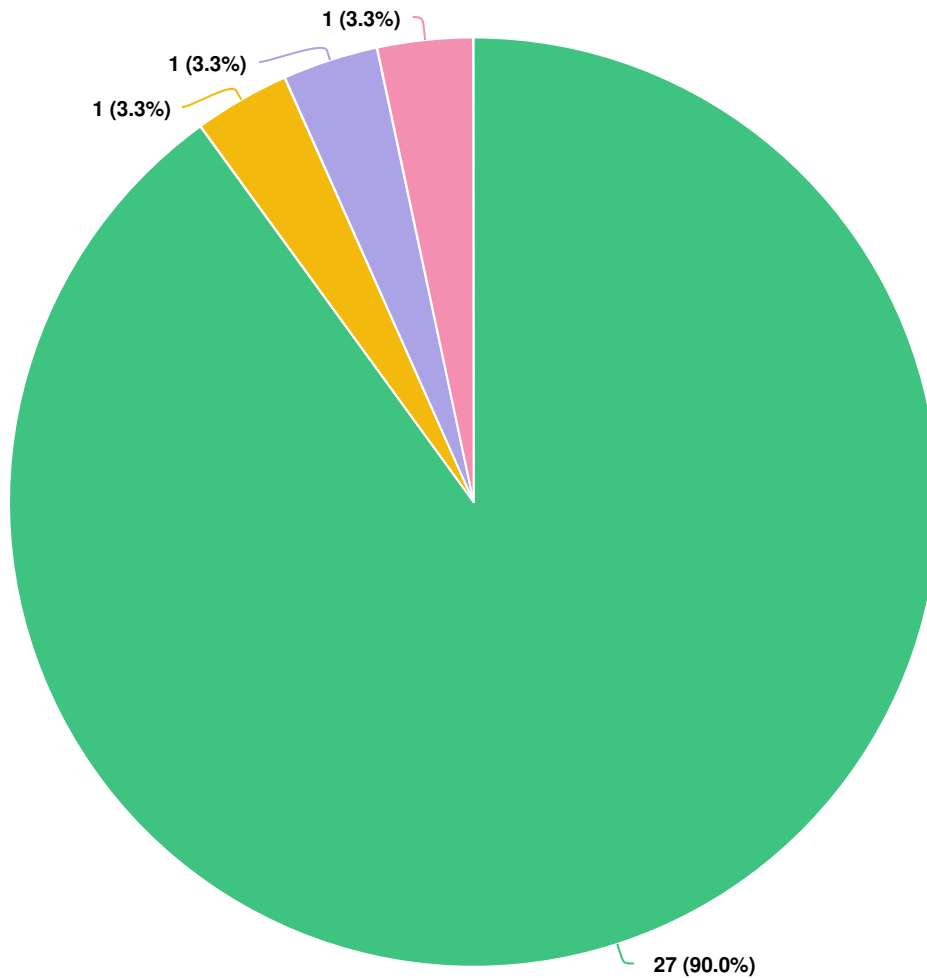
Question options

- Yes

Mandatory Question (30 response(s))

Question type: Radio Button Question

How best describes how you are responding to this consultation?



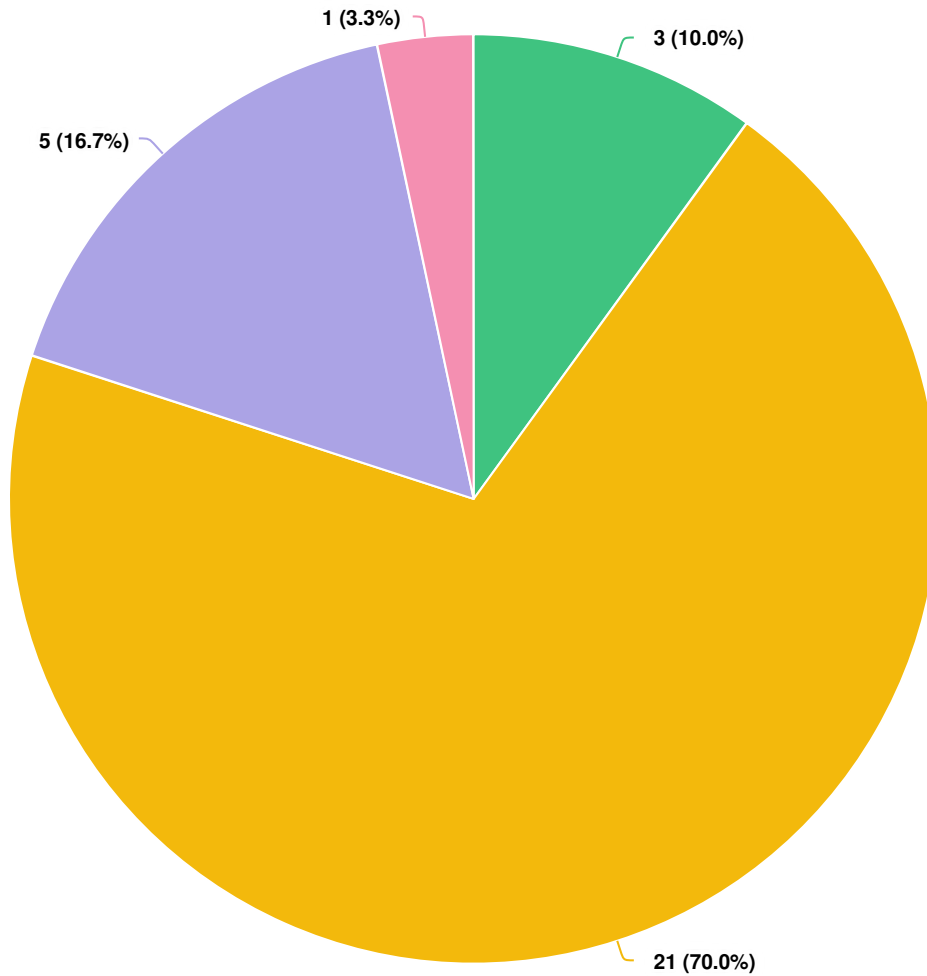
Question options

- A local resident
- Local Borough Councillor/Parish Council
- Representative of a local voluntary/community group
- Other (please specify)

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

I believe the Gambling Policy contains sufficient detail and information for a good understanding of the policy



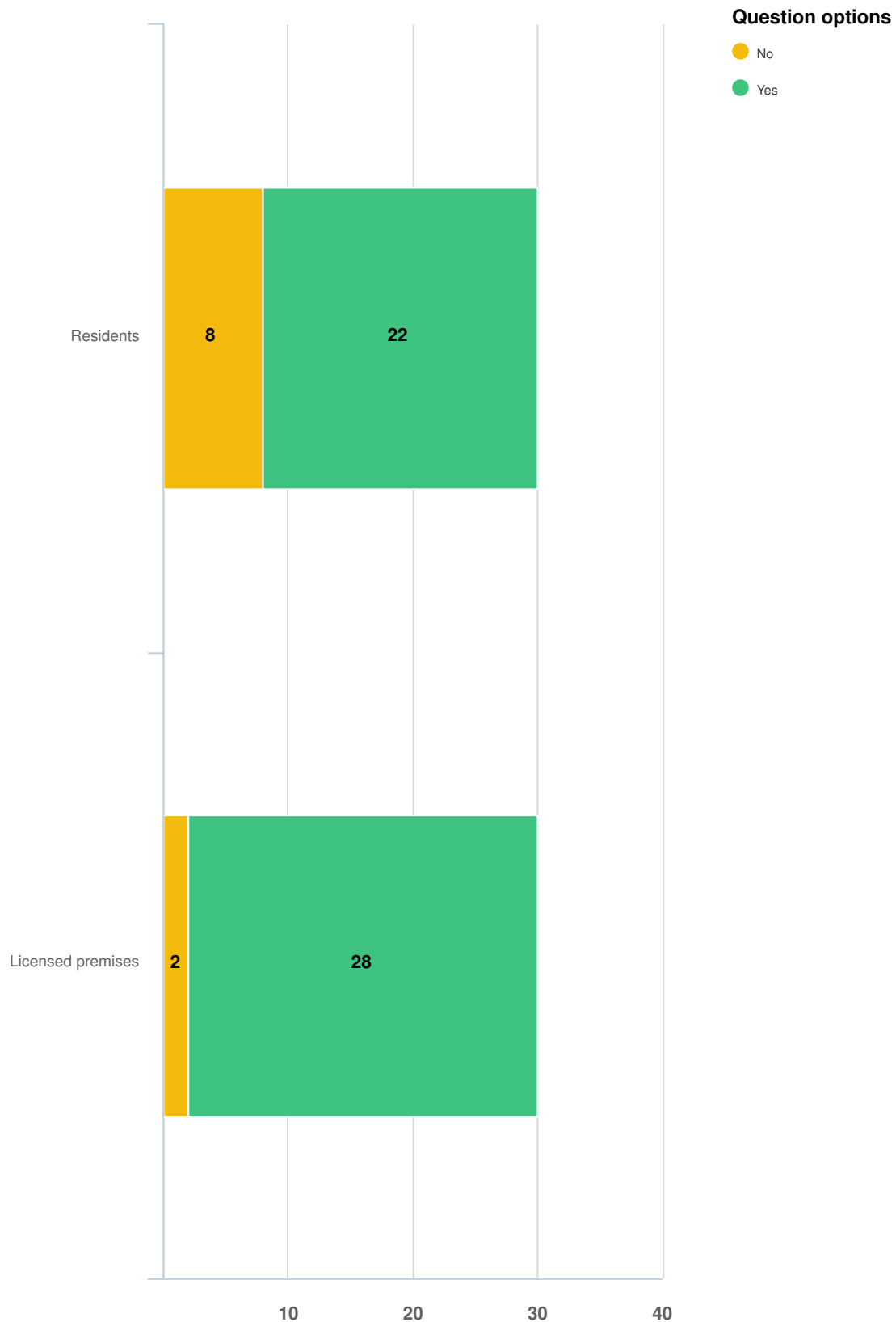
Question options

- Strongly agree Agree Neither agree or disagree Strongly disagree

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

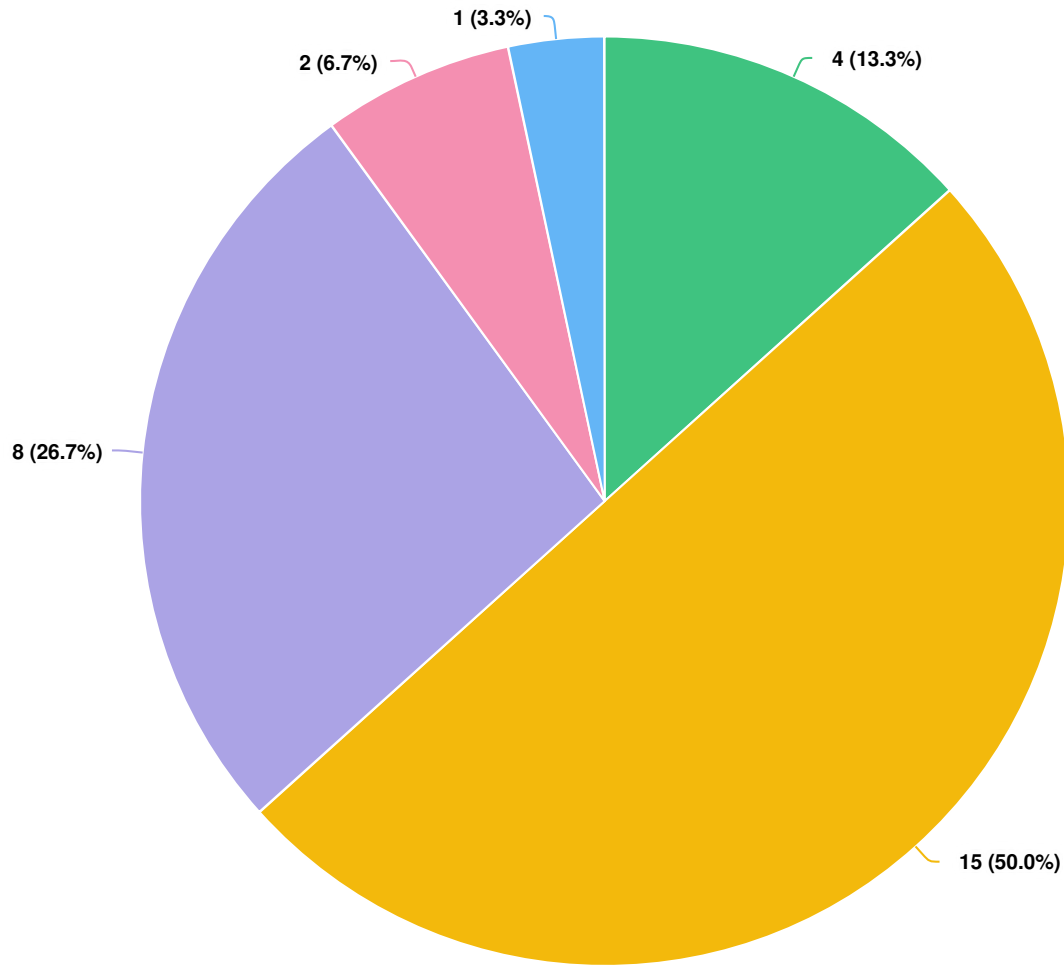
Do you consider the Gambling Policy to be fair to both



Optional question (30 response(s), 0 skipped)

Question type: Likert Question

Do you agree or disagree with the way the Council will meet the prevention of gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime?



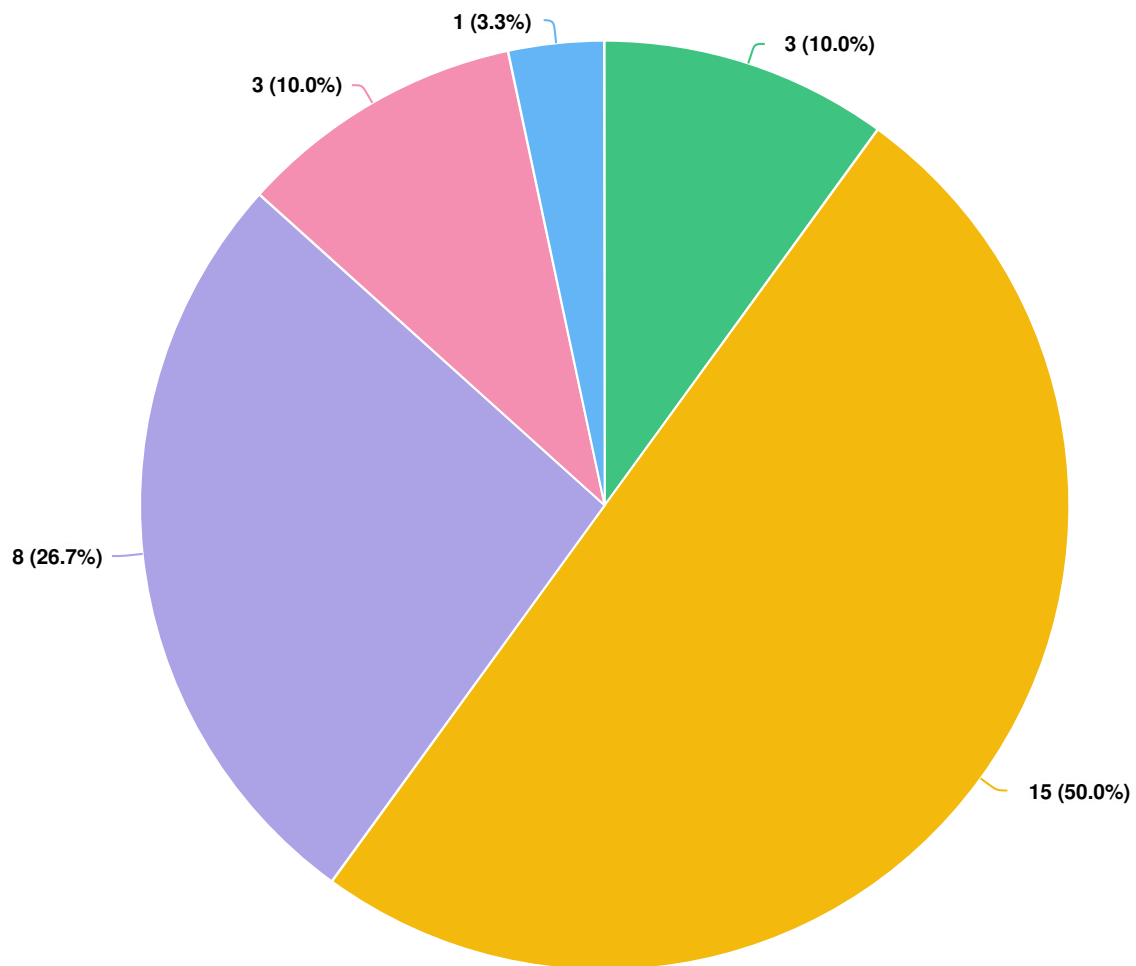
Question options

- Strongly disagree Disagree Neither agree nor disagree Agree Strongly agree

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

Do you agree or disagree that the Gambling Policy will be effective in ensuring that gambling is conducted in a fair and open way?



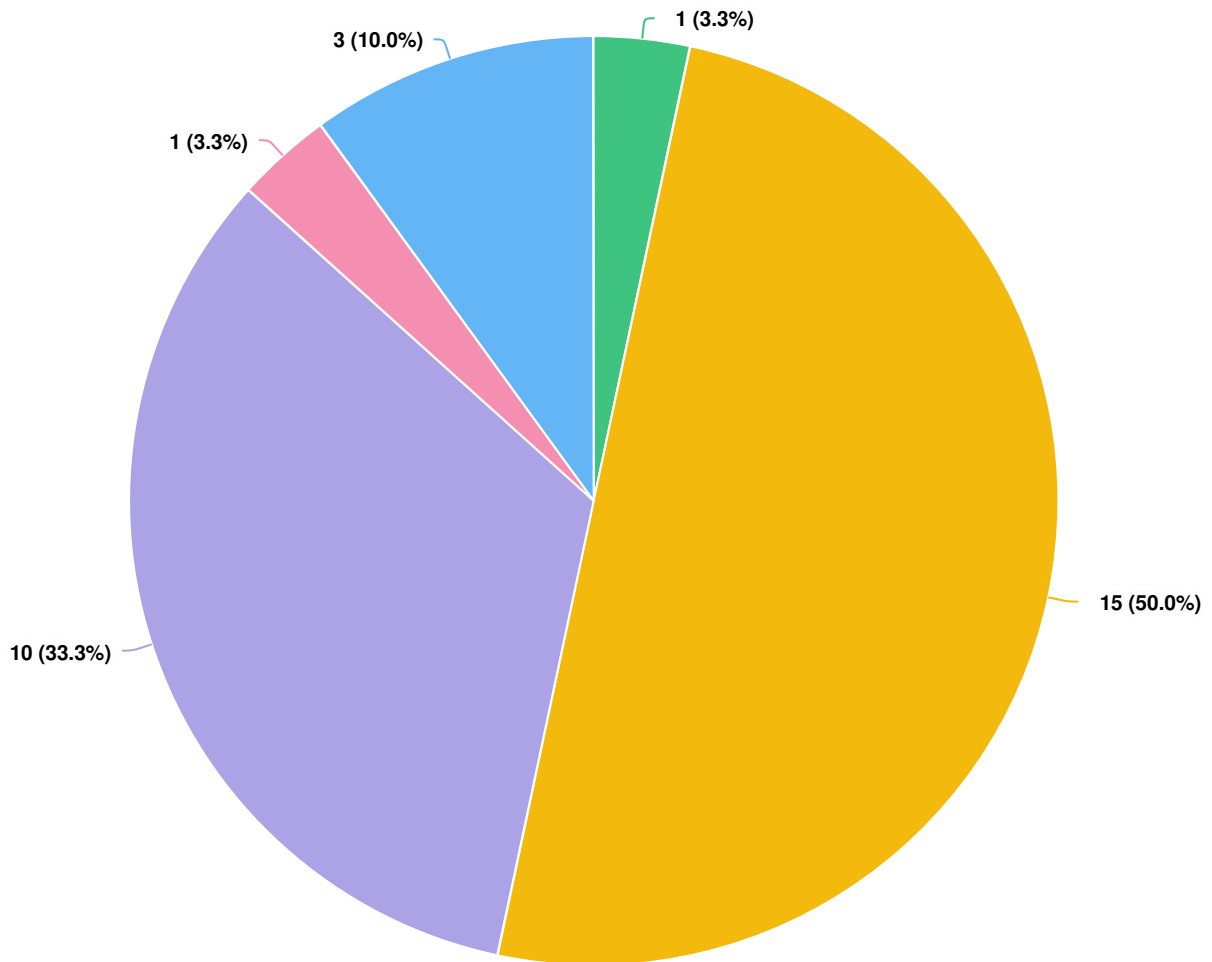
Question options

- Strongly disagree
- Disagree
- Neither agree or disagree
- Agree
- Strongly agree

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

Do you agree or disagree that the Gambling Policy does enough to help protect children and other vulnerable people from being harmed or exploited by gambling?



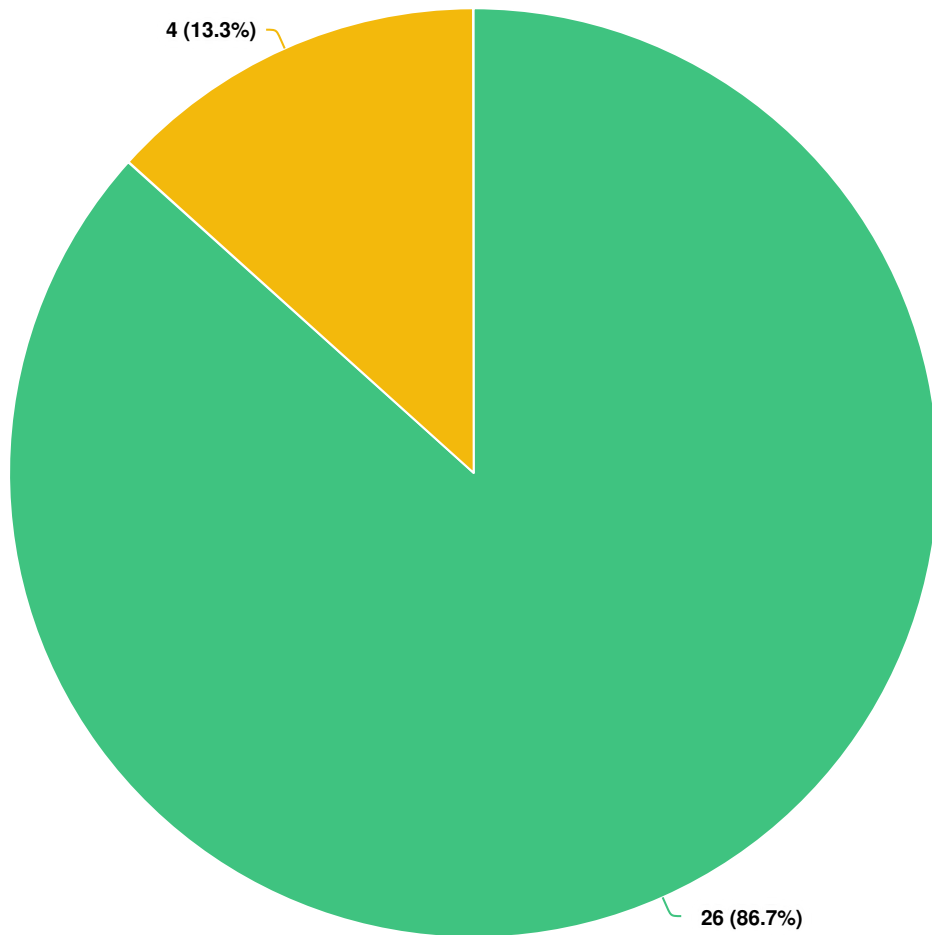
Question options

- Strongly disagree
- Disagree
- Neither agree or disagree
- Agree
- Strongly agree

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

Is the Gambling Policy easy to read/understand?



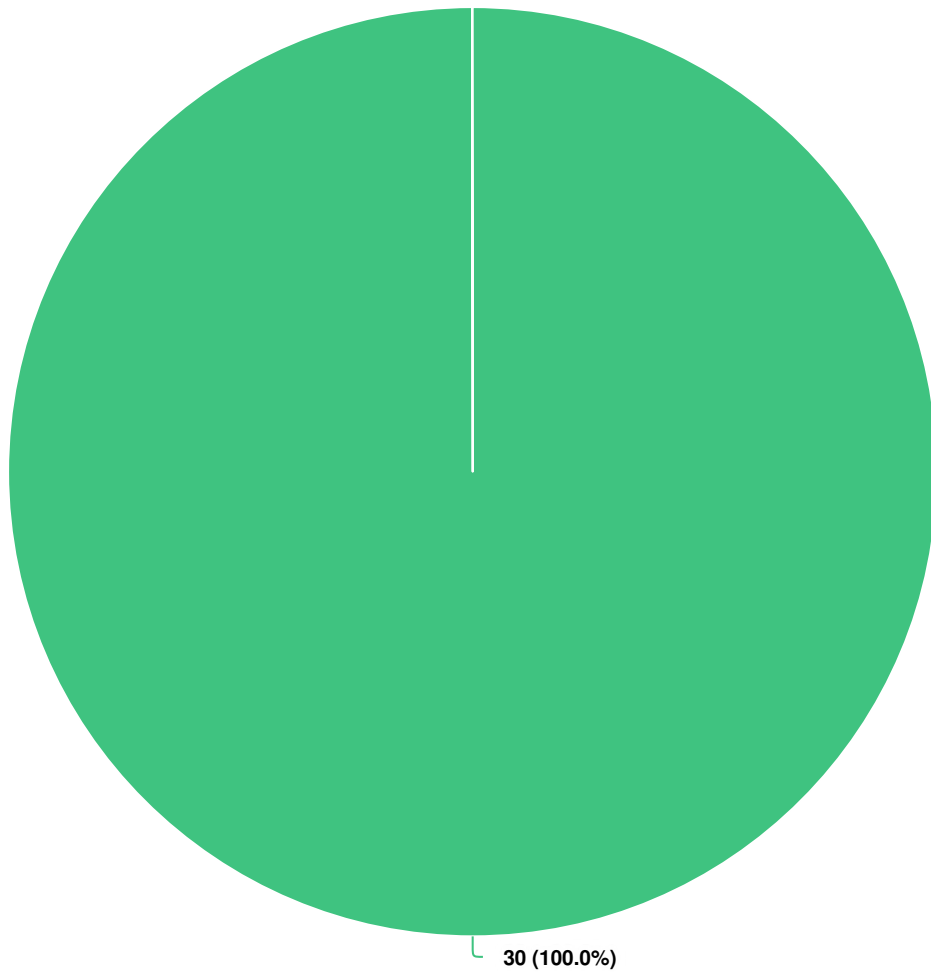
Question options

- No
- Yes

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

Do you consent for the Council to collate your data for this purpose only?



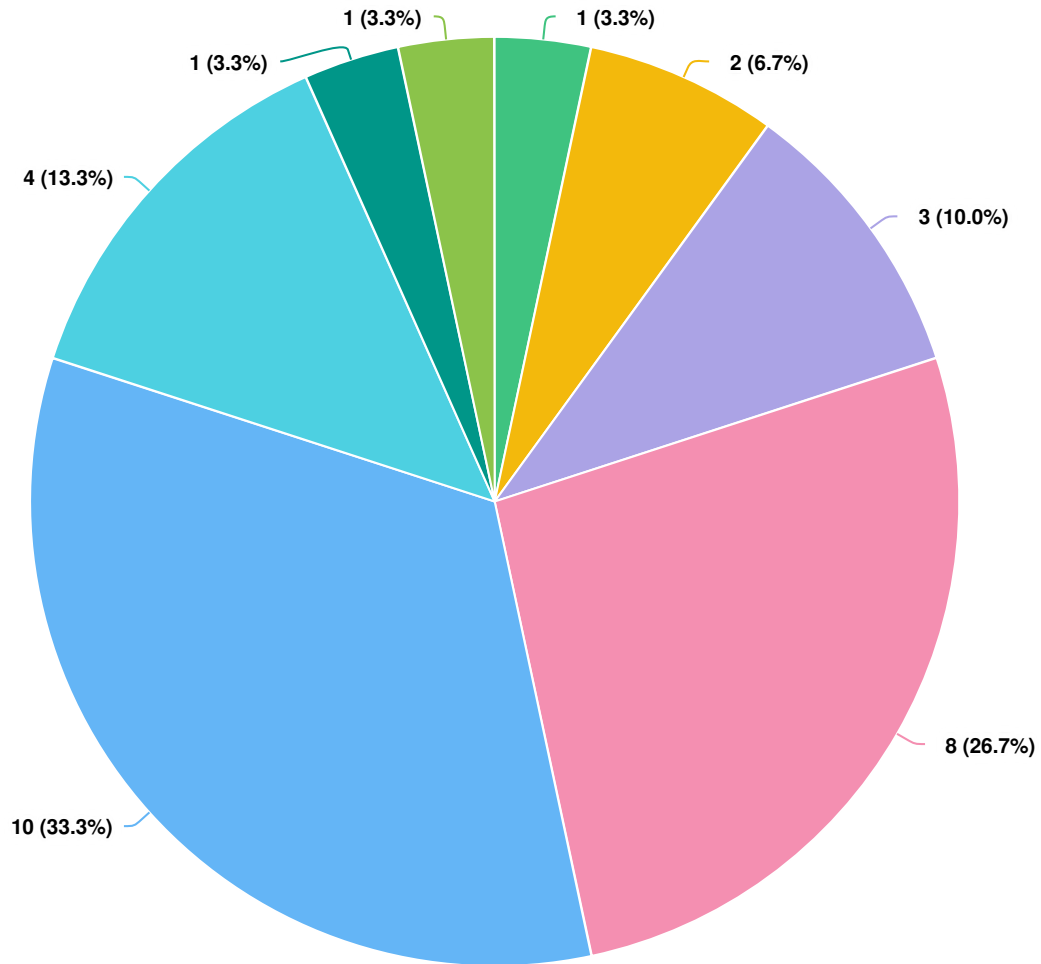
Question options

- Yes

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

In which of the following age ranges are you?



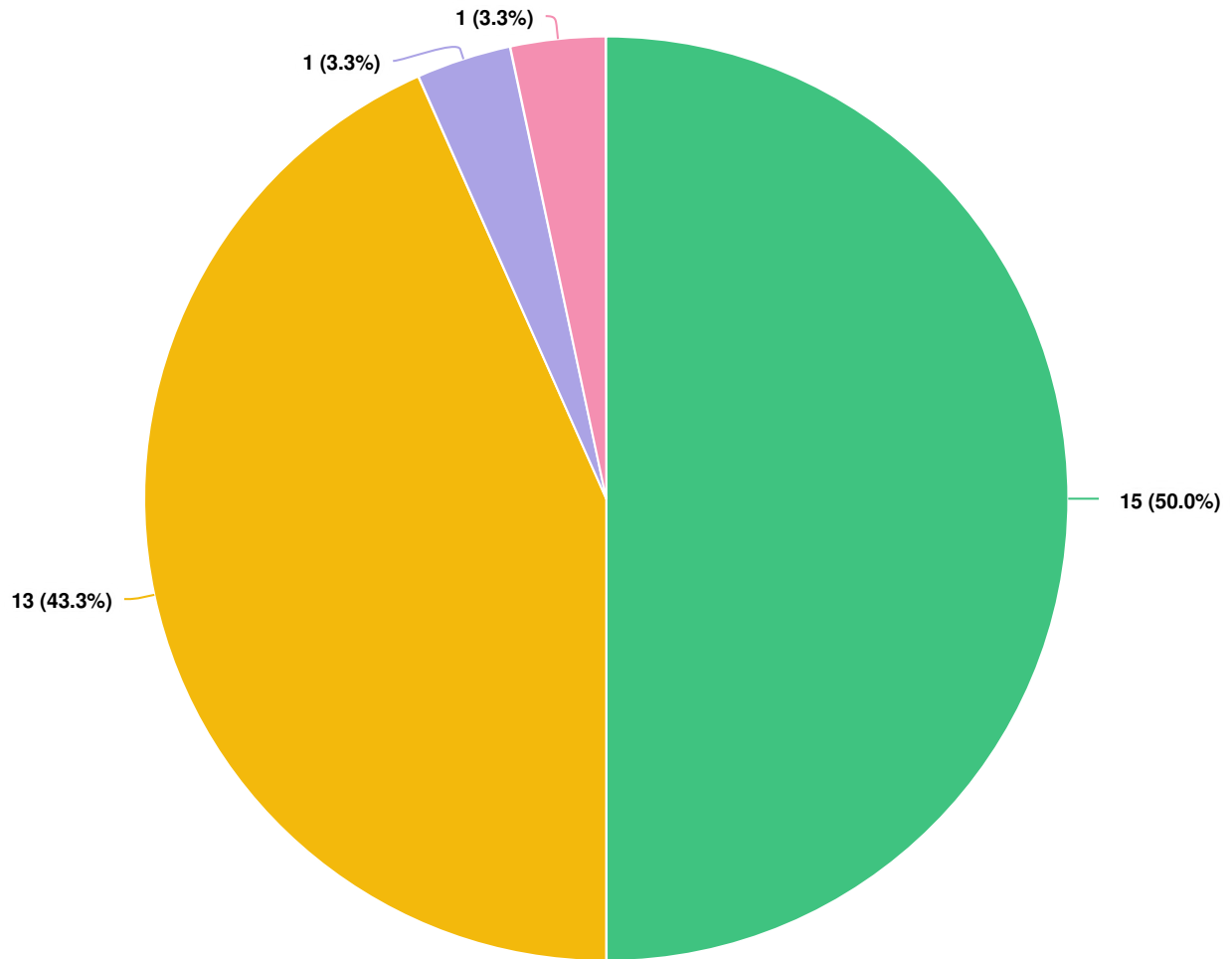
Question options

- Prefer not to say
- 95 plus
- 75-84
- 65-74
- 55-64
- 45-54
- 35-44
- 16-24

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

What is your gender?



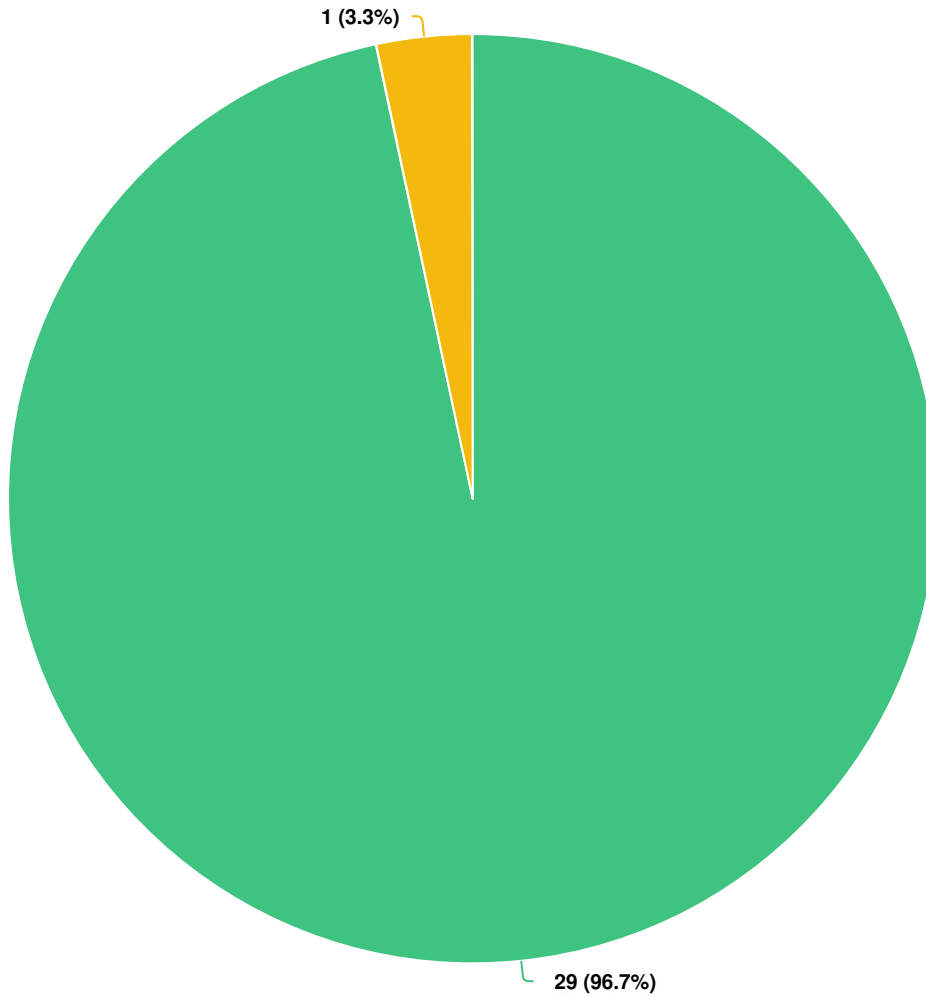
Question options

- Prefer not to say
- Non-binary
- Male
- Female

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

Is the gender you identify with the same as your gender registered at birth?



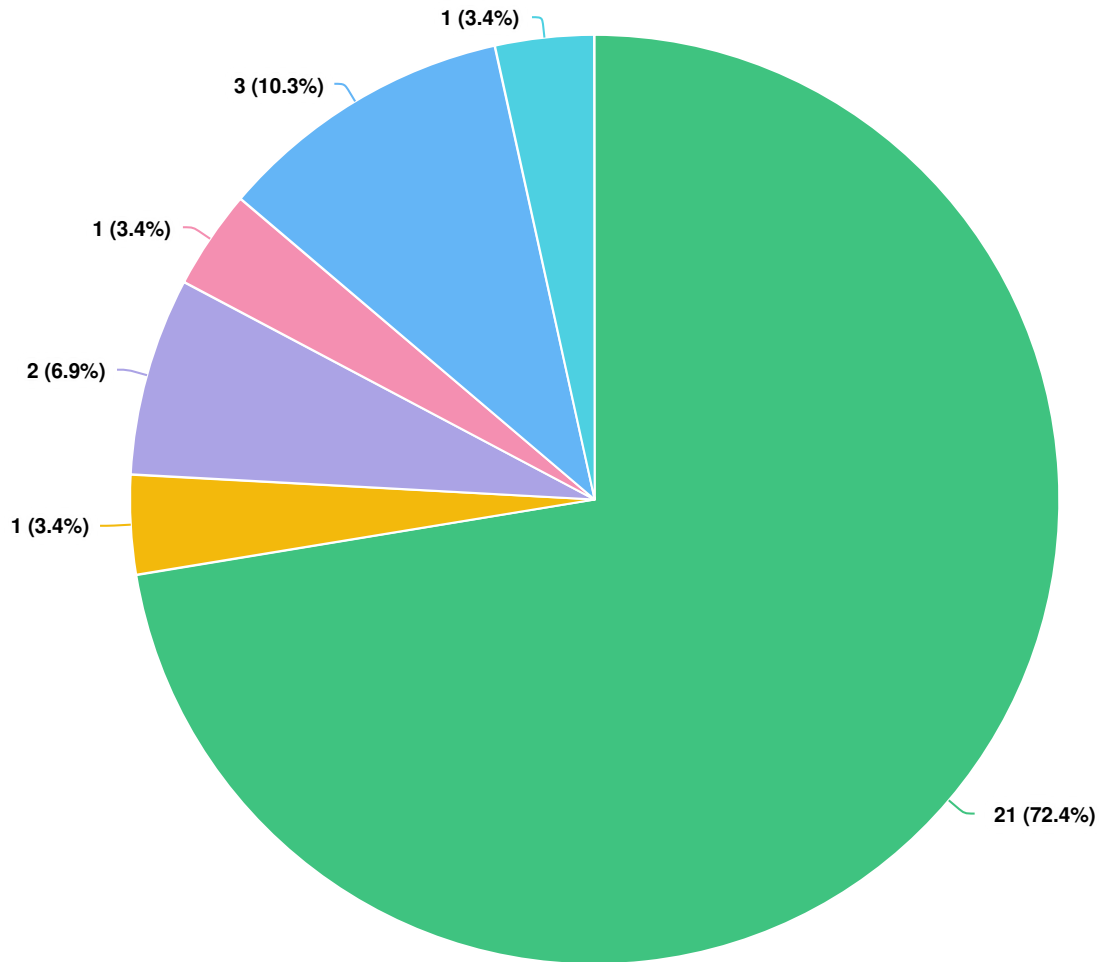
Question options

- Prefer not to say
- Yes

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

What is your sexual orientation?



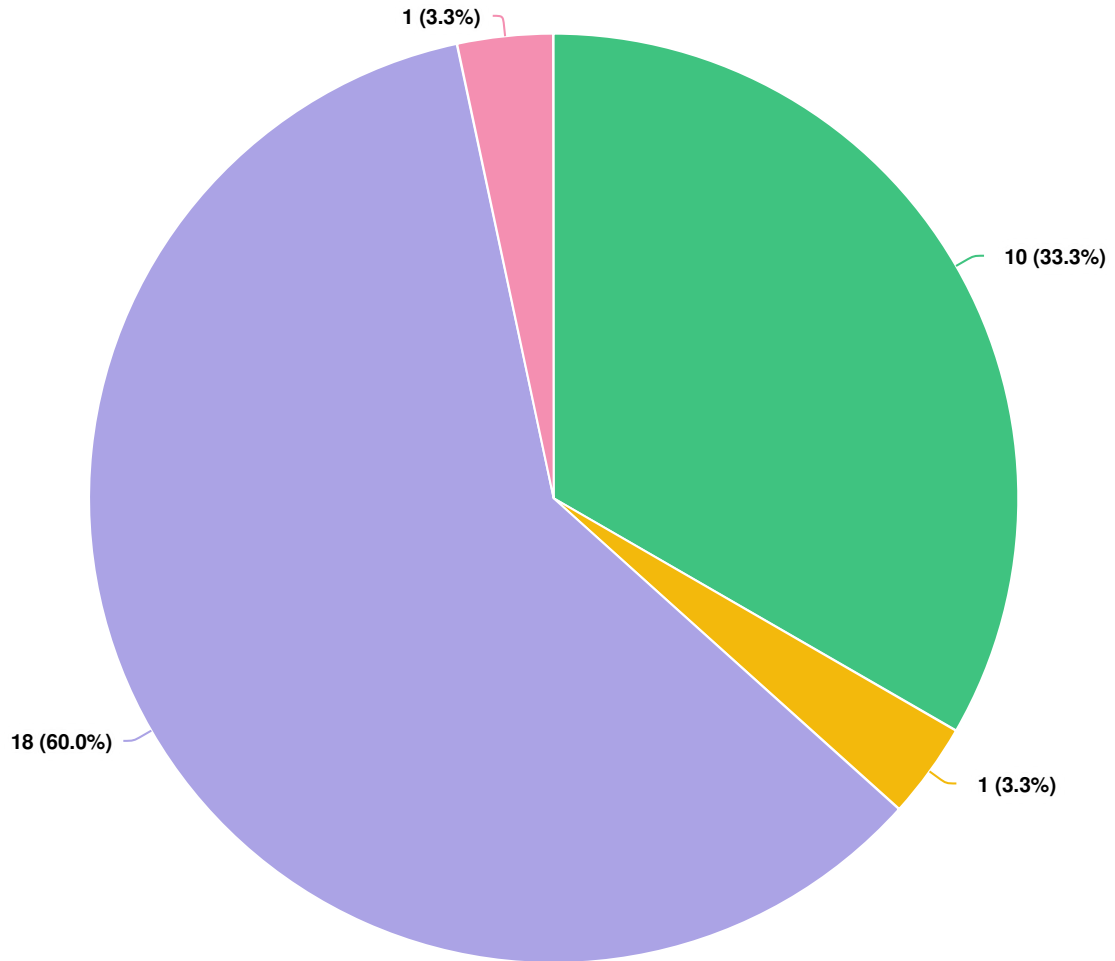
Question options

- Other/prefer to self describe
- Prefer not to say
- Asexual
- Bisexual
- Gay
- Heterosexual

Optional question (29 response(s), 1 skipped)

Question type: Radio Button Question

What is your religion?



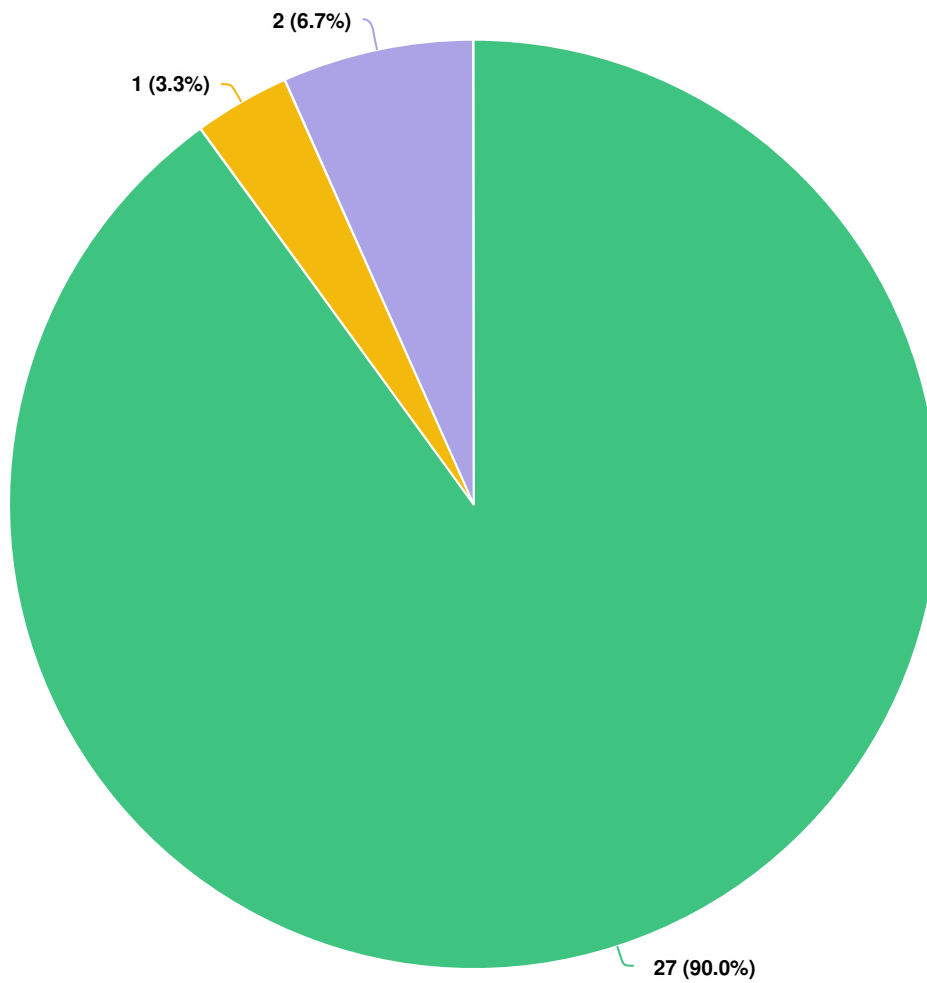
Question options

- Jewish
- Christian
- Buddhist
- No religion or belief

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

What is your ethnicity? Ethnic origin is not about nationality, place of birth or citizenship. It is about the group to which you perceive you belong. To which of these groups do you consider you belong?



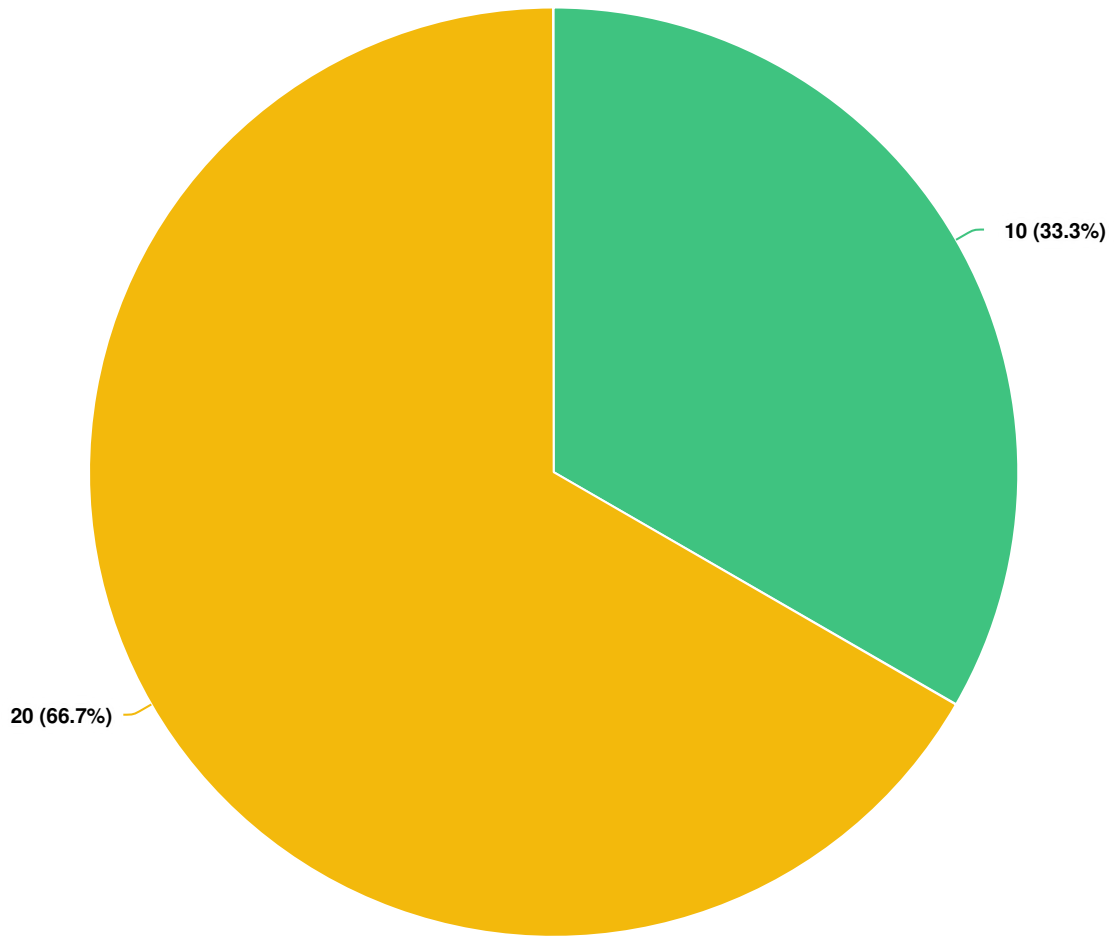
Question options

- Prefer not to say
- Gypsy or Traveller
- White - British/English/Scottish/Welsh/Northern Irish

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

The Equality Act 2010 defines a disabled person as anyone who has had a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day to day activities. Do you have a disability as defined by th...



Question options

- No
- Yes

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

