

STATEMENT OF LICENSING POLICY 2021 - 2026

1. INTRODUCTION

1.1 The Licensing Act 2003 requires licensing authorities to publish a “statement of its licensing policy” every 5 years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only used if relevant representations are made.

1.2 The policy covers regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Nothing in this policy will prevent a person applying for a variety of permissions under the Act. The policy covers the following licensable activities:-

- Retail sales of alcohol
- Supply of alcohol by or on behalf of a club
- Provision of regulated entertainment
- Provision of late night refreshment (hot food and drink anytime between 11pm and 5am for consumption on or off the premises).

1.3 The policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State. We must carry out our licensing role with a view to promoting the four licensing objectives which are:-

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

These licensing objectives are the only matters that can be taken into account in determining applications and any conditions to be attached to premises licences or club premises certificates will be appropriate to promote the licensing objectives. Each licensing objective has equal importance.

1.4 This policy will assist us in reaching a decision on a particular application, having regard to it and any statutory guidance issued by the Secretary of State. That does not mean we cannot deviate from the policy and/or statutory guidance if we have good reason to do so, such as where it is appropriate to do so to promote one or more of the licensing objectives, having properly taken the policy and/or guidance into account.

1.5 The 2003 Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. It is recognised that the licensing functions under the Act are only one means of promoting the delivery of the

licensing objectives and should not therefore be seen as a solution for solving all problems within the community. The Licensing Authority will, therefore, continue to work with its partners, local businesses and local people towards the delivery of the licensing objectives.

- 1.6 In accordance with section 5 of the 2003 Act the licensing authority has consulted with the following:-
- Responsible Authorities
 - Representatives of local licensing trades
 - Representatives of local businesses and residents
- 1.7 The aim of this policy is to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. The Licensing Authority recognises both the needs of residents for a safe and healthy environment to live and work and the importance of well-run entertainment premises to the local economy and vibrancy of the City. To achieve this aim the Licensing Authority is committed to partnership working with the police, fire safety and rescue service, local businesses, licensing trade, residents and others towards the promotion of the licensing objectives.
- 1.8 The policy takes effect on 7th January 2021 and will remain in force for a period of not more than five years. During this time the policy may be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation.

2. CITY PROFILE

- 2.1 The City of Preston is in the North West region of England and is a University City with an active retail and night time economy. Preston has a resident population of circa 140 000 but its commercial sector serves a wider central Lancashire population of circa 350 000. Preston is a designated City Deal area, with infrastructure investment designed to accelerate home building and job creation.
- 2.2 The health of residents in Preston is generally worse than the England average and of concern is deprivation, alcohol use, smoking and self-harm.

3. LICENSING PROCESS

3.1 Making an application

- 3.1.1 The procedure and documentation requirements for making applications is prescribed by the 2003 Act and Regulations and further advice on how to make an application can be found on the council's website (www.preston.gov.uk/business/licences/) or on request from the Licensing Authority at licensing@preston.gov.uk or on 01772 906911.
- 3.1.2 This policy sets out the Licensing Authority's expectations with regard to applications in a number of licensing policy statements. Whilst applicants are not obliged to meet these expectations in full it is more likely that responsible authorities and other persons will make representations if they do not.

3.1.3 The Licensing Authority recognises that licensed premises vary considerably in terms of what activities they provide, their size and location and therefore, there is no definitive list of control measures that can be applied to all licensed premises.

3.1.4 Applicants are encouraged to seek advice from the licensing authority and appropriate responsible authorities prior to submitting an application for a premises licence or club premises certificate or an application to vary a premises licence or club premises certificate.

3.2 Representations

3.2.1 There is a prescribed period during which the Licensing Authority can receive written representations to an application. For the applications referred to in the previous paragraph it is 28 days starting from the day after applications are received. Relevant representations can include positive, supportive statements as well as objections.

3.3 Decision making process

3.3.1 It is our policy to provide an efficient and cost effective service to all parties involved in the licensing process. With the exception of the approval and review of this policy, decisions on licensing matters will be taken in accordance with our approved scheme of delegation which is detailed at Appendix A.

3.3.2 The powers of the City Council under the 2003 Act are undertaken by the Environmental Protection and Licensing Committee which comprises of 15 councillors, by the Licensing Sub-Committee (3 councillors), or by one or more officers acting under delegated authority.

3.4 Granting of authorisations

3.4.1 If no relevant representations are received then the authorisation will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The Licensing Authority will have no discretion to refuse the application or to alter or add to the conditions offered through the operating schedule.

3.4.2 Where relevant representations are made, the Licensing Authority must hold a hearing before the Licensing Sub-Committee who will take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:-

- To grant the licence or certificate subject to the operating schedule modified to such extent as the Sub-Committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
- To exclude from the scope of the licence or certificate any of the licensable activities to which the application relates;
- To refuse to specify a person in the licence as the premises supervisor; and
- To reject the application.

3.5 Events on council land

- 3.5.1 The City Council wishes to encourage cultural and community events in the city and is aware of the Secretary of States' Guidance around the licensing of public open spaces. In accordance with the provisions of the 2003 Act, the City Council has made applications and been granted premises licences for some of its areas of public land.
- 3.5.2 Persons or organisations wishing to provide a licensable activity on licensed public land are not required to obtain a premises licence or give a temporary event notice themselves, but do need the permission of the City Council to put on an event and meet the licencing objectives and conditions. This can help to facilitate events that do require a premises licence, but which would be impractical to arrange, while giving the City Council a degree of control over how the event is delivered.
- 3.5.3 All events will need to demonstrate how they intend to safely deliver their event in line with relevant H&S guidance and Council policy.
- 3.5.4 The City Council may require its Event Safety Advisory Group to consider large scale or high risk events and provide the event organiser advice and guidance which may form part of the Licence to Occupy.
- 3.5.5 All event organisers will be required to have in place and present to the Council: Public Liability Insurance to a minimum indemnity value of £5million, risk assessment, site plan and key contacts list. For larger scale or high risk events a full and detailed event management plan will be required for submission and approval by the Council.
- 3.5.6 Details on how to apply to host an event on Council land can be found on the Council's website and the following notices periods to be adhered to:
- Small events (under 500 people) – 1 month notice
 - Medium events (between 501 and 1000 persons) – 2 months notice
 - Large events (over 1000 persons) – 3 months notice.

Large Scale or high risk events applicants will be expected to demonstrate, in their event management plan the positive steps taken to support the licensing objectives.

3.6 Designated Public Places Orders (DPPO's)

- 3.6.1 The Licensing Authority supports the use of DPPO's as a tool to prevent crime and disorder by tackling anti-social behaviour associated with consumption of alcohol in the street. The Licensing Authority expects premises that operate in areas where DPPO's have been implemented to have measures in place to ensure their customers do not contribute to problems of anti-social drinking.

4. PRESTON'S SPECIFIC POLICIES

4.1 Encouraging Diversity in the Evening and Night Time Economy

- 4.1.1 The Licensing Authority recognises that Preston's night time economy plays an important role in creating a vibrant, sustainable economy for the City. This needs to be balanced with the ambition to expand our leisure, tourism and business visitor offer, providing an attractive offer for all age groups and continuing to diversify both the day and night time economy. The Licensing Authority will explore and support opportunities which are presented to increase events and other activities which are not necessarily alcohol led which are more socially-inclusive and drive the economy.
- 4.1.2 The Licensing authority will encourage and influence a more diverse mix of venues, events and visitor attractions so that a wider group of people, such as families and older adults can also enjoy their time in Preston and this will be balanced against the potential for disturbance to local neighbourhoods.
- 4.1.3 It is the Council's intention to work with relevant partners to set out a shared vision for Preston's night time economy. The Licensing Authority wishes to use its licensing function to promote and enhance the agreed vision.
- 4.1.4 The Licensing authority wishes to encourage applications for restaurants and other predominantly seated venues which do not adversely impact upon the licensing objectives in contrast to those that predominantly offer vertical drinking. If applications are made they must demonstrate how the licensing objectives are to be promoted.
- 4.1.5 The current staggered closing times of licensed premises that has developed since 2005 in the City Centre Cumulative Impact Area initially helped to reduce the problems associated with large numbers of people leaving premises at the same time but a significant number of premises within this area have now similar closing times which has increased the risk of increased levels of crime, disorder and nuisance.

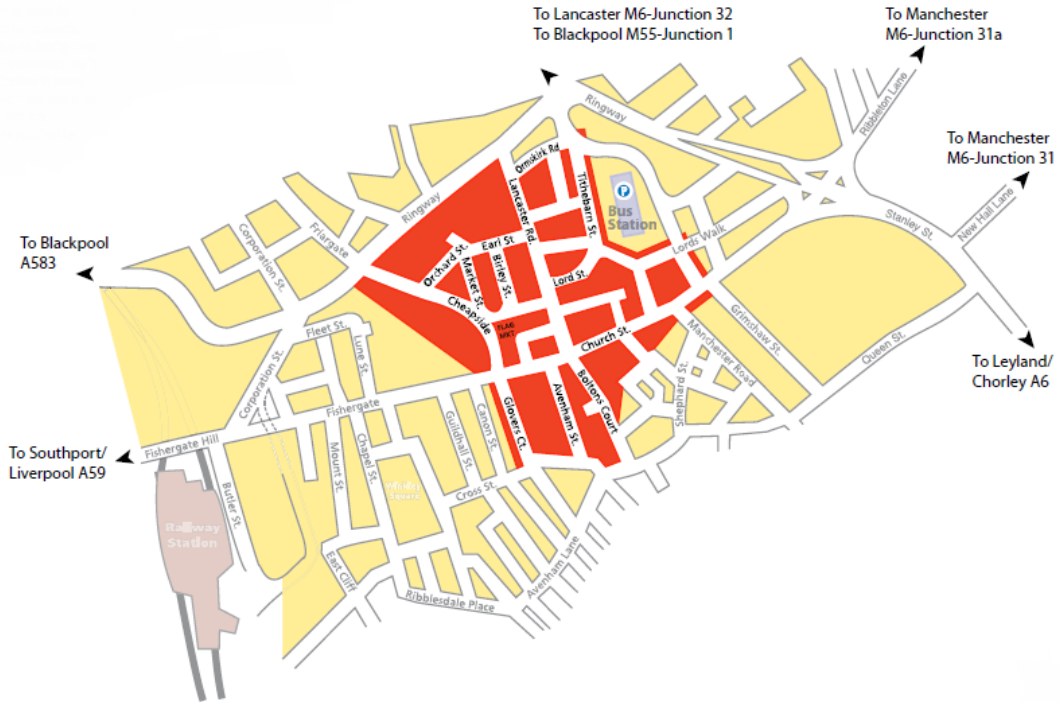
4.2 Shops Selling Alcohol

- 4.2.1 There has been a significant increase in the number of shops licensed to sell alcohol for consumption off the premises to be consumed at home which has resulted in less being purchased and consumed in traditional pubs, bars, restaurants and night clubs than used to be the case in the past. The attention of the Licensing Authority has been drawn to the growing practice of "pre-loading" before going out to visit licensed establishments. This change has the potential to create specific problems and be of detriment to the licensing objectives. These include ease of access to alcohol by children, ease of thefts, encouragement of street drinking and increase of crime and disorder and public nuisance. The Licensing Authority will work with partners and the trade to address these concerns.

4.3 Cumulative Impact

4.3.1 There is evidence of a clear positive relationship between increased outlet density and alcohol consumption in adults and young people. The evidence shows that increases in alcohol outlet density tend to be associated not only with an increase in alcohol consumption, but also increased alcohol-related crime and violence and alcohol specific hospital admissions. Also where licensed premises are clustered together within an area they are more likely to compete on price and promotions which can lead to increased consumption and alcohol related injury and violence.

4.3.2 In part of the city centre outlined in red in the map shown below. The Licensing Authority has determined that a concentration of a significant number of licensed premises in one area is seen to be causing a negative cumulative impact on one or more of the licensing objectives and has therefore adopted a special policy, which creates a rebuttable presumption that applications for licences which are likely to add to the existing cumulative impact will be refused, following relevant representations, unless applicants can demonstrate that there will be no negative cumulative impact on the licensing objectives. The policy includes late night fast food outlets which are not licensed to sell alcohol.



4.3.3 It must be noted that the Licensing Authority can only give effect to this Cumulative Impact policy (CIP) in respect of any application for premises within the cumulative impact area if a relevant representation is received. If none are received then the Licensing Authority is obliged to grant the application.

4.3.4 In coming to the conclusion that it is necessary to retain its CIP the Licensing Authority has taken cognizance of Statutory Guidance and is satisfied that the following factors are occurring in the CIP area:-

- Concerns about crime and disorder or public nuisance.
- Crime and disorder, including anti-social behaviour, and nuisance are occurring and caused by customers of the licensed premises from within the CIP area.

- Takeaway outlets become the focus for disorder and occasional violence.
- Concerns over public safety, supported by statistics for alcohol related ambulance attendances.
- Concerns over alcohol related assaults resulting in attendance at accident and emergency departments, occurring either within the premises or immediate vicinity.
- Concerns over public nuisance as a result of noise and disturbance on the streets several nights during the week and particularly at weekends.
- High levels of anti-social behaviour in public places, particularly at night, with much of it being associated with excessive alcohol consumption.
- Concerns over public safety as a result of high numbers of pedestrians on the footways which spill on to the roadways.
- Concerns over public nuisance as a result of litter associated with takeaway outlets.
- Fouling of highways, doorways, public areas and alleys by urination, defecation and vomiting.

4.3.5 The adoption of this CIP does not prevent any person making an application for a licence for a premises or an application to vary an existing licence within the CIP area.

4.3.6 The CIP is reviewed regularly to ensure it is still required and is having an impact.

4.4 Layout and Operation of Premises

4.4.1 In most cases applicants will be able to address the potential problems and detriment to the licensing objectives, through the layout and the operation of the premises. Applicants should set out the steps which they are proposing to take to promote the licensing objectives in the Operating Schedule included in applications.

4.4.2 Appropriate steps will differ according to the size and nature of the premises. Subject to those qualifications steps may include:-

- Security/CCTV and staff supervision.
- Area used for display of alcohol
- Segregated areas for display and sale of alcohol.
- Sales over the counter/no self-service of alcohol.

4.5 Conditions and Review

4.5.1 Applicants are expected to explain within their application how the licensing objectives will be promoted. These proposals should be included in the Operating Schedule together with an appropriate plan. The Licensing Authority will consider what conditions should be imposed as are consistent with the Operating Schedule.

4.5.2 If there are relevant representations, there will usually be a hearing. Having regard to those representations, the Licensing Authority may impose conditions consistent with the Operating schedule modified to such extent as the Licensing Authority considers appropriate for the promotion of the licensing objectives.

4.5.3 If it becomes apparent that the licensed hours and/or the layout or operation of the premises are having a negative impact on the licensing objectives, it is possible that a responsible authority, such as the police, or any other person may apply for a review of the licence. After a hearing it is possible that the Licensing Authority may modify the conditions of the licence to restrict the hours or activities or impose conditions if it considers it appropriate for the promotion of the licensing objectives.

4.6 Temporary event notices

4.6.1 The 2003 Act enables certain organised events to provide one or more licensable activities at unlicensed premises for less than 500 people to take place following notification to the Licensing Authority, the Police and Environmental Health. Guidance on how to give a notice can be found in the Home Office fact sheet which is available at www.preston.gov.uk/licensing.

4.6.2 The Licensing Authority will encourage and offer advice and assistance to bona fide community events. Applications for temporary event notices at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation and applications made in the cumulative impact area will be subject to increased scrutiny.

4.7 The Operating Schedule

4.7.1 All new and variation applications are expected to incorporate an operating schedule which outlines how the premises will be operated. It should include details of how the applicant will promote the licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. The proposals contained in the operating schedule will form the main body of the conditions to be applied in the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by the Licensing Sub-Committee at a hearing following the receipt of representations during the application process.

4.7.2 The Licensing Authority seeks to encourage the highest standards of management in licensed premises and expects the licence holder to consistently manage their premises in accordance with their operating schedule.

4.8 Irresponsible Drinks Promotions and Drunkenness on Premises

4.8.1 We know that low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.

4.8.2 Rather than having to resort to controls of this kind, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions

including pricing, and to encourage licence holders and others working at licensed premises to familiarise themselves with the mandatory condition relating to drinks promotions.

5. MANAGEMENT OF PREMISES

5.1 Designated premises supervisor

5.1.1 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person that holds a personal licence (or must be made or authorised by the management committee in the case of a community premises).

5.1.2 The 2003 Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and premises licence holder remain responsible for the premises at all times.

5.1.3 The Licensing Authority expects the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. This Authority expects that this will be in excess of 50% of a 7 day week.

5.1.4 The premises licence holder is expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

5.2 Dispersal policy

5.2.1 The Licensing Authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later opening premises elsewhere and people who use off-licences may locate to a remote spot to consume that alcohol. These problems are not within the scope of the 2003 Act but this Authority expects premises licence holders to take measures to encourage people to leave their premises quietly and considerately. The Licensing Authority encourages premises to adopt a dispersal policy where appropriate.

5.3 Risk assessments

5.3.1 The Licensing Authority will expect that appropriate and satisfactory general and technical risk assessments, management procedures and documentation are available to the relevant responsible authorities and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

5.4 Children and licensed premises

5.4.1 Whilst the Licensing Authority wishes to see family-friendly premises thriving in the City, it is of the opinion that the protection of children from harm in licensed premises is an important issue. Consequently, the risk of harm to children will be a paramount consideration when determining applications.

5.4.2 Applicants will be expected to include in their operating schedule a statement of the measures that they will take to protect children from harm which includes moral, psychological and physical harm as well as the protection of children from exposure to strong language, sexual expletives and gambling. Once the applicant has undertaken assessments of any risk to children they can volunteer appropriate conditions.

5.5 Proxy sales

5.5.1 Adequate procedures must be in place to ensure that members of staff working at licensed premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

5.5.2 Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons underage.

6. PROBLEM PREMISES

6.1 Enforcement

6.1.1 The Local Authority will employ officers who are authorised to carry out functions under the 2003 Act and will use the full range of enforcement actions, including the use of statutory powers if necessary.

6.1.2 The Licensing Authority monitors compliance with the licensing objectives through a programme of inspection visits. Proactive visits are made to those premises where concerns have been raised in relation to the licensing objectives by one or more of the responsible authorities.

6.1.3 The Licensing Authority expects that where enforcement action relates to a breach of one or more of the licensing objectives, one of the responsible authorities will consider making an application to the Licensing Authority to review the premises licence.

6.1.4 The Licensing Authority will undertake enforcement action in accordance with the Regulators' Code and the Council's Enforcement Policy.

6.2 Reviews of licences

6.2.1 The procedure for reviewing premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.

6.2.2 The Licensing Authority expects responsible authorities and other persons to give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement. It is expected that requests for a

review of any licence or certificate will be sought only if such notice has failed to resolve the matter or problem.

- 6.2.3 Representations must be made in writing and must be relevant. They must not be vexatious, repetitious or frivolous.

APPENDIX A

DELEGATION OF FUNCTIONS

Delegations of functions in relation to licensing matters are as follows:

Matter to be dealt with	Environmental Protection & Licensing Committee	Licensing Sub-Committee	Director of Environment
Application for personal licence with unspent convictions		If a Police objection	If no objection made
Application for premises licence / club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence /club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases

Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority notice		If a police objection	All other cases
Application to review premises licence / club premises certificate		All cases	
Determination of interim steps pending review of licence		All cases	

APPENDIX A
CONTINUATION

Matter to be dealt with	Environmental Protection and Licensing Committee	Licensing Sub-Committee	Director of Environment
Decision on whether a complaint is irrelevant frivolous vexatious, etc			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a temporary event notice		If a police objection	All other cases
Application for a minor variation of a premises licence or club premises certificate			All cases

APPENDIX B

RESPONSIBLE AUTHORITIES

Police	Licensing Unit Lancashire Constabulary Preston Divisional Headquarters Lancaster Road North PRESTON PR1 2SA
Fire & Rescue	Lancashire Fire and Rescue Service Preston Fire Station Blackpool Road PRESTON PR1 6US
Environmental Health	Environmental Protection Environmental Health Town Hall Lancaster Road PRESTON PR1 2RL
Weights and Measures	Lancashire County Council Trading Standards Licensing County Hall Pitt Street

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<p>Health & Safety at Work</p>	<p>Environmental Protection Environmental Health Town Hall Lancaster Road PRESTON PR1 2RL</p> <p>Or for public buildings, educational establishments, hospitals and factories then:-</p> <p>Health & Safety Executive Licensing Applications Redgrave Court Merton Road BOOTLE Merseyside L20 7HS</p>
<p>Planning</p>	<p>The Planning Authority Town Hall Lancaster Road PRESTON PR1 2RL</p>
<p>Protection of Children</p>	<p>Lancashire Safeguarding Children's Board East Cliff County Offices East Cliff PO Box 162 PRESTON PR1 3EA</p>
<p>Public Health</p>	<p>Director of Public Health Lancashire County Council Licensing Level 1 Christ Church Precinct County Hall PRESTON PR1 8XB</p>

LICENSING AUTHORITY

The Licensing Authority is Preston City Council and all correspondence should be sent to:-

Licensing Services
Environmental Health Department
Preston City Council
Town Hall
Lancaster Road
PRESTON
PR1 2RL

e-mail: licensing@preston.gov.uk

Website: www.preston.gov.uk