

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 6

meeting date: 17 MARCH 2015
 title: CONSTULATION ON REVISION OF STATEMENT OF LICENSING POLICY
 submitted by: CHIEF EXECUTIVE
 principal author: MAIR HILL

1 PURPOSE

1.1 To inform Committee of the results of the consultation and seek approval from Committee for the adoption of the revision to the Council's Statement of Licensing Policy

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

2 BACKGROUND

2.1 On 16 September 2014, Committee approved the revision to the Statement of Licensing Policy to form the basis of consultation and authorised the Head of Legal and Democratic Services to consult as required by Section 5 of the Licensing Act 2003.

2.2 The consultation commenced on 22 September 2014 with a deadline for responses of 15 December 2014. A copy of the covering letter sent to all consultees is enclosed as **Appendix 1**. The Council only received one response to its consultation which is attached as **Appendix 2**.

3 ISSUES

- 3.1 The response received from Ribchester Parish Council raised the following issues:
- The separation of the licensing and planning functions within the Council can cause problems for applicants. Whilst the comments are noted the policy reflects the way in which the two statutory regimes operate as they are considering different issues and so it is not proposed to amend the statement of licensing policy.
 - The section on temporary events requires clarification does not make clear that premises can be both indoor and outdoor. It is proposed that this comment should be accepted and that the policy should be amended to include this information.
 - The parish council make reference to the phrase "relatively small" events with regard to TENS and state that this is vague. This phrase does not appear in the proposed policy and so it is not proposed to address it.
 - The Parish Council raise queries about the types of events which will be covered by a TEN. With regard to the specific examples referred to in the letter, all or none of these may be granted a TEN depending on their scale and the details provided by

the applicant and any issues of control of the events would be dealt with as a matter of enforcement in the usual way.

- 3.2 Following the consultation the Council was informed that some of the details for the responsible authorities have been changed. These have therefore been amended within the policy and are shown as track changes on pages 3-4 of the policy.
- 3.3 A copy of the policy incorporating the amendments referred to in paragraphs 3.1-3.2 above is enclosed as **Appendix 3**.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – Resources will be expended in carrying out the consultation.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – The Council's reputation will be enhanced by ensuring its policy is reviewed.
- Equality & Diversity – No implications identified

5. RECOMMENDED THAT COMMITTEE

5.1 Adopt the Statement of Licensing Policy at **Appendix 3** to this report.



MAIR HILL
SOLICITOR



MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

- Report of Chief Executive dated 16 September 2014

For further information please ask for Mair Hill, extension 3216

REF: MJH/Licensing Committee/17 March 2015

APPENDIX 1



RIBBLE VALLEY BOROUGH COUNCIL

please ask for: CATHERINE MOORE
direct line: 01200 414454
fax: 01200 414488
e-mail: catherine.moore@ribblevalley.gov.uk
my ref: CM
your ref:
date: 22 September 2014

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Switchboard: 01200 425111
Fax: 01200 414488
DX: Clitheroe 15157
www.ribblevalley.gov.uk

Dear Sir/Madam

Licensing Act 2003 Consultation on Draft Licensing Policy Statement 2011-2016

Section 5 of the Licensing Act 2003 requires that each Local Authority formulate and publish a Statement of Licensing Policy. This previously had been done every three years (and was reviewed as such in 2011). The Police Reform and Social Responsibility Act 2012 came into force on 1 April 2013 and made a number of amendments including that a licensing authority must now determine and publish its Statement of Licensing Policy every five years rather than three. The policy has been updated to reflect the changes made by the Act and also any factual changes that have occurred in the interim.

On 16 September 2014 the Council's Licensing Committee approved a draft Statement of Licensing, and authorised the Head of Legal and Democratic Services to consult with interested parties and afford an opportunity to make representations.

The draft Licensing Policy Statement is available to view at:
www.ribblevalley.gov.uk/download/downloads/id/9765/statement_of_licensing_policy_2011-2016

If you do not have access to the Internet, please contact Catherine Moore on 01200 414454 to obtain a hard copy.

The Council would be pleased to receive any comments you may have on its draft Licensing Policy Statement. Responses can be made by writing to: The Administration & Licensing Officer, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe BB7 2RA or by e-mail: catherine.moore@ribblevalley.gov.uk

The deadline for responses is Monday 15 December 2014.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C Moore'.

Catherine Moore
Administration & Licensing Officer

Ribchester Parish Council

ALAN ORMAND
Clerk to the Council
11 CHESTERBROOK
RIBCHESTER
PRESTON PR3 3NT
Tel: 01754 878453

Administration & Licensing Officer
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe

Your Ref: CM

21 November 2014

Dear Madam

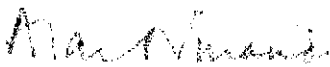
LICENSING ACT 2003
CONSULTATION ON DRAFT LICENSING POLICY STATEMENT 2011 TO 2016

Thank you for your letter of 24 September. My Council has the following comments on the proposed amendments to the Licensing Policy document:

Paragraph 8: The Parish Council previously commented on this paragraph at the consultation in 2010 and remains convinced that, while it might be considered sensible to separate the planning and licensing functions to avoid duplication, nevertheless separation can often be the main problem and the cause of some aggravation. Applicants do not always understand the mechanics of local government and are sometimes dismayed to find separate committees dealing with applications for planning and licences that on the face of it are allied issues. As drafted it will still be possible for planning permission to be granted followed by a refusal to grant a licence or vice versa.

Temporary Event Notices: This rewrite of the earlier policy has not succeeded in providing better clarity. For example the definition of 'premises' as covering both indoor and outdoor venues has been omitted, although we believe that this definition still remains in the 2003 Act. The Council is still unclear as to how the policy works in practice, particularly in relation to 'outdoor' events. The suggestions that a temporary event notice would be used to authorise 'relatively' small scale events is vague without a definition of what relatively small means. For example is it designed to cover events such as a Field Day, street market or garden party and if so how can the suggested limit of fewer than 500 people at any one time be controlled. The Council believes that it is necessary to make the policy clearer.

Yours faithfully



Alan Ormand

APPENDIX 3



**Ribble Valley
Borough Council**

www.ribblevalley.gov.uk

STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

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1. BACKGROUND

Ribble Valley Borough Council ("**Council**") is designated as the Licensing Authority ("**Authority**") under the Licensing Act 2003 ("**Act**") and is responsible for granting all licences designated under the Act in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.

Section 5 of the Act requires that each Licensing Authority must in respect of each five year period determine its policy with respect to the exercise of its functions and to publish the statement before the beginning of that period. This Statement of Licensing Policy ("**Statement**") is prepared pursuant to those provisions and with due regard to the guidance that the Secretary of State has issued under Section 182 of the Act ("**Guidance**").

The Statement shall be effective from 7 January 2011 and shall remain in effect for five years until 6 January 2016. This revision updates the Policy to ensure consistency with the changes to the Act introduced by the Police Reform and Social Responsibility Act 2012, and factual changes which have occurred since it was drafted. Prior to its expiry, it will be subject to review and further consultation if required.

Applicants are asked to have regard to the Guidance before submitting applications under the Act.

The Statement sets out the considerations that the Council will take into account when considering applications for licences under the Act and the policies that the Council will generally apply.

The Statement provides guidance on the approach that the Council will take towards licensing following the introduction of the Act. It may be subject to review pending the compilation of information specifically relating to the Council's area and the outcome of consultation with local bodies, organisations and residents. A list of consultees is contained in **Appendix 1** to this Statement.

The Council will be mindful of other legislation, which may impact on the promotion of the Licensing Objectives. These will include:

Crime and Disorder Act 1998

Clean Neighbourhoods & Environment Act 2005

Health Act 2006

Anti-Social Behaviour Act 2003

Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000

Policing and Crime Act 2009

Crime and Security Act 2010

Criminal Justice and Police Act 2001

Private Security Industry Act 2001

Violent Crime Reduction Act 2006

The Council will also have regard to Government and Council strategies, for example the Council's Safer Events Protocol, so far as they impact on the licensing objectives.

Any queries relating to the matters set out in this document should be addressed to:

Administration and Licensing Officer
Ribble Valley Borough Council
Council Offices, Church Walk
Clitheroe BB7 2RA

Tel: 01200 414454

e-mail: catherine.moore@ribblevalley.gov.uk

Information can also be obtained from the Council's website www.ribblevalley.gov.uk

Responsible authorities (as at the date of review) can be contacted as follows; changes to contact details will appear on the Council's Website (as above).

Police:

Lancashire Constabulary
Eastern Division Licensing
Blackburn Central Police Office
The Railway
BLACKBURN
BB1 1EX

easternblackburnlicensing@lancashire.pnn.police.uk

Fire:

Eastern Area Fire Safety Enforcement team Leader
Lancashire Fire and Rescue Service
E71 Blackburn Fire Station
Fire Safety Department
Byrom Street
Blackburn
BB2 2LE

craigetherington@lancsfirerescue.org.uk

~~Hyndburn Fire Safety Department~~
~~Hyndburn Community Fire & Rescue Station~~
~~Hyndburn Road~~
~~Church~~
~~Accrington~~
~~Lancashire~~
~~BB5 4EQ~~

Health & Safety and Environmental Health:

Head of Environmental Health Services
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

Local Planning Authority:

FAO: Colin Sharpe
Development Department
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

Protection of Children:

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

Trading Standards:

Kenny Legue
Technical Support Officer
Lancashire County Council
Trading Standards
Room D21, County Hall
Pitt Street
Preston
PR 1 0LD

tsdataprocessing@lancashire.gov.uk

Primary Care Trust

Public Health Team
Lancashire County Council
Level 1
CCP Building
County Hall
Preston
PR1 8XB

PHAdmin@lancashire.gov.uk

2. ACTIVITIES COVERED BY THIS STATEMENT

The following activities which require a licence under the provisions of the Act, and which are covered by this statement, include:

1. The sale by retail of alcohol.
2. The supply of alcohol by or on behalf of a club, or to the order of a member of the club.

3. The provision of regulated entertainment.
4. The provision of late night refreshment.

3. LICENSING OBJECTIVES

This Statement is intended to cover the control of licensed premises, qualifying Clubs and temporary events, and extends to new licence and permit applications including those for personal licences, renewals, transfers and the variation of conditions attached to various licences. There are four main licensing objectives contained within the Act, and the Authority will promote these objectives when undertaking its licensing functions:

- i) The prevention of crime and disorder.
- ii) Public safety.
- iii) The prevention of public nuisance.
- iv) The protection of children from harm.

Further guidance on the four licensing objectives is contained in Section 7 of this Statement.

For the purposes of the Statement, no one objective is considered to be of any greater importance than the others; each are seen to be equal. Each application will be considered on its merits in the context of the four licensing objectives. To assist in promoting the objectives, the Authority will ensure integration with local crime prevention, planning, local businesses, community representatives, and take into account culture and transport strategies. The Authority will work closely with the Police/Enforcement Agencies, Fire Authority and Transport Providers to develop a protocol and the Licensing Committee will take into account reports relating to tourism/visitors and culture in the area, to enable those needs to be addressed.

4. INTRODUCTION

The Authority recognises that the entertainment/leisure industry is a major contributor to the economy and cultural development of the Borough. The Authority wishes to encourage licensees to provide a wide range of entertainment activities within the Borough throughout their opening hours to promote live music, dance, theatre etc for the wider cultural benefit of the community.

The Authority will endeavour to carry out its licensing functions in a way that ensures public safety, supports well managed premises, where licence holders display sensitivity to the potential impact of activities on local residents and businesses, and protects residents from detrimental effects. The Authority will have regard to how littering and fouling, noise, street crime and the capacity of the Authority's infrastructure, resources and police resources impact on the licensing objectives. However, unless relevant representations are received from responsible authorities or interested parties, there is no provision for the licensing authority to impose conditions on a licence other than those proposed within an application.

The Authority will work in partnership with the police, residents and all local businesses to promote the licensing objectives. This Statement will be further developed in consultation with the consultees listed in **Appendix 1**, and whilst it is prepared for the Authority's area, it also takes account of the position in adjoining Authorities where common boundaries exist.

5. THE BOROUGH OF RIBBLE VALLEY

Of the 12 district and 2 unitary authorities within the County of Lancashire, Ribble Valley has the largest geographical area but the smallest population. Covering 226 square miles, two thirds of the district is designated as part of the Forest of Bowland Area of Outstanding Natural Beauty. Ribble Valley is also the 'Centre of the Kingdom' as the small settlement of Dunsop Bridge lies on the exact centre point of the British Isles.

57,100 people live within the Borough. The historic market town of Clitheroe contains just over a quarter of the residents (population c.14,500) and is the commercial and administrative centre for the district. The town of Longridge (population c.8,000) is the industrial and shopping centre for the west of the Borough. Elsewhere, there are numerous villages of varying sizes, some accessible along the A59 corridor, others more remote from local services and public transport.

The resident population is relatively old, with a greater than average number of residents over the age of 60 and consequently a lower than average number of young people aged 24 and under. Population projections suggest that this imbalance will increase in the future.

Ribble Valley is a relatively affluent area, and unemployment levels within the Borough are amongst the lowest in the country. Given the rural nature of the area, it is not surprising that agriculture and tourism are important employers.

Amongst the Council's ambitions are:

To help make people's lives safer and healthier.

To protect and enhance the existing environmental quality of the area.

Within the Council's area there are 230 premises (with alcohol), and 37 (no alcohol), 20 clubs.

6. GENERAL STATEMENT OF POLICY

The Council as Licensing Authority has adopted the following principles. These principles will serve as a general guide to the Council when it carries out its licensing functions:

- Each application will be considered on its individual merits.
- The Council recognises the use of longer opening hours as a possible means of reducing the concentration of people leaving licensed premises at the same time and that it might minimise the potential nuisance caused to local residents and each application will be considered on its own merits.
- The Council will not fix predetermined licensing quotas in any given area nor will it seek to introduce 'zones' within the Borough where specific activities are concentrated.
- The Council will not fix predetermined closing times for particular areas.
- That so far as shops, stores and supermarkets are concerned, the Council will permit the sale of alcohol during legal opening hours, except where the police have indicated particular problems with premises as a focus of crime and disorder, nuisance or disturbance.
- The Council will not limit the access of children to licensed premises unless it is necessary for the prevention of harm.
- The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. The Council will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children, and will not allow the views of vocal minorities to predominate over the general interests of the community.
- The Council can only attach licence conditions when a hearing takes place, and will ensure that conditions are reasonable, proportionate and strictly necessary for the promotion of the licensing objectives. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre, for example by

imposing indirect costs of a disproportionate nature, and duplicating the requirements of other legislation.

- The Council does not propose to implement standard conditions of licence across the board but instead will draw upon the Model Pool of conditions issued by the Department for Culture, Media and Sport, and attach conditions as appropriate, given the circumstances of each individual case. The Council will only attach conditions that further the Licensing Objectives.
- The Council will monitor the impact of licensing on regulated entertainment in the borough, particularly on live music and dancing. If there is evidence that licensing requirements deter such activities, the Council will consider how to correct that and if necessary will change this Policy.
- The Council is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. The Council wishes to encourage them for the benefit of all.
- The Council may seek in its own name premises licences for appropriate public spaces within the borough. This will make it easier for people to organise suitable cultural events. The Council will consider any request for permission to use such public spaces for cultural activities.
- The Council currently holds a premises licence for the Castle Grounds, Clitheroe which authorises the provision of regulated entertainment and for the Atrium Café, Clitheroe Castle Museum, which authorises the sale by retail of alcohol for consumption on and off the premises, the provision of regulated entertainment and late night refreshment.
- The Council expects applicants for new premises licences or for variations of existing licences to address in their operating schedules the requirements listed in **Appendix 2**. This is not an exhaustive list. However the Council accepts that not all the requirements will be relevant to every premises and that account must be taken of the size, style, characteristics and activities taking place at the premises concerned. Applicants should be aware that their application may be rejected or delayed if any part of the application is not completed properly.
- The Council, in determining applications, will have regard to the available resources of Lancashire Constabulary, in order to ensure that the operation of any premises is not undermining the prevention of crime and disorder or the prevention of nuisance objectives of the Act.

7. LICENSING OBJECTIVES

The Council recognises that the licensing process can only seek to control those measures which are within the control of the licensee.

(1) Prevention of Crime and Disorder

In addition to the requirement for the Council to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions and to do all it reasonably can to prevent crime and disorder in the district.

The Council will consider attaching conditions to licences and certificates to prevent crime and disorder, and these may include conditions drawn from a Pool of Model Conditions. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. Any Pool of Model Conditions will be published and available to interested parties.

Applicants for licences are referred to the matters listed in **Appendix 2** under the heading 'Crime and Disorder', and should consider these when preparing their operating schedules.

The Council recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:

- Planning controls;
- Enforcement of environmental protection legislation (e.g. on noise nuisance);
- Positive measures to provide a safe and clean town centre;
- Environmental controls in partnership with local businesses, transport operators and other departments of the Council;
- Powers to designate parts of the district as places where alcohol may not be consumed publicly;
- Police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- The need to disperse people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- Confiscation of alcohol from adults and others in designated areas;
- Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- The power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

(2) Public Safety

The Council will consider attaching conditions to licences and certificates to promote public safety, and these may include conditions drawn from the Pool of Model Conditions. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

Applicants for licences are referred to the matters listed in **Appendix 2** under the heading 'Public Safety' and should consider these when preparing their operating schedules. Applicants may also have regard to the Ribble Valley Safer Events Protocol and can seek advice from the Ribble Valley Safety Advisory Group. However, it is not intended to duplicate existing legislation or regulatory regimes, e.g. the Health and Safety at Work etc Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

(3) Prevention of Nuisance

The Council will take an objective view of the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. These may include conditions drawn from the Pool of Model Conditions. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Council will:

Consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved (including, where appropriate, compliance with smoke free requirements);

Examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of residential accommodation;

Consider restricting the hours of the licence or the licensable activity only as a last resort, because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

Where applications are received relating to shops stores and supermarkets, such premises will be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping, unless representations raise very good reasons, based on the licensing objectives, for restricting those hours.

Applicants for licences are referred to the matters listed in **Appendix 2** under the heading 'Public Nuisance' and should consider these when preparing their operating schedules.

(4) Prevention of Harm to Children

Nothing in this Statement limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.

Areas that will give rise to particular concern in respect of children include premises:

- (i) where there have been convictions of members of the current staff or management at the premises for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on naming, packaging, and promotion of alcoholic drinks is not being followed;
- (ii) with a known association with drug taking or dealing;
- (iii) where there is a strong element of gambling on the premises;
- (iv) where entertainment of an adult or sexual nature is commonly provided.

It is acknowledged that complete bans will be rare but the options the Council will consider for limiting the access of children, where necessary, for the prevention of harm to children, may include any of the following:

- (i) limitations on the hours when children may be present;
- (ii) age limitations (below 18);
- (iii) limitations or exclusions when certain activities are taking place;
- (iv) restrictions or exclusions in respect of parts of premises; (see the matters referred to in **Appendix 2** under the heading 'Protection of Children from Harm'.)
- (v) requirements for an accompanying adult;
- (vi) full exclusion of people under 18 from the premises when any licensable activities are taking place.

The Council will not impose conditions restricting the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

In premises showing films, the Council will restrict access to the relevant part of the premises to meet the required age limit in accordance with any certificate granted by the British Board of Film Classification. In the case of a film that has not been subject to classification under Section 4 Video Recordings Act 1984, we will require the film to be submitted to the licensing authority at least 14 days before the proposed exhibition. A certificate will then be given to the film by the Authority and any age restriction imposed must be adhered to.

Where large numbers of unaccompanied children are likely to be present, for example, at a children's show or pantomime, conditions may be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and protection from harm. The Council would expect applicants to address these matters in their risk assessments and operating schedule submissions.

The Council will consider attaching conditions to licences and certificates to prevent harm to children, and these may include conditions drawn from the Pool of Model Conditions.

8. PLANNING CONSIDERATIONS

The planning and licensing functions of the Council will be separated to avoid duplication and any possible conflicts of interest. The Council will not allow licensing applications to be a re-run of planning applications.

The Planning and Development committee and the Licensing committee may provide reports relating to licensed premises to each other, thereby ensuring communication between those exercising licensing, planning and building control functions.

In general the Council expects that prior to the submission of a licensing application, the appropriate planning permission will have been granted. The Council acknowledges the ability of an applicant for a premises licence to seek a provisional statement in accordance with section 29 of the Licensing Act 2003.

9. TEMPORARY EVENT NOTICE

Temporary Event Notices, commonly referred to as 'TENs', can be used to authorise premises for licensable activities for temporary periods or special occasions. Premises can be both indoor and outdoor. Unlike applications for Premises Licences and Club premises Certificates, the licensing authority does not grant Temporary Event Notices. Instead the premises user notifies the licensing authority of their intention to hold an event and in general, only the police and the council's Environmental Health function can intervene to prevent it taking place or agree modifications to the event arrangements.

TENs are subject to defined limitations and it is only when one of these limits are exceeded that the licensing authority can intervene and will return the notice as void. Otherwise the authority will just acknowledge the notice - this may be done electronically.

A number of limitations on TENs are:

- the number of times a person may be granted a temporary event notice (50 times per year for a personal licence holder & 5 times per year for other people);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- scale – they cannot involve the presence of more than 499 people at any one time;

- use of the premises – the same premises cannot be used more than 12 times in a calendar year

There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes.

A standard TEN is given no later than 10 working days' notice before the event to which it relates; and

A late TEN is given not before 9 and no later than 5 working days before the event.

STANDARD TEMPORARY EVENT NOTICE

Standard TENs must be submitted to the licensing authority no less than 10 working days before the first day of the event. A 'working day' as defined by the Act is any other day than a Saturday, a Sunday, Christmas Day, Good Friday, or a day that is a bank holiday. Ten working days is exclusive of the day on which the event is to start and exclusive of the day on which the TEN is given.

If the required notice is not given, the TEN cannot be acknowledged by the Authority, it is advisable therefore to provide as much notice as possible.

Lancashire Constabulary and Environmental Health may object to a TEN within three working days. An objection can be made on the grounds of any licensing objective. Where an objection is received (and not withdrawn) a hearing before the Council's Licensing Subcommittee will be convened who will determine the matter.

LATE TEMPORARY EVENT NOTICE

Late TENs are intended to be used by premises users who are required, for reasons outside their control to, for example, change venue at late notice.

A maximum of 10 Late TENs per year can be submitted by a personal licence holder and 2 per year for other people. Late TENs count towards the maximum number of events that can be held during a calendar year.

Late TENs must be submitted to the licensing authority no more than 9 working days and no less than 5 working days before the first day of the event. A 'working day' as defined by the Act is any other day than a Saturday, a Sunday, Christmas Day, Good Friday, or a day that is a bank holiday. Ten working days is exclusive of the day on which the event is to start and exclusive of the day on which the TEN is given.

Lancashire Constabulary and Environmental Health may object to a TEN within 3 working days of its receipt. An objection can be made on the grounds of any licensing objective. Where an objection is made, a counter notice will be issued and the TEN will not be valid. It should be noted that this differs from the process for Standard TENs, which require an objection to be considered at a hearing.

10. LICENCE REVIEWS

The grounds for an application for a review of a premises licence must be relevant to one or more of the four licensing objectives. An Interested Party (e.g. a local resident, local organisation and Councillor) or a Responsible Authority (including the Council) can initiate a review, at any time. The Council must be satisfied that any ground for a review is relevant to one or more of the licensing objectives, or in the case of an application made by an interested

party, that the ground is not frivolous, vexatious or is a repetition (e.g. similar to representations considered when determining an original application for a premises licence, or similar to a ground for review specified in an earlier application made in respect of the same premises). The Council's role is to administer the process and determine its outcome at a hearing. Having regard to the application and any relevant representations, the Authority can modify the conditions of a licence; exclude a licensable activity from the scope of the licence; remove the Designated Premises Supervisor, suspend the licence for a period not exceeding three months or revoke the licence. For this purpose, the conditions of a licence are modified if any of them is altered or omitted or any new condition is added.

11. ENFORCEMENT

Enforcement action will be taken by the Authority where required, in accordance with any agreed protocol with local police or other statutory bodies on enforcement issues. Regard will also be had to the Council's Licensing Enforcement Policy adopted in November 2006 (as amended). This will ensure the effective and efficient deployment of enforcement staff and police officers, to avoid duplication when carrying out enforcement duties or inspections of licensed premises. The protocol will provide for the targeting of agreed problem or high-risk premises which require greater attention, while providing a lighter touch in respect of low-risk premises which are well-run.

This will allow for flexibility in the approach of enforcement officers and police officers, particularly where attention may be drawn to areas which require greater attention whilst areas with less problem/nuisance/disturbance will receive less attention. The Council is committed to consistent, effective and efficient licensing enforcement policies and procedures, and recognises the importance of enforcement to the overall effectiveness of the policy. The Authority is committed to continue to undertake enforcement measures, in partnership with the police and other enforcement agencies where appropriate.

12. DELEGATION

The Authority will deal with applications under the Act in accordance with the Scheme of Delegation contained in **Appendix 3**.

13. MONITORING/REVIEW

The Council will carry out a review of the Policy when appropriate, and in any case every five years or such period as required by legislation, and will gather and maintain information specific to the Council to assess the impact of the Policy on the local community.

APPENDIX 1

CONSULTEES

The Chief Constable, Lancashire Constabulary;
The Chief Officer, Lancashire Fire and Rescue Services;
The holders of current Premises licences;
The holders of current club premises certificates;
All councillors of Ribble Valley Borough Council;
All town and parish councils in Ribble Valley;
Neighbouring local authorities, namely, Blackburn with Darwen, Burnley, Craven, Hyndburn, Pendle, Preston, Rossendale and South Ribble Valley Borough Council;
Clitheroe Chamber of Trade;
Whalley Chamber of Trade;
Area Child Protection partnership;
Relevant officers of Ribble Valley Borough Council;
Lancashire County Council Trading Standards and Social Services Departments;
Musicians' Union;
Equity;
Jazz Services Ltd;
thenorth@beerandpub.com
British Beer and Pub Association
Clitheroe Pubwatch
Longridge Pubwatch
Longridge Chamber of Trade

APPENDIX 2

Matters which should be considered by applicants when preparing their operating schedules and when considering submitting any application for new licences or variations of existing licences which are relevant to the four licensing objectives.

The lists are not exhaustive but provided for guidance only. Not all the matters listed will be relevant to every type of premises and regard must be had to the size, style, characteristics and activities taking place at the premises which is the subject of the application.

Protection of Children from Harm

- Restricting access of children to cigarette machines/ensuring procedures in place to prevent sale of tobacco to under 18's.
- Restricting access of children to any gaming machines.
- Restricting access of children into premises which provide adult entertainment, where there is a strong element of gambling or there are known problems with drug taking or with underage sales.
- Procedures to ensure that any customer coming on to the premises is over the age of 18 years.

Public Safety

- The provision of registered door supervisors at the entrance to premises, in order to ensure that the maximum capacity is not exceeded, and the method by which the capacity is monitored.
- The provision of door supervisors at points between different rooms or different levels to ensure that the maximum occupancy for each room or level is not exceeded and the method for monitoring the capacity for the level/floor.
- Large and outdoor event organisers to undertake and record a suitable and sufficient risk assessment and fire risk assessment, and develop and implement an effective Event Safety Management Plan.
- All event organisers are advised to view the Council's Safer Event Policy, which promotes and encourages safe, successful and considerate events being held in the Ribble Valley, details of which can be found on the Ribble Valley Borough Council Website.

Public Nuisance

- The proximity of any residents.
- The provision of DJ announcements or other public announcements asking people to leave quietly, having regard to residential neighbours.
- The provision of signage at all exits from the premises asking patrons to leave quietly and to have regard to residential neighbours.
- The effective monitoring of queues and methods of dealing with people who are causing a disturbance in the queue.
- The introduction of a written dispersal strategy.
- Signage outside the premises advising patrons that they will not be allowed admission if they are causing a disturbance.
- Door supervisors and other members of staff asking patrons to leave quietly.

- Door supervisors positioned immediately outside the premises to ensure the quiet dispersal of the customers.
- The measures implemented for ensuring that patrons do not congregate outside the premises (including, where appropriate, provision for keeping the premises/premise frontage free of litter).
- The provision of information to customers advising them of the most appropriate routes to the nearest transport facilities.
- The position of the nearest car park/use of premises car park and if it will disturb any residents.
- The provision of a free phone taxi service or other arrangements with taxi companies to collect patrons.
- The implementation of a procedure of banning any customers who continually leave or arrive at the premises in a manner which causes a public nuisance or disturbance.
- The implementation of a last admission time.
- Management of the queues so that patrons who are not going to gain admission to the premises before last admission time are advised accordingly.
- The provision of internal queuing arrangements where possible or alternatively additional till points to minimise the length of time people have to queue at premises.
- The provision of CCTV cameras outside the premises.
- Procedures for ensuring that no customer leaves with bottles or glasses.
- Playing music at a lower level towards the end of the evening in a "wind down" period.
- Ensuring that the premises will close within half an hour of the end of the last licensable activity.
- The location of the premises, their proposed capacity and the nature and age of the clientele who are likely to be coming to the premises.
- The nature of the entertainment which is going to be provided.
- The location and proposed use of any outside areas including by patrons using the areas for smoking. By way of guidance only, the Council would expect that after 11pm all persons outside the premises would move indoors and any amplified sound would be inaudible in neighbouring domestic properties. However, each application will be considered on its merits.

Crime and Disorder

- The capability, responsibility and training of members of management, in order to effectively supervise staff and ensure that the premises are operated in such a manner so as to prevent any crime and disorder, ensure the safety of the public, the protection of children from any physical or psychological harm and in a manner which does not cause the public any nuisance.
- The introduction of a policy which addresses the issues of a minimum drinks price, binge drinking, shows a responsible attitude to the sale of intoxicating liquor and avoids irresponsible promotions.
- The introduction of plastic glasses and bottles for major events.
- Adopting as a statement of best practice, initiatives such as the "Night Safe initiative"; "Best Bar None"; "Altern8" and "Think 21 campaign".

- Using radio links/pagers as a means of connecting to other licensed premises.
- Joining any local Club Watch or Pub Watch initiative and being an active participant.
- Introducing CCTV both internally and externally and ensuring any advice given by any crime prevention officer is complied with.
- Introducing a maximum safe capacity for the premises.
- Providing a minimum number of door supervisors on the basis of an appropriate ratio of registered door staff to customers. A ratio of 2 supervisors for the first 100 customers and then 1 supervisor for each subsequent 100 customers or part thereof is suggested.
- The supervision by a personal licence holder of any person under the age of 18 on a till.
- The complete exclusion of any person under the age of 18 from being able to sell alcohol.
- Closing the premises at the request of the police during specific times on any football match day.
- The introduction of toughened glass.
- Adopting the guidance recommended in the "Safer Clubbing" guide as a statement of best practice.
- Adopting a trade code of practice covering irresponsible drinks promotions, for example BBPA's guidelines on drinks promotions or the Portman Group recommendations.
- Providing a suitable environment for customers having regard to the activities going on on the premises, in particular appropriate levels of seating.
- The provision of a microphone to record any conversations at any entrances/exits to the premises.

APPENDIX 3

Scheme of Delegation

<u>Matter to be dealt with</u>	<u>Full committee</u>	<u>Sub Committee</u>	<u>Officers</u>
Application for personal licence			All cases
Application for personal licence with unspent convictions		If a police objection	All other cases
Application for premises licence/club premise certificate		If a representation is made	If no representation is made
Application for provisional statement		If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate		If a representation is made	If no representation is 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 for premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
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 police objection to a temporary event notice		All cases	