

Public Document Pack

Sefton Council 

MEETING: LICENSING AND REGULATORY COMMITTEE
DATE: 9th January 2023
TIME: 6.30 pm
VENUE: Committee Room - Bootle Town Hall, Trinity Road, Bootle, L20 7AE

Member

Cllr. John Kelly (Chair)
Cllr. Carran Waterfield (Vice-Chair)
Cllr. Susan Bradshaw
Cllr. June Burns
Cllr. Jennifer Corcoran
Cllr. Sinclair D'Albuquerque
Cllr. Judy Hardman
Cllr. Sonya Kelly
Cllr. Gareth Lloyd-Johnson
Cllr. Mike Morris M.B.E.
Cllr. Brenda O'Brien
Cllr. Carla Thomas
Cllr. Anne Thompson
Cllr. Lynne Thompson

COMMITTEE OFFICER: Amy Dyson Democratic Services Officer
Telephone: 0151 934 2045
E-mail: amy.dyson@sefton.gov.uk

If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

A G E N D A

1. Apologies for Absence

2. Declarations of Interest

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

3. Minutes

(Pages 3 - 8)

Minutes of the meeting held on 5 September 2022

4. Approval of Premises for the Conduct of Marriages and Civil Partnerships

(Pages 9 - 12)

Report of the Chief Legal and Democratic Officer

5. Draft revised Statement of Licensing Policy – Licensing Act 2003

(Pages 13 - 38)

Report of the Assistant Director of Place (Highways and Public Protection)

6. Determinations made under the Licensing Act 2003 and the Gambling Act 2005: period covering 13 August 2022 to 9 December 2022

(Pages 39 - 48)

Report of the Assistant Director of Place (Highways and Public Protection)

THIS SET OF MINUTES IS NOT SUBJECT TO "CALL IN"

LICENSING AND REGULATORY COMMITTEE

**MEETING HELD AT THE BIRKDALE ROOM - SOUTHPORT TOWN
HALL, LORD STREET, SOUTHPORT, PR8 1DA
ON MONDAY 5TH SEPTEMBER, 2022**

PRESENT: Councillor John Kelly (in the Chair)
Councillors Waterfield, Bradshaw, Burns, Corcoran,
Hardman, Sonya Kelly, Lloyd-Johnson, Morris,
O'Brien, Thomas, Anne Thompson and
Lynne Thompson

43. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D'Albuquerque.

44. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

45. MINUTES

RESOLVED:

That the Minutes of the meeting held on 13 June 2022 be confirmed as a correct record.

46. MOLYNEUX ROAD AREA, WATERLOO - CONSULTATION ON PROPOSED ONE WAY SYSTEM

The Committee considered the report of the Assistant Director of Place (Highways and Public Protection) which reported on the results of a consultation regarding the implementation of a One-way traffic system in the Molyneux Road area of Waterloo.

The Committee also considered correspondence sent to Councillor Kelly by a local resident raising issues about the scheme in respect of their disabled parking bay – expressing concern that the one-way system might present difficulties for the disabled person accessing their vehicle.

RESOLVED: That

- (1) the results of the consultation be noted;
- (2) the one-way system for the Molyneux Road area be progressed as proposed;
- (3) the Cabinet Member for Locality Services be requested to authorise

Agenda Item 3

LICENSING AND REGULATORY COMMITTEE- MONDAY 5TH
SEPTEMBER, 2022

the progression of the necessary Traffic Regulation Orders for Milton Road, Molyneux Road, Galloway Road and Winstanley Road, Waterloo;

- (4) residents be informed of the results of the consultation and the decision of this Committee; and
- (5) the Assistant Director of Place (Highways and Public Protection) be requested to give consideration to the implementation of mitigating measures to enable easier access by residents with disabled parking spaces.

47. SOUTHPORT TOWN DEAL, MARKET STREET, KING STREET, EASTBANK STREET AND CHAPEL STREET IMPROVEMENTS, SOUTHPORT

The Committee considered the report of the Assistant Director of Place (Highways and Public Protection) which sought Member's approval for the implementation of the proposed improvements on Market Street, King Street, Eastbank and Chapel Street and advised Members of proposed changes to Traffic Regulation Orders (TROs) associated with the improvements.

Arising from discussion, Members raised concerns about the risk to pedestrians from cyclists using Chapel Street. It was considered that there should be clearer separation of the cycle route along Chapel Street to provide protection for pedestrians.

RESOLVED: That

The Assistant Director of Place (Highways and Public Protection) be authorised to implement the following modifications to the highway:

- (1) installation of new, high-quality paving, new lighting, seating, planting, and improvements to street furniture on Market Street;
- (2) widening of the footway and installation of high-quality paving, lighting, planting, and improvements to street furniture on King Street;
- (3) installation of improved pedestrian crossing facilities, widening of a section of the footway and installation of high-quality paving, planting, and improvements to street furniture on Eastbank Street;
- (4) removal of 'street clutter' and improvements to street furniture on Chapel Street; and
- (5) the Assistant Director of Place (Highways and Public Protection) be requested to give consideration to clearer distinction of the cycling

provision on Chapel Street.

48. THORNTON ROAD, SOUTHPORT - PROPOSED REVOCATION OF HACKNEY CARRIAGE STAND

The Committee considered the report of the Assistant Director of Place (Highways and Public Protection) which reported on the results of a consultation with Hackney and Private Hire Trade Members over the proposal to revoke the existing Hackney Carriage Stand on Thornton Road, Southport.

RESOLVED: That

- (1) the results of the consultation be noted;
- (2) the proposal to revoke the existing two cab Stand on Thornton Road and replace it with a Disabled Parking Place for two blue badged vehicles be agreed; and
- (3) the Cabinet Member for Locality Services be requested to authorise advertising of the proposal.

49. REVIEW OF TOPOGRAPHICAL KNOWLEDGE TEST FOR HACKNEY CARRIAGE DRIVERS

The Committee considered the report of the Assistant Director of Place (Highways and Public Protection) which requested the removal of the requirement for new Hackney Carriage drivers to undertake the topographical street knowledge type test and bring them in line with private hire drivers.

RESOLVED: That

- (1) the requirement for new hackney carriage drivers to undertake the additional street knowledge test be removed; and
- (2) all new driver applications still be required to pass the test on conditions.

50. REVIEW OF TRAINING REQUIREMENTS FOR LICENSED DRIVERS

The Committee considered the report of the Assistant Director of Place (Highways and Public Protection) regarding removal of the requirement for all new licensed drivers to have completed the VRQ (Introduction to the Role of Professional Taxi and Private Hire Driver) and replace it with a new redesigned training course.

RESOLVED: That

Agenda Item 3

LICENSING AND REGULATORY COMMITTEE- MONDAY 5TH
SEPTEMBER, 2022

- (1) the requirement for new drivers to complete the VRQ training programme be removed; and
- (2) the creation of a new redesigned training course requirement be created; and
- (3) once established, the new training course be made a mandatory requirement for all drivers.

51. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005: PERIOD COVERING 14 MAY 2022 TO 12 AUGUST 2022

The Committee considered the report of the Assistant Director of Place (Highways and Public Protection) updating on applications made under the Licensing Act, 2003 and the Gambling Act, 2005 which had been determined by Licensing Officers.

The report indicated that Sefton Council's Statement of Licensing Policy (issued under the Licensing Act 2003) and the Statement of Gambling Policy (issued under the Gambling Act 2005), both followed the recommended delegation of functions contained within the Guidance, issued under Section 182 of the Licensing Act 2003 and the Guidance issued under Section 25 of the Gambling Act 2005. Where there were no relevant representations to applications, then these matters would be dealt with by Officers in order to speed matters through the system. The Guidance also recommended that where powers had been delegated, the Committee would receive regular reports on decisions made by Officers in order to maintain an overview of the general licensing situation.

The report indicated that during the period 14 May 2022 to 12 August 2022 the Assistant Director of Place (Highways and Public Protection) had received and determined the following numbers of applications:

Under the Licensing Act 2003:

- 78 Applications made under Premise Licences
- 22 Applications made under Personal Licences
- 53 Notifications of Temporary Event Notices
- 34 Notifications of Late Temporary Event Notices

Under the Gambling Act 2005:

- 1 Application made under Family Entertainment Permits
- 1 Application made under Licensed Premises Gaming Permits
- 1 Notification given for Licensed Premises Automatic Gaming

Agenda Item 3

LICENSING AND REGULATORY COMMITTEE- MONDAY 5TH
SEPTEMBER, 2022

RESOLVED:

That the report and the fact that further update reports would be submitted as necessary, be noted.

This page is intentionally left blank

Agenda Item 4

Report to:	Licensing and Regulatory Committee	Date of Meeting:	Monday 9 th January 2023
Subject:	Approval of Premises for the Conduct of Marriages and Civil Partnerships		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	All Wards
Cabinet Portfolio:	Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To consider the licensing of rooms at The Grand Lord Street Southport and The Lake House Crosby Coastal Park the Esplanade off Cambridge Road Waterloo

Recommendation(s):

- (1) That the designated rooms at The Grand Lord Street Southport (Princess Grace Suite) be licensed for civil marriage and civil partnership for a five year period.
- (2) That the designated rooms at The Lake House Crosby Coastal Park the Esplanade off Cambridge Road Waterloo (Kitchen and Restaurant, Lake View 1,2 and 3, Lakehouse Suite, The Deck) be licensed for civil marriage and civil partnership for a five year period.

Reasons for the Recommendation(s):

To increase the number of venues within Sefton for couples to be able to have a greater choice for their civil marriage or civil partnership

Alternative Options Considered and Rejected: (including any Risk Implications)

N/A

Agenda Item 4

What will it cost and how will it be financed?

(A) Revenue Costs

The cost of processing these applications will be met from the appropriate application fees which have been received from both venues.

(B) Capital Costs

There are no direct capital costs associated with the recommendations in this report.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):	
N/A	
Legal Implications:	
Application for the approval of premises for marriages and civil partnerships may be made to the local authority under the Marriages and Civil Partnerships Approved Premises Regulations 2005/3168 [as amended]	
Equality Implications:	
There are no equality implications	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y
The subject matter of this report is considered to be neutral in terms of Climate Emergency implications	

Contribution to the Council's Core Purpose:

N/A

Protect the most vulnerable:
Facilitate confident and resilient communities:
Commission, broker and provide core services:
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD7031/22) and the Chief Legal and Democratic Officer (LD 5231/22) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

N/A

Implementation Date for the Decision

Immediately following the Committee.

Contact Officer:	Paula Unsworth
Telephone Number:	0151 934 3044
Email Address:	Paula.unsworth@sefton.gov.uk

Appendices:

Agenda Item 4

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

1. The law requires that civil marriages and civil partnerships may only be conducted at licensed venues and the licensing of such venues is the responsibility of the Local Authority. The regulations require specific rooms/spaces to be designated for such purposes and only those rooms /spaces can be used for conducting civil marriages/partnerships.

2. Applications have recently been received from:
 - a. The Grand Lord Street Southport
 - b. The Lake House Crosby Coastal Park the Esplanade off Cambridge Road Waterloo

3. The applications have been assessed by Sefton's Registration Officers:
 - a. The premises have been inspected and confirm to all the guidelines issued to local authorities by the General Register Office (the statutory government department)
 - b. The applications were advertised on Sefton's website. The closing dates for objections after the official notice was published were 20th October 2022 for The Grand and 2nd December 2022 for The Lake House. No objections have been received.
 - c. Merseyside Police has considered the applications and have no objections.
 - d. Mersey Fire and Rescue Service has considered the applications and have no objections.

4. Approval of the application is recommended.

Agenda Item 5

Report to:	Licensing and Regulatory Committee	Date of Meeting:	9 January 2023
Subject:	Draft revised Statement of Licensing Policy – Licensing Act 2003		
Report of:	Assistant Director of Place (Highways and Public Protection)	Wards Affected:	(All Wards);
Portfolio:			
Is this a Key Decision:	N	Included in Forward Plan:	N
Exempt / Confidential Report:	N		

Summary:

To seek Members' comments on the draft revised Statement of Licensing Policy and to advise Members of the proposals for consultation on the draft revised document.

Recommendation(s):

Members are asked to:

- i) Give consideration to and comment upon the draft Statement of Licensing Policy within the Annex; and
- ii) Note and endorse the actions being taken to progress the revision of the Statement of Licensing Policy.

Reasons for the Recommendation(s):

To enable the timely review of the Statement of Licensing Policy.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial costs associated with the proposals in this report

(B) Capital Costs

There are no financial costs associated with the proposals in this report

Agenda Item 5

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None
Legal Implications: None
Equality Implications: There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Yes
Facilitate confident and resilient communities:
Commission, broker and provide core services: Yes
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and notes the report indicates no direct financial implications for the Council. (FD 7021/22).

The Chief Legal and Democratic Officer has been consulted with regard to any legal implications and any comments have been incorporated into the report. (LD 5221/22).

(B) External Consultations

None.

Implementation Date for the Decision

Immediately following the Committee meeting.

Contact Officer:	Kevin Coady
Telephone Number:	Tel: 0151 934 2946
Email Address:	kevin.coady@sefton.gov.uk

Appendices:

Annex - Draft Statement of Licensing Policy.

Background Papers:

There are no background papers available for inspection.

1. Background

- 1.1 Section 5 of the Licensing Act 2003 (“the LA03”) formally requires that the Licensing Authority has to prepare and publish a statement of its licensing policy (“the Policy”) every five years. During each five year period, the Licensing Authority must keep the Policy, in respect of that period, under review and make such revisions to it, at such times, as it considers appropriate.
- 1.2 The existing Policy has been kept under review since coming into force on 9 December 2018 and no revision has been deemed necessary to date. It will require reviewing in 2023 in order for a revised Policy to come into effect from 9 December 2023 (when the new five year cycle will commence).
- 1.3 Before determining its Policy, the Licensing Authority must consult the persons listed in Section 5(3) of the LA03. Those being:
 - The chief officer of police for the area;
 - The fire authority for the area;
 - The Director of Public Health;
 - Persons/bodies representative of local holders of premises licences;
 - Persons/bodies representative of local holders of club premises certificates;
 - Persons/bodies representative of local holders of personal licences; and,
 - Persons/bodies representative of businesses and residents in its area.
- 1.4 The views of the above have to be given appropriate weight when the Policy is being determined. In addition to the above, the Authority must also have regard to Guidance issued under Section 182 of the LA03 by the Home Office.

2.0 The draft revised Statement of Licensing Policy

- 2.1 The following alterations have been made to the existing Policy.
- 2.2 Paragraph 1.8 updated with latest Census figures.
- 2.3 Paragraph 1.11 existing text replaced with: *Seftons profile is reflected by statistics that show over 75% of the jobs in the borough are in the service sector and an adaptable and skilled workforce, that have an acknowledged excellent labour relations record.*

Agenda Item 5

- 2.4 Paragraph 1.13, last sentence deleted.
- 2.5 Paragraphs 1.14 to 1.19 deleted.
- 2.6 Paragraph 2.2 amended to remove “renewals”.
- 2.7 Paragraph 2.11 amended to now read: *Unless requested by the applicant, the Licence / Certificate will not be time limited. However any Premise Licence issued in respect of an application made on or after 6 April 2017 (and including the sale of alcohol and/or late night refreshment) will become invalid if the Premise Licence holder is in an individuals name and ceases to be entitled to work in the United Kingdom.*
- 2.8 Paragraph 4.4, last sentence deleted.
- 2.9 Paragraph 4.6, last sentence deleted.
- 2.10 Paragraph 5.5, last sentence deleted.

3.0 Consultation process

- 3.1 There is a statutory requirement to consult those persons outlined within Paragraph 1.3 prior to producing any revised Policy.
- 3.2 Beyond these statutory requirements, it is for each licensing authority to decide the full extent of its consultations and whether any particular person or body is representative of the group described in the statute.
- 3.3 As with previous consultation exercises undertaken (with both the Gambling Act 2005 Statement of Licensing Policy and the previous revisions of the LA03 Statement of Licensing Policy) general awareness of the consultation process, and access to the draft Policy, will be increased by:
 - i) Publishing the draft revision, a list of the alterations made, a consultation response proforma and general information on the Sefton Council Website (www.sefton.gov.uk) and via Sefton Council's Consultation Finder (www.engagespace.co.uk/sefton);
 - ii) News items placed on the various Sefton Council social media pages;
 - iii) Placing copies of the draft revision, and the list of the alterations made, in local libraries; and,
 - iv) Through press releases to all local press agencies.
- 3.4 In addition to the general consultation/awareness raising referred to above it is proposed to undertake the following specific consultations:
 - i) Letters to Merseyside Police; Merseyside Fire and Rescue; the local Health Body; Sefton Council Environmental Health & Licensing Section; Sefton Council Planning; Sefton Council Safeguarding Children's Unit; and Home Office Immigration Enforcement.
 - ii) Letters to the following Organisations: British Beer & Pub Association; British Institute of Innkeepers; Federation of Licensed Victuallers Association; Association of Licensed Multiple Retailers; Association of

Agenda Item 5

Convenience Stores; The Wine and Spirit Trade Association; Committee of Registered Clubs Association; BIIAB, Highfield Awarding Body for Compliance, Laser Learning Awards, Pearson Education Ltd, QNUK, Qualsafe Awards, SFJ Awards, SQA and Training Qualifications UK.

v) Letters to Sefton Chamber of Commerce and the Southport BID Team.

vi) Letters to all Borough Councillors, Sefton Members of Parliament and Parish Council Clerks.

3.5 It is proposed that the consultation will take place from 03/04/2023 to 05/06/2023.

3.6 The methodology and the appropriateness of the above consultation process has been approved by the Chair of the Public Engagement and Consultation Panel.

This page is intentionally left blank



SEFTON METROPOLITAN BOROUGH COUNCIL

LICENSING ACT 2003

LICENSING POLICY STATEMENT

Draft Version 1

Agenda Item 5

CONTENTS	PAGE
1.0 General Statement <ul style="list-style-type: none">• Sefton	
2.0 Scope <ul style="list-style-type: none">• Personal Licences• Premises Licences and Club Premises Certificates• Late Night Refreshment• Temporary Event Notices	
3.0 Licensing Objectives <ul style="list-style-type: none">• Prevention of Crime and Disorder• Public Safety• Prevention of Public Nuisance• Protection of Children from Harm	
4.0 Links to Other Policies	
5.0 The Licensing Process <ul style="list-style-type: none">• Hearings• Reviews of Licences	
6.0 Licensing Hours	
7.0 Children	
8.0 Licensing Conditions	
9.0 Cumulative Impact Assessment	
10.00 Enforcement	

ANNEXES

The following annexes do not form part of the approved Statement of Licensing Policy but are included to assist applicants in meeting the requirements of the licensing process.

- Annex 1 - Map of Sefton
- Annex 2 - Contact details for responsible authorities
- Annex 3 - Crime and Disorder
- Annex 4 - Public Safety
- Annex 5 - Public Nuisance
- Annex 6 - Children

1.0 GENERAL STATEMENT

- 1.1 Sefton Metropolitan Borough Council (“the Council”) is the Licensing Authority (“the Authority”), under the Licensing Act 2003 (“the Act”), responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in respect of the retail sale and/or supply of alcohol and the provision of Regulated Entertainment and Late Night Refreshment.
- 1.2 The Act requires that the Council publish a statement of licensing policy. Accordingly this policy statement has been prepared and published in compliance with the requirements of Section 5 of the Act and with regard to guidance issued under Section 182 of that Act. In drawing up this policy the Council has also had regard to the nature of the Borough and the needs and wishes of the communities it serves and has consulted with all the statutory consultees and other appropriate bodies.
- 1.3 This policy statement sets out the general approach to the making of licensing decisions. It does not prevent any individual from making any application, under the terms of the Act, and having that application considered on its individual merits. Nor does it override the right of any person to make representations on an application or to seek a review of a licence or certificate where the Act allows them to do so.
- 1.4 This policy statement will be subject to a periodic review every five years, between those periodic reviews it may also be subject to ongoing reviews, particularly where feedback indicates that the Licensing Objectives are not being met.
- 1.5 In carrying out its licensing functions the Authority will promote the Licensing Objectives which are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

See Section 3.0 for more information.

Sefton

- 1.6 Sefton is one of the six Metropolitan Boroughs that make up Merseyside. It lies in the northern part of the Liverpool City Region with which it shares close economic, social, cultural and transport links and stretches 22 miles north from Bootle to Southport. It also has important links to Preston and West Lancashire. Sefton adjoins the City of Liverpool to the south, the borough of Knowsley to the south-east, and the largely rural West Lancashire elsewhere. The location of Sefton is shown by the map provided at Annex 1.
- 1.7 Sefton is an area of great contrasts with beautiful coastlines, rural landscapes and industrial/commercial areas; working docklands, commuter towns and a busy seaside resort; areas of great affluence but also some of the most deprived

Agenda Item 5

communities in England and Wales. Sefton has a number of famous features that help make it distinctive. These include the resort of Southport, an outstanding natural coast, the home of the Grand National at Aintree, England's 'golf coast' including Royal Birkdale, and Antony Gormley's 'Iron Men' sculptures on Crosby beach with most of the Port of Liverpool being situated in the south of the Borough.

- 1.8 Sefton has a resident population of 275,899 (2021 census) and has a high proportion of retired people, widowed people and long term unemployed when compared with the rest of England and Wales.
- 1.9 The main centres of population are the urban and suburban areas of Bootle, Crosby, Maghull, Formby and Southport.
 - Bootle is an area of mainly Victorian terraced properties, with busy working docklands and a mixture of retail and office developments at its centre. In recent years, much of the area was designated as part of the Merseyside 'Housing Market Renewal Area'. The initiative has begun to change the housing quality, type and tenure available, mainly through demolition of low-demand homes and clearance of low grade or vacant industrial sites and rebuilding of new homes.
 - Southport at the north of the Borough has a traditional, quality image, borne out of its Victorian and Edwardian architectural and landscape grandeur. This heritage has led to Southport being described as a 'classic resort'. This, coupled with family attractions and recent growth in 'eco-tourism', has enabled it to endure changing holiday patterns. There has been significant investment in the town centre and Seafront in recent years, but both its leisure and retail areas continue to need to be revitalised. Southport Business Improvement District, the Council, Merseyside Police, Pubwatch, Light for Life and Street Pastors have been successful in applying for Purple Flag status.
 - Formby, Crosby and Maghull are largely residential with a smaller number of commercial premises, there are therefore relatively few employment areas here. These are however distinctive settlements in their own right, and all function as commuter settlements for the Liverpool City Region.
- 1.10 The Local Plan for Sefton will allow development in town centre areas as long as it does not cause significant harm to amenity, would not result in grouping of similar uses which would harm the character of the area or harm residential amenity. Planners may use conditions to restrict opening hours.
- 1.11 Sefton's profile is reflected by statistics that show over 75% of the jobs in the borough are in the service sector and an adaptable and skilled workforce, that have an acknowledged excellent labour relations record.
- 1.12 Noise has been a problem in certain areas and from certain premises, with complaints about licensed premises tending to relate to poorly constructed or poorly managed premises. Complaints are also received about noise and

disturbance from people going to or leaving licensed premises, this is mainly in the areas of greatest concentration of licensed premises or from premises located in residential areas.

- 1.13 Trains and buses do not operate all night and whilst there are up to 2000 licensed taxis and private hire vehicles in the borough, problems can arise at times of high demand with insufficient transport readily available for the large numbers of potential customers.

2.0 SCOPE

2.1 This Policy Statement covers the following 'licensable activities':

- The licensing of individuals for the retail sale of alcohol (Personal Licence);
- The licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshment (Premises Licence);
- The supply of alcohol or the provision of regulated entertainment to certain clubs (Club Premises Certificate);
- The permitting of certain licensable activities on a temporary basis (Temporary Event Notice)

2.2 In this regard the policy covers new applications, transfers, variations and minor variations of Licences and also includes the review of Licences and Certificates, which could lead to revocation.

2.3 It should be noted that incomplete applications will be returned to the applicant and the period for determination will not commence until a valid application has been submitted.

Personal Licences

2.4 A Personal Licence is granted to an individual and authorises the supply of alcohol in accordance with a Premises Licence.

2.5 An applicant has to demonstrate that they have an appropriate licensing qualification, are aged over 18 years, do not have a relevant or foreign criminal conviction or have been required to pay an immigration penalty. In addition they must also demonstrate that they have the right to work within the United Kingdom.

2.6 The holder of a Personal Licence is required by the Act to report (as soon as reasonably practicable) to the Licensing Authority any change to their name or address. Similarly should they receive a conviction for any relevant criminal offence or foreign offence or have been required to pay an immigration penalty they must report this in writing (again as soon as reasonably practicable). On receipt of which the Licensing Authority has the discretion to suspend, for up to 6 months, or to revoke the Licence. In addition any Personal Licence issued in

Agenda Item 5

respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the United Kingdom.

- 2.7 Further information on this type of Licence can be found on the Sefton Council website at www.sefton.gov.uk.

Premises Licences and Club Premises Certificates

- 2.8 A Premises Licence / Club Premises Certificate is required for any premises where it is intended that a licensable activity should take place.

- 2.9 The Act states that the following persons may apply for a Premises Licence in respect of any premises:

- A person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates;
- Any person who makes the application pursuant to:
 - i) any statutory function discharged by that person which relates to those licensable activities, or
 - ii) any function discharged by that person by virtue of Her Majesty's prerogative,
 - iii) a recognised club,
 - iv) a charity,
 - v) the proprietor of an educational institution,
 - vi) a health service body,
 - vii) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital,
 - viii) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England,
 - ix) a chief officer of police of a police force in England and Wales,
 - x) a person of such other description as may be prescribed.
- An individual may not apply for a premises licence if s/he is not aged 18 or over.
- An individual who is resident in the United Kingdom may not apply for a Premises Licence authorising premises to be used for the sale of alcohol and/or late night refreshment unless the individual is entitled to work in the United Kingdom.

- 2.10 The grant of a Club Premises Certificate means that a club is entitled to certain benefits, which include the authority to supply alcohol to its members and sell it to guests without the need for any member or employee to hold a personal licence, and the absence of a requirement to specify a designated premises supervisor. There are also more limited rights of entry for the police and other authorised persons, as the premises are considered private and not generally open to the public.

- 2.11 Unless requested by the applicant, the Licence / Certificate will not be time limited. However any Premise Licence issued in respect of an application made on or after 6 April 2017 (and including the sale of alcohol and/or late night refreshment) will become invalid if the Premise Licence holder is in an individuals name and ceases to be entitled to work in the United Kingdom.
- 2.12 Further information on this type of Licence / Certificate can be found on the Sefton Council website at www.sefton.gov.uk.

Late Night Refreshment

- 2.13 The provision of late night refreshment is defined as the supply of hot food or hot drink on or from premises to members of the public between 11pm and 5am for consumption on or off the premises. Schedule 2 of the Act makes provision for exempt supplies of hot food or hot drink; these include supplies which can only be made from premises which are recognised clubs or hotels to persons admitted to those premises as a member of the club or as an overnight guest at the hotel, and supplies by means of a self service vending machine or which are free.
- 2.14 Changes made to Schedule 2 of the Act by the Deregulation Act 2015 provide a licensing authority with the discretionary powers to exempt the supply of late night refreshment from the licensing regime if it takes place:
- i) On or from premises which are wholly situated in a designated area;
 - ii) On or from premises which are of a designated description; or
 - iii) During a designated period (beginning no earlier than 11pm and ending no later than 5am).
- 2.15 The Authority has not yet exercised these powers; if it should then a list of any designated areas, designated descriptions or designated periods will be included as an Annex to this Policy.

Temporary Event Notices

- 2.16 The Act states that the organiser of a Temporary Event must give the Licensing Authority, the local authority exercising environmental health functions and the Police notice of the event.
- 2.17 The Act states that a “standard” Temporary Event Notice (“TEN”) may be served (up to) 10 working days prior to a permitted Temporary Event, whilst a “late” TEN may be served (up to) 5 working days prior to a permitted Temporary Event.
- 2.18 TENs are subject to certain limits, which are set by statute, further information on these can be found on the Sefton Council website at www.sefton.gov.uk.

3.0 LICENSING OBJECTIVES

- 3.1 In carrying out its licensing functions the Authority will promote the Licensing Objectives which are:

Agenda Item 5

- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 3.2 To achieve these objectives the Authority will use a full range of measures including its planning, transport and crime and disorder policies and powers. The Authority will work in partnership with Merseyside Police, Merseyside Fire Authority, local businesses, local pubwatches, community representatives and local people in meeting these objectives.
- 3.3 Applicants will be expected to undertake their own enquiries about the area in which their premises are situated to inform the content of their application and in particular they will be expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- The layout of the local area and physical environment including crime and disorder hotspots, hotspots of ill health (particularly children) caused by alcohol, proximity to residential premises and proximity to areas where children may congregate;
 - Any risk posed to the local area by the applicants' proposed licensable activities; and
 - Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 3.4 Applicants will be expected to include positive proposals in their application on how they will manage any potential risks. For example, premises with close proximity to residential premises should consider smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

Prevention of Crime & Disorder

- 3.5 When making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Crime and Disorder objective, applicants should consider the following matters in particular:
- The capability of the person in charge to ensure effective and responsible management of the premises;
 - The training given to staff in crime prevention measures;
 - Procedures for risk assessing promotions and events, such as 'happy hours' in relation to crime and disorder, and the plans to minimise such risks;
 - Adoption of best practice in relation to safer clubbing etc;

- Physical security features installed in the premises (i.e. location and standard of CCTV equipment, toughened drinking glasses etc);
- Measures to prevent the supply of illegal drugs, including search and entry policies;
- Employment of SIA licensed door supervisors;
- Participation in an appropriate crime prevention scheme (e.g. 'pubwatch');
- Measures to be taken for the prevention of violence and disorder;
- The presence, or access to, sufficient transport facilities to ensure that customers can leave the premises safely and swiftly;
- Weapon detection and search facilities;
- Illegal sale of alcohol to those who are already drunk;
- Participation in any existing radio network scheme

3.6 Annex 3 gives further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

Public Safety

3.7 When making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Public Safety objective, applicants should consider the following matters in particular:

- The safe occupancy capacity of the premises, in particular having regard to floor area and means of escape;
- The age, design and layout of the premises, including the means of escape;
- The nature of the licensable activities provided, in particular the sale of alcohol;
- Hours of operation;
- Customer profile (age, disability etc);
- 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;
- 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;
- Implementation of appropriate crowd management measures

3.8 Annex 4 to this Policy gives some further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

Prevention of Public Nuisance

3.9 When making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Public Nuisance objective, applicants should consider the following matters in particular:

Agenda Item 5

- 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 the premises given its location and proximity to residential and other noise sensitive premises. This would include music, plant noise and human voice, whether amplified or not;
 - Measures taken to prevent the transmission of sound and/or vibration to adjoining properties;
 - 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 parts, of the premises;
 - Measures taken to prevent cooking odours and other smells escaping from the premises;
 - Means of access to and egress from the premises, including customer entrances and exits on principal pedestrian routes;
 - Whether routes to and from the premises pass residential premises;
 - Whether the premises would result in increased refuse storage, disposal problems or additional litter in the vicinity of the premises, including measures taken to ensure the collection and disposal of litter and waste outside the premises;
 - Measures to be taken to reduce drunkenness on the premises, e.g. the “Drink Less Enjoy More” scheme;
 - If appropriate, a ‘wind down’ period between the end of the licensable activities and closure of the premises;
- 3.10 If sound leakage from the premises is identified by the applicant, or any responsible authority, the Authority will expect this to be addressed in practical ways, such as:
- Keeping doors and windows closed and providing adequate mechanical ventilation, or if necessary, air conditioning;
 - Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level;
 - Installing soundproofing measures to contain sound and vibration
- 3.11 In premises where customers leave late at night, or early in the morning, 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 time making loud speaker announcements to the same effect;
 - Instructing door staff to ask customers leaving the premises to do so 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 taxis or private hire vehicles to take customers from the premises;
- Refusing entry to people known to regularly leave in a noisy manner;
- The supervision of any queues so as to keep noise and disturbance to a minimum

3.12 Annex 5 to this Policy gives further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

Protection of Children from Harm

3.13 It is not possible to anticipate every issue of concern that could arise with regard to each individual premises in respect of children, however, when making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the protection of children from harm objective, applicants should, in particular, consider how they will prevent children from:

- Acquiring or consuming alcohol;
- Being exposed to drugs, drug taking or drug dealing;
- Being exposed to gambling;
- Being exposed to entertainment of an adult or sexual nature;
- Being exposed to incidents of violence or disorder;
- Being exposed to excessive noise.

3.14 With regard to the mandatory condition concerning age verification policies, the Authority recommends that the following documents should be used as proof of age:

- Passport;
- 'Photocard' Driving Licence; or,
- Any PASS (Proof of Age Standards Scheme) card (details from www.pass-scheme.org.uk).

3.15 The Authority will normally require persons working with children, in respect of premises holding under 18 regulated entertainment, to undergo an enhanced Criminal Records Bureau check before they are appointed.

3.16 In recent years there has been an increasing awareness of the problems in society generally connected with Child Sexual Exploitation. It is this Authority's opinion that Child Safeguarding is everyone's responsibility and that licensed premises should be vigilant in this regard particularly those premises which may be expected to attract under 18 year olds such as nightclubs, fast food outlets, cinemas screening children's films etc. Operators of licensed premises should have in place appropriate child safeguarding measures and should seek the advice of the Council's Safeguarding Children's Unit in this respect.

3.17 Annex 6 to this Policy gives further guidance as to the type of measures applicants may wish to include in their Operating Schedules with regard to this objective.

Agenda Item 5

4.0 LINKS TO OTHER POLICIES

- 4.1 The Authority will ensure proper integration of this and other related policies and strategies, including its cultural, economic development, local crime prevention, health, planning, race equality, transport, tourism and town centre management strategies, through consultation, ongoing communication and reporting arrangements between the Licensing and Regulatory Committee, the Licensing Unit and other relevant bodies.
- 4.2 All licensing activities will be undertaken in compliance with the Authority's Race Equality Scheme which recognises its responsibilities under the Race Relations Act 1976.
- 4.3 This Policy Statement also recognises the Disability Discrimination Act 1995 as well as recognising that the Equality Act 2010 places a legal obligation on public authorities 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.
- 4.4 The Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to promote the prevention of crime and disorder and it will also have regard to these duties when determining applications.
- 4.5 The Authority recognises the need and wider cultural benefits of encouraging and promoting a broad range of entertainment, particularly live music, dance and theatre and will seek to avoid measures that unnecessarily deter the provision of such entertainment.
- 4.6 The Authority recognises the impact of irresponsible consumption of alcohol on crime, disorder and health and will expect Licensees to ensure that alcoholic drinks are packaged, presented and sold in a socially responsible way.
- 4.7 The Authority also encourages Licensees to give consideration to the National Alcohol Harm Reduction Strategy and any Alcohol Harm Reduction Strategy that may be in force from Sefton Council, in particular the contribution they can make to reducing the harm caused by irresponsible consumption of alcohol.

5.0 THE LICENSING PROCESS

- 5.1 In determining a licence application the overriding principle adopted by the Authority will be that each application will be determined on its merits.
- 5.2 The decisions taken by the Authority will be focused on matters within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

- 5.3 In addressing this matter, the Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.

- 5.4 Whilst recognising that licensing law is a key aspect in the general control of anti-social behaviour and forms part of the holistic management of the evening and night-time economy, in taking its decisions the Authority will take into account the fact that it is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the Licence, Certificate or Permission concerned.

- 5.5 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.

- 5.6 There may be circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.

- 5.7 Licensing decisions and functions may be taken or carried out by the Licensing Committee, or delegated, where appropriate, to sub-committees or officers. The principal of delegation will be to ensure that decisions and functions, particularly non-contentious applications and purely administrative functions are taken or carried out in a speedy, efficient and cost-effective way.

- 5.8 The delegation of decisions and functions will be as follows:

Matter to be Dealt With	Sub-Committee	Officers
Application for a personal licence	If a Police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application for a 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

Agenda Item 5

SEFTON METROPOLITAN BOROUGH COUNCIL – LICENSING POLICY STATEMENT

Application for transfer of premises licence	If a Police objection	All other cases
Application 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 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	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Application for minor variation		All cases

5.9 Applicants for grants or variations of Premises Licences / Club Premises Certificates are required by the Act to copy details of their applications to the following “responsible authorities”, who may make representations about the application or ask the Authority to review a Premises Licence / Club Premises Certificate:

- The relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
- The chief officer of police;
- The local fire authority;
- The local enforcement agency for the Health and Safety at Work Etc Act 1974 (the local authority or the Health and Safety Executive as appropriate to each particular premises);
- The local authority with responsibility for environmental health;
- The local planning authority;
- The body responsible for the protection of children from harm;
- The local weights and measures authority;
- The Home Office;
- The Primary Care Trust or Local Health Board, and,
- Any other licensing authority in whose area part of the premises are situated.

5.10 The appropriate points of contact for the abovementioned responsible authorities, i.e. the person to whom copies of applications should be sent, are listed in Annex 2.

5.11 The Authority will notify those residential and business properties with curtilages abutting those premises applying for a Premises Licence or a Club Premises

Certificate, the Variation of a Premises Licence or Club Premises Certificate, or any premises subject to a review. Whilst this is not a statutory requirement, the Authority is of the belief that it is important to ensure that the community are fully aware of licensing applications made in their area and as such this will ensure that local people have a voice in licensing decisions. As part of our statutory requirements we will also advertise these applications on www.sefton.gov.uk.

- 5.12 In respect of minor variations the overall test for Officers will be to decide whether or not the proposed minor variation would impact adversely on any of the four licensing objectives.

Hearings

- 5.13 A hearing will be arranged to deal with any application which cannot be dealt with under delegated powers or resolved by agreement between applicants and other parties and/or 'responsible authorities'.

Review of licences

- 5.14 Following the grant of a Premises Licence or Club Premises Certificate a 'responsible authority' or any other party may request the Authority to review the Licence/Certificate where problems associated with the four Licensing Objectives have occurred. Similarly the Authority itself may instigate a review of the licence in a similar manner.
- 5.15 The Authority considers that other parties and 'responsible authorities' will give licence holders sufficient warning of any concerns they may have with regard to problems identified at the premises and the need for improvement. The Authority therefore expects licence holders to respond to such warnings and implement the necessary remedial action. A failure to respond to such warning could lead to a decision to request a review of the licence.
- 5.16 In all cases where a representation for a review is made it must relate to a particular premises for which a Licence/Certificate is in force and must be relevant to the promotion of the four Licensing Objectives.
- 5.17 Requests for reviews may be rejected where, in the view of the Authority, the complaint is not relevant (to the Licensing Objectives), is vexatious, frivolous or repetitious.
- 5.18 Where a review has been accepted by the Authority and where a statement from a proposed witness is served on the Authority and all other relevant parties at least 14 days prior to the date notified for the hearing of a review, that witness statement shall be taken as fact unless written notice requiring the attendance of that witness is given to the party putting forward the witness, and to the Authority, at least five working days prior to any review hearing.

6.0 LICENSING HOURS

Agenda Item 5

- 6.1 The Authority will not prescribe general licensing hours and in determining licensing hours the Authority will not limit opening hours without consideration of the circumstances and individual merits of each application.
- 6.2 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the Authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 6.3 The Authority will consider in each case the evidence presented to it and in particular, where relevant and appropriate:
- a) Any evidence that longer hours may lead to public nuisance later at night, particularly where residents are affected;
 - b) Any evidence of policing difficulties late at night;
 - c) Any evidence of difficulties experienced in late night street cleaning;
 - d) Any evidence that premises licensed for longer hours are in fact closing, or likely to close, at the same hour so producing peaks of disturbance later at night;
 - e) Any evidence that those drinking longer are creating disorder later at night.
- 6.4 In general the Authority will seek to ensure that nuisance is minimised to local residents and will demand stricter conditions with regard to noise and nuisance control in areas of denser residential accommodation.
- 6.5 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises throughout the hours they intend to open unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.
- 6.6 Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the Community.

7.0 CHILDREN

- 7.1 The Authority can only attach conditions where an objection is upheld following a hearing. Licensing covers a wide variety of types of premises and activity. The Authority will not seek to limit access of children to any premises unless such access is specifically prohibited by the Act or it is otherwise considered necessary for the prevention of physical, moral or psychological harm. Each application and the circumstances obtaining to each application will be considered on its own merits.
- 7.2 The Authority would be most likely to take such action in relation to premises where there have been convictions for members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking; a known association with drug taking or dealing; a strong element of gambling on

the premises; where entertainment of an adult or sexual nature is commonly provided; or where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

7.3 Where it is considered necessary, for the prevention of physical, moral or psychological harm, to limit the access of children, the following options, or combination of options may be imposed:

- Limitations on the hours when children may be present;
- Limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults; and
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

7.4 The Authority will not impose conditions requiring the admission of children to any premises. The Authority believes that where no licensing restriction is necessary, the admission or otherwise of children to a premises should remain a matter for the discretion of the individual licensee or club.

7.5 The provision of entertainment to children will require the presence of sufficient adults to control the access, egress and safety of the children. Where regulated entertainment is provided for children, or large numbers of children may be expected, conditions may be imposed to require an appropriate ratio of adult staff to be present, to control access egress and safety of the children.

7.6 Where a licence relates to the exhibition of films, the Authority will expect that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification. In exceptional cases the Authority may vary the age-restriction applied to a film to be exhibited within its area.

8.0 LICENSING CONDITIONS

8.1 As indicated in Paragraph 7.1 above, the Authority can only attach conditions where an objection is upheld following a hearing. In these instances only those conditions considered appropriate to meet the Licensing Objectives will be imposed. The Authority will avoid the imposition of disproportionate and overburdensome conditions where there is no need for them.

8.2 The Authority will seek to avoid any duplication with other regulatory regimes. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (for example, health and safety at work and fire safety legislation). However, the Authority will expect licencees to maintain compliance with those other regulatory regimes and would encourage licencees to adopt best practice wherever possible.

Agenda Item 5

SEFTON METROPOLITAN BOROUGH COUNCIL – LICENSING POLICY STATEMENT

- 8.3 To ensure consistency the Authority will maintain pools of conditions, from which appropriate and proportionate conditions, tailored to the individual style and characteristics of the premises and events to which an application relates, may be drawn when necessary in particular circumstances. Conditions will, so far as possible, reflect local crime prevention strategies.
- 8.4 When considering whether an entertainment being provided constitutes ‘the provision of regulated entertainment’ each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether the provision is regulated or not and therefore organisers of events should check with the Authority if in doubt.
- 8.5 Further information on what constitutes ‘the provision of regulated entertainment’ (and in what circumstances) can be found via the Sefton Council Website at www.sefton.gov.uk.

9.0 CUMULATIVE IMPACT ASSESSMENT

- 9.1 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 premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 9.2 Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - statistics on local anti-social behaviour offences;
 - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - environmental health complaints, particularly in relation to litter and noise;
 - complaints recorded by the local authority, which may include complaints raised by local residents or residents’ associations;
 - residents’ questionnaires;
 - evidence from local councillors; and
 - evidence obtained through local consultation.
- 9.3 The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority’s duty to promote the licensing objectives.
- 9.4 The Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are

the same in areas with a CIA as they are elsewhere. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a licensing authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.

- 9.5 This Authority has not published a CIA, however it should be noted that although the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the Act.
- 9.6 Each decision in an area subject to a CIA would still need to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. It is also noted that the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where the authority considers this to be appropriate in the light of the individual circumstances of the case.

10.0 ENFORCEMENT

- 10.1 Enforcement action will be taken in accordance with the Authority's Licensing Enforcement Policy, will follow the Hampton principles and will be targeted, proportionate and transparent. The inspection of premises will be undertaken, when necessary, on a risk assessment and targeted basis, ensuring that resources are concentrated on high risk and problem premises and activities and again these will recognize the Hampton principles.
- 10.2 The Authority has established protocols on enforcement issues with the local Police, to provide for a more efficient deployment of Local Authority staff and Police Officers who are commonly engaged in enforcing Licensing Law and the inspection of licensed premises. In particular, these protocols provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch in respect of those low-risk premises that are well run.

This page is intentionally left blank

Agenda Item 6

Report to:	Licensing and Regulatory Committee	Date of Meeting:	Monday 9 January 2023
Subject:	Determinations made under the Licensing Act 2003 and the Gambling Act 2005: period covering 13 August 2022 to 9 December 2022		
Report of:	Assistant Director of Place (Highways and Public Protection)	Wards Affected:	(All Wards);
Portfolio:			
Is this a Key Decision:	N	Included in Forward Plan:	N
Exempt / Confidential Report:	N		

Summary:

To update Members regarding those applications, made under the Licensing Act 2003 and the Gambling Act 2005, that have been determined by Officers.

Recommendation(s):

That Members:

- i) note this Report and its contents;
- ii) note that further Reports will be brought forward to up date Members as and when necessary.

Reasons for the Recommendation(s):

The Openness of Local Government Bodies Regulations 2014 requires that a written record of delegated decisions that would otherwise be made by a committee be published to the Council's website. The publication of this report satisfies that requirement for the delegated decisions made in relation to the administration of the Licensing Act 2003 and the Gambling Act 2005.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

Agenda Item 6

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial costs associated with the proposals in this report

(B) Capital Costs

There are no financial costs associated with the proposals in this report

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): None.	
Legal Implications: None.	
Equality Implications: There are no equality implications.	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y
This is an information only Report and contains no proposals that will alter any impact on climate change.	

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Yes
Facilitate confident and resilient communities:
Commission, broker and provide core services: Yes
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and notes the report indicates no direct financial implications for the Council. (FD 7057/22).

The Chief Legal and Democratic Officer has been consulted with regard to any legal implications and any comments have been incorporated into the report. (LD 5257/22).

(B) External Consultations

None.

Implementation Date for the Decision

Immediately following the Committee meeting.

Contact Officer:	Kevin Coady
Telephone Number:	Tel: 0151 934 2946
Email Address:	kevin.coady@sefton.gov.uk

Appendices:

Annex 1: Numbers determined – Licensing Act 2003

Annex 2: Numbers determined – Gambling Act 2005

Background Papers:

There are no background papers available for inspection.

1. Background

- 1.1 Members will recall that the Statement of Licensing Policy (issued under the Licensing Act 2003) and the Statement of Gambling Licensing Policy (issued under the Gambling Act 2005) both follow the recommended delegation of functions contained within the Guidance issued under Section 182 of the Licensing Act 2003 and the Guidance issued under Section 25 of the Gambling Act 2005.
- 1.2 In effect this means that where there are no relevant representations to applications then these matters are dealt with by Officers. This ensures that decisions and functions, particularly for non-contentious applications and purely administrative functions, are taken or carried out in a speedy, efficient and cost-effective way.
- 1.3 The Openness of Local Government Bodies Regulations 2014 requires that a written record of delegated decisions that would otherwise be made by a committee be published to the Council's website. The publication of this report

Agenda Item 6

satisfies that requirement for the delegated decisions made in relation to the administration of the Licensing Act 2003 and the Gambling Act 2005.

2. Numbers determined – Licensing Act 2003

2.1 During the period covering 13 August 2022 to 9 December 2022 the following number of applications have been determined under this Act:

- Applications made under Premise Licences **100**
- Applications made under Personal Licences **41**
- Notification of Temporary Event Notices **73**
- Notification of Late Temporary Event Notices **36**

2.2. Details of determinations made under Premise Licences are attached within Annex 1 to this Report.

3. Numbers determined – Gambling Act 2005

3.1 During the period 13 August 2022 to 9 December 2022 the following number of applications have been determined under this Act:

- Applications made under Gambling Premise Licences **4**
- Applications made under Licensed Premises Gaming Permits **3**
- Notifications given for Licensed Premises Automatic Gaming **1**

3.2. Details of determinations made under the above are attached within Annex 2 to this Report.

ANNEX 1

name	address2	address3	action	closeddate
	215 Stanley Road	Bootle	Grant	16/08/2022
Danny's General Store	95 Stanley Road	Bootle	Transfer	17/08/2022
Mams Convenience	18 Central Square	Maghull	Variation of DPS	17/08/2022
	1 Moss Lane	Lydiate	Variation of DPS	18/08/2022
Crown Hotel	304 Liverpool Road	Birkdale	Variation of DPS	18/08/2022
Pontins (Southport) Holiday Centre Leisure Complex	Shore Road	Ainsdale	Variation of DPS	19/08/2022
Southport Holiday Centre	Shore Road	Ainsdale	Variation of DPS	19/08/2022
McDonalds Restaurants	Unit 2 Old Meadow Road	Maghull	Transfer	22/08/2022
Monroe's	8 Coronation Walk	Southport	Variation of DPS	22/08/2022
One Stop Shop	30-32 Belmont Street	Southport	Variation of DPS	22/08/2022
Cooksons Bridge Public House	Gorse Lane	Litherland	Variation of DPS	23/08/2022
The Sparrowhawk	Southport Old Road	Formby	Change of Name and/or Address	24/08/2022
Aldi	Liverpool Road	Birkdale	Variation of DPS	25/08/2022
The Fox	31 Foxhouse Lane	Maghull	Variation of DPS	25/08/2022
Sainsbury's	10 Central Square	Maghull	Grant	25/08/2022
Home Bargains	73 Linacre Road	Litherland	Variation of DPS	30/08/2022
Shell Waterloo	13 Crosby Road North	Waterloo	Minor Variation	30/08/2022
A.G.Parfett & Sons Limited	Topham Drive	Aintree	Variation of DPS	31/08/2022
	25 Brows Lane	Formby	Grant	01/09/2022
Coach & Horses	166 Liverpool Road North	Maghull	Minor Variation	02/09/2022
Tesco Stores	42-46 Eastbank Street	Southport	Variation of DPS	02/09/2022
Mimi Off Licence	9 West Street	Southport	Transfer	06/09/2022
Lidl	4-18 Virginia Street	Southport	Variation of DPS	07/09/2022
McDonalds Restaurants	280-282 Stanley Road	Bootle	Minor Variation	08/09/2022
Mount Garage Ltd	Prescot Road	Melling	Transfer	08/09/2022
Crown Hotel	304 Liverpool Road	Birkdale	Variation of DPS	12/09/2022

The Sparrowhawk	Southport Old Road	Formby	Variation of DPS	12/09/2022
Allotment	25 Liverpool Road	Birkdale	Variation of DPS	13/09/2022
Rileys Corner	60 South Road	Waterloo	Minor Variation	13/09/2022
The Wild Rose	1A/1B The Triad Centre	Stanley Road	Variation of DPS	13/09/2022
Wellington Hotel	22 Eastbank Street	Southport	Variation of DPS	15/09/2022
Wellington Hotel	22 Eastbank Street	Southport	Variation of DPS	20/09/2022
Blue Anchor Inn	32 School Lane	Aintree	Variation of DPS	27/09/2022
B & M Bargains	55-58 New Strand Medway	Bootle	Variation of DPS	28/09/2022
The Gild Hall	Church Road	Formby	Variation of DPS	29/09/2022
Shot & Chaser	17 Wesley Street	Southport	Grant	29/09/2022
The Beach House	The Promenade	Ainsdale	Grant	03/10/2022
Railway Hotel	11 Bridge Road	Litherland	Variation of DPS	03/10/2022
Asda Stores Ltd	Ormskirk Road	Aintree	Minor Variation	04/10/2022
Co-Operative Food	37-39 Queens Road	Formby	Variation of DPS	05/10/2022
Crown Hotel	304 Liverpool Road	Birkdale	Variation of DPS	05/10/2022
Wellington Hotel	22 Eastbank Street	Southport	Variation of DPS	05/10/2022
Maghull Town Hall	Hall Lane	Maghull	Variation of DPS	07/10/2022
Lidl	Bridge Road	Litherland	Variation of DPS	10/10/2022
The Potting Shed	137-141 Lord Street	Southport	Transfer	10/10/2022
Southport Coaster	137-141 Lord Street	Southport	Change of Name and/or Address	10/10/2022
Aromas De Portugal	13-15 Princes Street	Southport	Transfer	11/10/2022
Home Bargains	Liverpool Road North	Maghull	Variation of DPS	11/10/2022
Marks and Spencer	Unit 4 Aintree Retail & Business Park	Ormskirk Road, Aintree	Minor Variation	13/10/2022
Bliss Hotel	Promenade	Southport	Licence Holder Transfer & Variation of DPS	19/10/2022
Cheshire Lines	81 King Street	Southport	Variation of DPS	20/10/2022
Lidl	Bridge Road	Litherland	Variation of DPS	20/10/2022

Maggie Fu	126-128 South Road	Waterloo	Transfer	20/10/2022
The Potting Shed	137-141 Lord Street	Southport	Variation of DPS	20/10/2022
	262 Stanley Road	Bootle	Grant	21/10/2022
Alba	Prescot Road	Melling	Change of Name and/or Address	21/10/2022
Coach & Horses	166 Liverpool Road North	Maghull	Transfer	21/10/2022
Home Bargains	Liverpool Road North	Maghull	Variation of DPS	21/10/2022
Majestic Wine Warehouse	38 Weld Road	Birkdale	Variation of DPS	21/10/2022
The Oxford	89 Oxford Road	Waterloo	Removal of DPS	24/10/2022
The Oxford	89 Oxford Road	Waterloo	Variation of DPS	25/10/2022
Sam's Convenience Store	107 South Road	Waterloo	Grant	26/10/2022
The Thatch and Thistle	147 Norwood Road	Southport	Variation	26/10/2022
Waterfront Hotels (Southport) Limited	Promenade	Southport	Change of Name and/or Address	26/10/2022
Asda Stores Ltd	Ormskirk Road	Aintree	Minor Variation	27/10/2022
Odeon Cinema	Dunnings Bridge Road	Netherton	Variation of DPS	01/11/2022
One Stop	82 Linacre Lane	Bootle	Variation of DPS	01/11/2022
Bucharest Market	7a Hoghton Street	Southport	Transfer	02/11/2022
Tesco Express	173 Liverpool Road	Birkdale	Change of Name and/or Address	02/11/2022
Home Bargains	15-17 Central Square	Maghull	Variation of DPS	03/11/2022
Spar	56 Harington Road	Formby	Change of Name and/or Address	09/11/2022
Getir UK Limited	Unit 8, Wakefield Business Park	Wakefield Road	Variation of DPS	10/11/2022
London Street Mini Market	53 London Street	Southport	Licence Holder Transfer & Variation of DPS	10/11/2022
Co-operative	142a Cambridge Road	Southport	Variation of DPS	11/11/2022
The Mail Bar	597-599 Lord Street	Southport	Grant	11/11/2022
	31 Stanley Road	Bootle	Grant	15/11/2022

Neptune Brewery Limited	Unit 1 Arnos House	Wakefield Road, Netherton	Grant	15/11/2022
Tesco Stores Limited	46 Crosby Road North	Waterloo	Variation of DPS	15/11/2022
Sainsbury's	43-47 Liverpool Road	Birkdale	Variation of DPS	16/11/2022
Toby Carvery	537-553 Liverpool Road	Ainsdale	Variation of DPS	16/11/2022
DB Garages Limited	Dunnings Bridge Road	Netherton	Transfer	17/11/2022
Hesketh Drive Post Office	30 Hesketh Drive	Southport	Grant	17/11/2022
Paul's Bar	61 St Johns Road	Waterloo	Grant	17/11/2022
Rileys Corner	60 South Road	Waterloo	Removal of DPS	17/11/2022
Tesco	108 Sefton Road	Litherland	Variation of DPS	17/11/2022
The Willow Grove, Lloyds No 1	387-391 Lord Street	Southport	Minor Variation	17/11/2022
Bar 1	1 Bath Street	Southport	Transfer	18/11/2022
Lux 37	41 Chapel Lane	Formby	Variation	18/11/2022
Bucharest Market	7a Hoghton Street	Southport	Variation of DPS	22/11/2022
Danny's General Store	95 Stanley Road	Bootle	Variation of DPS	23/11/2022
Mount Garage Ltd	Prescot Road	Melling	Variation of DPS	23/11/2022
Bargain Booze	187 Altway	Aintree	Variation of DPS	24/11/2022
Spar	56 Harington Road	Formby	Minor Variation	24/11/2022
Little World Market Ltd	2 Dunnings Bridge Road	Netherton	Transfer	28/11/2022
Queens Of Crosby	66 Liverpool Road	Crosby	Grant	29/11/2022
Bunratty's	First Floor 39-41 South Road	Waterloo	Licence Holder Transfer & Variation of DPS	01/12/2022
Tide's Bar	16 Liverpool Road	Crosby	Licence Holder Transfer & Variation of DPS	01/12/2022
Rileys Corner	60 South Road	Waterloo	Variation of DPS	02/12/2022
Co-Operative Food	37-39 Queens Road	Formby	Variation of DPS	07/12/2022
Horse & Jockey	Waddicar Lane	Melling	Transfer	07/12/2022

ANNEX 2

name	address2	address3	action	closeddate	activity
Merkur Slots	22 London Street	Southport	Change of Circumstances	15/09/2022	Bingo
David Pluck Bookmakers	307 Stanley Road	Bootle	Grant	27/09/2022	Betting (other than a track)
Coach & Horses	166 Liverpool Road North	Maghull	Grant	30/09/2022	Licensed Premises Gaming Permit
Cross House Inn	Cross Green	Formby	Grant	11/10/2022	Licensed Premises Gaming Permit
The Liver Hotel	137 South Road	Waterloo	Grant	26/10/2022	Licensed Premises Automatic Gaming
Coach & Horses	166 Liverpool Road North	Maghull	Transfer	04/11/2022	Licensed Premises Gaming Permit
Funland Amusements	Promenade	Southport	Variation	11/11/2022	Adult Gaming Centre
Funland Leisure Complex	Promenade	Southport	Variation	11/11/2022	Family Entertainment Centre

This page is intentionally left blank