

MEETING: LICENSING AND REGULATORY COMMITTEE
DATE: Monday 7th June, 2010
TIME: 6.30 pm
VENUE: Town Hall, Bootle

Member

Councillor

McGuire (Chair)
D Rimmer (Vice-Chair)
Bradshaw
Carr
Doran
Fenton
Friel
Ibbs
Kerrigan
Larkin
Mahon (Spokesperson)
Papworth (Spokesperson)
Preece
B Rimmer
Sir Ron Watson

COMMITTEE OFFICER: Ian Williams
Telephone: 0151 934 2788
Fax: 0151 934 2034
E-mail: ian.williams@legal.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.

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AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**

Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.
3. **Minutes** (Pages 5 - 10)

Minutes of the meeting held on 19 April 2010
4. **Local Licensing: Performance Report 2009/10** (Pages 11 - 16)

Report of the Environmental and Technical Services Director
5. **Determinations Made Under the Licensing Act 2003: Period Covering 1 April 2010 to 21 May 2010** (Pages 17 - 44)

Report of the Environmental and Technical Services Director
6. **Determinations Made Under the Gambling Act 2005: Period Covering 1 April 2010 to 21 May 2010** (Pages 45 - 54)

Report of the Environmental and Technical Services Director
7. **Draft Revised Statement of Licensing Policy - Licensing Act 2003** (Pages 55 - 82)

Report of the Environmental and Technical Services Director
8. **Early Morning Alcohol Restriction Orders** (Pages 83 - 86)

Report of the Environmental and Technical Services Director
9. **Sex Establishment Licence - Sexual Entertainment Venue** (Pages 87 - 100)

Joint report of the Environmental and Technical Services Director and the Interim Head of Corporate Legal Services
10. **Sex Establishment (Sex Shop) Licence - Scandals Adult Superstore, 304 Derby Road, Bootle, L20 8LN** (Pages 101 - 110)

Report of the Environmental and Technical Services Director
11. **The Licensing of Limousines** (Pages 111 - 114)

Report of the Environmental and Technical Services Director

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

LICENSING AND REGULATORY COMMITTEE

MEETING HELD AT THE TOWN HALL, BOOTLE ON 19 APRIL 2010

PRESENT: Councillor Papworth (in the Chair)

Councillors Bradshaw, Fenton, Friel, Gustafson,
Hands, Mahon, Pearson, B Rimmer and
Sir Ron Watson

97. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bigley, Blackburn, Dodd, Kerrigan and D.Rimmer.

98. DECLARATIONS OF INTEREST

Member	Minute No	Interest	Action
Cllr Papworth	101- Determinations Made Under the Licensing Act 2003: Period Covering 6 February 2010 to 31 March 2010	Member of West Lancashire Golf Club	Took part in the consideration of the item.

99. MINUTES

RESOLVED:

That the Minutes of the meeting held on 22 February 2010 be confirmed as a correct record.

100. PUBLIC ENGAGEMENT AND CONSULTATION FRAMEWORK

The Committee received a presentation from the Consultation and Public Engagement Officer, Jayne Vincent, on the Public Engagement and Consultation Framework (PECF), which outlined Sefton Council's strategy to improve public engagement and involvement within Sefton.

Mrs Vincent outlined that the PECF consisted of two elements: the eight standards and a Consultation Panel, which had been developed in the context of the Local Government and Public Involvement in Health Act 2007 (The Act) and the Comprehensive Area Assessment 2009 (CAA 2009). The legislation outlined the requirement for local service providers to involve the public in the planning and development of local services, and the CAA 2009 required local authorities to know and understand

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communities to ensure greater involvement of the public in the planning, development, prioritisation and evaluation of services and their impact.

Sefton Partnership had also developed eight standards to be followed to achieve greater public engagement namely:

- the way we wanted to speak with and listen to people was clearly defined;
- all local people who were likely to be affected or interested were identified;
- a public engagement and consultation plan was in place and was value for money;
- all relevant information was available in appropriate formats;
- all responses were recorded accurately;
- there was a clear plan for giving feedback on the results of the public engagement and consultation activity;
- the results of the public engagement and consultation activity had influenced policies and plans;
- the way that we had spoken with and listened to our communities had been assessed to see how effective it was

Once officers had identified issues on which to consult, and liaised with Sefton Equalities Team to assess the appropriateness and proportionality of the consultation, it was forwarded to the Consultation Panel. The Consultation Panel, consisting of representatives from Sefton Partnerships such as the NHS, the Council, Young People, Merseyside Police and Merseyside Fire and Rescue were convened bi-monthly to review, advise and quality-assure on the appropriateness and proportionality of planned consultations.

Following the presentation, Committee Members asked a variety of questions on: the Southport Cycle Path consultation process; the payment of youth representatives on the Consultation Panel; the engagement of local and ward councillors in the consultation process; and the appropriateness and proportionality of consultations.

RESOLVED:

That the presentation be noted and Mrs Vincent be thanked for her attendance.

101. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003: PERIOD COVERING 6 FEBRUARY 2010 TO 31 MARCH 2010

The Committee considered the report of the Environmental and Technical Services Director updating on the applications made under the Licensing Act, 2003 which he had determined.

The report indicated that Sefton's Statement of Licensing Policy followed the recommended delegation of functions contained within the "Guidance issued under Section 182 of the Licensing Act 2003"; that in effect, this

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meant that where there were no relevant representations on an application for the grant of a premises licence or club premises certificate, or Police objections to an application for a personal licence, then these matters would be dealt with by Officers in order to speed matters through the system; and that the Guidance also recommended that, where powers had been delegated, the Committee would receive regular reports on decisions made so that they maintained an overview of the general licensing situation.

For the period 6 February 2010 to 31 March 2010 the Environmental and Technical Services Director had received and determined: 49 applications for Premise Licences; 28 applications for Personal Licences; and 35 notifications of Temporary Event Notices.

RESOLVED:

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

102. DETERMINATIONS MADE UNDER THE GAMBLING ACT 2005: PERIOD COVERING 6 FEBRUARY 2010 TO 31 MARCH 2010

The Committee considered the report of the Environmental and Technical Services Director, updating on the applications, made under the Gambling Act 2005, which he had determined.

The report indicated that Sefton's Statement of Licensing Policy followed the recommended delegation of functions contained within the "Guidance issued under Section 25 of the Gambling Act 2005"; that in effect, this meant that where there were no relevant representations on an application for the grant of a premises licence or a permit then these matters would be dealt with by Officers in order to speed matters through the system; and that the Guidance also recommended that, where powers had been delegated, the Committee would receive regular reports on decisions made so that they maintained an overview of the general gambling situation.

For the period 6 February 2010 to 31 March 2010, the Environmental and Technical Services Director had received and determined: 4 applications for licensed premises gaming permits; 10 applications for licensed premises automatic gaming; and 2 applications for club machine permits.

RESOLVED:

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

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103. IMPOSITION OF NEW MANDATORY CONDITIONS IN RESPECT OF CERTAIN PREMISES LICENSED UNDER THE LICENSING ACT 2003

The Committee considered the report of the Environmental and Technical Services Director on Schedule 4 to the Policing and Crime Act 2009, which amended the Licensing Act 2003 and enabled the Secretary of State to introduce mandatory licence conditions relating to the supply of alcohol for all new and existing relevant premises licenses and club premises certificates.

Guidance issued by the Home Office was attached as a supplementary to the agenda.

RESOLVED: That

- (1) the report be noted; and
- (2) the Environmental and Technical Services Director be requested to distribute the Guidance issued by the Home Office on the Imposition of New Mandatory Conditions in Respect of Certain Premises Licensed Under the Licensing Act 2003 to all Councillors for information.

104. THE APPOINTMENT OF A CONSULTANT TO CARRY OUT THE HACKNEY CARRIAGE UNMET DEMAND SURVEY

The Committee considered the report of the Environmental and Technical Services Director advising of the appointment of a consultant to undertake a survey regarding unmet demand in the hackney carriage trade.

The report indicated that, following consultation with the Finance Department, who had confirmed that the value of the contract was below the current tender threshold of £30,000, four specialist consultants were contacted and asked to submit a comprehensive estimate of the costs of carrying out the 2010 survey; that as a result, all four firms had submitted estimates; and that after due consideration it had been decided to appoint Halcrow Ltd. to carry out the 2010 hackney carriage unmet demand survey, at a cost of £20,376.00, on the basis that they provided the lowest price and also proposed the most comprehensive survey.

The report concluded by indicating that the survey would include:

- 1100 Person Public Attitude Survey (Face to Face)
- Rank / On Street Hails (Overt & Covert Observations)
- Queue simulation
- Comparison with other Local Authorities
- Consultation with interested parties
- Study fares / effect on demand
- Latent demand for Horse Omnibuses

- Study the effect Public Service Vehicles (PSV) / Private Hire Vehicles (PHV) on demand
- Inception Meeting
- Comparison of hackney carriage fares with PSV / PHV fares
- Consultation with all hackney carriage and private hire drivers (Postal Survey)
- Consultation with all hackney carriage and private hire operators, and Trade Representatives
- Consultation with Sefton Council's Access Officer and Disability Group Representatives.
- Consultation with Police
- Consultation with Local Chamber of Commerce, Clubs, Tourist Board, Students etc
- Monthly Progress Reports
- Data Analysis
- Multiple Copies of the final report and presentation to Elected Members; and
- A rank viability survey.

RESOLVED: That

- (1) the Environmental and Technical Services Director's decision to appoint Halcrow Ltd. as the consultant for the Hackney Carriage Unmet Demand Survey in Sefton 2010, subject to approval by the Vacancy Panel, be endorsed; and
- (2) the Environmental and Technical Services Director be requested to submit a report outlining the licensing regime on stretch limousines to the next appropriate meeting of the Committee.

105. RESTRUCTURE OF THE TAXI LICENSING ENFORCEMENT TEAM AND REDUCTION OF DRIVER LICENCE FEES

Further to Minute No 60 of the meeting held on 31 March 2008, the Committee considered the report of the Environmental and Technical Services Director on the restructure of the Taxi Licensing Enforcement Team and Reduction of Driver Licence Fees, and seeking approval for a temporary increase in the establishment of the Taxi Licensing Enforcement Team; the increases, detailed in the report, of the "Hackney Stands" budget; and the amendments, as detailed in the report, to the fees for Taxi Licensing.

The report indicated that the "Review of the Taxi Licensing Portfolio" had outlined a number of recommendations including the enhancement of "on-street" enforcement. This recommendation was introduced in April 2008 and had led to proactive risk-based intelligence-led enforcement exercises that allowed the service to target resources to areas of greatest need. However despite efforts to implement the recommendation to reduce the general level of fees and thus address the level of surpluses in the Taxi Licensing Trade account (the Account), the closing balance for the reserve

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account in 2007/08 was £355,629. Efforts had been negated by a 15% surge in licence applications by the private trade operators, leading to a year-end balance of £469,668.60.

The Taxi trade had consistently requested an increase in the number of test purchasing operations, particularly during the hours of 11:00pm and 6:00am, and a reduction in the driver licence fees.

In order to tackle the Taxi Licensing Team's requirement for more staff to assist in enforcement duties and increased 'district' presence, and the legal requirement to reduce surpluses in the Taxi Licensing Trade account, it was proposed to restructure the Taxi Licensing Team and introduce a 25.9% reduction in hackney carriage and private hire driver licence fees and an 8% reduction in hackney carriage and private hire vehicle licence fees.

RESOLVED: That

- (1) the report be noted:
- (2) Cabinet be recommended to approve the temporary increase in establishment of the Taxi Licensing Enforcement Team;
- (3) Cabinet be recommended to approve the increase in the Hackney Stands budget; and
- (4) Cabinet be recommended to approve the Taxi Licensing Fees attached in Annex 1 of the report.

Agenda Item 4

Meeting: LICENSING & REGULATORY COMMITTEE

Date of Meeting: 7th June 2010

Title of Report: Local Licensing: Performance Report 2009/10

Report of: P. J. Moore,
Environmental & Technical Services Director

Contact Officer: T.J. Wood,
Commercial Section Manager
0151 934 4301

This report contains	Yes	No
CONFIDENTIAL information		√
EXEMPT information by virtue of paragraph(s) ... of Part 1 Schedule 12A of the Local Government Act 1972		√
Is the decision of this report DELEGATED?	√	

Purpose of Report

To report progress against the 2009/10 Local Licensing service plan.

Recommendation(s)

That Members:

- i) Note this Report; and,
- ii) Note that further reports will be submitted at half yearly intervals.

Corporate Objective Monitoring

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening Local Democracy		√	
8	Children and Young People		√	

Financial Implications

The inspection visits are catered for within the existing Licensing Unit budget.

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BACKGROUND

1. A Report was presented to Members on 23rd May 2006 (entitled "Commencement of Programmed Inspections for premises licensed under the Licensing Act 2003") outlining the rationale for the Licensing Act 2003 Inspection Regime.
2. The minimum inspection frequency of premises for 2009/2010 were as follows:

Category	Minimum Inspection Frequency	Number of Inspections
A	At least every 12 months	30 per year
B	At least every 24 months	427 per year
C	Alternative enforcement strategy	Nil

3. Category A referring to those premises considered High Risk, Category B being Medium Risk, and Category C being Low Risk.
4. The inspection year runs from 1st April to 31st March.
5. One of the recommendations of the Report was that Members noted that further reports would be submitted updating them as to the results of Inspection Visits undertaken.

DETAILS OF INSPECTIONS UNDERTAKEN

6. The following number of programmed Inspection Visits were undertaken between 1st October 2009 and 31st March 2010:

Category	Number of premises visited in period	Running total for inspection year
A	21	30
B	187	348

7. 132 premises were found to be operating correctly, however 76 premises were found to have committed breaches under the Licensing Act 2003; the breaches being noted as follows:

Breaches	Numbers
Failure to secure safe custody or display on premises of premises licence / club premises certificate	20
Failure to produce premises licence / club premises certificate for examination	50
Notification of name or alteration of rules of a club	1
Duty to notify LA of convictions during application period	
Holder of personal licence fails without reasonable excuse to notify LA of any change of name or address	2
Failure to produce personal licence on request	3
Knowingly allowing or carrying on unauthorised licensable activities	3
Non compliance with operating schedule conditions	32

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8. Most premises were able to attend to the breaches either at the time of the initial visit (and whilst the Licensing Officer was still in attendance) or shortly thereafter; 5 premises completed minor variations in order to make themselves compliant.
9. As a follow up to the above inspections, Officers sent out 12 informal warning letters to Licence Holders explaining the consequences should similar breaches be uncovered by Officers in the future. In particular they were informed that should this occur then they would be committing the offence of 'knowingly allowing or carrying on unauthorised Licensable Activities' (this being an offence under s.136 (1) of the LA03 and carries a penalty of up to 6 months imprisonment and/or a fine of £20,000).
10. With regard to the 79 unvisited Category B premises: 10 premises surrendered their Licences during the period; 19 are currently closed and not trading (although the Licences are still "live" and consequently they will be visited during 2010/2011 if and when they re-open); the remaining 50 unvisited premises will be added to the Inspection Programme for 2010/2011 where those with the highest Risk Scores within the Category will be targeted first by Officers.
11. Overall 407 premises were inspected, or closed and unavailable for inspection, during 2009/2010 representing 89% of the Inspection Programme. This is the highest number of inspections carried out by Officers since the Inspection Programme began in 2006.

Gambling Act 2005 programmed inspections

BACKGROUND

12. A Report was presented to Members on 31st March 2008 (entitled "Commencement of Programmed Inspections for premises licensed under the Gambling Act 2005") outlining the rationale for the new Gambling Act 2005 ("the GA05") Inspection Regime.
13. The Report stated that due to the small number of Licences involved, and the difficulty in carrying out any meaningful "desk top rating" exercise, that it was proposed that these premises be inspected and then given an actual Risk Rating by Licensing Officers.
14. As a result of these Risk Ratings, the premises would then be placed within the 3 bands shown in the Table below (with A being the highest and C being the lowest):

Category	Inspection Rating
A	81 and over
B	70 - 80
C	0 - 69

15. As with the LA03 the inspection year for the GA05 runs from 1st April to 31st March. 15 inspections were completed during the 2008/2009 Inspection Programme leaving 77 premises left to be inspected during 2009/2010.

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DETAILS OF INSPECTIONS UNDERTAKEN

16. The following number of programmed Inspection Visits were undertaken between 1st October 2009 and 31st March 2010:

Number of premises visited in period	Running total for inspection year
43	74

17. 36 premises were found to be operating correctly, however 7 premises were found to have committed breaches under the GA05; the breaches being noted as follows:

Breaches	Numbers
Gambling carried out not in accordance with the terms and conditions of Licence	3
Failure to keep the Licence on premises and arrange for it to be available on request	4

18. Most premises were able to attend to the breaches either at the time of the initial visit (and whilst the Licensing Officer was still in attendance) or shortly thereafter.
19. With regard to the 3 unvisited Gambling Premises: 2 surrendered their licences during the period, whilst 1 closed and the licence was subsequently automatically revoked for non-payment of the annual fee.
20. Overall 77 premises were inspected, or closed and unavailable for inspection, during 2009/2010 representing 100% of the Inspection Programme.
21. From 1st April 2010 resources will be targeted at those premises considered to be “potentially” high risk with the minimum inspection frequency being as follows:

Category	Minimum Inspection Frequency	Number of Inspections
A	At least every 12 months	2 per year
B	At least every 24 months	22 per year
C	Alternative enforcement strategy	Nil

Details of Service Requests received

23. Within the same period, and in addition to the above pro-active work undertaken, the Section also received and dealt with 411 Service Requests. This representing a 59% increase over the 258 Requests received during the equivalent 6-month period for 2008/2009 (the full 12 months figures being 825, compared to 501 for 2008/2009, an increase of 65%).
24. 36 took the form of LA03 complaints, 2 were GA05 complaints and 3 were General Licensing complaints.
25. Of the remaining Service Requests 302 were requests to the Section for LA03 guidance or advice, 38 were requests for GA05 guidance or advice with 30 being requests for General Licensing guidance or advice.

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26. All of the above matters have been attended to within the Departmental timescales laid down for such matters.

Details of applications accepted for process

27. Within the same period 495 applications were accepted for process under the LA03, this representing a 2.70% increase over the 482 applications received during the equivalent 6-month period for 2008/2009 (the full 12 months figures being 993, compared to 1,020 for 2008/2009, a decrease of 2.65%).
28. Under the GA05, 49 were accepted for process, this representing a 26% increase over the 39 applications received during the equivalent 6-month period for 2008/2009 (the full 12 months figures being 95, compared to 87 for 2008/2009, an increase of 9.2%).

Details of reviews held

29. 1 Review has been held during the relevant period compared with none held during the equivalent 6-month period for 2008/2009 (the full 12 months figures being 4 held, compared to 1 for 2008/2009, an increase of 300%).

Details of general licensing

30. 75 Licences have been issued during the relevant period compared with the 80 issued during the equivalent 6-month period for 2008/2009 this representing a 6.25% decrease (the full 12 months figures being 100, compared to 92 for 2008/2009, an increase of 8.7%).

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Agenda Item 5

Meeting: LICENSING & REGULATORY COMMITTEE

Date of Meeting: 7th June 2010

Title of Report: DETERMINATIONS MADE UNDER THE LICENSING ACT 2003:
PERIOD COVERING 1ST APRIL 2010 TO 21ST MAY 2010.

Report of: P. J. Moore
Environmental & Technical Services Director

Contact Officer: K.T. Coady,
Senior Licensing Officer
0151 934 2946

This report contains	Yes	No
CONFIDENTIAL information		√
EXEMPT information by virtue of paragraph(s) ... of Part 1 Schedule 12A of the Local Government Act 1972		√
Is the decision of this report DELEGATED?	√	

Purpose of Report

To update Members regarding those applications, made under the Licensing Act 2003, 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

Corporate Objective Monitoring

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening Local Democracy		√	
8	Children and Young People		√	

Financial Implications

None.

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Background

1. Members will recall that Sefton's Statement of Licensing Policy followed the recommended delegation of functions contained within the "Guidance Issued Under Section 182 of the Licensing Act 2003".
2. In effect this means that where there are no relevant representations to an application for the grant of a Premise Licence or Club Premise Certificate, or police objections to an application for a Personal Licence or a Temporary Event Notice, 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.
3. The Guidance also recommends that, where powers have been delegated as above, Licensing Committees should receive regular reports on decisions made by Officers in order that they may maintain an overview of the general licensing situation.

Numbers determined

4. During the period 1st April 2010 to 21st May 2010 the following number of applications have been determined:

• Applications made under Premise Licences	52
• Applications made under Personal Licences	23
• Notification of Temporary Event Notices	73
5. Details of determinations made under Premise Licences are attached within the Annex to this Report.

Premises Licences

Reference Number	016498		
Name & Address of Premises	Asco Stores 1A Chapel Lane Formby L37 4DL		
Application for	Grant		
Premise Licence Holder	Asco Stores Ltd		
Date of action	23/04/2010	Date Issued	23/04/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Opening Hours of Premises

Monday - from 08.00 to 20.00
 Tuesday - from 08.00 to 20.00
 Wednesday - from 08.00 to 20.00
 Thursday - from 08.00 to 20.00
 Friday - from 08.00 to 20.00
 Saturday - from 08.00 to 20.00
 Sunday - from 11.00 to 17.00

Licensable Activities & Times

The sale of alcohol by retail
 Monday - from 08.00 to 20.00
 Tuesday - from 08.00 to 20.00
 Wednesday - from 08.00 to 20.00
 Thursday - from 08.00 to 20.00
 Friday - from 08.00 to 20.00
 Saturday - from 08.00 to 20.00
 Sunday - from 11.00 to 17.00

Reference Number	004224		
Name & Address of Premises	Blue Anchor Inn 32 School Lane Aintree L10 8LH		
Application for	Minor Variation		
Premise Licence Holder	Greene King Retailing Ltd		
Date of action	07/04/2010	Date Issued	10/10/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Opening Hours of Premises

Monday - from 11.00 to 00.00
 Tuesday - from 11.00 to 00.00
 Wednesday - from 11.00 to 00.00
 Thursday - from 11.00 to 00.00
 Friday - from 11.00 to 01.00
 Saturday - from 11.00 to 01.00
 Sunday - from 11.00 to 00.00

Licensable Activities & Times

The sale of alcohol by retail
 Monday - from 11.00 to 23.00
 Tuesday - from 11.00 to 23.00

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Wednesday - from 11.00 to 23.00
 Thursday - from 11.00 to 23.00
 Friday - from 11.00 to 00.00
 Saturday - from 11.00 to 00.00
 Sunday - from 11.00 to 23.00

The provision of late night refreshment
 Friday - from 23.00 to 00.00
 Saturday - from 23.00 to 00.00

The provision of regulated entertainment - Live music
 Monday - from 18.00 to 23.00
 Tuesday - from 18.00 to 23.00
 Wednesday - from 18.00 to 23.00
 Thursday - from 18.00 to 23.00
 Friday - from 18.00 to 23.00
 Saturday - from 18.00 to 23.00
 Sunday - from 18.00 to 23.00

The provision of regulated entertainment - Recorded music
 Monday - from 18.00 to 23.00
 Tuesday - from 18.00 to 23.00
 Wednesday - from 18.00 to 23.00
 Thursday - from 18.00 to 23.00
 Friday - from 18.00 to 23.00
 Saturday - from 18.00 to 23.00
 Sunday - from 18.00 to 23.00

The provision of regulated entertainment - entertainment of a similar description to that falling within the category of live music, recorded music, or performance of dance
 Monday - from 18.00 to 23.00
 Tuesday - from 18.00 to 23.00
 Wednesday - from 18.00 to 23.00
 Thursday - from 18.00 to 23.00
 Friday - from 18.00 to 23.00
 Saturday - from 18.00 to 23.00
 Sunday - from 18.00 to 23.00

The provision of entertainment facilities - making music
 Friday - from 18.00 to 23.00
 Saturday - from 18.00 to 23.00

The provision of entertainment facilities - dancing
 Friday - from 18.00 to 23.00
 Saturday - from 18.00 to 23.00

Reference Number	016566		
Name & Address of Premises	Drink Cellar Limited 1C Preston New Road Southport PR9 8PB		
Application for	Grant		
Premise Licence Holder	The Drink Cellar Limited		
Date of action	12/05/2010	Date Issued	12/05/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Opening Hours of Premises Monday - from 08.00 to 23.00
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Tuesday - from 08.00 to 23.00
Wednesday - from 08.00 to 23.00
Thursday - from 08.00 to 23.00
Friday - from 08.00 to 23.00
Saturday - from 08.00 to 23.00
Sunday - from 10.00 to 22.30

Licensable Activities & Times

The sale of alcohol by retail

Monday - from 08.00 to 23.00
Tuesday - from 08.00 to 23.00
Wednesday - from 08.00 to 23.00
Thursday - from 08.00 to 23.00
Friday - from 08.00 to 23.00
Saturday - from 08.00 to 23.00
Sunday - from 10.00 to 22.30

Reference Number	016400		
Name & Address of Premises	Lord Street Open Spaces Lord Street Southport PR8 1NY		
Application for	Grant		
Premise Licence Holder	Sefton MBC - Tourism Department		
Date of action	19/04/2010	Date Issued	19/04/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Opening Hours of Premises

Monday - from 10.00 to 20.00
Tuesday - from 10.00 to 20.00
Wednesday - from 10.00 to 20.00
Thursday - from 10.00 to 20.00
Friday - from 10.00 to 20.00
Saturday - from 10.00 to 20.00
Sunday - from 10.00 to 20.00

Licensable Activities & Times

The provision of regulated entertainment - Plays

Monday - from 10.00 to 20.00
Tuesday - from 10.00 to 20.00
Wednesday - from 10.00 to 20.00
Thursday - from 10.00 to 20.00
Friday - from 10.00 to 20.00
Saturday - from 10.00 to 20.00
Sunday - from 10.00 to 20.00

The provision of regulated entertainment - Live music

Monday - from 10.00 to 20.00
Tuesday - from 10.00 to 20.00
Wednesday - from 10.00 to 20.00
Thursday - from 10.00 to 20.00
Friday - from 10.00 to 20.00
Saturday - from 10.00 to 20.00
Sunday - from 10.00 to 20.00

The provision of regulated entertainment - Recorded music

Monday - from 10.00 to 20.00
Tuesday - from 10.00 to 20.00

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Wednesday - from 10.00 to 20.00
 Thursday - from 10.00 to 20.00
 Friday - from 10.00 to 20.00
 Saturday - from 10.00 to 20.00
 Sunday - from 10.00 to 20.00

The provision of regulated entertainment - Performances of dance

Monday - from 10.00 to 20.00
 Tuesday - from 10.00 to 20.00
 Wednesday - from 10.00 to 20.00
 Thursday - from 10.00 to 20.00
 Friday - from 10.00 to 20.00
 Saturday - from 10.00 to 20.00
 Sunday - from 10.00 to 20.00

The provision of entertainment facilities - making music

Monday - from 10.00 to 20.00
 Tuesday - from 10.00 to 20.00
 Wednesday - from 10.00 to 20.00
 Thursday - from 10.00 to 20.00
 Friday - from 10.00 to 20.00
 Saturday - from 10.00 to 20.00
 Sunday - from 10.00 to 20.00

The provision of entertainment facilities - dancing

Monday - from 10.00 to 20.00
 Tuesday - from 10.00 to 20.00
 Wednesday - from 10.00 to 20.00
 Thursday - from 10.00 to 20.00
 Friday - from 10.00 to 20.00
 Saturday - from 10.00 to 20.00
 Sunday - from 10.00 to 20.00

The provision of entertainment facilities - entertainment of a similar description to that falling within the category of making music or dancing

Monday - from 10.00 to 20.00
 Tuesday - from 10.00 to 20.00
 Wednesday - from 10.00 to 20.00
 Thursday - from 10.00 to 20.00
 Friday - from 10.00 to 20.00
 Saturday - from 10.00 to 20.00
 Sunday - from 10.00 to 20.00

Reference Number	003738		
Name & Address of Premises	The Merton Inn 42 Merton Road Bootle L20 3BW		
Application for	Minor Variation		
Premise Licence Holder	JD Wetherspoon PLC		
Date of action	20/04/2010	Date Issued	13/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Opening Hours of Premises
Monday - from 07.00 to 01.30
Tuesday - from 07.00 to 01.30
Wednesday - from 07.00 to 01.30
Thursday - from 07.00 to 03.30

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Friday - from 07.00 to 03.30 Saturday - from 07.00 to 03.30 Sunday - from 07.00 to 02.30
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Licensable Activities & Times

The sale of alcohol by retail

Monday - from 09.00 to 01.00
Tuesday - from 09.00 to 01.00
Wednesday - from 09.00 to 01.00
Thursday - from 09.00 to 03.00
Friday - from 09.00 to 03.00
Saturday - from 09.00 to 03.00
Sunday - from 09.00 to 02.00

The provision of late night refreshment

Monday - from 23.00 to 01.00
Tuesday - from 23.00 to 01.00
Wednesday - from 23.00 to 01.00
Thursday - from 23.00 to 03.00
Friday - from 23.00 to 03.00
Saturday - from 23.00 to 03.00
Sunday - from 23.00 to 02.00

The provision of regulated entertainment - Films

Monday - from 09.00 to 01.00
Tuesday - from 09.00 to 01.00
Wednesday - from 09.00 to 01.00
Thursday - from 09.00 to 03.00
Friday - from 09.00 to 03.00
Saturday - from 09.00 to 03.00
Sunday - from 09.00 to 02.00

The provision of regulated entertainment - Indoor sporting events

Monday - from 09.00 to 01.00
Tuesday - from 09.00 to 01.00
Wednesday - from 09.00 to 01.00
Thursday - from 09.00 to 03.00
Friday - from 09.00 to 03.00
Saturday - from 09.00 to 03.00
Sunday - from 09.00 to 02.00

The provision of regulated entertainment - Live music

Monday - from 09.00 to 01.00
Tuesday - from 09.00 to 01.00
Wednesday - from 09.00 to 01.00
Thursday - from 09.00 to 03.00
Friday - from 09.00 to 03.00
Saturday - from 09.00 to 03.00
Sunday - from 09.00 to 02.00

The provision of regulated entertainment - Recorded music

Monday - from 09.00 to 01.00
Tuesday - from 09.00 to 01.00
Wednesday - from 09.00 to 01.00
Thursday - from 09.00 to 03.00
Friday - from 09.00 to 03.00
Saturday - from 09.00 to 03.00
Sunday - from 09.00 to 02.00

The provision of regulated entertainment - Performances of dance

Monday - from 09.00 to 01.00
Tuesday - from 09.00 to 01.00

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Wednesday - from 09.00 to 01.00
 Thursday - from 09.00 to 03.00
 Friday - from 09.00 to 03.00
 Saturday - from 09.00 to 03.00
 Sunday - from 09.00 to 02.00

The provision of entertainment facilities - making music

Monday - from 09.00 to 01.00
 Tuesday - from 09.00 to 01.00
 Wednesday - from 09.00 to 01.00
 Thursday - from 09.00 to 03.00
 Friday - from 09.00 to 03.00
 Saturday - from 09.00 to 03.00
 Sunday - from 09.00 to 02.00

The provision of entertainment facilities - dancing

Monday - from 09.00 to 01.00
 Tuesday - from 09.00 to 01.00
 Wednesday - from 09.00 to 01.00
 Thursday - from 09.00 to 03.00
 Friday - from 09.00 to 03.00
 Saturday - from 09.00 to 03.00
 Sunday - from 09.00 to 02.00

Reference Number		003484	
Name & Address of Premises		Peking Garden 52 King Street Southport PR8 1JX	
Application for		Variation	
Premise Licence Holder		Mrs Chin Ling Lam	
Date of action	10/05/2010	Date Issued	18/08/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Opening Hours of Premises Hours not restricted
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Licensable Activities & Times

The sale of alcohol by retail
 Monday - from 11.00 to 00.00
 Tuesday - from 11.00 to 00.00
 Wednesday - from 11.00 to 00.00
 Thursday - from 11.00 to 00.00
 Friday - from 11.00 to 00.00
 Saturday - from 11.00 to 00.00
 Sunday - from 12.00 to 23.30

The provision of late night refreshment

Monday - from 23.00 to 00.00
 Tuesday - from 23.00 to 00.00
 Wednesday - from 23.00 to 00.00
 Thursday - from 23.00 to 00.00
 Friday - from 23.00 to 00.00
 Saturday - from 23.00 to 00.00
 Sunday - from 23.00 to 23.30

The provision of regulated entertainment - Live music

Monday - from 17.00 to 00.00

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Tuesday - from 17.00 to 00.00
Wednesday - from 17.00 to 00.00
Thursday - from 17.00 to 00.00
Friday - from 17.00 to 00.00
Saturday - from 17.00 to 00.00
Sunday - from 17.00 to 23.30

The provision of regulated entertainment - Recorded music

Monday - from 17.00 to 00.00
Tuesday - from 17.00 to 00.00
Wednesday - from 17.00 to 00.00
Thursday - from 17.00 to 00.00
Friday - from 17.00 to 00.00
Saturday - from 17.00 to 00.00
Sunday - from 17.00 to 23.30

The provision of regulated entertainment - Performances of dance

Monday - from 17.00 to 00.00
Tuesday - from 17.00 to 00.00
Wednesday - from 17.00 to 00.00
Thursday - from 17.00 to 00.00
Friday - from 17.00 to 00.00
Saturday - from 17.00 to 00.00
Sunday - from 17.00 to 23.30

The provision of entertainment facilities - making music

Monday - from 17.00 to 00.00
Tuesday - from 17.00 to 00.00
Wednesday - from 17.00 to 00.00
Thursday - from 17.00 to 00.00
Friday - from 17.00 to 00.00
Saturday - from 17.00 to 00.00
Sunday - from 17.00 to 23.30

The provision of entertainment facilities - dancing

Monday - from 17.00 to 00.00
Tuesday - from 17.00 to 00.00
Wednesday - from 17.00 to 00.00
Thursday - from 17.00 to 00.00
Friday - from 17.00 to 00.00
Saturday - from 17.00 to 00.00
Sunday - from 17.00 to 23.30

Reference Number	004260		
Name & Address of Premises	Stand Park 129 Sterrix Lane Litherland L30 2PW		
Application for	Variation		
Premise Licence Holder	J.O.M Training Limited		
Date of action	06/04/2010	Date Issued	12/10/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Opening Hours of Premises
Monday - from 08.00 to 00.00
Tuesday - from 08.00 to 00.00
Wednesday - from 08.00 to 00.00
Thursday - from 08.00 to 00.00

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Friday - from 08.00 to 01.30 Saturday - from 08.00 to 01.30 Sunday - from 08.00 to 00.00
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Licensable Activities & Times

The sale of alcohol by retail

Monday - from 08.00 to 24.00
Tuesday - from 08.00 to 24.00
Wednesday - from 08.00 to 24.00
Thursday - from 08.00 to 24.00
Friday - from 08.00 to 01.30
Saturday - from 08.00 to 01.30
Sunday - from 08.00 to 24.00

The provision of regulated entertainment - Films

Monday - from 08.00 to 00.30
Tuesday - from 08.00 to 00.30
Wednesday - from 08.00 to 00.30
Thursday - from 08.00 to 00.30
Friday - from 08.00 to 00.30
Saturday - from 08.00 to 00.30
Sunday - from 08.00 to 00.30

The provision of regulated entertainment - Indoor sporting events

Monday - from 08.00 to 00.30
Tuesday - from 08.00 to 00.30
Wednesday - from 08.00 to 00.30
Thursday - from 08.00 to 00.30
Friday - from 08.00 to 00.30
Saturday - from 08.00 to 00.30
Sunday - from 08.00 to 00.30

The provision of regulated entertainment - Live music

Monday - from 12.00 to 23.00
Tuesday - from 12.00 to 23.00
Wednesday - from 12.00 to 23.00
Thursday - from 12.00 to 23.00
Friday - from 12.00 to 23.00
Saturday - from 12.00 to 23.00
Sunday - from 12.00 to 23.00

The provision of regulated entertainment - Recorded music

Monday - from 12.00 to 23.00
Tuesday - from 12.00 to 23.00
Wednesday - from 12.00 to 23.00
Thursday - from 12.00 to 23.00
Friday - from 12.00 to 23.00
Saturday - from 12.00 to 23.00
Sunday - from 12.00 to 23.00

The provision of regulated entertainment - entertainment of a similar description to that falling within the category of live music, recorded music, or performance of dance

Monday - from 12.00 to 23.00
Tuesday - from 12.00 to 23.00
Wednesday - from 12.00 to 23.00
Thursday - from 12.00 to 23.00
Friday - from 12.00 to 23.00
Saturday - from 12.00 to 23.00
Sunday - from 12.00 to 23.00

The provision of entertainment facilities - making music

Monday - from 12.00 to 23.00

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Tuesday - from 12.00 to 23.00
Wednesday - from 12.00 to 23.00
Thursday - from 12.00 to 23.00
Friday - from 12.00 to 23.00
Saturday - from 12.00 to 23.00
Sunday - from 12.00 to 23.00

Reference Number	004015		
Name & Address of Premises	The Victoria 42 Stanley Terrace Promenade PR9 0DS		
Application for	Minor Variation		
Premise Licence Holder	Mr Stephen Michael Kirkbride		
Date of action	11/05/2010	Date Issued	22/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Opening Hours of Premises

Monday - from 10.00 to 00.30
Tuesday - from 10.00 to 00.30
Wednesday - from 10.00 to 00.30
Thursday - from 10.00 to 00.30
Friday - from 10.00 to 01.30
Saturday - from 10.00 to 01.30
Sunday - from 10.00 to 00.30

Licensable Activities & Times

The sale of alcohol by retail

Monday - from 10.00 to 00.00
Tuesday - from 10.00 to 00.00
Wednesday - from 10.00 to 00.00
Thursday - from 10.00 to 00.00
Friday - from 10.00 to 01.00
Saturday - from 10.00 to 01.00
Sunday - from 10.00 to 00.00

The provision of regulated entertainment - Live music

Monday - from 12.00 to 23.30
Tuesday - from 12.00 to 23.30
Wednesday - from 12.00 to 23.30
Thursday - from 12.00 to 23.30
Friday - from 12.00 to 00.00
Saturday - from 12.00 to 00.00
Sunday - from 12.00 to 23.30

The provision of regulated entertainment - Recorded music

Monday - from 10.00 to 00.00
Tuesday - from 10.00 to 00.00
Wednesday - from 10.00 to 00.00
Thursday - from 10.00 to 00.00
Friday - from 10.00 to 01.00
Saturday - from 10.00 to 01.00
Sunday - from 10.00 to 00.00

The provision of entertainment facilities - dancing

Monday - from 10.00 to 00.00
Tuesday - from 10.00 to 00.00
Wednesday - from 10.00 to 00.00

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Thursday - from 10.00 to 00.00

Friday - from 10.00 to 01.00

Saturday - from 10.00 to 01.00

Sunday - from 10.00 to 00.00

Reference Number	004065		
Name & Address of Premises	Wm Morrison Supermarkets Plc Lord Street Southport PR8 1RH		
Application for	Variation		
Premise Licence Holder	Wm Morrison Supermarkets Plc		
Date of action	16/04/2010	Date Issued	15/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Opening Hours of Premises

Hours not restricted

Licensable Activities & Times

The sale of alcohol by retail

Monday - from 08.00 to 23.00

Tuesday - from 08.00 to 23.00

Wednesday - from 08.00 to 23.00

Thursday - from 08.00 to 23.00

Friday - from 08.00 to 23.00

Saturday - from 08.00 to 23.00

Sunday - from 10.00 to 22.30

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Reference Number	004592		
Name & Address of Premises	Albert Hotel 63 London Street Southport PR9 0TH		
Application for	Variation of DPS		
Premise Licence Holder	Admiral Taverns (Portfolio No 2) Limited		
Date of action	08/04/2010	Date Issued	17/07/2009
Date of Expiry (if applicable)	22/04/2010	Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	004592		
Name & Address of Premises	Albert Hotel 63 London Street Southport PR9 0TH		
Application for	Variation of DPS		
Premise Licence Holder	Admiral Taverns (Portfolio No 2) Limited		
Date of action	23/04/2010	Date Issued	17/07/2009
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	004244		
Name & Address of Premises	The Alexandra 69 South Road Waterloo L22 5PE		
Application for	Variation of DPS		
Premise Licence Holder	IL Tasha Limited		
Date of action	21/04/2010	Date Issued	29/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	012451		
Name & Address of Premises	Ask 253-255 Lord Street Southport PR8 1NY		
Application for	Variation of DPS		
Premise Licence Holder	Ask Restaurants Ltd		
Date of action	05/05/2010	Date Issued	26/08/2008
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	003249		
Name & Address of Premises	Bakers Dozen Dunnings Bridge Road Netherton L30 6TG		
Application for	Variation of DPS		
Premise Licence Holder	Punch Pub Company Limited		
Date of action	18/05/2010	Date Issued	15/08/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	004601		
Name & Address of Premises	Blue Anchor Tithebarn Road Southport PR8 6AB		
Application for	Variation of DPS		
Premise Licence Holder	Startmore Pub Company Ltd		
Date of action	07/05/2010	Date Issued	05/10/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	003770		
Name & Address of Premises	Blundell Arms 34 Upper Aughton Road Birkdale PR8 5ND		
Application for	Licence Holder Transfer & Variation of DPS		
Premise Licence Holder	Mr Jason Lewington		
Date of action	27/04/2010	Date Issued	26/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	014948		
Name & Address of Premises	Cantinho 14 Wesley Street Southport PR8 1BN		
Application for	Variation of DPS		
Premise Licence Holder	Mr Joao Pedro Silva Moreira		
Date of action	27/04/2010	Date Issued	26/10/2009
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	014233		
Name & Address of Premises	Carltons of Churchtown 62-64 Botanic Road Southport PR9 7NE		
Application for	Transfer		
Premise Licence Holder	Ms Madeline Lee		
Date of action	13/05/2010	Date Issued	25/08/2009
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	004229		
Name & Address of Premises	Cashens 5C Stuart Road Waterloo L22 4QR		
Application for	Variation of DPS		
Premise Licence Holder	Cashen's Wine and Spirit Ltd		
Date of action	19/04/2010	Date Issued	13/09/2005
Date of Expiry (if applicable)	11/08/2009	Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	005296		
Name & Address of Premises	Chiquito Mexican Grill & Bar Unit 8 Ocean Plaza Marine Drive PR8 1SQ		
Application for	Variation of DPS		
Premise Licence Holder	City Centre Restaurants (UK) Ltd		
Date of action	13/04/2010	Date Issued	02/11/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	004756		
Name & Address of Premises	Co-op Late Shop 1-3 Mersey Road Crosby L23 3AT		
Application for	Variation of DPS		
Premise Licence Holder	Co-operative Group Food Limited		
Date of action	01/04/2010	Date Issued	22/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	003367		
Name & Address of Premises	Doric Public House 146 Rawson Road Seaforth L21 1HR		
Application for	Variation of DPS		
Premise Licence Holder	Punch Taverns PLC		
Date of action	21/04/2010	Date Issued	18/08/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	003373		
Name & Address of Premises	Drinx 19 Central Square Maghull L31 0AE		
Application for	Licence Holder Transfer & Variation of DPS		
Premise Licence Holder	PJ Off Licences Limited		
Date of action	13/05/2010	Date Issued	11/07/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	006876		
Name & Address of Premises	Esperanto's Bistro 579 Liverpool Road Ainsdale PR8 3LU		
Application for	Change of Name and/or Address		
Premise Licence Holder	Mr Jose Amate, Mr Stephen Tierney and Mr R Lopez-Pazos		
Date of action	26/04/2010	Date Issued	05/06/2006
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	003588		
Name & Address of Premises	Frankie and Benny's Ocean Plaza Marine Drive PR9 1SQ		
Application for	Variation of DPS		
Premise Licence Holder	City Centre Restaurants (UK) Ltd		
Date of action	09/04/2010	Date Issued	20/07/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	004549		
Name & Address of Premises	Greek Taverna Liverpool Road North Maghull L31 2PN		
Application for	Transfer		
Premise Licence Holder	JSM Team Ltd		
Date of action	13/05/2010	Date Issued	27/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	003959		
Name & Address of Premises	Iceland Frozen Foods Plc 70-76 South Road Waterloo L22 0LY		
Application for	Variation of DPS		
Premise Licence Holder	Iceland Foods Limited		
Date of action	06/05/2010	Date Issued	12/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	004212		
Name & Address of Premises	Jawbone Tavern 12 Litherland Road Bootle L20 3BZ		
Application for	Variation of DPS		
Premise Licence Holder	Punch Taverns PLC		
Date of action	28/04/2010	Date Issued	16/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	015158		
Name & Address of Premises	La Parrilla 36-38 South Road Waterloo L22 5PQ		
Application for	Transfer		
Premise Licence Holder	JSM Team Ltd		
Date of action	13/05/2010	Date Issued	04/12/2009
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	003499		
Name & Address of Premises	Kelly's Wines 25 Orrell Road Bootle L20 6DU		
Application for	Transfer		
Premise Licence Holder	Kelly's Wine Ltd		
Date of action	05/05/2010	Date Issued	20/07/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	012575		
Name & Address of Premises	Marks and Spencer Unit 4 Ormskirk Road L9 5AN		
Application for	Variation of DPS		
Premise Licence Holder	Marks and Spencer PLC		
Date of action	21/04/2010	Date Issued	01/10/2008
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	009608		
Name & Address of Premises	The Masonic Hall 50 Sefton Road Litherland L21 7PQ		
Application for	Variation of DPS		
Premise Licence Holder	Bootle Group of Masonic Lodges and Chapters		
Date of action	15/04/2010	Date Issued	18/06/2007
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	005537		
Name & Address of Premises	The Mouse Trap 656 Liverpool Road Ainsdale PR8 3LT		
Application for	Licence Holder Transfer & Variation of DPS		
Premise Licence Holder	Ms Lynn Christina Atkinson		
Date of action	05/05/2010	Date Issued	15/11/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	005543		
Name & Address of Premises	Nando's Restaurant Unit 7 Ocean Plaza Marine Drive PR8 1SB		
Application for	Variation of DPS		
Premise Licence Holder	Nando's Chickenland Ltd		
Date of action	29/04/2010	Date Issued	09/11/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	015011		
Name & Address of Premises	All in One Store 70-72 Myers Road East Crosby L23 0QZ		
Application for	Variation of DPS		
Premise Licence Holder	Mr Mahalingam Kuhendran		
Date of action	05/05/2010	Date Issued	23/11/2009
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	002817		
Name & Address of Premises	Old Ship Inn 43 Eastbank Street Southport PR8 1DY		
Application for	Variation of DPS		
Premise Licence Holder	Punch Taverns PLC		
Date of action	07/04/2010	Date Issued	09/06/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	003176		
Name & Address of Premises	Park Hotel 36 Weld Road Birkdale PR8 2ED		
Application for	Variation of DPS		
Premise Licence Holder	Punch Pub Company Limited		
Date of action	30/04/2010	Date Issued	16/08/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	003231		
Name & Address of Premises	Rabbit Inn 69 Manchester Road Southport PR9 9BN		
Application for	Variation of DPS		
Premise Licence Holder	Punch Taverns PLC		
Date of action	28/04/2010	Date Issued	14/07/2009
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	003177		
Name & Address of Premises	Red House 31 Foxhouse Lane Maghull L31 3EW		
Application for	Variation of DPS		
Premise Licence Holder	Punch Taverns PLC		
Date of action	08/04/2010	Date Issued	16/08/2005
Date of Expiry (if applicable)	20/04/2010	Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	003177		
Name & Address of Premises	Red House 31 Foxhouse Lane Maghull L31 3EW		
Application for	Variation of DPS		
Premise Licence Holder	Punch Taverns PLC		
Date of action	21/04/2010	Date Issued	16/08/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	004225		
Name & Address of Premises	Scarisbrick Hotel 239 Lord Street Southport PR8 1NZ		
Application for	Variation of DPS		
Premise Licence Holder	Scarisbrick Group Plc		
Date of action	19/05/2010	Date Issued	26/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	003125		
Name & Address of Premises	Simply Drinks 145 St Johns Road Waterloo L22 9QE		
Application for	Variation of DPS		
Premise Licence Holder	Wine Cellar Trading 1 Limited		
Date of action	13/05/2010	Date Issued	13/06/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	003469		
Name & Address of Premises	Spar 113 - 115 Cambridge Road Southport PR9 9SB		
Application for	Variation of DPS		
Premise Licence Holder	James Hall & Co		
Date of action	16/04/2010	Date Issued	14/07/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	004759		
Name & Address of Premises	Target Foods & Off Licence 70 Park Lane Netherton L30 1RN		
Application for	Licence Holder Transfer & Variation of DPS		
Premise Licence Holder	Mr Mohammed Iqbal		
Date of action	05/05/2010	Date Issued	27/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	009026		
Name & Address of Premises	Tesco Express 5 Albert Road Southport PR9 0LP		
Application for	Variation of DPS		
Premise Licence Holder	Tesco Stores Limited		
Date of action	20/05/2010	Date Issued	28/03/2007
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	011359		
Name & Address of Premises	Tesco Stores Limited 163 New Strand Mariners Way Bootle L20 4ST		
Application for	Variation of DPS		
Premise Licence Holder	Tesco Stores Limited		
Date of action	07/05/2010	Date Issued	01/02/2008
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	003080		
Name & Address of Premises	Toby Carvery 13 Church Road Formby L37 8BQ		
Application for	Variation of DPS		
Premise Licence Holder	Mitchells & Butlers Leisure Retail Limited		
Date of action	06/05/2010	Date Issued	04/07/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	010891		
Name & Address of Premises	Village Inn 70 Haileybury Avenue Aintree L10 6LP		
Application for	Transfer		
Premise Licence Holder	Amberlly Ltd		
Date of action	01/04/2010	Date Issued	13/11/2007
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	003694		
Name & Address of Premises	Weld Blundell Arms Scaffold Lane Ince Blundell L38 1QA		
Application for	Variation of DPS		
Premise Licence Holder	Orchid Pubs & Dining Limited		
Date of action	13/04/2010	Date Issued	22/08/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	003884		
Name & Address of Premises	Wellington Hotel 22 Eastbank Street Southport PR8 1DT		
Application for	Variation of DPS		
Premise Licence Holder	Startmore Pub Company Ltd		
Date of action	14/04/2010	Date Issued	08/09/2005
Date of Expiry (if applicable)	11/05/2010	Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

Reference Number	003884		
Name & Address of Premises	Wellington Hotel 22 Eastbank Street Southport PR8 1DT		
Application for	Licence Holder Transfer & Variation of DPS		
Premise Licence Holder	W & L G Trading 1 Limited		
Date of action	12/05/2010	Date Issued	08/09/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Reference Number	004822		
Name & Address of Premises	Woodwards Wine and Cafe Bar 16 Chapel Lane Formby L37 4DU		
Application for	Variation of DPS		
Premise Licence Holder	Lewindow Partnership Ltd		
Date of action	04/05/2010	Date Issued	12/10/2005
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Licence Issued (if applicable)			

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Meeting: LICENSING & REGULATORY COMMITTEE

Date of Meeting: 7th June 2010

Title of Report: DETERMINATIONS MADE UNDER THE GAMBLING ACT 2005:
PERIOD COVERING 1ST APRIL 2010 TO 21ST MAY 2010.

Report of: P. J. Moore
Environmental & Technical Services Director

Contact Officer: K.T. Coady,
Senior Licensing Officer
0151 934 2946

This report contains	Yes	No
CONFIDENTIAL information		√
EXEMPT information by virtue of paragraph(s) ... of Part 1 Schedule 12A of the Local Government Act 1972		√
Is the decision of this report DELEGATED?	√	

Purpose of Report

To update Members regarding those applications, made under 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

Corporate Objective Monitoring

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening Local Democracy		√	
8	Children and Young People		√	

Financial Implications

None.

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Background

1. Members will recall that Sefton's Statement of Gambling Licensing Policy followed the recommended delegation of functions contained within the Gambling Commission Guidance which was issued under Section 25 of the Gambling Act 2005.
2. In effect this means that where there are no relevant representations to an application, for the grant of a Premise Licence or a Permit, 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.
3. It is considered best practice that, where powers have been delegated as above, Licensing Committees should receive regular reports on decisions made by Officers in order that they may maintain an overview of the general gambling situation.

Numbers determined

4. During the period 1st April 2010 to 21st May 2010 the following number of applications have been determined:
 - Applications made under Licensed Premises Gaming Permits **6**
 - Notifications given for Licensed Premises Automatic Gaming **9**
 - Applications made under Club Machine Permits **1**
5. Details of the above determinations are attached within the Annex to this Report.

Licensed Premises Gaming Permits

Permit Number		016786	
Name & Address of Premises		Alt Park Northway Maghull L31 5JA	
Permit type		Licensed Premises Gaming Permit	
Application for		Conversion	
Permit Licence Holder		Mitchells & Butlers Leisure Retail Limited	
Date of action	18/05/2010	Licence effective from	17/05/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

Permit Number		016528	
Name & Address of Premises		Crown Hotel 304 Liverpool Road Birkdale PR8 3BZ	
Permit type		Licensed Premises Gaming Permit	
Application for		Conversion	
Permit Licence Holder		Mitchells & Butlers Leisure Retail Limited	
Date of action	07/04/2010	Licence effective from	06/04/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

Permit Number		016790	
Name & Address of Premises		Lion & Unicorn 6-8 Church Road Waterloo L22 5NB	
Permit type		Licensed Premises Gaming Permit	
Application for		Conversion	
Permit Licence Holder		Greene King Retailing Ltd	
Date of action	18/05/2010	Licence effective from	17/05/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

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Permit Number	016640		
Name & Address of Premises	Netherton Hotel Church Road Litherland L21 5HF		
Permit type	Licensed Premises Gaming Permit		
Application for	Conversion		
Permit Licence Holder	Greene King Retailing Ltd		
Date of action	23/04/2010	Licence effective from	23/04/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

Permit Number	016787		
Name & Address of Premises	Railway Hotel 2 Duke Street Formby L37 4AS		
Permit type	Licensed Premises Gaming Permit		
Application for	Conversion		
Permit Licence Holder	Mitchells & Butlers Leisure Retail Limited		
Date of action	18/05/2010	Licence effective from	17/05/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

Permit Number	016596		
Name & Address of Premises	The Wild Rose 1A/1B The Triad Centre Stanley Road L20 3ET		
Permit type	Licensed Premises Gaming Permit		
Application for	Conversion		
Permit Licence Holder	JD Wetherspoon PLC		
Date of action	16/04/2010	Licence effective from	16/04/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

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Licensed Premises Automatic Gaming

Permit Number	016632		
Name & Address of Premises	Blundell Arms 34 Upper Aughton Road Birkdale PR8 5ND		
Permit type	Licensed Premises Automatic Gaming		
Application for	Grant		
Permit Licence Holder	Mr Jason Lewington		
Date of action	21/04/2010	Licence effective from	21/04/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

Permit Number	016608		
Name & Address of Premises	Crosby Hotel 75 Liverpool Road Crosby L23 5SE		
Permit type	Licensed Premises Automatic Gaming		
Application for	Grant		
Permit Licence Holder	P&F Management Limited		
Date of action	19/04/2010	Licence effective from	19/04/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

Permit Number	003600		
Name & Address of Premises	Guest House 14-16 Union Street Southport PR9 0QE		
Permit type	Licensed Premises Automatic Gaming		
Application for	Grant		
Permit Licence Holder	Mrs Gail Susanne Heyes		
Date of action	07/05/2010	Licence effective from	07/05/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

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Permit Number	016624		
Name & Address of Premises	Hoghton Arms 2 Hoghton Street Southport PR9 0TF		
Permit type	Licensed Premises Automatic Gaming		
Application for	Grant		
Permit Licence Holder	Mrs Lesley Davies & Mr John Francis Davies		
Date of action	20/04/2010	Licence effective from	20/04/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

Permit Number	016692		
Name & Address of Premises	Laburnum Hotel 92 Litherland Road Bootle L20 3HZ		
Permit type	Licensed Premises Automatic Gaming		
Application for	Grant		
Permit Licence Holder	Miss Marie Freeman		
Date of action	04/05/2010	Licence effective from	04/05/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

Permit Number	016789		
Name & Address of Premises	Mount Pleasant Hotel 107 Manchester Road Southport PR9 9BD		
Permit type	Licensed Premises Automatic Gaming		
Application for	Grant		
Permit Licence Holder	Punch Taverns PLC		
Date of action	17/05/2010	Licence effective from	17/05/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

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Permit Number	016681		
Name & Address of Premises	Railway Hotel 11 Bridge Road Litherland L21 6PG		
Permit type	Licensed Premises Automatic Gaming		
Application for	Grant		
Permit Licence Holder	Admiral Taverns (Cynet) Ltd		
Date of action	30/04/2010	Licence effective from	30/04/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

Permit Number	016779		
Name & Address of Premises	Raven Hotel 32 South Road Waterloo L22 5PQ		
Permit type	Licensed Premises Automatic Gaming		
Application for	Grant		
Permit Licence Holder	Greene King Retailing Ltd		
Date of action	13/05/2010	Licence effective from	13/05/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

Permit Number	016700		
Name & Address of Premises	Wellington Hotel 22 Eastbank Street Southport PR8 1DT		
Permit type	Licensed Premises Automatic Gaming		
Application for	Grant		
Permit Licence Holder	W & L G Trading 1 Limited		
Date of action	05/05/2010	Licence effective from	05/05/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

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Club Machine Permits

Permit Number	016813		
Name & Address of Premises	The Kensington House Sports & Leisure Club 12 Station Road Maghull L31 3DF		
Permit type	Club Machine Permit		
Application for	Grant (Fast Track)		
Permit Licence Holder	The Kensington House Sports & Leisure Club		
Date of action	18/05/2010	Licence effective from	18/05/2010
Date of Expiry (if applicable)		Surrender Date (if applicable)	
Copy of Permit Issued (if applicable)			

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Meeting: **LICENSING & REGULATORY COMMITTEE**

Date of Meeting: **7th June 2010**

Title of Report: **DRAFT REVISED STATEMENT OF LICENSING POLICY – LICENSING ACT 2003**

Report of: **P.J. Moore,
Environmental & Technical Services Director**

Contact Officer: **K.T. Coady,
Senior Licensing Officer
0151 934 2946**

K.T. Coady		
This report contains	Yes	No
CONFIDENTIAL information		√
EXEMPT information by virtue of paragraph(s) ... of Part 1 Schedule 12A of the Local Government Act 1972		√
Is the decision of this report DELEGATED?	√	

Purpose of Report

To seek Members comments on the draft revised Statement of Licensing Policy, in connection with the Council's obligations under the Licensing Act 2003, and to advise Members of the proposals for consultation on the draft document.

Recommendation(s)

Members are asked to:

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

Corporate Objective Monitoring

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening Local Democracy	√		
8	Children and Young People	√		

Financial Implications

The cost of the consultation will be undertaken from existing budgets and reserves.

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List of background papers relied upon in the preparation of this Report

- *Licensing Act 2003 – Statement of Licensing Policy 2011* - Report to Licensing and Regulatory Committee, 18th January 2010.
- Existing Statement of Licensing Policy.
- The Licensing Act 2003.
- Guidance issued under Section 182 of the Licensing Act 2003.

Background

1. Members will recall that Section 5 of the Licensing Act 2003 (“the LA03”) requires the Licensing Authority to prepare and publish a statement of its licensing policy (“the Policy”) every three years. During this three year period, the Policy must be kept under review and the Licensing Authority may make such revisions to it as it considers appropriate, for instance in the light of feedback from the chief officer of police, on whether the statutory four licensing objectives are being met.
2. The existing Policy has been kept under review since coming into force on 7th January 2008 and no revision has been deemed necessary to date. However, the Policy will require revision during 2010 in order for it to take effect from 7th January 2011 (when the new three year cycle will commence).
3. Before determining its Policy, for any three-year period, the Licensing Authority must consult the persons listed in Section 5(3) of the LA03. Those being:
 - a) the chief officer of police for the area;
 - b) the fire authority for the area;
 - c) persons/bodies representative of local holders of premises licences;
 - d) persons/bodies representative of local holders of club premises certificates;
 - e) persons/bodies representative of local holders of personal licences; and
 - f) persons/bodies representative of businesses and residents in its area.
4. Members will also recall that at their Meeting on 18th January 2010 they endorsed the timetable for the production of the revised Policy, the details of which can be summarised as follows:

May /June 2010

- First draft presented to Members for comment.
- Agree revised draft for outside consultation.

July / August 2010

- Outside consultations to take place.
- Revise Policy (as necessary) as a result of consultations.

September/November 2010

- Present updated Policy to Licensing & Registration Committee for comments and any final amendments.
- Submit to full Council for agreement.

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December 2010

- Publish revised Policy (to come into effect from 7th January 2011).

The draft revised statement of Licensing Policy

5. The draft revised Policy is attached within the Annex to this Report. Paragraphs 6 to 22 below list the alterations that have been made to it.
6. Paragraph 2.2 of the Policy amended to include mention of minor variations, to now read: *In this regard the policy covers new applications, renewals, transfers, variations and minor variations of Licences and also includes the review of Licences and Certificates, which could lead to revocation.*
7. Paragraph 2.7 amended to remove specific page links, which may change between Policy reviews, to now read: *Further information on this type of Licence can be found on the Sefton Council website at www.sefton.gov.uk.*
8. Paragraph 2.12 amended to remove specific page links, which may change between Policy reviews, to now read: *Further information on this type of Licence / Certificate can be found on the Sefton Council website at www.sefton.gov.uk.*
9. Paragraph 2.13 amended to include mention of the Police for giving notice of an event, to now read: *Section 100 of the Act states that the organiser of a Temporary Event must give the Authority and the Police notice of the event.*
10. Paragraph 2.15 amended to remove specific page link, which may change between Policy reviews, to now read: *Further information on Temporary Event Notices can be found on the Sefton Council website at www.sefton.gov.uk.*
11. Paragraph 3.13 amended to remove the bullet point “*purchasing cigarettes from vending machines*”; changes in legislation have removed such machines from licensed premises.
12. Paragraph 4.6 amended to include details of new Home Office document on selling alcohol responsibly, to read:

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. In this context the Authority commends the use of the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks and the Home Office Guide entitled “Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries”.
13. Table within Paragraph 5.8 amended to include details of: (i) DPS disapplication delegation, inserted between existing vary DPS and transfer delegations, and (ii) minor variation delegation inserted at the end of table.
14. New Paragraph 5.11 added, to read:

The Licensing 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

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premises subject to a review. Whilst this is not a statutory requirement, the Licensing 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. All Councillors will be notified of any such applications received.

15. New Paragraph 5.12 added, to read:

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.

16. Existing Paragraphs 5.11 and 5.12, and all subsequent Paragraphs in Section 5, re-numbered accordingly.

17. Re-numbered Paragraph 5.14 amended to include the fact that Councillors can call for a review in their own right, to now read:

Following the grant of a Premises Licence or Club Premises Certificate a 'responsible authority' or 'interested party' may request the Authority to review the Licence/Certificate where problems associated with the four Licensing Objectives have occurred. As members of the Licensing Authority, and as 'interested parties', Councillors may apply for a review of a licence if problems at a specific premises, which justify intervention, are brought to their attention. Similarly Council Officers who are designated as 'responsible authorities' may request a review of the licence in a similar manner.

18. New opening sentence added to existing Paragraph 7.1, reading: *The Authority can only attach conditions where an objection is upheld following a hearing.*

19. Paragraph 8.1 re-drafted to now read:

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 necessary 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.

20. Existing Paragraph 9.4 amended, to now read:

In the event that the Authority becomes satisfied, after considering available evidence, and following consultation in accordance with Section 5(3) of the Act, that it is appropriate and necessary to have a cumulative impact "special policy", it will indicate that it is adopting such a policy in this Statement. Any "special policy" will be kept under review to ensure that the evidence underpinning it is still current and relevant.

21. New Paragraphs 9.5 and 9.6 added to read:

The effect of adopting a policy of this kind is to create a rebuttable presumption that applications for new Premises Licences, Club Premises Certificates or variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Therefore such a policy would still allow

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for the circumstances of each application to be considered properly and for licences that are unlikely to add significantly to saturation to be approved.

It should be noted that the absence of such a policy does not prevent any responsible authority or interested party making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

22. Paragraph 10.1 re-drafted, to recognize the Hampton principles for regulators, to now read:

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.

Consultation process

23. There is a statutory requirement to consult those persons outlined within Paragraph 3 prior to producing any revised Policy.
24. 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.
25. Paragraph 13.12 of the Guidance issued under Section 182 of the Act states that *when undertaking consultation exercises, licensing authorities should have regard to cost and time. The Secretary of State has established fee levels to provide full cost recovery of all licensing functions including the preparation and publication of a statement of licensing policy, but this will be based on the statutory requirements. Where licensing authorities exceed these requirements, they will have to absorb those costs themselves.*
26. As with the recent consultation exercise undertaken in association with the Gambling Act 2005 Statement of Gambling Licensing Policy, general awareness of the consultation process, and access to the draft revised 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 on the Consultation Finder Website (www.consultationfinder.com/sefton/);
 - ii) placing copies of the draft revision, and the list of the alterations made, in local libraries; and,
 - iii) through press releases to all local press agencies.
27. It is also proposed that 400 interviews be conducted across Sefton via door to door canvassing, with interviews taking place in respondents' homes. Interviewers will be issued a quota of interviews by age and by sex so as to ensure that the sample broadly represents the profile of Sefton residents.

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28. The interviews will be conducted using a quantitative survey method. This will enable the reactions to the Policy to be quantified and it will identify those aspects which are supported by residents of Sefton and those, if any, which are opposed.
29. These interviews will also be used to gauge residents' views on the subject of Licensing Liaison Forums.
30. It is proposed that Mott MacDonald be commissioned to conduct these interviews and as such, should Members endorse this part of the consultation, the appointment would be subject to approval by the Establishment Control Panel.
31. In addition to the above, and in order to satisfy the consultation requirement, it is also proposed to undertake the following specific consultations:

Consultee

Nature / Method of Consultation

Police
Fire Authority

- Letter and face-to-face meetings, as required.
- Letter and face-to-face meetings, as required.

Other Responsible
Authorities

- Letter and face-to-face meetings, as required, to include: Sefton Council Planning Department; Sefton Council Environmental and Technical Services Department (Environment Section, Commercial Section and Trading Standards); and Acting Consultant in Child Protection.

Persons/bodies
representative of local
holders of premises
licences

- Letter to the following Organisations:
 - British Beer & Pub Association;
 - British Institute of Innkeepers;
 - Federation of Licensed Victuallers Association;
 - Association of Licensed Multiple Retailers;
 - Association of Convenience Stores; and,
 - The Wine and Spirit Trade Association.

Persons/bodies
representative of local
holders of club premises
certificates

- Letter to all Club Premises Certificate holders (70).

Persons/bodies
representative of local
holders of personal
licences

- Letter to 10% of current Personal Licence holders (190+).

Persons/bodies
representative of
businesses and
residents in its area.

- Letter to all Borough Councillors, Sefton Members of Parliament and Parish Council Clerks.
- Letter to each of the LSP thematic Group Lead Officers.
- Letter to Sefton Business Village Managers and Sefton Chamber of Commerce.

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32. It is proposed that the consultation will run for 12 weeks from 28th June 2010 to 19th September 2010.
33. The above consultation process has been vetted by the Consultation and Public Engagement Manager, Sefton Equalities Partnership. The Manager has stated that this consultation is not required to go before the Public Engagement and Consultation Panel, although they will be informed that it is taking place. The Manager also commented that she was pleased to see that the consultation proposals go above and beyond the statutory requirements.

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SEFTON METROPOLITAN BOROUGH COUNCIL
LICENSING ACT 2003

LICENSING POLICY STATEMENT

Draft V.1

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2.0 Scope <ul style="list-style-type: none">• Personal Licences• Premises Licences and Club Premises Certificates• 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	
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 license or certificate where the Act allows them to do so.
- 1.4 This policy statement will be subject to a periodic review every three 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.

Sefton

- 1.5 Sefton is one of the five Metropolitan Boroughs that make up Merseyside. It is located north of Liverpool on the west coast of England and stretches 22 miles north from Bootle to Southport. The location of Sefton is shown by the map provided at Annex 1.
- 1.6 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 communities in England and Wales.
- 1.7 Sefton has a resident population of 283,000 (2001 census) and has a high proportion of retired people, widowed people and long term unemployed when compared with the rest of England and Wales.
- 1.8 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.
 - Southport at the north of the Borough is a Victorian seaside/holiday resort which has a mix of residential and commercial premises at and near its centre, including

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private houses, apartments, hotels, retail outlets and licensed /entertainment premises.

- Formby, Crosby and Maghull are largely residential with a smaller number of commercial premises.
- 1.9 The Unitary Development 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.
- 1.10 There have been a number of studies in recent times relating to the night-time economy, particularly in relation to the “classic” resort status of Southport, these have helped shape Sefton’s vision for developing a sustainable pattern of licensing, as expressed in 1.14 below.
- 1.11 The Sefton crime and disorder audit identified that whilst the rate of violent crime and youth disturbance is the lowest on Merseyside, youth disorder has generally risen and that the consumption of alcohol by young people and young people congregating do give cause for concern in some areas.
- 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.

Sefton’s Licensing Vision

- 1.14 Sefton’s vision for future licensable activities can be summarised as follows:

“In undertaking its licensing functions, under the Licensing Act 2003, Sefton Council will aim to ensure that licensable activities make a positive contribution to the social, economic, and environmental well-being of the Borough.

Sefton Council wishes to see a diverse cultural offering, providing something for everyone, in a safe, healthy and welcoming environment. In particular, Sefton wishes to see a mixed night-time economy, which attracts all parts of the community, including families, and is not dominated by premises whose primary focus is the sale of alcohol.

To achieve this, the Licensing Authority will seek to give licence holders sufficient freedom and flexibility to enable them to satisfy the requirements of their customers. In

return Licence holders will be required to operate their undertakings in a socially responsible way, taking the lead role for preventing crime, disorder, disturbance arising from their undertaking and protecting the health, safety and well-being of employees, customers and all others who may be affected by their undertaking.

To make Sefton a great place in which to live, work, learn, visit and do business”

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, renewals, 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 and do not have a relevant or foreign criminal conviction.

2.6 A Licence will last for ten years (subject to certain provisions of the Act regarding, for example, surrender and forfeiture of the Licence); it can subsequently be renewed for further periods of ten years.

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

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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 chief officer of police of a police force in England and Wales;
 - ix) 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.
- 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.
- 2.12 Further information on this type of Licence / Certificate can be found on the Sefton Council website at www.sefton.gov.uk.

Temporary Event Notices

- 2.13 Section 100 of the Act states that the organiser of a Temporary Event must give the Authority and the Police notice of the event.
- 2.14 The Act states that such a Notice may be served (up to) 10 working days prior to a permitted Temporary Event. However in a significant number of cases this would not allow enough time for the organiser to liaise, with Merseyside Fire Authority, Merseyside Police and the relevant Council Officers, to ensure that the event passes
-

off safely with the minimum of disturbance to local residents. The Guidance issued under S182 of the Act encourages the publication locally of a preferred notice period, in Sefton the preferred notice period for service of a Temporary Event Notice is 28 days prior to the permitted Temporary Event.

- 2.15 Further information on Temporary Event Notices 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:

- 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, community representatives and local people in meeting these objectives.

- 3.3 It will be a matter for individual applicants to address the Licensing Objectives in their Operating Schedule, within the context of the nature of the location, type of premises, nature and type of entertainment provided, operational procedures and the needs of the local community.

- 3.4 Applicants will need to provide evidence to the Authority that suitable and sufficient measures, as detailed in their Schedule, will be implemented and maintained relevant to the individual style and characteristics of their premises and events. Reference will need to be made as to whether additional measures will be taken on an occasional or specific basis such as where a special event or promotion is planned, which is intended or likely, to attract larger audiences.

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;

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- 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

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 prevent 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:

- 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;

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- 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 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 The Authority will expect applicants to be able to demonstrate in their Operating Schedule that they have in place satisfactory arrangements to prevent sales of alcohol to children, including a proof of age scheme. 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 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.

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, 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 and the Authority will have regard to this legislation when determining applications.

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- 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. Working with the Sefton Cultural Strategy Group, the Authority will seek to monitor the impact of licensing on the provision of regulated entertainment, particularly live music, dance and theatre.
- 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. In this context the Authority commends the use of the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks and the Home Office Guide entitled "Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries".
- 4.7 The Authority also encourages Licensees to give consideration to the National Alcohol Harm Reduction Strategy and the Sefton Alcohol Harm Reduction Strategy, 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
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separate. The Planning Committee will be kept regularly apprised of the situation regarding licensed premises within the Borough to enable the Committee to have regard to such matters when taking decisions to avoid any unnecessary overlap.

- 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.

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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 objections 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
Application to disapply designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for interim 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	
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 chief officer of police;
- The local fire authority;

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- 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; 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 Licensing 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 Licensing 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. All Councillors will be notified of any such applications received.
- 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 'interested 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 'interested party' may request the Authority to review the Licence/Certificate where problems associated with the four Licensing Objectives have occurred. As members of the Licensing Authority, and as 'interested parties', Councillors may apply for a review of a licence if problems at a specific premises, which justify intervention, are brought to their attention. Similarly Council Officers who are designated as 'responsible authorities' may request a review of the licence in a similar manner.

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- 5.15 The Authority considers that “interested 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 by “interested parties”/“responsible authorities” 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

- 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 The Authority recognises that national guidance states that longer licensing hours may encourage a natural and gradual dispersal of customers which can in turn reduce the impact of disorder and disturbance that may arise when large concentrations of customers simultaneously leave premises located in the same vicinity. The Authority also notes that providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 6.3 The Authority will consider in each case the applicability of such guidance, having regard to the evidence. It will also take into account, 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 it's 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.

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- 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 necessary 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.
- 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.

9.0 CUMULATIVE IMPACT

- 9.1 In determining an application the Licensing Committee will not give consideration to the need, i.e. the commercial demand, for such premises.
- 9.2 However, in the interests of public safety the Authority will consider representations, where supported by evidence, that the cumulative effect of existing licences, new licences, or variations to existing licences, is leading to an over concentration of premises in an area, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.

- 9.3 Where satisfied that the cumulative effect of licensed premises, within an area, gives rise or will give rise to exceptional problems of public disorder and nuisance, in the surrounding vicinity, the Authority may consider it appropriate to adopt a “Special Policy” of refusing new licences, or relevant variations to existing licences, in that area.
- 9.4 In the event that the Authority becomes satisfied, after considering available evidence, and following consultation in accordance with Section 5(3) of the Act, that it is appropriate and necessary to have a cumulative impact “special policy”, it will indicate that it is adopting such a policy in this Statement. Any “special policy” will be kept under review to ensure that the evidence underpinning it is still current and relevant.
- 9.5 The effect of adopting a policy of this kind is to create a rebuttable presumption that applications for new Premises Licences, Club Premises Certificates or variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Therefore such a policy would still allow for the circumstances of each application to be considered properly and for licences that are unlikely to add significantly to saturation to be approved.
- 9.6 It should be noted that the absence of such a policy does not prevent any responsible authority or interested party making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

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.

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Meeting: LICENSING & REGULATORY COMMITTEE

Date of Meeting: 7th June 2010

Title of Report: EARLY MORNING ALCOHOL RESTRICTION ORDERS.

Report of: P. J. Moore
Environmental & Technical Services Director

Contact Officer: K.T. Coady,
Senior Licensing Officer
0151 934 2946

This report contains	Yes	No
CONFIDENTIAL information		√
EXEMPT information by virtue of paragraph(s) ... of Part 1 Schedule 12A of the Local Government Act 1972		√
Is the decision of this report DELEGATED?	√	

Purpose of Report

To inform Members of the proposed changes to be made to the Licensing Act 2003 by the Crime and Security Act 2010.

Recommendation(s)

That Members:

- i) Note this Report and the proposed changes to be made to the Licensing Act 2003; and,
- ii) Note that a further Report will be brought forward to update Members once the provisions come into force.

Corporate Objective Monitoring

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening Local Democracy		√	
8	Children and Young People		√	

Financial Implications

None arising from this Report.

List of background papers relied upon in the preparation of this report

- The Licensing Act 2003.
- The Crime and Security Act 2010.

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Background

1. The Bill that preceded the Crime and Security Act 2010 (“the 2010 Act”) was first introduced on 19th November 2009 and contained a range of policing, crime and security measures covering the following key areas:
 - reducing information requirements for police stops and searches;
 - establishing new time limits for the retention of DNA samples, DNA profiles and fingerprints (following a European Court of Human Rights judgement) together with extensions to the circumstances in which such samples can be collected;
 - introducing a new Domestic Violence Protection Notice, by which a senior police officer could require a suspected perpetrator to stop molesting a victim and to leave the premises, pending application to court for the Bill’s new Domestic Violence Protection Order;
 - extending the new injunctions to prevent gang-related violence to under 18s;
 - strengthening the legal assumption that a court will make a parenting order when 10-15 year olds are convicted for a breach of an anti-social behaviour order;
 - establishing a new licensing requirement for businesses carrying out vehicle immobilisation, in addition to the existing one for individuals;
 - introducing a new criminal offence of possessing a mobile telephone in prison; and,
 - introducing a new offence of allowing minors access to air weapons.
2. At the time of introduction time the Bill contained no provisions relating to the Licensing Act 2003 (“the LA03”).
3. A motion was moved in Parliament on 10th February 2010 asking the House to “instruct” the Bill Committee to consider certain amendments to the Bill to amend the LA03 to give local authorities power to “ban 24 hour licences in their area”.
4. The 2010 Act received Royal Assent on 8th April 2010; however the provisions to amend the LA03 will not come into force until the Secretary of State lays the necessary Commencement Order.

Proposed changes to the LA03

5. Section 55 of the 2010 Act will amend the LA03 by inserting five new sections (sections 172A to 172E) into Part 9 of the latter Act.
6. S.172A will give a licensing authority the power to make an “early morning restriction order” (“the Order”). The effect of the Order being to suspend any authorisation of the sale or supply of alcohol between 3am and 6am. This includes premises licences, club premises certificates and temporary event notices.
7. Such an Order may apply to:
 - (a) every day or only on particular days;
 - (b) in relation to the whole or part of a licensing authority’s area, or
 - (c) for a limited or unlimited period.
8. The Order must therefore specify the days in relation to which it is to apply, the area in relation to which it is to apply, and if it is to apply for a limited period, that period. The

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Order must also specify the date from which it is to apply. The Order must be in the prescribed form and contain the prescribed content both to be prescribed by regulations.

9. An Order may therefore be made which only applies to Friday and Saturday nights only, or one may be made that has effect only for six months rather than an indefinite period.
10. S.172B sets out the procedural requirements for the making of the Order, which includes advertising the proposed Order, in a manner to be prescribed by regulations, and holding a hearing to consider any relevant representations received.
11. “Relevant representations” means representations which -
 - (a) are about the likely effect of the making of the proposed Order on the promotion of the licensing objectives,
 - (b) are made to the licensing authority by -
 - (i) an affected person,
 - (ii) an interested party, or
 - (iii) a responsible authority.
12. “Affected person” means -
 - (a) the holder of a premises licence or club premises certificate in respect of affected premises;
 - (b) the premises user in relation to a temporary event notice in respect of affected premises;
 - (c) a person who has applied for a premises licence or club premises certificate in respect of affected premises (where the application has not been determined); and,
 - (d) a person to whom a provisional statement has been issued in respect of affected premises.
13. S.172C prohibits a licensing authority from making an Order applying to:
 - (a) an area not specified in the proposed Order advertised under section 172B, or
 - (b) a day not specified in that proposed Order.
14. S.172D contains provisions relating to variation and revocation of early morning alcohol restriction orders.
15. S.172E provides for exceptions from the effect of an Order in cases or circumstances prescribed by the Secretary of State in regulations. These may be defined by reference to particular kinds of premises (such as hotels which sell alcohol to residential guests but not to the general public between 3am and 6am), or particular days (e.g. New Year’s Day). Subsection (3) ensures that an Order made under section 172A is subject to an order made under section 172 of the LA03 (unless the s172 Order provides otherwise). Section 172 enables the Secretary of State, with the approval of both Houses of Parliament, to make a licensing hours order for a specified period to mark an occasion of exceptional international, national or local significance. An Order under section 172 has the effect of relaxing the opening hours for premises licences and club premises certificates.

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16. As stated in Paragraph 4 these provisions will not come into force until the Secretary of State has laid the necessary Commencement Order. They will also be subject to further Statutory Instrument(s) with regard to the form and content of the early morning restriction orders as well as the manner of their advertising.
17. Further Guidance will need to be issued under S.182 of the LA03 outlining the process and what matters authorities will need to consider prior to making an application for an Order.

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REPORT TO: LICENSING & REGULATORY COMMITTEE
CABINET
COUNCIL

DATE: 07/06/2010
10/06/2010
08/07/2010

SUBJECT: **SEX ESTABLISHMENT LICENCE – SEXUAL ENTERTAINMENT VENUE**

WARDS AFFECTED: All

REPORT OF: P.J. Moore,
Environmental & Technical Services Director
D. Mackie,
Interim Head Of Corporate Legal Services

CONTACT OFFICER: K.T. Coady,
Senior Licensing Officer,
0151 934 2946
Sue Cain
Senior Solicitor,
0151 934 2288

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek Members endorsement of the recommendations to the Council:

- (a) approving the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, as amended by S.27 of the Policing and Crime Act 2009;
- (b) the giving of delegated powers to Licensing (Sexual Entertainment Venues) Sub-Committees and to the Environmental & Technical Services Director in respect of certain functions under the Policing and Crime Act, 2009 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982; and
- (c) to seek the approval of Members for proposed conditions and fees in respect of this process.

REASON WHY DECISION REQUIRED:

1. The Policing and Crime Act, 2009 amends Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982, reclassifying lap dancing clubs as “sexual entertainment venues” and giving local authorities the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982. However the powers are not mandatory and will only apply where they have been adopted.
2. To enable the Council to prescribe standard conditions and to charge a fee for this new function.

RECOMMENDATION(S):

That the Licensing and Regulatory Committee:

- (a) Endorses the adoption of Schedule 3 the Local Government (Miscellaneous Provisions) Act, 1982, as amended by Section 27 of the Policing and Crime Act, 2009; and,

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- (b) Endorses the recommended delegation of functions to the Licensing (Sexual Entertainment Venues) Sub-Committee; and,
- (c) Endorses the proposed conditions and fees; and,
- (d) Recommends that Cabinet approve the Recommendations, set out in paragraphs (a) – (c), above to Council.

That Cabinet:

- (a) Recommends the adoption of Schedule 3 the Local Government (Miscellaneous Provisions) Act, 1982, as amended by Section 27 of the Policing and Crime Act, 2009; and,
- (b) Recommends the approval of the recommended delegation of functions to the Licensing (Sexual Entertainment Venues) Sub-Committee; and,
- (c) Approves the proposed conditions and fees as set out in paragraph 43 of the report in respect of Sexual Establishment Venues Licences; and,
- (d) Recommends that Council approve the Recommendations set out in paragraphs (a) – (b) above.

That the Council:

- (a) Approves the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, as amended by S.27 of the Policing and Crime Act 2009;
- (b) Adopts the recommended delegation of functions relating to the establishment of a Licensing (Sexual Entertainment Venues) Sub-Committee;
- (c) Authorises the Licensing and Regulatory Committee to delegate its functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, as amended by S.27 of the Policing and Crime Act 2009 to Licensing (Sexual Entertainment Venues) Sub-Committees each consisting of three members of the Licensing and Regulatory Committee;
- (d) Authorises the Assistant Chief Executive to determine the composition (i.e. membership) of any Licensing (Sexual Entertainment Venues) Sub-Committee from within the membership of the Licensing and Regulatory Committee for the purposes of convening meetings of the Licensing (Sexual Entertainment Venues) Sub-Committees;
- (e) Recommends that Part 3 of the Constitution - Responsibility for Functions (Delegations to Regulatory and Non-Executive Committees) be amended to take account of recommendations (b), (c) and (d) above.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: 22/07/2010

ALTERNATIVE OPTIONS:

Not to adopt Schedule 3 of the 1982 Act as amended by Section 27 of the Policing and Crime Act 2009.

Not to prescribe conditions or fees for this new function.

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IMPLICATIONS:

Budget/Policy Framework:

Financial:

The proposed fees will provide cost recovery for the services provided.

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure	–	–	–	–
Funded by:	–	–	–	–
Sefton Capital Resources	–	–	–	–
Specific Capital Resources	–	–	–	–
<u>REVENUE IMPLICATIONS</u>	–	–	–	–
Gross Increase in Revenue Expenditure	–	–	–	–
Funded by:	–	–	–	–
Sefton funded Resources	–	–	–	–
Funded from External Resources	–	–	–	–
Does the External Funding have an expiry date? Y/N N	When?			
How will the service be funded post expiry?				

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1 Creating a Learning Community		√	
2 Creating Safe Communities	√		
3 Jobs and Prosperity		√	
4 Improving Health and Well-Being		√	
5 Environmental Sustainability		√	
6 Creating Inclusive Communities		√	
7 Improving the Quality of Council Services and Strengthening local Democracy		√	
8 Children and Young People		√	

Legal:

None

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Risk Assessment: None

Asset Management: None

Consultation Undertaken/Views

- Merseyside Police.
- Legal.

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

- *Certain provisions of the Policing and Crime Bill* – Report to Licensing & Regulatory Committee, 19th January 2009.
- *Proposed response to Home Office consultation – “Regulation of Lap Dancing Clubs – Consultation on Transitional Arrangements”* – Report to Licensing & Regulatory Committee, 26th October 2009.
- Policing and Crime Act 2009.
- *Sexual Entertainment Venues - Guidance for England and Wales* – Home Office.
- *The Policing and Crime Act 2009 (Commencement No. 1 and Transitional and Saving Provisions) (England) Order 2010* – Statutory Instrument No. 722 / 2010.
- *The Policing and Crime Act 2009 (Consequential Provisions) (England) Order 2010* – Statutory Instrument No. 723 / 2010.
- Local Government (Miscellaneous Provisions) Act 1982.

Background

1. Members will recall from previous Reports that Schedule 3 of the Policing and Crime Act 2009 (“the 2009 Act”) inserted a new category of “sex establishment” called a “sexual entertainment venue” into Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 (the “1982 Act”). Thus bringing the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas, rather than under the Licensing Act 2003 (“the LA03”).
2. A sexual entertainment venue is defined as “*any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.*” The meaning of ‘relevant entertainment’ is defined as “*any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).*” An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

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3. The Guidance issued by the Home Office over these matters indicates that whilst local authorities should judge each case on its own merits, it would be expected that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:
 - Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows
4. It should be noted that although the definition of relevant entertainment makes reference to a 'live display of nudity', the Guidance indicates that the mere fact that there is a display of nudity does not mean that a sex establishment licence will necessarily be required. For example, if the display forms part of a drama or dance performance in a theatre, in most cases it cannot reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
5. Paragraph 2A(14) of Schedule 3 sets out the definition of a 'display of nudity'. In the case of a woman, this means exposure of her nipples, pubic area, genitals or anus and, in the case of a man; this means exposure of his pubic area, genitals or anus.
6. The relevant entertainment must be provided for the financial gain of the 'organiser' or 'entertainer'. The 'organiser' means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. The Guidance states that in most circumstances, this will refer to the manager of the premises, but could also refer to someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.
7. The Guidance indicates that the 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for one person to hold a sexual entertainment venue licence for the premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.
8. The following are not sexual entertainment venues for the purpose of the 1982 Act:
 - (a) sex shops and sex cinemas;
 - (b) any premises that at the time in question:
 - (i) has not provided relevant entertainment on more than 11 occasions within the previous 12 months;

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- (ii) no such occasion has begun within the period of one month beginning with the end of any previous occasion;
 - (iii) no such occasion has lasted for more than 24 hours; or,
 - (c) premises specified or described in an order made by the relevant national authority.
9. Premises which provide relevant entertainment on an infrequent basis will continue to be regulated under the LA03, insofar as they are providing regulated entertainment under that Act, either by virtue of a premises licence or club premises certificate issued under Part 3 or Part 4 or a temporary events notice issued under Part 5 of that Act. Any premises that provide relevant entertainment on more occasions, more frequently or for a longer period of time than is permitted under the exemption will be operating as a sexual entertainment venue and will have committed an offence under Schedule 3 unless they hold a sexual entertainment venue licence or the local authority has waived the requirement for such a licence.
10. With regard to the latter point, an applicant can apply for a waiver either as part of the application for a licence or separately. The local authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days notice.

Adopting the Provisions

11. As outlined above, Section 27 of the 2009 Act allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the 1982 Act and gives local authorities powers to control the number and location of lap dancing clubs and similar venues in their area. However, these powers are not mandatory and will only apply where they have been adopted. Where adopted, the provisions of Schedule 3 will allow the Authority the power to refuse an application on potentially wider grounds than is permitted under the LA03 and will give local people a greater say over the regulation of lap dancing in pubs and similar venues in their area.
12. For the purposes of the 1982 Act the “appropriate authority” is responsible for determining applications for sex establishment licences. The “appropriate authority” means the local authority which has passed a resolution under Section 2 of the 1982 Act to adopt Schedule 3, as amended by the 2009 Act, in their area.

13. Functions under Schedule 3 are the responsibility of full Council. However, under Section 101 of the Local Government Act, 1972, local authorities may arrange for the discharge of these responsibilities by a Committee or Sub-Committee of the appropriate authority. An authority may delegate its functions to those who sit on the Licensing Committee set up to discharge licensing functions under the LA03. It is recommended that the functions are delegated to Sub-Committees. Members should note that when dealing with an application for a Sex Establishment Licence, the members of the Sub-Committee would not be acting as the Licensing Committee under the LA03 but would, instead be exercising their functions under Schedule 3 of the 1982 Act.
14. Section 27 of the 2009 Act which amends Schedule 3 of the 1982 Act came into force on 6 April 2010. By adopting Schedule 3 (as amended by the 2009 Act), the amendments will have effect in the Borough. Members will be aware that the Authority has already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and sex cinemas. The adoption of Schedule 3 (as amended by the 2009 Act) will enhance the Authority's control of those venues operating as sex establishments, as defined in Schedule 3.
15. Should Schedule 3 (as amended by the 2009 Act) be adopted the Authority must publish notice that they have passed the resolution under Paragraph 2(2) of Schedule 3 of the 2009 Act for two consecutive weeks in a local newspaper. The first publication must not be later than 28 days before the day specified in the resolution as the date when the provisions come into force. The Notice should state the general effect of the adoption.
16. Should Members approve the recommendations set out in this report, it is anticipated that the provisions shall come into force on 22nd July 2010.

Applications

17. In general the Authority has discretion whether or not to grant a licence for the use of any premises, vehicle, vessel or stall to be used as a class of sex establishment.
18. A Licence cannot, however, be granted to:
 - a person under 18;
 - a person who has held a licence but has had it revoked within 12 months preceding the date of application;
 - to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made;
 - to a body corporate which is not incorporated in an EEA State; or
 - a person who has within the last 12 months preceding the date of the application been refused a licence in respect of the same premises.

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19. When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.
20. Paragraph 10 (15) of Schedule 3 of the 1982 Act gives a statutory right to any person to object to an application. However, only objections received within the statutory 28 days can be considered: *R v Birmingham City Council and others, ex parte Quietlynn Ltd and others* (1985) 83 LGR 461.
21. If objections are received then the Authority is under a duty to provide, in general terms, details of the objections to the applicant. However, without the consent of the objector the Authority cannot divulge their name and address.
22. The Authority must give the applicant an opportunity of appearing before the body making the decision before refusing an application.
23. The Authority may refuse an application for the grant or renewal of a licence on one or more of the grounds below:
 - (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard to:
 - (i) the character of the relevant locality; or
 - (ii) the use to which any premises in the vicinity are put; or
 - (iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
24. An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in Paragraph 18 above does not have a right to appeal unless the applicant seeks to show that the ground did not apply to him.
25. Similarly, an applicant whose application for the grant or renewal of a licence is refused on either ground specified in Paragraph 23 (c) or (d) above does not have the right to appeal the decision. In such cases the applicant can only challenge the refusal by way of judicial review.

26. The following may at any time, before the expiration of the period of 21 days following receipt of the application's determination, appeal to the magistrates' court acting for the relevant area:
- (i) an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;
 - (ii) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or,
 - (iii) a holder of any such licence whose licence is revoked.

Power to prescribe standard conditions

27. The Authority may make regulations prescribing Standard Conditions to be applicable to licences for sex establishments, i.e terms, conditions and restrictions on or subject to which the licences are in general to be granted, renewed or transferred.
28. These Conditions may regulate:
- the hours of opening and closing of the sex establishment;
 - displays or advertisements on or in such establishments;
 - the visibility of the interior of sex establishments to passers-by; and,
 - any change from one kind of sex establishment to another kind of sex establishment.
29. These regulations may make different provision for sexual entertainment venues, sex cinemas and sex shops, and as well as for different kinds of sexual entertainment venues, sex cinemas and sex shops.
30. Where these Conditions have been made every Licence granted, renewed or transferred by the Authority will be presumed to have been done so subject to the Standard Conditions being applicable.
31. This Authority already have Standard Conditions prescribed in respect of sex shops (these being approved by the Licensing and Committee on 22nd March 2004), however these are inappropriate for use with regard to sexual entertainment venues.
32. Under the old Public Entertainment Licence regime there were prescribed certain conditions relating to those premises which conducted striptease, lap dancing or similar entertainment under the 1982 Act.
33. These conditions have been updated and adapted in consultation with Merseyside Police and are included in the Annex to this Report.

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Transitional arrangements

34. The 'transitional period' will last for 12-months beginning with the date that the local authority resolves that Schedule 3 as amended by the 2009 Act will come into force in their area ('the 1st appointed day'). Six months following the 1st appointed day will be known as the '2nd appointed day' and the day on which the transitional period ends will be known as the '3rd appointed day'.
35. The appointed days will therefore vary across local authority areas depending on when individual local authorities resolve that the provisions will come into force in their area.
36. For Sefton, therefore, the proposed 1st appointed day would be 22nd July 2010; the 2nd appointed day would be 22nd January 2011; with 22nd July 2011 being the 3rd appointed day.
37. Under these arrangements any existing lap dancing clubs or similar venues who wish to continue to provide "relevant entertainment" will be required to apply for a new sex establishment licence without the benefit of 'grandfather rights'.
38. It should be noted that there are currently no premises within the Borough providing "relevant entertainment" that would need to "convert" under the transitional arrangements set out by the Home Office.
39. Between the 1st and 2nd appointed day applicants would be able to submit applications to be considered by the local authority. At the end of this period, local authorities would consider all applications received during this period together and would not grant any licences until all the applications have been considered. Consequently applications received after the 2nd appointed day would be considered individually.
40. Licences granted to new applicants would take effect immediately while licences granted to existing operators would take effect on the 3rd appointed day which would be 6 months after the 2nd appointed day, or, if longer, when their application is determined. Existing operators who do not apply for or are not granted a sex establishment licence would be able to provide relevant entertainment under the terms of their premises licence or club premises certificate until the 3rd appointed day.

Fees

41. The 1982 Act states, with regard to fees for this function, that the "*applicant for the grant, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority*".

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42. In setting the fees in respect of Sex Establishment (Sex Shop) Licences, under the 1982 Act, the Committee limited Sefton's fees to those that recover the costs of carrying out the function under the Act; in other words that the service would be cost neutral to the Authority. Costs covering administration (including any hearings and appeals), inspection, and enforcement and will include direct costs and indirect costs, including a full proportional share of overhead costs, insurance, depreciation and cost of capital charge. Under the Act the process for the Renewal of a Licence is the same as that followed for the Grant of a Licence hence the fees for both functions are identical.
43. The above process is the same as the new function and consequently it is recommended that the fees be the same, as below:

Grant £1206.00	Renewal £1206.00	Transfer £605.00
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Annex

Sexual Entertainment Venue Standard Conditions

1. Premises licensed as a Sexual Entertainment Venue under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purpose of a Sexual Entertainment Venue as defined in Paragraph 2A of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a Sexual Entertainment Venue.
2. An appropriate room, to be agreed in writing with Sefton Council, shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted access to this room which shall be maintained at all times whilst the licensable activities are taking place and until such time as all performers using the dressing room have finished.
3. No person under the age of 18 years of age shall be admitted to or allowed on the premises whilst licensable activities are taking place.
4. No lewd or indecent conduct or conduct likely to cause a breach of the peace shall be permitted on the premises.
5. Door Supervisors, registered in accordance with the Security Industry Authority, shall be on duty at all times when licensable activities are taking place.
6. The Licence Holder shall provide at least one female Door Supervisor during the same period.
7. Patrolling attendants, registered as Door Supervisors, shall continually monitor all entrances/exits/toilets.
8. Performers shall be aged not less than 18 years.
9. Only the performers shall provide the entertainment, no audience participation shall be permitted.
10. During any lap dancing performance, performers may not:
 - a) touch customers in any way;
 - b) approach closer than 30cms (12") from any part of a patron;
 - c) part their legs;
 - d) climb onto furniture provided for patrons; or,
 - e) simulate sex acts.
11. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).

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12. Any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily clad individuals shall not exhibit in the entranceway or in the area surrounding the premises.
13. The Licence Holder shall not display outside the premises, or on any advertising material, photographs or other images which indicate and suggest that striptease or similar dancing takes place on the premises and which may be offensive.
14. CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
15. CCTV cameras shall encompass all ingress and egress to the premises and all areas where the licensable activity occurs.
16. CCTV equipment shall be maintained in good working order and recordings kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on request.
17. The CCTV recording equipment and tapes/discs shall be kept in a secure environment under the control of the Licence Holder or other responsible named individual.
18. Appropriate signage representative in respect of the use of CCTV at the premises shall be displayed in conspicuous positions.

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Meeting: LICENSING & REGULATORY COMMITTEE

Date of Meeting: 7th June 2010

Title of Report: SEX ESTABLISHMENT (SEX SHOP) LICENCE –
SCANDALS ADULT SUPERSTORE, 304 DERBY ROAD, BOOTLE L20 8LN

Report of: P. J. Moore
Environmental & Technical Services Director

Contact Officer: K.T. Coady,
Senior Licensing Officer
0151 934 2946

This report contains	Yes	No
CONFIDENTIAL information		√
EXEMPT information by virtue of paragraph(s) ... of Part 1 Schedule 12A of the Local Government Act 1972		√
Is the decision of this report DELEGATED?	√	

Purpose of Report

To give consideration to an application for the grant of a Sex Establishment (Sex Shop) Licence.

Recommendation(s)

The Committee's instructions are requested.

Corporate Objective Monitoring

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening Local Democracy		√	
8	Children and Young People		√	

Financial Implications

None.

List of background papers relied upon in the preparation of this report

- Application for a Sex Establishment (Sex Shop) Licence.
- Local Government (Miscellaneous Provisions) Act 1982.

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Application

1. Application: Grant
- Premises: Scandals Adult Superstore,
304 Derby Road,
Bootle, L20 8LN
- Director: Mrs Lilian Kershaw
- Terms Applied For:

Days of Operation	Hours of Operation
Monday to Friday	09.00 to 20.00
Saturday	09.00 to 21.00
Sunday	10.00 to 16.00
Bank / Public Holidays	10.00 to 16.00

Area to be Licensed
Whole of Licensed Area

Background information

2. A Licence is required for any person wishing to operate either a Sex Cinema, a Sex Shop or a Sexual Entertainment Venue under the Local Government (Miscellaneous Provisions) Act 1982.
3. A Sex Shop is defined as 'any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity'.
4. The most contentious part of the definition is the phrase 'significant degree'. Unfortunately, the courts have not been too helpful in defining this phrase and each case has looked at it on its own facts. One to one-and-a-half per cent of business turnover from the sale of sex items is held not to be a significant degree; other material considerations are the nature of the display articles and the nature of the articles themselves: *London Borough of Lambeth v Grewal* (1986) 84 LGR 538. In another case the judge said 'significant must mean something which signifies, which is not insignificant, perhaps something which cannot be missed under the deminimis rule': *Watford Borough Council v Private Alternatives Birth Control and Education Centres* (1985) Crim. L.R. 594.
5. Sex articles are defined as 'anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.' A licence is not required for the sale of birth control items.
6. Members will recall that the Standard Conditions relating to Sex Establishment (Sex Shops) Licences were approved on 22nd March 2004. These Conditions were produced by utilising best practice from a number of Councils (principally Halton and Chester), as well as from the National Model of Standard Conditions for such premises.

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7. Paragraph 2 of these Conditions state that: “except with the previous written consent of the Council no sex shop shall be open to the public earlier than 9am in the morning and shall be closed not later than 8pm in the evening on any day Monday to Friday and not later than 9pm in the evening on Saturdays. The sex shop shall not be open on Sundays or any Bank Holidays or any public holidays”. A copy of these Standard Conditions can be found in Annex 1 to this Report.
8. The hours requested by the applicants exceed those allowed for in the Standard Conditions. However should Members be minded to grant the application, as applied for, then the Standard Conditions would be amended for these premises only to show the hours as requested (Members will be aware that this procedure was followed in respect of “Nice ‘N’ Naughty” in the North of the Borough).

Notices

9. The application has been advertised in the prescribed manner. No public objections have been received with regard to this application.

Response to consultations

Merseyside Police

10. No objections are raised to this application.

Merseyside Fire Authority

11. No objections are raised to this application.

Environmental & Technical Services Department – Environment Section

12. No objections are raised to this application.

Environmental & Technical Services Department – Commercial Section

13. No objections are raised to this application. The Section report that the business is currently not operating from the premises and will require both planning permission and building works to enable it to be used for the business intended. The Section will inspect the premise prior to the intended opening to ensure that any conditions imposed are complied with.

Additional licensing information

14. In general the Council has discretion whether or not to grant a licence for the use of any premises, vehicle, vessel or stall to be used as a Sex Establishment.
15. When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

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16. A licence cannot, however, be granted to:
- a person under 18;
 - a person who has held a licence but has had it revoked within 12 months preceding the date of application;
 - to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made;
 - to a body corporate which is not incorporated in an EEA State; or
 - a person who has within the last 12 months preceding the date of the application been refused a licence in respect of the same premises.
17. The Council may refuse an application for grant, renewal or transfer on the following grounds:
- (i) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (ii) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (iii) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (iv) that the grant or renewal of the licence would be inappropriate, having regard:
 - to the character of the relevant locality; or
 - to the use to which any premises in the vicinity are put; or
 - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
18. The definition of 'relevant locality' is:
- (i) in relation to the premises, the locality where they are situated; and
 - (ii) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.
19. A location map of the proposed premises is attached within Annex 2 to this Report.
20. An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in Paragraph 16 above does not have a right to appeal unless the applicant seeks to show that the ground did not apply to him.
21. Similarly, an applicant whose application for the grant or renewal of a licence is refused on either ground specified in Paragraph 17 (iii) or (iv) above does not have the right to appeal the decision. In such cases the applicant can only challenge the refusal by way of judicial review.

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22. The following may at any time, before the expiration of the period of 21 days following receipt of the application's determination, appeal to the magistrates' court acting for the relevant area:
- (i) an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;
 - (ii) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or,
 - (iii) a holder of any such licence whose licence is revoked.

Sex Shop Licences Standard Conditions

- 1 Premises licensed as a Sex Shop under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purpose of a Sex Shop as defined in Paragraph 4 of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a Sex Shop.
- 2 Except with the previous written consent of the Council no sex shop shall be open to the public earlier than 9am in the morning and shall be closed not later than 8pm in the evening on any day Monday to Friday and not later than 9pm in the evening on Saturdays. The sex shop shall not be open on Sundays or any Bank Holidays or any public holidays.
- 3 Over each entrance to the premises the Licensee shall affix and maintain in a permanent form a Notice stating that the premises are licensed as a Sex Shop under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982. Such a Notice shall also carry the full name of the Licensee and the number of the licence and if the Licensee is a private or public company the Notice shall also carry the address of the registered or principal office and the full name of the Secretary of the Company. The lettering on such Notice shall be 75mm tall and at least 6.25mm thick and shall be in white on a dark background.
- 4 At each entrance there shall be prominently displayed, so as to be visible at all times to persons approaching the premises, a notice prohibiting entry to persons under 18 years of age. Such a Notice shall be in letters at least 50mm high and 6.25mm thick and shall be in dark letters on a light background.
- 5 The Licensee of every premises licensed as a Sex Shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.
- 6 The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footpaths or forecourts except any notice displaying the name or trading title of the Licensee, any Notice indicating the times of opening of the premises for business, any Notice required by statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. The use of loudspeakers and displays on business vehicles is also prohibited.
- 7 The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of sex articles (as defined by the Local Government [Miscellaneous Provisions] Act, 1982) sold at the premises shall not be visible at any time to persons outside the building. The external doors shall be fitted with automatic closing devices which shall be maintained in good working order.

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- 8 Except as allowed by a licence issued permitting public music under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982, no music of any kind shall be played on the licensed premises and no public entertainment of any nature shall be provided or permitted by the Licensee to take place on the premises.
- 9 The Licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not.
- 10 No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period of not more than one minute for the sole purpose of demonstrating to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall be only permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles. The Licensee shall not make any charge or permit any charge to be made for such a display.
- 11 The Licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.
- 12 All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
- 13 The Licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display at the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard nor in any vessel or vehicle etc.
- 14 The Licensee, or some responsible person nominated by him/her in writing for the purpose and approved by the Council, shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council or the Police. During the hours that the premises are open the person in charge shall wear a form of visible photographic identification.
- 15 A daily register of persons employed shall be kept stating names, addresses, position and times worked. The register is to be completed each day within thirty minutes of the premises opening for business and must be kept at the premises and be open for inspection by authorised officers of the Council or the Police
- 16 No part of the premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling or profession.
- 17 The Licensee shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation outside or in the vicinity of the premises.

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- 18 The Licensee shall not in the conduct of the business employ any person:
 - (a) Under the age of 18 years;
 - (b) Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the Council or any other licensing authority;
 - (c) Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority.
- 19 The Council shall approve the external appearance of the premises and neither the interior nor the exterior of the premises shall be altered without the approval of the Council.
- 20 All sex articles and other things displayed for; sale, supply, hire, exchange or loan within the premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged.
- 21 No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed at the premises.
- 22 No part of the premises shall be used as a sex cinema.
- 23 The Licensee shall not contravene the Unsolicited Goods and Services Act, 1971.
- 24 The licence and a copy of these Conditions shall be conspicuously displayed on a part of the premises to which the public has access as specified by the Council.
- 25 A record shall be kept of all mail order transactions (if any) in such a form as agreed by the Council.
- 26 The licence is not transferable by the Licensee.
- 27 The Licensee shall forthwith notify the Council of his/her ceasing to carry on the business.
- 28 The Licensee shall inform the Council if s/he is convicted under the Obscene Publications Act, 1959, the Protection of Children Act, 1978, or the Customs and Excise Management Act, 1979 or if an order for forfeiture is made under the Obscene Publications Act, 1959 following the service of a summons on the Licensee. The Council will take into consideration any such conviction or orders for possible revocation or non-renewal of the licence.
- 29 Where the Licensee is a company, any change of Director, Company Secretary or other person responsible for the management of the company is to be notified in writing to the Council within 14 days.
- 30 Any breach of or failure to comply with the Conditions attached to this Licence may result in the revocation of the Licence.

Scandals Adult Superstore



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Meeting: LICENSING & REGULATORY COMMITTEE

Date of Meeting: 7th June 2010

Title of Report: THE LICENSING OF LIMOUSINES

Report of: P. J. Moore
Environmental & Technical Services Director

Contact Officer: Mr John Thompson
Senior Taxi Licensing Officer
0151 934 2842

This report contains	Yes	No
CONFIDENTIAL information		√
EXEMPT information by virtue of paragraph(s) ... of Part 1 Schedule 12A of the Local Government Act 1972		√
Is the decision of this report DELEGATED?	√	

Purpose of Report

To advise the Licensing & Regulatory Committee of the statutory framework concerning the licensing of limousines by Local Authorities.

Recommendation(s)

That the Committee note the report

Corporate Objective Monitoring

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1.	Creating a Learning Community		√	
2.	Creating Safe Communities		√	
3.	Jobs and Prosperity	√		
4.	Improving Health and Well-Being		√	
5.	Environmental Sustainability		√	
6.	Creating Inclusive Communities	√		
7.	Improving the Quality of Council Services and Strengthening local Democracy	√		
8.	Children and Young People		√	

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Financial Implications

None with respect to this report.

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources	-	-	-	-
Funded from External Resources	-	-	-	-
Does the External Funding have an expiry date?				
How will the service be funded post expiry?				

Departments consulted in the preparation of this Report

N/A

List of background papers relied upon in the preparation of this Report

N/A

Background

1. On 19th April 2010, the Licensing & Regulatory Committee expressed concern at Limousines being used for “drinking parties” and queried the effects of both the private hire and liquor licensing legislation on the use of these vehicles.
2. This followed recent media reports that the Traffic Commissioners had changed their position and would no longer issue Public Service Vehicle (PSV) Operator licences to cover the hiring of these vehicles. The vast majority of these vehicles therefore must now be licensed under the Private Hire legislation administered by local authorities such as Sefton Council.
3. Sefton Council has, for a number of years, had a framework in place to licence any such “stretched limousine” which is operated from a base within Sefton. Any vehicle licensed by Sefton has a passenger-carrying limit of eight plus the driver. Only the Traffic Commissioners can licence any vehicle with a greater passenger-capacity than this.
4. To date, the problem has been that the Traffic Commissioners would also license the use of smaller limousines as Public Service Vehicles (PSV’s) thereby avoiding the need for Criminal Records Bureau and DVLA checks for drivers. These vehicles were often then used to carry in excess of eight but were in effect unregulated due to resource constraints on the Traffic Commissioner’s enforcement agency (VOSA).

The Current Situation – Vehicle Licensing Legislation

5. The Local Government (Miscellaneous Provisions) Act of 1976 makes it illegal to use a vehicle for hire and reward within Sefton unless covered by a licence under that Act. The only statutory exemptions to this are if the vehicle is licensed as a hackney carriage under the Town Police Clauses Act 1847 (or local Act) or licensed as a PSV vehicle under the Public Passenger Vehicles Act 1981.
6. The Department for Transport has recently reviewed its' "Best Practice" Guide and has suggested that, for all limousines & novelty vehicles such as "Fire Engine" limousines, with a maximum capacity of 8 passengers plus driver, the following should apply:
 - a) That the most appropriate licensing regime is the Private Hire and not the PSV regime;
 - b) That Councils should consider adapting normal standard conditions in order to accommodate such vehicles in a safe and comfortable manner;
 - c) That Councils should not automatically refuse to licence such vehicles but should treat each application on its' own merits;
 - d) That if existing test facilities cannot deal with the longer vehicles then the nearest Vehicle & Operator Services Agency (VOSA) test facility should be used; and
 - e) That Imported or American "stretched" limousines should be required to have a Single Vehicle Approval (SVA) examination (via VOSA) and that the seating capacity should be determined by that SVA examination;
7. Sefton Council's existing licensing scheme follows the principle set out at (a), and already conforms with points (b), (c), (d) and (e).

The Current Situation – Alcohol Sales Legislation

7. Under the Licensing Act 2003 ("the LA03"), alcohol may not be sold on a moving vehicle and the vehicle may not be licensed for that purpose. However, licensing authorities may consider applications for the sale of alcohol from a parked or stationary vehicle. For example, mobile bars could sell alcohol at special events as long as they were parked. Any permission granted would relate solely to the place where the vehicle is parked and where sales are to take place.
8. The provision of any entertainment or entertainment facilities on premises consisting of or forming part of any vehicle while it is in motion and not permanently or temporarily parked is not regulated entertainment for the purposes of the LA03.

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9. Consumption is not a licensable activity under the LA03 and therefore all alcohol has to be purchased prior to a vehicle's journey and be appropriated at the vehicle's base of operations, which would need to have a premise licence permitting 'Off' sales. In such a scenario there are no sales being made once the journey has commenced with most companies operating a sale or return service.

Conclusions

10. Therefore the current situation in respect of the licensing of limousines and novelty vehicles based within Sefton is that:
 - a) A method or framework for hire and reward licensing is in place;
 - b) A method or framework for the LA03 licensing is in place;
 - c) In case of complaints being received the Environmental & Technical Services Department will investigate and consult with the Police and/or VOSA as appropriate.

Members are therefore asked to note the contents of this report.