

REPORT TO LICENSING SUB-COMMITTEE

DATE	6th September 2023
PORTFOLIO	Community & Environment
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Licensing Act 2003 application for Review of a Premises Licence
Mode, 77 Hammerton Street, Burnley

PURPOSE

1. To consider an application under section 51 of the Licensing Act 2003 (The Act) received from Lancashire Constabulary for a Review of a Premises Licence for Mode, 77 Hammerton Street, Burnley, BB11 1LE.
2. A copy of the application is attached at Appendix A.

RECOMMENDATION

3. Members are recommended to make a determination under section 52 of the Act with a view to promoting the licensing objectives.
 - The prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- a. to modify the conditions of the licence;
- b. to exclude a licensable activity from the scope of the licence;
- c. to remove the designated premises supervisor;
- d. to suspend the licence for a period not exceeding three months; or
- e. to revoke the licence.

REASONS FOR RECOMMENDATION

4. Members of the Licensing Committee are responsible for determining such applications.

SUMMARY OF KEY POINTS

5. An application for Review of Premises Licence No PLA0345 under section 51 of the Licensing Act 2003 was received by the Licensing Authority on 12th July 2023, from Lancashire Constabulary.

It is the view of Lancashire Constabulary that the licensing objectives relating to the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from harm are not being observed at the venue.

Lancashire Constabulary say it has received reports of a disproportionately high number of incidents some involving people under 18 years of age including serious assaults, violence and drug dealing. There have also been multiple breaches of licence conditions.

A copy of the application is provided at Appendix A and a copy of the premises licence is attached at Appendix B.

Further supporting information was submitted by the applicant, Lancashire Constabulary and this is provided at Appendix C

Copies of the application were sent to the Premises Licence Holder and all Responsible Authorities. Representations were received within the prescribed period from Public Health and a copy of those representations are provided at Appendix D. Representations were also received within the prescribed period from the Licensing Authority and a copy of those representations are provided at Appendix E.

Notice of a hearing has been sent to the applicant, the Premises Licence Holder and to each of the persons from whom the licensing authority has accepted a representation.

Members are reminded that representations are relevant where they relate to the likely effect of the grant of the application on one or more of the 4 licensing objectives which are:

- PREVENTION OF CRIME & DISORDER
- PUBLIC SAFETY
- PREVENTION OF PUBLIC NUISANCE
- PROTECTION OF CHILDREN FROM HARM

6. Premises licence PLA0345 has been in place at the venue since 23/09/2014 and at that time the licence holder was Person A and the dps his partner Person B. In October 2016 the licence was transferred to Person B, who remained both premises licence holder and dps until 30th May 2023 when the licence lapsed due to her being subject to a bankruptcy order.

Following the lapse of the licence, an initial transfer application was received on 1st June 2023 from Company B. This was not accepted because its sole Director was Person B, and as the Company had been dissolved on her bankruptcy, Company B was not a body able to make an application.

On 2nd June 2023 a further application for transfer was received from Company A, the company has one Director, Person A. Upon resurrection of the licence due to the transfer, Person B again became designated premises supervisor.

The premises licence has been subject to review twice previously.

On 23rd October 2017, the Licensing Authority received an application for review of the premises licence from Lancashire Constabulary on the grounds that the licensing objectives relating to the Prevention of Crime and Disorder were not being observed¹

On 31st January 2020, the Licensing Authority received an application for review of the premises licence on the grounds the licensing objectives relating to the Prevention of Crime and Disorder, the Protection of Children from Harm and Public Safety were not being observed²

Details of the decisions in relation to each review are listed below:

¹ At a review on 12/12/2017 the opening hours and timings for licensable activities were scaled back and original conditions were replaced having regard to the prevention of crime and disorder licensing objective, as follows:

Timings for premises opening hours reduced from 21.00 – 08.00 Monday to Sunday to 21.00 to 06.30 Monday to Sunday.

Timings for playing of recorded music and the supply of alcohol for consumption on the premises reduced from 21.00 – 08.00 Monday to Sunday to 21.00 – 06.00 Monday to Sunday.

Replacement Conditions:

CCTV

A colour CCTV system will be installed in the premises and will display on any recording the time and date of the recording and

- The system will be operated during all permitted hours*
- The Camera's shall be sufficient in number to view all areas of licensable activity and any exit / entry and the area immediately outside the main entrance.*
- Signs will be displayed in the premises to indicate that CCTV is in use and when dealing with incidents or unruly behaviour, staff shall indicate that CCTV is recording the incident.*
- The system is kept in a working order, is checked regularly and any faults are rectified promptly.*
- Images and Recordings are being kept for 28 days and will be available to the police or other authorised authority promptly upon request and there are staff trained that are able to access and operate the system and provide downloads.*
- The recordings can be accessed and downloaded to another format (e.g. a USB stick or DVD or other recognised format)*
- Requests for CCTV by the police will be made by either a personal request or an email request to the premises licence holder. This request will be acknowledged as soon as practicable and in any case within 24 hours of it being made and suitable arrangements will be made for viewing / copying and delivery of the relevant images back to the police as soon as reasonably practicable and in any case within 7 days*

of the initial request being made.

Door supervisors

Prior to each occasion that licensable activities take place at the premises a risk assessment will be carried out to determine how many door supervisors are necessary. As a guide there should be at least two SIA registered door supervisors for the first 100 customers and then a further one for every additional 100 customers after that.

An appropriate number of SIA registered door supervisors will be utilised in accordance with said risk assessment, which will be documented and made available to an authorised officer upon request.

As a minimum, at least two SIA Registered door supervisors will be utilised at the premises on whenever licensable activities are taking place from 22:00hrs until thirty minutes after the last customer has left the premises.

When licensable activities take place after 4am there will be a minimum of 4 SIA registered door supervisors working.

Door supervisors will use clear visible counting devices at all times when the premises are open. Counting equipment and current numbers to be open to inspection by police at any time when in operation.

All door supervisors will be equipped with Body Cam type cameras and will record all ejections and issues with customer. Images from these cameras will be made available as soon as practicable on request from the Police.

When on duty, door supervisors will ensure that no customers leave the premises with open containers.

Door supervisors to wear high visibility clothing with the premises being situated on a busy road. This also allows CCTV to spot the door staff for personal safety.

A record shall be kept on the premises by the DPS of every person employed on the premises as a door supervisor. The record shall contain the following details: name, address, date of birth and SIA licence number and signing in and out for each door supervisor. The record shall be available for inspection, on demand, by an authorised officer of the council, a police officer or the SIA.

Drugs Policy

The premises licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. The policy will be available for inspection on demand by an authorised officer of the Council, Police or SIA.

Closing times and facilitating the safe passage home of patrons.

There will a clear customer dispersal policy in place. Such a policy should minimise noise disturbance and potential disorder from customers leaving the premises. A policy should clearly set out measures to control the exit at the end of the evening.

The premises will cease the selling of alcohol and will close at 6am with all patrons leaving the premises as soon as practicable and in any case within 30 minutes.

The premises will link in with at least one local private hire / taxi service to provide a taxi Freephone to assist the booking of vehicles so that people can leave the premises quickly and safely.

Protection of Children

Unless agreed in writing by the Police all events at the premises shall be strictly over 18's only with no person who is under 18 years being admitted to the premises whilst licensable activities are taking place and door supervisors will verify the ages of every person seeking to gain admission to the premises unless they are clearly over 25 years of age.

The premises shall give a minimum of twenty-eight days written notice to Lancashire Constabulary Licensing Department of any function targeted predominantly at persons under the age of eighteen.

All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:

- A recognised proof of age card accredited under the British retail consortiums proof of age standards scheme (PASS)*
- Photo driving licence*
- Passport*
- Citizen card supported by the Home Office*
- Official ID card issued by HM Forces or European Union member state bearing a photograph and birth date of the holder.*

A notice or notices shall be displayed in the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

Incident log to be kept on site and shall be maintained to record all challenges and refused sales.

Staff training

All staff who are involved in the sale of alcohol will receive training in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Said training will be documented and will be made available to an authorised officer upon request.

People who are clearly under the influence of alcohol will not be sold any more and will only be allowed to consume free tap water as their next drink.

Adequate and appropriate supply of first aid equipment and materials is available on the premises. At least one suitably trained first-aider shall be on duty when the public are present.

The premises will be completely glass free with all sales served only in plastic or polycarbonate containers. The exception to this will be in the VIP area only, when under the personal supervision of the premises staff.

²At a further review on 21/05/2020 conditions were amended having regard to the prevention of crime and disorder and the protection of children from harm, as follows:

Replacement Conditions

CCTV

A colour CCTV system will be installed at the premises and will meet with the following criteria:

- The system will be recording during all times that members of the public are present at the premises.*
- Any images will display on them the time and date of the image.*
- Retained Images shall be of sufficient quality that there can be clear identification of persons.*
- There shall be a sufficient number of cameras to ensure that all public areas of the premises (with the exception of the inside of the toilets) and the area immediately outside the public entrance to the premises are covered.*

Signs will be displayed in the premises advising that CCTV is in use. When dealing with incidents or unruly behaviour, staff shall indicate to any persons involved that the CCTV is recording.

Checks of the CCTV will be made by the Designated Premises Supervisor or by his / her representative to ensure that the CCTV is in working order prior to every occasion that the premises carries on licensable activities. Said checks will be documented and will be made available to an authorised officer upon request.

On at least one occasion in every three-month period, an external engineer will be retained to service the CCTV. Said services will be documented and will be made available to an authorised officer upon request.

Images recorded by the CCTV will be retained for a minimum of 28 days and will produced to an authorised officer upon request, so long as said request is made in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation.

Following a request for images, the images will be provided as soon as practicable, but in any event no later than 48 hours after said request has been made (unless otherwise agreed with the party requesting the images).

Images provided to authorised officers will be provided in a commonly recognised format such as a USB stick or DVD. A supply of USB sticks, DVD's or alternatives shall be kept at the premises for this purpose.

Whenever licensable activities are taking place at the premises there shall be a member of staff on duty who has been trained in relation to the CCTV and who is subsequently able to access and operate the system and provide downloads.

Door Supervisors

Prior to each occasion that licensable activities take place at the premises a risk assessment will be carried out to determine how many door supervisors are necessary. As a guide there should be at least two SIA registered door supervisors for the first 100 customers and then a further one for every additional 100 customers after that. An appropriate number of SIA registered door supervisors will be utilised in accordance with said risk assessment, which will be documented and made available to an authorised officer upon request.

As a minimum, at least two SIA Registered door supervisors will be utilised at the premises whenever licensable activities are taking place from 22:00hrs until thirty minutes after the last customer has left the premises.

When licensable activities take place after 4am there will be a minimum of 4 SIA registered door supervisors working.

Only door supervisors provided by an ACS-accredited company will be utilised at the premises.

Door supervisors will use clear visible counting devices at all times when the premises are open. Counting equipment and current numbers to be open to inspection by police at any time when in operation.

Whenever there are door supervisors utilised at the premises, at least one door supervisor will be positioned to monitor the external smoking area to prevent persons bypassing checks at the main entrance by gaining access to the premises through the external area, and to prevent any illegal substances being passed over or through the fencing.

All door supervisors will be equipped with body cam type cameras whenever they are on active duty. Door supervisors will be trained to record any incidents with the body cameras and where images of incidents are recorded, they will be retained for a minimum of 28 days and provided to an authorised officer upon request, so long as said request is made in the principles of the Data Protection Act or any subsequent or alternative legislation. Following a request for images from body cams, the images will be provided as soon as practicable, but in any event no later than 48 hours after said request has been made (unless otherwise agreed with the party requesting the images).

All door supervisors will be provided with a radio which allows communication with other door supervisors and at least one member of the premises management.

At all times that licensable activities are being carried on at the premises, one member of staff will be specifically tasked with monitoring the CCTV. Said member of staff will also have access to a radio that allows communication with door supervisors and a member of the management team to allow a quick response to any incidents.

When on duty, door supervisors will ensure that no customers leave the premises with open containers.

Door supervisors to wear high visibility clothing at all times when on active duty.

A record shall be kept on the premises by the DPS of every person employed on the premises as a door supervisor. The record shall contain the following details: name, address, date of birth and SIA licence number and signing in and out for each door supervisor. The record shall be available for inspection, on demand, by an authorised officer of the council, a police officer or the SIA.

Drugs & Search Policy

The premises licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. The policy will be available for inspection on demand by an authorised officer of the Council, Police or SIA.

Posters will be displayed in prominent positions at the premises advising patrons that the premises operates a zero-tolerance policy in respect of drugs.

It shall be a condition of entry that customers consent to being searched and signs to that effect will be prominently positioned at the entrance to the premises.

Every customer entering the premises will be searched on entry and on re-entry.

Closing times and facilitating the safe passage home of patrons

There will a clear customer dispersal policy in place. Such a policy should minimise noise disturbance and potential disorder from customers leaving the premises. A policy should clearly set out measures to control the exit at the end of the evening.

The premises will cease the selling of alcohol and will close at 6am with all patrons leaving the premises as soon as practicable and in any case within 30 minutes.

The premises will link in with at least one local private hire / taxi service to provide a taxi Freephone to assist the booking of vehicles so that people can leave the premises quickly and safely.

Protection of Children

Unless agreed in writing by the Police all events at the premises shall be strictly over 18's only with no person who is under 18 years being admitted to the premises whilst licensable activities are taking place.

The premises shall give a minimum of twenty-eight days written notice to Lancashire Constabulary Licensing Department of any function targeted predominantly at persons under the age of eighteen.

A notice or notices shall be displayed in the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

Incident log to be kept on site and shall be maintained to record all challenges and refused sales.

An electronic ID scanner will be utilised at the premises and will be operational at all times that the premises is carrying on sales of alcohol. In the event of the scanner failing operationally, the Police and the Licensing Authority will be notified immediately upon discovery and a timescale for repair will be provided.

At least one member of staff who is conversant with the operation of the ID scanner will be on duty at the premises at all times when the premises is carrying on sales of alcohol. Said staff member will be able to demonstrate to the Police or to an authorised officer upon request that the ID scanner is working correctly.

The ID scanner will be utilised in respect of any customers entering the premises when sales of alcohol are taking place, with the exception of customers who are pre-existing members of the premises' membership scheme. It will be a condition of becoming a member of the scheme that proof of age is provided by the customer and verified using the electronic ID Scanner. Details of said proof of age will be retained for as long as the individual remains a member of the scheme.

The only forms of identification that shall be accepted by the premises for use with the electronic ID scanner are:

- UK Driving Licence
- Passport
- Citizen Card provided by the Home Office;
- Official ID card issued by HM Forces or EU Member State bearing a photograph and date of birth of the holder;
- PASS ID Cards; and,
- Any other form of identification agreed in writing by a representative of Lancashire Constabulary Licensing Unit.

The Designated Premises Supervisor or his or her representative will provide data from the ID scanner to an authorised officer upon request, so long as said request is made in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation.

Following a request for data, the data will be provided as soon as practicable, but in any event no later than 48 hours after said request has been made (unless otherwise agreed with the party requesting the images).

Staff training

All staff who are involved in the sale of alcohol will receive training upon commencement of their employment in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Staff will subsequently receive refresher training at intervals no greater than every six months and said training will be documented and will be made available to an authorised officer upon request.

All staff involved in the sale of alcohol will be trained upon commencement of their employment in how to identify drunk or drug-impaired customers. Staff will subsequently receive refresher training at intervals no greater than every six months and said training will be documented and will be made available to an authorised officer upon request.

Within one month of this condition coming into effect (for existing staff) or alternatively within one month of commencing their employment, any staff directly involved in the sale of alcohol shall receive accredited responsible alcohol retailing training. Thereafter, the member of staff shall receive refresher training every month. It is not a requirement that said refresher training is accredited.

General

People who are clearly under the influence of alcohol will not be sold any more and will only be allowed to consume free tap water as their next drink.

Adequate and appropriate supply of first aid equipment and materials is available on the premises.

At least one approved medic who has been trained to a minimum level of first responder will be on duty at the premises whenever the premises is carrying on licensable activities.

The premises will be completely glass free with all sales served only in plastic or polycarbonate containers. The exception to this will be in the VIP area only, when under the supervision of the staff.

Whenever licensable activities are being carried on at the premises, there shall be at least one member of staff on duty who holds a personal licence.

The Premises Licence Holder, Designated Premises Supervisor or a nominated representative shall actively participate in the local Pubwatch (or equivalent) scheme where such a scheme is in operation.

An incident register will be maintained at the premises which will detail any incidents that occur at the premises or in the immediate vicinity of the premises. The incident register will include details of:

- *Incidents of refused sales or refused entry;*
- *Incidents of disorder;*
- *Incidents of the discovery or seizure of drugs or weapons;*
- *The discovery of any faults in the CCTV system; and,*
- *Incidents of ejections from the premises.*

Unless otherwise agreed with a representative of Lancashire Constabulary Licensing Unit, on at least one occasion each week, the Designated Premises Supervisor or a nominated representative will contact Lancashire Constabulary Licensing Unit to inform of any relevant incidents or issues and to enquire whether Lancashire Constabulary have any current areas of concern in respect of the operation of the premises.

Health & Safety

At the close of business all waste which is not inside the building must be stored within refuse containers with lockable lids.

The premises will have a sufficient number of waste containers to contain all waste produced including

liquid waste.

Commercial waste will not be placed on the ground outside the premises or placed in any other way which results in the waste not being controlled.

External areas which are used for the storage of waste must be swept at the close of business to ensure they are free from litter, including glass.

Welfare Officer

A dedicated Welfare Officer shall be at the premises at all times that licensable activities are taking place.

The purpose of the Welfare Officer is to ensure that any persons who are deemed vulnerable, upset or in distress are dealt with efficiently and effectively.

The Welfare Officer will constantly liaise with the Duty Manager and Head Door Supervisor to ensure any situation that they are involved in is adequately communicated and reported.

The role will be diverse in as much as many situations arise where a person may need a welfare officer's assistance. The Officer should be constantly searching for such opportunities to help.

The Welfare Officers must be clearly identifiable and separated from the Door team so will be required to wear a different colour Hi Vis Bib as advised by the General Manager.

The Welfare Officer will provide assistance in the following areas:

- Dealing with Drunk or Vulnerable Persons
- Offering First Aid Assistance
- Undertaking floor walks, toilet checks and hazard spotting
- Assisting people who have lost property or claim theft
- Assisting any person who claims they are a victim of inappropriate behaviour

The Welfare Officer will operate in accordance with guidance approved at all times by the Licensing Authority.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. None

POLICY IMPLICATIONS

8. The following paragraphs from Burnley Borough Council's Statement of Licensing Policy 2022 – 2027 are relevant to this application:

1.2 The policy sets out how the Licensing Authority will carry out those functions and make licensing decisions. Departures from this policy may be appropriate in exceptional situations depending on the individual circumstances of the case. The aim of this policy is to outline how the Licensing Authority intends to apply the licensing regime to promote a vibrant entertainment and cultural industry that boosts the local economy, whilst securing the safety and amenity of residential and business communities and enhancing community wellbeing.

1.4 The licensing function is carried out with a view to promoting the four licensing objectives which are:-

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and

- The protection of children from harm.

Each licensing objective has equal importance.

1.5 Licensing functions will be discharged with integrity and objectivity, and in accordance with the Equality Act 2010.

1.6 The 2003 Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. It is recognised that the Act is not the primary mechanism for controlling nuisance by individuals once they are away from the premises, and beyond the control of the holder of a licence, club certificate or temporary event authorisation.

1.8 The Licensing Authority is committed to cooperative, partnership working with the trade, police, fire and rescue service, Responsible Authorities, Burnley Business Improvement District, local businesses, residents and others to promote the licensing objectives.

3.2.2 Representations.....received from Responsible Authorities will be afforded particular weight.

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

3.5.2 The Licensing Authority expects Responsible Authorities and other persons to give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement. It is expected that requests for a review of any licence or certificate will be sought only if such notice has failed to resolve the matter or problem.

3.5.3 Where a licence or certificate is reviewed, and the licensing objectives are found to have been undermined, consideration will be given to the full range of actions available to the Sub-Committee when determining the outcome.

3.6.1 Police and Local Authority Licensing Officers have responsibility for enforcement under The Act. The Licensing Authority will take a risk based approach to enforcement and act in a proportionate manner...

3.6.2 The Licensing Authority monitors compliance with The Act through a range of inspection and audit activities. Contact is made with those premises where breaches are identified.

3.6.3 Where enforcement action relates to a situation where one or more of the licensing objectives is undermined, the Licensing Authority expects the relevant Responsible Authority or appropriate regulatory body to consider making an application to review the premises licence.

4.1.1 The Licensing Authority expects the Designated Premises Supervisor (DPS) to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Licensing Authority expects that, in terms of a Premises which allows the supply of alcohol on the premises, this the DPS will be present for more than 50% of the opening hours in any 7- day week.

4.1.2 The premises licence holder is expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided or is appropriately supervised by someone with the necessary experience.

4.1.3 The DPS is also expected to appropriately manage anyone employed in the carrying out of licensed activity including door staff and distributors of promotional materials.

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

5.2.1 The attention of the Licensing Authority has been drawn to problems which occur in the town centre in the window between the night-time economy closing and the day-time economy opening up, ie between 4.30am and 8am. This can include issues with drunken and anti-social behaviour, criminal damage, littering, urinating and vomiting in the street, abuse of employees in the course of their work and disturbance to town centre residents. The Licensing Authority will work with partners and the trade to address these concerns. Where the activities of a licensed premises or club are subject to a review and found to be undermining licensing objectives at that time of day....then at a hearing consideration will be given to the range of options available to uphold licensing objectives through the period.

5.8.1 It is expected that premises licensed to sell alcohol for consumption on the premises, especially those trading beyond midnight, implement appropriate welfare measures. This may include the employment of designated welfare staff and trained first aiders, as well as steps to identify vulnerable person(s) and respond to accidents, injuries and other immediate harms such as loss of consciousness, alcohol poisoning, drug intoxication, and any reported 'Spiking' incidents. Safety measures could include encouraging customers to ensure their drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant. Overt CCTV is also a major deterrent for potential offenders.

5.8.2 Where spiking incidents occur inside premises or affect customers who either leave or are ejected, the necessary duty of care is exercised by the Premises Licence Holder / DPS and their staff, and that includes the immediate calling of appropriate medical aid and the notification of the police.

5.8.3 A zero-tolerance policy should be implemented regarding the use of illegal drugs and new psychoactive substances (NPS), (previously referred to as 'legal highs'), and nitrous oxide (NO) on the premises. Where there is a risk of illegal drug use on the premises, the authority expects a documented policy that sets out how drugs will be prevented from being brought into the premises, what action the venue will take should anyone be caught with drugs on the premises, and how the drugs will be disposed of.

Licensees should remain alert to emerging issues. The authority considers that nightclubs, in particular, should address these risks...

5.9.1 The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence at a hearing that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include:

- restricting the sale of super strength beer, lager and cider, or
- the requirement to charge a minimum cost per drink as part of a package of measures to

deal with problems.

- Ensuring `all you can drink` promotions and `happy hour` promotions do not compromise any licensing objective.

The following extracts from the Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003, issued in 2023 are also relevant:

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

DETAILS OF CONSULTATION

9. The statutory consultation has taken place.

BACKGROUND PAPERS

10. Burnley Borough Council Statement of Licensing Policy.
Licensing Act 2003.
Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003,
issued in 2023.

FURTHER INFORMATION

PLEASE CONTACT:

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