

## **Proposed Statement of Licensing Policy amendments**

The current extract regarding planning in the statement of licensing policy states,

### *Planning*

*The use of premises for licensable activities normally requires planning permission. Such use will normally require express planning consent or must otherwise be lawful i.e. have a certificate of lawfulness issued by the planning authority.*

*Conditions attached to planning permissions may set a terminal hour for the use of premises. Where these hours are different to the licensing hours, the premises must close at the earlier time.*

*A licence issued under the Act does not override any restriction placed on the premises by the planning authority. Premises operating in breach of their planning permission may be subject to enforcement under planning law.*

*The grant of a licence by the Licensing Authority does not relieve an applicant of the need to apply for building control authorisation.*

*Key Message Licence applications should normally be from premises where –*

- *The activity to be authorised by the licence is a lawful planning use*
- *The hours sought do not exceed those authorised by any planning permission; and*
- *any existing hours are appropriate for the use of the premises.*

*Note – Where the appropriate planning consent has not been obtained in advance and relevant representations are made, applicants will need to demonstrate that the operation of the premises would not be detrimental to the promotion of the licensing objectives.*

**It is proposed to change it to the following:**

### **Planning**

The use of premises for licensable activities will normally require the appropriate planning permission, or other lawful authority such as a certificate of lawfulness issued by the planning authority. Applicants are **expected to ensure that the correct planning consent is in place before submitting an application for a premises licence or club premises certificate.**

Planning permissions may include conditions that restrict the hours or nature of the permitted use. Where planning hours differ from those sought under a licence, the premises **must operate to the earlier or more restrictive hours.** A licence granted

under the Licensing Act 2003 does not override any planning controls, and premises operating in breach of their planning permission may be subject to enforcement action by the planning authority.

The grant of a licence by the Licensing Authority does not remove the need for applicants to obtain planning permission, building control approval, or any other statutory consents.

The local planning authority is a responsible authority for the purposes of the Licensing Act. This means that the planning authority is likely to make a representation if an applicant does not have the correct planning consent for the licensable activities applied for. Where representations are made, a licence can only be granted after a hearing. At the hearing, the applicant will be required to demonstrate **how the proposed operation will not undermine the licensing objectives**, in line with the expectations set out in the Section 182 Guidance.

### **Key Message**

Licence applications should normally only be submitted where:

- the proposed licensable activity is a lawful planning use;
- the hours applied for do not exceed those permitted by any planning permission; and
- the proposed operation is appropriate for the authorised planning use of the premises.

**Note:** Where the relevant planning consent has not been secured in advance, and relevant representations are made, applicants will be required to demonstrate **how the proposed operation will not undermine the licensing objectives**, in line with the expectations set out in the Section 182 Guidance.

## Lytham CIA

During 2024 and 2026, the Licensing Authority considered separate requests for a Cumulative Impact Assessment for the FY8 5 area of Lytham, which can be described as Queen St to Station Road to Westby St.



Following full consultation exercises, it was resolved not to publish such an assessment. However, the Licensing Authority acknowledges the concerns of the Town Council and residents and considers it appropriate to provide additional guidance to applicants operating within this locality.

The Licensing Authority will keep the area under review and whilst new and varied applications for premises and club premises certificates within the area will not be subject to the presumption of refusal, operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas.

Such measures may include:

- Maintaining appropriate SIA door supervision, with a minimum of one door supervisor in place from 21:00 hours until closing on Fridays, Saturdays, and days involving non-standard timings, supported by a documented risk assessment.
- Ensuring proper supervision of children, including preventing staff from assuming sole responsibility for any child on the premises, and requiring children under 18 to leave the premises by 22:00 hours.

- Using polycarbonate or similar non glass drinking vessels after midnight on key high-risk trading days, and removing glass from customer areas.
- Introducing enhanced controls during Lytham Festival and Lytham Club Day, including mandatory SIA door supervision throughout licensable hours and exclusive use of polycarbonate containers.
- Restricting events aimed specifically at 17–18yearolds, such as 18th birthday parties.
- Records of regular checks of all parts of the premises in relation to drug use
- a smoking policy which includes an assessment of noise and litter created by premises users

## **Martyn's Law**

'Martyn's Law' has been developed to ensure public premises and events are better prepared for terrorist attacks, requiring organisers to take reasonably practicable steps, which vary according to their capacity, to mitigate the impact of a terrorist attack and reduce physical harm.

The Licensing Authority expects operators of licensed premises within scope to:

- Be aware of their obligations under Martyn's Law.
- Undertake proportionate risk assessments and staff training.
- Maintain appropriate emergency and protective security plans.

While Martyn's Law is a separate statutory regime, preparedness will be considered where relevant to the crime and disorder and public safety licensing objectives.