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## 2 The Licensing Act 2003

2.1 Boston Borough Council as Licensing Authority (hereinafter referred to as the Licensing Authority) is responsible for the licensing of all licensable activities under the Licensing Act 2003 (the Act). This document sets out the policies and principles that the Licensing Authority will apply when making decisions on applications for:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club;
- The provision of regulated entertainment; and
- The provision of late-night refreshment.

The term licensee/licence holder is deemed to include licence holders, designated premises supervisors and club premises certificate holders.

This policy is intended to provide clarity to applicants, responsible authorities and other persons on how this Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment premises. Guidance, and best practice is available to assist applicants; this guidance does not form part of this Policy. The Licensing Authority will take this Policy into account if its discretion is engaged (i.e. at a hearing following relevant representations or a review hearing)

2.1.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the 4 licensing objectives. These are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

2.1.2 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with the Borough Council, its neighbouring authorities, the Police, Responsible Authorities, local businesses and local people towards the promotion of the objectives.

2.2 In preparing this policy statement the Licensing Authority has consulted with the following:

- Lincolnshire Police
- responsible authorities as defined by the Act
- representatives of licence holders and club premises certificate holders
- local businesses and their representatives

- local residents and their representatives
- Boston Borough Council Elected Members
- Parish Councils
- Other persons and organisations that the Authority considered could contribute to this Policy

A full list of consultees is available from the Licensing Section on request.

Appropriate weight has been given to the views of all those consulted prior to this policy statement taking effect.

2.3 In developing this Policy, the Licensing Authority took into account the legal requirements of the 2003 Act and had regard to other legislation and guidance, including, but not exclusively:

- Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough
- The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses
- The Provision of Services Regulations 2009 to ensure requirements are:
  - Non-discriminatory.
  - Justified by an overriding reason relating to the public interest.
  - Proportionate to that public interest objective.
  - Clear and unambiguous.
  - Objective.
  - Made public in advance, and
  - Transparent and accessible
  - Human Rights Act, 1998
  - Violent Crime Reduction Act, 2006
  - Policing and Crime Act, 2009
  - Police reform and Social Responsibility Act, 2011
  - Live Music Act, 2012
  - Anti-Social Behaviour, Crime and Policing Act, 2014
  - The Legislative Reform (Entertainment Licensing) Order, 2014
  - Deregulation Act, 2015
  - Immigration Act, 2016
  - Equality Act, 2010

2.4 The Act describes two "bodies" that may make representations to licence applications and may apply for an existing premises licence to be reviewed by the Licensing Authority, Responsible Authorities and "other persons". Responsible Authorities are defined in the Act.

2.5 "Other persons" means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical location, any representation they make must be relevant to one or more of the licensing objectives and must not be considered to be frivolous or vexatious. Additionally, any application to review a premises licence must not be repetitive.

- 2.6 The Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or a review, this authority will examine the content of the representation particularly closely. The authority will expect the author to explain in detail how, in terms of the licensing objectives, they would be affected by the application. The Licensing Authority will consider rejecting any representation or review application which does not include sufficient detail to outline harm or disturbance which may be caused.
- 2.7 The purpose of licensing is to control licensed premises and other events within the terms of the Act. Where responsible authorities and other persons do not raise any representations about the application made to the Licensing Authority, it is the duty of the Authority to grant a licence or certificate subject to conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act itself. The Licensing Authority will not impose any further conditions unless its discretion has been engaged following the making of relevant representation(s). It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representation(s).
- 2.8 These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities in the vicinity. In this regard the Licensing Authority will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned. Vicinity has not been given a definition within the Act and may vary in distance from the premises depending on the nature of the area. Considerations which will be taken into account when assessing “in the vicinity” include but are not limited to:
- The nature of the licensable activity
  - The nature and locality of the premises
  - The time of day of the proposed licensable activity/activities
  - The frequency of the activity/activities
- 2.9 The Licensing Authority will discharge its responsibilities identified by other Local and Government strategies and policies, so far as they impact on the objectives of the Licensing Act. Some examples of these strategies and policies are:
- Government Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
  - Safer Clubbing
  - Community Safety Strategy.
  - Public Space Protection Order (PSPO) Home Office guidance or any successor to this.
- 2.10 The Licensing Authority takes the following approach to the decision-making process:
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making;
  - Other persons can include residents’/ tenants’ associations, community associations, trade associations and elected members. Councilors’ may represent

- other persons, providing they do not also sit on the Licensing Sub- Committee determining the application in question.
- We will give clear reasons for our decisions.

Where valid representations are made applications will be considered by a Licensing Sub-Committee (consisting of Councillors); we give applicants, responsible Authorities and other persons an equal opportunity to state their case in accordance with our protocol, which is available from the Licensing Section.

- 2.11 The licensing function is not to be seen as the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Whilst there are a range of statutory powers available to deal with such behaviour, these powers will not always be sufficient to control negative impacts on the licensing objectives in the vicinity. Therefore, the fact that such impact may occur is a relevant factor in the consideration of licensing applications. This may lead to a refusal of the application or the addition of conditions to meet the concern(s) contained in a relevant representation
- 2.12 The Licensing Authority is committed to the implementation and application of this policy in such a manner and to ensure that no applicant or other person is treated less favourably on the grounds of sex, marital status, race, nationality, ethnic or national origin, colour, disability or age, nor is disadvantaged by the application of a rule, condition or requirement, which has a discriminatory effect which cannot be justified either in licensing terms or as a requirement of law. An Equality Impact Assessment has been undertaken with respect to this policy
- 2.13 The Licensing Authority is fully committed to promoting equal opportunities and non-discriminatory practice. For further information please see: [Equality and Diversity - Boston Borough Council](#)

### 3 Integrated Strategies and the Avoidance of Duplication

- 3.1 The Boston Borough Council aims to make the Boston area a safer place to live, work and visit by reducing crime and the fear of crime and reducing antisocial behaviour.
- 3.2 By consulting widely prior to this policy statement being published the Licensing Authority has endeavoured to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.
- 3.3 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing Committee may therefore receive and may act upon relevant reports concerning:
- crime and disorder
  - community safety issues
  - needs of the local tourist economy
  - employment situation in the area and the need for new investment and employment where appropriate
  - planning considerations which might affect licensed premises
  - local transport arrangements

- impact of licensing on regulated entertainment and particularly live music and dancing with reference to any cultural strategy
- any other reports considered appropriate to the licensing function

3.4 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. There are several key differences between licensing and planning control. Licensing is concerned with the fitness of the operator and detailed issues concerning the operation and management of the premises that are not addressed by the planning control process. Planning control relates to use of the premises. The grant of planning permission should not be a presumption that a premises licence will automatically follow and vice versa. Additionally, there is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission.

3.5 Applicants are strongly encouraged to make any necessary applications for Planning Permission/Building Regulations approval permission before or at the same time as they make an application for a licence/club premises certificate. Furthermore, to reduce the risk of being subject to planning enforcement, applicants are advised to ensure that:

- the activity to be authorised by the premises licence or club premises certificate is a lawful planning use; and
- the hours sought do not exceed those authorised by any planning permission.

3.6 In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention, particularly where these undermine the licensing objectives. Non-compliance with statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.

3.7 In order to avoid duplication with other existing legislation and regulatory regimes the Licensing Authority will not attach conditions to the licence unless they are considered appropriate for the promotion of the licensing objectives. Conditions will be considered unnecessary if they are already adequately covered by other legislation.

3.8 Conditions (other than mandatory conditions and those in the applicant's operating schedule) may not be attached to a premises licence or club premises certificate unless the application has been the subject of a relevant representation.

## 4 Licensing Objectives

Each of the four licensing objectives is of equal importance and no one objective will take precedence over others when considering applications.

The Licensing Authority considers the effective and responsible management of premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason, these elements should be specifically considered and addressed within the applicants operating schedule.

The Licensing Authority recommends that applicants carry out their own risk assessments in relation to the four licensing objectives in order to assist them in deciding whether any steps are required to be taken in order to meet those objectives.

In accordance with the Home Office Guidance to Licensing Authorities, this Authority expects applicants to demonstrate knowledge of the area within which the licensed premises is situated. This would include, for example, proximity to residential properties, areas where children congregate, **areas covered by a Public Space Protection Order**, and any risk posed to the local area by the applicant's proposed licensable activity.

***The Licensing Authority does not propose to implement standard conditions on licences across the board. However, it will develop its own pool of model conditions and attach such conditions as appropriate given the circumstances of each individual case. Applicants are advised to consult section 10 of the guidance issued under Section 182 of the Licensing Act when formulating their operating schedules.***

***All parties are reminded that conditions which are appropriate to promote the licensing objectives should emerge initially from the prospective licence holders risk assessment and then be translated to form part of the operating schedule for the premises.***

***The pool of model conditions is not an exclusive or exhaustive list of conditions which may be included on a premises licence or club premises certificate. It does not restrict any applicant, Responsible Authority, or other person from proposing any alternative condition, nor would it restrict a Licensing Sub-Committee from imposing any reasonable condition on a premises licence or club premises certificate where it considers it appropriate for the promotion of the licensing objectives.***

***A list of this Authority's current model conditions is available by contacting the Council's Licensing Team at [licensing@boston.gov.uk](mailto:licensing@boston.gov.uk)***

## 4.1 Prevention of crime and disorder

- 4.1.1 The Licensing Authority will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees/certificate holders/designated premises supervisors take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises.
- 4.1.2 In addition to the requirement for the Licensing Authority to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect on, and do all it reasonably can to prevent, crime and disorder in the Borough.
- 4.1.3 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's

operating schedule.

The Licensing Authority encourages applicants to include in their operating schedule the steps they propose to take to reduce/deter crime and disorder. These steps will vary from premises to premises according to the type of licensable activities that are to be carried on. Examples of measures the Licensing Authority encourage applicants to consider, and address include:

- Physical security features e.g. use of toughened, polycarbonate or plastic drinking Glasses.
- Procedure for risk assessment of alcohol promotions to ensure they do not promote irresponsible drinking or potentially breach the mandatory condition on irresponsible drinks promotions.
- The use and number of Security Industry Authority (SIA) registered door Supervisors.
- Amount of seating to be provided to reduce the risk of high-volume vertical drinking.
- Training given to staff in crime prevention and drug awareness measures.
- Measures agreed with the Police to reduce crime and disorder.
- Measures to prevent the use or supply of illegal drugs.
- Search procedures.
- Formalisation of a dispersal policy.
- Measures to prevent customers taking glasses and bottles away from the premises
- Training given to staff to prevent the sale of alcohol to those who are underage or appear drunk.
- Measures to tackle street drinking including not selling single cans or bottles of beer, lager and cider; not selling super strength (ABV above 6.5) beer, lager and cider; and attaching waterproof labels with printed shop names and addresses to cans and bottles of beer, lager and cider.
- ***Ensuring that at least 75% of the windows facing into retail areas will be clear from signage, decoration, or obstruction, giving a clear view inside the premises.***

CCTV remains one of the most effective measures for reducing crime and disorder. The Licensing Authority expects premises that retail alcohol for consumption on or off the premises will have an effective CCTV system installed that operates in compliance with the requirements of Lincolnshire Police.

4.1.4 The British Beer and Pub Association (BBPA) has consolidated good practice on combating violence in licensed premises into a guide to risk assessment. This is available on the BBPA's website: [www.beerandpub.com](http://www.beerandpub.com).

## 4.2 Public Safety

4.2.1 The Licensing Authority will carry out their licensing functions with a view to promoting public safety and will seek to ensure that licensees/certificate holders/designated premises supervisors take measures to protect the safety of performers and persons attending licensable activities. The risk to public safety will vary according to the type of premises and the activities carried out.

The Licensing Authority encourages applicants to include in their operating schedules the

steps they propose to take to promote public safety.

4.2.2 Where an applicant identifies an issue in regard to public safety, which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety.

4.2.3 Depending on the individual style and characteristics of the premises and/or events the following issues may be of relevance:

- Use of equipment and effects
- Levels of door supervision
- Measures to prevent the supply and use of illegal drugs
- Physical safety features e.g. use of toughened glass, polycarbonate and plastic containers
- Fire evacuation procedures
- Provision of CCTV (see para 7.1.3)
- Occupancy figures

4.2.4 ***The safety of those using licensed premises and the night-time economy, is an important factor which the Licensing Authority, licence applicants, and licence holders must take into consideration. Incidents of spiking of drinks and spiking by injection are on the increase nationally and as such the Home Office has published a national strategy on tackling the matter. Applicants and licence holders are encouraged to:***

- ***make sure staff are trained to identify and report issues, including awareness and safety of lone customers leaving the venue, especially if the customers appear vulnerable and unwanted contact between customers.***
- ***make sure the correct staff are in place, for example in a town centre venue door supervisors may be required, if you are a late-night venue a member of staff to deal with customer welfare may also be required.***
- ***make sure staff are aware of the closest taxi rank and licensed vehicles that offer an evening/late night services and have contact details available for taxi and private hire firms, booking a vehicle for customers if needed.***
- ***have a safe place to take customers if required.***
- ***have systems in place to prevent drugs from entering the premises and dealing with issues of drug use, for example, regular checks of toilets.***
- ***ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the Police. It is also helpful to the Police if staff at licensed premises obtain full details and description of the person reporting the incident.***
- ***Record all details of the incident in the premises incident book.***
- ***Secure the drinking vessel(s) that is suspected of being spiked, and the drinking vessel of the suspect, so this can be tested at a later time.***
- ***Ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends, offering assistance if needed, and providing a safe space for the customer.***
- ***Premises should also review the functionality of any CCTV and ensure it is not obscured.***

- **Consider providing information (such as posters) regarding drink spiking in the premises.**
- **Consider use of anti-spiking bottle stoppers and protective drink covers.**

**4.2.5 Applicants and licence holders are encouraged to engage in national and local schemes that promote customer safety. The following schemes are recommended by this Authority:**

**Ask For Angela - Ask for Angela is a non-profit scheme that aims to ensure that anyone who is feeling vulnerable or unsafe, regardless of gender or sexuality, can get the support they need. This initiative advises customers, through posters in venue toilets that, if they 'Ask for Angela' at the bar, staff will be alerted to the fact that the person feels unsafe or threatened. Staff will know that the individual needs support to leave their situation, and can call them a taxi, escort them to their car or call the Police. Applicants and licence holders can find out more about the scheme at [www.askforangela.co.uk](http://www.askforangela.co.uk)**

**Best Bar None - a national award scheme, supported by the Home Office, that aims to improve standards in local night-time economies by sharing and promoting best practice. Best Bar None accredited venues have been assessed for their commitment to excellence in safety, customer service, and responsible alcohol management practices. Applicants and licence holders can find out more about the scheme at [www.bestbarnone.com](http://www.bestbarnone.com)**

**Licensing SAVI - a police backed self-assessment tool designed to help licensed premises provide a safer and more secure environment for their managers, staff, customers and local communities. Applicants and licence holders can find out more about the scheme at [www.licensingsavi.com](http://www.licensingsavi.com)**

**Community Alcohol Partnerships - retailer-led partnership to tackle issues of underage drinking and promote greater awareness and understanding of alcohol among young people. Applicants and licence holders interested in joining Boston Community Alcohol Partnership can obtain more information from the Licensing Team.**

- 4.2.6** It will be the responsibility of licence/certificate holders/designated premises supervisors to ensure they have complied with all Health and Safety legislation.
- 4.2.7** Where a premise is on a vessel for which a current Passenger Ship Certificate is in force, the public safety objective can generally be considered to be met in respect of the layout, structure, access arrangements and operation of the vessel.
- 4.2.8** Whilst the Licensing Authority cannot require documentation regarding risk assessments to be attached to the operating schedule, it considers such risk assessments to be good practice. Risk assessments, including fire risk assessments, are a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of needing to make an application for variation of a premises licence or in response to changing circumstances/conditions at the premises.

## 4.3 Prevention of Public Nuisance

- 4.3.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 4.3.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 4.3.3 When addressing public nuisance, the applicant should initially identify any particular issues (having regard to their type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant’s operating schedule. For example, the Licensing Authority expects an applicant to identify how public nuisance will be controlled in outside areas, particularly in smoking areas, that are not within the boundary of the licensed area. This would include prohibiting the consumption of alcohol.
- 4.3.4 Applicants are encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events. These may include:
- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, local businesses, hospices and places of worship
  - The hours of opening, particularly between 23.00 and 07.00
  - The nature of the activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises
  - The design and layout of the premises and in particular the presence of noise limiting and/or monitoring features
  - The occupancy capacity of the premises (Where appropriate)
  - The availability of public transport to facilitate dispersal of customers
  - A ‘wind down period’ between the end of the licensable activities and the closure of the premises
  - Last admission time
  - The formulation of a dispersal policy
  - Control of nuisance from persons using outside areas and in particular smoking areas.
- 4.3.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities.
- Effective and responsible management of premises
  - Appropriate instruction, training and supervision of those employed or engaged to

- prevent incidents of public nuisance e.g. to ensure customers leave quietly
- Control of operating hours for all or parts (e.g. garden areas) of the premises, including such matters as deliveries
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff and traffic (and resulting queues) arriving and leaving premises.
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter
- Effective ventilation systems to prevent nuisance from odour
- Undertaking noise impact assessments
- Regular assessments of the noise coming from the premises when used for regulated entertainment and steps to control the level of noise so as not to cause disturbance to local residents.
- Regular assessment of any noise coming from outside areas, including smoking areas, and steps to control the level of noise so as not to cause disturbance to local residents.
- Keeping a written record of assessments in a logbook kept for that purpose including, the time and date of the checks, the person making them and the results including any remedial action.
- Identifying smoking areas in operating schedules to enable responsible authorities to appraise proposals with a view to promoting the prevention of public nuisance licensing objective.
- Keeping external doors (except for access and egress) and windows closed when regulated entertainment is being provided except in the event of an emergency.
- The disposal of empty glass bottles not being undertaken externally between 23.00 hours and opening hours on the following day on every day of the week.
- Posting at exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly and in an orderly manner.
- Regularly clearing outside the premises of litter associated with the operation of the premises e.g. cigarette ends.

#### 4.4 Protection of children from harm

- 4.4.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Except as prohibited by law, access by children to all types of premises will not be limited in any way unless it is considered necessary to do so to protect them from harm. It is hoped that family friendly premises will thrive but the risk of harm to children remains a paramount consideration when determining applications.

The protection of children from harm includes protection of children from moral, psychological and physical harm.

4.4.2 When receiving relevant representations and deciding whether to limit access to children, other than in circumstances where the law demands their access to be limited, applicants, licence holders, and certificate holders should consider the activities carried on at the premises. Examples which may give rise to concern in respect of children would include premises:

- Where entertainment or services of an adult or sexual nature are commonly provided;
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)

4.4.3 Films - In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself. Applicants will be expected to explain in their operating schedule the steps they intend to take to ensure children and young persons do not gain access to films with a restricted access classification.

Where a film is to be shown locally within the authority's area and has not been classified by the British Board of Film Classification, an application can be made to the Authority for the film to be classified. Applications should be made in accordance with the guidelines set out by the British Board of Film Classification. These guidelines can be found at: [www.bbfc.co.uk](http://www.bbfc.co.uk).

4.4.4 Theatres- In certain cases it may be necessary to impose a condition to restrict the admission of children to theatres, which are incorporating adult entertainment in their productions.

4.4.5 Where a large number of children are likely to be present on any licensed premises and representations are received; conditions may be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm. Where the Licensing Authority considers it appropriate, following receipt of relevant representation(s) it may require the adult supervisors (being persons over the age of 18) to be subject to a criminal record check. The onus will be on the Premises Licence holder to ensure that staff members are suitable to carry out the supervision of children, which may include criminal record disclosure from the Disclosure and Barring Service (DBS).

4.4.6 The options available for limiting access by children would include:

- Limitations of 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 years);
- Requirements for accompanying adults (including for example, a requirement which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of those people under 18 years of age from the premises when any

licensable activities are taking place.

4.4.7 The Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder/certificate holder or designated premises supervisor.

4.4.8 The body responsible for the interests of children is Lincolnshire Safeguarding Children Partnership

Lincolnshire Safeguarding Children Partnership can be contacted through Lincolnshire County Council.

The reasons the Licensing Authority has chosen the above as a Responsible Authority competent to advise it on the protection of children from harm are:

- That this body is answerable to democratically elected persons and is not answerable to a particular vested interest group;
- That this body is responsible for the area covered by this Licensing Authority and this policy;
- That this body is experienced in dealing with the protection of children.

4.4.9 In respect of premises licensed for the sale of alcohol, The Portman Group Code of Practice on The Naming, Packaging and Promotion of Alcoholic Drinks should be followed to ensure drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older.

4.4.10 The sale of alcohol to children and young persons under the relevant age is a criminal offence, often resulting in harm to the children and young persons concerned and disturbance and nuisance to local residents and businesses. Applicants should detail adequate control measures in their operating schedule to prevent under-age sales. The Licensing Authority recognises that Lincolnshire County Council Trading Standards Service, as part of its responsibilities and duties under the legislation controlling the sale of age restricted products, including alcohol, provides advice and guidance on the controls and systems that may be adopted to help prevent such sales. Applicants are strongly advised to contact Trading Standards for advice on this matter. The Licensing Authority also recognises that in liaison with the Police, the Trading Standards Service conducts covert test purchasing exercises to check compliance with the law.

Challenge 25 – The mandatory licence conditions, introduced in October 2014, require relevant premises to hold an age verification policy in relation to the sale or supply of alcohol. The Licensing Authority supports the adoption of the Challenge 25 Schemes (or similar scheme) for licensed premises.

A suitable proof of age policy adopted by a licence holder should require the production of a photo-driving licence, passport **or any government approved digital ID before sale of alcohol or entry into relevant premises**. For added security, licence holders are encouraged to consider use of the Proof of Age Standards Scheme (PASS) and accept cards showing the PASS logo.

4.4.11 Where licence holders wish to employ children, they should ensure that the legislation regarding this matter is complied with and any necessary permits to work have been obtained. Further information on the requirements of this legislation is available from the Lincolnshire Safeguarding Children Board.

4.4.12 ***The Licensing Authority encourages licence holders and operators of licensed premises to:***

- ***ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and***
- ***raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.***

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## 29 Challenge 25 Scheme

29.1 The Licensing Authority strongly supports campaigns to reduce the illegal sale of items to underage persons and the adoption of a Challenge 25, or similar policy, within the licensed trade. Under the scheme, premises selling alcohol should seek proof of age from anybody who appears to be under the age of 25.

N.B. The mandatory licence conditions, introduced in 2014, require relevant premises to have an age verification policy in relation to the sale or supply of alcohol.

29.2 The policy should create a culture of expectation that in pubs, clubs, off licences and similar premises that proof of age should either be offered or produced on demand and that this should be the norm as far as the sale of alcohol to young persons is concerned. Asking for identification at an age limit that is higher than the legal age for the sale of the product means that licence holders are much more likely to avoid an illegal sale to someone who looks older than their true age.

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### 35 Public Space Protection Order

**35.1** *The Anti-social Behaviour, Crime and Policing Act 2014 allowed the Council to consult on introducing a Public Space Protection Order (PSPO) to tackle the problem of street drinking and associated crime and nuisance in Boston Town Centre. Following consultation, a PSPO was adopted in 2015 which prohibits people consuming alcohol or having an open container of alcohol in a defined area. A map*

*of the current PSPO area is provided in the appendices.*

**35.2** *Shops selling alcohol for consumption off the premises can be the focus of anti-social behaviour, crime and disorder and public nuisance. In the town centre, for example, there are significant issues with street drinking and the associated anti-social behaviour this causes.*

**35.3** *When considering applications for off licences, especially within the PSPO, the authority would expect applicants to acknowledge issues relevant to alcohol related disorder, within their operating schedule. Additionally, applicants would be expected to implement measures to mitigate any detrimental impact on the licensing objectives. For example:*

- no sales of high strength beers, lagers, and ciders,*
- restricting the sale of single cans*
- undertaking appropriate staff training*
- implementing a Challenge 25 age verification policy*
- use of CCTV to cover the proposed licensable area.*
- attaching waterproof labels with printed shop names and addresses to cans and bottles of beer, lager and cider.*
- ensuring that at least 75% of the windows facing into retail areas will be clear from signage, decoration, or obstruction, giving a clear view inside the premises.*

*This is not an exhaustive list, and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.*

■ [REDACTED]

■ [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

■ [REDACTED]

■ [REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Appendix 2 – Public Space Protection Order

***The Council has consulted upon and introduced a Public Space Protection Order (PSPO) which seeks to limit street drinking within the town centre. More information can be found here: [Boston Town Centre Public Spaces Protection Order for Alcohol](#)***

***The current PSPO runs until 11 January 2027.***

***The wording of the PSPO is as follows and covers the shaded area shown in the map below.***

***“The effect of this Order is to restrict consumption of alcohol within an area and to require specified things to be done by person/s consuming alcohol in that area. The ‘area’ referred to is that as set out on the map.***

- 1. This Order applies to all persons within the area, whether resident or otherwise, at all times.***
- 2. Pursuant to section 63 of the Act, where a Police Officer, Community Support Officer or other Authorised Person requires that a person desists from consuming alcohol (or the item reasonably believed to be alcohol), or surrender the alcohol (or item which is reasonably believed to be alcohol) and the person fails to do so, that person shall be committing an offence as set out below.***
- 3. A person who fails without reasonable excuse to comply with a requirement imposed on him or her by a Police Officer, Community Support Officer or other Authorised Person as set out at point 2 above, commits an offence and is liable;***
  - i. on summary conviction to a fine not exceeding £500;***
  - ii. or to a fixed penalty notice not exceeding £100 (if the fixed penalty has not been paid within 14 days following the date of the notice, that person may be convicted of an offence as set out at point i above).***
- 4. A Police Officer, Community Support Officer or other Authorised Person may dispose of anything surrendered pursuant to this Order, as they see fit.”***

