

- impact of licensing on regulated entertainment and particularly live music and

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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

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.

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

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

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

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)

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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.***

5 The Licensing Process

- 5.1 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority in accordance with the provisions of the Act. Delegated powers are in accordance with the table at Appendix 1. This table does not form part of the policy and may therefore be amended without consultation with statutory consultees.
- 5.2 Each application for licensing will be considered on its own merit. Nothing will undermine any person from applying for a variety of permissions under the Act.
- 5.3 Other than electronic applications applicants are reminded that documents submitted as part of an application which bear a signature, criminal record certificates, criminal conviction certificates, subject access documents and licensing qualifications must be original documents. Faxes and photocopies are not acceptable unless with the prior agreement of the Licensing Authority.
- 5.4 Applicants for any authority or permission are expected to make their application in accordance with the Act and any regulations made there under. Failure to meet this requirement may result in the application being returned. The Licensing Authority will endeavour to explain why the application is considered to be deficient and will invite the applicant to re-submit the application with all the required information. Application forms will not be returned where they contain obvious and minor factual errors that can easily be amended. It is the responsibility of the applicant to send a copy of their application and any other relevant documentation to each of the Responsible Authorities, unless the application has been properly made electronically, in which case it is the responsibility of the Licensing Authority to circulate it. Where applicants fail, after being reminded, to copy applications to Responsible Authorities, or they resubmit applications which are still deficient, the application will be rejected. Re-submission of an application following rejection will be subject to the statutory advertising requirements.
- 5.5 A main part in ensuring compliance with the Act, and in particular showing how the four licensing objectives are to be achieved, is the “operating schedule” for the licensed premises. The operating schedule forms part of the licence application. The schedule will aid any Responsible Authority or other party to assess whether the steps to be taken to

promote the licensing objectives are satisfactory. The schedule will form part of the conditions of the licence or certificate, if granted. The Licensing Authority will work with the licensees and applicants by providing guidance notes on the completion of the schedules. However, the responsibility for drawing up the operating schedule rests with the applicant. The operating schedule should detail the manner in which the business will be run, and the steps/controls put in place to meet the licensing objectives. Any individual preparing an operating schedule is free to volunteer any measure as a step he or she intends to take to promote the licensing objectives. The operating schedule must specify all types of entertainment which will take place at the premises

- 5.6 Applications for minor variations may be subject to consultation with the appropriate responsible authorities and will be refused if any responsible authority indicate that they would make a representation on the proposed minor variation.
- 5.7 In an effort to avoid unnecessary hearings, applicants are strongly advised to prepare risk assessments and from these formulate any steps they consider necessary to promote the licensing objectives and then to consult with the responsible authorities as defined within the Act before submitting their applications. Failure to do so may lead to representations which can only be determined by the Licensing Sub-Committee. In respect of minor variations applicants are strongly advised to contact the appropriate responsible authorities before formally submitting their application in order to avoid unnecessary expense.
- 5.8 Account will be taken of the need to encourage and promote all types of entertainment, including live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance from these activities in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.
- 5.9 The guidance issued by the Home Office indicates that representations can be made in opposition to, or in support of, an application. With this in mind the Licensing Authority would remind all parties that all representations (both for and against an application) must relate to the promotion of the licensing objectives.
- 5.10 The Licensing Authority acknowledges that the views of vocal minorities should not be allowed to predominate over the general interest of the community.

6 Premises Licences/Club Premises Certificates

- 6.1 Applicants will be required to submit their application in the form detailed in regulations made under the Act. Applicants will be required to submit, with their application for a premises licence, club premises certificate, Provisional Statement or a variation to their existing premises licence or club registration certificate, an Operating Schedule detailing:
 - The licensable activities to be conducted on the premises;
 - The times during which it is proposed that the relevant licensable activities are to take place;
 - Any other times when the premises are to be open to the public or to members of a club;

- Where the licence is required only for a limited period, that period;
- Where the licensable activities include the supply of alcohol, the name, address and licence number of the individual to be specified as the designated premises supervisor;
- Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both; and
- The steps the applicant proposes to take to promote the licensing objectives.

6.2 Applications will be determined having regard to:

- This Policy
- The Licensing Act 2003 and subordinate legislation.
- Guidance issued by the Home Office
- Any relevant representations received (provided they are not determined to be frivolous or vexatious).

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9 Licence Hours

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10 Personal Licences

- 10.1 A person wishing to sell or supply, or authorise the sale or supply of alcohol, for consumption on or off a licensed premises will need to apply for a Personal Licence. The Licensing Authority strongly encourages premises licence holders, where alcohol is being sold, to ensure that there are sufficient personal licence holders present at the premises to ensure adequate supervision of the sale of alcohol. In circumstances where the Personal Licence holder has delegated the responsibility for the sale of alcohol, they will still have a duty of responsibility for the actions of those they have authorised to make those sales.
- 10.2 Applicants for a personal licence are expected to make their application in accordance with the Act and any regulations made there under. Failure to meet this requirement may result in the application being returned.
- 10.3 Where an application for a personal licence reveals a disclosable conviction for a relevant offence under the Act, the Licensing Authority acknowledges that the Police carry out full and proper enquiries (including interviewing applicants as necessary) so as to provide evidence as to the reasons the crime prevention objective will be undermined by the grant of the licence.
- 10.4 Where a personal licence application reveals an unspent conviction for a relevant offence and the police object to the application, the Licensing Authority will normally refuse such an application unless there are exceptional and compelling circumstances to justify granting the licence. Any application for a personal licence, which is the subject of a police objection, will be considered at a licensing hearing which the applicant may attend and be heard.

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14 Cumulative Impact

- 14.1 Cumulative impact has been described within the S182 Guidance since the commencement of the 2003 Act. Cumulative Impact Assessments were introduced into the Act by the Policing and Crime Act 2017 with effect from April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. This should not, however, be confused with 'need'. Need concerns the commercial demand for another pub, restaurant or shop and is a matter for the market and not a matter for the licensing authority to consider in discharging its licensing functions or for its statement of licensing policy. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority to consider.

Where the number, type or density of licensed premises selling alcohol is high or exceptional and serious problems of nuisance and disorder may arise outside or some distance from those premises and where there is sufficient evidence, this authority will consider adopting a cumulative impact policy. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queueing for fast food outlets or for public transport.

A Cumulative Impact Assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing

objectives. CIAs relate to applications for new premises licences and club premises certificates in a specified area.

- 14.2 The absence of a cumulative impact policy does not prevent any responsible authority or other person 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. However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.
- 14.3 The Licensing Authority will not operate a quota of any kind which would pre-determine any application. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, other clubs and off licences all sell alcohol, but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 14.4 There must be an evidential basis to include a special policy within the statement of licensing policy. Information which may be considered to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes;
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - Statistics on local anti-social behaviour offences;
 - Health related statistics such as alcohol-related emergency attendances and hospital admissions;
 - Environmental health complaints, particularly in relation to litter and noise;
 - Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
 - Residents' questionnaires;
 - Evidence from Local and Parish Councillors;
 - Evidence obtained through local consultation.
- 14.5 After considering the available evidence and undertaking appropriate consultation this licensing authority may be satisfied that it is appropriate to adopt a special policy in relation to cumulative impact. At present there are no policies in relation to cumulative impact adopted.
- 14.6 Cumulative impact policies are not absolute and such a policy must allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. Further, such policies must not restrict such consideration by imposing quotas based on either the number of premises or the capacity of those premises as this will indirectly have the effect of predetermining the outcome of any application.
- 14.7 There are a number of other mechanisms for addressing issues of unruly behaviour, which occur away from licensed premises. These include:
- planning controls;
 - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority

- including Best Bar None, Pubwatch or Business Improvement Districts;
- Community Protection Notices;
 - The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night; street cleaning and litter patrols;
 - Powers of local authorities to adopt Public Space Protection Orders in designated areas;
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
 - The prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
 - The confiscation of alcohol from adults and children in designated areas;
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including issuing of fixed penalty notices;
 - The power of the police, other responsible authorities or other persons to seek a review of the licence or certificate in question;
 - Early morning restriction orders; and
 - Raising a contribution to policing the late-night economy through the Late-Night Levy.

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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.

36 Enforcement

36.1 The Licensing Authority will take appropriate enforcement action where there are breaches of the Act. Enforcement action will be in accordance with the Boston Borough Council's [Corporate Enforcement Policy](#), which reflects the agreed principles which are consistent with the Better Regulation Executive. To this end, the key principles of targeting consistency, transparency and proportionality will be maintained.

█ [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.”***

