

- 5.2 As far as the Licensing Authority's overall approach to licensing hours is concerned it is not intended that any form of zoning will be introduced. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on the centre than is necessary and can lead to unnecessary disorder and nuisance. Applicants should note that the Licensing Authority will give more careful consideration to applications for premises situated in predominantly residential areas, where relevant representations have been received and the proposed hours of operation are between 11.00pm and 7.00am. In the absence of any representation the application must be granted.
- 5.3 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes subject to paragraph 5.2 above. However, in the case of individual shops that are known to be or are in an area which is known to be a focus of disorder and disturbance, or in largely residential areas where the proposed operation is likely to result in noise nuisance, subject to receiving relevant representations, a further limitation on licensing hours may be appropriate.

## 6. 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 and any risk posed to the local area by the applicant's proposed licensable activity.

## 6.1 Prevention of crime and disorder

- 6.1.1 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.
- 6.1.2 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.
- 6.1.3 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
- Participation in the use of the radio network scheme
- Membership of Boston Pubwatch or a similar scheme
- Formalisation of a dispersal policy
- Measures to prevent glasses and bottles being taken away from the premises
- Training given to staff to prevent the sale of alcohol to those who are under age or appear drunk

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

- 6.1.4 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 BBPS's website: [www.beerandpub.com](http://www.beerandpub.com).
- 6.1.5 Pub Watch – The Licensing Authority recognises the important role of licensees working together to create a safe and secure environment for customers, thereby reducing crime and disorder in the area. The Licensing Authority will therefore do all that it can to support the effective working of Pub Watch and other trade associations in the borough.

## **6.2 Public Safety**

- 6.2.1 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.

- 6.2.2 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.
- 6.2.3 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
  - Free availability of potable water where this is not covered by the mandatory condition.
  - Physical safety features e.g. use of toughened glass, polycarbonate and plastic containers
  - Fire evacuation procedures
  - Provision of CCTV (see para 6.1.3)

N.B. In relation to free potable water applicants and licence holders are reminded of the mandatory licence condition, in relation to on licensed alcohol premises, which require the provision of free potable water to customers.

- 6.2.4 It will be the responsibility of licence/certificate holders/designated premises supervisors to ensure they have complied with all Health and Safety legislation.
- 6.2.5 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.
- 6.2.6 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 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.

### **6.3 Prevention of Public Nuisance**

- 6.3.1 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.
- 6.3.2 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.
- 6.3.3 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.
- 6.3.4 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
- '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.

6.3.5 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 log book 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.

#### **6.4 Protection of children from harm**

- 6.4.1 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.

- 6.4.2 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/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)

6.4.3 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).

6.4.4 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.

6.4.5 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).

6.4.6 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.

6.4.7 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.

6.4.8 The body responsible for the interests of children is:

Lincolnshire Safeguarding Children Board

Lincolnshire Safeguarding Children Board 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.

6.4.9 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.

6.4.10 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.

Challenges 21/25 – 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 21/25 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 or passport before sale or entry into the 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.

- 6.4.11 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.

## **7. Cumulative Impact**

7.1 Cumulative impact is not mentioned specifically in the Act. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises. 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 premises selling alcohol is high or exceptional and serious problems of nuisance and disorder are arising or have begun to arise outside or some distance from those premises and where there is sufficient evidence this authority will consider adopting a cumulative impact policy.

The effect of adopting a policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally, following relevant representations and subject to certain limitations, be refused unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

11.1 With regard to premises providing late night refreshment for consumption off the premises, the Licensing Authority will (on the receipt of relevant representations) carefully consider the level of nuisance likely to be caused by way of noise and litter/food refuse being deposited in the vicinity of the premises. Applicants should consider proposing practical steps in their operating schedule to reduce the likelihood of such problems.

## 12. Designated Premises Supervisor (DPS)

12.1 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. Because of this the Licensing Authority will normally expect that the DPS for a licensed premise will be able to demonstrate that they are in day to day control of the premises and playing an active role in its operation through a regular personal presence.

12.2 The main purpose of the Designated Premises Supervisor is to ensure that there is always one specified individual, among the personal licence holders at the premises, who can be readily identified for the premises where the sale of alcohol is permitted. The premises licence holder will normally have given that person day-to-day responsibility for running the premises. In view of this the Licensing Authority expects an applicant for a premises licence to confirm in his operating schedule, that the Designated Premises Supervisor will regularly attend the premises and be in day-to-day charge of them.

This Licensing Authority recommends that the DPS undergoes relevant training, such as the Designated Premises Supervisor course provided by the British Institute of Innkeeping Awarding Body, in order that they are made aware of the responsibilities this position brings with it.

## 13. Temporary Event Notices

13.1 Where there is an event with less than 500 attendees at any one time, including staff, which involves licensable activities for a period of up to 168 hours, premises users may serve a Temporary Event Notice.

13.2 Temporary Event organisers are encouraged to submit their notifications to the Licensing Authority as soon as is reasonable practicable in order for the Police and Environmental Health to consider whether or not there are any concerns and where there are concerns, to enable all parties to take the necessary steps to resolve them. The Licensing Authority recommends that at least 20 working days notice be given. Under the provisions of the Act normally at least 10 working days notice must be given. Persons are however permitted to submit a limited number of late TENs between 5 and 9 working days before an event. Working days do not include the day of service of the notice, the day of the

event, Saturdays, Sundays or Bank holidays. Where less than 5 working days notice is given, or 10 working days if the number of permitted late TENS has been reached, the notice WILL NOT be accepted. Provision of licensable activities except in accordance with the Licensing Act is an offence.

13.3 It should be noted that the Police and the Borough's Environmental Health (Pollution) are the only bodies who may make representations to a TEN. However, these two bodies may only object to a TEN on the grounds that one or more of the licensing objectives would not be promoted should the event go ahead. Where objections are received to a late TEN the notice will, as required under the provisions of the Act, be rejected. Where objections are received to a standard TEN the matter will be heard by a Licensing Sub-Committee. The Sub-Committee may:

- Allow the TEN to go ahead
- Reject the TEN
- If the premises where the TEN is proposed to take place already has a premises licence the Sub-Committee may allow the TEN but impose some, or all, of the conditions on the premises licence onto the TEN if appropriate to do so for the promotion of the licensing objectives.

In relation to the final point, the Licensing Authority has delegated powers to officers to issue a TEN with conditions attached, without the need for a licensing hearing, provided all parties agree to the attachment of conditions.

Licensing legislation allows event organisers to submit up to 10 Late TENS per year if they hold a personal licence and 2 late TENS if they do not hold a personal licence.

13.4 Event organisers are reminded of Police powers to close down events without notice, on the grounds of disorder, the likelihood of disorder, or public nuisance. The Licensing Authority therefore expects organisers to be aware of the relevant offences under the licensing laws, for example, sales of alcohol to children and young persons or to drunken individuals. Premises users are advised to contact the Licensing Authority for further advice.

#### 14 ~~Review of Premises Licences and Club Premises Certificates~~

14.1 The Licensing Authority will consider the full range of powers available to it when an application for review of a licence or club premises certificate is heard. It will however be mindful of the need to prevent the review process being used as an opportunity by Responsible Authorities and other persons to re-run earlier

