

**NORTH LINCOLNSHIRE COUNCIL**

**COUNCIL**

**STATEMENT OF LICENSING POLICY -  
LICENSING ACT 2003**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 For Council to approve the Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

**2. BACKGROUND INFORMATION**

- 2.1 This report attaches as an appendix a copy of the Statement of Licensing Policy. We are required to publish this policy and review it every five years in accordance with section 5 of the Licensing Act 2003.
- 2.2 The Licensing Committee has previously considered the Statement of Licensing Policy. It recommends that Council approves the policy.

**3. OPTIONS FOR CONSIDERATION**

- 3.1 The Council has a statutory duty pursuant to the Licensing Act 2003 to review and approve its Statement of Licensing Policy, and as such there are no alternative options for consideration.

**4. ANALYSIS OF OPTIONS**

- 4.1 The Statement of Licensing Policy requires the formal approval of Council in order to comply with the statutory obligations under the Licensing Act 2003.

**5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

- 5.1 There are no resource implications associated with this report.

**6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

- 6.1 No integrated impact assessment is required for this report.

## **7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

7.1 Full consultation has been carried out, the results of which were presented to the Licensing Committee.

## **8. RECOMMENDATIONS**

8.1 That Council approves the Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

### **DIRECTOR OF PLACES**

Civic Centre  
Ashby Road  
SCUNTHORPE  
North Lincolnshire  
DN16 1AB

Author: Nick Bramhill  
Date: 6 February 2017

**Background Papers used in the preparation of this report:** None



# **STATEMENT OF LICENSING POLICY**

**Licensing Act 2003**

## **No English?**

### **For information please call:**

08000 193530 (Arabic) للحصول على المزيد من المعلومات اتصل بـ:

তথ্যগুলি বাংলায় জানতে হলে এই নম্বরে ফোন করুন: 08000 193531 (Bengali)

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Para mais informação em português contacte-nos através do telefone 08000 193538 (Portuguese)

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08000 193541 (Urdu) اردو میں انفارمیشن کے لیے اس ٹیلیفون نمبر پر رابطہ فرمائیں۔

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## Executive Summary

North Lincolnshire is an area rich in diversity, heritage and green spaces. The area is made up of the main urban area of Scunthorpe, a number of vibrant market towns and quiet villages.

Our priorities are set to achieve the vision for North Lincolnshire of Aspiring People, Inspiring Places. With this vision in mind, the priorities are:

- **ENABLE** communities to thrive and live active and healthy lives
- **SUPPORT** safeguard and protect the vulnerable
- **SHAPE** the area into a prosperous place to live, work, invest and play
- **COMMISSION** to improve outcomes for individuals and communities
- **TRANSFORM** and refocus, ensuring we remain a dynamic and innovative council

Underpinning our priorities, our values are important and key to delivering services, such as **Accountable**- deliver on the promise we make and take responsibility; **Collaborative**- work together to deliver the right outcomes; and **Transparent**- open and honest in all that we do.

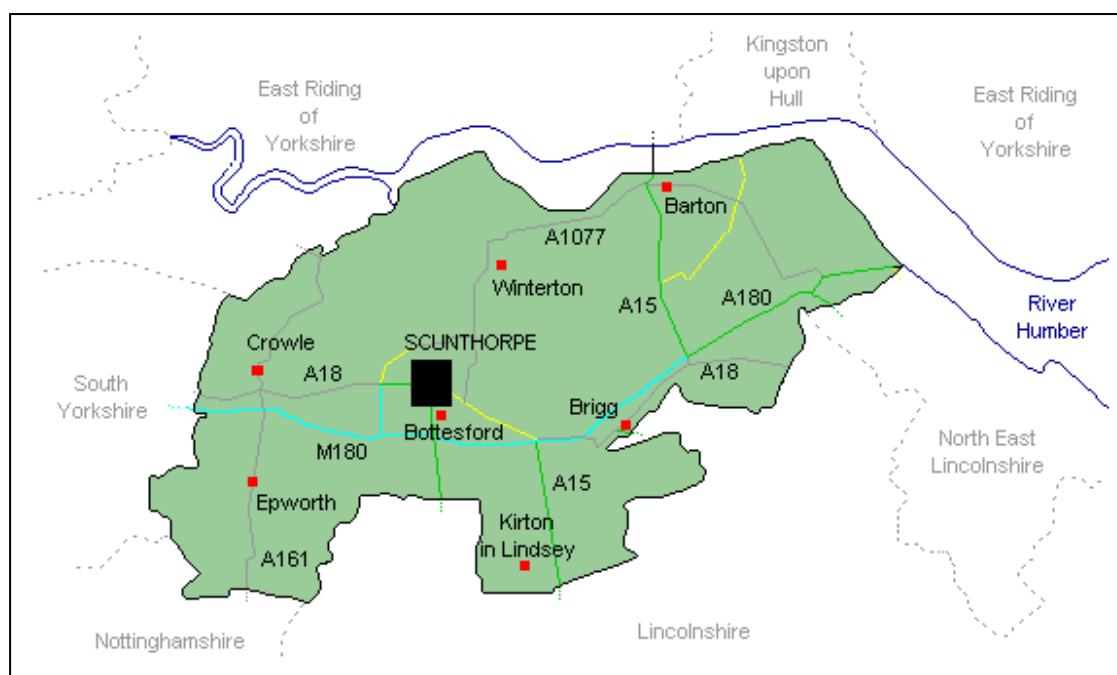
The licensing function is able to support all of the Council's Priorities in some way, although the main area is to safeguard and protect the vulnerable. The licensing function is a statutory service where businesses wishing to trade in regulated activities need an authorisation or a licence. Having said that, the Council wants to see a strong vibrant night time economy and as such will support well managed operators. The Licensing Authority will **Engage** with businesses, working in partnership to build the night time economy; **Encourage** businesses to adopt and work to "Best Practice" standards; **Educate** businesses where their standards fall short of what is required and **Enforce** where a business seem unable or unwilling to bring their business to the standard required. The night time economy is capable of delivering much if all parties work together in partnership, openness and integrity.

## Section 1

### Introduction

#### 1 The Area of North Lincolnshire

- (1) North Lincolnshire covers a mix of urban and rural areas. It includes the towns of Scunthorpe, Barton upon Humber and Brigg. There are also several other market towns, villages and rural areas. Its total area is 328 square miles.
- (2) The 2011 Census gave the population of North Lincolnshire as 167,446. In addition to English there are over 60 identifiable languages spoken in North Lincolnshire with the most common being Polish, Lithuanian, Bengali and Portuguese. A total of 92.3% of the population consider themselves to be of White British origin, with the remaining percentage of North Lincolnshire residents being from other ethnic backgrounds. More than 53% of the Black and Minority Ethnic (BME) population live in the northern part of Scunthorpe. The area has an aging population, with 19.3% of the population being over 65 years of age- higher than the national average.
- (3) Large concentrations of licensable activities are located in Scunthorpe town centre, in the areas of Doncaster Road, the High Street and Frodingham Road.
- (4) Below is a map of the area.





## 2 General Information

- (1) Section 4 of the Licensing Act 2003 requires the licensing authority to take into account any guidance issued by the Secretary of State and its own licensing policy. This policy is published under section 5 of the Act.
- (2) The aim of this policy is to ensure the safety and welfare of those who live and work in North Lincolnshire. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area.

## 3 The Licensing Objectives

- (1) Section 4 of the Licensing Act 2003, sets out the Licensing Objectives which must be promoted by licensing authorities. These objectives are:
  - The Prevention of Crime and Disorder;
  - Public safety;
  - The Prevention of Public Nuisance; and
  - The Protection of Children from Harm.
- (2) Each of the licensing objectives is equal in importance under the provisions of the Act. All parties involved in the licensing process will need to work together in order to ensure that the promotion of one objective does not have a negative impact on another objective. The objectives will be considered further in **Section 5 to 8** of this policy.

## 4 Consultation

- (1) In determining this licensing policy, the Council has consulted the following people and bodies:
  - Chief Constable of Humberside Police
  - Chief Officer of Humberside Fire Brigade
  - Scunthorpe Magistrates Court
  - North Lincolnshire NHS Trust
  - Director of Public Health
  - Child Protection Team
  - South Humber Drug Action Team
  - Neighbouring Licensing Authorities, including:
    - East Riding of Yorkshire Council
    - Kingston upon Hull City Council
    - North East Lincolnshire Council
  - North Lincolnshire Tourism
  - Licensed Victuallers Association (LVA)
  - British Institute of Innkeepers (BII)
  - Pub Watch (Scunthorpe & Barton)
  - British Entertainment and Dance Association (BEDA)

- Security Industry Authority (SIA)
  - Federation of Small Businesses
  - Disabled access groups
  - Current Licence Holders
  - Local & national licensing solicitors
  - Training providers (North Lindsey College)
  - Religious and ethnic groups
  - Residents Associations & Neighbourhood Watch
  - Scunthorpe Charter Trustees
  - Town & Parish Councils
  - Local bus companies
  - North Lincolnshire Taxi & Private Hire Association
- (2) We have also consulted various other professional people within the Council. These include:
- Heads of service
  - Building Control
  - Environmental Health, including:
    - Environmental Protection
    - Food & Safety
    - Waste Management
  - Trading Standards
  - Legal & Democratic Services
  - Community Safety Partnership
  - Property Services
  - Highways
  - Town Centre Manager
  - Cultural Strategy Officer
  - Community Strategy Officer
  - The Mayor's Office
  - Leader of Conservative Group
  - Leader of Labour Group
  - Chair of Licensing Committee
  - Council Members
- (3) We have considered and taken into account the views of all the appropriate bodies and organisations.

## **5 Review of the Licensing Policy**

- (1) The Licensing Act 2003 states that this policy should be reviewed every five years. At the time of the review, we will again consult all interested parties. Should it be deemed necessary, we will review the policy at intervals of a lesser period to deal with any changes to legislation or policy.

## 6 Contacts

- (1) The licensing function is part of Technical and Environment Services. Our address is:

Licensing Team  
Church Square House  
PO Box 42  
Scunthorpe  
North Lincolnshire  
DN15 6XQ

Email: [licensing@northlincs.gov.uk](mailto:licensing@northlincs.gov.uk)

- (2) To ask about any licensing issue, first contact the Licensing Team: (01724) 297750.
- (3) This policy is available on our website at: [www.northlincs.gov.uk](http://www.northlincs.gov.uk).

## **Section 2**

### **Purpose and Scope of the Licensing Policy**

#### **7 Purpose of this Policy**

- (1) The Licensing Authority aims to provide a clear, consistent licensing service to service users. At the same time, it aims to protect public safety in accordance with the licensing objectives, as set out in **paragraph 3(1)**.
- (2) Applications will be determined where no representations are made in accordance with the delegation set out in **paragraph 31**.
- (3) When considering licence applications, we will consider all relevant information. We will determine each application on its own merits. In making decisions, we will consider the activities of the premises, empathising with the needs of people living, working or engaged in normal activities nearby. The aim of the Council is to ensure that premises are well run and managed, and that licence holders consider the needs of local people.
- (4) The Council will consider applications with reference to other adopted policies. Such policies include:
  - Local Plan
  - Enforcement Policies
  - Community Safety Strategy
- (5) We will also consider the potential effect of littering, fouling, noise, crime and transport. We will work with other appropriate bodies when looking at these issues.

#### **8 Scope of the Policy**

- (1) This policy has five main objectives, which will assist in supporting the Council's Priorities. These are:
  - To aid the elected members of the Licensing Committee when determining applications so that they understand the powers and constraints placed upon them by the Licensing Act 2003.
  - To assist applicants with the application process, setting out the types of conditions we would expect to see on an operating schedule- based on the location of the premises, nature of the business and size and type of venue.
  - To inform local residents of the scope of the Licensing Act 2003 and the matters that can be considered at a hearing.
  - To assist Responsible Authorities when making representations and proposing conditions that support the Licensing Objectives.

- To minimise the number of decisions that may be challenged in a court of law.
- (2) The licensable activities covered by the Licensing Act 2003 include:
- Retail sale of alcohol
  - The supply of alcohol by or on behalf of a club to a member or their guest
  - Provision of “regulated entertainment”
  - The provision of “late night refreshment”.

## **9 Definitions – Regulated Entertainment**

- (1) For entertainment to be licensable, one or more regulated activities must take place in the presence of an audience and be provided (at least in part) to entertain that audience upon premises made available for the purpose. The regulated activities include:
- A performance of a play
  - An exhibition of a film
  - An indoor sporting event
  - Boxing or wrestling entertainment
  - A performance of live music
  - Any playing of recorded music
  - A performance of dance
  - Entertainment of a similar nature to a performance of live music, and playing of recorded music or a performance of dance
- (2) There are a number of exemptions contained in the Act and since the introduction of the Live Music Act 2012 a number of deregulatory steps have been taken.

## **10 Definitions – Late Night Refreshment**

- (1) Late night refreshment is defined as the supply of hot food or hot drink to members of the public from or in a premises for the consumption on or off the premises between the hours of 23:00 and 05:00. Premises include vehicles and stalls.

## **11 Types of Authorisation**

- (1) In order to carry out a licensable activity, the person or business intending to do so must have an authorisation. These authorisations include:
- Personal Licence – required to sell or authorise the sale of alcohol from a premises in respect of which there is a premises licence
  - Premises Licence – required where a premises is to be used to carry out regulated activities

- Club Premises Certificate – required by a qualifying club to engage in club activities, including the supply of alcohol
- Temporary Event Notice (TEN) – required to carry on licensable activities that are temporary in nature. TENs can be either standard or late TENs depending on how much notice is provided
- Part 5A Authorisation – This type of authorisation has yet to be put in place. When available, it will deal with community events and ancillary business sales.

## 12 Fundamental Principles

- (1) The licensing function is there to authorise businesses and people to carry out regulated and controlled activities. In accordance with this policy, the activities included in this policy relate to the Licensing Act 2003.
- (2) If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from Responsible Authorities or other persons, then this authority must grant the application, subject to the conditions offered on the operating schedule and any mandatory conditions.
- (3) Conditions attached to the various authorisations will be focused on matters which are in the control of the licence holder, ie, the premises and the vicinity of the premises. Such conditions will promote the licensing objectives. We will ensure that conditions are enforceable and reasonable to cover the activities carried on at the premises, taking into account its location and size/layout.
- (4) While this policy sets out the Council's general approach to making licensing decisions, nothing in the policy undermines the right of an individual to apply for an authorisation under the Licensing Act 2003, nor does it override the right of any person to make a representation or review. Each application, representation and review will be determined upon its merits.
- (5) The Council may deviate from this policy in the interests of promoting the licensing objectives, if the individual circumstances merit such a decision. Where such a decision is taken, full reasons will be provided for the departure from the policy.
- (6) The Council recognises that licensing law is not the primary mechanism for the control of nuisance and anti-social behaviour once away from the premises and as such beyond the control of the business, club or individual. Having said that, a key aspect of licensing law will always be a part of the holistic approach to the management of the evening and night time economy. Where it can be proved that a premises is the draw for persons causing anti-social behaviour, nuisance or crime and disorder, then remedies will be sought to address the issue.

## **Section 3**

### **Administration and Exercise of the Licensing Function**

#### **13 Introduction**

- (1) This section of the policy considers the application types available for a person or business who wishes to carry out a regulated activity. Applications must be made on the appropriate application form and must be complete before the process is started.

#### **14 Pre-Application Advice Service**

- (1) The Council has developed a Pre-Application Advice Service. This service is available to all applicants. The benefit of such a service is to try to avoid an application being referred to the Licensing Committee.
- (2) Where an Officer provides the advice, they will not process the application nor advise the Committee should it be referred there for determination. The Officer providing the advice will only provide advice prior to the submission of the application and shall not provide further advice beyond that point.

#### **15 Application for a Personal Licence**

- (1) A Personal Licence is required for people who wish to be a Designated Premises Supervisor (DPS) and who wish to authorise a supply of alcohol. Further information regarding the role of the DPS and Personal Licence holder can be found at **paragraph 62**.
- (2) All applications must be completed on the statutory form and will be deemed to be complete when all the supporting documentation and the fee has been provided in accordance with the requirements of the Act.
- (3) We are aware of the requirements contained within the Immigration Act 2016 and will monitor the implementation of this legislation and consider the right to work in the UK once enacted.
- (4) We are aware of the proposed provisions contained within the Policing and Crime Bill in relation to Personal Licence holders. Again, we will monitor the progress of this legislation and implement it once enacted.

#### **16 Application for a Premises Licence**

- (1) All applications for a licence must be made on the statutory forms as prescribed under secondary regulations. Applications will not be progressed until the form is complete and all information has been received by the Licensing Authority and all Responsible Authorities.

- (2) In accordance with the Provision of Services Regulations 2009, facilities are available to submit applications electronically via the Council's website. Where electronic applications are made, the application will be deemed to 'be given' when the applicant has submitted a complete application form and submitted the fee. A complete application form includes all supporting documents required under the Act.
- (3) Applications sent via email will not be deemed to have been served electronically and it will remain the applicants responsibility to serve the application on the Responsible Authorities.

## **17 Application for a Club Premises Certificate**

- (1) Club Premises Certificates (CPCs) may be issued to qualifying clubs. To be eligible for a CPC the members of the club must have joined together for a particular social, sporting or political purpose and to purchase alcohol in bulk for supply to members and their guests. Qualifying conditions are specified in section 61 of the Act and the Council must be satisfied that these conditions have been met. We may require applicants to provide evidence that they comply with the requirements of the Act.
- (2) Applications sent via email will not be deemed to have been served electronically and it will remain the applicants responsibility to serve the application on the Responsible Authorities

## **18 Advertising**

- (1) An application for a premises licence or a club premises certificate shall be advertised on the premises by the means of an A4 Notice. This is required in accordance with the regulations issued under the Licensing Act 2003. This notice must be prominently displayed on the premises to which it relates where it can be seen by members of the public for 28 days starting on the day after the day on which the application was given to the Licensing Team.
- (2) Notice(s) should be Light Blue with Black writing so that it is easy to read. We will require the Notice(s) to be displayed at the premises boundary and in a window on each side of a premises to which the public may have access. The Notice(s) must face out from the premises and be easy to read by persons passing by.
- (3) A copy of the notice must be placed in a locally circulating newspaper on at least one occasion within 10 days of making the application.
- (4) For Minor Variation applications the notice should be White with Black writing. This notice must be prominently displayed on the premises to which it relates where it can be seen by members of the public for 10 working days starting on the day after the day on which the application



was given to the Licensing Team. This notice does not have to be placed in a locally circulating newspaper.

- (5) Should an applicant fail to advertise in accordance with the legislation, then the process will re-start when it has been advertised correctly.

## **19 Provision of Scale Plans**

- (1) Applicants are required to submit a current scale plan of the premises when making an application for a new premises licence and a scale plan of the proposed layout as part of any application for a variation of a premises licence affecting the approved layout arrangements. Plans need not be professionally drawn- but must be drawn to scale and include a scale bar. The plan must be clear and legible in all material respects, providing sufficient detail for the authority to determine the application.
- (2) Plans should include all areas both internal and external that are to be used for licensable activities. This can include patios, gardens, smoking areas and any temporary structures.

## **20 Variations and New Applications**

- (1) Where a licence holder wishes to amend their licence or change their plan the Act allows, in most cases, for an application to vary the licence rather than a new application for a premises licence. Two variation processes are available.
- (2) Minor Variation – is available where the change to the licence or plan will not adversely impact on the licensing objectives.
- (3) Variation – a ‘full’ variation should be submitted where the change may have an adverse impact on the licensing objectives. It should be noted that a change to the licence which increases the licensed area may require a new application.
- (4) Licence holders are advised to contact the Licensing Team before submitting an application to ensure that the correct application is made.

## **21 Provisional Statements**

- (1) Applicants wishing to build a new premises or substantially change a premises may do so by either submitting a provisional statement or a new application for a premises licence. The benefit of submitting a provisional statement is that the licensable activities can be agreed and Responsible Authorities can see that the premises has been built to the agreed plan. Should a new application be submitted, then any changes not agreed beforehand may be subject to a variation and a possible delay to the authorisation.

## 22 Temporary Events Notice (TEN)

- (1) The Licensing Act 2003 provides a system where licensable activities may be authorised outside of a premises licence. The “Temporary Events Notice (TEN)” is a light touch process and is not an application which needs an authorisation from the Licensing Authority. Where a TEN is submitted, the person wishing to hold the event (the “premises user”) gives notice to the Licensing Authority.
- (2) There are two types of TEN. A standard TEN and a late TEN. All TENs must be given to the Licensing Authority in the form prescribed in regulations made under the Act, together with the fee. This must be copied to the Police and Environmental Health. The contact details can be found on our website.
- (3) A standard TEN must be given providing at least 10 working days notice, whereas a late TEN must give at least 5 working days notice. These timescales are not negotiable and all parties must be notified. If an applicant fails to give one or more Responsible Authority or the Licensing Authority the correct time, then this will impact on the service of the notice.
- (4) The 10 and 5 day periods do not include the day of the event or the day that the TEN is given to the Licensing Authority. In addition, public holidays and weekends do not count as a working day and as such persons giving a TEN must ensure that they take into account public holidays when calculating the day by which the TEN should be given.
- (5) The Police or Environmental Health may object to a TEN in accordance with the provisions of the Act. Should a person exceed the permitted number of TENs or fail to meet the time limits then the Licensing Authority will either reject the TEN or issue a counter notice.
- (6) Although it is accepted that persons giving a TEN need only provide a short notice period in accordance with the Act- it would be preferable for TENs to be submitted earlier. Should there be an objection to a late TEN then a counter notice will be issued and the licensable activity will not be authorised. Where a standard TEN receives an objection then a hearing will take place before a Licensing Sub-Committee. Giving the TEN to the Licensing Authority and Responsible Authorities earlier would enable any issue to be resolved without the need for a hearing.
- (7) It is the responsibility of the person giving the TEN to gain the consent of the premises holder to use the premises. Where there is doubt, the Council or Responsible Authorities may seek clarification and the person using the premises should provide the evidence.
- (8) Temporary Events have the potential to cause other concerns under the licensing objectives. Therefore we may inform other Responsible Authorities about such events. This information is not so that the Responsible Authority can object, rather so that they can deal with any

issues under their own powers. Providing such information does not absolve the person from their responsibilities in any way and they remain responsible for ensuring that their event is conducted in a lawful manner.

## **23 Major Events and the Event Safety Advisory Group**

- (1) Any business or person wishing to hold an event are advised to engage with the Licensing Authority at the earliest opportunity. This will enable matters to be discussed with a view to ensuring applications are dealt with in a timely manner. Where a premises licence is required- the application will need to go through the statutory process and delays in submitting the application may have a detrimental impact on an event.
- (2) In addition, applicants are advised to contact the Event Safety Advisory Group (ESAG). The membership of this group includes the emergency services and some Responsible Authorities. This group are best placed to scrutinise the safe running of events.

## **24 Responsible Authorities**

- (1) The contact details of the Responsible Authorities are included on our website. It is the applicants responsibility to serve a copy of the complete application on these authorities save where the application has been served electronically. Applications sent via email will not be deemed to have been served electronically and it will remain the applicants responsibility to serve the application on the Responsible Authorities.
- (2) Responsible Authorities may make representations about applications for a Premises Licence or CPC and they may call for a review. In addition, they may hold information relating to premises which may be used to support a representation or a review.
- (3) Responsible Authorities may also be consulted when a Minor Variation has been received, to determine if the potential variation could have an adverse impact on the licensing objectives.

## **25 Notifying Other Bodies/Persons**

- (1) When we receive an application for a premises licence, a club premises certificate or an application to vary a current premises licence or club premises certificate (excluding minor variation applications), we will inform the appropriate Ward and Town/Parish Councillors, that an application has been received. This is a notification only, not an invite to make a representation, however comments can be made.

## **26 Representations**

- (1) A Responsible Authority or other person may lodge a representation about an application for a Premises Licence or a CPC during the consultation period of the aforementioned application. The representation must be received in writing and must contain the full name and address of the person or body making the representation. In addition, the representation must be signed and dated. Email representations will be accepted providing this information is provided. The person or body making the representation must include details of the reason for their representation in the letter.
- (2) If a representation is received, the Licensing Authority officers will determine if an objection is irrelevant, vexatious, frivolous or repetitious. This is in accordance with the scheme of delegation in the table at **paragraph 31(1)** and the Guidance issued under Section 182 of the Licensing Act 2003. A board of three officers from the Licensing Team will determine such relevant representations. Their decision should be unanimous if an objection is to be omitted. After the board of officers has reached a decision on a representation, a written record of the decision will show the reasons for not referring it to the Licensing Sub-Committee. If there is any doubt, officers will refer the application to the Licensing Sub-Committee.
- (3) Where a representation has been determined as irrelevant, vexatious, frivolous or repetitious, the Licensing Authority will write to the Responsible Authority or person making the representation, giving full reasons for the decision.

## **27 Disclosure of Personal Details**

- (1) Where a notice of hearing is given to an applicant following a representation, the Licensing Authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations. In exceptional circumstances, persons making representations may be reluctant to do so because of the fear of intimidation or violence if their personal details are divulged.
- (2) Where a person is concerned about their personal details being divulged, then where the Licensing Authority considers there to be a genuine and well-founded fear then personal information may be redacted.

## **28 Licensing Authority as a Responsible Authority**

- (1) The Licensing Authority is included within the list of Responsible Authorities. This will be undertaken within the Licensing Team. Where it is deemed appropriate to act as the Responsible Authority there will be a separation of duties to ensure procedural fairness and to eliminate conflicts of interest.

- (2) The Licensing Authority in this role understands that other Responsible Authorities lead when dealing with a number of the licensing objectives. Having said that, representations will be made where the Licensing Authority has gathered the evidence or where an application has been made in a cumulative impact area. Additionally, the Licensing Authority can provide an overview of all the licensing objectives and may propose conditions where applications have been made.
- (3) When submitting an application, only one copy needs to be served on the Licensing Authority. This will be used for processing and as a Responsible Authority.

## **29 Mediation**

- (1) Where the Licensing Team receives a relevant representation, where possible, officers will do their best to resolve the issue through mediation. Officers will invite all parties to meet to try to resolve the issues. Where such a meeting is not possible or a resolution is not forthcoming, they will refer the matter to the Licensing Sub-Committee.
- (2) Where mediation has taken place and been resolved, then the applicant will be required to amend their operating schedule where applicable.
- (3) Mediation shall not take place where a relevant representation is received with regard to a personal licence holder or where an application has been made to review a premises licence.

## **30 Licensing Committee & Sub Committee**

- (1) North Lincolnshire Council's Licensing Committee is made up of between 9 and 15 members of the Council. The Committee will meet to determine policy issues only when at least 9 members are available. The Licensing Sub-Committee is to be made up of three members of the Licensing Committee.
- (2) The public must see that the Licensing Committee and Sub-Committee act in a fair and reasonable manner at all times. Therefore, all members must attend in house training before they can sit on the Licensing Committee or Sub-Committee.
- (3) Members of the Licensing Committee should not hear or decide on any applications for premises licences in their own electoral ward. If a member of the Committee has an interest in a premises or knows an applicant personally, they must declare an interest. They will then take no part in the decision. This reduces conflicts of interest and the perception of bias.

### 31 The Licensing Process & Delegation of Functions

- (1) The Council will delegate its licensing function either to the Licensing Committee, Licensing Sub-Committee or to an authorised officer of the Council. Delegation will follow the guidance stipulated by the Secretary of State, as follows:

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for a personal licence		If a police representation is made	If no representation is made
Application for a personal licence with unspent convictions		All cases	
Application for a premises licence/club premises certificate		If a representation is made	If no representation is made
Application for a provisional statement		If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate		If a representation is made	If no representation is made
Application to vary designated premises supervisor		If a Police objection is received	All other cases
Application for a Minor Variation			All cases
Determine whether to consult other responsible authorities on a minor variation			All cases
Application to Disapply the designated premises supervisor		If a Police objection is received	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection is received	All other cases
Applications for Interim Authorities		If a Police objection is received	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when the Local Authority is a consultee and not the lead authority			All cases (Licensing Manager)
Determination of an Objection to a Temporary Event Notice (TEN)		All cases	
Issue a Notice under paragraph 11 of the Licensing Act 2003 (Hearings) Regulations 2005			All cases (Licensing Manager)
Determination of Clubs acting in good faith			All cases (Licensing Manager)
Closure Notice s19 Criminal Justice & Police Act 2001			All cases
Issue Notices in any other circumstances			All cases (Licensing Manager)
Make a Representation on behalf of the Licensing Authority			All cases (Licensing Manager)
Suspend a premises licence/club premises certificate for non-payment of fees			All cases

- (2) Once the Licensing Authority has received an application and relevant representations, it may, depending on the nature of the representation, refer the matter to the Licensing Sub-Committee. Officers will deal with cases where there are no representations and may attach only those

conditions which have been offered by the applicant in the operating schedule.

- (3) The Licensing Committee will deal with all matters relating to this Licensing Policy, including updates and amendments. The Committee will also set policies for other licensing functions performed by the Licensing Team.
- (4) Where an application is referred to the Licensing Sub-Committee, members will determine each application on its own merits. Members of the Committee will consider all information in the operating schedule, including the activities to be carried out.
- (5) Applicants must submit an operating schedule with their application. This does not include the submission of a Temporary Event Notice or an application for a minor variation. The plan should contain the information specified in the Licensing Act 2003, as per **paragraph 19** of this policy.
- (6) Where an application for a personal licence is received and the applicant has relevant unspent convictions, then the application will be determined by the Licensing Sub-Committee. In order for an applicant for a personal licence to be considered by the Licensing Sub-Committee, there has to be an objection from the Police on the grounds of Crime and Disorder.

### **32 Application and Annual fees**

- (1) The application fee shall be paid when an application is submitted or when a Temporary Event Notice is served. Should the fee not accompany the application- then the application will be rejected.
- (2) The annual fee is due and payable on the anniversary of the licence being issued. Should the annual fee not be paid by the said due date, then the licence may be suspended. The Act requires that we give two working days notice of the suspension; however it is our intention to give five working days notice from the date of the notice.

### **33 Reviews**

- (1) The Licensing Act 2003 allows for the review of a premises licence or club premises certificate where there are problems associated with the licensing objectives. A review may be asked for by a Responsible Authority and persons who live, or are involved in a business in the area, who are likely to be affected by the activities.
- (2) When we receive an application to review a premises licence or club premises certificate, we must first decide if the grounds for the review are relevant and may reject the application if it is deemed to be irrelevant, vexatious, frivolous or repetitious, in accordance with **paragraph 26(2)** of this policy.

- (3) Once determined, a hearing must be held in accordance with the regulations set by the Secretary of State.
- (4) Members of the Licensing Committee may not initiate a review of a premises licence, for example as a ward member, and then make a decision on the application. Where there is a review of a premises licence in the ward of a member of the Licensing Sub-Committee, the said member(s) shall declare their interest and not take part in the debate or determine the application.
- (5) Members may represent groups/individuals who have made relevant representations at the Licensing Sub-Committee if requested.

#### **34 Transfer of a Premises Licence Following an Application to Review**

- (1) Where an application is received following the submission of an application for review we may ask for documented proof of the transfer of the business including the lawful occupancy of the premises to the proposed licence holder.

#### **35 Decisions**

- (1) Following the determination of an application by the Licensing Sub-Committee, we will inform the applicant and any objectors or people making the representation. We will then send confirmation in writing, as soon as possible after the decision, or in any case within seven days of the hearing. Along with the decision, we will inform the applicant about their right of appeal.
- (2) The Licensing Authority will provide the reasons for all decisions to the applicant and persons/Responsible Authorities making a relevant representation.
- (3) Following the determination of a licence, we will produce a decision record. This decision record will be made available on request.

#### **36 Appeals**

- (1) The Council will inform the appropriate parties of their right of appeal in accordance with the Licensing Act 2003, when confirming a decision of the Licensing Sub-Committee.
- (2) Anyone aggrieved by a decision of the Licensing Authority has a right of appeal. This is set out in Schedule 5 of the Licensing Act 2003. Aggrieved parties should lodge any appeal with the Magistrates' Court within 21 days of the notification of the decision.
- (3) On determining an appeal, the Magistrates' Court may:
  - a) Dismiss the appeal;



- b) Replace the decision concerned by any other decision which could have been made by the Licensing Authority; or
  - c) Pass the case to the Licensing Authority to deal with in accordance with the direction of the court.
- (4) The court may order costs, as it sees fit.
  - (5) Once the Magistrates' Court has determined an appeal, the Council will implement the decision within a reasonable time. The Licensing Authority appreciates that any delay could be construed as bringing the appeals system into disrepute.

### **37 Working in Partnership**

- (1) The Licensing Authority is committed to working closely with all interested parties within the district.
- (2) Licensing Officers aim to work in partnership with other enforcement agencies, such as Humberside Police, Humberside Fire and Rescue Service, Trading Standards and Environmental Health, with a view to supporting the four licensing objectives.
- (3) When considering applications and advising applicants, Licensing Officers will aim to draw on the expertise of other bodies. We will set up joint site visits where appropriate to ensure that we give applicants clear, concise advice. The Licensing Team will normally act as a focal point in arranging such visits.
- (4) When making licensing decisions, the Council will take into account other regulatory regimes. We aim to work in conjunction with Planning and Building Control, and the Transport Authority. The Licensing Committee will receive reports from Planning, Tourism, the Transport Authority and Highways, to try to avoid duplication of these roles.
- (5) We have developed a partnership to address and promote the Night Time economy in Scunthorpe Town Centre. The NiteSafe partnership aim is to make the area a safe place for people to visit. Within this partnership, we will work to reduce alcohol fuelled crime and disorder. We will promote good practice, while looking to address poor practice through other means.
- (6) Where set up, we will support local pubwatch schemes, providing support. We are not members of the scheme and will play no part in the decision making process.

### **38 Integrating Strategies**

- (1) Where possible, we will integrate our policy with other policies and strategies. These need to be taken into consideration as follows:

- (2) Cultural Strategy – We need to look at the impact that our policy has in relation to the provision of regulated entertainment. Our aim is not to deter live music, rather to ensure that the licensing objectives are being supported. We will monitor the impact of this policy on all regulated entertainment, in particular live music, dancing and theatre. Live performance is central to the development of cultural diversity and vibrant, exciting communities. We appreciate that the absence of such activities can lead to a loss of community awareness, which can lead young people to anti-social activities. To that end- the council will seek to actively encourage diversity in the early evening and the night time economy.
- (3) Local Transport Plan – We aim to work with the local transport authority to develop the Local Transport Plan. We will look at ways that members of the public can be dispersed in order to avoid crime and disorder.
- (4) Equality and Diversity – We need to make sure that our policy does not unreasonably exclude anyone. We will have due regard to the Equality Act 2010; and aim to eliminate discrimination and promote the equality of opportunity for people covered by the Equality Act 2010, including characteristics such as age, disability, gender reassignment (transgender), race, religion and belief, sex (gender) and sexual orientation. We will look at the impact our policy has on equality and diversity and amend it as required should it be needed.
- (5) The Local Development Framework – We will look to work with Planning to ensure as far as possible that all premises have the appropriate consent.
- (6) Tourism and Town Centre Management – Our aim is to have thriving town centres and we see the licensed community as an integral part of that. We will look at the impact our policy has on the night-time economy and adjust it as appropriate, within the licensing objectives.
- (7) Crime Reduction Partnerships – We will work very closely with our partners to reduce crime and disorder. We will actively look at ways in which we can reduce crime and disorder and the fear of crime. We have developed the “NiteSafe” partnership to support the night time economy and reduce alcohol fuelled crime and disorder.
- (8) Statement of Principles under the Gambling Act 2005 – We will consider this statement when considering applications for gaming in licensed premises.
- (9) Other Partnerships – We will work in partnership with other bodies as required in support of the Licensing Objectives.

### **39 Avoiding Duplication**

- (1) There are areas where there is an overlap between the licensing of premises and other statutory bodies. We will try to ensure that duplication is avoided.

### **40 Change of Address/Notification of Convictions**

- (1) The Act requires licence holders to inform the Licensing Authority of their change of name or address. In addition, licence holders must inform the Council if they have been convicted of a relevant offence where the convicting court has not already been informed.

## Section 4

### **Determining Applications**

#### **41 How This Policy Works**

- (1) All applications for a new premises licence, club premises certificate or to vary a premises licence or club premises certificate need to be supported by an operating schedule. The schedule must clearly identify the steps the applicant proposes to promote the licensing objectives.
- (2) If an application for a premises licence or CPC has been made lawfully and there have been no representations, the Licensing Authority must grant the application in accordance with the operating schedule and any relevant mandatory conditions. The Licensing Authority will not have discretion to refuse the application or to add or alter the conditions proposed in the operating schedule, save where they are ambiguous or irrelevant. In accordance with *R (on the application of Bristol City Council) v Bristol Magistrates Court*, if necessary, we can interpret a condition proposed on the operating schedule where the language used is opaque- thus making sure that the proposed condition is enforceable. Further, if we are satisfied that a proposed condition is suitably covered by other legislation we can omit a proposed condition. All conditions must be appropriate to support the licensing objectives.
- (3) If relevant representations are received, subject to mediation and the applicant amending their application a Licensing Sub-committee will follow. At the hearing each application will be determined on its own merits.
- (4) At the hearing, the members of the sub-committee will have regard to all relevant matters. They will take such reasonable steps as they consider appropriate to support the licensing objectives. This may include refusal of all or part of an application, adding or modifying conditions proposed in the operating schedule.
- (5) In exercising its discretion, the sub-committee will have regard (amongst other things) to the content of this licensing policy. Therefore, applicants are advised to read the content of this policy carefully before drawing up their operating schedule. Where an operating schedule complies with this policy, it is less likely to draw objections from the Responsible Authorities or other persons and where such representations are made the members of the committee will take such compliance with the policy into account when determining the application. Having said that, where a representation is made each case will be determined on its own merits.
- (6) Applicants are advised to conduct a risk assessment in relation to the licensing objectives before completing an application and the operating

schedule. There is no statutory requirement to complete this risk assessment under the Licensing Act 2003, however the completion of such an assessment would demonstrate that the applicant or licence holder has considered the potential impact of their business on the licensing objectives. Should the applicant not complete a risk assessment and if it is referred to the sub-committee following relevant representations, then members may take a more cautious approach when determining the application.

## **42 Location and Other Relevant Considerations**

- (1) In considering applications for a new premises licence, variation of an existing licence or a review, we will take the following matters into consideration:
  - Whether the premises is located within a Cumulative Impact Zone (CIZ)
  - The type and mix of premises and their cumulative impact upon the local area
  - The location of the premises and their character
  - The views of Responsible Authorities and other persons
  - The past compliance history of the current management
  - The proposed hours of operation
  - The type and numbers of customers likely to attend the premises
  - Whether the applicant is able to demonstrate commitment to a high standard of management for example through the level of consideration given to the promotion of the licensing objectives; by active participation in pubwatch; safeguarding and awareness training of all staff, etc.
  - The physical suitability of the premises for the proposed licensable activities, in terms such as access, safety, noise control etc.
- (2) Applicants need to refer to **paragraph 46** of this policy for details of the current CIZ. Applicants should not try to replicate the operating hours of other nearby premises. Such hours are not relevant at any hearing and the applicant must be able to demonstrate how they will promote the licensing objectives.

## **43 High Standards of Management**

- (1) When considering an applicant's or licensee's ability to demonstrate a commitment to high standards of management, we will consider whether the applicant or licensee:
  - Has researched the local area and can demonstrate understanding of local community concerns
  - Has carried out relevant risk assessments and devised an appropriate strategy to promote the licensing objectives
  - Can demonstrate comprehensive knowledge of best practice
  - Has sought advice and engaged with Responsible Authorities

- Has implemented any advice given by Responsible Authorities
- Is able to understand verbal and written advice and legal requirements or has made provision to do so
- Can demonstrate knowledge of the licensing objectives, relevant parts of the licensing policy and their responsibilities under the Act
- Is able to run their business lawfully in accordance with good business practices
- Is able to demonstrate a track record of compliance with legal requirements

#### **44 Mandatory Conditions**

- (1) There are a number of mandatory conditions set out in the Act and amended via secondary legislation. The mandatory conditions must be imposed on all licences where relevant. Details of these conditions are included in the relevant section within this policy.

#### **45 Other Conditions**

- (1) The Licensing Authority will not impose unnecessary licence conditions. Any conditions attached to a licence will relate to the individual application, taking into account local circumstances and the licensable activity taking place.
- (2) The conditions set out how a premises can lawfully operate, therefore we will aim to ensure that conditions attached to a licence will:
  - Be appropriate for the promotion of the licensing objectives.
  - Be precise and enforceable.
  - Be unambiguous and clear in what they intend to achieve.
  - Not duplicate other statutory requirements.
  - Be tailored to the individual type, location and characteristics of the premises and events concerned.
  - Not be standardised.
  - Not replicate offences set out in the Licensing Act 2003 or other legislation.
  - Be proportionate, justifiable and capable of being met.
  - Be written in a prescriptive manner.
  - Not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, save that conditions may be directed to deal with the behaviour of customers in the immediate vicinity of the premises or as they enter or leave. This may include the management of queues and smoking areas on the highway.
- (3) Conditions will only be attached to a premises licence or club premises certificate if they are deemed appropriate to promote the licensing objectives.

## 46 Cumulative Impact

- (1) In areas where the number, type and density of premises selling alcohol is high or exceptional or where there are problems with disorder or nuisance, which may occur some distance from the premises a Cumulative Impact Policy (CIP) may be considered. This is known as a Cumulative Impact Zone (CIZ).
- (2) The cumulative impact of licensed premises on the promotion of the licensing objectives is an appropriate matter for a Licensing Authority to consider within its licensing policy. We will only adopt such a policy where there is an evidential basis for the decision.
- (3) When considering the adoption of a CIZ in order to promote the licensing objectives, we will refer to any guidance in addition to the following matters:
  - Local crime and disorder statistics, including specific types of crime and hotspots
  - Statistics on anti-social behaviour
  - Health related statistics, such as alcohol related emergency attendances and hospital admissions (where available)
  - Environmental Health complaints, especially in relation to noise and litter
  - Complaints recorded by the Council
  - Resident questionnaires, if considered necessary
  - Evidence from enforcement and from Responsible Authorities
  - Evidence from local councillors
  - Evidence obtained through local consultation
- (4) This will be considered alongside information held by the Licensing Authority, such as trends in licence applications and changes to terminal hours. This list is not exhaustive and other information may be taken into account where it is deemed appropriate to do so.
- (5) The effect of adopting a CIP creates a rebuttable presumption that applications for either a variation or new application for a premises licence or club premises certificate that are likely to add to the existing cumulative impact will normally be refused subject to certain limitations. This may only be done following relevant representations. Where an application is made for a licence in a CIZ, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.
- (6) **This presumption does not relieve Responsible Authorities or interested parties of the need to make a relevant representation.** Without a representation the application will be deemed granted under the terms applied for, therefore a representation is needed before the council can consider the application in line with the special policy.

- (7) The Council will not use such policies solely for the purpose of:
  - Removing a licence when representations are received about problems at an existing licensed premises.
  - To refuse modifications to a licence, except where the modifications are directly relevant to the policy.
- (8) Where the border of a CIP is defined by a road; the policy will be deemed to include premises on both sides of the said road.
- (9) Any adopted CIP will be reviewed in line with the review of this policy.

#### **47 Scunthorpe Town Centre**

- (1) A CIP was first adopted in 2008 for the Scunthorpe Town Centre area as it was deemed necessary to support the licensing objectives.
- (2) The boundary of the area is identified within the special policy, which is available on our website.

#### **48 Other Locations**

- (1) The Council reserves the right to consider and implement further special policies where there is a need based on evidence.

#### **49 Rebutting the Presumption Against the Grant in a CIZ**

- (1) All applicants for a new licence or to vary the licence of an existing premises within a CIZ must ensure that they address local concerns within their application and the operating schedule.
- (2) The Licensing Authority acting as a Responsible Authority will consider each application made within a CIZ and will make representations where the application is likely to add to the cumulative impact.
- (3) Where a presumption against the grant of a licence exists and a relevant representation has been received, this Authority must consider whether it would be justified in departing from its special policy in the individual circumstances of the case. We will need to be satisfied that the grant of the application under consideration will not impact further on the relevant licensing objectives, before any grant or part grant of the application can be approved.
- (4) Examples of factors that we may consider as demonstrating that there will be no impact may include:
  - Small premises intended to cease operation before midnight.
  - Premises which are not alcohol led and only operate during the day time economy.
  - Instances where an existing business is being relocated, while maintaining the same style of operation.



- Where the conditions proposed will ensure that the premises operates in a specific manner, for example a food led premises where the conditions proposed include; the number of covers; that alcohol will be served by a waiter/waitress together with a table meal.
- (5) Examples of factors that we are unlikely to consider as demonstrating that there will be no impact may include:
- That the premises will be well managed. This is an expectation of all licensed premises.
  - That the premises will be constructed to a high standard.
  - That the applicant operates a similar style of business elsewhere without complaint, for example in another local authority area.
  - Other factors relating to the business that do not address the licensing objectives.
- (6) We will consider all relevant representations, including any representations in support of the application.

## **50 Early Morning Alcohol Restriction Orders (EMRO)**

- (1) We are aware of the provisions within the Licensing Act 2003 relating to Early Morning Alcohol Restriction Orders (EMRO). EMROs provide a very powerful tool which may be used to prevent licensed premises in a specific area from supplying alcohol during specified times. In making such an order, there would need to be sufficient evidence to demonstrate that an EMRO is appropriate to promote the licensing objectives.
- (2) Currently, there is no evidence to suggest that an EMRO should be applied within North Lincolnshire. Before considering making such an order it is our view that all other avenues should have been considered first. Should such an order be considered, then the appropriate process and guidance will be followed.

## **51 Late Night Levy**

- (1) We are aware of the provisions within the Police Reform and Social Responsibility Act 2011 of the Late Night Levy ('the levy'). The levy allows a Licensing Authority to raise a contribution from premises open late at night supplying alcohol. Such a levy would cover the whole area and may be applied to businesses operating between midnight and 06.00 hours or part thereof as specified by the Council. From the contribution raised, 70% of the net sum is passed to the Police and 30% of the net retained by the Council. The Council may only use the 30% retained to tackle alcohol related crime and disorder, however there is no requirement for the contribution made to the Police to be used in such a way, nor does it need to be spent within North Lincolnshire. We may deduct reasonable administration costs from the contributions raised.

- (2) We have given no formal consideration to the implementation of a levy within North Lincolnshire. Before such consideration would be considered a full analysis of the contribution likely and the cost of administration would need to be considered. We will monitor the guidance in relation to the levy and only implement such a provision where there is an evidenced need to do so.

## **52 Need**

- (1) The introduction of the Licensing Act 2003 removed the 'need' argument from licensing. Where a representation is made where 'need' is referred to, the person making such a representation will be informed that 'need' is not a relevant matter for consideration.

## **53 Licensing Hours**

- (1) One aim of the Licensing Act 2003 was to allow for the dispersal of people through flexible and staggered closing times. This philosophy does not work if all the premises close at the same time.
- (2) We will not seek to restrict the hours that a premises may operate, save where the premises operate within a Cumulative Impact Zone or where the premises impacts on the licensing objectives. In such cases we would consider that Off Sales should cease at 23.00 hours with On Sales ceasing at 03.00 hours.
- (3) Where an applicant wishes their premises to operate beyond midnight, there is an expectation that the applicant will complete a risk assessment to consider the impact that their premises will have on the licensing objectives. The applicant should complete the operating schedule based on the said risk assessment. Applicants are advised to include the risk assessment with their application.
- (4) Applications to operate beyond midnight are more likely to draw representations from the Responsible Authorities, who may wish to attach conditions to the licence where they are deemed appropriate to support the licensing objectives.

## Section 5

### The Licensing Objectives The Prevention of Crime and Disorder

#### 54 Introduction

- (1) Further to **paragraph 3** of this policy, there are four licensing objectives, which are:
  - The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children From Harm
- (2) Each of the Licensing Objectives are equal in importance. This section focuses on the first objective, the Prevention of Crime and Disorder and details the Council's commitment to minimise crime and disorder in the area.
- (3) Some factors and conditions cut across more than one objective. Where this is the case, they have been detailed in each section of the policy.
- (4) We recognise that well run licensed premises can make a valuable and positive contribution to the local community through the local economy, tourism and cultural development. However, poorly managed licensed premises, especially those offering late night alcohol and/or entertainment, or late night refreshment can become a serious source of crime and disorder or anti-social behaviour.
- (5) Relevant issues might include:
  - Anti-social behaviour
  - Drunkenness both in the premises and on the street
  - Violent behaviour
  - The possession of weapons
  - Drug use, including so-called legal highs and psychoactive substances
  - Underage drinking
  - Theft of personal property
  - Trafficking and illegal workers
  - Child Sexual Exploitation
  - Prostitution, lewd acts and similar offences
  - Harassment
  - Counterfeit goods
  - Non-duty paid goods and tax evasion
  - Maintenance of smoke- free environments

- (6) Applicants are recommended to seek advice from the Council's Licensing Team, Trading Standards and the Police when carrying out their risk assessments and when preparing their operating schedule. There is no requirement under the Act to seek such advice, however applicants may find it helpful to discuss matters before the application has been submitted.
- (7) It is intended that this part of the policy will give guidance to applicants as to the types of controls that may be deemed appropriate to promote the licensing objective of the prevention of crime and disorder. This is not intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and adapted to suit the proposed business.
- (8) Where the discretion of the Licensing Authority is engaged following a relevant representation, the Licensing Authority will consider attaching conditions to licences to deter crime and disorder, both inside and outside the premises as necessary.

## **55 Mandatory Conditions (General)**

- (1) There are a number of conditions attached to licences by the government. These mandatory conditions are attached as appropriate depending on the activity provided. The conditions will still apply even where a licence has been issued without them on the document itself.

## **56 Mandatory Conditions (Premises Licensed to Supply Alcohol)**

- (1) The following conditions will apply to all relevant premises licences and club premises certificates which authorise the supply of alcohol. The correct wording for the conditions is available in the appropriate legislation.
  - **Designated Premises Supervisor (DPS)** – No supply of alcohol may be made under the premises licence (a) at a time where there is no DPS in respect of the premises licence; or (b) at a time when the DPS does not hold a personal licence, or their personal licence is suspended.
  - **Personal Licence Holder** – Every supply of alcohol under the premises licence must be made, or authorised by a person who holds a personal licence. We would suggest that authorisation to supply alcohol by persons who do not hold a personal licence is in writing.
  - **Minimum Drinks Pricing** – A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the actual wording for each of the mandatory conditions, the relevant legislation should be referred to.

## 57 **Mandatory Conditions (Premises Licensed for the Consumption of Alcohol On the Premises)**

- (1) The following condition will apply to all relevant premises licences and club premises certificates which authorise the supply of alcohol for consumption on the premises.
  - **Irresponsible Drinks Promotions** – A responsible person must ensure that the premises and their staff do not carry out any irresponsible drinks promotions. Drinks promotions can include games which require or encourage individuals to drink; providing unlimited alcohol for a fixed price or for free; discounting or offering alcohol as a prize; dispensing alcohol directly into a person's mouth; or selling or supplying in association with promotional posters.
  - **Requirement to Supply Alcoholic Drinks in Certain Quantities** – The responsible person is required to make certain drinks available in certain measures.
- (2) For the actual wording for each of the mandatory conditions, the relevant legislation should be referred to.

## 58 **Mandatory Conditions (Door Supervision)**

- (1) The following condition will apply to all relevant premises licences and club premises certificates requiring door supervisors.
  - **Security Industry Authority Licences (SIA)** – Where a premises employs or has a condition requiring a person to carry out a security activity, then the said person(s) must hold the appropriate licence issued by the SIA. There are exceptions for certain types of premises.
- (2) For the actual wording for each of the mandatory conditions, the relevant legislation should be referred to.

## 59 **Measures to be Considered (All Premises)**

- (1) The following measures are considered appropriate to support the licensing objective of prevention of crime and disorder. When completing an application, applicants are strongly advised to give consideration to these matters:
  - **Capacity Limit** – While this is often considered appropriate to deal with public safety, it is equally important to prevent overcrowding in order to support the prevention of crime and disorder. This type of condition will not be appropriate for all premises, however we would expect premises operating in town centres and the CIZ to have considered this in a risk assessment.
  - **Counting Systems** – Where a capacity is set on the premises in order to support the crime prevention objective, applicants and

licence holders should also consider how they will monitor the amount of people in the premises.

- **Crime Prevention Notices** – Licensed premises can be a target for certain opportunist criminals, therefore applicants are advised to consider displaying notices about looking after personal property.
- **CCTV** – The presence of CCTV can be an important means of deterring crime both inside and outside of a premises and can help provide valuable evidence if an incident does occur.
- **Drugs Policy** – The use of illegal drugs and so called legal highs (psychoactive substances) can happen in any licensed premises. The applicant should have a written policy to determine what action they would take should drugs be found on or found being used on the premises. This should be publicised to customers.
- **Low Cost/High Strength Alcohol** – Where there is an issue of street crime and violence, anti-social behaviour or public drunkenness or street drinking, consider the removal of low cost high alcohol from offer.
- **Suppliers** – Stock, such as alcohol, tobacco etc. should only be bought from legitimate traders. The licence holder should be able to produce records of purchase.
- **Hawkers and Sales by Third Parties** – Consideration should be made to restrict entry to the premises by hawkers or third parties in order to prevent counterfeit goods or stolen property being handled in the premises.
- **Management Record** – The applicant or licence holder should consider maintaining an incident log at the premises. This log should be kept on the premises and made available at all times to an authorised officer or an officer employed by Humberside Police.
- **Hours of Operation** – Consideration should be given to the terminal hour that the premises operates until and how they will support the licensing objectives.

## 60 Measures to be Considered (Alcohol Consumption On the Premises)

- (1) The following measures are considered appropriate to support the licensing objective of prevention of crime and disorder for premises selling alcohol for consumption on the premises. When completing an application, applicants are strongly advised to give consideration to these matters:

- **Polycarbonate/Plastic Drinking Vessels** – Consideration should be given to the use of either polycarbonate drinking vessels or plastic drinking vessels as an alternative to glass. These types of container should be considered at premises operating after midnight, within the CIZ or at outdoor events.
- **Bottle Bans** – Consider decanting drinks from bottles before the drink is passed over the bar. Decanting from bottles should especially be considered at premises operating after midnight, within the CIZ or at outdoor events.

- **Seating** – Vertical drinking establishments can contribute to crime and disorder, therefore applicants should ensure that there is sufficient seating at the premises for customers to use, especially within the CIZ.
- **Control the Removal of Open Containers** – Applicants should consider if it is appropriate to prevent the removal of open containers from their premises. This should be considered where the premises is in a CIZ. The removal of containers to the street aims to prevent them being used as weapons.
- **Conflict Resolution** – Applicants and licence holders should consider how they will deal with conflict in the premises. Licensees who put both parties out of the premises at the same time can have a negative impact on the licensing objectives of crime and disorder and public safety. Therefore, it is expected that the licence holder will have a strategy in place to deal with conflict management to ensure that the incident does not spill out on to the street.
- **Boxing/Football Machines** – Applicants and licence holders should consider if the use of such machines in their premises is appropriate. These machines can be a source of conflict. Where they are provided, the licence holder or applicant should ensure that there is a sterile area around the machine so that the use does not impact on other people in the premises. Consideration should also be given to employing an SIA Licensed Door Supervisor to manage the area. If the premises is located within a CIZ we would discourage the use of these machines.
- **Pubwatch Banned List** – Where a premises is a member of a Pubwatch scheme, consideration should be given by applicants and licence holders as to how they support the scheme. In order to support the Licensing Objectives, we would expect premises to exclude all persons added to the list. We appreciate that membership of such a scheme is voluntary.

(2) In addition to the matters already identified, the following matters should be considered where the premises is located within the CIZ, or where the premises is carrying out regulated entertainment. There may be occasions where a Responsible Authority will seek to add a condition to a premises licence if it is deemed appropriate to support the licensing objectives.

- **Security Industry Authority (SIA)** – The applicant or licence holder should ensure that an appropriate number of SIA licensed door supervisors are employed at the premises. SIA licensed door supervisors are valuable for maintaining orderly behaviour in queues; searching and excluding those suspected of carrying offensive weapons, or illegal drugs; keeping out banned individuals; or controlling admissions and departures. Applicants and Licence holders should have a written risk assessment to consider how many SIA licensed door staff are needed, based on the size and layout of the premises and the activities taking place.
- **Personal Searches** – Consider if it is appropriate to conduct searches of customers on entry to the premises, either compulsory

or adhoc as a condition of entry. Where searches are carried out on an adhoc basis, consideration should be given as to how often these will be conducted. A record should be made of who has been searched and any items found. Consideration should also be made for the employment of a female SIA licensed door supervisor to search females.

- **Search Wands** – The applicant or licence holder should consider if it is appropriate for the SIA Licensed Door Supervisors to have search wands available. Where such equipment is provided, it must be maintained in good working order at all times.
- **Drugs/Weapons Box** – The applicant should consider if it is appropriate to have a drugs/weapons box at the premises. This box should be under the direct management of the licence holder, DPS or manager of the premises and should be used to store any seized items before handing them over to the Police.
- **ID Checks** – Irrespective of age, consideration should be given as to whether it is appropriate to check the ID of people entering the premises.
- **Last Admissions Policy** – Consideration should be given to adopting a last admissions policy for persons wanting admission and re-admission to the premises. Where a premises is in a CIZ then an applicant should give serious consideration to adopting such a policy. The Responsible Authorities may request such a policy is adopted if it is deemed appropriate to support the licensing objectives. The admissions policy should be advertised at the premises.
- **Dispersal Policy** – The applicant should consider adopting a written dispersals policy to help reduce disturbance to local residents. Such a policy should be in writing and made available. The applicant or licence holder should also consider displaying notices.
- **Venue Hire Agreements** – Consider if it is appropriate to notify the Police and Council of events at the premises, giving at least one months notice.
- **Avoid Certain Types of Performance** – The applicant or licence holder should ensure that performances do not stir up hatred or incite violence for any reason.
- **Managed Smoking Areas** – Consideration should be given to the management of smoking areas. Where a smoking area is on the street, then this should be cordoned and managed by the security staff.

## 61 Measures to be Considered (Late Night Refreshment)

- (1) The following measures are considered appropriate to support the licensing objective of prevention of crime and disorder for premises providing late night refreshment. When completing an application, applicants are strongly advised to give consideration to these matters:
  - **Security Staff** – Consider employing security staff at the premises after the premises selling alcohol have closed.



## **62 Designated Premises Supervisor, Personal Licence Holders and Authorisations**

- (1) There is nothing in the Act, The Guidance or mandatory conditions that require the Designated Premises Supervisor (DPS) or any personal licence holder to be present on the premises at all times when alcohol is sold or supplied. Where the Act allows that each sale should be authorised by a personal licence holder, it does not require that a personal licence holder is personally present or that they need to make the sale.
- (2) Having said that, the DPS and the premises licence holder remain responsible for the premises at all times, including the compliance with the terms of the Licensing Act 2003 and the conditions attached to the premises licence.
- (3) Therefore, we consider that it is reasonable for either the DPS or personal licence holder to be present at the premises at all times that alcohol is either sold or supplied or that proper arrangements are in place for the authorisation of staff in their absence. Proper authorisation would be deemed to be written authorisation which is available for inspection by an Authorised Officer of the Council or an officer employed by Humberside Police. There may be times where a DPS or personal licence holder are absent from the premises for a period of time, however they cannot abdicate their responsibility in their absence.
- (4) Where a community premises has applied for and been granted an approval to remove the mandatory condition requiring a DPS, it is expected that the management committee or similar body will put in place any appropriate steps to make sure that no offences are committed.

## **63 Door Supervision**

- (1) Door Supervisors play an important part in supporting the prevention of crime and disorder licensing objective. Where such staff are employed, licence holders are reminded that they are still responsible for the management of the premises and as such door staff act on their behalf. Door staff must be licensed by the Security Industry Authority (SIA). Licence holders are advised to check the licence of all the SIA staff employed at their premises before each trading period and to ask such staff to sign in at the premises.

## **64 Crime and Disorder Risk Assessment**

- (1) We would recommend that all applicants and premises licence holders conduct a crime and disorder risk assessment. This assessment should take into account the location of the premises, hours of operation and nature of the licensable activities and the proposed

measures in place to deal with any issues. Such a risk assessment should be available upon request by an authorised officer or an officer employed by Humberside Police.

- (2) For larger events, there is an expectation that a crime and disorder risk assessment is carried out prior to the event and then provided to the Licensing Authority and Humberside Police at least 28 days prior to the event.

## **65 Adult Entertainment**

- (1) Where an applicant or premises licence holder intends to provide adult entertainment, we expect them to provide full details in their operating schedule, including the control measures intended to be put into place to promote the licensing objectives.
- (2) Premises holding adult entertainment on a regular basis will need to hold an additional licence as a Sexual Entertainment Venue (SEV) under Schedule 3 of the Local Government (Miscellaneous) Provisions Act 1982 as amended by section 27 of the Policing and Crime Act 2009. A copy of our Sex Establishment Licensing Policy should be considered prior to an applicant or licence holder wishing to provide such entertainment.
- (3) Where an applicant or licence holder wishes to provide occasional performances involving striptease, nudity, lap dancing, etc., then there is an exemption from the SEV regime. We would still consider it appropriate for a licence holder or applicant to detail their intentions in an operating schedule and in doing so address the following matters:
  - Arrangements to exclude persons under 18 years of age.
  - Arrangements to ensure that the performance cannot be seen from the street.
  - No external advertising of the entertainment either at the premises or in the locality of the premises.
  - Prohibition of leafleting or touting for business.
  - Designation of an area of the premises for entertainment with segregation between the performers and the audience.
  - Provision of dressing rooms for performers that the audience cannot access; and so that the performers can access the performing area without the need to pass through or without coming into close proximity to the audience.
  - The prohibition of the participation of customers in the performance.
  - Provision of CCTV covering the audience.
  - Provision of a code of conduct for performers.
  - Provision of a code of conduct for the audience.
  - The provision of SIA staff.
  - Suitability of staff employed at the premises.

- (4) We will consider the location of the premises when considering an operating schedule where adult entertainment is proposed, including the proximity to sensitive premises such as:

- Residential accommodation
- Schools
- Children's and vulnerable adult's centres
- Youth and community centres
- Religious centres and places of worship

## **66 Sale of Smuggled or Counterfeit Goods and the Handling of Stolen Goods, etc.**

- (1) The guidance issued under the Act provides for robust action where a premises allows the sale or supply of smuggled or counterfeit goods. Such goods can include alcohol, tobacco products, DVDs and CDs. Where a review is brought against a premises selling such goods then there is a likelihood that the licence will be revoked in line with the guidance unless there are significant mitigating circumstances. Each case will be determined on its merits.
- (2) Guidance regarding these types of goods may be sought from the Trading Standards Team.
- (3) Applicants and licence holders are advised to take all appropriate steps to ensure that the goods they sell are not smuggled or counterfeit and should only stock goods from reputable wholesalers.
- (4) The licence holder should ensure that patrons are not bringing stolen goods into their premises to dispose of. Should a licence holder believe that a person is dealing in stolen goods then measures should be put in place to deal with this issue and we would expect the licence holder to inform the Police.

## **67 Theft of Personal Property**

- (1) Patrons using licensed premises are potentially at risk of having their property stolen. Applicants and licence holders should give consideration to any steps needed to reduce the potential issue. Matters to consider in order to reduce the risk might include:
- Raise the level of awareness among customers
  - Provide controlled cloakroom areas
  - Provide Chelsea Clips under tables
  - Consider the lighting in the premises
  - Provide information about CCTV
  - Communicate with customers who leave property unattended
  - Provide adequate staffing and provide appropriate training

## **68 Drugs**

- (1) The Council acknowledges that there may be a culture of drug use in a pub or club. We appreciate that this issue does not affect all premises. Where drug taking is an issue, we will look to impose licence conditions. Such a condition may be attached following a relevant representation. We will prepare such conditions in consultation with Humberside Police and the local Drug Action Team.

## **69 Closed Circuit Television (CCTV)**

- (1) CCTV is one of the most effective ways to reduce crime and disorder. It is considered good practice to install CCTV in premises where regulated entertainment is taking place and where the primary use is the sale of alcohol. If premises have to install CCTV, cameras should be installed and positioned to the satisfaction of Humberside Police, the Council and the operator. Cameras must be linked to monitors placed so a member of staff can easily watch them.
- (2) The location of CCTV cameras will differ between premises. If CCTV cameras are needed, they should normally cover external parts of the premises. This includes car parks, garden areas, stairs and all entrances and exits.
- (3) Recorded images should be kept for a minimum of 28 days. The Premises Licence holder, DPS or responsible person should be responsible for the removal and safe storage of the recorded images.
- (4) Premises which have CCTV in operation should be registered with the Information Commissioner.

## **70 Pubwatch Schemes/Licensed Victuallers Association**

- (1) Pubwatch schemes and membership of the Licensed Victuallers Association are voluntary. The Council and Humberside Police will support any such scheme where it is operating, and will encourage the implementation of new schemes.
- (2) In areas where there is crime and disorder, the Council may recommend that premises licence holders, DPS and/or responsible person commit to and partake in such a scheme in order to reduce the said crime and disorder.

## **71 Other Issues**

- (1) This policy aims to set out the Council's commitment to reducing crime and disorder. We realise that it cannot cover all possible eventualities. Therefore, if there is a cause for concern about crime and disorder that has not been addressed in the policy, we may attach conditions if we feel they are necessary and where there is reasonable cause. Such a condition may be attached following a relevant representation.

## Section 6

### The Licensing Objectives Public Safety

#### 72 Introduction

- (1) Further to **paragraph 3** of this policy, there are four licensing objectives, which are:
  - The prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The protection of Children From Harm
- (2) Each of the Licensing Objectives are equal in importance. This section focuses on the second objective, Public Safety and details the Council's commitment to ensure that licensed premises do not impact on the safety of their patrons and the area around them.
- (3) Licence holders have a responsibility to ensure that people using their premises are safe. Safety goes further than the physical safety of customers, avoiding trip hazards and the like and includes matters such as how the premises deal with people who have consumed too much alcohol to the point where they are unconscious or how they deal with a person who has been assaulted.
- (4) Relevant issues for an applicant or premises licence holder might include:
  - Premises configuration and site layout including adequate means of escape and signage
  - Fire safety
  - Emergency systems
  - Temporary structures
  - Ensuring appropriate access for emergency services
  - Good internal and external communication systems, including with local authorities, emergency services and NiteSafe staff
  - Ensuring the presence of trained first aiders on the premises
  - Hygiene and welfare facilities
  - Special installations and effects
  - Ensure the safety of customers leaving the premises, providing information on transport
  - Ensure regular collection of glasses and bottles
  - Ensuring safe limits on the maximum capacity of the premises
  - Ensure the safety of any victims at the premises
  - Considering measures to reduce alcohol harm
  - Consider the use of licensed security staff and/or safety stewards

- Consider referring events to the Council's Event Safety Advisory Group (ESAG)
- (5) Applicants are recommended to seek advice from the Council's Environmental Health and/or local fire safety officers team when carrying out their risk assessments and when preparing their operating schedule. There is no requirement under the Act to seek such advice, however applicants may find it helpful to discuss matters before the application has been submitted.
  - (6) While it is not a requirement of the Act, it is recommended that applicants provide a copy of a completed risk assessment upon which the operating schedule is based to the relevant Responsible Authorities. Further, it is suggested that applicants engage with the ESAG where they are holding an event.
  - (7) Where the discretion of the Licensing Authority is engaged following a relevant representation, the Licensing Authority will consider attaching conditions to licences to ensure public safety, both inside and outside the premises as necessary.

### **73 Other Legislation**

- (1) We appreciate that there is other legislation in place to cover public safety. We will aim to not duplicate the provisions in this legislation.

### **74 Mandatory Conditions (General)**

- (1) There are a number of conditions attached to licences by the government. These mandatory conditions are attached as appropriate depending on the activity provided. The conditions will still apply even where a licence has been issued without them on the document itself.

### **75 Mandatory Conditions (Water)**

- (1) The following condition will apply to all relevant premises licences and club premises certificates which authorise the supply of alcohol for consumption on the premises.
  - **Provision of Free Water** – There is a requirement to provide free water where it is reasonably available. We would consider that all premises authorised to sell alcohol for consumption on the premises can reasonably provide water. There is no expectation that such water should be carbonated or bottled unless still/tap water is not available for any reason.
- (2) For the actual wording for each of the mandatory conditions, the relevant legislation should be referred to.

## 76 Measures to be Considered (All Premises)

- (1) Applicants and licence holders are encouraged to take a proactive approach to public safety issues and we would suggest that they engage with the Responsible Authorities concerned. Many issues covering public safety are cross cutting with the crime and disorder objective, detailed in the previous section. However, consideration should be given to the following matters:
- **Staffing** – Ensure that there are adequate members of staff on duty on the premises so as to ensure proper management may be controlled.
  - **Soft Drinks** – Provide a full range of soft drinks as an alternative to alcohol. Soft drinks should not be priced so that they cost more than alcoholic drinks.
  - **Special Offers** – Restricting ‘special offers’ in order to slow down the consumption of alcohol and to slow the rate at which the blood alcohol levels increase.
  - **Alcopops** – Restrict the sale of alcopops which could attract underage purchasers. Avoid storing alcopops near tills, snacks and in other locations where they could attract underage purchases.
  - **High ABV** – Restrict the sale of beers and ciders with a high ABV.
  - **Single Cans** – Restrict the sales of single cans in areas where street drinking is an issue and within the CIZ.
  - **Food** – Make food available in late night venues.
  - **Seating** – Provide seating for customers to reduce more intensive drinking and to avoid bumps and spills. We would recommend that at least one third of the floor area is given over to seating.
  - **Advertisement** – Do not provide advertisements for alcohol in shop windows or display boards or other advertising on the shop floor.
  - **Storing Alcohol** – Store alcohol in controlled areas.
  - **Displays** – Consider where alcohol is displayed, avoiding displays adjacent to tills.
  - **Lighting** – Ensure that the internal and external areas of the premises are adequately lit and may be monitored by staff.
  - **Management Record** – The applicant or licence holder should consider maintaining an incident log at the premises. This log should be kept on the premises and made available at all times to an authorised officer or an officer employed by Humberside police.
  - **Safeguarding** – The applicant or licence holder should consider getting all staff trained in safeguarding awareness.
  - **Access and Inclusion** – Applicants and licence holders must ensure that they understand their responsibilities under the Equality Act 2010 and must ensure that they have made reasonable adjustments to the premises to deliver their service to all their customers safely.

## 77 Measures to be Considered (Alcohol Consumption On the Premises and Premises within the CIZ)

- (1) The following measures are considered appropriate to support the licensing objective of public safety for premises selling alcohol for consumption on the premises or where the premises is located within a CIZ. When completing an application, applicants are strongly advised to give consideration to these matters:
- **Conflict Resolution** – Applicants and licence holders should consider how they will deal with conflict in the premises. Licensees who put both parties out of the premises at the same time can have a negative impact on the licensing objectives of crime and disorder and public safety. Therefore, it is expected that the licence holder will have a strategy in place to deal with conflict management and to protect any victims.
  - **Polycarbonate/Plastic Drinking Vessels** – The use of polycarbonate or plastic drinking vessels can assist in public safety as well as the prevention of crime and disorder. Applicants or licence holders who have children’s play areas; or for outdoor events or live music events should particularly consider this measure.
  - **Decanting from Bottles/Cans** – Consider removal from the public area to improve public safety, especially in premises within the CIZ or live music events.
  - **Glass and Bottle Collection** – Ensure that glasses and bottles are collected on a regular basis both inside and outside the premises.
  - **Excessive Alcohol Consumption** – Task members of staff to monitor the consumption of customers to ensure that alcohol is not supplied to the point where they become drunk.
  - **Dealing with Unconsciousness/Drunkenness** – Applicants and licence holders should have a risk assessment in place to deal with people found to be unconscious or drunk. There is a duty of care on the business and as such the licence holder must ensure that anyone found who is either drunk or unconscious is cared for and that their safety is not put at risk.
  - **Spiked Drinks** – Provide a safe area (drinksafe) that customers can put their drinks when they want to dance or go outside for a cigarette or want to use the toilets.
  - **Designated Driver Scheme** – Actively promote designated driver schemes and offer discounted soft drinks for a designated driver.
  - **Special Effects, Fireworks and Replica Firearms** – Where either special effects, fireworks or replica firearms are to be used, an applicant or licence holder should conduct a risk assessment to ensure that the public are safe.

## 78 Measures to be Considered (Late Night Refreshment)

- (1) The following measures are considered appropriate to support the licensing objective of public safety for premises providing late night



refreshment. When completing an application, applicants are strongly advised to give consideration to these matters:

- **Waste Bins** – Consider providing waste bins at the premises so that customers can use them rather than dropping them on the floor. Waste on the floor can be a source of public safety, causing a slip hazard and public nuisance
- **Clearing Up** – Consider clearing up the outside area of the premises to ensure that waste does not build up. Again, this can be both a public safety and public nuisance issue.

## **79 Safe Capacities**

- (1) Attaching a condition to a licence for a safe capacity should only occur where it is appropriate for the promotion of public safety or for the prevention of crime and disorder. Where a capacity has been imposed through other legislation, for example through the Regulatory Reform (Fire Safety) Order 2005, then it would be inappropriate to reproduce it in a premises licence. However, if no capacity has been imposed through other legislation or where it is appropriate to attach a condition for other reasons to support the licensing objectives, then a condition may be attached following a representation.
- (2) Safe capacities can have a significant impact on the prevention of crime and disorder and public safety. Accordingly, it is recommended that applicants and licence holders consider the safe capacity of the premises when completing their operating schedule. In doing so, the applicant or licence holder should consider any localised overcrowding in the premises.
- (3) Where an applicant wishes to take advantage of the provisions under section 177 of the Act, a capacity must be set.

## **80 Counting Systems**

- (1) Where a condition is attached to the licence requiring a safe capacity, a counting system needs to be considered. The Licence holder, DPS or responsible person must ensure that persons entering or leaving the premises are counted by his/her employees or agents using counting machines. The total recorded on each counting machine shall, at all times, be available for inspection by Officers of the Council, the Fire Authority and/or the Police.
- (2) Instead of counting machines, premises may use a numbered ticket system including complimentary, guest or free tickets. This must, at any one time for a single performance, indicate the maximum number of people admitted to the premises.
- (3) Where premises have a number of entry and exit points, the premises licence holder/DPS should consider how best to control entry and exit

from the premises so that overcrowding is avoided. Conditions could be attached to a licence following a representation regarding this issue.

## **81 Event Safety Advisory Group (ESAG)**

- (1) Applicants and licence holders are advised to submit an event management plan to ESAG. In doing so, they should prepare an Event Management Plan detailing how the event will be managed. Details to be included in this plan should not just focus on public safety, but should consider all four of the licensing objectives. The Event Management Plan should have a section for each objective.

## **82 Safer Clubbing**

- (1) Premises where there are dancing facilities are recommended to follow the Safer Clubbing Guide. Licence holders should ensure that they have taken any guidance into consideration.

## **83 Audience Participation**

- (1) There are a number of licensable activities that could allow for public participation. The majority of these activities would not be a cause for concern. However, where an application is received for a licensable activity and there is the potential for audience participation, the applicant or licence holder should carry out a risk assessment to ensure that the patrons involved in the event are safe to do so.

## **84 Safe Departure**

- (1) The licensee's responsibility should not end when a person leaves their premises, therefore they should make provisions to keep their patrons safe, as follows:
  - Provide details of local transport
  - Provide information of local taxi companies who can provide safe transport home
  - Provide a safe environment for people to wait for transport
  - Maintain sanitary accommodation available for people waiting for transport
  - If a person appears to be drunk, assist in making arrangements for safe travel
  - Provide suitable lighting outside the premises

## **85 General Safety**

- (1) Matters such as electrical safety, gas safety, fire safety and general safety are generally covered by other legislation. The licence holder should make sure that all fixtures, fittings, equipment (including electrical fittings and equipment), furnishings, decorations and curtains on or about the premises shall be constructed, arranged safely, maintained in a safe and clean condition and in good order (including

where appropriate, good working order). We will not look to add conditions to licences regarding these matters as other legislation is more appropriate.

## **86 Spaces of Safety (SOS) and Safe Haven**

- (1) Licence holders are encouraged to work with Responsible Authorities in supporting such schemes as the Safe Haven and/or Spaces of Safety. Such schemes are in place to help with public safety, especially where the person is vulnerable.

## **87 Women's Safety and White Ribbon**

- (1) North Lincolnshire Council supports the White Ribbon Campaign, pledging to prevent violence against women. In addition to the pledge of 'never committing, excusing or remaining silent about violence to women', in this policy the safety of women goes further. There is a risk in the night time economy of sexual harassment in bars and nightclubs which could, unchallenged, be seen as normalised. In order to reduce the risk to women and to protect their safety, licensees should consider the following:
  - Prominently display posters in their venue that discourages violence, harassment and encourages reporting
  - Take every report of harassment and sexual intimidation seriously and take appropriate action
  - Ensure that all members of staff are trained to deal with harassment and sexual intimidation, including all door staff
  - Take steps to make sure females are safe when they leave the premises

## **88 Other Issues**

- (1) This policy aims to outline the Council's commitment to public safety. We appreciate that this document cannot cover all possible eventualities. Therefore, if there is a cause for concern about public safety that has not been addressed in the policy, we may attach conditions where we feel they are necessary and where there is reasonable cause. Such a condition may be attached following a relevant representation.

## Section 7

### The Licensing Objectives The Prevention of Public Nuisance

#### 89 Introduction

- (1) Further to **paragraph 3** of this policy, there are four licensing objectives, which are:
  - The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children From Harm
- (2) Each of the Licensing Objectives are equal in importance. This section focuses on the third objective, the Prevention of Public Nuisance and details the Council's commitment to ensure that licensed premises do not cause a public nuisance to those that live and work around them.
- (3) Licensed premises, especially those that operate late at night or in the early hours of the morning, can give rise of nuisance that may potentially impact on people living, working or sleeping in the vicinity of the premises. Principal concerns relate to noise nuisance, light pollution and noxious smells.
- (4) Applicants should take into account the area around their premises when submitting an application. It is important to recognise that the impacts of licensed premises are not contained within a building, rather they impact further as people travel to and from the premises or congregate outside while it is in operation and thereafter. Nuisance should be considered at the earliest opportunity.
- (5) Operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to the local community. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.
- (6) Relevant issues for an applicant or premises licence holder might include:
  - Noise from the premises from both internal and external areas
  - Deliveries and disposal of waste
  - Light pollution
  - Odours
  - Disposal of glass
  - Cleaning the area in the vicinity of the premises

- (7) While there is no statutory need for a risk assessment, applicants may find it useful to complete a risk assessment, which they can base their operating schedule on. A copy of this assessment should be submitted with the application.
- (8) Attaching conditions to a licence will be considered on an individual basis. Each premises will present different potential issues depending on size, location, layout and the activities taking place. The matters to be considered in this section are not exhaustive.
- (9) Where the discretion of the Licensing Authority is engaged following a relevant representation, the Licensing Authority will consider attaching conditions to licences to ensure that the prevention of nuisance both inside and outside the premises are covered as necessary.

## **90 Other Legislation**

- (1) We appreciate that there is other legislation in place to cover the prevention of public nuisance. We will aim to not duplicate the provisions in this legislation.

## **91 Mandatory Conditions (General)**

- (1) There are a number of conditions attached to licences by the government. These mandatory conditions are attached as appropriate depending on the activity provided. The conditions will still apply even where a licence has been issued without them on the document itself. Currently, there are no mandatory conditions attached to licences dealing with the prevention of public nuisance.

## **92 Measures to be Considered (All Premises)**

- (1) Applicants and licence holders are encouraged to take a proactive approach to the prevention of a public nuisance and we would suggest that they engage with the Environmental Protection team before submitting an application. Many issues covering the prevention of a public nuisance are cross cutting with the crime and disorder objective, detailed. However, consideration should be given to the following matters:
  - **Arrivals and Departures from the Premises** – Preventing disturbance caused by patrons upon arrival; when queuing or being admitted to the premises; while congregating outside the premises; using smoking areas; or on departure. This is particularly (though not exclusively) between 23.00 and 08.00 hours.
  - **Noise** – Preventing noise and vibration escaping from the premises, including from music played upon the premises; public address systems; and customer noise.
  - **Extraction Units** – Preventing nuisance from the positioning and operation of plant and machinery such as kitchen extraction systems, ventilation systems, condensers etc.

- **Boundary Checks** – The need for regular patrols of the boundary of the premises and/or at the nearest residential points to ensure the nuisance is not being experienced by neighbours.
- **Outside Areas** – Applicants and licence holders should manage the outside areas and deal with any disturbances in order to reduce public nuisance. This will include gardens, terraces, smoking areas, etc. and will include the highway where utilised by the patrons of the premises.
- **Smoking Areas** – Applicants and licence holders should consider the best location for smoking areas in order to reduce nuisance to neighbours.
- **Clearing Up** – Applicants and licence holders should detail staff to clear up external areas of the premises in order to reduce nuisance to people living, working or transiting in the vicinity of the premises, including clearing up any broken glass, vomit and packaging emanating from the premises.
- **Deliveries** – Restricting the delivery and collection times (waste, equipment, consumables, etc.) to between 08.00 and 20.00 hours.
- **Lighting** – Limiting nuisance or glare caused by the positioning of external lighting, including security lighting.
- **Waste Disposal** – Preventing odour or pests from refuse and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises. Applicants and licence holders should provide suitable waste disposal facilities for the use of patrons.
- **Management Record** – The applicant or licence holder should consider maintaining an incident log at the premises. This log should be kept on the premises and made available at all times to an authorised officer or an officer employed by Humberside police.

### 93 Preventing Nuisance from within the Premises

- (1) Nuisance may often be caused by sound escaping from the premises or transmitted through the structure of the building. While some simple management steps may be taken to reduce the problem, there may be times that some physical measure is necessary to prevent nuisance being caused. The likelihood of this increases where regulated entertainment is provided; where the intended hour of operation is later; where residents live adjacent to the premises; or where there are noise sensitive premises nearby. Where physical measures are likely, applicants and licence holders are advised to seek the help of an expert.
- (2) In order to prevent noise from premises causing a public nuisance, we would expect the following measures to be considered, especially where the premises operates late at night; is in a residential area; or holds regulated entertainment.
  - **Double Doors** – Provide acoustic double door lobbies, so that noise is contained within the premises.
  - **Self Closing Devices** – Provide self closing devices on the exit door to ensure it is not left open.

- **Management of Doors** – Provide staff to manage the doors to ensure that the integrity of the premises is maintained.
- **Windows** – Ensure that windows and doors are kept closed during periods of entertainment. Consider double glazing and the installation of sound resistant glass.
- **Air Conditioning** – Consider the installation of air conditioning at the premises to ensure that windows and doors can remain closed.
- **Insulation** – Consider the installation of insulation to party walls where a premises is connected to a neighbouring property.
- **Alarms** – Consider the installation of an alarm or device that interrupts music when a fire door is opened.
- **Noise Limiting Devices** – Consider the installation of sound-limiting devices to enable a maximum volume and bass to be set at appropriate levels. A sound-limiting device could be fitted to the final exit door so that the volume is reduced when the door is opened.
- **Baffling** – Provide acoustic baffling to any ventilation extract and intake system.
- **Management Checks** – Monitor and record periodic perimeter checks.

#### 94 Preventing Nuisance outside the Premises

- (1) Nuisance caused by patrons outside of the premises, whether by patrons queuing for entry; enjoying the facility of a beer garden or terrace; or by smokers congregated on the pavement, is of considerable concern to local residents. Licensees have a responsibility for the conduct of their customers while they are in and around the premises.
- (2) If provision is made for customers to congregate or smoke outside of the premises, then sufficient management controls must be put in place to ensure that no nuisance or disturbance is caused to local residents. Management controls that should be considered by the applicant or licence holder include the following:
  - **Queues** – Consider the arrangement of queues controlling entry to the premises.
  - **Access to Outside Areas** – Consider whether it is appropriate to stop people using outside areas after a certain hour. We would suggest that outside areas should not be used after 23.00 hours where the premises is in a residential area.
  - **Music in Outside Areas** – Consider if it is appropriate to have music relayed to the outside areas or marquees. This could cause a nuisance at any time of day or night.
  - **Music Times** – Consider the appropriate terminal hour for music. Where the premises is located in a residential area, then consideration should be given for the music to cease no later than 23.00 hours.

- **Use of Outside Area** – Consider the maximum number of people permitted to use an outside area at the same time.
- **Number of Smokers** – Consider the number of smokers permitted outside the premises at any one time. Where there is a ‘no entry policy’ in place then further smokers should be advised that if they leave to smoke then they may not be permitted to re-enter.
- **Taking Drinks Outside** – Subject to other objectives, there may be a case to restrict patrons from taking their drinks outside when they go outside to smoke. This would need to be considered with a ‘drinksafe’ location.
- **Restrict Movement of Patrons Outside** – Consider restricting the free movement of patrons outside the premises in order to keep them away from any noise sensitive premises.
- **Last Admissions** – Consider the introduction of a last admissions policy.
- **Reducing the Volume** – Consider turning the music down for the last 30 minutes before closing times, so as to reduce the levels of excitement as patrons leave the premises.
- **Notices** – Consider displaying notices asking patrons to leave quietly and to respect neighbours.
- **Free Lollipops** – Consider handing out free lollipops to patrons as they leave in order to reduce volumes.
- **Transport** – Consider an arrangement with a local taxi company to arrange transport home for patrons.
- **Supervision** – The management of the patrons outside is still the responsibility of the licence holder. Consider how best this may be managed to ensure that patrons leave without causing a nuisance.

## 95 Outdoor Events

(1) There are a number of outdoor events across North Lincolnshire that add to the vibrancy of the area. It is important that such events are organised and managed so as to ensure that minimum disturbance is caused to people living and working nearby. In order to achieve this, applicants are encouraged to submit an ‘Event Management Plan’, which can be considered by the council’s Environmental Protection Team. Nuisance from outdoor events can be caused by a number of activities, including:

- Setting up rigging and de-rigging
- Vehicle movements on and around the site
- Patrons congregating and dispersing
- Music and entertainment
- Fireworks and special effects
- Smoke
- Odour from concessions or open food preparations
- Lighting
- Operation of plant and machinery, including generators
- Litter



- (2) Applicants and licence holders are advised to include a section on nuisance in their Event Management Plan, setting out the measure they intend to take to mitigate any nuisance that is likely to be caused.
- (3) The type of information that applicants should include in their Event Management Plan, includes the following:
  - Location and site plan
  - Date and hours of operation
  - Information of the type of event
  - Orientation of any stage(s), marquees or potential sources of noise
  - Plans for access to and from the site
  - Location and operation of plant and vehicles
  - Background noise survey
  - Details of stage management, including the name of persons responsible for liaising with the council, management of sound systems etc.
  - Details of noise control measures, including sound limiting technology, maximum noise/bass levels, equipment to be used etc.
  - Location of light sources and light impact assessments
  - Details of information provided to neighbours of the event

## **96 Other Issues**

- (1) This policy aims to outline the Council's commitment to preventing public nuisance. We realise that this document cannot cover all possible eventualities. Therefore, if there is a cause for concern about preventing public nuisance that the policy does not cover, the Council may attach conditions if it feels they are necessary and where there is reasonable cause. Such a condition may be attached following a relevant representation.

## **97 Other Consents and Authorisations**

- (1) Applicants and licensees should be aware that in addition to the need for a premises licence or CPC, a range of other consents or authorisations may be required to provide smoking shelters, barriers or A boards and tables and chairs on the highway. Further information is available from the licensing team.

## Section 8

### The Licensing Objectives The Protection of Children from Harm

#### 98 Introduction

- (1) Further to **paragraph 3** of this policy, there are four licensing objectives, which are:
  - The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children From Harm
- (2) Each of the Licensing Objectives are equal in importance. This section focuses on the fourth objective, the Protection of Children from Harm and details the Council's commitment to ensure that children are protected in licensed premises.
- (3) The protection of children from harm objective includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example adult entertainment or films). We must also consider the need to protect children from sexual exploitation. **A child is any person under 18 years of age.**
- (4) Relevant issues for an applicant or premises licence holder might include:
  - Preventing access to alcohol and other age restricted items
  - Removing encouragement for children to consume alcohol
  - Preventing exposure to gaming
  - Preventing exposure to adult entertainment
- (5) While there is no statutory need for a risk assessment, applicants may find it useful to complete a risk assessment, which they can base their operating schedule on. A copy of this assessment should be submitted with the application.
- (6) Attaching conditions to a licence will be considered on an individual basis. Each premises will present different potential issues depending on size, location, layout and the activities taking place.
- (7) Where the discretion of the Licensing Authority is engaged following a relevant representation, the Licensing Authority will consider attaching conditions to licences to ensure the protection of children from harm that are deemed appropriate.

## **99 Mandatory Conditions (General)**

- (1) There are a number of conditions attached to licences by the government. These mandatory conditions are attached as appropriate depending on the activity provided. The conditions will still apply even where a licence has been issued without them on the document itself.

## **100 Mandatory Conditions (Exhibition of Films)**

- (1) The following condition will apply to any premises where the licence incorporates the exhibition of films as a licensable activity:
  - Requirement of Film Classification – The admission of children to films should be restricted in accordance with the film classification as set by the British Board of Film Classification (BBFC) or by the Licensing Authority.
- (2) The correct wording for the condition is available in the appropriate legislation.

## **101 Mandatory Conditions (All Premises Licensed for the Supply of Alcohol)**

- (1) The following condition will apply to all relevant premises licences and club premises certificates which authorise the supply of alcohol:
  - Age Verification Policy – The premises licence holder or club premises certificate holder must ensure that an age verification policy has been adopted and that the designated premises supervisor at the premises supplies alcohol in accordance with the policy. The requirement is that a responsible person must be satisfied that a person looks to be older than 18 or such older age as specified in their policy.
- (2) The correct wording for the condition is available in the appropriate legislation.

## **102 Age Verification Policies**

- (1) Our Trading Standards Team are the Responsible Authority, who will consider each application. In conjunction with Trading Standards, we would recommend the following:
  - That premises adopt a “Challenge 25” proof of age policy.
  - That the “Challenge 25” Policy be in writing at the premises, and that it is available for inspection by an authorised officer, a trading standards officer or an officer employed by Humberside police.
  - That the documentation accepted by staff are a valid passport, DVLA driving licence or a PASS accredited card.

- That “Challenge 25” notices are displayed informing customers and staff that sales of alcohol will not be made to anyone appearing to be under 25 unless they can prove they are 18 or over.
  - That staff check the ID of customers if they are in doubt, even where the persons ID might have previously been checked at the point of entry.
  - That all staff involved in the sale of alcohol are trained in the age verification policy and that records of the training be maintained at the premises, which shall be available for inspection at all times by an authorised officer, a Trading Standards Officer or an officer employed by Humberside Police.
  - That an incident log shall be maintained and all details of refusals recorded. The incident log should be reviewed on a monthly basis by the DPS and any actions taken recorded in the book and signed off by the DPS. The log shall be retained on the premises and made available for inspection by an authorised officer, a Trading Standards Officer or an officer employed by Humberside Police.
  - That where CCTV is installed, it shall be so positioned as to capture the sale of alcohol.
  - Where the premises is located within a CIZ that a personal licence holder be on duty at the premises while alcohol is being supplied.
  - Where an electronic point of sale (EPOS) is installed at the premises, it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. This prompt should require the operator to confirm the purchaser is over 18 years of age before the next item can be scanned or the transaction completed.
  - That the premises licence holder and DPS shall ensure that alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods that are likely to be purchased by person under 18 years of age
- (2) It is recognised that on occasions some underage sales are made through intimidation or fear. Where licensees are experiencing such problems there is an expectation that the licensee will have contacted the Licensing Authority, Trading Standards or the Police to discuss their concerns.
- (10) Where a person presents ID belonging to another person, we would expect the premises licence holder, DPS or their representative to confiscate the ID in accordance with current guidance. This ID may then be forwarded to the Licensing Team who will return it to the issuing authority.

### **103 Measures to be Considered (All Premises)**

- (1) Applicants and licence holders are encouraged to take a proactive approach to the protection of children from harm when submitting an application. Many issues are cross cutting with the crime and disorder and public safety objectives, detailed. However, consideration should be given to the following matters:

- **Employing Children** – There are restrictions on the type and hours that children may be employed. Applicants and licence holders should seek clarification before employing any children.
- **Access to Licensed Premises** – Applicants and premises licence holders should consider if it is appropriate to allow access to the premises, part of the premises, or access during certain hours.
- **Staff Supervision** – Where children are allowed access to the premises, applicants or the licence holder should ensure that there are sufficient staff available to ensure the safety and welfare of the children.
- **Disclosure and Barring Service (DBS)** – Applicants and licence holders should consider conducting a DBS check on employees
- **CSE and Safeguarding Training** – Applicants and licence holders should consider giving training to their staff to raise their awareness of CSE and safeguarding issues. This training is relevant to all premises, especially those that allow children in to the premises and those in a CIZ.
- **Access to gaming machines** – Applicants and licence holders should ensure that appropriate measures are in place to make sure that children are not permitted to use the machines.

#### 104 Access to Licensed Premises

- (1) The Act makes it an offence to permit children under the age of 16, who are not accompanied by an adult, to be present on a premises being used exclusively or primarily for the supply of alcohol for consumption on the premises, authorised by a premises licence, club premises certificate or a TEN. Further, it is an offence to allow children under 16 to be on other premises authorised to supply alcohol for consumption between midnight and 05.00 hours who are not accompanied by an adult.
- (2) We recognise that licences are issued to a great variety of businesses, including theatres, cinemas, restaurants, concert halls and takeaways as well as public houses and nightclubs. While we would encourage applicants to make provision for the access of children where appropriate, conditions restricting access will be considered in circumstances where:
  - Adult entertainment is provided
  - The premises is within a CIZ and is primarily used for the supply of alcohol in conjunction with regulated entertainment.
  - The premises is used exclusively or primarily for the sale of alcohol for consumption on the premises
  - There is a history of drug taking or dealing
  - The premises has a history of allowing underage drinking and sales or there have been convictions for selling to children
  - There is a significant degree of gaming at the premises

- (3) Applicants must be clear in their operating schedules about the activities they intend to provide and the times they will take place in order to determine if it is appropriate to restrict access.
- (4) Conditions will be set to reflect the licensable activities taking place. Conditions may be considered as follows:
  - Restricting or excluding children
  - Restricting or excluding children at certain times
  - Restricting or excluding children under a specified age when specified activities are taking place
  - Restricting or excluding children from parts of the premises
  - Requirements for an accompanying adult

### **105 Employing Children**

- (1) Licence holders should seek advice if they wish to employ anyone aged under 16 and in full time education. Such employment may need an appropriate licence issued by the Council's education department.

### **106 Sale of Alcohol by Persons under the Age of 18**

- (1) Premises licence holders and DPS should not allow anyone aged under 18 to sell or supply alcohol unsupervised. If someone aged under 18 years works in a licensed premises, a responsible person over 18 years of age must authorise each and every sale.

### **107 Children and Responsible Drinks Promotions**

- (1) The Portman Group operates a 'Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks' on behalf of the alcohol industry. This code of practice aims to ensure that alcohol is marketed responsibly and only to adults.
- (2) The code applies to all alcohol marketing (including naming, packaging and promotion of products, event sponsorship and point of sale material) which is primarily UK targeted and not already subject to regulation by the Advertising Standards Authority (ASA) or Ofcom.
- (3) The Code can be viewed on the Portman Group's website. Licence holders should be aware of the information in this Code and ensure that they adhere to it.

### **108 Children and Regulated Entertainment**

- (1) Where entertainment or facilities are provided specifically for children, applicants are asked to demonstrate within their application the following:
  - A policy or statement on how they will keep children safe from harm.

- How employees or contracted agencies are made aware of the policy or statement on keeping children safe from harm.
  - The recruitment process for staff who may deal with children, in order to keep children safe from harm.
  - There is a system in place to deal with possible violence or abuse of children.
  - There is a clear complaints procedure and a clear whistle-blowing procedure in place for staff who have concerns about the welfare of children.
  - That all staff are aware of how to refer any concerns about the welfare of children to the appropriate authorities.
- (2) Where a theatrical entertainment is specially presented for children, the licence holder is advised to ensure that there are sufficient staff to control access and egress of children and to protect them from harm. The following measure should be considered:
- An adult member of staff to be stationed in the vicinity of each exit from any level, subject to there being a minimum of one member of staff per 50 children or part thereof.
  - No standing permitted in any part of the auditorium during the performance
  - No child (unless accompanied by an adult) to be permitted in the front row of any balcony.

## **109 Film Classification**

- (1) Further to **paragraph 100**, films are generally classified by the BBFC. Where a film is local in origin and has not been classified by the BBFC, the Licensing Authority can set a local classification for a film.
- (2) Where it is necessary to set a local classification, we would need good notice (at least 28 days) prior to the proposed exhibition. We would need to view a full version of the film to be displayed in advance in order to set a classification.

## **110 Entertainment Involving Striptease and Nudity**

- (1) Where a premises is used for adult entertainment of this type, we will engage with the premises licence holder to check that none of the performers are under 18 years of age and that they have put all appropriate measures in place to protect children.

## **111 Child Sexual Exploitation (CSE)**

- (1) Child sexual exploitation (CSE) is the manipulation and abuse of children. A child is a person under the age of 18 and victims of CSE are coerced into having sex or engaging in sexual activities, usually in return for something.

- (2) The Licensing Authority are committed to work in partnership with partners in order to tackle and prevent the sexual exploitation of children. Where CSE is reported or intelligence gathered we will act to disrupt the activities. Should evidence be gathered in relation to CSE we will seek a review of the premises licence.

## **112 Other Issues**

- (1) This policy aims to outline the Council's commitment to protecting children. We appreciate that this document cannot cover all possible eventualities. Therefore, if there is a cause for concern about the protection of children from harm, which has not been addressed in the policy, the Council may attach conditions if it feels they are necessary and if there is reasonable cause. Such a condition may be attached following a relevant representation.



## **Section 9**

### **Other Statutory Provisions**

#### **113 Introduction**

- (1) When considering the Licensing Policy and determining applications, North Lincolnshire Council has considered other statutory requirements. These include:
  - The Human Rights Act 1998
  - The Equality Act 2010
  - Health and Safety at Work Act 1974
  - Town and Country Planning Act 1990
  - Health Act 2006
  - Gambling Act 2005
  - Private Security Industry Act 2001
  - Crime and Disorder Act 1998
  - Violent Crime Reduction Act 2006
  - Criminal Justice & Police Act 2001
  - Policing & Crime Act 2009
  - Local Government (Miscellaneous Provisions) Act 1982
- (2) In accordance with the Secretary of State's guidance, this policy will aim to avoid duplication with other statutory requirements.

#### **114 Disabled People**

- (1) We take a proactive approach to promoting access and inclusion for disabled people. We will actively encourage making licensed premises accessible to disabled people and will remind applicants and licence holders of their responsibilities under the Equality Act 2010, specifically relating to disability, the duty they have to make reasonable adjustments to the premises and their duty in delivering their service to all their customers safely.

#### **115 Health & Safety**

- (1) The Council will not usually attach conditions to a licence relating to current Health and Safety Legislation. The Council will, however take breaches of such legislation very seriously. Action could result in a review of a premises licence where a person has committed an offence under this legislation.

#### **116 Planning**

- (1) The licensing function will not be a re-run of a planning application. The issues in determining an application for a premises licence will relate to this licensing policy and the objectives set under the Act.

## **117 Transport**

- (1) The provision of transport home is an issue that the Council will consider. People need to be dispersed to reduce the risk of crime, disorder and nuisance. Where a premises allows taxi companies to advertise in their premises, they should take reasonable steps to ensure that taxis are appropriately licensed. Premises licence holders may be asked to display advertisements promoting safe transport.

## **118 Gaming Machines**

- (1) Although not a licensable activity under the Licensing Act 2003, where premises wish to provide such machines, they must hold the appropriate permit or have provided the Licensing Authority with the appropriate notification.
- (2) Premises that have two or less machines must notify the Licensing Authority that they intend to use the machines along with the appropriate fee, while premises using three or more require a licensed premises gaming machine permit.
- (3) All machines should be sited in view of the bar. The DPS should ensure that the machines are not played by anyone aged under 18 years.
- (4) Applications for the machines may be posted, along with the fee, to the Licensing Team at North Lincolnshire Council.

## **119 Hypnotism**

- (1) No exhibition, demonstration or performance of hypnotism, as defined in Section 6 of the Hypnotism Act 1952, shall be given on any person on a licensed premises except with the written consent of the Council and in accordance with any conditions attached to such consent.
- (2) The hypnotist is responsible for registering with us, however the DPS or responsible person should check that this has been done. We should have not less than 28 days notice before the intended date of the exhibition, demonstration or performance.

## **120 Adult Entertainment (Sex Establishments Licence)**

- (1) North Lincolnshire Council has adopted schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) in order to regulate sex shops, sex cinemas and sexual entertainment venues in the area.

- (2) North Lincolnshire Council recognises that Parliament has made it lawful to operate sex establishments and as such these businesses are a legitimate part of the retail and leisure industry.
- (3) An application for a Sex Establishment Licence should be made to the Licensing Authority.
- (4) We would advise that no entertainment is allowed on licensed premises which is considered licentious, indecent, obscene, profane, improper or of a suggestive nature, which may cause a breach of the peace. Following a relevant representation we may attach a condition to restrict this type of entertainment.
- (5) Where entertainment consists of striptease, lap dancing, pole dancing, nude or semi-nude performances by either sex which involves exposure of intimate parts of the body or any performance, exhibition or display of a similar nature, the DPS or responsible person should carry out a risk assessment prior to the event. This risk assessment should focus on the protection of children from harm and the safety of the performer.
- (6) Where such activities are a cause for concern, we may attach a condition to the licence to restrict the type of entertainment allowed. Such a condition may be attached following a relevant representation.

## **121 Smoking**

- (1) Smoking is not permitted in those parts of the premises which are substantially enclosed in accordance with the Health Act 2006. Further guidance on smoking related issues can be obtained from the Licensing Team.
- (2) Where a smoking shelter is provided by a premises we would recommend that the DPS or Responsible person advise their patrons to have consideration to the neighbours, so as not to cause a nuisance.
- (3) We would suggest that premises who allow their patrons to smoke on the public highway take responsibility to clear away any smoking related litter and provide an Ash Bin where possible.

## **122 Information Sharing**

- (1) Subject to the provisions in the Data Protection Act 1998 and the Freedom of Information Act 2000, we will share information with key partners in order to reduce alcohol fuelled crime and disorder.
- (2) In addition to the provisions in the Data Protection Act 1998, we may also share information with our partners under section 115 of the Crime and Disorder Act 1998. We will only do so where there is a need for the detection or prevention of crime and disorder.

## Section 10

### Enforcement

#### 123 Introduction

- (1) This section of the Licensing Policy details the Council's commitment to enforcing the provisions contained within the Licensing Act 2003. The Council has signed up to the Enforcement Concordat.
- (2) It also highlights the Council's commitment to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.
- (3) The Licensing Act 2003 details a number of offences. Many of these relate to the supply and sale of alcohol to children. It is an offence to sell or supply alcohol to anyone aged under 18 years. Council Licensing Officers will work closely with Humberside Police and Trading Standards Officers on these issues.
- (4) Section 186 of the Licensing Act 2003 allows any proceedings for an offence to be brought by the Crown Prosecution Service or by the Licensing Authority. In addition Trading Standards Officers can prosecute certain offences.
- (5) The Licensing Team also aims to work closely with other enforcement authorities when dealing with licensed premises, especially concerning health and safety and noise/nuisance.
- (6) The Licensing Act 2003 also provides the police with powers to close premises, where there are problems with crime & disorder. Any such closure requested by the police must not be for more than 24 hours.
- (7) It is an offence to carry on or attempt to carry on a licensable activity without the authorisation provided by a premises licence, a club premises certificate or a temporary event notice. It is also an offence knowingly to allow such an activity to carry on.
- (8) Such offences cover premises that are licensed for one activity but not for another. For example: premises are licensed to sell alcohol, but not to provide regulated entertainment. If entertainment is held on the premises, then they would be carrying on a licensable function other than in accordance with the licence issued by the Council and the conditions attached to such a licence.
- (9) The Council has adopted the Concordat relating to enforcement. In dealing with enforcement issues, the Council will act in a fair and consistent manner and will treat all cases and people with consideration and empathy. There is a directorate enforcement policy

and a Business Compliance and Support Policy that sit alongside the policies from the Licensing Team.

#### **124 Complaints**

- (1) We will investigate all complaints about licensed premises, subject to completing a risk assessment of the complaint. Complainants will firstly be encouraged to raise the complaint with the licensee or business concerned. Failing this, the Council will then arrange a mediation meeting to try to resolve any issues.
- (2) This process will not override the right of any interested party to ask that the Licensing Sub Committee consider any valid objections and have the licence reviewed. A licence holder and/or DPS may decline an invitation to such a mediation meeting.

#### **125 Notices and Prosecutions**

- (1) There are a number of enforcement bodies within North Lincolnshire, which might serve a Notice or prosecute a premises licence holder or DPS, etc. In order that we can take all such matters into consideration where deemed relevant, such enforcement bodies should disclose to the Licensing Team when a Notice has been served or when a person has been convicted of an offence.

#### **126 Test Purchasing**

- (1) We will work very closely with the Police and Trading Standards to arrange test purchases for underage sales. Such test purchases will be made paying due regard to the Trading Standards Institutes Code of Practice.

#### **127 Enforcement Protocols**

- (1) We will work very closely with other enforcement agencies. We will develop enforcement protocols during the period of this policy. The protocols will be referred to the Licensing Committee for approval.

## Glossary of Terms

“we”	- means North Lincolnshire Council
“ASA”	- means Advertising Standards Authority
“Authorised Officer”	- means an Officer employed by North Lincolnshire Council authorised under the Licensing Act 2003
“BBFC”	- means British Board of Film Classification
“BS”	- means British Standards
“CIP”	- means the Cumulative Impact Policy
“CIZ”	- means the area covered under the Cumulative Impact Policy
“Consent of the Council”	- means written consent or approval by the Council
“Container”	- means either a glass or plastic vessel in which alcohol/other beverages are either sold or supplied (Bottle, Pint/Half Pint Glass)
“Council”	- means North Lincolnshire Council
“CPC”	- means Club Premises Certificate needed to authorise the supply of alcohol to a member of a club
“CSE”	- means Child Sexual Exploitation
“Cumulative Impact”	- means a concentration of a type of licensable premises in one area which results in a breach of the licensing objectives
“Delegation”	- means what Officers are authorised to do
“DBS”	- means the Disclosure and Barring Service
“DPS”	- means Designated Premises Supervisor
“employee of Humberside Police”	- means a Police Constable or a civilian employee of Humberside Police who works in the Licensing Team
“EMRO”	- means Early Morning Alcohol Restriction Order that may be applied to an area within North Lincolnshire to restrict the time when alcohol may be sold or supplied
“EPOS”	- means Electronic Point of Sale
“ESAG”	- means the Event Safety Advisory Group who consider and advise on the safety of events
“Licensed Premises”	- means the building and land to which the public have access, which is licensed to hold a licensable activity as defined in the Licensing Act 2003
“Licensing Committee”	- means a group of between 9 and 15 members of North Lincolnshire Council who will deal with Cumulative Impact and Policy Issues
“Licensing Sub-Committee”	- means a group of 3 members of North Lincolnshire Council who will deal with Licence Applications where there is a representation and reviews of licences
“Magistrates' Court”	- means Grimsby Magistrates' Court
“PASS”	- means Proof of Age Standard Scheme, a nationally recognised proof of age scheme
“Personal Details”	- means any details provided by an individual (not a business) about themselves, including their address, telephone number, email address
“Pre-application Advice	- means a service provided by the Licensing Team to

Service”	help applicants fill in their application forms
“Pugilistic Sports”	- means a sport where the use of the fists is included
“SEV”	- means a Sexual Entertainment Venue licensed under the Local Government (Miscellaneous) Provisions Act 1982
“SIA”	- means the Security Industry Authority, the body responsible for Licensing Door Supervisors
“Statutory Provisions”	- means laws passed by Parliament
“the Act”	- means the Licensing Act 2003
“TEN”	- means Temporary Event Notice which is a temporary licensable activity for up to 499 people
“the Levy”	- means a Late Night Levy that can be applied to premises selling or supplying alcohol late at night in to the early hours of the morning
“trace”	- means that a person has convictions which have been provided on their Disclosure and Barring Service Check
“vicinity”	- means the area surrounding the premises. This area will differ depending on the size and type of the licensable activity taking place