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NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

1 July 2021

Chairman: Councillor Keith Vickers **Venue:** Conference Room,
Church Square House

Time: 10.00 am **E-Mail Address:**
Matthew.nundy@nirthlincs.gov.uk

AGENDA

1. Substitutions
2. Declarations of disclosable pecuniary interests and personal or personal and prejudicial interests, and significant contact with applicants, objectors or third parties (lobbying), if any.
3. To take the minutes of the meeting of this committee held on 10 September 2021, and the special meeting held on 7 April 2021 as a correct record and authorise the Chairman to sign. (Pages 1 - 8)
4. Sub-Committee Proceedings - To receive and where necessary confirm the minutes of the meeting of the following sub-committees-
 - (a) Licensing (Activities) Sub-Committee held on 7 January, 19 January and 15 June 2021. (Pages 9 - 18)
 - (b) Licensing (Miscellaneous) Sub-Committee held on 3 December 2020, 14 January 2021 and 4 March 2021. (Pages 19 - 30)
5. To note the scheduled dates and times of the Licensing Committee as follows:

Thursday 1 July 2021, commencing at 10:00 am
Thursday 23 September 2021, commencing at 10:00 am
Thursday 4 November 2021, commencing at 10:00 am
Thursday 20 January 2022, commencing at 10:00 am
Thursday 17 March 2022, commencing at 10:00 am
6. To note the scheduled dates and times of the Licensing (Miscellaneous) Sub-Committee as follows:

Thursday 24 June 2021, commencing at 10:00 am
Thursday 9 September 2021, commencing at 10:00 am
Thursday 14 September 2021, commencing at 10:00 am
Thursday 11 November 2021, commencing at 10:00 am
Thursday 13 January 2022, commencing at 10:00 am

Thursday 3 February 2022, commencing at 10:00 am

Thursday 3 March 2022, commencing at 10:00 am

Thursday 28 April 2022, commencing at 10:00 am

7. To appoint a Licensing (Miscellaneous) Sub-Committee comprising five members of the Licensing Committee (three Conservative and two Labour members) Councillors K Vickers (Chairman), P Vickers (Vice-Chairman), Clark, Ellerby and Rayner.
8. To appoint a Licensing (Activities) Sub-Committee comprising three members (politically balanced) drawn from the 15 members of the Licensing Committee. (Membership of the sub-committee to deal with individual cases to be appointed as required from eligible members).
9. Licensing Act 2003 - Review of Licensing Policy (Pages 31 - 104)
10. Gambling Act 2005 - Review of the Statement of Principles (Pages 105 - 162)
11. Appeals Submitted to the Magistrates Court (if any).
12. Any other items which the Chairman decides are urgent by reason of special circumstances which must be specified.

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

10 September 2020

PRESENT: - Councillor K Vickers in the chair.

Councillors P Vickers (Vice-Chairman) Clark, Ellerby, Rayner, Swift and Wells.

Councillors Hannigan and C Sherwood attended the meeting in accordance with Procedure Rule 1.37(b).

The committee was held virtually via Microsoft Teams.

- 1712 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS, PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING)** – There were no declarations of Disclosable Pecuniary Interests, Personal or Personal and Prejudicial interest.

No lobbying was declared.

- 1713 **MINUTES - Resolved** - That the minutes of the proceedings of this committee held on 4 June 2020, having been printed and circulated amongst the members, be taken as read and correctly recorded and signed by the chairman.
- 1714 **SUB-COMMITTEE PROCEEDINGS - Resolved** - That the minutes of the meetings of the Licensing (Activities) Sub-Committee held on 9 July, 28 July and 27 August 2020 be received.
- 1715 **LICENSING FEES AND CHARGES** – Further to minutes 1675 and 1698, the Director: Operations informed the committee that following successful mediation with representatives of the petition signatories, the petition had been withdrawn.

Resolved – That it be noted the petition had been withdrawn.

- 1716 **STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS** – The Director: Operations informed the committee that the Statutory Taxi and Private Hire Vehicle Standards were issued by the Secretary of State for Transport on 21 July 2020 under section 177 of the Policing and Crime Act 2017. This followed consultation with national bodies. A copy of the guidance was attached as Appendix A to the report.

The committee was informed that Section 177 permitted the Secretary of State to publish guidance for the licensing function to protect children and vulnerable adults. Licensing authorities must have regard to any guidance issued under this section.

“Having regard” meant to have rigorous consideration of the guidance with an open mind, with a weight proportionate in the circumstances, when formulating a policy (paras 2.6-7).

LICENSING COMMITTEE

10 September 2020

The Standards contained a set of expected minimum standards in administering the licensing function and determining applicant fitness and propriety that licensing authorities were expected to follow unless there was a compelling local reason not to (para 1.3)

North Lincolnshire Council already maintained many of these standards through the Taxi Licensing Policy, adopted guidance and more broadly through internal safeguarding and whistleblowing policies. The document contained several additional standards that would further improve public safety.

It was expected that drivers were required to register with the online Disclosure and Barring Service (DBS) Update Service to allow an online check to be made every six months. Where a driver was not registered, they should still be subject to a DBS check every six months (para 6.2)

Where a licensed driver was convicted of an offence during the term of their licence and it had not been notified to the council, there was up to a three-year gap in which the licence holder may continue to operate without the council's knowledge (para 3.6). A more frequent Update Service check would indicate whether there had been a change to their certificate. A registration costs £13 per year and was likely to be borne by the licence holder.

The Disclosure and Barring Service provide a system to allow multiple Update Service checks to be made simultaneously to minimise any potential burden on the service.

Vehicle dispatchers working for private hire operators had direct contact to the public, a position which may be exploited by those seeking to exploit vulnerable people. Private hire operators should be required, by way of condition, to keep a register of all staff who take bookings or dispatch vehicles and ensure the operator had recorded sight of a basic DBS certificate from them (paras 8.7-9).

While applications must still be considered on their own merits, Annex A to the report contained an assessment of previous convictions and the expected minimum post-sentence term an individual should complete before a renewal or grant of a licence was considered. These terms mirror and further support those already contained within the adopted document 'guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'.

Other measures also included liaison with neighbouring local authorities regarding policy changes, details regarding Common Law Police Disclosure, the requirement for drivers to evidence both oral and written English, and recommendations for a robust complaints procedure, and the consideration regarding the use of CCTV.

Following the Director's verbal presentation, the Chairman facilitated a discussion amongst the committee on the statutory taxi and private hire standards.

Resolved – That the guidance be adopted in accordance with Option 1 of the report.

LICENSING COMMITTEE
10 September 2020

1717 **BUSINESS AND PLANNING ACT** – The Director: Operations informed the committee that the Business and Planning Act 2020 was presented to Parliament on 25 June 2020 and was due to progress through all stages very quickly.

The Act contained changes to legislation which had a direct impact on the Licensing Authority.

The first of the changes was that all premises where the sale of alcohol was currently authorised for the consumption on the premises would be automatically given the authority for customers to consume alcohol off the premises. This would change the licences for 99 premises. The extension of off-sales would be time limited and would expire on 30 September 2021 at the latest.

In addition to allowing all premises to have off-sales the government had extended the summary review process. Where a premises licence had been authorised for off-sales by this legislation, a responsible authority as named in the Licensing Act 2003 may submit an application to review the premises for one or more grounds under the licensing objectives.

Where an application for a summary review had been submitted, there would be the usual requirement to hold an interim hearing within 48 hours and then a full hearing following 28 days of consultation.

The second provision introduced in the Act was the “Pavement Licence”. The Pavement Licence sat alongside provisions contained in the Highways Act 1980 which were authorised to licence tables and chairs on the highway. Where the authorisation under the Highways Act had a 28 day consultation period the new Pavement Licence had a 7 day consultation period and a 7 day determination period.

If the Council failed to deal with the applications in a timely manner then the licence would be deemed granted for a period of a year or up to 30 September 2021 depending which was the sooner. The delegation of this activity had been set the same as the Highway Authorisations.

Prior to the introduction of this legislation, planning had commenced through the Nitesafe Partnership to consider the consultation process required to make sure authorisations were safe. This planning was based on the legislation already available but could now be used for both the Highways Authorisations and the new Pavement Licences. The key partners involved, who would be consulted included:

- Humberside Police
- Humberside Fire and Rescue
- Highways (Maintenance and Networks)
- Safer Neighbourhoods
- Public Health
- Environmental Health and Housing (Pollution Team)
- Planning (Development Control and Enforcement)

LICENSING COMMITTEE
10 September 2020

- Food and Safety (Health and Safety and Infection Control)

The fee for a Pavement Licence had been set at £95. Licences could be issued for a maximum of a year or for a lesser period with a minimum period being 3 months. It was proposed that the decision regarding the length of licence and conditions set be determined by the Authorised Officer.

As this was a new licence type, a new application form and process was being developed and would be set up within a matter of days so that it was ready for use. In addition, businesses had been contacted to provide them with the relevant information.

Resolved – That the report be noted.

- 1718 **THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014** – The Director: Operations submitted a report advising the Committee of all decisions taken by Authorised Officers of the Licensing Division, in relation to licences, registrations, permits and consents, under the scheme of delegation.

The adoption of the Openness of Local Government Bodies Regulations in August 2014 changed the requirements placed on local authorities in regard to reporting decisions taken under delegated authority by officers.

Prior to the new regulations, officers were required only to produce a report on decisions taken under authority delegated to them under the Executive powers.

The requirement had now been extended to all decisions, whether made by an officer or on behalf of another committee/sub-committee or joint committee, in which the Council participated. This applied where the decision had been delegated to an officer, either under a specific delegation or under a general authorisation.

A summary of all decisions made by officers for licences, registrations, permits and consents issued between 13 May 2020 to 27 August 2020 was made available on the council's website, and distributed to members prior to the meeting.

Resolved – That the report be noted.

- 1719 **APPEALS SUBMITTED TO THE MAGISTRATES COURT** – The Director: Governance and Partnerships informed the sub-committee of three outstanding appeals that were waiting to be listed before the Magistrates Court for determination.

Resolved – That the position be noted.

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NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

7 April 2021

PRESENT: - Councillor K Vickers (Chairman).

Councillors P Vickers (Vice-Chair), M Ali, R Allcock, P Clark, T Ellerby, R Hannigan, T Mitchell, H Rayner, H Rowson, S Swift, D Wells, M Armiger, D Southern and Wilson.

This was a Microsoft Teams Virtual Meeting.

1742 **SUBSTITUTIONS** - Councillor M Armiger substituted for Councillor C Sherwood; Councillor D Southern substituted for Councillor S Armitage and Councillor S Wilson substituted for Councillor A Davison.

1743 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** - Councillor M Ali declared a personal interest as a personal licence holder.

1744 **APPLICATION FOR THE GRANT OF A ZOO LICENCE AT SHEPHERDS' PLACE, AKEFERRY ROAD, GRAIZELOUND, HAXEY, NORTH LINCOLNSHIRE** - The Director: Operations submitted a report that informed the committee of an application for a Zoo Licence at Shepherds' Place Farm, Akeferry Road, Graizelound.

The committee was informed that before granting or refusing a licence for a Zoo, local authorities were required, by section 4 of the Zoo Licensing Act 1981, to consider an inspector's report in reaching a decision on a new licence application.

Where the inspection was prior to a new licence application, section 9A(7) required the inspector to be nominated by The Secretary of State from her list of inspectors.

In accordance with the provisions of the Zoo Licensing Act 1981 and the council's scheme of delegation, applications for a Zoo Licence where a recommendation to refuse the Licence had been received by The Secretary of States allocated Zoo Inspector, needed to be determined by the Licensing Committee.

On 12 November 2020 an application was received by Mr Keith Phillips for a Zoo Licence, which was attached at Appendix A of the report.

Prior to an inspection the applicant must fill out a pre-inspection form which was then submitted to the nominated Zoo Vet Inspector, which was attached

LICENSING COMMITTEE
7 April 2021

at Appendix B to the report.

On 24 February 2021 an inspection was carried out by an authorised officer for North Lincolnshire Council and by the nominated Vet Inspector.

The inspector must produce a report following the inspection. The report was attached at Appendix C to the report.

In the report, the inspector stated that the zoo falls so far short that in their opinion it was unlikely to meet the requirements and so cannot recommend a Zoo Licence and recommended refusal.

The Secretary of State would not normally expect a licence to be refused in a situation where adequate standards were not met but where there were reasonable prospects that improvements would take place.

The inspection report took into account the health, safety or welfare of the animals and visitors to the zoo. Consideration was also given to the conservation status of the animals as well as how hazardous they were.

The Director in his report reminded the sub-committee that the options available to it under the Zoo Licensing Act 1981 when considering such applications were:

- To grant the licence
- To refuse the licence.

The Director: Governance and Partnerships informed the committee that the applicant had not responded to invitations to attend the hearing. However, the Secretary of States Nominated Inspector was in attendance and addressed the sub-committee and responded to questions.

Following the summary of the case, the meeting was adjourned for deliberation by members.

Resolved - The Licensing Committee carefully listened to the verbal representation made by the Secretary of States Nominated Inspector and read the substantial documentation contained within the agenda bundle, which included the application and supporting documents submitted by the applicant, the pre inspection audit and the inspection report prepared by the Secretary of States Nominated Inspector.

The Licensing Committee was informed by the council's Senior Democratic Services Officer that prior to the hearing email communication, a letter and electronic invitation to the hearing had been sent to the applicant. However, no communication or acceptance had been received from the applicant prior to the hearing and it was confirmed that the applicant was not present at the virtual meeting. Therefore, due to the determination date of the application already being extended to the 14 April 2021, the Licensing Committee agreed to hear the application without the applicant being in attendance at the

LICENSING COMMITTEE
7 April 2021

hearing.

The submission made by the Secretary of States Nominated Inspector emphasised that upon inspection of the premises the applicant was unlikely to be able to comply with any of the conservation measures set out in section 1A of the Zoo Licensing Act 1981. The Secretary of States Nominated Inspector also made submissions that the applicant had provided no assurance, plans or evidence that should the application be granted they would :

1. participate in one of following:
 - a) undertake research from which conservation benefits accrue to species of wild animals;
 - b) provide future training in relevant conservation skills;
 - c) exchange information relating to conservation of species of wild animals;
 - d) (where applicable) breed wild animals in captivity; or
 - e) (where possible) the repopulation of an area with, or the reintroduction into the wild of wild animals.
2. promote public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species if wild animals kept in the zoo and their natural habitats;
3. accommodate animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong;
4. prevent the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;
5. prevent the intrusion of pests' vermin into the premises; and
6. keeping up to date records of the zoo's collection

In addition, the Secretary of States Nominated Inspector made submissions that there were concerns with the current conditions of the premises and welfare of animals in particular:

1. that some of the existing enclosures were poor and required a lot of work to improve to ensure the animals were kept safe and could not escape as well as to prevent poaching;
2. that the paddock was over stocked;
3. the diet of the animals was poor;
4. their list of animals was not complete and missing information in relation to the deaths of animals including no details of post-mortems; and

LICENSING COMMITTEE
7 April 2021

5. that a vet had only visited once and provided a list of actions that the applicant needed to undertake to ensure the welfare of the animals.

The Secretary of States Nominated Inspector made strong recommendations that the application be refused on the basis that -

- the applicant was not likely to be able to comply with the conservation conditions set out in section 1A of the Zoo Licensing Act 1981;
- the premises do not and are not likely to meet the standards required in accordance with the Secretary of States Standards of Modern Zoo Practice and,
- that there was a serious concern for the safety and welfare of the public and the animals.

After considering the information presented at the hearing and taking into account the requirements of section 4 of the Zoo Licensing Act 1981 and the Department for Environment, Food and Rural Affairs (Defra) Guide to the acts provisions, the Licensing Committee had serious concerns that the applicant -

- did not understand the requirements and standards of running a Zoo;
- did not have the ability to look after the welfare of the animals,
- did not provide any confidence that he would implement measures to meet the requirements and standards of running a Zoo.

Therefore, the Licensing Committee unanimously agreed that the application be refused in accordance with section 4(2A) of the Zoo Licensing Act 1981, as the Licensing Committee were not satisfied that:

1. the conservation measures referred to in section 1A of the Act will be implemented in a satisfactory manner at the zoo; and
2. that the standards of accommodation, staffing or management are adequate for the proper care of the animals.

1745 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED -**
There were no urgent items for consideration at the meeting.

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

7 January 2021

PRESENT: - Councillors T Ellerby, K Vickers and D Wells

This was a Microsoft Teams Virtual Online Meeting.

1726 **APPOINTMENT OF CHAIRMAN - Resolved** - That Councillor K Vickers be and he is hereby appointed chairman for the meeting.

1727 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS, PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** - There were no declarations of Disclosable Pecuniary Interests, Personal or Personal and Prejudicial interest.

No lobbying was declared.

1728 **LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE, OSCARS BAR, GILLIATT STREET, SCUNTHORPE** - The Director: Operations submitted a report advising members of an application for the grant of a premises licence at the Oscars Bar, Gilliatt Street, Scunthorpe.

Details of the application were outlined in the report, together with the application for the grant of a premises licence and representations received from the council's Health and Safety department, the Licensing Authority, Humberside Police and two Interested Persons.

The Director in his report reminded the sub-committee that the options available to it under the Licensing Act 2003 when considering such applications were:

- To refuse to grant the licence.
- To grant the licence with additional conditions
- To grant the licence without additional conditions
- To grant the licence but restrict the licensable activities
- To grant the licence with restricted times

The Director: Governance and Partnerships informed the meeting that the representative from the council's Licensing Authority was unable to attend the hearing and respectfully requested that the hearing be adjourned to a new date and time.

The Chairman consulted the sub-committee members.

Resolved – That the hearing be adjourned and reconvened on Tuesday 19

LICENSING (ACTIVITIES) SUB-COMMITTEE
7 January 2021

January 2021 commencing at 10:00 am.

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NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

19 January 2021

PRESENT: - Councillors K Vickers (Chairman).

Councillors T Ellerby and D Wells

This was a Microsoft Teams Virtual Online Meeting.

1735 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS, PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** - There were no declarations of personal or personal and prejudicial interests. No lobbying was declared.

1736 **LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE, OSCARS BAR, GILLIATT STREET, SCUNTHORPE** - Further to Minute 1728, the Director: Operations submitted a report advising members of an application for the grant of a premises licence at the Oscars Bar, Gilliatt Street, Scunthorpe.

Details of the application were outlined in the report, together with the application for the grant of a premises licence and representations received from the council's Health and Safety department, the Licensing Authority, Humberside Police and two Interested Persons.

The Director in his report reminded the sub-committee that the options available to it under the Licensing Act 2003 when considering such applications were:

- To refuse to grant the licence.
- To grant the licence with additional conditions.
- To grant the licence without additional conditions.
- To grant the licence but restrict the licensable activities.
- To grant the licence with restricted times

The applicant, a representative from the council's Health and Safety department and Licensing Authority, a representative of Humberside Police and two Interested Persons addressed the sub-committee and responded to questions.

Following the summary of the case, the meeting was adjourned for deliberation by members and then reconvened when the decision of the sub-committee was stated as follows: -

Resolved – That the Licensing (Activities) Sub-Committee carefully considered all the information contained in the agenda bundle, as well as the

LICENSING (ACTIVITIES) SUB-COMMITTEE
19 January 2021

supporting documentation submitted by the applicant with their counter notice and the further additional evidence submitted the day before the hearing. After listening to all the representations made by the applicant, all responsible authorities and interested parties at the hearing and taking into account the statutory guidance under section 182 of the Licensing Act and the council's Licensing Policy, the sub-committee agreed that the application be granted subject to the following:

1. That the agreed conditions (between the applicant and Humberside Police and the Licensing Authority on behalf of the council's Health and Safety Team) for the prevention of crime and disorder, prevention of public safety, the prevention of public nuisance and protection of children from harm contained within the agenda bundle at Appendix C and Appendix D be adhered to and incorporated within the premises licence.

This was to protect all patrons and the amenities of local residents.

2. That the following conditions be adhered to and incorporated within the premises licence:
 - a. That boundary checks shall be undertaken and recorded in a logbook every hour when regulated entertainment is being provided to ensure the noise emanating from the premises is not excessive. The logbook shall be made available for inspection when requested by a Responsible Authority.
 - b. That all external windows and doors shall be kept closed when indoor regulated entertainment was being provided, except for access and egress. All exterior windows and doors shall be maintained in a good state of repair.
 - c. That from 22:00 hours a minimum of two SIA licensed door supervisors must be employed and where up to 100 persons are in attendance at the licensed premises a further SIA licenced door supervisor must be employed for each additional 100 persons or part thereof.
 - d. That the supply of alcohol at the premises will be from 11:00 hours to 03:30 hours each day of the week.

These conditions were to adhere to the prevention of public nuisance and public safety licensing objective.

These conditions would ensure that the level of noise being generated from the premises and any threat of public nuisance would be reduced to protect the amenities of nearby residents and neighbouring properties.

3. The premises licence holder shall appoint a Designated Premises Supervisor who must not be Jason Benstead or John White.

LICENSING (ACTIVITIES) SUB-COMMITTEE
19 January 2021

This is to adhere to the prevention of crime and disorder, prevention of public safety, the prevention of public nuisance and protection of children from harm licensing objectives.

After listening to the evidence submitted by the Licensing Authority on behalf of the council's Health and Safety Team, the sub-committee had serious concerns over the applicant's ability to manage the premises. Therefore, a new Designated Premises Supervisor was required to operate the premises in accordance with the Licensing Act and the council's Licensing Policy.

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NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

15 June 2021

PRESENT: - Councillors P Clark, H Rayner and P Vickers

The meeting was held at the Church Square House, Scunthorpe.

1737 **APPOINTMENT OF CHAIRMAN - Resolved** - That Councillor P Vickers be and he is hereby appointed chairman for the meeting.

1738 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS, PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** - There were no declarations of Disclosable Pecuniary Interests, Personal or Personal and Prejudicial interest. No lobbying was declared.

1739 **LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - NASZA BIDRONKA, 88-90 FRODINGHAM ROAD, SCUNTHORPE** - The Director: Operations submitted a report advising members of an application for the grant of a premises licence at Nasza Bidronka, 88-90 Frodingham Road, Scunthorpe.

Details of the application were outlined in the report, together with the application for the grant of a premises licence and representations received from the council's Trading Standards department, Humberside Police and an Interested Party.

The Director in his report reminded the sub-committee that the options available to it under the Licensing Act 2003 when considering such applications were:

- To refuse to grant the licence.
- To grant the licence with additional conditions.
- To grant the licence without additional conditions.
- To grant the licence but restrict the licensable activities.
- To grant the licence with restricted times

The applicant was not in attendance. However, representatives from Humberside Police and the council's Trading Standards department addressed the sub-committee and responded to questions.

Following the summary of the case, the meeting was adjourned for deliberation by members and then reconvened when the decision of the sub-committee was stated as follows: -

Resolved – The Licensing (Activities) Sub-Committee carefully listened to

LICENSING (ACTIVITIES) SUB-COMMITTEE
15 June 2021

the verbal representations made by Humberside Police and the council's Trading Standards department, who had both objected to the application for the grant of a premises licence at Nasza Bidronka 88-90 Frodingham Road, Scunthorpe. The Sub-Committee also read the substantial documentation contained within the agenda bundle, which included the application for a premises licence, witness statements, photographs and representations as to illegal activity taking place at the premises submitted by Humberside Police and the council's Trading Standards department respectively.

The submissions made by Humberside Police emphasised that, in their opinion, the applicant had no regard for promoting the licensing objectives, particularly the prevention of crime and disorder. This assertion was due to the proposed designated supervisor also being the sole director of the limited company that had applied for the licence, and who had overseen the premises and been present when Humberside Police had undertaken searches and seizures at the premises. The most recent search was on the 11th February 2021 where Humberside Police seized a large number of counterfeit and/or non-duty cigarettes. At the time the search was undertaken the proposed designated supervisor was found to be standing behind the counter and told the police officers that he ran the shop and leased the business. However, he was unable to provide details as to who the landlord was or what their contact details were.

Humberside Police further submitted that there was significant history of criminal activities at the premises in respect of the sale of illicit and illegal tobacco which had continued whilst the applicant and its proposed designated supervisor has been in charge of the business. Therefore, Humberside Police made strong recommendations that the application be refused as they had no confidence that should a licence be granted the applicant, or the proposed designated supervisor would promote the licensing objectives.

The Sub-Committee also listened to the verbal representation made by the representative of the council's Trading Standards department, who supported the submissions of Humberside Police and also emphasised that the applicant had, in their opinion, no regard for promoting the licensing objectives of prevention of crime and disorder and the protection of children from harm. This was demonstrated:

- a) That since the applicant and its proposed designated supervisor had overseen the premises, two allegations of underage sales of cigarettes/tobacco and sales of illicit tobacco had been made against the applicant; and
- b) By intelligence that had been included on a national database by Doncaster Council in March 2020 which stated a vehicle registered to the proposed designated supervisor was used to transport illicit tobacco in Doncaster by a person matching the description of the proposed designated supervisor.

LICENSING (ACTIVITIES) SUB-COMMITTEE
15 June 2021

Trading Standards further submitted that there was a serious concern that the activities within the premises contributed to the anti-social behaviour within the surrounding areas which was mainly residential.

The sub-committee consider the licensing objectives to be its paramount concern when considering and determining any application and gave particular weight to the submissions made by Humberside Police and Trading Standards.

Therefore, after considering the information presented at the hearing, and taking into account the statutory guidance referred to at paragraphs 9.38 and paragraph 43(1), 54(5) and 66(1) of the Council's Licensing Policy, the Sub-Committee had decided to refuse the application for a premises licence at Nasza Bidronka 88-90 Frodingham Road, Scunthorpe. There were serious concerns that the applicant and its proposed designated premises supervisor did not understand the seriousness of promoting the licensing objectives and complying with the conditions attached to a premises licence. Neither the applicant, its representatives or proposed designated supervisor were present at the hearing. Therefore, the sub-committee were not satisfied that the applicant or its proposed designated premises supervisor could provide any confidence that sufficient measures would be put in place to ensure staff members would be sufficiently trained on dealing with the sale of alcohol to underage persons or what measures would be put in place to ensure that the possession, supply and sale of illicit tobacco would not take place at the premises again.

The supply and sale of illicit tobacco and non-duty cigarettes was something that the Sub-Committee considered to be a very serious matter. The safety of the public was the Sub-Committee's primary concern therefore, the Sub-Committee do not consider that it was appropriate for the premises to be granted a licence to sell alcohol as they were not satisfied that the licensing objectives "The Prevention of Crime and Disorder", "Protection of Children from Harm" and "Public Safety" could be adhered to.

1740 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED.**
There were no urgent items for consideration at the meeting.

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NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

3 December 2020

PRESENT: - Councillor K Vickers in the Chair.

Councillors Armitage, Clark, Rayner and Wells.

The sub-committee met at Church Square House, Scunthorpe.

1720 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS, PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) –**

Member
Councillor Armitage

Nature of Interest
Personal Licence Holder

No lobbying was declared.

1721 **MINUTES – Resolved** – That the minutes of the meeting held on 5 March 2020, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1722 **EXCLUSION OF THE PUBLIC - Resolved** - That the public be excluded from the meeting for consideration of the following items (Minutes 1723 and 1724 refer) on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

1723 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – TOWN POLICE CLAUSES ACT 1847 – APPLICATION TO RENEW A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Operations submitted a report advising members of an application for the renewal of a Hackney Carriage and Private Hire Vehicle Drivers Licence to be determined by the sub-committee.

The report contained background information on the process for determining such requests, the information to be taken into account and the circumstances in which the sub-committee could revoke a licence.

The options available to the sub-committee when considering such information were:

LICENSING COMMITTEE
Licensing (Miscellaneous) Sub-Committee – 3 December 2020

- To grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.
- To grant the licence subject to additional conditions or restrictions.
- To refuse to grant the licence.

Should the sub-committee revoke the licence or impose additional terms, conditions or restrictions then the licence holder may appeal to the Magistrates Court within 21 days from the date on which they were notified of the decision.

Should the Magistrates uphold the decision of the council, the licence holder had further recourse to the Crown Court.

The procedure for dealing with such requests at meetings of the sub-committee had previously been circulated to members.

The Director: Governance and Partnerships notified the members that the licence holder had informed the Licensing Authority that their legal representative was unable to attend the hearing on this particular date and respectfully requested the item be deferred.

Resolved – That as the licence holder’s legal representative was unable to attend the hearing, the sub-committee agreed to defer consideration of this review to allow another opportunity for the licence holder and his representative to attend.

1724 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – REVIEW OF A PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Operations submitted a report advising members of a review of a Private Hire Vehicle Drivers Licence to be determined by the sub-committee.

The report contained background information on the process for determining such requests, the information to be taken into account and the circumstances in which the sub-committee could revoke a licence.

The options available to the sub-committee when considering such information were:

- To take no action.
- To warn the licence holder regarding their future conduct.
- To add additional conditions to the licence.
- To suspend the licence for a set period of time.
- To revoke the licence.

LICENSING COMMITTEE
Licensing (Miscellaneous) Sub-Committee – 3 December 2020

Should the sub-committee revoke the licence or impose additional terms, conditions or restrictions then the licence holder may appeal to the Magistrates Court within 21 days from the date on which he was notified of the decision.

Should the Magistrates uphold the decision of the council, the licence holder had further recourse to the Crown Court.

The procedure for dealing with such requests at meetings of the sub-committee had previously been circulated to members.

The Licensing Authority presented the reason for the review being considered by the sub-committee.

The licence holder attended the hearing who made submissions and responded to questions.

Resolved – That the Licensing (Miscellaneous) Sub-Committee considered all the information contained within the agenda bundle. The councillors also listened carefully to the representation made by the Licensing Authority and yourself at the hearing on 3 December 2020. The sub-committee were concerned with the recent pattern of behaviour displayed by yourself. In particular, the fact that 19 warning points had been allocated to your Private Hire Vehicle Driver’s Licence within the last two months. In addition to the existing points, the sub-committee were also concerned that you failed to declare to the Licensing Authority two speeding offences (SP30) at the time they occurred in November 2019 and May 2020. The Licensing Authority were only made aware of these offences when you applied to renew your Vehicle Licence in July 2020.

However, the members gave great consideration to the submission you made at the hearing, in particular:

1. That you had now removed all unauthorised advertising material from your private hire vehicle.
2. That you openly confessed to smoking within the vehicle and accepted the 9 penalty points which had been awarded to your Licence.
3. That you acknowledged you were yet to have paid the amount outstanding on the Fixed Penalty Notice that was issued by the Council in respect of smoking in a vehicle. However, you gave an assurance that you would, after the hearing, seek to pay the outstanding amount on the Fixed Penalty Notice as a matter of urgency, and
4. That, after the hearing, you would seek to remove the alleged illegal licence plates from your private hire vehicle and replace them with new or the original licence plates.

LICENSING COMMITTEE
Licensing (Miscellaneous) Sub-Committee – 3 December 2020

Therefore, the sub-committee agreed to allow your Private Hire Drivers Licence to continue as they considered the Licence Holder to be a fit and proper person under section 51 the Local Government (Miscellaneous Provisions) Act 1976.

However, the sub-committee did agree to impose a condition on your licence that it only be allowed to continue for a period of 12 months from the date of this decision. After the 12 months you would be able to apply for a five-year licence in accordance with the council's Taxi Licensing Policy. The 19 Warning Points would remain on your Private Hire Drivers Licence until they expired.

The sub-committee would also like to remind you that breaches of licensing conditions and traffic offences were considered seriously by the councilors. The safety of the public was the sub-committee's paramount consideration. The sub-committee expected a standard of behavior which provided a positive image of the private hire trade in North Lincolnshire and anticipated that you adhere to this as well as the council's Taxi Licensing Policy and relevant Bylaws at all times.

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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

14 January 2021

PRESENT: - Councillors K Vickers in the chair.

Councillors P Vickers (Vice-Chair), S Armitage, P Clark and H Rayner

This was a Microsoft Teams Virtual Online meeting.

1729 **SUBSTITUTIONS** - There were no substitutions at the meeting.

1730 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** - The following member declared a Personal Interest –

Member
Councillor S Armitage

Nature of Interest
Personal Licence Holder

No lobbying was declared.

1731 **EXCLUSION OF PRESS AND PUBLIC - Resolved** - That the public be excluded from the meeting for consideration of the following items (Minutes 1732, 1733 and 1734 refer) on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

1732 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – TOWN POLICE CLAUSES ACT 1847 – APPLICATION TO RENEW A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** - The Director: Operations submitted a report advising members of an application for the renewal of a Hackney Carriage and Private Hire Vehicle Drivers Licence to be determined by the sub-committee.

The report contained background information on the process for determining such requests, the information to be taken into account and the circumstances in which the sub-committee could revoke a licence.

The options available to the sub-committee when considering such information were:

- To grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
14 January 2021

- To grant the licence subject to additional conditions or restrictions.
- To refuse to grant the licence.

Should the sub-committee revoke the licence or impose additional terms, conditions or restrictions then the licence holder may appeal to the Magistrates Court within 21 days from the date on which they were notified of the decision.

Should the Magistrates uphold the decision of the council, the licence holder had further recourse to the Crown Court.

The procedure for dealing with such requests at meetings of the sub-committee had previously been circulated to members.

The licence holder and his legal representative attended the hearing, made submissions and responded to questions.

Resolved – That the Licensing (Miscellaneous) Sub-Committee considered the information presented to it and heard verbal representations from the Licence Holder and his Legal Advisor. The Sub-Committee was disappointed with the behaviour that had been displayed by the Licence Holder and would remind the Licence Holder in the strongest possible terms that he must always comply with the Licensing legislation and the Authority's Licensing Policy. The Sub-Committee expected the highest standards of conduct and behaviour and the Licence Holder was reminded of this.

After considering the mitigating factors presented today by the Licence Holder and his Legal Advisor, the Sub-Committee had, on this occasion, decided to grant the renewal of the Licence for 1 year. The Sub-Committee expected that the Licence Holder would conduct himself in a proper manner and that he would ensure he complied with all requirements of the Authority's Licensing Policy at all times".

1733 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO RENEW A PRIVATE HIRE VEHICLE DRIVERS LICENCE** - The Director: Operations submitted a report advising members of an application for the renewal of a Private Hire Vehicle Drivers Licence to be determined by the sub-committee.

The report contained background information on the process for determining such requests, the information to be taken into account and the circumstances in which the sub-committee could revoke a licence.

The options available to the sub-committee when considering such information were:

- To grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
14 January 2021

- To grant the licence subject to additional conditions or restrictions.
- To refuse to grant the licence.

Should the sub-committee revoke the licence or impose additional terms, conditions or restrictions then the licence holder may appeal to the Magistrates Court within 21 days from the date on which they were notified of the decision.

Should the Magistrates uphold the decision of the council, the licence holder had further recourse to the Crown Court.

The procedure for dealing with such requests at meetings of the sub-committee had previously been circulated to members.

The licence holder attended with a work place colleague, who made submissions and responded to questions.

Resolved – That the Licensing (Miscellaneous) Sub-Committee had considered all the information presented before it, and heard verbal representations made by the Licence Holder and his employer. The decision of the Sub-Committee was to renew the licence for a period of 1 year on this occasion as the Sub-Committee considered the Licence Holder to be a fit and proper person under section 51 of the Local Government (Miscellaneous) Provisions Act 1976. However, the points incurred under the Local Authority’s Warning Points Scheme were still applicable. The Licence Holder was also required to undertake an annual medical examination”.

1734 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO RENEW A PRIVATE HIRE VEHICLE DRIVERS LICENCE** - The Director: Operations submitted a report advising members of an application for the renewal of a Private Hire Vehicle Drivers Licence to be determined by the sub-committee.

The report contained background information on the process for determining such requests, the information to be taken into account and the circumstances in which the sub-committee could revoke a licence.

The options available to the sub-committee when considering such information were:

- To grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.
- To grant the licence subject to additional conditions or restrictions.
- To refuse to grant the licence.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
14 January 2021

Should the sub-committee revoke the licence or impose additional terms, conditions or restrictions then the licence holder may appeal to the Magistrates Court within 21 days from the date on which they were notified of the decision.

Should the Magistrates uphold the decision of the council, the licence holder had further recourse to the Crown Court.

The procedure for dealing with such requests at meetings of the sub-committee had previously been circulated to members.

The licence holder attended the hearing, who made submissions and responded to questions.

Resolved – That the Licensing (Miscellaneous) Sub-Committee had considered all the information presented before it, and listened to the verbal representations made by the Licence Holder. The decision of the Sub-Committee was to grant the licence for a period of 1 year on this occasion as the Licence Holder was considered to be a fit and proper person under section 51 the Local Government (Miscellaneous Provisions) Act 1976. However, the points incurred under the Local Authority's Warning Points Scheme were still applicable. The Sub-Committee considered speeding offences to be very serious and the safety and protection of the public was its paramount concern. Therefore, the Licence Holder was reminded of the high standard of behaviour expected to be displayed by Licence Holders within North Lincolnshire.

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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

4 March 2021

PRESENT: - Councillor K Vickers (Chairman).

Councillors P Vickers (Vice-Chair), S Armitage, P Clark and H Rayner

This was a Microsoft Teams Virtual Online meeting.

1737 **SUBSTITUTIONS** - There were no substitutions at the meeting.

1738 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** - The following member declared a Personal Interest –

Member
Councillor S Armitage

Nature of Interest
Personal Licence Holder

No lobbying was declared.

1739 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 3 DECEMBER 2020 AND 14 JANUARY 2021 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN - Resolved** – That the minutes of the meetings held on 3 December 2020 and 14 January 2021, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1740 **EXCLUSION OF PRESS AND PUBLIC** - That the public be excluded from the meeting for consideration of the following items (Minute 1741 refers) on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

1741 **REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** - The Director: Operations submitted a report advising members of a review of a Hackney Carriage and Private Hire Vehicle Drivers Licence to be determined by the sub-committee. The report contained background information on the process for determining such requests, the information to be taken into account and the circumstances in which the sub-committee could revoke a licence.

The options available to the sub-committee when considering such

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
4 March 2021

information were:

- To take no action.
- To warn the licence holder regarding their future conduct.
- To add additional conditions to the licence.
- To suspend the licence for a set period of time.
- To revoke the licence.

Should the sub-committee revoke the licence or impose additional terms, conditions or restrictions then the licence holder may appeal to the Magistrates Court within 21 days from the date on which he was notified of the decision.

Should the Magistrates uphold the decision of the council, the licence holder had further recourse to the Crown Court.

The procedure for dealing with such requests at meetings of the sub-committee had previously been circulated to members.

The Licensing Authority presented the reason for the review being considered by the sub-committee. The licence holder attended the hearing who made submissions and responded to questions.

Resolved - That after hearing the representations made by yourself, and the Licensing Authority at the hearing on the 4 March 2021, the Licensing (Miscellaneous) Sub-Committee considered the nature of the complaints made against you to be of a very serious nature and gave particular weight to the accumulation of complaints over a period of time as part of their deliberations.

The Sub-Committee were greatly concerned that three separate complaints had been made against you by members of the public over a 3-year period. The Sub-Committee was also greatly concerned to learn of your disregard for process and procedure with regards to you smoking in a public place, taking a passenger in a private hire vehicle that had not been pre-booked by the hirer and the operator and your failure, on two separate occasions to declare SP30 speeding convictions. These numerous incidents identified, in the Sub-Committees opinion, a pattern of poor behaviour towards council policy, members of the public and fellow road users. This pattern of poor behaviour raised serious concerns of your suitability to hold a hackney carriage and private hire vehicles drivers licence. The Sub-Committee were also disappointed that when questioned at the hearing about your behaviour raised in the complaints you showed no understanding as to the consequences of your actions or offered little mitigation as to why you behaved as you did.

The Sub-Committee consider the allegations made against you to be of a very serious nature and they consider the safety of the public, particularly the welfare and safeguarding of vulnerable children, to be its paramount consideration. The Sub-Committee expect a standard of behaviour which

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
4 March 2021

provides a positive image at all times of the taxi trade in North Lincolnshire.

Hackney Carriage and Private Hire Vehicle drivers are directly responsible for the safety of the public and the Licensing (Miscellaneous) Sub-Committee expect you to adhere to the requirements of the council's Taxi Licensing Policy, including the safeguarding of the public, and the conditions attached to a Hackney Carriage and Private Hire Vehicles Drivers License at all times.

After careful consideration of all the information presented at the hearing, as well as the statement you submitted with the agenda bundle and after reflecting on the content of paragraph 5.14 of the Statutory Taxi and Private Hire Vehicles Standards, the Sub-Committee unanimously agreed that they were not satisfied that you are a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous) Provisions Act 1976 to hold a Hackney Carriage and Private Hire Vehicle Drivers Licence. The councillors had little confidence that you understood the requirements of the standing of a taxi driver, therefore, in accordance with s61 (1)(b) of the Local Government (Miscellaneous) Provisions Act 1976, the Sub-Committee hereby revoke your Hackney Carriage and Private Hire Vehicles Drivers Licences.

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Report of the
Director of Operations

Meeting: 1 July 2021

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

LICENSING ACT 2003 REVIEW OF LICENSING POLICY

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform the Committee that the Licensing Policy must be reviewed in accordance with Section 5 of the Licensing Act 2003 by January 2022.
- 1.2 To ask the Committee to approve the start of the consultation.
- 1.3 Once the consultation has been carried out, the Revised Policy will be presented to the Licensing Committee for approval, prior to being presented to Full Council.

2. BACKGROUND INFORMATION

- 2.1 The Licensing Policy was initially approved by this Committee in 2004 and then reviewed at regular intervals.
- 2.2 In accordance with Section 5 of the Licensing Act 2003, there is a requirement for the policy to be reviewed every five years. The revised policy must be agreed by the Full Council in January 2022.
- 2.3 The Act stipulates that in reviewing the policy, we must consult the police, fire and rescue service, licence holders, persons representing licence holders and other businesses or persons as we deem suitable.
- 2.4 A copy of the current licensing policy is attached as Appendix A to this report.

3. OPTIONS FOR CONSIDERATION

- 3.1 The options available to the committee are limited. The council has a statutory obligation to review the policy every five years.

4. **ANALYSIS OF OPTIONS**

4.1 The review of the policy is a statutory requirement. The policy must be approved by Full Council by January 2022.

5. **FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

5.1 There are limited financial implications from this report, in that we will be required to publish the revised licensing policy.

6. **OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 Statutory Implications – Failure to review the policy in accordance with Section 5 of the Licensing Act 2003 would mean that the Council would fail to meet its legal requirement.

6.2 Diversity – A Diversity Impact Assessment will be carried out during the review of this Policy.

6.3 Section 17 (Crime and Disorder) – The prevention of Crime and Disorder is one of the four licensing objectives and will be considered in this policy.

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

7.1 As stated in paragraph 2.3 there is a statutory requirement to consult on the revised policy. Full consultation will commence following the approval of this report.

8. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 Not applicable

9. **RECOMMENDATIONS**

9.1 That the licensing policy be reviewed in accordance with statutory requirements.

9.2 That the Committee approve the start of the consultation process.

DIRECTOR OF OPERATIONS

Church Square House
Church Square
Scunthorpe
North Lincolnshire

Author: Narelle Plowright
Date: 17 June 2021

**Background Papers used in the preparation of this report –
Licensing Policy Review File and Diversity Impact Assessment**

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STATEMENT OF LICENSING POLICY

Licensing Act 2003

Revised: January 2017

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)

欲知粵語版的信息，請致電: 08000 193532 (Cantonese)

हिन्दी में जानकारी के लिये 08000 193533 पर फोन करें (Hindi)

بۆ زانیاری بە کوردی سۆزانی تەلەفۆن بۆ ژمارە 08000 193537 بەکە. (Kurdish Sorani)

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

ਪੰਜਾਬੀ ਵਿਚ ਜਾਣਕਾਰੀ ਲਈ 08000 193539 'ਤੇ ਫੋਨ ਕਰੋ (Punjabi)

"Warbixinta oo af Soomaali ah wac 08000 193540" (Somali)

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

Nie mówisz po angielsku? Po informacje zadzwoń pod numer 08000 195587 (Polish)

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For information in large print, audio, Braille or to request a signer to speak to us please contact 01724 296296

Contents

<u>Section</u>	<u>Subject</u>		<u>Page</u>
	Executive Summary	-	5
1	Introduction	-	6
2	Purpose and Scope of the Licensing Policy	-	10
3	Administration and Exercise of the Licensing Function	-	13
4	Determining Applications	-	26
5	The Licensing Objectives – Prevention of Crime & Disorder	-	33
6	The Licensing Objectives – Public Safety	-	43
7	The Licensing Objectives – Prevention of Public Nuisance	-	50
8	The Licensing Objectives – Protection of Children from Harm	-	56
9	Other Statutory Provisions	-	63
10	Enforcement	-	66
	Glossary of Terms	-	68

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.

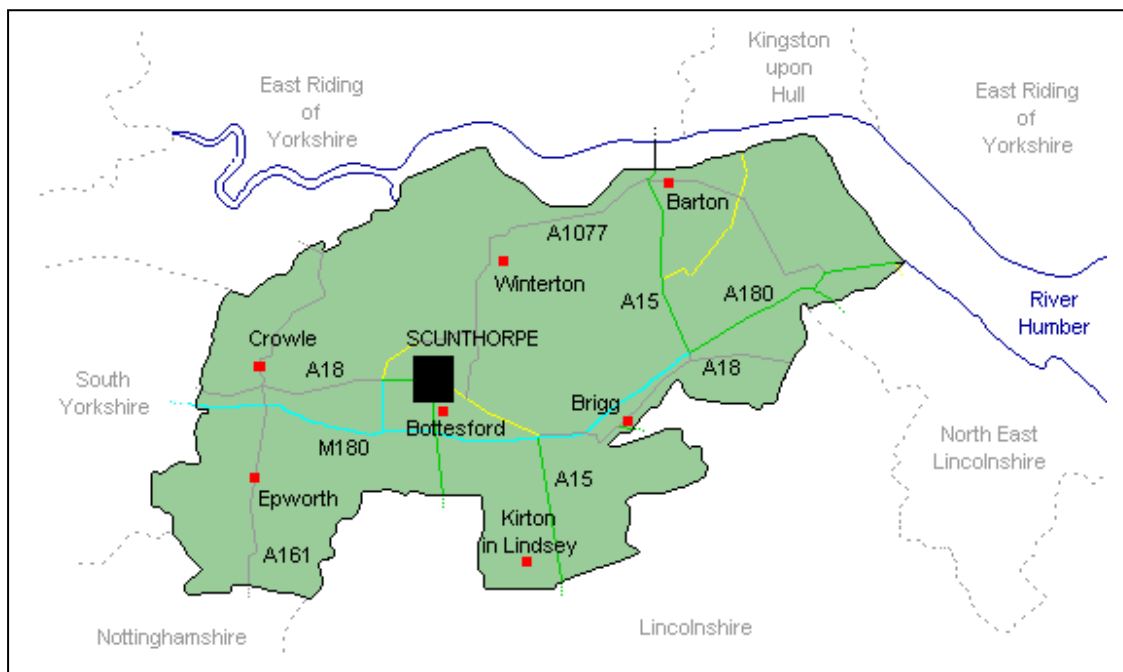
The licensing function is able to support all of the Council's Priorities in some way, although the main area is to safeguard and protect the vulnerable. The licensing function is a statutory service where businesses wishing to trade in regulated activities need an authorisation or a licence. Having 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

- (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.

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:

Matter to be dealt with	Full Committee	Sub Committee	Officers
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 Service”	- means a service provided by the Licensing Team to help applicants fill in their application forms

- “Pugilistic Sports”
- “SEV”
 - means a sport where the use of the fists is included
 - 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”
- “the Act”
 - means laws passed by Parliament
- “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

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Report of the
Director of Operations

Meeting: 1 July 2021

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

GAMBLING ACT 2005 REVIEW OF THE STATEMENT OF PRINCIPLES

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform the Committee that the Statement of Principles must be reviewed in accordance with Section 349 of the Gambling Act 2005 by January 2022.
- 1.2 To seek approval from the Licensing Committee to start the consultation process.
- 1.3 Once the consultation has been carried out, the revised Statement of Principles will be presented to the Licensing Committee for approval, prior to being presented to Full Council.

2. BACKGROUND INFORMATION

- 2.1 The Statement of Principles was initially approved by this Committee in 2006 and then reviewed every three years thereafter.
- 2.2 In accordance with Section 349 of the Gambling Act 2005, there is a requirement for the Statement of Principles to be reviewed every three years. The revised statement must be agreed by the Full Council prior to January 2022.
- 2.3 The Act stipulates that in reviewing the policy, we must consult the police, fire and rescue service, licence holders, persons representing licence holders and other businesses or persons as we deem suitable. Further, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 specifies a number of matters which must be included in the Statement, including the description of the area and a list of consultees.
- 2.4 A copy of the current Statement of Principles is attached as Appendix A to this report. Subject to any responses to the consultation, it is not proposed to make significant changes to this document- if any.

3. OPTIONS FOR CONSIDERATION

3.1 The options available to the committee are limited. The council has a statutory obligation to review the Statement of Principles every three years.

4. ANALYSIS OF OPTIONS

4.1 The review of the Statement of Principles is a statutory requirement. The policy must be approved by Full Council by January 2022.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)

5.1 There are no financial, staffing, property or IT implications from this report.

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

6.1 Statutory Implications – Failure to review the policy in accordance with Section 349 of the Gambling Act 2005 would mean that the Council would fail to meet its legal requirement.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

7.1 Not applicable

8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

8.1 As stated in paragraph 2.3 there is a statutory requirement to consult on the revised policy. Full consultation will commence following the approval of this report.

9. RECOMMENDATIONS

9.1 That the Statement of Principles be reviewed in accordance with statutory requirements.

9.2 That the Committee approve the start of the consultation process.

DIRECTOR OF OPERATIONS

Church Square House
Church Square
Scunthorpe
North Lincolnshire

Author: Narelle Plowright
Date: 17 June 2021

Background Papers used in the preparation of this report – None

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Statement of Principles

Gambling

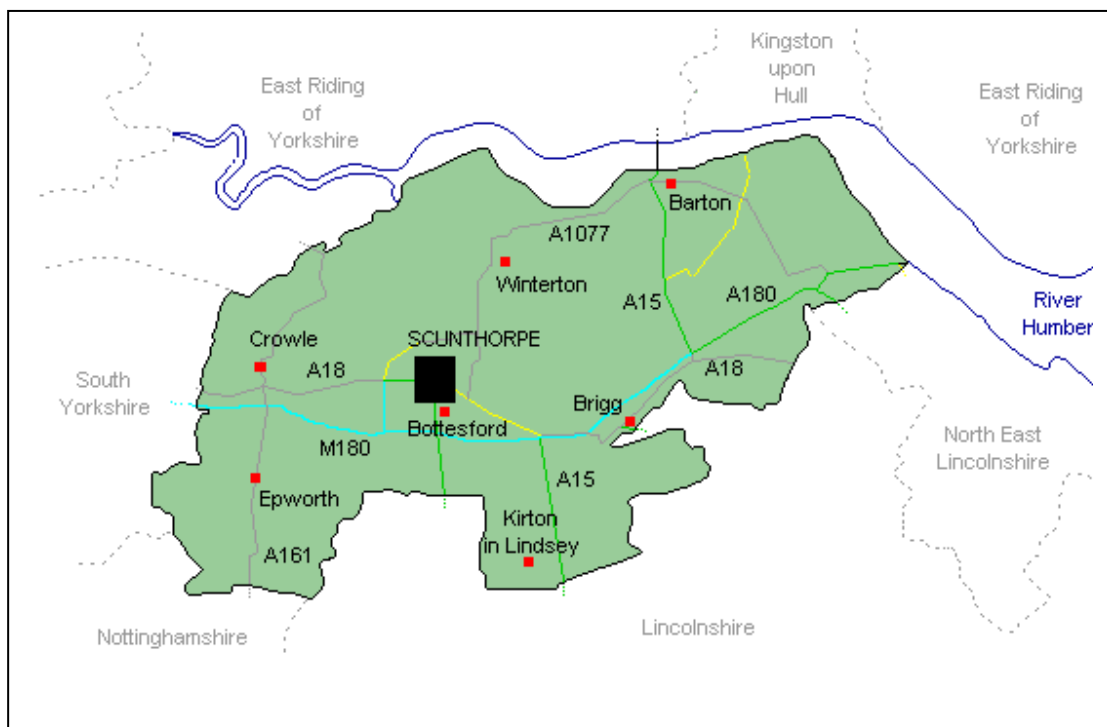
Revised January 2019

<u>Part</u>	<u>Subject</u>		<u>Page</u>
	Introduction	-	2
1	Licensing Principles	-	8
2	Process and Delegation	-	12
3	Premises Licences	-	20
4	Gaming Machine/Prize Gaming Permits	-	34
5	Miscellaneous Activities	-	40
6	The Licensing Objectives	-	42
7	Enforcement	-	48

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 said the population of North Lincolnshire was 167,446. Of these, 76,200 live in Scunthorpe and Bottesford. The other 91,246 people live in the rural areas. This includes the towns of Barton upon Humber and Brigg.
- (3) Below is a map of the area:



2 General Information

- (1) This statement of principles will help meet the Council’s obligations under section 349 of the Gambling Act 2005 (referred to in this statement as “the Act”).
- (2) Under the Act, the Council will aim to permit the use of premises for gambling. This is as long as it is considered to be:-
 - in accordance with any relevant codes of practice issued by the Gambling Commission;

- in accordance with any relevant guidance issued by the Gambling Commission;
 - in accordance with this statement of principles; and
 - consistent with the licensing objectives.
- (3) The Act provides for 3 categories of licence:
- operating licences
 - personal licences
 - premises licences
- (4) The Council is responsible for issuing premises licences. The Gambling Commission is responsible for issuing operating and personal licences. Contact details are detailed in paragraph nine.

3 Authorised Activities

- (1) Gambling is defined in the Act as either gaming, betting, or taking part in a lottery. These are defined as:
- gaming means playing a game of chance for a prize;
 - betting means making or accepting a bet on the outcome of a race, competition, or any other event ; the likelihood of anything occurring or not occurring; or whether anything is true or not;
 - A lottery is where people need to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.
- (2) The Council's main functions are to:
- licence premises for gambling activities, including provisional statements;
 - issue permits for gambling and gaming machines in clubs, alcohol licensed premises and family entertainment centres;
 - issue permits for prize gaming;
 - consider notices given for the temporary use of premises for gaming;
 - consider occasional use notices for betting at tracks;
 - register small societies lotteries;
- (3) Spread betting is regulated by the financial services authority. Remote gambling is dealt with by the Gambling Commission and the national lottery is regulated by the national lottery commission. Spread betting is defined in section 11 of the Act. It is normally in the form of a prize competition. Remote betting is defined in section 67 of the Act. It is remote from the premises where the betting takes place and is by means of remote communication, such as the internet. The FSA website address is at www.fsa.gov.uk.

4 The Licensing Objectives

- (1) There are three licensing objectives that are central to the regulatory regime created by the Act. These are:
 - preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- (2) More information on the licensing objectives is included in Part 6.

5 Consultation

- (1) We have consulted the following people and bodies to help determine this statement of principles:
 - The Gambling Commission
 - Chief Constable of Humberside Police
 - Chief Officer of Humberside Fire Brigade
 - Grimsby Magistrates' Court
 - North Lincolnshire NHS Trust
 - Director of Public Health
 - Child Protection team
 - Neighbouring Licensing Authorities, including:
 - East Riding of Yorkshire Council
 - Kingston upon Hull City Council
 - North East Lincolnshire Council
 - West Lindsey District Council
 - Doncaster Metropolitan Borough Council
 - North Lincolnshire Tourism
 - Security Industries Authority (SIA)
 - Federation of Small Businesses
 - Disabled access groups
 - Current licence and permit holders
 - Local and national licensing solicitors
 - Training providers (North Lindsey College)
 - Religious and ethnic groups
 - Residents Associations and Neighbourhood Watch groups
 - Scunthorpe Charter Trustees
 - Town and Parish councils
- (2) We have also consulted various other professional people within the Council. These include:
 - Heads of Service and Directors
 - Building Control

- Environmental Health, including:
 - Environmental Protection
 - Food and Safety
 - Waste Management
 - Trading Standards
 - Legal and Democratic Services
 - Local Children’s Safeguarding Board
 - Community Safety Partnership
 - Property Services
 - Highways
 - Town Centre Manager
 - Cultural Strategy Officer
 - Community Strategy Officer
 - Leader of the Conservative Group
 - Leader of the Labour Group
 - Chair of the Licensing Committee
 - Council Members
- (3) We have considered and taken into account the views of all the appropriate bodies and organisations.

6 Approval of the Statement of Principles

- (1) The initial statement of principles was approved by a meeting of the full Council on 22 November 2006. Copies were made available both via our website, in writing or by personal request. The current Policy was approved in December 2018.
- (2) The licensing authority, in developing this statement of principles has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and the responses made following the consultation.

7 Review of the Statement of Principles

- (1) The Gambling Act 2005 states that this statement should be reviewed every three years. At the time of the review, we will again consult all interested parties. As well as the three-yearly reviews, we will continue to evaluate the statement and reserve the right to update this statement at any time.
- (2) A full list of comments made about the review of this statement and how they were taken into consideration by the Council is available by contacting the Licensing Manager, North Lincolnshire Council, Church Square House, Scunthorpe, DN15 6XQ. This information is also available via our website, www.northlincs.gov.uk

8 Explanations in the Statement

- (1) In preparing this statement, we have briefly explained the reasons for including each item and its relevance to the licensing objectives. The explanations, where necessary, are in italics (in red type) after the heading.

9 Contacts

- (1) The licensing function is part of Waste and Public Protection within Operations. Our address is:

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

Website: www.northlincs.gov.uk/jobs-business-regen/licensing
Email: licensing@northlincs.gov.uk

- (2) Any comments about this statement can be made in writing or be emailed to the email addresses above. To ask about any licensing issue, contact the licensing division on: (01724) 297750.
- (3) You can contact the Gambling Commission at:

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Website: www.gamblingcommission.gov.uk
Email: info@gamblingcommission.gov.uk



Part 1 – Licensing Principles

Introduction

We are required under the Act to set out in a separate part of the Statement certain matters as specified in Statutory Instrument 2006, Number 636. These matters are:

- The body to be specified to advise the licensing authority about the protection of children from harm.
- The principles to determine if a person is an interested party in relation to a premises licence or application for a premises licence.
- The principles regarding the exchange of information with the Gambling Commission and other persons listed in schedule six of the Act.
- The principles to be adopted regarding the inspection of premises and to consider legal proceedings.

10 Body Specified to advise on the Protection of Children From Harm

- (1) Under the Act, we need to designate, in writing, a body that is competent to advise the Council about the protection of children from harm. The principles are:
 - the need for the body to be responsible for the whole of the licensing authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- (2) In accordance with the guidance issued under section 25 of the Act, the Council has chosen the local safeguarding children board to advise for this purpose.

11 Interested Parties

- (1) The Act states that an interested party, for the purposes of determining an application, is a person:
 - a) who lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
 - b) has business interests that might be affected by the authorised activities; or
 - c) one who represents persons who satisfy (a) or (b), or both.
- (2) In determining if a person lives or has a business in the vicinity of the premises we will not apply a rigid rule. We will determine each case on its own merits. In doing so we will follow the guidance laid out in the Gambling Commissions guidance for local authorities. We will take into account:
 - the size of the premises
 - the nature of the premises
 - the nature of the authorised activities being proposed
 - the distance of the premises from the person making the representation
 - the characteristics of the complaint
 - the potential impact of the premises
- (3) Business interests will mean any business, including partnerships, charities, faith or religious groups and medical practices.
- (4) Interested parties may also include trade unions, trade associations and residents and tenants associations. In each of these cases, the interested party would normally be expected to represent people who live or work in the vicinity of the premises.

- (5) Interested parties can also include Councillors and MPs. MPs and Councillors can also represent interested persons, as long as they are representing persons in their own ward/constituency.

12 Exchange of Information

- (1) The Council, is required under section 29 and 30 of the Act, to produce information that forms a public register and to exchange information with the Gambling Commission. This public register will be available on our website or by contacting the licensing division.
- (2) We have a duty under section 350 of the Act to exchange information with other persons listed in Schedule six of the Act.
- (3) In exercising our duties under sections 29, 30 and 350 we shall not contravene the provisions of the Data Protection Act 1998. We will also have regard to any guidance issued by the Gambling Commission and any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- (4) Details of applications and representations that are referred to the licensing sub-committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. The personal details of the persons making representations will be made known to applicants and only withheld from publication under exceptional circumstances on the grounds of personal safety.
- (5) Any protocols that are established on the sharing of information with other bodies will be made available on our website, or by contacting the licensing division. Contact details can be found in paragraph 9.

13 Inspection of Premises

- (1) The principles regarding the inspection of premises and considerations for legal action are contained in Part 7 (Enforcement) of this statement.
- (2) We will consider any relevant guidance issued by the Gambling Commission when dealing with the inspection of premises and enforcement.



Part 2 – Licensing Process and Delegation

Introduction

This part of the statement, is about the principles the Council will adopt when dealing with licence and permit applications. It explains the following:

- the roles and duties the licensing committee and officers carry out,
- how conditions will be attached to licences and by whom,
- how the Council will deal with objections and reviews, and
- how we will inform applicants, objectors and statutory bodies about our decisions, including any right of appeal.

14 General Statement

- (1) We recognise the wide variety of premises that will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.
- (2) In carrying out our licensing functions we will consider any guidance issued by the Gambling Commission.
- (3) We will not use the Act to resolve matters more readily dealt with under other legislation.
- (4) To ensure the licensing objectives are met we will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.
- (5) Where children and other vulnerable people are allowed access to premises where gambling takes place, we will take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under age gambling. To help protect vulnerable persons, applicants may wish to consider providing information leaflets or helpline numbers for organisations such as GamCare.
- (6) We will not normally seek to limit the access of children to any premises unless we receive representations to that effect or believe it is right to do so for the prevention of their physical, moral or psychological harm.
- (7) Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- (8) The overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits.

15 Making an Application

- (1) When applying for a licence or a permit, applicants should consider the guidance issued by the Gambling Commission and this statement of principles.

16 Licence/Permit Fees

- (1) Where the Council is able to set the fees for licences and permits, they will be set by the licensing committee. This differs from the guidance issued by the Gambling Commission. We believe fees for these activities should be set by those members of the Council elected to represent the businesses and Council tax payers of the area rather than officers. The fees will be set to cover the cost of administration and enforcement. We

will not budget to make a profit from licensing and regulating gambling activities.

17 Responsible Authorities

- (1) The following are considered to be responsible authorities in accordance with section 157 of the Act:
 - a council's licensing team where the premises is wholly or partly situated within the area it covers;
 - the Gambling Commission;
 - the chief constable for the area the premises is wholly or partly situated;
 - the fire and rescue authority for the same area;
 - the council's planning service;
 - environmental health, for pollution to the environment or harm to health;
 - HM revenue and customs; and
 - any other person prescribed in regulations by the Secretary of State.
- (2) In addition, where an application is made for licensable activities in relation to a vessel, the following are be responsible authorities:
 - the Environment Agency;
 - the British Waterways Board; and
 - the Secretary of State for Transport.
- (3) Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives.
- (4) The contact details of all the responsible authorities are available via the Council's website, at: www.northlincs.gov.uk or by contacting the licensing division from the contacting details in paragraph nine.
- (5) The responsible authority specified to advise on the protection of children from harm can be found in paragraph 10 of this statement.

18 Notification on Applications for Premises Licences

- (1) When we receive an application for a premises licence or to vary a current premises licence, we will let the appropriate ward and town or parish Councillors know that an application has been received.

19 Relevant Representations

- (1) We will not consider representations that are irrelevant, frivolous or vexatious or which relate to the need or demand of gambling facilities. Officers will determine if an objection is irrelevant, vexatious, frivolous or

repetitious. Representations on moral grounds will not be taken into account.

- (2) Where an objection or irrelevant representation has been determined as irrelevant, vexatious or frivolous, the Council will write to the objector or person making the representation, providing the full reasons for the decision. Officers will also report to the licensing committee, giving full details of the decision and the reason the representation was rejected.
- (3) A vexatious representation is generally considered to be without foundation or made for some other reason, such as malice. A frivolous representation is generally considered to lack seriousness, or to be unrelated to the licensing objectives, the guidance issued by the Gambling Commission or this statement of principles.

20 Mediation

- (1) Where the licensing team receives an objection or relevant representation, officers will do their best to resolve the issue through mediation. Officers will invite all parties to meet at a neutral venue, to try and 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.

21 Licensing Committee and Sub-Committee

- (1) Under section 154 of the Act, the licensing committee will be responsible for determining applications. This is the same committee formulated under the provisions of the Licensing Act 2003. The sub-committee will determine most applications where a representation has been made. This is in accordance with the table in **paragraph 22(2)** of this statement.
- (2) The licensing sub-committee must act in a fair and reasonable manner at all times when considering applications. Therefore, all members must have training before they can sit on a sub-committee.
- (3) Members of the licensing sub-committee should not hear or decide on any application for a premises licence in their own electoral ward. If a member of the sub-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.

22 The Licensing Process and Delegation

- (1) The Council will delegate its licensing function either to the licensing committee, licensing sub-committee or to an authorised officer of the Council. The approval of this statement and setting the policy not to permit casinos will remain the function of the full Council.

- (2) Delegation will follow the guidance issued by the Gambling Commission, as follows:

Matter to be dealt with	Full Council	Committee	Sub-Committee	Officers
Final approval of three year policy	X			
Policy not to permit Casinos	X			
Consider draft policy prior to approval		X		
Fee Setting (when appropriate)		X		
Application for a premises licence			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Application to vary a licence			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Application to transfer a licence			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Application for a provisional statement			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Review of a premises licence			X	
Application for club gaming/club machine permits			If an objection is made and not withdrawn	If no objection is made or has been withdrawn
Cancellation of club gaming/club machine permits			X	
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to issue counter notice to temporary use notice			X	
Application for Small Society Lottery				If no representation is made or has been withdrawn
Application for Small Society Lottery			If a representation is made and not withdrawn	

- (3) Where applicable the fees for premises licences and permits will be determined by the licensing committee.
- (4) The licensing committee will consider the draft statement prior to approval by a meeting of the full Council and any draft amendments to this statement.

- (5) Where an application is referred to the sub-committee, they will determine each application on its own merit. Members of the sub-committee will consider all information before coming to a decision.

23 Decisions

- (1) Following the determination of an application by the licensing committee or 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.

24 Appeals

- (1) The Council will inform the appropriate parties of their right of appeal in accordance with the Act, when confirming a decision of the licensing committee or sub-committee.
- (2) Anyone aggrieved with a decision has a right of appeal. People should lodge any appeal with the Magistrates' Court within 21 days of the notification of the decision provided at the end of the hearing.
- (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.

25 Working in Partnership/Licensing Forum

- (1) The Council is committed to working closely with all interested parties within its area. We are committed to setting up licensing forums, which will include members and officers of the Council, other regulatory bodies and trade representatives.
- (2) Licensing officers aim to work in partnership with other enforcement agencies, such as the Gambling Commission, Humberside Police,

Humberstone Fire and Rescue Service, trading standards and environmental health with a view to supporting the 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 division will normally act as a focal point in arranging these 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.

26 Integrating Strategies

- (1) Where possible, we will integrate our statement 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 statement has in relation with gambling. Our aim is not to deter gambling, rather to ensure that the licensing objectives are being supported.
- (3) **Local Transport Plan** – We aim to work with the Council's transport service to develop the local transport plan. We will look at ways that local people can use public transport to access facilities.
- (4) **Racial Equality** – We live in a multi-cultural area. Therefore, we need to ensure that our policy does not exclude anyone. We will look at the impact our policy has, through consultation and amend it where necessary. We will also take notice of the provisions in the Race Relations Act 1976 and the Race Relations (Amendment) Act 2002.
- (5) **The Local Development Framework** – We will look to work with the Council's planning service to ensure as far as possible that all premises have the appropriate consent and to consider the regeneration of the area.
- (6) **Tourism and Town Centre Management** – Our aim is to have a thriving town centre and we see the licensed community as an integral part of that. We will look at the impact our policy has on the economy, through consultation 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.
- (8) **Other Partnerships** – We will also work together with other bodies when needed to help support the licensing objectives.



Part 3 – Premises Licences

Introduction

Under the Gambling Act 2005 the Council is responsible for issuing licenses used for licensable activities. In this part of the statement we will set out our general principles for licensing premises within North Lincolnshire. We will also explain the types of activities where a premises licence is needed.

27 General Principles

- (1) In carrying out this function in relation to premises licences and temporary use notices, we will have due regard and act in accordance with:
 - a) any relevant codes of practice;
 - b) any guidance issued by the Gambling Commission;
 - c) the licensing objectives; and
 - d) this statement of principles.

28 Definition of a Premises

- (1) The Act defines a premises as “any place”. This includes a vessel and/or a vehicle.
- (2) Different premises licences cannot apply in respect of a single premises at different times. The Act does allow a single building to be subject to more than one premises licence, provided that the different parts of the building can be regarded as separate. This will include separate entry and exits.
- (3) When deciding to licence such premises, we will have due regard to the guidance issued by the Gambling Commission. This states:
 - We will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular we are aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
 - We will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). There will be specific issues that we will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. However, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
 - We will consider the Commission Licence Conditions and Codes of Practice (Supplement 4) in relation to the primary gambling activity of licensed operators where gaming machines are made available for use. [currently para 7.9 - 5th Edition of guidance]
 - We will have regard to applications to “split” premises where the split

is artificial or temporary, for example by ropes, or moveable partitions. Where this is the proposal, determination shall be on the basis that the split is 'genuine' and not created to increase the gaming machine entitlement.

- (4) An applicant cannot obtain a premises licence until they have the right to occupy the premises to which the application relates. A licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling.

29 Provisional Statements

- (1) Provisional statements can be applied for by a person in respect to premises that they:
- Expect to be constructed
 - Expect to be altered
 - Expect to acquire a right to occupy
- (2) In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they are about matters that could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the licensing authority's opinion reflect a change in the operators circumstances.
- (3) We have noted the Gambling Commission's guidance that

"A licensing authority should not take into account irrelevant matters one example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

30 Demand

- (1) Although demand issues cannot be considered with regard to the location of premises, considerations in terms of the licensing objectives can.

31 Location of Licensed Premises

- (1) Under the Gambling Commission's guidance for local authorities, we will pay particular attention to the protection of children and vulnerable

people from being harmed or exploited by gambling, as well as issues of crime and disorder. If a specific policy is decided upon we will update this statement. It should be noted that such a policy does not stop an application being made. Each application will be decided on its own merits.

32 Local Area Risk Assessments

- (1) A local area profile has not been developed to assist applicants and licence holders with their application. However, applicants should write a risk assessment detailing all potential issues at the premises taking into account the local area. These may include:
 - Proximity to schools, play-areas, leisure centres and other services for children or areas where children will gather
 - Whether the premises is in an area subject to high levels of crime and/or disorder
 - The demographics of the area in relation to vulnerable groups
 - Whether the premises is in an area of deprivation
- (2) Operators are required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.
- (3) The Gambling Commission issues codes of practice under section 24 of the Act about the manner in which facilities for gambling are provided. These are subject to change and the latest version can be found by going to the Gambling Commission website at www.gamblingcommission.gov.uk.
- (4) North Lincolnshire Council has produced guidance for licence holders, which can be viewed at www.northlincs.gov.uk.

33 Conditions

- (1) Any conditions attached to licences will be proportionate and will be:
 - relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- (2) Decisions on individual conditions will be made on a case-by-case basis. There will be a number of control measures that we will consider using if there is an evidenced need. These could include the use of door supervisors, supervision of adult gaming machines and appropriate

signage for adult-only areas etc. There are specific comments made in this regard under each of the licence types below. We will also expect the licence applicant to offer their own suggestions as to how the licensing objectives can be met effectively.

- (3) There are some conditions that the licensing authority cannot attach to premises licences. These are:
- any condition on the premises licence that makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body is required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - conditions in relation to stakes, fees, winning or prizes.

34 Duplication with other Regulatory Regimes

- (1) We will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, when considering it. We will though, listen to, and carefully consider, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

35 Door Supervision

- (1) The Gambling Commission advises in its guidance that local Authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- (2) It is noted though that the Gambling Act 2005 has amended the Security Industry Act 2001 so that door supervisors at casinos or bingo premises do not need to be licensed by the security industry authority. However, we believe it would be good practice for all door supervisors to be trained and licensed to Security Industry Authority standards.
- (3) We will only attach conditions requiring door supervisors where there is clear evidence that the premises cannot be adequately supervised and that a condition is both necessary and proportionate.

36 Credit

- (1) Section 177 of the Act does not prevent the licensees from allowing the installation of cash dispensers (ATMs) on the premises.
- (2) These machines may accept credit cards and debit cards providing the arrangement is subject to the licensee having no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, nor make any payment in connection with the machines. This is relevant to casinos premises licences and bingo premises licences only.

37 Types of Premises Licence

- (1) The Council will be responsible for licensing premises for the following activities:
 - Adult gaming centres
 - Betting (including tracks)
 - Bingo
 - Casinos
 - Family entertainment centres (Licensed)

38 Adult Gaming Centres

- (1) Persons operating an AGC must have a gaming machines general operating licence from the Gambling Commission and must get a premises licence from the licensing authority.
- (2) No-one under the age of 18 can enter an AGC. We will have particular regard to the location of and entry to AGC's to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as in a shopping centre.
- (3) We will expect applicants to offer their own measures to meet the licensing objectives to cover issues such as:
 - Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

- (4) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

39 Betting and Tracks

Betting

- (1) The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises that need licensing.
- (2) The Act also allows betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.
- (3) We are aware of our power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. We will only limit the number of machines where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives.
- (4) If we consider that we should impose such a condition on any particular licence, we may, among other things, take into account the size and layout of the premises. We may also look at the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young or vulnerable people. We appreciate that children are not lawfully allowed to enter where a betting premises licence is in force.
- (5) We will expect applicants to offer their own measures to meet the licensing objectives to cover issues such as:
 - Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- (6) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- (7) Each application will be determined on its own merits.

Tracks

- (8) We are aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, we will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not allowed to enter.
- (9) Track operators do not need to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the licensing authority are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- (10) Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence, in respect of a track, does not give an automatic entitlement to use gaming machines.
- (11) When looking at the number of betting machines at a track, we will consider the circumstances of each individual application. We will also consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children, young people and vulnerable people betting on the machines.
- (12) We are aware that the Gambling Commission may provide further specific guidance regarding tracks. We have taken note of the guidance from the Gambling Commission that tracks are different from other premises in that there may be more than one premises licence in effect. In addition the track operator may not need to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.
- (13) There may be some specific considerations regarding the protection of children and vulnerable people from being harmed or exploited by gambling. We will expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young people will be allowed to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still not allowed to enter areas where gaming machines (other than category D machines) are provided.

- (14) Appropriate licence conditions may be:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- (15) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- (16) Measures such as the use of self-barring schemes, providing information leaflets, and helpline numbers for organisations such as GamCare will all be considered suitable in relation to the protection of children and vulnerable people.

Gaming Machines (Tracks)

- (17) We are waiting for further guidance from the Gambling Commission as to where these machines may be located on tracks. We are also waiting for guidance as to any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. We note the commission's guidance that licensing authorities therefore need to consider the location of gaming machines at tracks. Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his/her entitlement to four gaming machines, these machines are located in areas where children are excluded. Children and young people are not prohibited from playing category D gaming machines on a track.

Betting Machines (Tracks)

- (18) We will, as per the Gambling Commission's guidance, take into account the size of the premises, and the ability of staff to monitor the use of the machines by children and young people (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature, circumstances of betting machines that an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed (Tracks)

- (19) Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances that they are made available. This can be done by attaching a licence condition to a betting premises licence.
- (20) In addition to the comments above at betting machines in betting premises, similar considerations apply in relation to tracks. The potential space for such machines may be considerable, bringing with it significant problems in relation to the increase in numbers, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines. We may restrict the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.
- (21) We note the Commission's view, that it is preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Applications and plans (Tracks)

- (22) We await regulations setting-out any specific requirements for applications for premises licences. However, the Gambling Commission's guidance states, that the application should include a detailed plan for the track itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring"). In the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities, should be made clear on the plan. Applicants should make clear what is being sought for under the track betting premises licence. They should also make clear what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- (23) We also note that in the Gambling Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

40 Bingo

- (1) Bingo is a class of equal chance gaming and will be allowed in alcohol licensed premises and in clubs provided that it remains below a certain

threshold (where the aggregate stakes or prizes are less than £2,000 in any seven day period). Otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

- (2) The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- (3) Commercial bingo halls will require a bingo premises licence from the Council.
- (4) Amusement arcades providing prize bingo will need a prize gaming permit from the Council.
- (5) It is important that if children are allowed to enter premises licensed for bingo that they do not take part in gambling, other than on category D machines. If category C or above machines are available in premises where children are admitted Licensing Authorities should ensure that:
 - all such machines are located in an area of the premises separate from the rest of the premises by a physical barrier. This must be effective to prevent access other than through a designated entrance;
 - only adults are allowed in the area where the machines are located;
 - access to the area where the machines are located must be supervised;
 - the area where the machines are located is arranged so that it can be seen by staff of the operator or the licence holder; and
 - at the entrance to, and inside the area there are prominently displayed notices indicating that access to the area is prohibited to people under 18.
- (6) The Gambling Commission is going to issue more guidance on issues that the licensing authorities should take into account in relation to the suitability and layout of bingo premises. The Council will consider this guidance once it is made available.
- (7) We will expect applicants to offer their own measures to meet the licensing objectives to cover issues such as:
 - Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

- (8) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- (9) **Members' clubs and commercial clubs** – Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000. The commission must be notified as soon as is reasonably practicable if the limit is breached. Stakes or prizes above that limit will need a bingo operators licence and the corresponding personal and premises licences.

41 Casinos

- (1) There are currently no casinos operating within North Lincolnshire.
- (2) There is no resolution to prohibit casinos in the area at present. However, we reserve the right to review this situation and may, at some time in the future, resolve not to permit casinos.
- (3) If we choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

42 Licensed Family Entertainment Centre

- (1) The Act creates two classes of family entertainment centre (FEC). Licensed FEC's, which provide category C and D machines and require a premises licence. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.
- (2) Children and young persons will be allowed to enter an FEC and may play on the category D machines. They will not be allowed to play on category C machines. It will be a requirement that there must be clear segregation between the two types of machine, so that children do not have access to category C machines.
- (3) We will expect applicants to offer their own measures to meet the licensing objectives to cover issues such as:
 - Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes

- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- (4) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

43 Reviews

- (1) Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether the review is to be carried out. This decision will be on the basis of whether the request for the review is relevant, frivolous or vexatious. Where the representation is deemed relevant we would first try to mediate.
- (2) See paragraphs eleven and seventeen of this statement for the list of responsible authorities and interested parties.
- (3) Licensing officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. Unlike the Licensing Act 2003, the licensing authority may review premises licences. A referral to a licensing sub-committee of a premises for a review will be first approved by the Head or Assistant Head of Neighbourhood and Environmental Services.
- (4) The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate. This can extend to a review of a class of licences where it thinks particular issues have arisen. Reviews of a class of premises will be first agreed to by the Head or Assistant Head of Neighbourhood and Environmental Services in consultation with the chair of the licensing committee.
- (5) The Gambling Commission will be a responsible authority in premises licence reviews.



Part 4 – Gaming Machine/Prize Gaming Permits

Introduction

This part of the statement looks at permits. In addition to issuing premises licences, the Council will be responsible for issuing permissions to use premises for other activities.

These include:

- Family entertainment centres
- Travelling fairs
- Premises licensed to sell alcohol
- Club gaming
- Prize gaming and prize gaming permits

44 General Principles

- (1) When considering issuing gaming machine permits, we will consider applications in accordance with our statement. However, we appreciate that this Statement cannot cover all eventualities.

45 Alcohol Licensed Premises

- (1) There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. Under section 284 the licensing authority can remove the automatic authorisation in respect of any particular premises if:
 - provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act, (for example, that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- (2) If it is necessary to issue section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order. This will also let them consider any representations that might be made. The licensing authority will hold a hearing if the licensee requests.
- (3) If a premises wishes to have more than two machines it needs to apply for a permit. The licensing authority must consider the application based on the licensing objectives. It must also consider any guidance issued by the Gambling Commission issued under section 25 of the Gambling Act 2005, and such matters we think relevant.
- (4) We consider that 'such matters' will be decided on a case-by-case basis but generally we will take into account the need to protect children and vulnerable people from harm or being exploited by gambling. We will expect the applicant to satisfy the Council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- (5) Measures that will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that people under 18 are not using the machines.

Notices and signs may also help. As regards the protection of vulnerable people, applicants could consider providing information leaflets or helpline numbers for organisations such as GamCare.

- (6) We recommend attaching a plan to applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.
- (7) We recognise that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an adult gaming centre premises licence.
- (8) It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- (9) It should also be noted that the holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the machine.
- (10) We will be unable to issue premises licences to authorise gaming machines in certain types of premises. These generally will be premises to which children and vulnerable people will have unrestricted access. These would include take-away premises, taxi offices and supermarkets.
- (11) Notifications and applications for up to four machines will generally be dealt with by licensing officers. Applications for five or more machines will be referred to a licensing sub-committee. Machines should be sited in accordance with any Gambling Commissions code of practice.

46 Club Gaming Permits

- (1) We may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations.
- (2) We can only refuse an application on the grounds that:
 - (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

- (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Gambling Commission or the police.
- (3) Club gaming permits allow the provision of up to three gaming machines. These may be from categories B, C or D. The club can choose the combination of machines on its premises. We may grant or refuse a permit, but we cannot attach any conditions to a permit.

47 Prize Gaming and Prize Gaming Permits

- (1) Prize gaming is where the prize is determined by the operator before play starts and it is not dependant on the number of people playing.
- (2) A prize gaming permit is issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- (3) An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises. The applicant must be an individual, and must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.

48 Travelling Fairs

- (1) It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- (2) We will also consider whether the applicant falls within the statutory definition of a travelling fair.
- (3) It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

49 Unlicensed Family Entertainment Centres

- (1) Family entertainment centres are often found at seaside resorts, in airports and at motorway service centres. They will cater for families, including unaccompanied children and young people. Unlicensed family entertainment centres will only be able to offer category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with this permit (subject to other considerations, such as fire regulations and health and safety, which will not be issues for the licensing authority under the Gambling Act). Permits cannot be issued to vessels or vehicles.

- (2) We may wish to include a statement of principles in relation to applications for unlicensed family entertainment centres, in particular the matters to be taken into account when determining the suitability of the applicant.



Part 5 – Miscellaneous Activities

Introduction

This part of the statement deals with both temporary and occasional use notices and registrations for small lotteries.

50 Temporary Use Notices

- (1) The Act sets out the position on temporary use notices. These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice include hotels, conference centres, and sporting venues.
- (2) A temporary use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.
- (3) The Secretary of State will prescribe in regulations the gambling activities that may be specified in a temporary use notice, as well as combinations of activities that may not be specified, and activities that may not be combined with any other.

51 Occasional Use Notices

- (1) The licensing authority has very little discretion regarding these notices, apart from ensuring that the statutory limit of eight days in a calendar year is not exceeded. We will consider the definition of a 'track' and whether the applicant is allowed to avail him/herself of the notice.

52 Registration of Small Society Lotteries

- (1) When carrying out our functions in relation to lotteries we will consider the Act, the guidance issued by the Gambling Commission and any regulations issued by the Secretary of State.

Part 6 – The Licensing Objectives

Introduction

This part of the statement looks at the three licensing objectives as stated in paragraph four. Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Gambling Commission’s guidance to local authorities. The outcome of these considerations can be found in this part of the statement.

Preventing gambling from being a source of crime or disorder; being associated with crime or disorder or being used to support crime

53 The Gambling Commissions Role

- (1) The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

54 Crime and Disorder Act 1998

- (1) We have a duty under section 17 of the Crime and Disorder Act 1998 to do all we reasonably can to prevent crime and disorder in the area. A high standard of control therefore needs to be exercised over licensed premises.

55 Suitability of Persons Holding a Licence

- (1) Anyone applying to the licensing authority for a premises licence will have to hold an operating licence from the Gambling Commission before a licence can be issued. We will not be concerned with the suitability of an applicant, however where concerns about a person's suitability arise we will bring those concerns to the attention of the Gambling Commission.

56 Disorder

- (1) As far as disorder is concerned, there are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. We do not intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers.
- (2) We will only seek to address issues of disorder under the Act if the disorder amounts to an activity, which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance was needed to deal with it. Another factor we are likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live close enough to be affected or have business interests that might be affected.

57 Determining Applications

- (1) We will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder.
- (2) Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's licensing officers and Humberside police before making an application.
- (3) When considering licence applications, we will particularly take into account:
 - the design and layout of the premises;
 - the training given to staff in crime prevention measures appropriate to those premises;
 - physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
 - where premises are subject to age restrictions, the procedures in place to check peoples age;
 - the likelihood of any violence, public order or policing problem if the licence is granted.
- (4) Where an application for a premises licence is for a re-site (within the vicinity of the original premises), which enables better facilities, then we will normally look at this sympathetically.

Ensuring gambling is conducted in a fair and open way

58 Gambling Commissions Role

- (1) Generally, the Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the operating licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the personal licence). Both of these options are the responsibility of the Gambling Commission.

59 Suitability of Betting Tracks

- (1) Because betting track operators do not need an operating licence from the Gambling Commission, we may, in certain circumstances, require conditions on a licence to ensure that the environment in which betting takes place in is suitable.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

60 Access to Licensed Premises

- (1) With limited exceptions, the access of children and young people to those gambling premises that are adult only environments will not be permitted.
- (2) We will consult with Humberside police and the local safeguarding childrens board (LSCB) on any application that indicates there may be concerns over access for children or vulnerable people.
- (3) We will judge the individual merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include:
 - supervision of entrances;
 - segregation of gambling areas from areas frequented by children;
 - supervision of gaming machines in non-adult gambling specific premises.

61 Vulnerable Persons

- (1) The term ‘vulnerable persons’ has not been defined. In seeking to protect vulnerable people we will class as ‘vulnerable’ those people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

62 Social Responsibility and Self-Exclusion

- (1) We shall work in partnership with operators to look at social responsibility and methods to help with self-exclusion.



Part 7 – Enforcement

Introduction

This part of the statement details the Council’s commitment to enforcing the provisions contained within the Gambling Act 2005. The Council has signed up to the enforcement concordat.

It also highlights our commitment to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.

63 General

- (1) The Council has adopted the concordat relating to enforcement. When dealing with enforcement issues, we will act in a fair and consistent manner and will treat all cases and people with consideration and empathy. Our Licensing Enforcement Policy is available on our website, www.northlincs.gov.uk, or by contacting the licensing division at the address at paragraph nine.
- (2) When enforcing the provisions of the Gambling Act 2005 we will endeavour to be:
 - Proportionate – intervening only where necessary;
 - Accountable – be able to fully justify the actions we take;
 - Consistent – treat all premises equally while determining each case on an individual basis;
 - Transparent – publish clear guidelines as to how we will operate; and
 - Targeted – target only those premises that cause problems.

64 Licensing Authority Responsibilities

- (1) Our responsibility under the Act is to ensure compliance with premises licences and the conditions attached to the licence and to ensure that businesses have the necessary permissions. In doing so we will have regard to the Regulators Code.
- (2) The Gambling Commission will be the enforcement body responsible for operating licences and personal licences.

65 Enforcement Protocols

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

66 Avoiding Duplication

- (1) When enforcing the provisions of the Act we will endeavour to avoid duplication with other regulatory regimes.

67 Complaints

- (1) We will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
- (2) Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, we

will initially arrange a mediation meeting to address and clarify the issues of concern.

- (3) This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting. Due consideration will be given to all relevant representations.

68 Single Point of Contact

- (1) Where an operator has more than one premises in our area we would request a single point of contact. The contact should be at a senior level within the business. We will then contact this named person regarding compliance issues.

Glossary of Terms

- “we” - means North Lincolnshire Council
- “the Act” - means the Gambling Act 2005
- “Consent of the Council” - means written consent or approval by the Council
- “Council” - means North Lincolnshire Council
- “Licensing Committee” - means a group of fifteen members of North Lincolnshire Council
- “Licensing Sub-Committee” - means a group of three members of North Lincolnshire Council who will deal with licence applications where there is a representation or an application for a review
- “Magistrates Court” - means Grimsby Magistrates Court
- “policy” - means this statement of principles
- “Statement” - means this statement of principles
- “vessel” - means any boat or ship
- “vicinity” - means the area surrounding the premises. This area will differ depending on the size and type of the licensable activity taking place

No English?

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