



STATEMENT OF LICENSING POLICY

1. Introduction

1.1 The City of Lincoln has a population of 93,100 and is part of a greater economic area with a population of over 200,000. It is also home to a growing student population and is a major tourist attraction drawing in some 3 million visitors annually.

1.2 The leisure industry forms part of the appeal of the City and is a major contributor to its economic wellbeing.

1.3 The City of Lincoln Council (herein after referred to as the Licensing Authority) is responsible for the licensing of all licensable activities under the Licensing Act 2003 (the Act) within the City of Lincoln. This document sets out the policies and principles that the Licensing Authority will apply when making decisions on applications and authorizations for:

- retail sale of alcohol;
- supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- provision of ¹regulated entertainment; and
- provision of ²late night refreshment.

This policy is intended to provide clarity to applicants, responsible authorities and other persons on how this Licensing Authority will determine applications under the Act. This document also seeks to assist the licensing process by including advice and recommendations from the Licensing Authority. Such advice and recommendations are not mandatory and for identification purposes are printed in italics. Further guidance is available to assist applicants on request or may be found on our website (www.lincoln.gov.uk), from the Home Office (www.homeoffice.gov.uk) and the Department of Culture, Media and Sport (www.culture.gov.uk). Additionally, the Act and Regulations made thereunder can be found at www.legislation.gov.uk.

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

- the prevention of crime and disorder;

¹ See Glossary Appendix A

² See Glossary Appendix A

- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

1.5 It is recognised that the licensing function is an important means of securing the delivery of the above objectives but should not be seen as solving all problems within the community. Individuals who commit offences or act in an anti-social manner are subject to the normal rule of law and should be expected to take responsibility for their own actions and consequences.

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

- the police;
- the fire service;
- the planning authority;
- the health and safety authorities;
- environmental health and pollution;
- trading standards;
- Lincolnshire Protection of Children Board;
- navigation authorities;
- Local Health Board;
- representatives of licence holders and club premises certificate holders;
- local businesses and their representatives;
- local residents and their representatives; and
- other bodies and persons that the Authority considered could contribute to this policy.

Appropriate weight has been given to the views of all those consulted prior to this policy statement taking effect on 1st October 2014.

1.7 The purpose of licensing is to control licensable activities and authorizations within the terms of the Act. Each licence application or authorization will be considered on its own merits in the context of the four licensing objectives, and unless a ³relevant representation is received and the discretion of the Licensing Authority is engaged, there is no provision for it to impose conditions on a licence or authorization other than those proposed within an application.

1.8 The Licensing Authority cannot attach conditions to licences, certificates or provisional statements unless they are mandatory, volunteered by the applicant or imposed by it following a hearing resulting from the receipt of relevant representations.

1.9 In the case of ⁴temporary event notices, the Licensing Authority can only impose conditions following a hearing resulting from the receipt of a valid

³ See Glossary Appendix A

⁴ See Glossary Appendix A

representation from a ⁵relevant person and then such conditions are confined to any existing conditions on a premises licence or club premises certificate in respect of those premises for which the notice is given.

- 1.10 Conditions shall relate to the premises used for licensable activities and the impact of those activities in the vicinity of those premises. In this regard the Licensing Authority will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned.
- 1.11 The Licensing Authority has not defined vicinity nor has it been given a defined perimeter and may vary in distance away from the premises dependant on the nature of the area. Certain considerations may be taken into account in assessing “in the vicinity”. These may include but are not limited to:
- the nature of the licensable activity;
 - the nature and locality of the premises;
 - the time of day of the proposed licensable activity; and
 - the frequency of the activity.
- 1.12 The licensing process can only seek to manage those measures within the control of the licensee or premises user and should not to be seen as the primary mechanism for the general management of anti-social behaviour by individuals once they are beyond the direct control of the licensee or user of any premises concerned. Whilst there is a range of statutory powers available to deal with such behaviour, these powers will not always be sufficient to control negative impacts on the licensing objectives in the vicinity. Therefore, the fact that such impact may occur is a relevant factor in the consideration of licensing applications. This may lead to a refusal of the application or the application of conditions to meet the concern contained in a relevant representation.
- 1.13 In undertaking its licensing function, the Licensing Authority will have regard to other legislation, including, but not exclusively:
- Section 17 of the Crime and Disorder Act 1998 – requires a Local Authority to have due regard to the likely effect of the exercise of its functions on and the need to do all that it reasonably can to prevent, crime and disorder in its area.
 - The European Convention on Human Rights, which is given effect by the Human Rights Act 1998 which places a duty on public authorities to protect the rights of individuals in a variety of circumstances;
 - The Legislative and Regulatory Reform Act 2006
 - The Regulatory Enforcement and Sanctions Act 2008
 - The Provision of Services Regulations 2009.
 - Live Music Act 2012

⁵ See Glossary Appendix A

- 1.14 The Council is committed to the implementation and application of this policy in such a manner as to ensure that no applicant or other person is treated less favourably on the grounds of sex, marital status, race, nationality, ethnic or national origin, colour, disability or age, nor is disadvantaged by the application of a rule, condition or requirement, which has a discriminatory effect which cannot be justified either in licensing terms or as a requirement of law.

2. Integrated Strategies, the Avoidance of Duplication and Partnership Working

- 2.1 By consulting widely prior to this policy statement being published the Licensing Authority has endeavoured to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

- 2.2 The Licensing Authority will seek to discharge its responsibilities identified by other Government and local strategies and policies, so far as they impact on the objectives of the Licensing Act. Some examples of these strategies and policies are:

- Lincoln Community Cohesion Strategy;
- City of Lincoln Council Strategic Plan;;
- LACORS/TSI Code of Best Practice on Test Purchasing;
- The Government's Alcohol Strategy;
- Local Crime and Disorder initiatives;
- Child Protection Plan;
- Regulators' Compliance Code; and
- The Council's own Licensing Enforcement Policy

- 2.3 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing Authority's Licensing Committee may therefore receive and may act upon relevant reports concerning:

- crime and disorder;
- community safety issues;
- the needs of the local tourist economy;
- cultural strategy for the area;
- employment situation in the area and the need for new investment and employment where appropriate;
- planning considerations which might affect licensed premises;
- local transport arrangements; and
- any other reports considered appropriate to the licensing function.

- 2.4 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and it will ensure that there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

- 2.5 There are several key differences between licensing and planning control. Licensing is concerned with detailed issues concerning the operation and management of the premises that are not addressed by the planning control process. Planning control relates to need and the use of the premises.
- 2.6 The Licensing Authority does not intend to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators (for example, The Health and Safety (First Aid) Regulations 1981 and the Regulatory Reform (Fire Safety) Order 2005) and it will therefore not attach conditions to licences if they are already adequately covered by other legislation.
- 2.7 The Licensing Authority will work closely with the police, trading standards and its neighbouring authorities and those concerned with:
- health and safety
 - environmental health
 - pollution control
 - planning and building control;
 - child protection;
 - river navigation;
 - health;
 - business improvement;
 - the licensed trade and its representatives;
 - community safety;
 - all local businesses; and
 - local people
- with the aim of promoting the licensing objectives.
- 2.8 The Licensing Authority will endeavour to ensure its officers are active in local initiatives that promote the licensing objectives such as the Pubwatches, Community Safety Partnership groups, Lincolnshire Health and Wellbeing Board in its promotion of safe, sensible drinking, Lincoln Business Improvement Group and the Lincoln Events Safety Advisory Group,

3. The Licensing Process

- 3.1 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority in accordance with the provisions of the Act (See Appendix B for further details).
- 3.2 Each application for licensing will be considered on its own merits, for example, free from the imposition of quotas on the number of licensed premises or generalized closing times (subject to the power a licensing authority has to introduce Early Morning Restriction Orders, referred to as EMROs hereon⁶) and nothing will undermine the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have each application considered on its individual merits.

⁶ See Glossary Appendix A

- 3.3 If an application for or a variation to a premises licence, or club premises certificate or an application for a provisional statement has been made lawfully and there have been no representations from responsible authorities or other persons the licensing authority is required to grant the application, subject only to relevant mandatory conditions and conditions that are volunteered and are consistent with the operating schedule. .
- 3.4 Applications for minor variations may be subject to consultations with the appropriate responsible authorities and will be refused if any responsible authority indicates that they would make a representation on the proposed minor variation.
- 3.5 Applicants for premises licences, club premises certificates and variations thereof, provisional statements and reviews are expected to make their application in accordance with the Act and any regulations made thereunder. Failure to meet this requirement may result in the application being returned.
- 3.6 Applicants shall be expected to have had regard to this policy and be aware of the expectations of the Licensing Authority and responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives. They should be able to demonstrate knowledge of the area for which the application is made and take that knowledge into account when preparing the operating schedule⁷.
- 3.7 *Applicants are advised to make enquiries about the premises locality thereby assisting them to determine the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider how this impacts upon their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives and include positive proposals in their application on how they will manage any potential risks. Where there are no known concerns, they should acknowledge this in their application.*
- 3.8 *Applicants for premises within the cumulative impact area are expected to demonstrate an understanding of how the policy impacts on their application and detail any measures they will take to mitigate the impact; and include why they consider their application should be an exception to the policy*
- 3.9 *Therefore in an effort to avoid unnecessary hearings, applicants are strongly advised to prepare risk assessments and from these formulate any steps they consider necessary to promote the licensing objectives and then to consult with the Licensing Authority and other responsible authorities before submitting their applications. Failure to do so may lead to representations which can only be determined by the Licensing Sub-Committee. In respect of minor variations applicants are strongly advised to contact the appropriate responsible authorities before formally submitting their application in order to*

⁷ See Appendix D for further information on preparing operating schedules.

avoid unnecessary expense. To remove all doubt; officers are not empowered to change operating schedules once submitted to the Licensing Authority even though parties may have agreed changes, nor can officers accept conditional withdrawals of relevant representations.

- 3.10 Other than electronic applications applicants are reminded that documents submitted as part of an application which bear a signature, criminal record certificates, criminal conviction certificates, subject access documents and licensing qualifications must be original documents. Faxes and photocopies are not acceptable unless with the prior agreement of the Licensing Authority.
- 3.11 The Licensing Authority is a responsible authority and it makes a clear separation of the role of its licensing officers who administer applications and officers that can make representations. To that end, the Licensing Authority has nominated the Assistant Director - Health and Environment Services as the officer able to make representations on behalf of the Licensing Authority.
- 3.12 The Licensing Authority does not intend to make representations that should be made by another responsible authority or other person. However, there are occasions when it may wish to make representations e.g. when there are a number of unconnected complaints that in themselves do not require another responsible body to make a representation, but when taken together may undermine one or more of the licensing objectives.
- 3.13 The Public Health Directorate Lincolnshire County Council is also a responsible authority and the Licensing Authority recognizes the Director of Public Health, Lincolnshire County Council as representing that authority.
- 3.14 If relevant representations have been made, applications will be determined having regard to:
- this policy;
 - the Licensing Act 2003 and subordinate legislation;
 - case law;
 - guidance issued by the Home Office; and
 - the content of any 'relevant representations' received.
- 3.15 Account will be taken of the need to encourage and promote all types of entertainment including ⁸live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance arising out of these activities in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.
- 3.16 The Licensing Authority acknowledges that the views of vocal minorities should not necessarily be allowed to predominate over the general interest of the community.

⁸ See Live Music Act 2012 for exemptions to live music and The Licensing Act 2003 (Descriptions of Entertainment)(Amendment) Order 2013 for plays, dance indoor sporting events and wrestling and boxing..

- 3.17 Organizers of Temporary Events are required to give Notice to the Licensing Authority no later than ten clear working days in the case of ⁹standard notices and not less than five and not more than nine working days in the case of ¹⁰late notices before the day on which the event period begins. Clear working day does not include the day the temporary event notice was received by the Licensing Authority or the day of the event itself. *Organizers are encouraged to submit their notifications to the Licensing Authority and Police as soon as is reasonably practical in order for the Police and Environmental Protection to consider whether or not there are any concerns and where there are concerns, to enable all parties to take the necessary steps to resolve them.*
- 3.18 *The Licensing Authority recommends that for normal temporary events that at least 20 working days and no more than 40 working days notice be given. For events that may attract larger numbers of people or may have an impact on traffic or road management, earlier contact with responsible authorities, the Highway Authority (and possibly the Lincolnshire Safety Advisory Group) is advisable. For events taking place in the city centre it is also advisable to contact Lincoln Business Improvement Group (commonly referred to as Lincoln BIG) who have day to day control of the running of this area of the city and Lincolnshire County Council Highways.*
- 3.19 *It is strongly recommended that advice on fire safety be sought from Lincolnshire Fire and Rescue.*
- 3.20 Event organizers are reminded of Police powers to close down events without notice, on the grounds of disorder, the likelihood of disorder, or public nuisance. The Licensing Authority, therefore, expects organizers to be aware of their responsibilities under the licensing laws.
- 3.21 Section 176 of the Act provides that no premises licence, club premises certificate or temporary event notice can authorise the sale of alcohol on or from certain premises including premises used primarily as a garage (as defined in the Act) or form part of premises which are primarily so used. The Licensing Authority will establish primary use based on an examination of the intensity of use by customers of the premises and not based on an examination of gross or net turnover.
- 3.22 Applicants for a personal licence are expected to make their application in accordance with the Act and any regulations made there under. Failure to meet this requirement may result in the application being returned.
- 3.23 *Where an application for a personal licence reveals a disclosable conviction for a relevant offence under the Act, the Licensing Authority recommends that the Police carry out full and proper enquiries (including interviewing applicants as necessary) so as to provide evidence as to the reasons the crime prevention objective will be undermined by the grant of the licence before exercising its discretion to make an objection.*

⁹ See Appendix A

¹⁰ See Appendix A

4. Licensing Hours

- 4.1 As far as the Licensing Authority's overall approach to licensing hours is concerned it is not intended that any form of zoning will be introduced other than those subject to any EMRO that the Licensing Authority puts in place.
- 4.2 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be or are in an area which is known to be a focus of disorder and disturbance then, subject to receiving relevant representations, a limitation on licensing hours may be appropriate.
- 4.3 The Licensing Authority will deal with the issue of ¹¹licensing hours on the individual merits of each application. When issuing a licence or certificate, subject to receiving relevant representations, it may be necessary to impose stricter conditions with regard to noise control and/or limitations to the opening hours on premises which are situated in residential or sensitive areas.
- 4.4 *The Licensing Authority recommends applicants applying for late night hours, or extended hours to cater for non-specified dates, such as international sporting events, to make provision on their operating schedules to address the licensing objectives for these specific times applied for. For example additional or a different set of operating conditions may apply during these extended hours.*

5. Licensing Objectives

- 5.1.1 Each of the four licensing objectives is of equal importance. The Licensing Authority considers the effective and responsible management of the premises, and the instruction, training and supervision of staff in the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. *For this reason it is recommended that these elements be specifically considered and addressed within an applicant's operating schedule. The Codes of Practice for the Lincoln Evening Economy may be of some assistance in ensuring that premises are well managed and run.*
- 5.1.2 *As set out in paragraph 3.9, the Licensing Authority recommends that applicants carry out their own risk assessments in relation to the four licensing objectives in order to assist them in deciding whether any steps are required to be taken in order to meet those objectives.*
- 5.1.3 *Although not a requirement under the legislation, applicants are advised to copy any risk assessments undertaken to the responsible authorities in order*

¹¹ Applicants should be aware that the Licensing Authority may over-ride licensing hours with Early Morning Restriction Orders when appropriate to promote the licensing objectives.

that they can assess the suitability of the operating schedule. This may assist in reducing the number of representations and subsequent hearings.

5.2 Prevention of Crime and Disorder

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

Examples of steps the Licensing Authority advises applicants to consider and address include:

- *Physical security features e.g. use of polycarbonate, toughened or plastic drinking glasses;*
- *Procedure for risk assessment of alcohol promotions to ensure that they do not promote irresponsible drinking or potentially breach the mandatory condition on irresponsible drinks promotions;*
- *The use and numbers of SIA licensed door supervisors,*
- *Amount of seating to be provided to reduce the risk of high volume vertical drinking;*
- *Training given to staff in crime prevention and drug awareness measures,*
- *Training given to staff to prevent the sale of alcohol to those who are under age or appearing to be drunk;*
- *Training for staff to a recognised level such as the awards for personal licence holders, responsible drink retailing and designated premises supervisors;*
- *Adoption of the Retail of Alcohol Standards Group Challenge 21 or Challenge 25 policy incorporating the British Retail Consortium's Proof of Age Standards Scheme (PASS);*
- *Measures agreed with the Police to reduce crime and disorder,;*
- *Measures to prevent the use or supply of illegal drugs;*
- *Search procedures;*
- *Provision of CCTV in and around the premises;*
- *Participation in the use of the Lincoln Business Improvement Group's Radio Link Scheme;*
- *Formulation of a dispersal policy;*

- *Measures to prevent glasses and bottles being taken away from the licensed premises.*

5.3 Public Safety

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

5.3.2 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety. *Depending on the individual style and characteristics of the premises and/or events the following issues might be of relevance:*

- *Suggested occupancy figures (including staff and performers),*
- *Use of equipment and effects,*
- *Levels of door supervision,*
- *Measures to prevent the supply and use of illegal drugs,*
- *Physical safety features e.g. use of toughened glass, polycarbonate and plastic drink containers,*
- *Fire safety, training and evacuation procedures,*
- *Provision of CCTV.*

5.3.3 *The Licensing Authority would advise applicants applying for permissions to stage events which are likely to draw in large numbers of people and/or have an impact on the road network to have consulted with those authorities concerned with public safety and in particular with the Lincoln Events Safety Advisory Group (LSAG) and Highways Authority.*

5.3.4 *LSAG is not a responsible authority but is made up from representatives from bodies concerned with public safety; some of which are responsible authorities. Applicants are advised that the planning and consultation with LSAG should commence at an early stage and on particularly large events promoters/organisers should commence consultation at least a year in advance of the event.*

5.3.5 *It is also advisable for applicants to read the guidance for large scale events titled HSG 195, The Event Safety Guide (for health, safety and welfare at music and similar events) commonly known as the Purple Guide.*

5.3.6 The occupancy capacity for premises, and events as appropriate, is a fundamental factor in the achievement of the four licensing objectives (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). *The Licensing Authority recommends the issue of occupancy capacity (including staff and performers) to be considered and addressed within the premises' fire risk assessment.*

5.3.7 *The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include but are not limited to:*

- *The nature of the premises or event,*
- *The nature of the licensable activities being provided,*
- *The provision or removal of such items as temporary structures, such as a stage, or furniture,*
- *The number of staff available to supervise customers both ordinarily and in the event of an emergency,*
- *The customer profile,*
- *Availability of suitable and sufficient sanitary accommodation,*
- *Nature and provision of facilities for ventilation.*

5.3.8 *The agreement to a capacity for premises or events should not be interpreted as a requirement in all cases to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the capacity of premises without resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant is advised to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.*

5.4 Prevention of Public Nuisance

5.4.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

5.4.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

5.4.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

5.4.4 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant’s operating schedule. *These issues may include:*

- *The location of premises and proximity to residential and other noise sensitive premises, such as local businesses, hospitals, hospices and places of worship,*
- *The hours of opening, particularly between 23.00 and 07.00,*
- *The nature of the activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises,*
- *The design and layout of the premises and in particular the presence of noise limiting and/or monitoring features,*
- *The occupancy capacity of the premises,*
- *The availability of public transport,*
- *The availability of parking and access to such parking,*
- *The impact on the road network,*
- *'Wind down period' between the end of the licensable activities and the closure of the premises,*
- *The formulation of a dispersal policy,*
- *Last admission time.*

5.4.5 *The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:*

- *Effective and responsible management of premises,*
- *Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly,*
- *Provision of CCTV,*
- *Control of operating hours for all or parts (e.g. garden areas) of the premises, including such matters as deliveries,*
- *Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics),*
- *Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices,*
- *Management of people, including staff and traffic (and resulting queues) arriving and leaving premises,*
- *The need for temporary traffic regulation orders,*
- *Liaison with public transport providers,*
- *Sighting of external lighting, including security lighting,*
- *Management arrangements for collection and disposal of litter,*
- *Effective ventilation systems to prevent nuisance from odour,*
- *Undertaking noise impact assessments.*
- *Signage requiring customers to leave the premises in a quiet and orderly manner.*

5.5 Protection of children from harm

5.5.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls or centres and schools.

Except as prohibited by law, access by children to all types of premises will not be limited in any way unless it is considered necessary to do so to protect them from harm.

5.5.2 After receiving relevant representations on limiting access by children, the Licensing Authority, when deciding whether to limit access to children or not, will judge each application on its own individual merits. *Examples, which may give rise to concern in respect of children and would likely lead to a refusal of permitting access to children under 18, would include premises –*

- *Where entertainment or services of an adult or sexual nature are provided;*
- *Where there has been a conviction of a member of the current staff at the premises for serving alcohol to a minor or with a reputation for underage drinking;*
- *Where there has been a conviction of a member of current staff at the premises for an offence which may pose a risk to children;*
- *With a known (having been provided with evidence) association with drug taking or dealing;*
- *Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and*
- *Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.*

5.5.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself.

5.5.4 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then, subject to receiving a relevant representation, conditions may be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm. The onus will be on the premises licence holder to ensure that staff members are suitable to carry out the supervision of children, which may include a disclosure from the ¹²Disclosure & Barring Service

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

- Limitations of the hours when children may be present;
- Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied and supervised by an adult); and

¹² See Appendix A

- Full exclusion of those people under 18 years of age from the premises when any licensable activities are taking place.

5.5.6 The Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.

5.5.7 In respect of premises licensed for the sale of alcohol, the Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and compliance with the Retail Alert Bulletin.

5.5.8 The sale of alcohol to children and young persons under the relevant age is a criminal offence, often resulting in harm to the children and young persons concerned and disturbance and nuisance to local residents and businesses.

5.5.9 The Licensing Authority recognises that Lincolnshire County Council Trading Standards Service, as part of its responsibilities and duties under legislation controlling the sale of age restricted products including alcohol, provides advice and guidance on the controls and systems that may be adopted to help prevent such sales. The Licensing Authority also recognises that in liaison with the Police, the Trading Standards Service conducts covert test purchasing exercises in response to complaints and information received to check compliance with the law.

5.5.10 Mandatory conditions require the adoption of a proof of age scheme. The Licensing Authority commends a scheme such as the British Retail Consortium's Proof of Age Standards Scheme (PASS), the "Challenge 21" scheme, "Challenge 25" scheme or any locally or nationally approved scheme. All staff engaged in the sale or supply of alcohol should be fully trained in the application of any policy adopted.

5.5.11 The body responsible for the interests of children is:
The Lincolnshire Safeguarding Children's Board which is contactable through Lincolnshire County Council.

6. Cumulative Impact

6.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Licensing Authority can take into account. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example the potential impact on crime and disorder or public nuisance on a town or city centre of a large concentration of licensed premises. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises e.g. a pub, restaurant or hotel. The issue of 'need' is therefore a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.

- 6.2 The Licensing Authority has received representations from Lincolnshire Police, a responsible authority, that the cumulative impact of existing licences is leading to the City Centre becoming saturated with premises of a certain type, namely premises licensed to sell alcohol for consumption on the premises, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance.
- 6.3 With the intention of seeking to control the impact the operation of premises licensed to sell alcohol for consumption on the premises may have, the Licensing Authority has agreed that, in respect of such premises, there will be a rebuttable presumption that applications for new premises licences or club premises certificates or variations seeking to create such premises or to increase the licensed area of this type of premises by 10% or more, or any variation or extension of licensable activities between the hours of 23:00 – 06:00 within a specified area of the City will normally be refused, if a relevant representation to that effect is received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. *Applicants are advised to address this issue in their operating schedules in order to rebut such a presumption. It is also advisable for applicants to arrange a meeting to discuss their application with the police licensing officers before they submit an application for any premises within the cumulative impact zone.* The specified area is one enclosed within a line drawn from the top of the High Street, westerly along St Martin's Lane, Motherby Lane, West Parade, the Avenue over Brayford Way (University Bridge) to the junction with Rope Walk, eastward along Rope Walk down Brayford Wharf East to the northern banks of the River Witham to the junction with Broadgate, north and north west by Broadgate, Danesgate and Grantham Street (as edged black on the plan attached at Appendix C). *(N.B. This part of the policy is subject to a separate consultation and relies on the statistics and information obtained from Lincolnshire Police. It is subject to current investigation and justification.)*
- 6.4. The Licensing Authority will not operate a quota of any kind, which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 6.5 The decision to include a special policy relating to cumulative impact within this policy has been consulted upon and evidentially based. It will be regularly reviewed to assess whether it is needed any longer or needs expanding. This special policy relating to cumulative impact is not absolute and the circumstances of each application will be considered properly allowing licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted.

6.6 There are a number of other mechanisms for addressing issues of unruly behaviour which occur away from licensed premises. These include:

- planning controls;
- positive measures to create a safe and clean city environment in partnership with local businesses, transport operators and other departments of the Council;
- the provision of CCTV surveillance in the City, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers for the Council to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- Directions to leave under section 27 of the violent crime reduction act 2006.
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- the power of a magistrates court requiring premises to be closed for a period not exceeding 24 hours, where disorder occurs or is expected to occur;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or other persons to seek a review of the licence or certificate in question.

6.7 The Licensing Authority may address a number of these issues through the Community Safety Partnership and County Licensing Group in line with the strategic objectives for crime and disorder reduction within the City.

7. Regulated entertainment, nudity and circuses.

- 7.1 The Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 removed the licensing requirement for some activities within the definition of regulated entertainment under certain conditions and clarified others. Applicants and operators are encouraged to check with the Licensing Authority if there is any doubt whether a licence, club premises certificate or temporary event notice is required.
- 7.2 The Policing and Crime Act 2009 has amended the Licensing Act 2003 and the Local Government (Miscellaneous Provisions) Act 1982 and introduced a separate licence, the sexual entertainment venue licence which permits entertainment such as lap dancing, striptease and similar entertainment termed relevant entertainment. The City of Lincoln Council has adopted provisions of that Act.
- 7.3 If an operator wishes to provide entertainment covered by the amended 1982 Act then a licence under that Act will have to be obtained. If, the venue is exempted from requiring such a licence under the amended 1982 Act (due to the infrequent nature of providing the entertainment) an authority to provide such entertainment shall be required under the 2003 Act.
- 7.4 Additionally, any regulated entertainment not covered by the definition of relevant entertainment under the 1982 Act will need an authorization under the 2003 Act. As most venues providing relevant entertainment under the 1982 Act would also provide for the sale or supply of alcohol; both an authorization under the 2003 Act and a licence under the 1982 Act will be required.
- 7.5 The licensing authority recognises that in most instances the entertainment provided at circuses can be classed as regulated entertainment, therefore applicants are expected to obtain a premises licence or, if the total number of people attending and performing is less than 499, a TEN.

8. Conditions of Licence

- 8.1 Where the responsible authorities or other persons do not raise any representations about an application made to the Licensing Authority, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 8.2 The Licensing Authority may not therefore impose any additional conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing that it is appropriate to impose conditions due to the representations raised. It may then only impose or modify conditions appropriate for the promotion of the licensing objectives arising out of the consideration of the representations. The Licensing Authority

will expect that those making representations, which include suggested conditions, to provide evidence of the appropriateness for those conditions to be applied in respect of the specific premises.

- 8.3 When considering conditions the Licensing Authority will look to the relevant responsible authorities to assist and advise on the appropriate measures to be taken.
- 8.4 Where an applicant considers that representations may be likely or probable, it is recommended that the applicant discuss proposals with the Licensing Authority and those from whom they think representations are likely to be made prior to submitting their application. Applicants are specifically referred to paragraphs 3.4 and 3.5 above.
- 8.5 The Licensing Authority does not propose to implement standard conditions on licences across the board. *Applicants are advised to consult section 10 of the section 182 guidance when formulating their operating schedules.*
- 8.6 The Licensing Authority is aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a substantial nature and will take account of this.
- 8.7 There is now scope within the act for the management committees of community premises to apply for the mandatory alcohol condition under the LA2003 requiring a designated premises supervisor in respect of the sale of alcohol to be disapplied.
- 8.8 If such an application is successful, the effect of the alternative licence condition will be that the licence holder (i.e. the management committee) is responsible for all alcohol sales made under the premises licence. There will be no requirement for a Designated Premises Supervisor or for alcohol sales to be authorised by a personal licence holder.

9 Reviews

- 9.1 A review of premises licences or club premises certificates is a means available to responsible authorities and other persons to examine the operation of the premises when it become problematic and is putting the licensing objectives at risk.
- 9.2 The licensing authority recommends that responsible authorities and other persons should give premises early warning of problems. By doing so operators may be able to address these problems without the intervention of formal action.
- 9.3 It should be noted that although the Licensing Authority can initiate a review it does not intend to do so in circumstances when the application should be made by another responsible authority or other person. However, there are occasions when it may wish to make such an application or make representations e.g. when there are a number of unconnected complaints that

in themselves do not require another responsible body or other person to make a representation , but when taken together may undermine the licensing objectives.

9.4 The role of the licensing authority is to administer the process and determine the outcome at a hearing.

The steps the authority may take at a review hearing are;

- Modify (which includes adding deleting or altering) the conditions.
- Excluding licensable activities from the licence/certificate.
- Remove the designated premises supervisor.
- Suspend the licence for a period not exceeding 3 months.
- Revoke the licence/certificate.
- Take no action.

10. Enforcement

10.1 The Licensing Authority approach to enforcement shall be in accordance with the Authority's own enforcement policy, which reflects the agreed principles that are consistent with the Enforcement Concordat and the BERR Statutory Code of Practice for Regulators. To this end the key principles of targeting consistency, transparency and proportionality will be maintained.

11. Review

11.1 The Policy Statement will remain in existence for a period of 5 years and will be subject to review and further consultation before 30th September 2019. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

12. Advice and Guidance

12.1 For further advice, information or guidance on the application process, please contact the City of Lincoln Council's Licensing Section at:
Directorate of Resources, City of Lincoln Council, City Hall, Beaumont Fee, Lincoln, LN1 1DB;
01522 873564; or
licensing@lincoln.gov.uk

APPENDIX A

Glossary:

Regulated Entertainment

Subject to the conditions, definitions and the exemptions referred to in Schedule 1 the types of entertainment regulated by the 2003 Act (as amended by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
- a performance of live music;
- any playing of recorded music;
- a performance of dance;

• entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance. See Live Music Act 2012 for exemptions to live music and The Licensing Act 2003 (Descriptions of Entertainment)(Amendment) Order 2013 for plays, dance indoor sporting events and wrestling and boxing..

Due to continued amendment please contact the Licensing Team for up to date details.

Late Night Refreshment

Defined in Schedule 2 LA 2003. The provision of food/drink heated to above ambient temperature between the hours of 2300 and 0500 the following morning. Contact the Licensing Team for fuller details.

Relevant representation

To be relevant, the representation must concern one or more of the licensing objectives and is not frivolous, repetitive or vexatious.

Temporary Event Notice

A system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities

does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).

Standard TEN

A notice given with at least ten working days notice (not including the day of the event or the day the licensing authority received the notice.

Late Notice

A notice given with at least five working days notice but less than ten (not including the day of the event or the day the licensing authority received the notice.

Relevant person

a) the chief officer of police for any police area in which the premises are situated, or
b) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.

EMROs

- applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
- applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week;
- applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- applies to the whole or any part of the licensing authority’s area;
- will not apply to any premises on New Year’s Eve (defined as 12am to 6am on 1 January each year);
- will not apply to the supply of alcohol by those who provide hotel or similar accommodation to their residents between 12 am and 6am, provided the alcohol is sold at those times only through mini-bars and/or room service; and
- will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the 2003 Act.

APPENDIX B

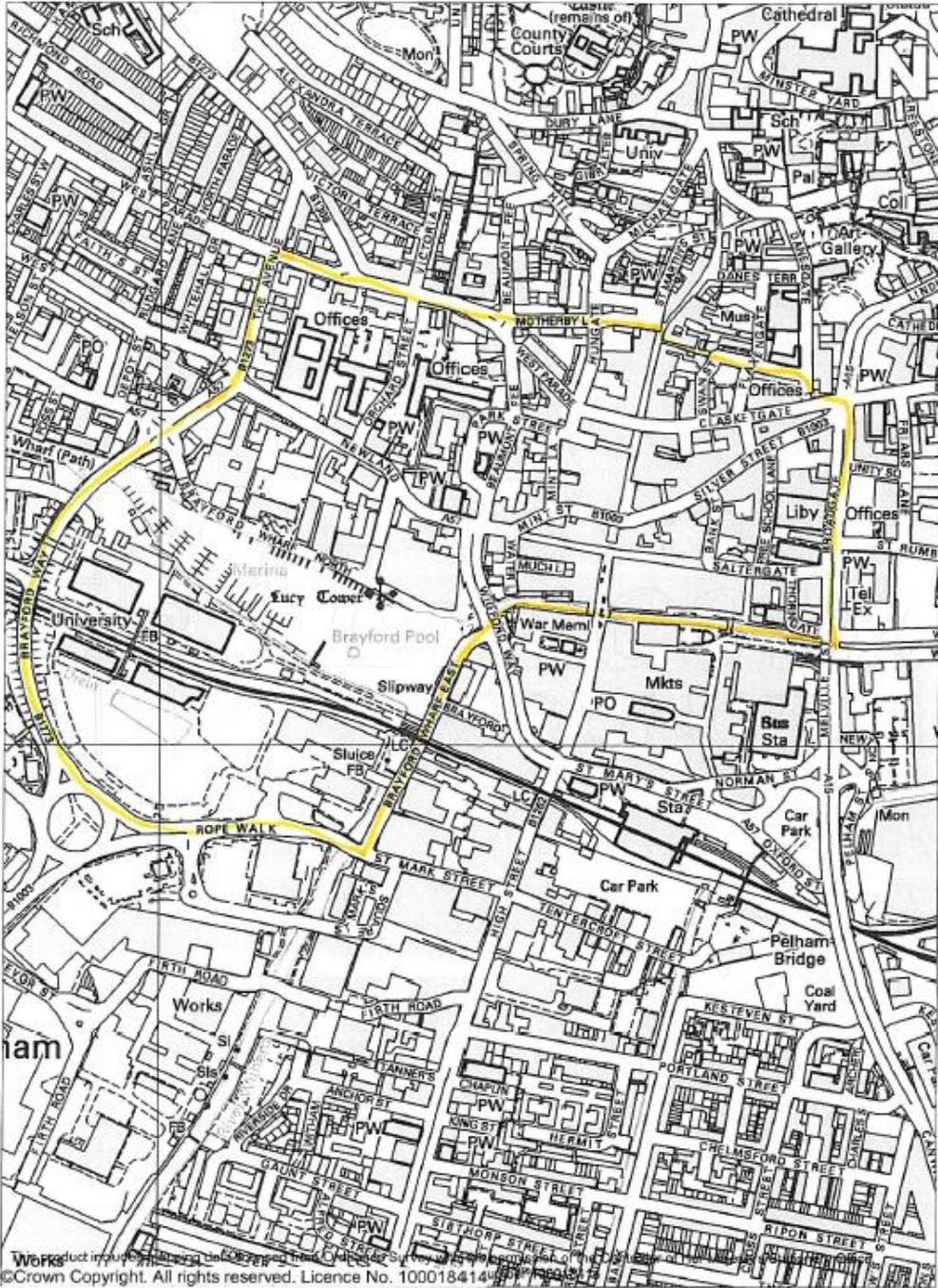
Delegation of Functions

The delegation of functions in relation to licensing matters are as follows: -

Matter to be dealt with	Licensing Committee	Sub Committee	Officers
Application for personal licence		If a Police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application for a full variation of a premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a Police objection	All other cases
Determination of an application to vary a premises licence at a community premises to include the alternative licence condition		If a Police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All other cases
Determination of minor variation application			All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Applications for Interim Authorities		If Police objection	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 Council is a consultee and not the relevant authority considering an application		All cases	
Determination of an objection to a temporary event notice		All cases	

The Sub Committee of the Licensing Committee shall comprise of 3 Members of that Committee

APPENDIX C



Scale: 1:5000



APPENDIX D

An operating schedule is a required document for all new applications for premises licences and club premises certificates. It forms part of the application. It is the documentation that outlines what activities are proposed to take place on the premises and when and where these activities will take place; the overall opening hours when the public are permitted on the premises; and how the activities will be managed in respect of the licensing objectives.

It is advisable to apply for realistic hours for any intended activity. Consideration should be given to the effect of hours not only on the residents and businesses in the vicinity but also the other service industries such as street cleaning, transport etc. The Police will look at their ability to provide resources and may make representations should it be felt that they are unable to make their limited resources available to suit your hours. Therefore, early discussion with the Police is essential.

Particular thought should be given to premises licence applications within the cumulative impact area. It is for the applicant to demonstrate that their application would not only have a neutral effect on the licensing objectives but in fact a positive effect.

One of the most critical parts of the operating schedule is the section where the applicant describes the steps intended to promote the four licensing objectives. Careful consideration of what is entered is advised. What is written in this section will be translated into conditions on the licence or certificate. However, as a guide the Council's Statement of Licensing Policy should be used to see what is expected to be addressed in the operating schedule.

Applicants should be aware that once the application has been submitted and accepted by the licensing authority as being a valid application, the proposed conditions within the operating schedule cannot be changed by officers.

If an application attracts a representation then the matter can only be resolved at a hearing. If agreement is made prior to the hearing between the applicant and the person(s) making representations, that change can be made to the application by the Licensing Sub-Committee without a hearing, but only if all parties (including the licensing authority itself) agree.

The operating schedule will be examined by the responsible authorities to ensure that they are satisfied that the risks to the licensing objectives have been addressed and the steps you intend to take so as not to put the objectives at risk. A representation can be expected from responsible authorities or other persons if the operating schedule is not specific, sufficiently detailed and robust enough to address the issues.

The starting point of the operating schedule should be a risk assessment. This should include the proposed activities and the risks they pose to the licensing objectives. Close liaison should be made with the responsible

authorities and persons living or working in the area for their views and assistance in preparing the risk assessment.

Premises that provide alcohol as part of their operation, will present some level of risk to the four licensing objectives.

Having identified risks, the operating schedule should include the steps that the applicant will take to address those risks and promote the licensing objectives in the form of proposed conditions.

Therefore, you are advised that to minimize the risk of representations, the steps that should be taken before submitting you application are:

- initially consult with responsible authorities and other persons;
- draw up a risk assessment;
- draw up an operating schedule;
- liaise again with the relevant authorities and other persons.