



## Part 4 Promotion of the Licensing Objectives

4.1 Each of the four licensing objectives are of equal importance and they will be paramount considerations for the Licensing Authority at all times. The Council will carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives. These are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

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 these elements are specifically considered and addressed within an applicant's operating schedule. It is for the applicant to decide, what if any, measures to suggest in its operating schedule in order to address any potential concerns.

Applicants are reminded measures proposed in the operating schedules will be converted into conditions on their licence.

The Safer Lincolnshire Partnership Code of Practice for South Lincolnshire Night Time Economy may be of some assistance in ensuring premises are well managed and well run.

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.

Although it is not a requirement under the Act, applicants are advised to submit any risk assessments undertaken to the responsible authorities in order that they can assess the suitability of the operating schedule.

The Licensing Authority recommends early consultation with Responsible Authorities.

### **Prevention of Crime and Disorder**

- 4.2 Under the Crime and Disorder Act 1998, the Licensing Authority must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.

The Licensing Authority will seek to ensure that licence holders take measures to control the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises as they seek to enter and leave. Any conditions attached to the licence will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, staff or agents.

The Licensing Authority will expect applicants to include in their operating schedules, the steps they propose to take to detect, reduce, and deter crime and disorder.

These steps will vary from premise to premise and according to the type of licensable activities that are to be undertaken. The need for and location of CCTV, the need for door supervision, and capacity permits to prevent overcrowding are some of the control measures that can be considered by applicants. Applicants should consider the location and type of their premises when considering any option. For example, there may be a greater need to provide door supervision in town centre public houses than at village premises.

Applicants should seek advice from the Police on control measures under this licensing objective. It is recommended that applicants discuss the measures they intend to take with the Police prior to making the application to try and reduce representations.

There are many steps an applicant may take to prevent crime and disorder. Examples of measures the Licensing Authority may expect applicants to consider and address in their operating schedule include:

- I. Participation in a scheme to reduce crime and disorder e.g. membership of Pubwatch
- II. Physical security features e.g. use of polycarbonate, toughened or plastic drinking glasses
- III. 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
- IV. The use and numbers of SIA licensed door supervisors

- V. Amount of seating to be provided to reduce the risk of high volume vertical drinking
- VI. Training given to staff in crime prevention and drug awareness measures
- VII. Training given to staff to prevent the sale of alcohol to those who are under age or appearing to be drunk
- VIII. Adoption of the Challenge 21 or Challenge 25 policy
- IX. Measures agreed with the Police to reduce crime and disorder
- X. Measures to prevent the use or supply of illegal drugs, including the installation and use of drug safes
- XI. Search Procedures
- XII. Provision of CCTV in and around the premises – CCTV remains one of the most effective measures for reducing crime and disorder. The Licensing Authority expects premises that retail alcohol for consumption on or off the premises will have an effective cctv system installed that operates in compliance with the requirements of Lincolnshire Police.
- XIII. Formulation of a dispersal policy
- XIV. Measures to prevent glasses and bottles being taken away from the licensed premises.
- XV. Measures to tackle street drinking including not selling single cans or bottles of beer, lager and cider; not selling super strength (ABV above 6.5) beer, lager and cider; and attaching water proof labels with printed shop names and addresses to cans and bottles of beer, lager and cider ( or all alcohol sold)

### Public Safety

- 4.3 The public safety objective is concerned with the physical state of people using the premises.

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

The Licensing Authority will expect applicants to include in their operating schedules the steps they propose to take to promote public safety.

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

- I. suggested occupancy figures (including staff and performers)
- II. the use of equipment and effects
- III. levels of door staff
- IV. measures to prevent the supply and use of illegal drugs
- V. physical security features e.g. the use of toughened drinking glasses or plastic containers
- VI. safety training and emergency evacuation procedures
- VII. controls on the removal of glasses, bottles and other drinking containers from licensed premises where alcohol is consumed

- VIII. control measures in place, such as the provision of seating and tables, to reduce high volume vertical drinking
- IX. provision of CCTV
- X. Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- XI. If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

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 assessment.

Applicants are advised to consult with the Environmental Health Team and the relevant Health and Safety Enforcing Authority who can offer advice as to the appropriate measures to be considered. On receipt of relevant representations, the Licensing Authority will have regard to the views of all of the Responsible Authorities.

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:

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

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 the 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 the capacity of the premises is not exceeded.

### **Prevention of Public Nuisance**

- 4.4 Licensed premises have a significant potential to impact adversely upon communities through public nuisance arising as a result of their activities. The Licensing Authority's aim is to maintain and protect the amenity of residents and other businesses from the

potential negative impact of licensed premises, by promoting the need to prevent public nuisance, whilst at the same time recognising the valuable cultural, social and economic importance of such premises.

The Licensing Authority intends to interpret 'public nuisance' in its widest sense and takes it to include such issues as noise, light, including artificial light, odour, dust, insects, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the area affected.

The Licensing Authority will expect applicants to include in their operating schedules, the steps they propose to take to prevent public nuisance. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on.

Applicants are recommended to consult with the Environmental Health Team for advice on measures that may need to be incorporated into the operating schedule.

When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type and location of premises and/or activities) which are likely to adversely affect the amenity of the area and 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 applicants operating schedule. These issues may include:

- I. The customer profile
- II. Availability of suitable and sufficient sanitary accommodation
- III. The location of the premises and the proximity to residential and other noise sensitive premises
- IV. The hours of opening, particularly where this will include times between 23.00 hours and 07.00 hours
- V. 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 carried on inside or outside the premises; whilst consumption of alcohol is not a licensable activity, the Licensing Authority will expect consumption areas to be shown on the application and a description of the measures to be taken to prevent public nuisance
- VI. The design and layout of the premises and in particular the presence of noise limiting and/or monitoring features
- VII. The occupancy capacity of the premises
- VIII. Any 'wind-down period' between the end of licensable activities and the closure of the premises
- IX. Last admission times
- X. The availability of public transport
- XI. The availability of parking and access to such parking

The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, depending upon the particular type of premises and the activities to be carried on:

- I. Effective and responsible management of the premises
- II. Appropriate instruction, training and supervision of those employed or engaged, to prevent incidents of public nuisance e.g. to ensure that customers leave quietly
- III. Control of operating hours for all or part of the premises (e.g. garden areas), including restrictions on the time of deliveries where necessary to

- control public nuisance
- IV. Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics)
- V. Installation of soundproofing, air conditioning, acoustic lobbies and sound limiting devices
- VI. Management of people, including staff and customers entering and leaving the premises
- VII. The effective management of vehicular traffic entering and leaving the site, including vehicle horns, loud music from vehicle radios etc
- VIII. Liaison with public transport providers
- IX. Care in the siting of external lighting including security lighting
- X. Management arrangements for the collection and proper disposal of litter resulting from premises, including that generated by customers
- XI. Effective ventilation systems to prevent nuisance from odour emissions
- XII. Undertaking noise impact assessments
- XIII. Regular monitoring of the perimeter by staff to ensure that noise emanating from the premises is not likely to cause public nuisance
- XIV. Provision of CCTV
- XV. The need for temporary traffic regulation orders
- XVI. Signage requiring customers to leave the premises in a quiet and orderly manner.

The Licensing Authority recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities and those who wish to use the facilities.

If it necessary for the prevention of public nuisance where conditions do not adequately address the issues an application can be refused.

### **The Protection of Children from Harm**

- 4.5 The Licensing Authority recognises the Lincolnshire Safeguarding Children's Partnership (LSCP) as the Responsible Authority for the protection of children from harm.

The protection of children from harm includes protection of children from moral, psychological and physical harm.

The Licensing Authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

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

Except where prohibited by law, access by children to all types of premises, should be freely allowed and will not be limited in any way unless, there is good reason to restrict entry or exclude children completely, so as to protect them from harm.

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:

- I. where entertainment or service of an adult or sexual nature are provided

- II. where there has been a conviction of a member of the current staff at the premises for serving alcohol to minors or with a reputation for under-age drinking
- III. with a known association (having been provided with evidence) with drug taking or dealing
- IV. 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)
- V. where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

On receipt of applications and any relevant representations, the Licensing Authority will consider whether conditions are necessary. Each application will be considered on its own merits and if conditions are necessary these may include:

- I. restrictions on the hours when children may be present;
- II. limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place and to ensure such activities cannot be viewed by children;
- III. restrictions on the parts of premises to which children might be given access;
- IV. age restrictions (below 18);
- V. restrictions or exclusions when certain activities are taking place;
- VI. requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult);
- VII. full exclusion of those people under 18 from the premises when any licensable activities are taking place.

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.

In the case of premises which are used for film exhibition, 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.

Where a large number of children are likely to be present on any licensed premise, for example, a children's show or pantomime, then subject to receiving relevant representation, conditions may be imposed requiring the presence of an appropriate amount of adult supervision 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 criminal record disclosure from the Disclosure and Barring service.

The Act makes it an offence for children under 16, who are not accompanied by an adult, to be present on the premises used exclusively or primarily for the sale of alcohol for consumption on those premises under the terms of a premise licence, club premise certificate, or where that activity is carried on in accordance with a temporary event notice.

In addition, it is an offence to permit the presence of children under 16, who are not accompanied by an adult, between midnight and 5am at other premises supplying alcohol for the consumption on premises holding a premise licence, club premises certificate or temporary event notice.

The Licensing Authority will not knowingly support application which would permit these offences to occur and may impose conditions in specific cases to ensure the protection of children from harm.

As well as being a criminal offence, the sale of alcohol to children and young people can lead to harm to them and can lead to public nuisance and crime and disorder. The Licensing Authority will therefore expect there to be adequate controls in place at licensed premises to prevent the sale of alcohol to children and young persons,

Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, director of public health environmental protection and trading standards also have their own powers. The Local Authority also commits to working in partnership with the Spalding Community Alcohol Partnership to reduce alcohol harm in local communities from drinking by young people under 25 with a particular emphasis on preventing underage drinking.

The Licensing Authority recognises that Lincolnshire County Council, Trading Standards Service, has a statutory responsibility to regulate the sale of age restricted products including alcohol. The Trading Standards service, provides advice and guidance to the licensed trade 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 recover to check compliance with the law.

The licensing authority will also give considerable weight to representations about child protection matters. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers.

Where licence holders wish to employ children they should ensure that the legislation regarding this matter is complied with and any necessary permits to work have been obtained from the Lincolnshire Safeguarding Children Board.

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.

The sale of alcohol to children and young persons under the relevant age is a criminal offence, often resulting in harm to the children and young persons concerned and disturbance and nuisance to local residents and businesses. Applicants should detail adequate control measures in their operating schedule to prevent under age sales.

Mandatory conditions require the adoption of a proof of age scheme to prevent sale to supply of alcohol to anyone under 18 years of age. 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 the policy adopted.

If an applicant intends to provide any entertainment of an adult nature then the Licensing Authority will expect a detailed description of those activities and the measures the applicants intends to take to protect children from harm. Please see Part 8 on Sexual Entertainment Venues.