

Official



Internal Ref:	NELC. Licensing
Next Review date	December 2020
Version No.	V01.00

North East Lincolnshire Council

Statement of Licensing

Policy

2015 - 2020

Official

BACKGROUND INFORMATION				
Document Purpose	On behalf of North East Lincolnshire Council to cover licensable activities as described in the Licensing Act 2003			
Author	Adrian Moody, Licensing Manager			
Last Review and Publication Date	March 2015			
Target Audience	All peoples living in North East Lincolnshire			
Subject	Licensing and associated activities			
Reference and Version	NELC.Licensing / V01.00			
For Further Copies Email	Adrian.moody@Nelincs.gov.uk			
Location of Published Copy	North East Lincolnshire Council webpages			
Copyright	North East Lincolnshire council			
Impact Assessment (inc E&D) done?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>	
Name of Lead Officer undertaking Assessments	Adrian Moody. Licensing Manager Len Dean-King, Advanced Practitioner – Strategy & Policy			
IA Action Plan with Recommendations Produced	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>	
Corporate Priorities	Levels of Impact			
	High	Medium	Low	None
Stronger Economy				
Skills and employability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Business support and innovation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local employment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sustainable environment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stronger Communities				
Independence	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sustainable housing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Active citizens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Healthy lives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Official

PREFACE

The drafting of the following Statement of Licensing Policy has been led by North East Lincolnshire Councils' Licensing Section and shall form the basis for the Licensing Authority's Statement of Licensing Policy as required by the Licensing Act 2003 ("the Act")

During its preparation and review, a wide range of parties were consulted, including statutory agencies, licensed trade representatives, individual licensed businesses and legal representatives to the licensed trade.

EXECUTIVE SUMMARY

The Licensing Act 2003 came into effect in 2005. Under Section 5 of the Licensing Act 2003 the Licensing Authority (North East Lincolnshire Council) is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st January 2005. In 2011 the Government made changes to the Licensing Act 2003 which requires a review of this policy every five years.

Any decision taken by the Council in regard to determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

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

The policy covers the licensable activities as specified in the Act which are:

- Sale by retail or supply of alcohol
- Regulated entertainment #
- Late night refreshment

Decisions are taken by Licensing & Community Protection Committee ("the Committee"); a 3 person sub-committee comprising members of the Committee; or Officers - using delegated powers.

The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Additionally the council has regard to a number of other local strategies.

Official

The council has the ability to grant licences for premises and certificates for club premises. It also grants personal licences and accepts temporary event notices. Applicants for premises licences should be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

Where relevant, the council consults with the responsible authorities as described in the Act. Local people and Members of the council are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications for premises licences or requesting reviews of licences for problem premises.

The policy includes three special policies which seek to limit the cumulative effect of licensed premises in certain areas.

Enforcement of the legislation is a requirement of the Act that is undertaken by the council. This policy describes the council's enforcement principles and the principles underpinning the right of review.

The definition of regulated entertainment is in the process of being amended through a programme of deregulation hence the recommendation to seek advice in this respect.

LOCAL FEATURES

North East Lincolnshire covers approximately 74 square miles and encompasses the towns of Grimsby and Immingham, two major seaports, the seaside resort town of Cleethorpes and numerous villages.

The fixed population of North East Lincolnshire is in the region of 160,000 (Population Estimates, Office of National Statistics, 2011), with 93% of the population living in the towns of Grimsby, Cleethorpes and Immingham. However, the transient population of Cleethorpes increases significantly during the summer months due to the influx of tourists staying in the resort and at nearby caravan parks.

There are 531 premises that are currently licensed by NELC under the Act, including 424 that are licensed to sell alcohol. The authority also administers 1616 personal licences.

A large number of licensed premises within the district are concentrated around Victoria Street and Old Market Place in Grimsby and the High Street, the Market Place and the North Promenade in Cleethorpes.

During the summer season there are numerous entertainment events that occur in Cleethorpes in particular.

Official

North East Lincolnshire Council recognises the valuable cultural, social and economic importance of the leisure industry and the benefits it brings to the area and its citizens.

Official

CONTENTS

TITLE	SECTION	PAGE
Preface & Executive Summary		3
Introduction	1.0	8
Licensing Objectives	2.0	10
Statement of Licensing Policy	3.0	11
Consultation	4.0	13
Links to Other Strategies	5.0	14
General Licensing Matters	6.0	16
Conditions	6.1	16
Extent of Control	6.2	16
Duplication of Legislation	6.3	16
Need	6.4	17
Cumulative Impact	6.5	17
Licensing Hours	6.6	17
Cultural Development	6.7	17
Adult Entertainment	6.8	18
Excessive Consumption of Alcohol	6.9	18
Early Morning Restriction Orders	6.10	19
Licence Suspension for Non-payment of fees	6.11	19
Licensing Decisions & Delegation	7.0	21
Applications	8.0	24
Introduction	8.1	24
Premises Licences	8.2	25
Operating Schedules	8.3	26
Personal Licences	8.4	27
Temporary Events Notices (TENs)	8.5	28
Advice and Guidance	8.6	30
Representations	8.7	30
Reviews	8.8	31
Enforcement	8.9	32
Licensing objectives in detail	9.0	34
Introduction	9.1	34
Prevention of Crime and Disorder	9.2	35
Public Safety	9.3	37

Official

Prevention of Public Nuisance	9.4	40
Protection of Children from Harm	9.5	41
Cumulative Impact Policies	10.0	45

APPENDICES

Maps of Cumulative Impact Zones Where Special Policy Applies:	Appendix I	50
Zone 1 - Grimsby Town Centre		50
Zone 2 - Freeman Street / East Marsh		51
Zone 3 - Cleethorpes Town Centre		52
Consultees	Appendix II	53
Other Strategies	Appendix III	54
Mandatory Conditions	Appendix IV	58
Responsible Authorities	Appendix V	61
Public Health Statement	Appendix VI	62

Official

1.0 INTRODUCTION

- 1.1** Section 5 of the Act requires a Licensing Authority to prepare and publish a statement of its licensing policy every five years. The policy must be published before the authority carries out any licensing function in relation to applications made under the Act.
- 1.2** The authority must have regard to the Secretary of States' Guidance when making and publishing its licensing policy. A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that they should be able to give full reasons for departing from their published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the local policy statement is inconsistent with the Guidance, for example, during any consultation by the Licensing Authority. In these circumstances, the Licensing Authority should have regard, and give appropriate weight, to the Guidance and its own licensing policy statement.
- 1.3** North East Lincolnshire Council (the Council) is the Licensing Authority under the Licensing Act 2003 and is responsible for granting and/or determining objections to premises licences, club premises certificates, temporary events notices and personal licences in the North East Lincolnshire area in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.4** This Policy is provided to assist applicants to understand what the Licensing Authority is seeking to achieve through the promotion of the licensing objectives, the factors that influence the licensing objectives and the control measures that could be implemented by applicants for licences to enable them to achieve the licensing objectives. The licensing objectives are discussed in more detail throughout this document.
- 1.5** It should be recognised that this policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 11p.m. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate.
- 1.6** The purpose of licensing is to control licensable activities and authorisations within the terms of the Act. 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 from a Responsible Authority or any other person.

Official

- 1.7** Responsible Authorities are public bodies that must be fully notified of applications and that are entitled to make representations to the Licensing Authority in relation to the grant, variation or review of a premises licence. All representations made by responsible authorities are relevant if they concern the effect of the application on the licensing objectives. A list of the responsible authorities for this Licensing Authority are set out in Appendix V. Where the Licensing Authority makes representations or applies to review a licence, suitable arrangements will be made to separate the licensing administration process from the representation / review application.
- 1.8** The Council is committed to the implementation and application of this policy in such a manner as to ensure that no applicant or interested party 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.
- 1.9** If in doubt as to whether an activity or premises requires a licence, contact should be made with the Licensing Section of the Council at the following address:

Licensing Section
Municipal Offices
Town Hall Square
Grimsby
North East Lincolnshire
DN31 1HU
Tel: 01472 326299
Email: licensing@nelincs.gov.uk

Official

2.0 LICENSING OBJECTIVES

2.1 The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. The four objectives are the only matters that can be taken into account when determining applications. The Licensing objectives are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children From Harm

2.2 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 take responsibility for their own actions. The Licensing Authority will work in partnership with its neighbouring authorities, the police, local businesses and local people towards the promotion of the objectives as outlined.

2.3 The licensing objectives are considered to be of equal importance. In determining applications, consideration can only be given to matters, which impact on one or more of these objectives.

2.4 The Licensing Authority will through implementation of this policy have regard to the amenity of any area insofar as they relate to the four licensing objectives. Balancing the interests of employers, owners, customers and neighbours of public houses, clubs, late night catering premises and off-licences will not always be straightforward. The Licensing Authority will be guided by the four objectives of the Act and will use its powers to promote best practice and to deter poor practice, in relation to the operation of licensed premises.

2.5 Further details on the four licensing objectives can be found in Section 9.0 of this Policy.

Official

3.0 STATEMENT OF LICENSING POLICY

- 3.1** The 2003 Act requires that the Licensing Authority publishes a Statement of its Licensing Policy every five years that sets out the approach the Licensing Authority will generally apply to promote the licensing objectives when carrying out its functions under the Act.
- 3.2** This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued by the Secretary of State for the Department of Culture, Media and Sport (DCMS), under Section 182 of the Act.
- 3.3** A copy of the Section 182 guidance can be downloaded free of charge from www.homeoffice.gov.uk/drugs/alcohol.
- 3.4** The Policy Statement will not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and all applications will be considered on their individual merits. Furthermore, the Policy will not override the right of any person to make relevant representations on an application or to seek to review a licence or certificate where provision has been made for them to do so in the Act.
- 3.5** This Policy Statement takes effect on the 25th March 2015 and will remain in force for a period of not more than 5 years. It will be subject to regular review and further consultation prior to re-publication on 25th March 2015.
- 3.6** This Licensing Authority confirms that:
- Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and
 - The conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations.
- 3.7** Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.
- 3.8** 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.

Official

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

Anti-Social Behaviour Crime and Policing Act 2014

The Violent Crime Reduction Act 2006

The Policing and Crime Act 2009

The Police Reform and Social Responsibility Act 2011

The Provision of Services Regulations 2009

- 3.9** Applicants for any authority or permission 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.

Official

4.0 CONSULTATION

- 4.1** There are clearly a number of persons/groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 4.2** Under Section 5 of the Act, the Licensing Authority is statutorily obliged to consult with certain persons/bodies before determining its policy for any five year period. The Licensing Authority considers the statutory consultees are:
- The chief officer of police for the area
 - The fire authority for the area
 - Persons/bodies representatives of local premises licences
 - Persons/bodies representatives of local holders of club premises certificates
 - Persons/bodies representatives of local holders of personal licences
 - Persons/bodies representatives of businesses and residents in the area
- 4.3** In addition to the above the Licensing Authority has made all reasonable efforts to identify and consult with other interested parties to ensure the Policy is representative of the stakeholders within the locality. In undertaking additional consultation the Licensing Authority has had regard for time and cost.
- 4.4** The views of the all the persons/bodies listed above are given appropriate weight when the Policy is determined and/or reviewed. However, this will not include representations that are frivolous, vexatious or repetitious or those representations that stray beyond the licensing objectives.
- 4.5** Interested parties are approached using various media, which may include letters, press releases, mail shots, the Council website, e-mail, forums, seminars, local radio, public interface/access points etc.
- 4.6** A full list of those consulted is shown in Appendix II.

5.0 LINKS TO OTHER STRATEGIES

- 5.1** In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact on this Statement of Licensing Policy.
- 5.2** Arrangements will be made for the Committee to receive reports, when appropriate, on the needs of the local tourist and cultural economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.
- 5.3** To ensure proper integration with the Councils' planning policies, the Committee will provide reports to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the planning committee to have regard to such matters when making its decisions.
- 5.4** The Licensing Authority recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000. The impact of this policy on race relations will be monitored through the Councils' race equality scheme.
- 5.5** The Licensing Authority endorses the Secretary of States' recommendation of the 'Portman Group Code of Practice' on the Naming, Packaging and Promotion of Alcoholic Drinks and believes it is an important tool in protecting children from harm.
- 5.6** A list of associated strategies, policies and comments (where relevant) are shown in Appendix III.
- 5.7** The Licensing Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The Licensing Authority will continue to developed strategies with the police, and the other enforcement agencies as appropriate, for the management of the night-time economy. Central to this is the enforcement of the law relating to the sales of alcohol to drunk and underage people and drunkenness or disorder on, or in the immediate vicinity of licensed premises.
- 5.8** In addition there is nothing to prevent the police, licensing authorities and the hospitality industry reaching agreement about best practice in areas where problems are likely to arise.
- 5.9** Licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees and certificate holders.

Official

However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter, where and to the extent that these matters are within their control.

- 5.10** In addition, when considering a new premises licence with representations or following reviews that have identified problems with a particular premises, the Licensing Authority may consider imposing conditions as appropriate, such as preventing customers from taking open containers outside the premises or installing CCTV. However, any conditions imposed must not be aspirational and must be within the control of the licensee.

6.0 GENERAL LICENSING MATTERS

6.1 Conditions

- 6.1.1** Where no representations are made by either a Responsible Authority and/or any other person, 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 and the mandatory conditions prescribed in the Act. The Licensing Authority will not impose a set of 'blanket' conditions to licences granted. Any conditions imposed after representation and that are upheld at the subsequent hearing, will be appropriate and specific to the mode of operation of an individual premises and will be proportionate in the circumstances of each case (see Appendix IV for details of mandatory conditions).
- 6.1.2** Applications for minor variations (see Section 8.2.7) 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.
- 6.1.3** If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.
- 6.1.4** Where conditions are attached to licences they will reflect local crime prevention strategies where appropriate.

6.2 Extent of Control

- 6.2.1** The Licensing Authority will only seek to put in place measures and/or conditions that are within the remit of individual licensees, and/or others in possession of relevant authorisations to control and that are in the 'vicinity' of those premises. This Policy should not be seen as a mechanism for the general control of anti-social behaviour by persons once they are away from an individual licensed premises and therefore beyond the direct control of the licence holder.

6.3 Duplication of other Legislation

- 6.3.1** The Licensing Authority will, so far as possible, avoid duplication with other regulatory regimes. Conditions in respect of public safety will only be attached to licences if they are necessary for the promotion of that licensing objective and not already provided for in other legislation. However, it is accepted that such regulations will not always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and therefore tailored conditions may be necessary.

Official

6.3.2 Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the development concerned. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Planning Committee. The granting by the Licensing Committee of any variation of a licence would not relieve the applicant of the need to apply for other permissions. Applicants for licences should note that the existence and/or granting of one type of permission will not mean that they will automatically be granted another type of permission.

6.3.3 Applicants are strongly encouraged to consider making any necessary applications and enquiries for planning permission before or at the same time as they make applications for a premises licence or club premises certificate.

6.4 Need

6.4.1 When making licensing decisions, the Licensing Authority will not consider the issue of whether there is a commercial demand or 'need' for another licensed premises within any given area. This will remain a matter for the Planning Committee and the marketplace to decide.

6.5 Cumulative Impact

6.5.1 See Section 10.

6.6 Licensing Hours

6.6.1 The Licensing Authority will consider each and every application on its individual merit and as such will not seek to impose terminal hours unless absolutely necessary for promotion of one or more of the licensing objectives.

6.6.2 It should be noted that in promoting the licensing objectives, stricter control may be required for licensed premises in residential areas, where relevant representations are made to an application and subsequently upheld.

6.6.3 Shops, stores and supermarkets will generally be permitted to match the hours during which they sell alcohol with their normal trading hours, unless there are exceptional reasons relating to the licensing objectives.

6.7 Cultural Development

6.7.1 Having regard to the Council's Cultural Strategies and the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified in 1976, a diverse provision of cultural activities is welcomed for the benefit of communities. The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted

Official

without unreasonable restrictions being imposed, which would discourage such events. The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children. Advice and guidance on this matter will be sought from the Council's Head of Tourism and Leisure.

6.8 Adult Entertainment

- 6.8.1** Section 26 of the Policing and Crime Act introduced a new category of sex establishment under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 Act called a 'sex entertainment venue'. This new category covers venues that provide 'relevant entertainment'. Relevant entertainment is defined as any live performance or display of nudity "which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)". Such venues will require a sex establishment licence in addition to a premises licence if other licensable activities are occurring. For further details please contact the Licensing Section.

6.9 Excessive Consumption of Alcohol

- 6.9.1** The council is acutely aware of the link between the supply of alcohol that is subject to certain promotions and the possibility of resultant incidents of alcohol related crime and disorder and implications for public safety, public nuisance and the risk of harm to children.
- 6.9.2** The council also recognises the impact that excessive or binge drinking can have on public health and that positive action on promoting the licensing objectives is equally likely to have an indirect impact on public health.
- 6.9.3** The British Beer and Pub Association states that a promotion is irresponsible where it encourages or incites individuals to drink to excess, behave in an anti-social manner or fuels drunkenness. The council as the Licensing Authority will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the licensing objectives.
- 6.9.4** In April 2010 new mandatory conditions came into effect which:
- Ban irresponsible promotions;
 - Ban the dispensing of alcohol directly into the mouth; and
 - Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.
- 6.9.5** The legislation makes it clear that an irresponsible promotion is one that is "carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carried a significant risk of

Official

leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children”.

- 6.9.6** As a consequence any on-trade premises that participates in irresponsible drinks promotions will be breaching licence conditions and may be subject to a review of their licence.
- 6.9.7** If there are issues that undermine the licensing objectives at any premises and it is considered that an irresponsible drinks promotion was a causative factor, this will be stressed at any review hearing.
- 6.9.8** The Licensing Authority will work with Health Professionals in their role as a Responsible Authority where it is considered that an application or licensed premises is operating in such a way that the licensing objectives are not being promoted and comments provided by that Responsible Authority may assist Committee make an appropriate decision.
- 6.9.9** A statement relating to Public Health is set out in Appendix VI.

6.10 Early Morning Restriction Orders (EMROs)

- 6.10.1** The power conferred on licensing authorities to make, vary or revoke an EMRO is set out in section 172A to 172E of the Licensing Act 2003. This power was brought into force on 31st October 2012 and the government has provided guidance as part of the S182 Guidance to Licensing Authorities.
- 6.10.2** An EMRO enables a Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 6.10.3** EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 6.10.4** It is the councils' intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.
- 6.10.5** At present there has not been an identified need for the implementation of an EMRO in North East Lincolnshire.

6.11 Licence Suspensions for Non-payment of Maintenance Fees

- 6.11.1** Under the provisions of the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend premises licenses and Club Premises Certificates on the non-payment of annual fees. Licence / Certificate holders will receive an invoice which includes details of how pay.

Official

Failure to pay by the date in the invoice will trigger one reminder and if payment is still not received a warning letter will be issued giving 7 days notice of the licence being suspended. If this suspension is not adhered to, action will be taken to prosecute the licence holder / Club and revoke the licence / certificate.

- 6.11.2** If an operator does not wish to carry on the activities that require the premises licence or certificate anymore it is important the licence or certificate is surrendered to prevent maintenance fees being accrued.

Official

7.0 LICENSING DECISIONS AND DELEGATION OF FUNCTIONS

- 7.1** The main decision making body of the Licensing Authority will be the Licensing & Community Protection Committee. Committee is made up of 15 members. The Licensing Committee may delegate its functions to sub-committees or in appropriate cases, to officers of the Licensing Authority.
- 7.2** The Licensing Sub-Committees will consist of 3 elected members who are also members of the Licensing Committee.
- 7.3** To remove the potential of a conflict of interests, prior to making determinations on licensing issues, the members of any Committee or Sub-Committee are required to declare any personal or prejudicial interest. Members of any Committee or Sub-Committee will not hear determinations for premises in their own ward.
- 7.4** With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making.
- 7.5** The following table indicates the delegation of licensing functions:

Matter to be dealt with.	Sub-Committee.	Officers.
Application for a personal licence	If police objection	If no objection made
Application for a personal licence with unspent convictions	All cases	
Application for a premises licence / club premises certificate	If a relevant representation is made	If no relevant representation is made
Application for a provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence / club premises certificate	If a relevant representation is made	If no relevant representation is made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases

Official

Application for transfer of premises licensing	If a police objection	All other cases
Applications for interim authorities	If a 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 local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection to a temporary event notice	All cases	
Determine whether to grant or refuse Minor Variation applications		All cases
Decision to make relevant representations on behalf of the Licensing Authority		All cases
Decision to make a an application to review premises licence / club premises on behalf of the Licensing Authority		All cases

7.6 It is envisaged that the majority of determinations will be made by the Licensing Sub-Committee. However, in appropriate cases, it may be decided that the Licensing Committee will make a determination.

7.7 All members of the Licensing Committee will be required to undertake training prior to sitting on any Licensing Committee.

Official

- 7.8** The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.
- 7.9** Every decision made by the Committee shall be accompanied by clear reasons for the decision.

Official

8.0 APPLICATIONS

8.1 Introduction

8.1.1 When considering all applications, the Licensing Authority will have regard to:

- The Licensing Act 2003 and the licensing objectives.
- Guidance issued under Section 182 of the Licensing Act 2003.
- Any supporting regulations.
- This Statement of Licensing Policy.
- Any Relevant Representations

8.1.2 As previously stated, when the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible. In particular, its licensing functions will be discharged separately from its functions as the Local Planning Authority.

8.1.3 When one part of the Licensing Authority seeks a premises licence from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Licensing Committee. Those making representations genuinely aggrieved by a positive decision in favour of a Local Authority application by the Licensing Authority will be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.

8.1.4 In all cases, applicants and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.

8.1.5 It should be noted that an incomplete application will not be accepted. The applicant will be contacted and assistance provided but if this is unsuccessful the application will be returned with an explanation of why it is incomplete.

8.1.6 Control measures that are imprecise or difficult for a licence holder to observe should be avoided. It would be sensible for applicants of premises licences and club premises certificates to consult, in a timely manner, with the responsible authorities when operating schedules are being prepared.

8.1.7 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 responsible authorities as defined within the Act 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 variation applicants are strongly advised to contact the appropriate responsible authorities before formally submitting their application in order

Official

to avoid unnecessary expense. Officers accept conditional withdrawals of relevant representations.

- 8.1.8** 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.

8.2 Premises Licence

- 8.2.1** Premises Licences are required for a wide variety of premises (and activities carried on in them) including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 11p.m.

- 8.2.2** Although there are exemptions, in general, premises will require either a Premises Licence or Club Premises Certificate if any of the following occur:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

- 8.2.3** 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.

- 8.2.4** Further information on the above, for example what constitutes regulated entertainment can be found in the Section 182 Guidance or by contacting the Licensing Section.

- 8.2.5** Where a premises licence holder wishes to amend the licence the Act allows, in most cases, for an application to make a full or minor variation rather than requiring an application for a new premises licence.

- 8.2.6** In the cases of a change of the name or address of someone named in the licence (section 33) or an application to vary the licence to specify a new individual as the designated premises supervisor (section 37) there are simplified processes for making such applications.

- 8.2.7** The type of applications that can be made under the minor variations process are as follows:

Official

- minor changes to the structure or layout of a premises
- small adjustments to licensing hours
- conditions: removal of irrelevant or unenforceable condition
- licensable activities: adding certain licensable activities, including live music.

This process cannot be used for any variation involving sale or supply of alcohol.

8.2.8 Any other changes to the licence require an application to vary under section 34 of the Act, including:

- Varying the hours during which a licensable activity is permitted;
- Adding or removing licensable activities;
- Amending, adding or removing conditions within a licence; and
- Altering any aspect of the layout of the premises which is shown on the plan.

8.2.9 It should be noted that a section 34 application cannot be used to vary a licence so as to:

- Extend a time limited licence; or to
- Transfer the licence from one premises to another.

If an applicant wishes to make these types of changes to the premises licence they should make a new premises licence application under section 17 of the Licensing Act 2003.

8.3 Operating Schedules

8.3.1 A main part in ensuring compliance with the Act, and in particular showing how the four licensing objectives are being achieved, is the 'operating schedule' for the licensed premises. The schedule will aid any Responsible Authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory.

8.3.2 The schedule will form part of the conditions of the licence.

8.3.3 The Licensing Authority will work with the licensees and licensed premises applicants to minimise the number of disputes that may arise in this area by providing advice and guidance on the completion of the schedules. However, the responsibility for drawing up the operating schedule rests with the applicant who is encouraged to seek guidance at an early stage of the application.

8.3.4 The operating schedule should detail how the business will be run and the steps/controls put in place to meet the licensing objectives.

Official

- 8.3.5** Any individual preparing an operating schedule is free to volunteer any measure as a step he or she intends to take to promote the licensing objectives.
- 8.3.6** The operating schedule must specify all types of entertainment, which will take place at the premises. If there is dancing on the premises the operating schedule should specify in broad terms, the type of dancing and whether this will include lap dancing, strip tease, members of the public, professional performers and in what setting. Where an operating schedule indicates there will not be adult entertainment, a condition to that effect should be added.

8.4 Personal Licences

- 8.4.1** Personal Licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off the premises for which a Premises Licence is in force for the carrying-on of that activity. The Licensing Authority strongly encourages Premises Licence holders where alcohol is being sold to ensure that there are sufficient Personal Licence holders for the premises to ensure adequate supervision of the sale of alcohol.
- 8.4.2** The Licensing Authority will require one of the Personal Licence holders to be a Designated Premises Supervisor (DPS) at premises where alcohol is sold (premises with Club Premises Certificates are exempt from this requirement and Community Premises e.g. Village Halls can apply to remove the requirement). The main purpose being to ensure that there is always one specified individual who can be readily identified as responsible for the day-to-day management of the business at the premises.
- 8.4.3** Within the operating schedule for premises from which alcohol will be sold, a DPS must be identified. The Licensing Authority will expect the DPS to have been given day-to-day responsibility for running the premises by the holder of the Premises Licence.
- 8.4.4** Where the DPS is not available at the premises for whatever reason, the Licensing Authority will require that details of where the DPS can be contacted to be available at the premises.
- 8.4.5** The Premises Licence will specify the name of the DPS and therefore it is the responsibility of the licensee to notify the Licensing Authority immediately of any change of the DPS.
- 8.4.6** "Authorisation" does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.
- 8.4.7** The Secretary of State considers that the following factors should be relevant in considering whether or not an authorisation has been given:

Official

- The person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- The authorisation should have specified the acts which may be carried out by the person being authorised;
- There should be an overt act of authorisation, for example, a specific written statement given to the individual being authorised; and
- There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

8.4.8 The Secretary of State strongly recommends that personal licence holders give specific written authorisations to individuals that they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol. The form of written authorisation is a matter for the personal licence holder, but the Secretary of State recommends that it should satisfy the criteria listed in the paragraph above. Written authorisation is not a requirement of the Act and its absence alone could not give rise to enforcement action.

8.4.9 The Licensing Authority commends to any DPS membership of the local Pub watch scheme.

8.5 Temporary Events Notices (TENS)

8.5.1 Certain temporary events are not required to be licensed, although they must be notified to the Licensing Authority and to Humberside Police and the Pollution Control Officer using the TENS process (contact should be made with the Licensing section for details). Depending on the nature and location of such events, these can have serious crime and disorder implications.

8.5.2 TENS enable the temporary sale of alcohol, or the provision of regulated entertainment, or late night refreshment at premises, not authorised by a Premises Licence or Club Premises Certificate. Where an application is made to the local authority then it must be granted or a counter notice issued. Where a premises has licence conditions, these can be added to the notice by the licensing committee if the relevant responsible bodies object to the notice within 3 working days.

8.5.3 TENS can only be used subject to the following conditions and limitations: -

- The duration is limited for a period of up to 168 hours.
- The event will involve the presence of not more than 499 people at any one time.
- The same premises can be used for up to 12 occasions in one calendar year but the aggregate number of days must not exceed 21.

Official

- A personal licence holder is limited to 50 TENS (and 10 late TENS) per year at premises that are not licensed.
- A person not holding a personal licence is limited to five TENS (and 2 late TENS) per year (provided the sale of alcohol does not take place).
- Notification of standard TENS must be at least 10 working days before the event. (Failure to do so will result in rejection of the notice by the Licensing Section).
- Late TENS can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the Licensing Authority, must also be sent by the premises user to the police and the Pollution Control Officer. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised.
- Late TENS are intended to be used by premises users who are required for reasons outside their control to, for example, change the venue at short notice. They should not be used save in exceptional circumstances.
- As for a standard TEN, the police and Pollution Control Officer have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives. If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead. In these circumstances there is no scope for a hearing or the application of existing conditions.

8.5.4 If the above criteria, or any part thereof, are not fulfilled for an event at which licensable activities are to take place, a Premises Licence will be required.

8.5.5 The Licensing Authority strongly encourages organisers of Temporary Events to submit TENS notifications as soon as reasonably practicable (at least 1 month before the event) to enable the Police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.

8.5.6 Event Organisers are also advised to provide details of the event to North East Lincolnshire Council Events Safety Advisory Group.

8.5.7 Event organizers are reminded of Police and Local Authority powers to close down events without notice, on the grounds of disorder, the likelihood of disorder, or public nuisance. The Licensing Authority, therefore, expects organisers to be aware of their responsibilities under the licensing laws.

8.5.8 Conditions can only be carried forward from a premises licence or club premises certificate onto a TEN where relevant objections have been made by the Police or Pollution Control. Conditions must be attached at a hearing, unless the authority; the premises user; and the relevant Responsible Authority have agreed a hearing is unnecessary.

Official

- 8.5.9** Further information on TENs may be obtained by contacting the Licensing Section.

8.6 Advice and Guidance

- 8.6.1** The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. In respect of new businesses and developments involving licensable activities, the Licensing Authority welcomes an early opportunity to offer advice and guidance; this includes prior to seeking planning permission. At this stage, it is often easier and more cost effective to integrate such issues as crime and disorder, transport and public safety into the early design stages. With regard to existing businesses, discussions, prior to submitting an application under the Licensing Act 2003, will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority, Police and/or Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.

- 8.6.2** Wherever possible and where resources permit, the Licensing Authority will seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the Licensing Section and those from who they think representations are likely, prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

- 8.6.3** Separate guidance giving advice and details of the application processes, operating schedules, control measures and full contact details of the Responsible Authorities and other useful contacts/resources can be obtained from the Licensing Section (see Section 1.0 for contact details). The guidance notes will be reviewed and amended in-line with this Policy and as necessary.

8.7 Representations

- 8.7.1** The Responsible Authorities, including the Licensing Authority may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.
- 8.7.2** Local residents and businesses, in the vicinity of the premises subject to the application, or their representatives, and ward (known as 'interested parties') are free to raise relevant representations. A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the

Official

representation must not be frivolous or vexatious, and in the case of reviews, in addition, not repetitious.

8.7.3 Local residents and businesses, or their representatives, and any other persons are free to raise relevant representations. A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious, and in the case of reviews, in addition, not repetitious.

8.7.4 The Licensing Authority may also decide to withhold some or all of a persons' details from the applicant. However, withholding such detail will only be considered where the circumstances justify such action and the Licensing Authority is satisfied that the complaints are not frivolous or vexatious.

8.8 Reviews

8.8.1 Where possible and appropriate the Licensing Authority and Responsible Authorities will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

8.8.2 Responsible authorities and any other persons can trigger a review of a premises licence, but evidence of the grounds of review will be required to be presented to the Licensing Section and/or Licensing Committee

8.8.3. No more than one review from a person other than a Responsible Authority will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

8.8.4 A Red and Yellow Card approach may be used by the Licensing Authority at Review Hearings as follows:

Yellow Card: This will complement the initial review process. Problem premises taken to review will be issued with necessary and proportionate licence conditions and issued with a 'Yellow Card'. This effectively puts the premises on probation with the understanding that a further review of the premises may lead to the revocation of the licence (A 'Red Card').

Red Card: The red card process will be a second review of the premises licence. A likely conclusion of a second Licensing Committee hearing would be the revocation or suspension of the licence.

The approach will highlight to Licence Holders that those failing to comply with the Licensing objectives face the real possibility of revocation. Also, it will provide failing premises with the opportunity to amend their operation, effectively giving them a 'last chance'.

8.8.5 Where the crime prevention objective is being undermined, revocation of the licence – even in the first instance – will be seriously considered.

Official

8.8.6 Review applications made by Responsible Authorities will only be withdrawn in exceptional circumstances as they will normally follow at least one written and one verbal warning.

8.9 Enforcement

8.9.1 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the principles of the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

8.9.2 The Councils' Enforcement Policy is based on the principles that businesses should:

- Receive clear explanations from enforcers of what they need to do and by when.
- Have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed.
- Receive an explanation of their rights of appeal.

8.9.3 The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law. The Council has set clear standards of service and performance that the public and businesses can expect.

8.9.4 The Licensing Authority will encourage the creation of enforcement protocols with the Responsible Authorities on enforcement issues. Such protocols provide for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low-risk premises/activities.

8.9.5 The Police and the Licensing Authority will make use of relevant violent crime data to identify licensed premises where appropriate remedial action is required. A stepped approach will be used to secure improvements unless the severity of an issue or incident requires a deviation from such an approach because immediate action is required.

8.9.6 The Licensing Authority also recognises the Hampton Principles of inspection and enforcement:

- No inspection should take place without a reason

Official

- Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection.

Official

9.0 LICENSING OBJECTIVES IN DETAIL

9.1 Introduction

9.1.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:

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

9.1.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective. However, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive.

9.1.3 Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

9.1.4 Furthermore, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive or indeed a compulsory check list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

9.1.5 The selection of control measures, referred to in 9.1.4 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).

9.1.6 Whilst the Licensing Authority cannot require such risk assessments to be documented, it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.

9.1.7 Additional measures may be appropriate on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives

9.1.8 Reference should be made in an applicants' operating schedule to such occasions wherever possible and the additional measures that are planned in order to achieve the licensing objectives should be included where practicable.

Official

9.1.9 Whilst there is no legal requirement for training of personal licence holders/DPS's above and beyond that which is laid down in the Act, the Licensing Authority considers effective and responsible management, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. Applicants should note that the omission of details of additional training in their operating schedules will not prejudice their application.

9.1.10 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be a significant 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). Applicants should consider the issue of occupancy capacity in the operation of the premises. However applicants should note that the omission of capacity details in their operating schedules will not prejudice their application.

9.1.11 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 that applicants may wish to consider when assessing the appropriate capacity for premises or events include:

- 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 age of the customers.
- The attendance by customers with disabilities, or whose first language is not English.
- Availability of suitable and sufficient sanitary accommodation.
- Nature and provision of facilities for ventilation.

9.1.12 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 will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

9.2 Prevention of Crime and Disorder

9.2.1 The Licensing Authority is committed to further improving the quality of life for the people of North East Lincolnshire by aiming to reduce crime and anti-social behaviour; and the fear of crime and anti-social behaviour.

9.2.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty the Council, Police and others to consider crime and disorder reduction in the

Official

exercise of all their duties. The Licensing Act 2003 reinforces this duty for Licensing Authorities.

9.2.3 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective.

9.2.4 **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 reduce or prevent crime and disorder on and in the immediate vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**

9.2.5 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour

9.2.6 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:

- Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' driving licences with photographs
- Provision of effective CCTV in and around premises to the satisfaction of Humberside Police.
- Employment of adequate numbers of Security Industry Authority licensed Door Supervisors, with clear roles and responsibilities. or Sub-Committee
- Provision of toughened or plastic drinking vessels in all Town Centre Premises.
- Provision of secure, deposit boxes for confiscated items ('sin bins')
- Provision of litterbins and security measures, such as lighting, outside premises
- Membership of local 'Pub watch' schemes or similar organisations

Official

9.2.7 Within the operating schedule for premises from which alcohol will be sold, a Premises Supervisor must be designated ('Designated Premises Supervisor' DPS). The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis.

9.2.8 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.

9.3 Public Safety

9.3.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

9.3.2 **To this end, 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 ensure public safety, relevant to the individual style and characteristics of their premises and events.**

9.3.3 When addressing the issue of public safety, an applicant will be expected to demonstrate that those factors that impact on the standards of public safety have been considered. These may include:

- The occupancy capacity of the premises
- The age, design and layout of the premises, including means of escape in the event of fire
- The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- Customer profile (e.g. age, disability)
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

9.3.4 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

- Suitable and sufficient risk assessments
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons

Official

- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA))
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures

9.3.5 Fire safety is considered a most important issue. To aid applicants in ensuring this requirement, the Humberside Fire and Rescue Service have produced a guidance leaflet. Copies of this leaflet may be obtained from the Licensing Section, or by contacting the Fire and Rescue Service on 01472 372500 or by visiting the website www.humbersidefire.gov.uk.

9.3.6 From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order') replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will have ceased to have effect. The Licensing Authority notes that under article 43 of the Fire Safety Order any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect, without the need to vary the licence. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies.

9.3.7 Responsibility for complying with the Order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a Fire risk assessment which must focus on the safety on case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including, where necessary, capacity limits.

9.3.8 In North East Lincolnshire, Humberside Fire and Rescue Service enforce the Order in most premises and have the power to inspect the premises to check the responsible person is complying with their duties under the Order. They will look for evidence that the responsible person has carried out a suitable fire risk assessment and acted upon the significant findings of that assessment. If the enforcing authority is dissatisfied with the outcome of a fire risk assessment or the action taken, they may issue an enforcement notice that requires the responsible person to make certain improvements or, in extreme cases, issue a prohibition notice that restricts the use of all or part of the premises until improvements are made.

9.3.9 The details set out in 9.3.6 – 9.3.8 above do not preclude the Fire and Rescue Service from applying to review premises licences or Club Premises Certificates where necessary.

9.3.10 Further information and guidance about the Order and fire safety legislation is available from the Communities and Local Government website www.communities.gov.uk/fire.

Official

- 9.3.11** Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be unnecessary for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if necessary, checks on this equipment to be conducted at specified intervals and for evidence of these to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or interested parties, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make clear their expectations in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.
- 9.3.12** “Safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be unnecessary to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a Responsible Authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 9.3.13** As noted above, a capacity limit should not be imposed as a condition of the licence on fire safety grounds (unless the Licensing Authority and the enforcing authority for fire safety purposes are the same) since, under article 43 of the Fire Safety Order, it would have no effect and so would not be enforceable.
- 9.3.14** The special provisions made for dancing amplified and unamplified music in section 177 of the 2003 Act apply only to premises with a “permitted capacity” of not more than 200 persons. In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the Fire Safety Order. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wished to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority who will consider it and then decide what the “permitted capacity” of those premises should be.

Official

9.4 Prevention of Public Nuisance

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

9.4.2 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. However premises licence holders will only be deemed responsible for the impact which directly relates to the vicinity of individual premises under their control.

9.4.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.

9.4.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.

9.4.5 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.

9.4.6 When addressing the issue of prevention of public nuisance, the applicant will be expected to demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
- The hours of opening, particularly between 23.00 and 07.00
- The nature of 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 premises
- The design and layout of premises and in particular the presence of noise limiting features
- The occupancy capacity of the premises
- The availability of public transport

Official

- A 'wind down period' between the end of the licensable activities and closure of the premises
- A 'last' admission time

9.4.7 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:

- Control of operating hours for all or parts (e.g. garden areas) of 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, Licensed Property: Noise, published by BBPA)
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter
- Effective ventilation systems to prevent nuisance from odour

9.5 Protection of Children from Harm

9.5.1 The Licensing Authority recognises the Local Safeguarding Children Board (LSCB) to be the competent Responsible Authority to advise in respect of the protection of children from harm objective.

9.5.2 The general relaxation in the Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

9.5.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example the unpredictability of their age and the lack of understanding of danger.

Official

- 9.5.4** The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises, or part of it. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 9.5.5** **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 protect children from harm, relevant to the individual style and characteristics of their premises and events.**
- 9.5.6** Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include premises/places:
- Where entertainment or services of an adult or sexual nature are commonly provided
 - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises. (Applicants should note that the existence of a small number of Amusement with Prizes (AWP) machines in premises will not be construed as substantial gambling).
- 9.5.7** The following examples of control measures are given to assist applicants in preparation of their operating schedule, having regard to their particular type of premises and/or activities:
- Effective and responsible management of premises
 - Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
 - Adoption of best practice guidance (The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks)
 - Limitations on the hours when children may be present, in all or parts of the premises
 - Limitations or exclusions by age when certain activities are taking place
 - Imposition of requirements for children to be accompanied by an adult
 - Measures to ensure children do not purchase, acquire or consume alcohol (see 9.5.8)

Official

- Measures to ensure children are not exposed to incidences of violence or disorder

9.5.8 Age Verification Policy –

North East Lincolnshire Council recognises the widespread problem with both off and on-licences and compliance with the law regarding the sale of alcohol to under 18 year olds.

Measures that North East Lincolnshire Council reasonably expect applicants to implement include:

- Operation of at least a 'challenge 25' policy that require photographic identification to be requested from any person who appears to be under the age of 25 years of age and the display of notices to that effect.
- Ensuring that all staff responsible for selling alcohol shall be trained in the proof of age policy and records of training to be maintained.
- Giving reminders to relevant staff regarding the sale of alcohol to children at key times, such as school holidays, and keep records of those reminders.
- Displaying notices stating that no under 18's shall be served alcohol.
- Keeping a refusals book that must be available for inspection.
- Reminders relating to age verification checks for Door Supervisors and records kept of those reminders.

North East Lincolnshire Council will work in partnership with the other Responsible Authorities to ensure that robust action is taken in respect of holders of premises licences who persistently flout the law.

9.5.9 Applicants for premises licences or club premises certificates will be required to copy details of their applications to the Local Safeguarding Children Board (LSCB).

9.5.10 In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.

9.5.11 If considered appropriate, the Licensing Authority may require that adult supervisors be checked for suitability to work with children.

Official

- 9.5.12** The Licensing Authority will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.
- 9.5.13** The Licensing Authority is aware that alcohol, misuse and abuse is one of the recurring key 'parental factors' in child protection, often contributing to parental neglect of children, domestic abuse and violence within families.
- 9.5.14** Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink alcohol. Being under the influence of alcohol impacts on the safety and health of young people. They become vulnerable and are at risk of becoming involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.
- 9.5.15** North East Lincolnshire Council's Safeguarding Children's Board works with other statutory authorities and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. Specialist Officers can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.
- 9.5.16** Licensing Authority encourages licence holders and operators of licensed premises:
- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and
 - To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

Further details are available at:

www.proceduresonline.com/nelincs/lscb/chapters/p_referrals.html

The Children's Assessment and Safeguarding Service/Out of Hours Service can be contacted at:

Viking House

51 Church Street

Grimsby

DN32 7DD

Telephone: (01472) 325555 or 326292 option 1

Fax No: 01472 325403

E-mail: ChS-MASHVikingHouse@nelincs.gcsx.gov.uk

Official

10.0 CUMULATIVE IMPACT

- 10.1** For the purposes of this Policy, 'cumulative impact' is defined as 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 the town centres caused by a large concentration of licensed premises in that specific part of the Licensing Authority area. Cumulative impact should not be confused with 'need' (as defined in sub-section 6.4 above).
- 10.2** In addressing the potential issue of cumulative impact, the Licensing Authority has the power to include a 'special policy' of refusing new licences. Any special policy would apply only to a particular area with specified boundaries.
- 10.3** The Licensing Authority will only consider putting in place a special policy of refusing new licences, if relevant representation is made by a Responsible Authority, which provides substantial evidence of adverse effects of a negative cumulative impact on the licensing objectives that is not identifiable to individual premises.
- 10.4** The adoption of a special policy within the Licensing Policy will only be considered once the following steps have been taken:
- Identification of concern about crime and disorder or public nuisance;
 - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises which can't be attributed to an individual premise, and if so identifying the area from which problems are arising and the boundaries of that area;
 - Or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - Consultation with the Responsible Authorities as part of the general consultation required (as detailed in Section 4 above).
 - Consideration of the statutory guidance issued under Section 182 of the Act or any subsequent guidance from the relevant Secretary of State.
- 10.5** The adoption of a special policy would in effect create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations would normally be refused, if relevant representations are received, unless it could be demonstrated that the operation of the premises involved would not add to the cumulative impact already being experienced.
- 10.6** If no representation is received it would remain the case that the application would be granted.
- 10.7** As part of the review of this policy, Humberside Police requested that the Licensing Authority consider the adoption of a special policy to deal with the

Official

cumulative impact of licensed premises in three specific areas of North East Lincolnshire. On the basis of indicative evidence submitted by the police and other research the Licensing Authority is satisfied that the number, type and concentration of licensed premises in the areas concerned, have a cumulative impact on the licensing objectives, particularly the prevention of crime and disorder, over and above the impact of the individual licensed premises situated in the area.

- 10.8** To help control this cumulative impact, the Licensing Authority will apply the following policy in respect of applications for relevant authorisations for premises within the three cumulative impact zones defined in section 10.14 below:

Subject to the following and, where it is entitled to do so, the Licensing Authority will normally refuse any new applications for relevant authorisations or any variation of these in the cumulative impact zones; unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.

Applications to which the special policy will apply:

The special policy will apply primarily to any premises where application is made for the grant or variation of permission to sell / supply alcohol.

However, the Licensing Authority recognises that the slow dispersal of patrons and visitors to premises and areas within the cumulative impact zone may also contribute to the cumulative impact on the licensing objectives. Therefore, the special policy will also apply where application is made for permission to provide regulated entertainments or late night refreshments.

As cumulative impact relates to the effect of a concentration of a number of premises, the Licensing Authority is of the view that the special policy may only be applied in respect of individual relevant applications for premises within the cumulative impact zone. The Licensing Authority will not normally accept the cumulative impact as a ground for the review or revocation of an existing authorisation.

- 10.9** The special policy does not remove the requirement to make relevant representations. Where no such representations are received, the Licensing Authority must grant the application in terms that are consistent with the operating schedule submitted and any applicable mandatory conditions.
- 10.10** When making a representation relating to premises within the cumulative impact zones, Responsible Authorities and any other persons do not need to provide evidence of the cumulative impact on the licensing objectives, as the Licensing Authority has already accepted this. However, those making representations must back up any assertion that granting the application in question would add to the cumulative impact; always remembering that the

Official

impact will be different for premises of different sizes, styles and characteristics.

- 10.11** The special policy shifts responsibility to the applicant to show that what they are applying to do on the premises will not add to the cumulative impact on the licensing objectives. It is recommended that applicants show how the use of the premises in the manner applied for, would not add to the cumulative impact on the licensing objectives and include suitable steps to achieve this in their operating schedule.
- 10.12** Where appropriate and as an exception, the Licensing Authority may depart from this special policy and any other associated guidance (including that issued by the Secretary of State). In cases where a departure is made, reasons will be given.
- 10.13** This special policy will be reviewed 12 month intervals.
- 10.14** The special policy shall apply to all premises (including land forming part of the premises) situated on any side of the lengths of highway listed in the tables below:

Zone 1 – Grimsby Town Centre	
Highway	Area
Frederick Ward Way	End to end (including Freshney Place and the Market Hall)
Church Lane	End to end
Victoria Street	From Old Market Place to junction with Frederick Ward Way/Ellis Way
Ellis Way	From Victoria Street to railway bridge
Burgess Street South	End to end
Queen Street South	End to end
Riverhead	End to end
Dial Square	End to end
Bethlehem Street	End to end
Osborne Street	End to end
New Street	End to end
Town Hall Street	End to end
Town Hall Square	End to end
East Street	End to end
Pasture Street	From junction with Victoria Street to level crossing
Peaks Parkway (A16)	From junction with Frederick Ward Way to junction with railway line bridge
Doughty Road	From junction with Osborne Street / Town Hall Square to junction with railway line bridge
Garden Street	From junction with South St Mary's Gate /

Official

	Osborne Street to level crossing
Abbey Walk	End to end
Brewery Street	End to end
South St Mary's gate	End to end
East St Mary's Gate	End to end
West St Mary's Gate	End to end
George Street	End to end
Station Approach	End to end (including Gas Alley)
Old Market Place	End to end
Bull Ring Lane	End to end
Wellowgate	From Church Lane to level crossing

Zone 2 – Freeman Street / East Marsh	
Highway	Area
Land within railway line	From Cleethorpe Road to Pasture Street (including Asda)
Cleethorpe Road	From flyover above railway line to junction with Albion Street
Railway Street	End to end
Railway Place	From Railway Street to Cleethorpe Road
Freeman Street	End to end
Freeman Way	End to end
Albion Street	End to end
Heneage Road	From junction with Albion Street to junction with Pasture Street
Strand Street	End to end
Kent Street	End to end
Church Street	End to end
Albert Street West	End to end
Nelson Street	End to end
Newmarket Street	End to end
Thesiger Street	End to end
Thesiger Walk	End to end
Albert Street East	End to end
Albert Place	End to end
Garibaldi Street	End to end
Duncombe Street	End to end
Duncombe Gardens	End to end
Petchell Way	End to end
Wellington Street	From Railway Street to Albion Street
Werneth Road	End to end
Comber Place	End to end
Wood Street	End to end
Tivoli Gardens	End to end
Harlech Walk	End to end
Bodiam Way	End to end

Official

Hainton Avenue	Freeman Street to Pasture Street
Ellis Way	From junction with railway line bridge to junction with Eleanor Street
Holles Street	End to end
Eastgate	End to end
Bradley Street	End to end
Holme Street	End to end
Willingham Street	Bradley Street to Pasture Street
Robinson Street East	End to end
Pasture Street	From level crossing to junction with Heneage Road
Eleanor Street	From Freeman Street to Heneage Road

Zone 3 – Cleethorpes Town Centre	
Highway	Area
Central promenade	From Sea Road to Pier Gardens (including the pier and beach area)
North Promenade	From station to Central Promenade
Station Road	From junction with Grant Street to station (including station)
Grant Street	From High Street to College Street
Alexandra Road	From junction with High Street to junction with Albert Road
Isaac's Hill	From junction with College Street to High Street
High Street	End to end
Cross Street	End to end
Market Street	End to end
Short Street	End to end
Sea Road	End to end
Dolphin Street	End to end
Mill Place	End to end
Cosgrove Street	End to end
Albert Road	End to end
St Peter's Avenue	From junction with Isaac's Hill to junction with Albert Road
De Lacy Lane	End to end
Elm Road	From junction with St Peter's Avenue to junction with Elm Avenue
Bowling Lane	From junction with St Peter's Avenue to junction with Glebe Road

- 10.15** The three maps shown in Appendix 1 show the broad extent of the cumulative impact zones in North East Lincolnshire. To make it clear, if premises (and any land forming part of the premises) are only partly within the shaded area they will be subject to the special policy.

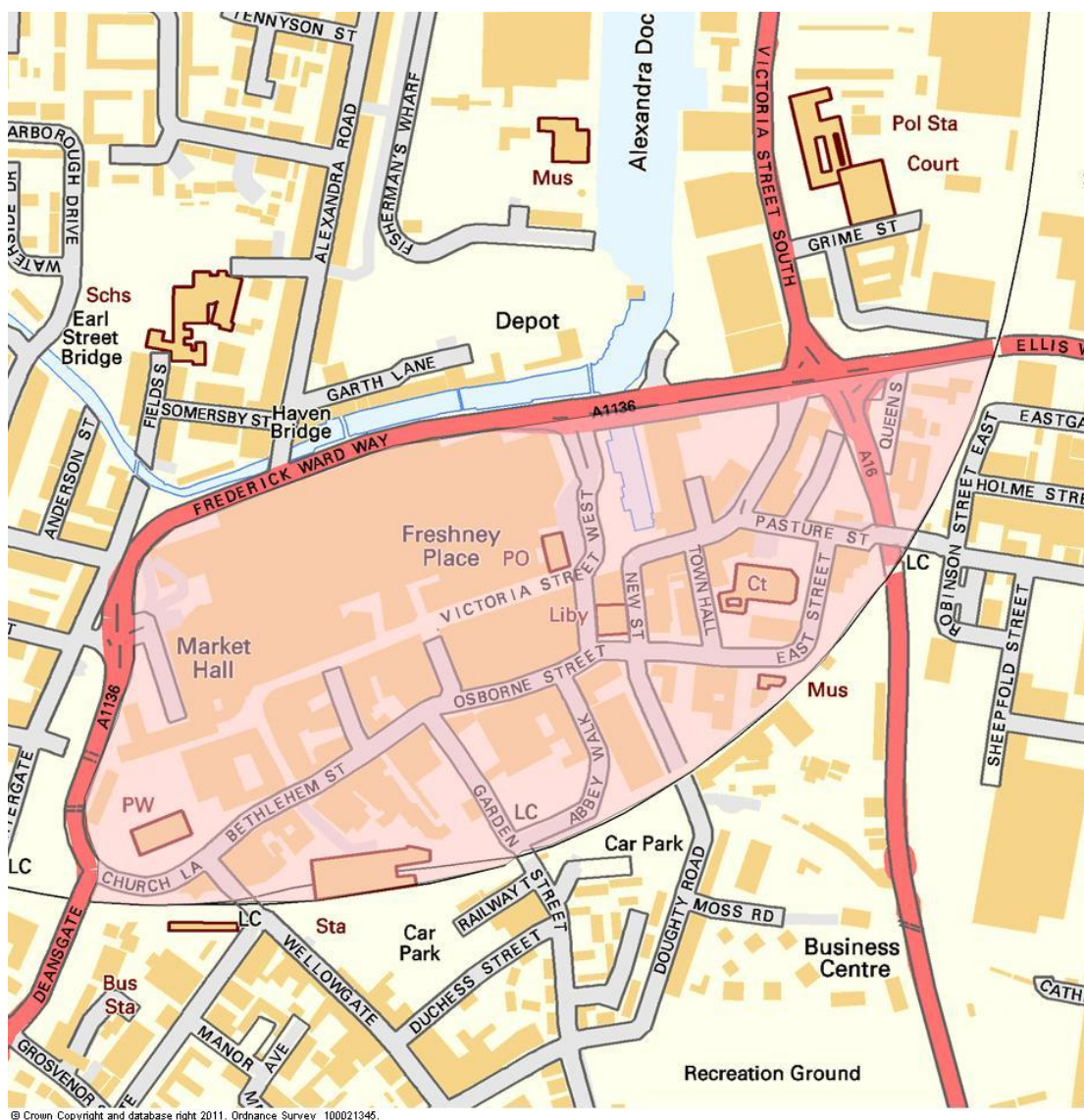
Official

APPENDIX I

Cumulative Impact Zones Where Special Policy Applies

(See Section 10.8)

ZONE 1 – GRIMSBY TOWN CENTRE



Official

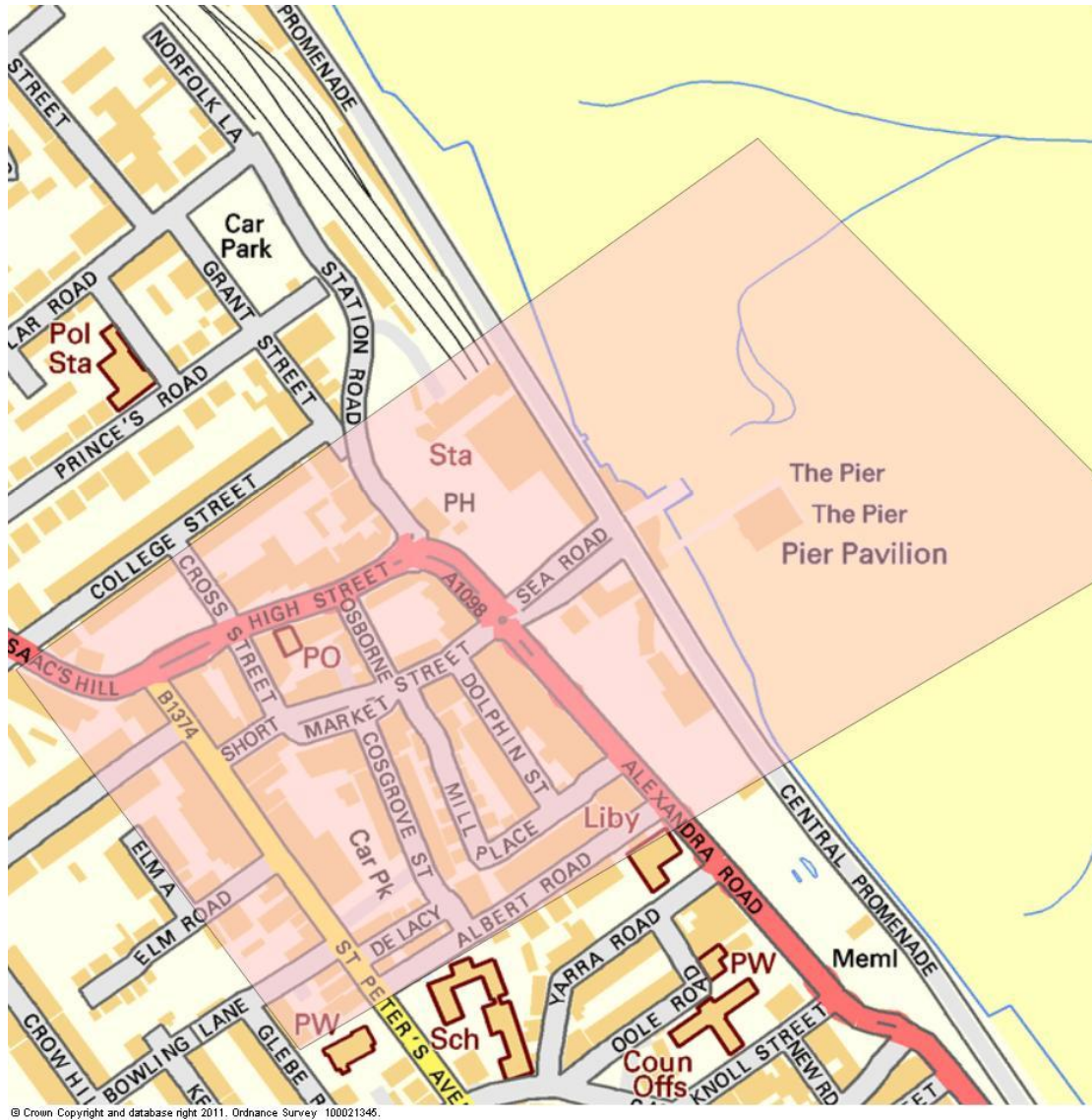
ZONE 2 – FREEMAN STREET / EAST MARSH



Official

Official

ZONE 3 – CLEETHORPES TOWN CENTRE



Official

Official

APPENDIX II**List Of Those Consulted During The Production Of This Statement Of Licensing Policy**

NELC/Statutory/Agencies		NELC/Statutory/Agencies
Licensing Act 2003 Premise/Club Licence Holders		NELC Customer Access Points
NELC Legal Section		NELC Web-site
Elected Members		NSPCC
Strategic Director People & Communities		NHS Trust Diana Princes of Wales Hospital
Assistant Director - Environment		Other LA's
Humberside Police, Police Licensing Officer		Solicitors
Humberside Police, Chief Officer Police		Licensing Specialists
Humberside Fire & Rescue Service (Technical Fire Safety)		Press Release (NEL)
Chief Executive, Lincs Inspire (Sport & Leisure Management)		North East Lincolnshire Primary Care Trust
Food Health Manager		Gambling Commission
Trading Standards (Principle Trading Standards Officer)		Safer Communities Partnership
Child Protection and Planning (Safeguarding Unit Manager)		Primary Care Trust
Neighbourhood Improvement (Pollution Control Manager)		Mental Health Trust
Education Welfare (Education Welfare Officer)		Humber & Lincolnshire Chamber of Commerce & Industry
Head of Highways & Transport		Salvation Army
Planning (Technical & Customer Services Assistant)		Samaritans
Children and Family Services (LSCB Co-ordinator)		Relate
Safer Communities (Service Manager)		Grimsby, Cleethorpes and District Mind
Parish Councils		HM Revenue & Customs
North East Lincolnshire Director Of Public Health		

APPENDIX III

Associated Strategies And Policies For Information

1. Community Strategy

The Government has required each Council to work in Partnership with a Local Strategic Partnership to prepare a Community Strategy for its area. This is intended to improve, in a sustainable way, the economic, social and environmental well-being of the area. The Community Strategy identifies and delivers the most important things which need to be done in our area and keeps track of progress made.

The Community Strategy includes:

- 1) The long-term vision for the area,
- 2) The action plan identifying shorter-term priorities and activities
- 3) Arrangements for monitoring the implementation of the Community Strategy; for its review and for reporting progress to local people.

Contact details:

North East Lincolnshire Strategic Partnership

Website: www.nelincs.gov.uk/policy/

2. Government Alcohol Strategy

The Government has developed an Alcohol Strategy for England as part of it's Controlling the Sale and Supply of Alcohol Policy which identifies a number of initiatives and priorities, which may help to promote one or more of the Licensing objectives.

The alcohol strategy sets out proposals to crackdown on our 'binge drinking' culture, cut the alcohol fuelled violence and disorder that blights too many of our communities, and slash the number of people drinking to damaging levels.

The strategy includes commitments to:

- Consult on a minimum unit price for alcohol
- Consult on a ban on the sale of multi-buy alcohol discounting
- Introduce stronger powers for local areas to control the density of licensed premises including making the impact on health a consideration for this
- Pilot innovative sobriety schemes to challenge alcohol-related offending

The Strategy can be view in full at:

www.gov.uk/government/publications/alcohol-strategy

More details about the wider Policy can be viewed in full at:

<https://www.gov.uk/government/policies/controlling-the-sale-and-supply-of-alcohol>

Official

National Contact details:

Home Office, Direct communications unit, 2 Marsham Street, London, SW1P 4DF

Tel: 020 7035 4848

Email: public.enquiries@homeoffice.gsi.gov.uk

Website: www.gov.uk

3. Safer and Stronger Communities Partnership Plan 2014-17

www.nelincs.gov.uk/resident/safer-and-stronger-communities/other-advice/about-us-and-our-partners/strategies.

Safer Communities Partnership North East Lincolnshire is the statutory Crime and Disorder Reduction Partnership (CDRP) required under the Crime and Disorder Act 1998.

The Plan which will be based around the findings of a multi-agency Joint Strategic Intelligence Assessment of local crime and disorder trends combined with community consultation to identify local concerns and priorities.

Like previous strategies, the annual plan will incorporate fear of crime and anti-social behaviour issues as consultation with communities has previously revealed that the underlying causes of these are often alcohol related.

The Alcohol Harm Reduction Strategy for England and the provisions of this Licensing Policy will be instrumental in tackling these issues in North East Lincolnshire.

Section 17 of the Crime & Disorder Act 1998 also places a responsibility on local authorities to demonstrate that they are doing all they reasonably can to prevent crime and disorder, and that they have considered the implications of any decisions actions that are made.

The Anti Social Behaviour Strategy 2003 has clear objectives which set out the local multi agency approach to addressing anti social behaviour which encompass alcohol related anti social behaviour.

The Anti-social Behaviour, Crime and Policing Act 2014 received royal assent on 13 March 2014. The act amends the current methods of dealing with anti-social behaviour. More details are available at:

www.gov.uk/government/collections/anti-social-behaviour-crime-and-police-bill.

Contact details:

Safer Communities Partnership, North East Lincolnshire Council, The Elms, 22 Abbey Rd, Grimsby, North East Lincolnshire, DN32 0HW

Tel: (01472) 324944

Email: safer.communities@nelincs.gov.uk

Official

Website: www.safercommunities.org

5. Highway Network Management – Public Events

The Traffic Management Act 2004 imposed on Local Authorities the requirement to appoint a "Traffic Manager". It is the responsibility of the Traffic Manager to consider all operations and events which may directly or indirectly impact on the capacity and flow of traffic on the highway network, and where appropriate issue directions in relation to the same to minimise disruption to the travelling public. Mechanisms have been put in place to ensure that the Traffic Manager is aware of licences issued for premises / events. Advice for persons organising events can be viewed on the North East Lincolnshire Council website.

6. Streets - Café Culture

The Council wishes, as far as is compatible with other highway uses, to promote the 'café culture' because of the added life and vitality this brings to the public realm within North East Lincolnshire. To this end, the Council will look favourably on applications by operators retailing food and drink for consumption on the premises, in appropriate locations, to put tables and chairs on the highway outside their premises. The issue of permits by the Council, as highway authority, to allow objects to be placed on the highway is dependent upon the applicant first having obtained formal planning consent for the proposed development under the provisions of the Town & Country Planning Act. Permits for tables and chairs to be placed on the highway are issued under part VIIA of the Highways Act 1980 (as amended by the Local Government Misc. Provisions Act 2000), and are subject to standard conditions, and where appropriate site specific conditions. The highway permit can be applied for on-line via the North East Lincolnshire Council website.

7. North East Lincolnshire Events Safety Advisory Group (ESAG)

Any person or group intending to organise a public event within North East Lincolnshire, whether it involves licensable activities or not, is recommended to submit a checklist to the local ESAG. The ESAG is an advisory body that consists of a number of agencies who have expertise in all areas of event planning and safety including the Emergency Services, Licensing, Building Control and Highways. The checklist assists the organiser to consider relevant issues and once submitted it is circulated to all ESAG members. This may lead to an individual agency contacting the organiser to discuss specific aspects of the event or, in some cases where concerns are expressed by a number of agencies; the organiser may be invited to an ESAG meeting so that the issues can be addressed.

The checklist is available at:

<http://www.nelincs.gov.uk/resident/arts--events-and-tourism/organising-an-event/>

8. Health and Safety Enforcement in North East Lincolnshire

Official

The Public Protection Team perform a variety of duties with regard to the enforcement of Health and Safety at Work legislation, including:

- Inspections of commercial premises
- Accident investigation in commercial premises
- Advice to businesses, employees and the public
- Health and safety complaints investigations
- Enforcement of petroleum licence requirements
- Enforcing regulations to protect employees and customers alike.

Council Officers carry out health and safety enforcement in a variety of commercial premises including shops, restaurants, cafes, hotels and residential care homes, offices and retail and wholesale warehousing.

The Health and Safety Executive carry out enforcement in premises such as factories, dockside activities, major hazard installations and work activity on the highway.

Enforcement Approach

Enforcement is based on the principles that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, and should be targeted only at cases in which action is needed. The overall approach, including enforcement options, is set out in our Enforcement Policy, details of which can be viewed on the North East Lincolnshire Council website

Other Associated Strategies, Policies include:

- North East Lincolnshire Council's *Local Plan*
- North East Lincolnshire Council's *Equalities Policy* and *Equality Plan 2013-2014*
- North East Lincolnshire Council's *Corporate Feedback Policy*
- Cultural and Tourism Strategies
- Objectives of the Private Security Industry Authority

Details of the above can be found on the Council website: www.nelincs.gov.uk

NOTE: All of the above information is current at the time of publishing and will be amended if necessary, as and when this Policy document is reviewed.

APPENDIX IV

Mandatory Conditions For Premises Licences And Club Premises Certificates **(Conditions 1 & 2 Do Not Apply To Clubs)**

Premises licensed to sell or supply alcohol for consumption ON the premises

1. No supply of alcohol may be made under the premises licence -
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behavior or to refer to the effects of drunkenness in any favorable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than

Official

where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. **(Not clubs)**

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

6. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

7. 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.

Premises licensed to sell or supply alcohol for consumption OFF the premises only

1. No supply of alcohol may be made under the premises licence -

a) at a time when there is no designated premises supervisor in respect of the premises licence, or

Official

b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. **(Not clubs)**

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. A relevant person shall ensure that no alcohol is sold or supplied for consumption off the premises for a price which is less than the permitted price.

Premises licensed for the exhibition of films

Admission of children to the exhibition of any film must be in accordance with the recommendations of the British Board of Film Classification for that film. Where permission has been given by the Licensing Authority to show a film not classified by the British Board of Film Classification, the requirements made by the Licensing Authority for the admission of children to the exhibition of that film must be followed.

All premises with a condition relating to door supervision

All individual(s) at the premises for the purpose of carrying out a security activity must

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act..

USEFUL LINKS

British Beer and Pub Association document: Managing Safety in Bars, Pubs and Clubs - <http://www.beerandpub.com/industryArticle.aspx?articleId=25>

Home Office Guidance on new Mandatory Conditions - <http://www.beerandpub.com/industryArticle.aspx?articleId=215>

Official

APPENDIX V**Responsible Authorities**

Alcohol Licensing Department Police Headquarters Priory Road Police Station Priory Road Hull HU5 5SF	Fire Safety – Technical Humberside Fire & Rescue Service Peaks Lane Grimsby North East Lincolnshire DN32 9RS
Food Health Manager North East Lincolnshire Council Municipal Offices Town Hall Square Grimsby North East Lincolnshire DN31 1HU	The Trading Standards Manager North East Lincolnshire Council Trading Standards Department Municipal Offices Town Hall Square Grimsby North East Lincolnshire DN31 1HU
The Health and Safety Executive Edgar Allen House 241 Glossop Road Sheffield S10 2GW (Applicants should check to confirm the relevant enforcing authority for the Health and Safety at Work etc)	The Searches Officer North East Lincolnshire Council Development Control Section Origin One, 1 Origin Way Europarc, Grimsby North East Lincolnshire DN37 9TZ
Pollution Control Officer North East Lincolnshire Council Environment Services Municipal Offices Town Hall Square Grimsby North East Lincolnshire DN31 1HU	Service Manager, Children's Safeguarding and Reviewing Service, 3 Town Hall Square, Town Hall Street, Grimsby, DN31 1HX
Public Health Commissioning Lead Public Health, Municipal Offices, Town Hall Square, Grimsby North East Lincolnshire, DN31 1HU	Alcohol Licensing Team, Home Office, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY

(NB If the application relates to a Vessel, applicants should contact the Licensing Section to discuss relevant Responsible Authority details).

Official

APPENDIX VI

Public Health Statement

North East Lincolnshire Council is now the lead public health organisation for the area, hosting the Director of Public Health, and has adopted as one of its strategic aims, health and wellbeing and the recognition of its interdependency with a strong and vibrant economy. This is also reflected within the local health and wellbeing strategy.

The Licensing Authority recognises there is no public health licensing objective and therefore cannot conduct its licensing functions in order to promote public health. The licensing function can only be carried out to promote the four Licensing Objectives as set out by the Licensing Act 2003

However the licensing authority recognises the impact of alcohol misuse in North East Lincolnshire, and the contribution this policy and its objectives can make to creating an environment and culture that supports the health and wellbeing of residents, workers and visitors to the area alike.

Data and information collated by Public Health England evidences the rate of Alcohol related admissions to hospital (other the through Accident and Emergency Departments) In respect of under 18s, North East Lincolnshire is ranked nationally at 288th of 326 Local Authority areas – 1 being the lowest value and least problematic with 326 being the highest and most problematic. In respect of Yorkshire and the Humber, North East Lincolnshire is the second worst / problematic of the 21 Local Authority areas in the region. The proportion of local young people admitted to hospital a consequence of alcohol has risen yearly from 2010. Further data reveals that between 20 and 40 young people, aged between 16 and 19 years attend at Diana Princess of Wales Hospital Accident and Emergency Department each month where alcohol is a primary or secondary cause of attendance.

This very real problem is further evidenced by what local Young People tell us in relation to drinking, with school pupils more likely to have tried alcohol and been drunk more often than the England averages. Information made available in May 2014 revealed that 54 young people under 18 years were receiving specialist substance misuse treatment services for alcohol dependency, a rate of 65% of all young people in treatment – this is higher than the national rate.

Additionally, North East Lincolnshire is ranked the second worst / problematic of the 21 Local Authority areas in the region in respect of alcohol related crime, alcohol related violent crime and alcohol related sexual offences; in these categories the Unitary Authority area is ranked 281/326, 285/326 and 291/326 respectively. In each of the crime aspects reported there has been an annual increase in incidents during 2012 / 2013 and 2013 / 2014.

The control of accessibility, availability to and attitudes towards to alcohol is a key element of local strategies to improve health, reduce harm and to improve community safety through reduced crime, violent crime and antisocial behaviour. It is

Official

for those reasons that the Licensing policy seeks to consider Cumulative Impact Zones (CIZ) within three defined geographical areas within North East Lincolnshire (see Section 10). Implementation of CIZ is considered to have potential in reversing the challenges to health and wellbeing caused by attitudes to and availability of alcohol.

The Director of Public Health is responsible for representing the views of health bodies and evidence indicating alcohol related harm across all 4 of the objectives.

It is recognised that through the implementation of this Licensing Policy, the promotion of the four Licensing Objectives will in turn have a positive effect on preventing alcohol misuse in the borough. For example, by ensuring licensed premises refuse the sale of alcohol to children, or those attempting to purchase it on their behalf, this will impact positively on a reduction in child alcohol related health problems. Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. The availability of drinks served in smaller measures and water as an alternative, reflect good practice as a "harm reduction" initiative.