

POLICY TITLE

Licensing Policy Statement (Licensing Act 2003 only)

REVISION DATE

November 2007

REPLACES POLICY

Licensing Policy Statement (Licensing Act 2003)

POLICY NUMBER

0006 (revised)

POLICY AIM

The aim of this policy is to make sure that all parties involved in the licensing of activities covered by the Licensing Act 2003 understand the policy of the Council in relation to the four licensing objectives stated in the Act, namely:

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

INTRODUCTION

South Holland District Council (herein referred to as the Licensing Authority) is responsible for the licensing of all licensable activities under the Licensing Act 2003 (the Act). This document sets out the policies and principles that the Licensing Authority will apply when making decisions on applications for:

- retail sale of alcohol
- supply of alcohol to club members
- provision of 'regulated entertainment' – to the public, to club members and/or with a view to profit
- a performance of a play
- an exhibition of a film
- an indoor sporting event
- boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of facilities for making music
- provision of facilities for dancing
- provision of late night refreshment (between 11.00pm and 05.00am)
- other entertainment similar to the three bullet points immediately above

This policy is intended to provide clarity to applicants, 'interested parties' and 'responsible authorities' on how this Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment premises.

Guidance will be made available to assist applicants; however the Guidance does not form part of this policy.

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

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

It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a universal solution for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the responsible authorities, local businesses and local people towards the promotion of the objectives as outlined.

In preparing this Policy Statement the Licensing Authority has consulted with the following:

- the police
- the fire service
- representatives of licence holders
- local businesses and their representatives
- local residents and their representatives
- the body responsible for child protection
- other relevant bodies.

Appropriate weight has been given to the views of all those consulted prior to this policy statement taking effect February 2008.

The purpose of licensing is to control licensed premises and other events within the terms of the Act. Conditions are likely to be attached to licences and the various other permissions which will focus on matters falling within the control of individual licence holders.

These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities in the vicinity. In this regard the Licensing Authority will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned.

Vicinity has not been given a defined perimeter and may vary in distance away from the premises dependant on the nature of the area. Certain considerations may be taken into account in assessing "in the vicinity". These may include but are not limited to:

- the nature of the licensable activity;
- the nature and locality of the premises;
- the time of day of the proposed licensable activity; and
- the frequency of the activity

Where the responsible authorities and interested parties do not raise any representations about the application made to the Licensing Authority, it is the duty of the authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself.

The Licensing Authority may not therefore impose any conditions unless the applicant agrees to certain conditions being applied to the licence where there have been relevant representations. Where no agreement is reached then the matter will be heard by the licensing panel. Conditions will then only be applied where there are relevant representations and the panel are satisfied such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations.

In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.

In undertaking its licensing function, the licensing authority is also bound by other legislation, including, but not exclusively:

- Section 17 of the Crime and Disorder Act 1998 – requiring a local Authority to do all that it reasonably can to prevent crime and disorder in its locality and to consider crime and disorder in its decision making process.
- 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 Health and Safety at Work etc. Act 1974 and subsidiary regulations
- Environmental Protection Act 1990
- The Food Safety Act 1990, subsidiary regulations and EC Food hygiene regulations
- The Anti-social Behaviour Act 2003
- Fire Safety Legislation

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.

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

- Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance
- Safer clubbing
- LACORS/TSI Code of Best Practice on Test Purchasing
- Alcohol Harm Reduction Strategy for England
- Government/ Local Crime and Disorder Reduction Partnership Initiatives
- Children and Young People Plan
- Policies from Lincolnshire DAAT

It should however be made clear that 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 centres. The Licensing Authority will also consider the role of other statutory legislation.

INTEGRATED STRATEGIES AND THE AVOIDANCE OF DUPLICATION

It is the Council's mission 'to develop and promote South Holland as a thriving, living and working rural community'.

By consulting widely prior to this policy statement being published the Council has endeavored to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

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

- planning considerations which might affect licensed premises
- crime and disorder
- any other reports considered appropriate to the licensing function.

The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. However this will not rule out valid representations made by the local planning authority as a responsible authority. To assist the planning process, the Licensing Committee may provide reports to the Planning Committee on the situation regarding licensed premises in the District, including the impact of alcohol related crime and disorder.

All applications relating to premises licences or club premises certificates will normally only be considered where:

- the activity to be authorised by the licence or club certificate is a lawful planning use; and
- the hours sought do not exceed those authorised by any planning permission; and
- the statutory qualifying conditions are met

In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention, particularly where these undermine the licensing objectives. Non-compliance with statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.

In order to avoid duplication with existing legislation and other statutory regimes, the Council will, as far as possible, not attach conditions of licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

THE LICENSING PROCESS

The powers of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee (Licensing Panel) or, by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1.

Each licence application will be considered on its own merits, for example, free from the imposition of quotas on the number of licensed premises or generalised closing times. Applicants are strongly encouraged to liaise with all Responsible Authorities, with respect to their Operating Schedule prior to submitting their application.

Applicants will be required to submit with their application for a premises licence or club premises certificate, or a variation to an existing premises licence or club premises certificate, an Operating Schedule detailing:

- the licensable activities to be conducted on the premises
- the times during which it is proposed that the relevant licensable activities are to take place
- any other times when the premises are to be open to the public or to members of a club
- where the licence is required only for a limited period, that period
- where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor and his or her personal licence number
- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both
- the steps which the applicant proposes to take to promote the licensing objectives, and
- all relevant documentation necessary to satisfy the four licensing objectives.

Large Scale Events of more than 500 People

Organisers of major festivals and carnivals should approach the Licensing Authority at the earliest opportunity to discuss arrangements for the licensing of those activities falling under the 2003 Act. In respect of some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. Anyone wishing to hold such an event should notify the Licensing Authority no less than 6 months before the event is due to happen. This will allow time for the preparation of a substantial operating schedule, about which the Licensing Authority will offer advice and assistance. If necessary, the Licensing Authority will act as a co-ordinating body for preliminary input from the responsible authorities prior to formal notification about the event in appropriate cases by the formulation of a Safety Plan by the Lincolnshire Safety Advisory Group.

Applications will be determined having regard to:

- this Policy
- the Licensing Act 2003 (the Act) and subordinate legislation
- guidance issued by the Department for Culture, Media and Sport (DCMS) (the Guidance)
- any relevant representations received (providing they are not determined to be frivolous or vexatious as defined in the Act and associated guidance).

Account will be taken of the need to encourage and promote all types of entertainment including live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community. In its capacity as Licensing Authority, the Council will encourage the licensing of public open spaces for the greater cultural good of the community, including the purposes of circus entertainment and street performers.

The Council acknowledges the advice received from the Department for Culture, Media and Sport that the views of vocal minorities should not be allowed to predominate over the general interest of the community.

The Licensing Authority encourages any applicant for a Temporary Event Notice to obtain the permission of the person (s) in control of premises to ensure they do not unknowingly exceed limits imposed by the Act on the numbers of temporary events that can be notified.

Under the provisions of the Licensing Act 2003 at least 10 working days notice must be given. This does not include the day of service of the notice, the day of the event, Saturdays, Sundays or Bank Holidays. Where less than 10 working days notice is given, the notice WILL NOT be authorized and the event will be illegal. Provision of licensable activities except in accordance with the Licensing Act is an offence.

Notwithstanding the above, Temporary Event organisers are encouraged to submit their notifications to the Licensing Authority as soon as is reasonably practical in order for the Police to consider whether or not there are any concerns, to enable all parties to take the necessary steps to resolve them.

LICENSING HOURS

The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport.

As far as the Licensing Authority's overall approach to licensing hours is concerned it is not intended that any form of zoning will be introduced. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later, which puts greater pressure on town centres than is necessary and can lead to increased disorder.

Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance then, subject to receiving valid, relevant representations, a limitation on licensing hours may be appropriate. However each application will be considered on its own merits.

In general, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However when issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises which are situated in largely residential areas.

LICENSING OBJECTIVES

Prevention of Crime and Disorder

The Licensing Authority will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licence holders take measures to control the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises.

In addition to the requirement for the Licensing Authority to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and do all it reasonably can to prevent, crime and disorder in the District.

The Licensing Authority will expect applicants to include in their operating schedules, the steps they propose to take to detect, reduce, deter crime and disorder. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on. Door supervision will be one of the control measures that can be considered by applicants, who will need to consider the location and type of their premises when considering this option. For example, there may be a greater need to provide door supervision in town centre public houses than at village premises. Applicants should seek advice from the Police on control measures under this licensing objective. It is recommended that applicants discuss the measures they intend to take with the Police prior to making the application to try and reduce representations.

Examples of measures the Licensing Authority may expect applicants to consider and address in their operating schedule include:

- physical security features e.g. the use of toughened drinking glasses or plastic containers
- the procedure for the risk assessment of alcohol promotions such as 'happy hours'
- the use of licenced door supervisors
- control measures in place, such as the provision of seating and tables, to reduce high volume vertical drinking
- training given to staff in crime prevention measures
- measures agreed with the Police to reduce crime and disorder
- measures to prevent the supply and use of illegal drugs, including the installation and use of drug safes
- procedures for searching customers
- the provision of Closed Circuit Television (CCTV) systems
- participation in a scheme to reduce crime and disorder e.g. Pub Watch Schemes
- the provision and use of, or the participation in, a text or radio pager scheme as described in section 7.26 of the Guidance
- controls to prevent the sale of alcohol to persons who are already drunk, to under-age persons
- controls on the removal of glasses, bottles and other drinking containers from licensed premises where alcohol is consumed.

Public Safety

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

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

Examples of measures the Licensing Authority may expect applicants to consider and address in their operating schedule include:

- suggested occupancy figures (including all persons present on the premises)
- the use of equipment
- levels of door supervision
- measures to prevent the supply and use of illegal drugs
- free availability of drinking water
- physical security features e.g. the use of toughened drinking glasses or plastic containers
- fire evacuation procedures
- controls on the removal of glasses, bottles and other drinking containers from licensed premises where alcohol is consumed

- control measures in place, such as the provision of seating and tables, to reduce high volume vertical drinking

Applicants will also be expected to show that they have undertaken full risk assessments in respect of the premises and activities undertaken, including a fire risk assessment.

Prevention of Public Nuisance

Licensed premises have a significant potential to impact adversely upon communities through public nuisance arising as a result of their activities. The Licensing Authority's aim is to maintain and protect the amenity of residents and other businesses from the potential impact of licensed premises by promoting the need to prevent public nuisance, whilst at the same time recognising the valuable cultural, social and economic importance of such premises.

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

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

Examples of measures the Licensing Authority may expect applicants to consider and address in their operating schedule include:

- the location of the premises and the proximity to residential and other noise sensitive premises such as hospitals, hospices, schools and places of worship
- the hours of opening, particularly where this will include times between 23.00 hours and 07.00 hours
- the nature of the activities to be provided, including whether those activities are of a temporary nature and whether they are to be carried on inside or outside any building; whilst consumption of alcohol is not a licensable activity, the Licensing Authority will expect consumption areas to be shown on the application and a description of the measures to be taken to prevent public nuisance
- the design and layout of the premises and in particular the presence of noise limiting features
- the occupancy capacity of the premises
- the availability of public transport
- any 'wind-down period' between the end of licensable activities and the vacating of the premises
- the time that last admissions will be allowed

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

- effective and responsible management of the premises
- appropriate instruction, training and supervision of those employed or engaged, to prevent incidents of public nuisance e.g. to ensure that customers leave quietly
- control of operating hours for all or part of the premises (e.g. garden areas), including restrictions on the time of deliveries where necessary to control public nuisance
- adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics)

- installation of soundproofing, air conditioning, acoustic lobbies and sound limiting devices
- management of people, including staff and customers entering and leaving the premises
- the effective management of vehicular traffic entering and leaving the site, including vehicle horns, loud music from vehicle radio's etc
- liaison with public transport providers
- care in the siting of external lighting including security lighting
- management arrangements for the collection and proper disposal of litter resulting from premises, including that generated by customers
- effective ventilation systems to prevent nuisance from odour emissions
- undertaking noise impact assessments
- regular monitoring of the perimeter by staff to ensure that noise emanating from the premises is not likely to cause public nuisance

The Protection of Children from Harm

The Licensing Authority recognises the great variety of premises for which licences may be sought. These include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Except where prohibited by law, access by children to all types of premises will not be limited in any way unless it is considered necessary to do so to protect them from harm.

When deciding whether to limit access to children or not, the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises:

- 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 (but not, for example, the simple presence of a small number of cash prize gaming machines)
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

The Act makes it an offence for children under 16, who are not accompanied by an adult, to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the terms of a premises licence, club premises certificate, or where that activity is carried on in accordance with a temporary event notice. In addition it will be an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on premises holding a premises licence, club premises certificate or temporary event notice. The Licensing Authority will not knowingly support applications which would permit these offences to occur and may impose conditions in specific cases to ensure the protection of children from harm.

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

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

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

Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm.

Where the Licensing Authority considers it appropriate following the receipt of relevant representations, it will require the adult supervisors (being persons over the age of 18) to be subject to an enhanced Criminal Records Bureau (CRB) check. The onus will be on the premises licence holder to ensure, where required by the Licensing Authority, that these checks have been carried out and that persons appointed are suitable to undertake the duty of supervising children.

It is recommended that licence holders ensure that systems are in place to ensure proof of age where necessary to prevent children and young persons being served alcohol, or as applicable licensed premises under certain circumstances as required by law, or through their own policy. It is suggested that the following means should be considered for assessing proof of age:

- passport
- photo-card driving licence issued by an EU country
- an accredited proof of age scheme identity card
- a citizen card supported by the Home Office
- an official ID card issued by HM Forces or other EU Country Forces, bearing the photograph and date of birth of the bearer

The options available for limiting access by children would include:

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

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

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

In respect of premises licenced for the sale of alcohol, the Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.

The sale of alcohol to children and young persons under the relevant age is a criminal offence, often resulting in harm to the children and young persons concerned and disturbance and nuisance to local residents and businesses. Applicants should detail adequate control measures in their operating schedule to prevent under-age sales. The Licensing Authority recognises that Lincolnshire County Council Trading Standards Service, as part of its responsibilities and duties under the legislation controlling the sale of age restricted products, including alcohol, provides advice and guidance on the controls and systems that may be adopted to help prevent such sales. The Licensing Authority also recognises that in liaison with the Police, the Trading Standards Service conducts covert test purchasing exercises to check compliance with the law. The Licensing Authority commends the adoption of Proof of Age Schemes such as the Challenge 21 scheme or other similar approved schemes.

The body responsible for the interests of children is:

The Lincolnshire Safeguarding Children's Board which can be contacted through Lincolnshire County Council.

If an applicant intends to provide any entertainment of an adult nature then the Licensing Authority will expect a detailed description of those activities and the measures the applicant intends to take to protect children from harm. Please see section headed 'Nudity and Striptease'.

CUMULATIVE IMPACT

The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Licensing Authority can take into account. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises, for example a pub, restaurant or hotel. The issue of 'need' is therefore a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.

The Licensing Authority may receive representations from either a responsible authority or an interested party, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application.

The Licensing Authority will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.

The decision to include a special policy relating to cumulative impact, within this policy, will be evidentially based. The steps that will be followed in considering whether to include such a special policy are:

- 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 customers of licenced premises, 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 where cumulative impact is imminent

- consultation with those specified by section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of licensing policy
- subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from that area within the terms of the Guidance issued by the DCMS under section 182 of the Act within this policy
- publication of the special policy as part of this policy.

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

- planning controls
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- police enforcement of the general law concerning disorder and anti-social behavior, including the issuing of fixed penalty notices
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from adults and children in designated areas
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

The Licensing Authority will address a number of these issues through the Crime Reduction Partnership and County Licensing Group in line with the strategic objectives for crime and disorder reduction within the District.

NUDITY AND STRIPTease

Where the activities specified in a licence application include striptease or any other kind of nudity (for example, topless waitresses), the Council will take into consideration the increased risk to the promotion of the licensing objectives. In particular, the Council will expect the applicant to have given additional thought to the promotion of the licensing objectives and it will be expected that these will be adequately covered in the operating schedule.

In addition, the Council will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs, parks, leisure facilities or other premises where significant numbers of children are likely to attend or congregate.

In order to promote the licensing objectives, where the Council grants premises licences that include striptease or any other kind of nudity, it will generally impose conditions relating to the following issues:

- The location within the premises where the activity takes place
- Advertising the activities otherwise than within the premises
- The measures to be taken to ensure no person under 18 years of age enters the premises whilst such entertainment is ongoing or where necessary, being advertised

- The measures to be taken to ensure that the activities inside the premises can not be seen from outside the premises
- The position of the performers / employees (e.g. topless waitresses) dressing rooms in relation to the area in which they perform or work
- Physical contact between performers / employees and customers

CONDITIONS OF LICENCE

The Council does not propose to implement standard conditions of licence across the board. It may draw upon the model pool of conditions issued by the DCMS in annex D of the guidance issued under section 182 of the Act and attach other conditions as appropriate given the circumstances of each individual case.

The Council is aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a substantial nature and will take account of this when imposing conditions.

ADVICE AND GUIDANCE

Further guidance and advice on the licensing process can be obtained from the Council.

ENFORCEMENT

The Licensing Authority intends to establish protocols with the police and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises.

An Enforcement Protocol has been established by the Licensing Authority in order to facilitate co-operation and co-ordination between enforcement agencies in pursuance of the Licensing Act 2003. The protocol will underpin the mutual operational support required to tackle licensing issues and seek to detail the role of each agency in promoting the licensing objectives.

In general, action will only be taken in accordance with the Council's own enforcement policy, which reflects the agreed principles which are consistent with the Enforcement Concordat. To this end the key principles of targeting, consistency, transparency and proportionality will be maintained.

REVIEW

The Policy Statement will remain in existence for a period of 3 years and will be subject to review and further consultation before January 2011; however the Policy will be subject to continuous review, although the Council will only make revisions following appropriate consultation.

CONSULTATION

Consultation has been carried out with the following, in line with the Consultation Strategy published by the Council in August 2004, in respect of this policy:

- the police
- the fire service
- representatives of licence holders

- local businesses and their representatives
- local residents and their representatives

as required by the Licensing Act 2003, as well as:

- Other bodies including other South Holland District Council Departments and Elected Members, Lincolnshire County Council, Licensing Justices, relevant trade associations, Parish Councils, licensing solicitors

When this policy is reviewed after three years as required by the Act, or at any other time, consultation will be carried out in a similar manner.

MONITORING

Head of Community and Neighbourhood Services, Neighbourhood Services Manager, Team Leader (Food Safety and Licensing)

POLICY APPROVAL

Full Council

RELATED POLICIES AND STRATEGIES

- Crime and Disorder Policy
- Taxi Licensing Policy (Draft at time of writing)
- Lincolnshire County Council Transport Policy

APPENDIX I

Delegation of Functions

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

Matter to be dealt with	Licensing Committee	Sub Committee / Licensing Panel	Officers
Application for personal licence		If a police objection	If no objection is made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence / club premises certificate		If a relevant representation is made	If no relevant representation is made
Application for 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
Application for transfer of premises licence		If a police objection	All other cases
Application 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 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	