

# South Holland District Council Statement of Licensing Policy 2021-2026

## Licensing Act 2003

**Further advice can be obtained from:**

Licensing Team  
South Holland District Council  
Priory Road  
Spalding  
Lincolnshire  
PE11 2XE

Tel: 01775 761161

[licensing@sholland.gov.uk](mailto:licensing@sholland.gov.uk)

[www.sholland.gov.uk](http://www.sholland.gov.uk)

**Please note:**

The information contained within this document can be made available in different languages and formats including Braille, large print, ReciteMe.

## Contents

<b>South Holland District Council Statement of Licensing Policy 2021-2026</b> .....	0
<b>Part 1 Introduction and the South Holland District</b> .....	3
<b>Part 2 Background</b> .....	4
The Purpose and Scope of the Licensing Policy .....	4
<b>Part 3 Integrating other guidance, policies and Legislation</b> .....	6
Delegation of Function.....	7
Promotion of Equality - Equality Act 2010.....	8
Immigration Act 2016 .....	8
Protection of Privacy and Data Protection .....	9
Planning.....	9
Other Legislation.....	10
<b>Part 4 Promotion of the Licensing Objectives</b> .....	10
Prevention of Crime and Disorder .....	11
Public Safety.....	12
Prevention of Public Nuisance .....	13
The Protection of Children from Harm .....	15
<b>Part 5 General Licensing Principles</b> .....	18
Minor Variations .....	18
Hours.....	18
Conditions .....	19
Risk Assessments .....	20
Representations .....	20
Large Scale Events of More than 500 people .....	21
Excessive Consumption of Alcohol .....	22
<b>Part 6 Applications</b> .....	23
Premise Licence and Club Premises Certificate .....	23
Regulated Entertainment.....	24
Operating Schedule.....	24
Designated Premises Supervisor.....	25
Staff Training.....	25
Personal Licences .....	25
Temporary Event Notice (TEN's).....	26
<b>Part 7 Cumulative Impact</b> .....	27
<b>Part 8 Sexual Entertainment Venues</b> .....	28
<b>Part 9 Enforcement, Reviews and Appeals</b> .....	29

Enforcement .....	29
Suspension of Licences and Certificates for non-payment of annual fees .....	29
Review of Licences .....	29
Closure Orders .....	30
Appeals.....	30
<b>Part 10 Further Information .....</b>	<b>31</b>
<b>Appendices .....</b>	<b>32</b>
Appendix 1 – Delegation of Functions .....	32
Appendix 2 – Responsible Authorities .....	33

## Part 1 Introduction and the South Holland District

1.1 South Holland District Council is one of seven districts situated in the County of Lincolnshire. At the time of the 2011 census the South Holland District Council area had a population of approximately 88,300 in 37,264 households. The population has increased by 5 per cent to approximately 92,400. The district extends over a geographical area of approximately 750 square kilometres or 290 square miles. The district is situated in the south Eastern corner of Lincolnshire and borders The Wash and the neighbouring districts of Cambridgeshire and Norfolk. It is mainly a rural district comprising a total of 47 towns and villages. The main town for the district is Spalding.

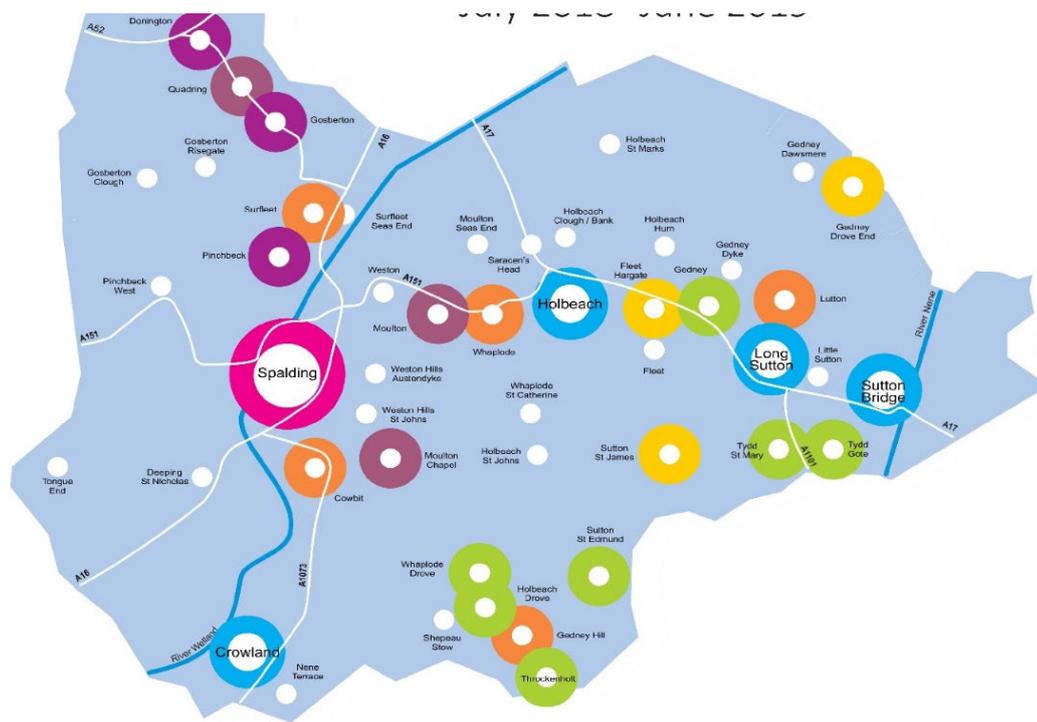
Over recent years South Holland has experienced significant levels of growth in licensable activities coupled with a significant increase in residential development. The close proximity of a range of land uses and the creation of mixed use schemes has many benefits including the creation of a vibrant economy. Our vision is to make South Holland a place of prosperity, wellbeing and opportunity for all.

South Holland District Council is a major provider of facilities for public recreation. The Council has a tradition of promoting a broad range of cultural activity for the benefit of the community including the rural and community touring scheme, the South Holland Centre, the annual Open Arts Exhibition and Ayscoughfee Hall Museum and Gardens.

Within local communities, associations and community groups use church and village halls and community centres for social and fund raising activities. Within the district there are a number of church halls, village halls and schools licensed for regulated entertainment and /or for the sale or supply of alcohol.

At the time of adopting this policy the Licensing Authority is responsible for:

- 303 Premise Licences
- 18 Club Premises Certificates
- 1204 Personal Licences



## Part 2 Background

### The Purpose and Scope of the Licensing Policy

- 2.1 The purpose of the licensing function is to promote the licensing objectives through the effective regulation of licensed premises, qualifying clubs and temporary events. The Licensing Authority is keen to promote a safe and vibrant economy and will work with applicants and licence holders to encourage and sustain well managed premises which make a positive contribution to the community.

The Act requires that Licensing Authorities publish a 'Statement of Licensing Policy' for their area to guide them when considering licence applications and controlling licensed premises.

This Statement of Licensing Policy has been prepared in accordance with the provisions of section 5 of the Licensing Act and the revised Home Office Guidance issued under section 182 of the Act.

This Policy was approved by South Holland District Council as the Licensing Authority on 25<sup>th</sup> November 2020 coming into effect on 7<sup>th</sup> January 2021 for a period of 5 years. During the 5 year period it will be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate.

South Holland District Council (hereinafter referred to as the Licensing Authority) is responsible for the licensing of all licensable activities under the Licensing Act 2003 (the Act) these are as follows:

- Retail sale of alcohol
- Supply of alcohol to club members

- Provision of entertainment to the public or club members or with a view to making profit, including raising money for charity, where the entertainment involves:
  - A theatrical performance
  - Film exhibition
  - Indoor sporting event
  - Boxing or Wrestling
  - Live Music
  - Recorded Music
  - A performance of dance
- The provision of late night refreshment – Supply of hot food and drink from a premises between 23:00 and 05:00

In carrying out its licensing function the Licensing Authority must promote the following four licensing objectives:

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

In preparing this Policy the Council has consulted with and considered the views of a wide range of \*responsible authorities, people and their representatives and organisations including:

- Lincolnshire Police;
- Lincolnshire Fire and Rescue Service;
- Director of Public Health – Lincolnshire;
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders;
- persons/bodies representative of businesses and residents and their representatives;
- Planning Authority - South Holland District Council;
- Health and Safety Authorities;
- Environmental Health Services - South Holland District Council;
- Lincolnshire Trading Standards (Weights and Measures);
- Lincolnshire Children’s Safeguarding Partnership – Lincolnshire County Council;
- Home Office (Alcohol Licensing Team);
- Parish and Town Councils;
- Local Member of Parliament;

\*See appendix 2 for contact details

This policy is concerned with the regulation of licensable activities on licensed premises, qualifying clubs and at temporary events. It aims to ensure a consistent approach to licensing in South Holland and to assist officers and members in reaching a decision on a particular application or licence.

In addition, the Policy seeks to provide clarity for applicants, ‘other persons’ (any individual, body or business entitled to make representation to an application under the Act) and Responsible Authorities’ to enable them to understand the objectives being promoted and the matters that will be considered when determining licences.

The Licensing Authority is committed to working with licence holders by remaining flexible and supportive to businesses to enable them to thrive and survive.

Conditions will relate to premises and other places being used for licensable activities in the surrounding area. In this regard the Licensing Authority will primarily focus on the direct impact, of any licensable activities taking place, on members of the public living, working or otherwise engaged in normal activity, regardless of their geographical proximity to the premises.

If an application is lawfully made and no relevant representations are received then the Licensing Authority must grant a lawfully made application. Only if representations are made will the Licensing Authority discretion be engaged.

The effectiveness of this policy will be kept under review throughout the five year period by way of regular contact with responsible authorities and representatives of licence holders such as “PubWatch”.

Advice and guidance on whether a licence is required for a premise or at an event can be obtained from the Licensing Team at South Holland District Council. Guidance is also made available to assist applicants and can be found on the South Holland District Council’s website [www.sholland.gov.uk/licensing](http://www.sholland.gov.uk/licensing). However, this guidance does not form part of the policy and applicants are encouraged to seek independent advice should they require it.

Applicants should be aware of the expectations of the Licensing Authority and the Responsible Authorities as to the steps that are appropriate in 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.

It is recognised that the licensing function is only one means of securing the delivery of the licensing 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 neighbouring authorities, the responsible authorities, local business and local people and their representatives and agencies such as the Safer Lincolnshire Partnership, to all work towards the promotion of the licensing objectives outlined in this document.

## Part 3 Integrating other guidance, policies and Legislation

3.1 It is the Council’s mission to “develop safer, stronger, healthier and more independent communities whilst protecting the most vulnerable’ and to ‘encourage the local economy to be vibrant with continued growth.

In preparing this licensing policy the Licensing Authority has had regard to, and sought to integrate the licensing policy with other strategies, policies and codes of practice:

- South Holland District Council Corporate Plan
- Safer Lincolnshire Partnership
- South Holland District Council’s Corporate Enforcement Policy
- Regulators’ Code of Compliance
- Statutory Guidance – s.182 of the Licensing Act 2003 (Home office)

There are a number of wider issues that may need to be given due consideration when dealing with applications. The Council through its Licensing Committee may therefore from time to time receive, and may act upon, relevant reports concerning crime and disorder and any other reports, strategies and initiatives that may be considered appropriate to promoting the four licensing objectives.

### **Delegation of Function**

- 3.2 In determining a licensing application, the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the four licensing objectives and taking into account this Licensing Policy and the guidance issued under Section 182 by the Secretary of State.

Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act.

Where it is necessary to depart from the guidance or this Policy the Licensing Authority will give clear and cogent reasons for doing so. Any decision taken by the Licensing Authority in regard to determination of licences, certificates and notifications should aim to promote the licensing objectives.

The powers of the Licensing Authority under the Act may be carried out by the Authority's Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority. The Licensing Committee will consist of between 10 and 15 elected members of the Council and will establish sub committees consisting of 3 members of the committee. The Council's delegation of functions follow the Home Office Guidance issued under Section 182 of the Licensing Act.

Where no representations are made and in un-contentious applications to the Licensing Authority the application will be dealt with administratively, whereby delegated officers will grant the application, subject where required, to conditions consistent with the operating schedule.

All such matters dealt with by officers will be reported for information to the Licensing Committee.

Applications where representations have been made and an agreement has been reached between all relevant parties to amend the application (i.e. to add conditions) the Licensing Authority reserves the right to not hold a hearing and issue the licence as per the agreement (in such situations the application will be considered 'uncontested'). This will only be done when the proposed amendments promote the licensing objectives and consideration will be given to the potential for any party to be disadvantaged.

Applications where there are relevant representations will be dealt with by the Licensing Sub-committee, unless:

- such representations are from 'other persons' and are considered to be irrelevant, frivolous or vexatious, or
- \*the Licensing Authority, the applicant and everyone who has made relevant representations agrees that a hearing is not necessary, or
- the representations are in relation to a minor variation and the power to determine the application has been delegated to the officers of the Licensing Authority

\* the Licensing Authority reserves the right to disagree that a hearing is not necessary.

If a Licensing Committee/Sub-Committee hearing is required under the Act in respect of an application, the hearing will be in public unless there are compelling reasons for it to be heard otherwise. When a hearing is held in public, the Licensing Committee/Sub-Committee can retire into private session to consider their decision.

Every decision made by the Licensing Authority will be accompanied by clear reasons for reaching that decision.

Decisions on licensing matters will be taken in accordance with an approved scheme of delegation. A table of delegations can be found at Appendix 1.

### **Promotion of Equality - Equality Act 2010**

3.3 This policy recognises the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity, and to foster good relations, between persons of different protected characteristics. South Holland District Council is committed to the principles of the Equality Act 2010.

Further, licensees should make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to discriminate against anyone because of:

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

Further guidance is available at: [www.gov.uk/guidance/equality-act-2010-guidance#guidance-on-the-equality-act](http://www.gov.uk/guidance/equality-act-2010-guidance#guidance-on-the-equality-act)

### **Immigration Act 2016**

3.4 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications. These changes were brought about to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

## Protection of Privacy and Data Protection

- 3.5 In line with General Data Protection Regulations and Data Protection Act 2018, South Holland District Council is a Data Controller of the information provided as part of the licence application process. The Licensing Authority has a statutory duty to process and maintain licences and permissions and conduct enforcement activities in accordance with the Licensing Act 2003 as part of a legal obligation to meet the statutory requirements for the licensing of the sale of alcohol, regulated entertainment and late night refreshment.

We may share the following information with the third parties; details of the licensed premises, licence status, the names, addresses and company numbers of persons and companies named on a licence. This may be shared with services within the Council, for example, Planning Authority and Community Safety.

We will share with external third party organisations including Government departments, Information Commissioners Office (for National Fraud Initiative), the Health and Safety Executive, Lincolnshire Police and Lincolnshire Fire and Rescue Service to make further enquiries regarding your application under the Licensing Act 2003 or where required by law for the detection and prevention of crime.

The personal information provided as part of the application for a premises licence, club premises certificate or personal licence will be held for a period of 6 years following the termination of the licence/permit.

The personal information held for Temporary Event Notices will be held for a period of 2 calendar years following the event.

Details of all transactions are recorded permanently as an entry on the licensing register.

The Council's corporate privacy notice, which includes details of the authority's Data Protection Officer and your information rights is available at: [www.sholland.gov.uk/privacy](http://www.sholland.gov.uk/privacy).

## Planning

- 3.6 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and 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 by the local planning authority.

The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

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

In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

## Other Legislation

3.7 When making licensing decisions, the Licensing Authority will comply with all relevant legislation and have regard to other legislation. Inclusive of but exhaustive to:

- Section 17 Crime and Disorder Act 1998
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000
- Equality Act 2010
- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974
- Environmental Protection Act 1990
- Anti-Social Behaviour, Crime and Policing Act 2014
- Building Regulations
- Regulatory Reform (Fire Safety) Order 2005
- Town and Country Planning Act 1990
- Private Security Industry Act 2001
- Violent Crime Reduction Act 2006
- Police Reform and Social Responsibility Act 2011
- Health Act 2006
- Gambling Act 2005
- Business and Planning Act 2020

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

## Part 4 Promotion of the Licensing Objectives

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

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

The Licensing Authority considers the effective and responsible management of the premises and the instruction, training and supervision of staff in the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason it is recommended these elements are specifically considered and addressed within an applicant's operating schedule. It is for the applicant to decide, what if any, measures to suggest in its operating schedule in order to address any potential concerns.

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

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

The Licensing Authority recommends that applicants carry out their own risk assessments in relation to the four licensing objectives in order to assist them in deciding whether any steps are required to be taken in order to meet those objectives.

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

The Licensing Authority recommends early consultation with Responsible Authorities.

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

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

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

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

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

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

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

- I. Participation in a scheme to reduce crime and disorder e.g. membership of Pubwatch
- II. Physical security features e.g. use of polycarbonate, toughened or plastic drinking glasses
- III. Procedure for risk assessment of alcohol promotions to ensure that they do not promote irresponsible drinking or potentially breach the mandatory condition on irresponsible drinks promotions
- IV. The use and numbers of SIA licensed door supervisors

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

### Public Safety

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

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

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

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

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

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

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

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

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

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

The agreement to a capacity for premises or events should not be interpreted as a requirement in all cases to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records.

The Licensing Authority recognises that the person in charge at the premises can often readily assess the capacity of the premises without resort to such measures.

However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant is advised to detail the additional arrangements that will be put in place to ensure the capacity of the premises is not exceeded.

### **Prevention of Public Nuisance**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Examples which may give rise to concern in respect of children and would likely lead to a refusal of permitting access to children under 18, would include premises:

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

- II. where there has been a conviction of a member of the current staff at the premises for serving alcohol to minors or with a reputation for under-age drinking
- III. with a known association (having been provided with evidence) with drug taking or dealing
- IV. where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)
- V. where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

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

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

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

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

Where a large number of children are likely to be present on any licensed premise, for example, a children's show or pantomime, then subject to receiving relevant representation, conditions may be imposed requiring the presence of an appropriate amount of adult supervision to ensure public safety and their protection from harm.

The onus will be on the premises licence holder to ensure that staff members are suitable to carry out the supervision of children, which may include a criminal record disclosure from the Disclosure and Barring service.

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

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

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

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

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

The Licensing Authority recognises that Lincolnshire County Council, Trading Standards Service, has a statutory responsibility to regulate the sale of age restricted products including alcohol. The Trading Standards service, provides advice and guidance to the licensed trade on the controls and systems that may be adopted to help prevent such sales. The Licensing Authority also recognises that in liaison with the Police, the Trading Standards Service conducts covert test purchasing exercises in response to complaints and information recover to check compliance with the law.

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

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

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

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

Mandatory conditions require the adoption of a proof of age scheme to prevent sale to supply of alcohol to anyone under 18 years of age. The Licensing Authority commends a scheme such as the British Retail Consortium's Proof of Age Standards Scheme (PASS) the "Challenge 21" scheme, "Challenge 25" scheme or any locally or nationally approved scheme. All staff engaged in the sale or supply of alcohol should be fully trained in the application of the policy adopted.

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

For the avoidance of doubt, the lists of examples given of measures applicants may take to promote the licensing objectives are not mandatory and will not be applied in all cases. These examples are given to assist applicants in deciding the measures they may take.

## Part 5 General Licensing Principles

### Minor Variations

- 5.1 It is possible to make small changes to premises licences or club premises certificates through the minor variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. South Holland District Council has issued guidance on how to apply for a minor variation which can be accessed on the Council's website.

The Licensing Authority will not accept a minor variation to extend licensing hours for the sale or supply of alcohol for consumption on or off of the premises between the hours of 23.00 and 07.00 or to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises. A full variation will be required in these cases.

Applicants are strongly advised to contact the appropriate Responsible Authorities before formally submitting their application in order to avoid unnecessary expense. Applications for minor variations may be subject to consultations with the appropriate responsible authorities and will be refused if any Responsible Authority indicates that they would make a relevant representation.

In order to avoid unnecessary hearings applicants are strong 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 Committee.

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 and that can attract visitors to the district. If representations are made concerning the potential for limited disturbance arising out of these activities in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community in its capacity as Licensing Authority. It 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.

### Hours

- 5.2 The Act gives the Licensing Authority the power to make decisions regarding licensed opening hours based on local knowledge and in consultation with other Responsible Authorities.

The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the street 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.

As a general rule shops, stores and supermarkets should normally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes, unless there are good reasons, based on the licensing objectives, for restricting these hours. However, in the case of individual shops that are known to be, or are in an area which is known to be a focus of disorder and disturbance then, subject to receiving valid, relevant representation, alimentary licensing hours may be appropriate. However, each application will be considered on its own merits.

The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence or certificate, 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 or sensitive areas when representations have been received.

Under the Act there are no permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open. The Licensing Authority recommends applicants intending to apply for extended hours to cater for non-specified dates, such as international sporting events, and anticipate bank holidays and to incorporate appropriate opening hours for these occasions in their operating schedules. For example, a different set of operating conditions may apply during these extended hours.

Additional occasions for which extensions may be required may be covered by a Temporary Event Notice.

## Conditions

5.3 The Licensing Authority cannot impose conditions of its own volition. Conditions will only be attached in the following circumstances:

- Mandatory conditions under the Licensing Act 2003 or introduced by regulation under the Act which will have effect in all circumstances regardless of if they appear on the Licence
- If they are consistent with the applicant's operating schedule, or agreed/offered by the applicant during the application process
- When considered appropriate, reasonable and proportionate after relevant representations have been received and not withdrawn

The Licensing Authority does not propose to implement standard conditions on licences. It may attach conditions as appropriate given the circumstances of each individual case.

These conditions will relate to the premises and other places being used for licensable activities in the surrounding area. In this regard the Licensing Authority will primarily focus on the direct impact, of any licensable activities taking place, on members of the public living,

working or otherwise engaged in normal activity, regardless of their geographical proximity to the premises.

The Licensing Authority recognises the commitment required to avoid attaching conditions that duplicate other regulatory regimes as far as possible.

Where Responsible Authorities and other persons do not raise any representations about an application to the Licensing Authority, it is the duty of the Licensing Authority to grant the licence or certificate subject only to the conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Act.

When considering conditions, the Licensing Authority will look to the relevant responsible authorities to assist and advise on the appropriate measures to be taken.

Where an applicant considers that representations are likely or probable, it is recommended that the applicant discuss the proposal with the licensing authority and those from whom they think representations are likely to be made prior to submitting their application.

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

### **Risk Assessments**

- 5.4 This policy advises applicants to complete risk assessments of their business in order to understand what steps are required to complete the operating schedule in line with promoting the licensing objectives. The Licensing Authority cannot insist on a risk assessment and should an applicant decide not to provide a risk assessment he must consider the likelihood of representations and therefore a hearing.

It is for the applicant to decide what is appropriate in each case.

### **Representations**

- 5.5 The Licensing Act 2003 provides a general presumption of grant of applications, subject to any representations.

Depending on the type of application representations may be made by a 'Responsible Authority' or 'other people', as defined by the Licensing Act 2003. Guidance to make a 'relevant representation' has been made available on the South Holland District Council website or by contacting the Licensing Team.

[www.sholland.gov.uk/article/5597/Premises-Licence#Representations](http://www.sholland.gov.uk/article/5597/Premises-Licence#Representations)

Section 103 of the Police Reform and Social Responsibility Act 2011 amended the Act by making the Licensing Authority a 'Responsible Authority'. This enables the authority to make representations about an application for a premises licence or club premises certificate or to apply for a review of a premises licence or a club premises certificate.

In cases where the authority is acting in its capacity as a Responsible Authority, it has established a clear separation of responsibilities within the Authority's Licensing Team in order to ensure procedural fairness and to avoid potential conflict of interest.

Relevant representations are:

- About the likely effect of the premises licence on the promotion of the licensing objectives;
- Which have not been withdrawn and are not, in the opinion of the Licensing Authority, frivolous or vexatious.

Members of the public who wish to submit a representation in regards to a premises licence or club premises certificate should be aware their personal details will be made available to the applicant(s).

If this is an issue they may consider contacting a local representative, such as a parish or town councillor, or any other locally recognised body such as a resident's association about submitting the representation on their behalf. Where the authority considers that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation, the authority may consider alternative approaches.

The Licensing Authority will not accept anonymous representations. Full details of all representations must be made available to the applicant including names and addresses.

In addition the Licensing Authority cannot accept petitions and will treat any petitions received as one representation from the lead petitioner (or person who submits the petition). We will correspond only with that person and we will invite only that person to the hearing. Other signatories will not be treated as individual representations and will not be invited to attend the hearing.

Whilst representations regarding previous history may be valid, appropriate weight will be given to the length of time elapsed between the events referred to and the application date.

The Licensing Authority will not consider the issue of 'need' or commercial demand when considering applications for another licensed premises within any given area. This is not a matter for the Licensing Authority in discharging its functions and it will remain a matter for the Planning Committee and the demands of the market place to decide.

Where no representations are made the Licensing Authority will grant a licence subject to conditions consistent with the operating schedule.

### **Large Scale Events of More than 500 people**

- 5.6 Organisers of major festivals and carnivals should approach the Licensing Authority at the earliest opportunity and consult the Lincolnshire Event Safety Advisory Group (LESAG) to discuss arrangements for the licensing of those activities falling under the 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 not less than six 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.

The Licensing Authority would advise applicants to consult with those Authorities concerned with public safety and, in appropriate cases, be required to formulate a safety plan with Lincolnshire Event Safety Advisory Group (LESAG). LESAG is not a Responsible Authority but is made up from representatives from bodies concerned with public safety; some of which are responsible authorities.

Applicants are advised that the planning and consultation with LESAG should commence at an early stage on particularly large events, promoters/organisers should commence consultation at least a year in advance of the event.

It is also advisable for applicants to read the guidance for large scale events called HSG195, The Event Safety Guide (for health, safety and welfare at music and similar events) known as the purple guide [www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk).

### **Excessive Consumption of Alcohol**

- 5.7 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.

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.

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.

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 intoxicated too quickly.

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

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.

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.

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.

## Part 6 Applications

- 6.1 Applications must be made to the Licensing Authority in the form prescribed by the regulations. Guidance and application forms are available to applicants setting out the details of the process and can be found on the licensing pages of the South Holland District Council website: [www.sholland.gov.uk/licensing](http://www.sholland.gov.uk/licensing) or by contacting the Licensing Team.

Applications, notices or relevant representations shall be treated as having been “given” to the Authority in accordance with the principles of “deemed service” as set out in the Civil Procedure Rules.

In preparing this policy the Licensing Authority has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. Nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with legal requirements. All applicants are advised to seek proper advice to ensure the activities they propose are within the boundaries set by existing legislation and regulations.

The council offers pre-application advice for certain licence application types. For more information on the pre-application advice, please visit the website.

### **Premise Licence and Club Premises Certificate**

- 6.2 A premise licence and club premise certificate authorises the sale or supply of alcohol, regulated entertainment and late night refreshment (sale of hot food and drink after 11pm). The Act recognises the difference between a commercially operated premise and a premise to which public access is restricted. For this reason, qualifying clubs can apply for a Club Premises Certificate. A Designated Premises Supervisor and Personal Licence Holders are not required where a Club Premises Certificate is in force.

Applicants must make themselves aware of the relevant sections of this policy and make their application in accordance with the Act and any regulations made under it, including details of the hours of operation, any hours for licensable activity and an operating schedule and conditions. Failure to meet this requirement may result in the application being returned.

Whatever the nature of the applicant and activity proposed, the overriding principle is that the Licensing Authority will consider each application on its own individual merits and all applications will be determined having regard to:

- Statement of Licensing Policy 2021
- Licensing Act 2003 (the Act) and subordinate legislation
- Guidance issued by the Secretary of State (the guidance)
- Any relevant representations received, providing they are not determined to be frivolous or vexatious as defined in the Act and associated guidance

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 and operating schedule detailing:

- I. on the licensable activities to be conducted on the premises
- II. the times during which it is proposed that the relevant licensable activities are to take place

- III. any other times when the premises are to be open to the public or to members of a club
- IV. if the licence is required only for a limited period
- V. 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
- VI. where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both
- VII. the steps which the applicant proposes to take to promote the licensing objectives, and
- VIII. all relevant documentation necessary to satisfy the four licensing objectives

If an applicant for a new or a variation to a premises licence, or club premises certificate or an application for a provisional statement has been made lawfully and there have been no representations from responsible authorities or other person, the Licensing Authority will grant the application subject only to conditions that are consistent with the operating schedule and mandatory conditions.

### **Regulated Entertainment**

- 6.3 Since the introduction of the Act, the Government has de-regulated various types of regulated entertainment. Applicants are advised to consult the government's website for further information:

[www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act](http://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act)

Regulated entertainment covers the provision of entertainment where the entertainment takes place in the presence of an audience and is provided, at least partly, to entertain that audience. The descriptions of entertainment in the Licensing Act are:

- the 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; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

To be licensable, one or more of these activities needs to be provided for the purpose of entertaining an audience, has to be held on premises made available for the purpose of enabling that activity and must also either take place in the presence of a public audience, or where that activity takes place in private, be the subject of a charge made with a view to profit.

### **Operating Schedule**

- 6.4 The Licensing Act 2003 requires, and the Licensing Authority expects, applicants to complete an operating schedule and have regard to this Statement of Licensing Policy along with the steps that are appropriate for the promotion of the licensing objectives.

The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions.

The Licensing Authority expects the operating schedule to demonstrate and ensure that the four licensing objectives are promoted. It should contain enough information for responsible authorities and other persons to be satisfied that the licensing objectives will be promoted.

Applicants should pro-actively make their own enquiries and demonstrate how they have considered and applied the promotion of the four licensing objectives. The detail and complexity required will depend on the nature of the premises.

Any application and/or operating schedule that is not completed in accordance with the Act and the regulations may be returned to the applicant. The Licensing Authority has produced guidance which can be found at:

[www.sholland.gov.uk/article/5597/Premises-Licence](http://www.sholland.gov.uk/article/5597/Premises-Licence)

### **Designated Premises Supervisor**

- 6.5 An applicant for a Premises Licence for the sale and supply of alcohol must nominate a Designated Premises Supervisor. This person must also be in possession of a Personal Licence to be able to supply or sell alcohol. They will normally have day to day control of the premises.

Designated Premises Supervisor is not required to be present at all times. The sale and supply of alcohol may be made by another personal licence holder.

If a Designated Premises Supervisor is not specified on the licence no sale or supply of alcohol from the premises may be undertaken.

### **Staff Training**

- 6.6 Operators of licensed premises are reminded that it is incumbent on them to provide appropriate training for their staff to endure the promotion of the licensing objectives.

The Licensing Authority recommends that all people employed on licensed premises who are engaged in the sale and supply of alcohol be encourage to attend training programmes to raise awareness of their responsibility and particularly of the offences contained within the Act.

### **Personal Licences**

- 6.7 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence.

Applicants for a personal licence are expected to make their application in accordance with the Act and any regulations made under it. Failure to meet this requirement may result in the application being returned.

Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act are strongly encouraged to first discuss their intention to apply for a Licence with the Police and Licensing Authority before making an application.

The Licensing Authority recognises it has no discretion regarding the granting personal licences where:

- I. Where the applicant is 18 or over
- II. Possesses a licensing qualification
- III. Has not had a licence forfeited in the last five years and
- IV. Has not been convicted of a relevant offence

There is no longer a requirement to renew a Personal Licence and the Licence is portable, although changes of name and home address or updates to photos must be notified to the issuing Licensing Authority for a prescribed fee.

### **Temporary Event Notice (TEN's)**

- 6.8 The Act sets out the legal requirements relating to TEN's. A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use a premises for one or more licensable activities during a period not exceeding 168 hours. They can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.

There are two types of TEN; a standard TEN and a late TEN. These have different notice periods.

In respect of a standard TEN organisers of temporary events are required to give Notice to the Licensing Authority no later than 10 clear working days before the day on which the event period begins. The 10-day period does not include the day the Temporary Event Notice was received by the Licensing Authority, the day of the event itself, Saturdays and Sundays or Bank Holidays.

A Notice for a late TEN must be given between 5 and 9 clear working days before the event.

Please note there are arrangements for electronic submissions. Guidance can be found on the website.

Organisers are encouraged to submit their notifications to the Licensing Authority, Police and Environmental Health as soon as is reasonably practical and at the earliest possible notice in order for the Police and Environmental Health to consider whether or not there are any concerns and where there are concerns, to enable all parties to take the necessary steps to resolve them.

Where insufficient notice is given (for a standard or late TEN), the notice WILL NOT be authorised and the event will be illegal. Provision of licensable activities except in accordance with the Licensing Act is an offence.

For events that may attract larger numbers of people or may have an impact on traffic or road management, earlier contact with responsible authorities, the Highway Authority and where necessary by referral to the Council's multi agency group, the Lincolnshire Event Safety Advisory Group, is advisable. This includes council departments and partners who have an interest in, or legislative role relevant to, such events, together with representatives of the emergency services.

The Health and safety Executive provide specialist guidance on event safety through their website at [www.hse.gov.uk](http://www.hse.gov.uk).

It is strongly recommended that advice on fire safety be sought from Lincolnshire Fire and Rescue.

Event organisers are reminded of 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.

## Part 7 Cumulative Impact

7.1 A cumulative impact assessment (CIA) may be published by a Licensing Authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

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, hotel or premises licence for off sales only. 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 other person 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:

- I. identification of concern about crime and disorder or public nuisance
- II. consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by customers of licensed 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
- III. 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

- IV. 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 Secretary of State pursuant to s.182 of the Act.
- V. publication of the special policy as part of this policy.

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

- I. Planning controls
- II. 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
- III. the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- IV. police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- V. prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- VI. closure powers for licensed premises or temporary events
- VII. the power of responsible authorities or local residents or businesses to seek a review of the licence or certificate in question.
- VIII. powers for the Council to designate parts of the local authority area as places where alcohol may not be consumed publicly. Spalding Town Centre Public Space Protection Order ('the Order') came into effect on 21<sup>st</sup> December 2016 for a period of three years. This was renewed for a further 3 years in 2019.
- IX. Community Protection Notices
- X. Raising a contribution to policing the late night economy through the Late Night Levy
- XI. Early Morning Alcohol Restriction Orders

The Licensing Authority may 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 within the District.

If a CIA is published the Licensing Authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3).

Any CIA published by a Licensing Authority must be summarised in its statement of licensing policy. Under section 5(6D) a Licensing Authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.

This Authority has not published a CIA at the time of writing this policy.

## Part 8 Sexual Entertainment Venues

In relation to regulated entertainment of a sexual nature, the Council has resolved to adopt schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Police and Crime Act 2009 regarding sexual entertainment venues. The Council's own Sexual Entertainment Venue Policy will apply.

## Part 9 Enforcement, Reviews and Appeals

### Enforcement

- 9.1 The Licensing Act 2003 contains measures to ensure that the Licensing Authority and responsible authorities are able to deal with premises that wilfully and persistently undermine the licensing objectives.

The Licensing Authority is committed to encouraging a licensed thriving economy but will not tolerate those premises whose activities infringe the quality of life for local residents and businesses.

The Licensing Authority will enforce alongside other enforcement authorities by targeting agreed problem and high risk premises, whilst providing a lighter touch, through advice and education in respect of low risk premises or those that are well run.

All enforcement action taken in accordance with the provisions in the Licensing Act 2003 will be undertaken having regard to South Holland District Council's enforcement policies, the Secretary of State's guidance, this policy and the Regulators Code which is available at:

[www.gov.uk/government/publications/regulators-code](http://www.gov.uk/government/publications/regulators-code)

The exercise of all licensing functions under the Act that are the responsibility of the Licensing Authority must be undertaken with a view to promoting the four licensing objectives.

### Suspension of Licences and Certificates for non-payment of annual fees

- 9.2 As a result of the Police Reform and Social Responsibility Act 2011 the Licensing Authority must suspend premises licences and club premises certificates if the holder of the licence fails to pay, when due and subject to a grace period of 21 days, the annual fee. The annual fee becomes due on the anniversary of the grant of the licence or certificate.

Suspension will be avoided if payment has not been made due to an administrative error, or a disputed liability for the fee of which notification has been received before or at the time the annual fee becomes due.

Licences which are suspended shall cease to have effect during the suspension period.

Responsible Authorities, including the Police, will be informed of any suspensions. Any non-compliance with a suspension notice may result in enforcement action and the revocation of the licence.

Where more than one payment year has been missed, the outstanding fee in relation to each year will be required to reinstate the licence.

The licence will only be reinstated when the outstanding fee has been paid.

The Licensing Authority urges licence holders to consider surrendering licences in cases where the licence is no longer active. This will avoid the accrual of annual fees.

### Review of Licences

- 9.3 The Licensing Authority recognises that the ability of the police, other responsible authorities and other people to apply for a review of a premises licence, is an incentive to effective self-regulation. It will however, be mindful of the need to prevent the review process being used

as an opportunity by responsible authorities and other persons to re-run the earlier representation without due cause.

The Licensing Authority itself can also initiate the review process.

Where any agency provides evidence of the keeping of smuggled goods, such as counterfeit alcohol or tobacco, or the employment of persons who do not possess the right to work in the UK, the relevant agency may request a review of the premises licence.

The Violent Crime Reduction Act 2006 amended parts of the Act and now expands police and council powers to deal with problem premises in a more expedient manner.

On receipt of a relevant request to carry out a review the Licensing Authority has a range of options available to it under the Act. These include:

- I. To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- II. To exclude a licensable activity from the scope of the licence (permanently or temporarily)
- III. To remove the Designated Premises Supervisor
- IV. To suspend the licence for a period not exceeding three months
- V. To revoke the licence

The council will seek to establish the cause or causes of the concern and any action will be proportionate to the problems involved.

The Licensing Authority has published guidance on the review process which is available from South Holland District Council's website.

[www.sholland.gov.uk/media/5108/Guide-to-Applicants-LA-2003/pdf/Guidance\\_to\\_applicants\\_-\\_July\\_2015.pdf?m=637154677001070000](http://www.sholland.gov.uk/media/5108/Guide-to-Applicants-LA-2003/pdf/Guidance_to_applicants_-_July_2015.pdf?m=637154677001070000)

### **Closure Orders**

- 9.4 Where a Magistrates Court makes a Closure Order under part 8 of the Licensing Act 2003 (on grounds of disorder) the council must carry out a review of the licence.

Where a Magistrates Court makes a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014 (on grounds of the use, supply or production of Class A drugs associated with disorder or serious nuisance) the police will usually ask the council to carry out a review of the licence.

Where a closure order has been made under the Anti-Social Behaviour, Crime and Policing Act 2014 (on grounds of noise) the council's Environmental Health section will normally request a review of the licence.

### **Appeals**

- 9.5 Anyone aggrieved by a decision of the council has a right of appeal. This is set out in schedule 5 of the Act.

The council will inform the appropriate parties of their right of appeal in accordance with the Act, when confirming a decision of the licensing subcommittee.

Aggrieved parties should lodge any appeal with the Magistrates' Court within 21 days of the notification of the decision.

## Part 10 Further Information

Further information can be found on the following links:

- South Holland District Council website: [www.sholland.gov.uk](http://www.sholland.gov.uk)
- Lincolnshire Police: [www.lincs.police.uk](http://www.lincs.police.uk)
- Home Office Website: [www.gov.uk/guidance/alcohol-licensing](http://www.gov.uk/guidance/alcohol-licensing)
- Licensing Act 2003: [www.legislation.gov.uk/ukpga/2003/17/contents](http://www.legislation.gov.uk/ukpga/2003/17/contents)
- The Police Reform and Social Responsibility Act 2011: [www.legislation.gov.uk/ukpga/2011/13/part/2/enacted](http://www.legislation.gov.uk/ukpga/2011/13/part/2/enacted)
- Guidance issued under s.182 of the Act: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)
- Information Commissioners Office: [ico.org.uk](http://ico.org.uk)

Or by contacting:

- The Licensing Team  
South Holland District Council  
Priory Road  
Spalding  
Lincolnshire  
PE11 2XE
- Tel: 01775 761161
- Email: [Licensing@sholland.gov.uk](mailto:Licensing@sholland.gov.uk)

## Appendices

### Appendix 1 – Delegation of Functions

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection made	If no police objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for minor variation of premises licence/club premises certificate			All cases
Application to vary designated premises supervisor		If a police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection made	All other cases
Applications for interim authorities		If a police objection made	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 an objection to a temporary event notice		All cases	Addition of conditions consistent with existing Licence
Determination of application to vary premises licence for community premises to include alternative licence condition		If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Suspension of premises licence/club premises certificate for non-payment of annual fee			All cases
Review of Statement of Licensing Policy	All cases (Full Council)		

## Appendix 2 – Responsible Authorities

<p><b>Police Licensing (Alcohol)</b>  Lincolnshire Police  Myle Cross Centre  Macaulay Drive  Lincoln  LN2 4EL  01522 558437  <a href="mailto:countylicensinggroup@lincs.pnn.police.uk">countylicensinggroup@lincs.pnn.police.uk</a></p>	<p><b>Lincolnshire Fire and Rescue Service</b>  Fire Station  Harlaxton Road  Grantham  NG31 7SG  01476 565441  <a href="mailto:fire.safety@lincoln.fire-uk.org">fire.safety@lincoln.fire-uk.org</a></p>
<p><b>Planning Authority</b>  Planning Services  South Holland District Council  Priory Road  Spalding  Lincolnshire  PE11 2XE  01775 761161  <a href="mailto:planning@sholland.gov.uk">planning@sholland.gov.uk</a></p>	<p><b>Environmental Health</b>  Public Protection Team  South Holland District Council  Priory Road  Spalding  Lincolnshire  PE11 2XE  01775 761161  <a href="mailto:pollution@sholland.gov.uk">pollution@sholland.gov.uk</a></p>
<p><b>Health and Safety</b>  Health and Safety Team  Priory Road  Spalding  Lincolnshire  PE11 2XE  01775 761161  <a href="mailto:foodhs@sholland.gov.uk">foodhs@sholland.gov.uk</a>  Health &amp; Safety Executive (HSE) if the HSE are the relevant Responsible Authority in respect of the particular premise: <a href="http://www.hse.gov.uk">www.hse.gov.uk</a></p>	<p><b>Trading Standards</b>  Trading Standards Service  Lincolnshire County Council  Myle Cross Centre  Macaulay Drive  St Giles  Lincoln  LN2 4EL  01522 782341  <a href="mailto:tradingstandards@lincolnshire.gov.uk">tradingstandards@lincolnshire.gov.uk</a></p>
<p><b>Lincolnshire Safeguarding Children’s Board</b>  Lincolnshire County Council  Block B, Orchard HouseB  Orchard Street  Lincoln  LN1 1BA  01522 554516  <a href="mailto:Stacey.Waller@lincolnshire.gov.uk">Stacey.Waller@lincolnshire.gov.uk</a></p>	<p><b>Home Office</b>  Alcohol Licensing Team  Home Office (Immigration Enforcement Section)  Lunar House  40 Wellesley Road  Croydon  CR9 2BY  <a href="mailto:alcohol@homeoffice.gsi.gov.uk">alcohol@homeoffice.gsi.gov.uk</a></p>
<p><b>Public Health Authority</b>  Shirlene Hodgins  Public Health Directorate  Lincolnshire County Council  Room 3.31, 3<sup>rd</sup> Floor  Orchard House  Orchard Street  Lincoln  LN1 1BA  <a href="mailto:Publichealthlicensing@lincolnshire.gov.uk">Publichealthlicensing@lincolnshire.gov.uk</a></p>	