

If you would like any further information or have any special requirements in respect of this Meeting, please contact Joanne Paterson, Democratic Services Officer on (01507) 613422

Tel: (01507) 601111 Ext. 613422

**Email: joanne.paterson@e-lindsey.gov.uk
Website: www.e-lindsey.gov.uk**

Date: Thursday, 24 February 2022

Dear Councillor,

Licensing Act 2003 Sub Committee – Reconvened from 20 September 2021

You are invited to attend a Reconvened Meeting of the **Licensing Act 2003 Sub Committee** to be held in the Council Chambers, Tedder Hall, Manby Park, Louth on **Monday, 14th March, 2022 at 1.00 pm**, for the transaction of the business set out in the attached Agenda.

Councillors observing the meeting and the public and the press may access the meeting via the following link <https://bit.ly/ELDCYT> where a livestream and subsequent recording of the meeting will be available.

Yours sincerely



Robert Barlow
Chief Executive

Conservative

Councillors Stan Avison and Sarah Devereux

Independent Group

Councillor Andrew Leonard

Labour

Councillor Graham Cullen

**LICENSING ACT 2003 SUB COMMITTEE AGENDA
Monday, 14 March 2022**

Item	Subject	Page No.
1.	ELECTION OF CHAIRMAN:	
2.	DISCLOSURE OF INTERESTS (IF ANY):	
3.	APOLOGIES FOR ABSENCE:	
4.	EXCLUSION OF THE PUBLIC AND PRESS The content of this report is not exempt from publication, however an Evidence Pack has been provided separately to the Sub-Committee and is exempt from publication by virtue of Paragraphs 1, 2 & 7 of Part I of Schedule 12A of the Local Government Act 1972.	
5.	APPLICATION FOR REVIEW OF A PREMISES LICENCE: Report of the Community Safety Manager.	1 - 24



REPORT TO:	LICENSING ACT 2003 SUB-COMMITTEE
DATE:	14 MARCH 2022
SUBJECT:	REVIEW OF A PREMISES LICENCE – SAN RUFO’S RESTAURANT, 185 ROMAN BANK, SKEGNESS, PE25 1SD
PURPOSE:	This Report considers an application by Lincolnshire Police for a review of the premises licence held in respect of the San Rufo’s Restaurant, Skegness.
KEY DECISION:	Not Applicable.
REPORT OF:	Service Manager – Safer Communities
REPORT AUTHOR:	Mr Adrian Twiddy (Principal Licensing Officer)
WARD(S) AFFECTED:	Skegness.
EXEMPT REPORT?	The content of this Report is not exempt from publication. However, a confidential evidence pack has been forwarded to the Members of the Licensing Sub-Committee under separate cover to this Report. The evidence pack is exempt from publication – the pack is not for publication by virtue of Paragraphs 1, 2 & 7 of Part I of Schedule 12A of the Local Government Act 1972.

SUMMARY

This Report considers an application by Lincolnshire Police for a review of the premises licence held in respect of San Rufo’s Restaurant, 185 Roman Bank, Skegness, PE25 1SD. The review is the result of a Police compliance check during which a person at the premise was identified as being an illegal entrant to the UK with no permission to work.

Lincolnshire Police and the premises licence holder have now agreed a way forward in relation to the matters identified in the review application – the way forward being amendment of the licence conditions and a temporary suspension of licensable activities at the premise. The temporary suspension of licensable activities at the premise took place during the period 04 January 2022 to 13 February 2022.

The new licence conditions were attached to the premises licence by way of a licence variation application submitted by the premises licence holder. The variation application was granted on 18 January 2022. The Committee is now asked to endorse the way forward agreed between the Police and the premises licence holder and to bring to an end the review process.

RECOMMENDATIONS

That the Sub-Committee agree to and support the modification of the premises licence conditions as set out in **Appendix C** of this Report. All other conditions on the premises licence, not affected by the aforementioned modification, to remain in their current form.

REASONS FOR RECOMMENDATIONS

The Licensing Authority has a duty to consider the status of premises licences where reviews have been submitted by Responsible Authorities. All parties within the licensing process must seek to promote the licensing objectives as defined under the Licensing Act 2003.

The Sub-Committee must consider the application for review of the premises licence and having regard to the application, take such steps as it considers appropriate for the promotion of the licensing objectives. The conditions set out at **Appendix C** of this Report have been agreed by both the premises licence holder and Lincolnshire Police as an appropriate step, in this particular case, for the promotion of the licensing objectives.

OTHER OPTIONS CONSIDERED

Under the terms of the Licensing Act 2003 this Authority must consider the premises licence review. There is no other option but to undertake and complete the review of the premises licence.

1. BACKGROUND

1.1. Premises Licence Details:

Licence Holder Details: Mr Altin Bushi

Premises: San Rufo's Restaurant, 185 Roman Bank, Skegness, PE25 1SD

Designated Premises Supervisor (DPS): Mr Altin Bushi

Licence Holder's Representative: Mr Patrick Robson of John Gaunt and Partners.

1.2. This case involves an application for a review of a premises licence (Section 51 of the 2003 Act refers) by Lincolnshire Police. The application to review relates to the prevention of crime and disorder licensing objective. A copy of the application for review is attached at **Appendix A** of this Report. The premise has not been subject of any previous premises licence reviews.

2. REPORT

- 2.1. The Licensing Authority has a duty to consider the status of premises licences where reviews have been submitted by Responsible Authorities or other relevant parties. This duty has been delegated to the Licensing Sub-Committees of the Full Licensing Act 2003 Committee.
- 2.2. This review is the result of a joint Police and Immigration Officer operation on 15 July 2021 during which a person at the premise was identified as being an illegal entrant to the UK with no permission to work.
- 2.3. The business in question is a restaurant offering alcoholic beverages and late-night refreshment. Mr Altin Bushi has held the premises licence for the business since April 2018. He has also held the Designated Premises Supervisor (DPS) role for the site since that date. His personal licence was granted by this Authority in April 2018.
- 2.4. The premise is currently licensed to undertake the supply of alcohol for consumption on and off the premises. The premises licence also authorises the provision of regulated entertainment. A full extract from the premises licence for the business, which was in force at the time of the submission of the review, can be found at **Appendix B** of this Report.
- 2.5. The application for review did not attract representations from the other Responsible Authorities. No representations were received from other parties (e.g., local residents and businesses).
- 2.6. The review application was accompanied by supporting documentation and evidence. A copy of this evidence pack was forwarded to the Members of the Licensing Sub-Committee under separate cover to this Report.
- 2.7. The review was originally placed before the Sub-Committee on 20 September 2021. At that time the Sub-Committee decided to adjourn the review hearing to a later date in order to allow both parties to submit further supporting evidence and to respond to further enquiries.
- 2.8. Lincolnshire Police and the premises licence holder have taken the period of adjournment as an opportunity to discuss matters and to seek an agreed way forward. Their agreed way forward being the amendment of the licence conditions and a temporary suspension of licensable activities at the premise. The temporary suspension of licensable activities at the premise took place during the period 04 January 2022 to 13 February 2022. The new conditions agreed by both parties, for addition to the premises licence, can be found at **Appendix C** of this Report.
- 2.9. The agreed premises licence conditions relate to:
 - Provision of CCTV at the premises.
 - Provision of a digital HR management system.
 - Right to work checks on all potential employees.
 - Provision of an incident/refusals book at the premises.

- Challenge 25 Proof of Age Policy and staff training.

All of the above are identified as good practice in this Authority's Licensing Policy. The conditions were attached to the premises licence by way of a licence variation application, which was granted on 18 January 2022.

3. CONCLUSION

3.1. The Licensing Act 2003 sets out a range of options which the Licensing Authority can utilise in order to promote the licensing objectives following the consideration of a premises licence review. The licensing objectives are:

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

Any step taken by the Licensing Authority must be appropriate for the promotion of the licensing objectives.

EXPECTED BENEFITS TO THE PARTNERSHIP

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report with no relevance to the South & East Lincolnshire Councils Partnership.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

CORPORATE PRIORITIES

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the District's residents, visitors and business community.

STAFFING

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

The power to review a premises licence is designed to provide the Licensing Authority with a suitable mechanism to tackle problems that may subsequently arise once a premise is licensed.

The Sub-Committee must consider the application for review of a premises licence and having regard to the application, take such of the steps mentioned below (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

- To modify the conditions of the licence.
- To exclude a licensable activity from the scope of the licence.

- To remove the Designated Premises Supervisor (DPS).
- To suspend the licence for a period not exceeding three months.
- To revoke the licence.

The Sub-Committee may also consider issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. If none of the above steps is considered appropriate the licence should remain in the form it was granted.

DATA PROTECTION

There are no specific data protection implications arising from the recommendations of this Report.

FINANCIAL

This licence application is being processed as part of the normal duties carried out by the Licensing Team with no additional costs involved

RISK MANAGEMENT

As with all licence applications it is possible that if a Licensing Committee decision is appealed to the Magistrates Court and the appeal is upheld, costs may be awarded against the Council. However, the judgement of the Courts is that costs should not normally be awarded against the Local Authority provided the Authority has acted properly and reasonably.

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters.

STAKEHOLDER / CONSULTATION / TIMESCALES

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

REPUTATION

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

CONTRACTS

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

CRIME AND DISORDER

All Local Authorities must fulfil their obligations under Section 17 of the Crime and Disorder Act 1981 when carrying out their functions as Licensing Authorities. Section 17 places a duty on Local Authorities to do all they reasonably can to prevent crime and disorder in their area.

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

Human Rights - The Licensing Authority must ensure that its decisions can withstand scrutiny by reference to the principle of proportionality, i.e., is the decision / action proportionate to what it wishes to achieve, or colloquially does the end justify the means.

The premises licence holder is entitled to a fair hearing; Article 6 of the European Convention on Human Rights applies.

Article 8, the right to respect for private and family life, also applies as the “licence” is crucial to the livelihood of the premises licence holder. The Human Rights of the wider community are also engaged.

Equality & Diversity - There are no specific equality and diversity implications arising from the recommendations of this Report.

Safeguarding - There are no specific safeguarding implications arising from the recommendations of this Report.

HEALTH AND WELL BEING

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

ACRONYMS

Not Applicable.

APPENDICES	
Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Premises Review Application submitted by Lincolnshire Police in respect of San Rufo’s Restaurant, 185 Roman Bank, Skegness, PE25 1SD.
APPENDIX B	Extract from the premises licence for San Rufo’s Restaurant, 185 Roman Bank, Skegness, PE25 1SD.
APPENDIX C	Agreed Amendment to the premises licence for San Rufo’s Restaurant, 185 Roman Bank, Skegness, PE25 1SD.

BACKGROUND PAPERS
<p>The following background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.</p> <p>Guidance issued by the Home Office to Licensing Authorities under Section 182 of the Licensing Act 2003</p> <p>https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003</p> <p>The Council’s Statement of Licensing Policy adopted under the Licensing Act 2003.</p> <p>https://www.e-lindsey.gov.uk/article/5539/Alcohol-and-Entertainment</p>

CHRONOLOGICAL HISTORY OF THIS REPORT
A Report on this item was previously considered by the Sub-Committee on 20 September 2021.

REPORT APPROVAL	
Report author:	Mr Adrian Twiddy (Principal Licensing Officer) Tel. No. 01507 601111 Email: adrian.twiddy@e-lindsey.gov.uk
Signed off by:	Mr Jon Challen (Service Manager – Safer Communities) Tel. No. 01507 601111 Email: jonathan.challen@e-lindsey.gov.uk
Approved for publication:	Not Applicable.

This page is left intentionally blank

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Chris Haward (Chief Constable of Lincolnshire Police)
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description San Rufos 185 Roman Bank Skegness	
Post town Lincolnshire	Post code (if known) PE25 1SD

Name of premises licence holder or club holding club premises certificate (if known) Altin Bushi
--

Number of premises licence or club premises certificate (if known) ELINDC/PLA007655

Part 2 - Applicant details

I am Please tick yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Lincolnshire Police Alcohol Licensing Myle Cross Centre Macaulay Drive LN2 4EL
Telephone number (if any) 101 - Lincolnshire - 3298438
E-mail address (optional) Countylicensinggroup@lincs.pnn.police.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes]
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

This review application relates to a premises which operates as an Italian restaurant also offering alcoholic beverages. It has been granted a Premises Licence (Licensing Act 2003) by East Lindsey District Council, authorising the sale of alcohol for consumption on the premises. The sale of alcohol is authorised between the hours of 09:00 and 01:00 Monday to Sunday.

Lincolnshire Police have obtained evidence which indicates that the management of these premises has been operating it in such a manner that amounts to criminal activity and thus undermines the licencing objectives.

The premises has recently been visited and one male was working in the kitchen who was an illegal entrant to the UK with no permissions to work.

Revised Guidance issued under Section 182 of the Licensing Act 2003

Section 11.23 states where the premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Section 11.24 of the Guidance to the Licensing Act states that reviews do not have to be directly linked or connected with the licensable activities at any premises. In this case the offences are directly linked to the operation of the premises as a restaurant licensed to sell alcohol for consumption on the premises and the staff actively involved in these activities.

11.25 states that in any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Section 11.26 states that it is the role of the Licensing Authority to take steps to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For employing a person who is disqualified from that work by reason of their immigration status in the UK.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered.

Please provide as much information as possible to support the application (please read guidance note 3)

On Thursday 15th July 2021 Officers from the Lincolnshire Police Alcohol Licensing Team visited the premises as part of a joint operation with Immigration Officers.

Immigration Officers had received intelligence to suggest that there was an illegal immigrant working within the kitchen of the premises.

Upon arrival and inspection of the premises one male was found to be working in the kitchen area. This male was subsequently detained by Immigration Officers for the relevant offences under the Immigration Act 1971.

Annex A – Immigration Officer's Smith and Donnelly - debrief and record of interviews.

Annex B – Statement of PC 26 Jonathon Jones.

Annex C – Statement of PC 1299 Rebeka Casey

It is an offence to employ an illegal worker under section 21 of the Immigration, Asylum and Nationality Act 2006, as amended by section 35 of the Immigration Act 2016, if the employer knows or has reasonable cause to believe that they are employing an illegal worker. The employer by law has to carry out various checks to ensure that their staff are legally allowed to work.

Where an employer pays wages to illegal workers off record with no tax or national insurance deductions which are then deliberately omitted from an employers End of Tax Year P35 returns to HMRC, the employer may be dealt with by means of the Fraud Act 2006. Similarly, HMRC may take action as a civil proceedings case and raise a tax debt against the business.

Illegal workers are more than likely poorly paid for the hours they are required to work and are not subject to the benefit of a minimum wage or restricted hours as prescribed in law. Nor are they afforded the benefit of the protections offered by UK employment legislation and are therefore often exploited.

Lincolnshire Police request that the Licensing Sub-committee seriously consider a revocation of the premises licence.

Have you made an application for review relating to the premises before

Please tick yes
 N.A

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 
.....

Date 26/07/21
.....

Capacity for and on behalf of Chief Constable of Lincolnshire Police
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This page is left intentionally blank

Premises Licence Number: PLA007655

Part 1 - Premises Details

San Rufo's Restaurant, 185 Roman Bank, Skegness, PE25 1SD

Licensable Activities Authorised by the Licence:

Films (Indoors)
Live Music (Indoors)
Recorded Music (Indoors)
Performances of Dance (Indoors)
Supply of Alcohol
Late Night Refreshment (Indoors)

The Times the Licence Authorises the Carrying out of Licensable Activities:

Films, Live Music, Recorded Music, Performances of Dance

Monday to Sunday 0900 to 0030 Hours
Seasonal Variations: New Year's Eve from start hour as above until New Year's Day terminal hour

Supply of Alcohol

Monday to Sunday 0900 to 0100 Hours
Seasonal Variations: New Year's Eve from start hour as above until New Year's Day terminal hour.

Late Night Refreshment

Monday to Sunday 2300 to 0200 Hours
Seasonal Variations: New Year's Day – No restriction regarding the supply of Late Night Refreshment.

The Opening Hours of the Premises:

Monday to Sunday 0900 to 0200 Hours
Seasonal Variations: New Year's Eve from opening hour as above until New Year's Day closing hour.

Where the Licence Authorises Supplies of Alcohol Whether These are On and/or Off Supplies:

On and off the premises

Part 2

Details of Premises Licence Holder

Mr Altin Bushi

Designated Premises Supervisor

Name: Mr Altin Bushi

Personal Licence Number: ELINDC/PAXXXX

Personal Licence Issued By: East Lindsey District Council

Annex 1 – Mandatory conditions

MC2

No supply of alcohol may be made under this licence:

- a) at a time when there is no designated premises supervisor in respect of it, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

S19(1) Licensing Act 2003

MC3

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

S19(2) Licensing Act 2003

MC4

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

- a) by the British Board of Film Classification (BBFC), where the film has been classified by that Board, or
- b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

S20/74 Licensing Act 2003

MC6

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

MC8

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

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

MC9

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

MC10

The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

MC11

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

2. For the purposes of the condition set out in paragraph 1:

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) 'permitted price' is the price found by applying the formula: $P = D + (D \times V)$ where:

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence:

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (the first day) would be different from the permitted price on the next day (the second day) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

Annex 2 – Conditions Consistent With the Operating Schedule

General

Not Applicable.

The Prevention of Crime and Disorder

The provision of a minimum of 30 minutes of opening time (with access to toilet facilities) after the terminal hour for the supply of alcohol.

Public Safety

Not Applicable.

The Prevention of Public Nuisance

The provision of a minimum 30 minute wind down period (with access to toilet facilities, premises facilities and hot and soft drinks) after the terminal hour for the supply of alcohol.

Regulated entertainment to cease in advance of the wind down period and lights will be raised and the volume and tempo of music reduced.

Signage asking customers to "Please leave quietly".

Noisy customers will be banned.

When live or recorded music is used all windows and external doors will be kept closed after 2300 Hours.

The Protection of Children from Harm

No children under 16 years old will be permitted on the premises after 23:00 (unless attending a private function where they are accompanied by an adult)

A proof of age policy to be applied with the accepted means of proof being:

- Passport
- Photo Driving Licence
- Citizencard
- Portman Prove it Card
- Any future accredited and accepted proof of age as defined by Lincolnshire Police.

Annex 3 – Conditions Attached After a Hearing by the Licensing Authority

Not Applicable.

This page is left intentionally blank

APPENDIX C**PREMISES LICENCE CONDITIONS AGREED BETWEEN LINCOLNSHIRE POLICE AND THE PREMISES LICENCE HOLDER****Suspension of Premises Licence**

The premises shall not be able to provide licensable activities between 04 January 2022 and 13 February 2022 inclusive. From 14 February 2022 onwards, this condition will no longer apply and can be removed from the premises licence.

Digital HR Management System

The premises licence holder will operate a full digital HR management system where all relevant documents are stored for each individual member of staff.

All relevant documents for members of staff will be retained for a period of 12 months post termination of employment and will be made available to Police, Immigration or Licensing Officers on request.

Right to Work Checks

Right to work checks shall be conducted on all potential employees prior to their employment in any capacity at the business. Checks shall be in accordance with the Home Office Code of Practice for employers as current at that time.

CCTV

A CCTV system shall be installed, recording and maintained in working order and operated at the premises to the satisfaction of Lincolnshire Police, specifically:

- a) There shall be a minimum of one high resolution colour camera, fitted in a weatherproof housing, for external coverage of the entrance.
- b) There shall be a minimum of one high-resolution colour camera fitted to each public entrance/exit to provide a quality head and shoulder image for facial recognition/identification purposes of all persons entering the premises.
- c) There shall be sufficient cameras able to cope with the normal operating illumination to reasonably cover all licensed public areas.
- d) Recordings must be kept for a minimum of 31 days and endorsed with the accurate, correct time/date (BST/GMT adjusted).
- e) Police and/or Authorised Licensing Officers shall be able on attendance to view immediate playback of any incident without the necessity for download.
- f) Recordings of incidents at the premises must be provided to the Police following lawful request.
- g) A member of staff shall be on the premises at all times they are open to the public who is capable of operating the CCTV system and providing recordings on request. When this is not possible recordings shall be provided within 24 hours of the original request.

- h) Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
- i) All equipment shall have constant time/date generation, which must be checked for accuracy on a daily basis.
- j) The CCTV system should be maintained and checked every 12 months, with the installing company, or if this is not possible another reputable company, producing a letter of compliance.
- k) In the event of a system malfunction, the Designated Premises Supervisor (DPS) or the Premises Licence Holder must immediately record details of this malfunction in the premises refusals/incident book. Arrangements for its repair must be made without delay.

Incident/Refusals Book

An incident/refusals book shall be kept at the premises, in which details of crime and/or disorder relating to the premises shall be recorded. The incident book shall contain the following details:

- Time, date and location of incident/refusals.
- Nature of the incident/refusal.
- Names, addresses and contact details of persons involved.
- Result of the incident/refusals.
- Action taken to prevent further such incidents.

Each entry to be signed by the Designated Premises Supervisor (DPS) or other responsible person employed at the premises and so authorised by the DPS; and retained for a period of no less than 12 months and made available to Lincolnshire Police for inspection upon request.

Challenge 25 Proof of Age Policy

The premises shall operate the Challenge 25 Proof of Age Policy to prevent the sale or supply of alcohol to persons under 18 years of age. The policy shall require any person who appears to be under the age of 25 years to produce one of the following forms of identification:

- A recognised proof of age card credited under the British Retail Consortiums Proof of Age Standards Scheme (PASS);
- Photo driving licence;
- Passport.

Notices shall be prominently displayed advising customers of the Challenge 25 Policy

All point-of-sale staff shall undergo training in the Challenge 25 Proof of Age Scheme and all other relevant policies with a record kept of the date of training, signed by the member of staff and the trainer. Each entry shall be retained for a period of 12 months from date of completion. This record shall be made available for inspection by Lincolnshire Police Officers or other relevant authority.