

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

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Date: Thursday, 2 March 2023

Dear Councillor,

**Licensing Act 2003 Sub Committee**

You are invited to attend a Meeting of the **Licensing Act 2003 Sub Committee** to be held at **the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH** on **Thursday, 16th March, 2023** at **10.00 am**, 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**

Councillor David Andrews, Stan Avison and Neil Jones

**District Independent/Liberal Democrat**

Councillor Sandra Campbell-Wardman

**LICENSING ACT 2003 SUB COMMITTEE AGENDA**  
**Thursday, 16 March 2023**

<b>Item</b>	<b>Subject</b>	<b>Page No.</b>
<b>1.</b>	<b>ELECTION OF CHAIRMAN:</b>	
<b>2.</b>	<b>APOLOGIES FOR ABSENCE:</b>	
<b>3.</b>	<b>DISCLOSURE OF INTERESTS (IF ANY):</b>	
<b>4.</b>	<b>VARIATION OF A PREMISES LICENCE - TENNYSON LODGE, 61 VICTORIA ROAD, MABLETHORPE, LN122AF:</b>	1 - 36
	Report of Assistant Director – Regulatory.	



<b>REPORT TO:</b>	LICENSING ACT 2003 SUB-COMMITTEE
<b>DATE:</b>	16 MARCH 2023
<b>SUBJECT:</b>	<b>APPLICATION FOR VARIATION OF A PREMISES LICENCE – TENNYSON LODGE, 61 VICTORIA ROAD, MABLETHORPE, LN12 2AF</b>
<b>PURPOSE:</b>	To consider an application to vary the premises licence for Tennyson Lodge, 61 Victoria Road, Mablethorpe, LN12 2AF. The application has received representations from local residents.
<b>REPORT OF:</b>	Assistant Director – Regulatory.
<b>REPORT AUTHOR:</b>	Mr Adrian Twiddy (Principal Licensing Officer)
<b>WARD(S) AFFECTED:</b>	Mablethorpe
<b>EXEMPT REPORT?</b>	The content of this Report is not exempt from publication.

### SUMMARY

This report considers an application by Mr Sunny K N Odedra for variation of the premises licence in respect of Tennyson Lodge, 61 Victoria Road, Mablethorpe, LN12 2AF.

The premises licence variation application seeks to remove conditions from the premises licence which restrict the supply of alcohol to persons taking table meals at the premises and persons residing at the premises (e.g., hotel guests) and their bona fide guests. The variation application does not seek to amend the licensing hours for the premise.

Seven representations, regarding the licence variation application, has been received from local residents.

### RECOMMENDATIONS

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

- To modify the conditions of the licence
- To reject the whole or part of the variation application

If none of the above steps is considered appropriate the variation application should be granted in the form it was made.

## REASONS FOR RECOMMENDATIONS

The Licensing Authority must hold a hearing to consider the representations - unless the representations are withdrawn by the local residents.

All parties within the licensing process must seek to promote the licensing objectives as defined under the Licensing Act 2003. The 2003 Act sets out the steps which the Licensing Authority may take when considering a representation regarding a premises licence application.

## OTHER OPTIONS CONSIDERED

Not Applicable - Under the terms of the Licensing Act 2003 this Authority must consider the representations and the premises licence variation application.

## 1. BACKGROUND

**1.1. Premises Licence Applicant:** Mr Sunny K N Odedra.

**1.2. Application:** The application, subject of this Report, is to vary a premises licence under Section 34 of the Licensing Act 2003.

**1.3. Premises:** Tennyson Lodge, 61 Victoria Road, Mablethorpe, LN12 2AF. A plan showing the location of the Tennyson Lodge is attached at **Appendix A** of this Report. An extract from the current premises licence for the site can be found at **Appendix B** of this Report.

**1.4.** The premises licence variation application seeks to remove conditions from the premises licence which restrict the supply of alcohol to persons taking table meals at the premises and persons residing at the premises (e.g., hotel guests) and their bona fide guests. The variation application does not seek to amend the licensing hours for the premise.

**1.5. Designated Premises Supervisor (DPS):** The DPS for the site is Mr Sunny K N Odedra whose personal licence was issued by Oadby & Wigston Borough Council in March 2022.

## 2. REPORT

**2.1.** The premise comprises a guest house on the first and second floors with a bar, restaurant and kitchen on the ground floor. The premise was previously known as the Leicester Guest House and prior to November 2005 it held a justice's residential and restaurant alcohol licence with the Magistrates Court. That Justice's Licence restricted alcohol sales to persons taking table meals and persons residing at the premises and their bona fide guests.

**2.2.** In 2005, under the terms of the Licensing Act 2003, alcohol licensing became the responsibility of the Local Authority and not the Magistrates Court. Under the transitional arrangements in place at that time the Leicester Guest House applied to convert its justice's licence to a premises licence with this Authority. The transitional arrangements allowed licence holders at the same time to seek the removal of restrictions on their licences which had been imposed by the Magistrates Court. The Leicester Guest House

applied for a straight-forward conversion of the licence with its existing restrictions regarding table meals and residents remaining in place. The Leicester Guest House did not seek the removal of any conditions on the licence or the amendment of the licensing hours. The licence conversion application was granted by Officers in 2005 acting under delegated powers.

- 2.3.** In April 2022 the premises licence was transferred to Mr Sunny K N Odedra and he was also appointed as DPS for the venue at the same time. At this point the business also appears to have changed its name from the Leicester Guest House to Tennyson Lodge. Mr Odedra is now seeking the removal of the licence conditions that were converted across from the Justice's Licence in 2005.
- 2.4.** The premises is currently authorised to undertake the supply of alcohol (for consumption on and off the premises) Monday to Saturday 1000 to 0000 Hours and Sunday 1200 to 2330 Hours. There is no time restriction regarding the supply of alcohol to persons (e.g., hotel guests) residing in the premises. The authorised hours for late night refreshment are Monday to Saturday 2300 to 0030 Hours and Sunday 2300 to 0000 Hours. As with alcohol sales there are no time restrictions regarding the supply of late-night refreshment to persons residing in the premises. With both alcohol and late-night refreshment there are extended hours on New Year's Eve – see the copy licence at **Appendix B** of this Report.
- 2.5.** As required under the terms of the Licensing Act 2003 the premises licence application has been advertised in the local newspaper and also outside the premise. Details of the application were also displayed on the Council's website. Persons, including those living and/or operating businesses in the vicinity of the premise, and the Responsible Authorities (e.g. Lincolnshire Police, Trading Standards, Health and Safety, etc.), were permitted to submit representations regarding the licence application. Any representation must relate to one or more of the licensing objectives:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 2.6.** None of the Responsible Authorities (e.g., Lincolnshire Police, Lincolnshire Trading Standards, Lincolnshire Fire & Rescue, Health & Safety, etc.) have submitted a representation in relation to the licence application.
- 2.7.** Prior to the submission of the licence variation application the premises licence holder held detailed discussions with Lincolnshire Police. As a result of those discussions the applicant has volunteered steps in relation to:
- Adoption of a Drugs Policy for the venue.
  - Provision of CCTV.
  - Maintenance of an Incident / Sales Refusals Book.
  - Adoption of the Challenge 25 Proof of Age Scheme.
  - Staff Training.
  - Customer Notices asking customers to leave the premises quietly.

All the above are steps recommended as good practice in this Authority's Statement of Licensing Policy.

2.8. Seven local residents have made representations in relation to the premises licence variation application. Redacted copies of the representations are attached at **Appendix C** of this Report. The representations have been made by:

- Gareth Rowland and Jill Rowland
- Martin Lee and Glenis Lee
- Graham Allen and Sue Allen
- Helen Lanzetta
- Robert Bowen and Joanne Bowen
- Neisha Manning
- Darren Hastings

Contact details / addresses have been removed from the copies at **Appendix C**.

Unredacted copies of the representations will be available at the hearing for Members of the Licensing Sub-Committee.

2.9. Anyone who may be affected by an application for a new licence or variation to an existing licence can make a representation. In order for a representation to be deemed relevant it needs to relate to the likely effect of the application on the promotion of the licensing objectives.

2.10. Under the terms of the Licensing Act 2003, an operating schedule forms a part of the premises licence application process. The operating schedule outlines what activities are proposed, when these activities will take place, the overall opening hours and how the activities will be managed, particularly in respect of the licensing objectives. A critical part of the operating schedule is the section where the applicant describes the steps intended to promote the four licensing objectives. A copy of the applicant's intended steps to promote the licensing objectives, as a result of the variation application, can be found at **Appendix D** of this Report. As detailed in Paragraph 2.7 of this Report the steps were discussed and agreed with Lincolnshire Police.

2.11. A full copy of the premises licence variation application will be available for inspection at the licensing hearing if Members wish to do so.

2.12. Any evidence submitted by the applicant, in support of the licence application, will be forwarded to the Members of the Committee separate to this Report.

2.13. **Guidance Issued by the Home Office Under Section 182 of the Licensing Act 2003:** It is considered that the extracts from the national guidance, shown at **Appendix E** of this Report, have a bearing upon the premises licence application.

2.14. **Local Policy Considerations:** It is considered that the extracts from the Council's Local Statement of Licensing Policy, shown at **Appendix F** of this Report, have a specific bearing upon the premises licence application.

2.15. **Planning and Licensing:** Members are reminded that any decision of the Licensing Authority on an application for a premises licence does not relieve the premises user of any requirements under planning law for appropriate planning permission where it is required. With this in mind, Mr Odedra has been advised by the Council's Licensing Team that he may need to apply to the Planning Authority for Change of Use Consent to operate the Tennyson Lodge venue as guesthouse with a public bar.

2.16. **Planning – Agent of Change Principal:** For information Members are advised that when there is an application for planning permission (including changes of use), which could have a significant adverse effect in the vicinity, the National Planning Policy Framework indicates the applicant (or 'Agent of Change') should be required by the Local Planning Authority to provide suitable mitigation before the development has been completed. This will be a consideration for the Planning Authority, in relation to the Tennyson Lodge, should an application for change of use be required. In simple terms the 'Agent of Change Principle' encapsulates the position that a person or business introducing a new land use is responsible in planning terms for managing the impact of that change.

### **3. CONCLUSION**

3.1. The Licensing Act 2003 sets out options which the Licensing Authority can utilise in order to promote the licensing objectives following the consideration of a premises licence variation application (which has received a valid representation). Any step taken by the Licensing Authority must be appropriate for the promotion of the licensing objectives. The licensing objectives are detailed in Paragraph 2.5 of this Report.

3.2. The steps open to the Sub-Committee include refusing to grant the premises licence variation application. Alternatively, there is the option of rejecting part of the licence variation application. Such a step or any other amendment to the licence variation application must only be taken if the Sub-Committee are persuaded that there is clear potential for harm resulting from the use of the premises in the licence application's current form. If the Sub-Committee considers that there is no potential for harm and no steps are necessary, then the licence variation application should be granted in the form it was made.

3.3. The Sub-Committee should examine the potential for harm and if it is satisfied that this is real, it should take sufficient and reasonable measures to prevent this harm from occurring. The Sub-Committee should only refuse the licence variation application if it is of the opinion that no lesser step would ensure compliance with the licensing objectives.

### **EXPECTED BENEFITS TO THE PARTNERSHIP**

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

### **IMPLICATIONS**

There are no SELCP implications.

## **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**

The processing of this premises licence variation application is being undertaken as part of the normal duties carried out by the Licensing Team and so there are no staffing implications.

## **CONSTITUTIONAL AND LEGAL IMPLICATIONS**

1. The Sub-Committee must consider the application for variation of a premise licence and having regard to the representations, take such of the steps mentioned below (if any), as they consider appropriate for the promotion of the licensing objectives. The steps are:

- To modify the conditions of the licence
- To reject the whole or part of the variation application

If none of the above steps is considered appropriate the variation application should be granted in the form it was made.

2. The licensing objectives are:

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

3. Both the applicant and any person / body making relevant representations may appeal any decision made by the Sub-Committee to the Magistrates Court. On determining an appeal, the Court may:

- Dismiss the appeal.
- Substitute for the decision appealed any other decision which could have been made by the Licensing Authority, or
- Remit the case to the Licensing Authority to dispose of in accordance with the direction of the Court.

4. The conditions of the licence are modified if any of them are altered or omitted or any new condition is added. Conditions can only be attached to a premises licence if they are considered appropriate for the promotion of the licensing objectives.

5. If consideration is being given to attaching conditions, Members should consider, are the proposed conditions:

- Appropriate;
- Relevant;
- Relevant to the activity/premises/venue;
- Enforceable;
- Precise;
- Reasonable, and



- Achievable.

6. The breach of a premises licence condition is an offence punishable (if the Licensing Authority or Lincolnshire Police are minded to prosecute) by an unlimited fine and/or six months imprisonment.

7. The Licensing Authority's determination of the licence application should be evidence-based. Any decision must be justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

#### **DATA PROTECTION**

The contact and address details relating to the persons submitting representations have been redacted for data protection purposes.

#### **FINANCIAL**

The processing of this premises licence variation application is being undertaken as part of the normal duties carried out by the Licensing Team with no additional costs involved. The premises licence application fee in this case is £190.00.

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.

#### **RISK MANAGEMENT**

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**

The representations from the Responsible Authority and other parties were received within the requisite 28-day period.

#### **REPUTATION**

There is a risk that the Council's reputation could be damaged if licensing legislation and guidance are not upheld and applied appropriately.

#### **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**

**Equality Implications:** There are no equality implications arising from the recommendations of this Report.

**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 applicant is entitled to a fair hearing; Article 6 of the European Convention on Human Rights applies. The Human Rights of the wider community are also engaged.

**Safeguarding Implications:** 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

DPS - Designated Premises Supervisor

<b>APPENDICES</b>	
Appendices are listed below and attached to the back of the report: -	
<b>APPENDIX A</b>	Location plan of Tennyson Lodge, 61 Victoria Road, Mablethorpe, LN12 2AF.
<b>APPENDIX B</b>	Extract from the current premises licence for Tennyson Lodge, 61 Victoria Road, Mablethorpe, LN12 2AF.
<b>APPENDIX C</b>	Representations by Local Residents in respect of the premises licence variation application for Tennyson Lodge, 61 Victoria Road, Mablethorpe, LN12 2AF.
<b>APPENDIX D</b>	Extract from the Premises Licence Variation Application – Steps the Applicant Intends to Take to Promote the Licensing Objectives.
<b>APPENDIX E</b>	Extracts from the Guidance Issued by the Home Office Under Section 182 of the Licensing Act 2003.
<b>APPENDIX F</b>	Extracts from the Local Licensing Policy Statement.

<b>BACKGROUND PAPERS</b>	
Background papers used in the production of this report are listed below: -	
<b>Document title</b>	<b>Where the document can be viewed</b>
Guidance issued by the Home Office to Licensing Authorities	<a href="https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003">https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003</a>

under Section 182 of the Licensing Act 2003	
The Council's Statement of Licensing Policy adopted under the Licensing Act 2003.	<a href="https://www.e-lindsey.gov.uk/article/5539/Alcohol-and-Entertainment">https://www.e-lindsey.gov.uk/article/5539/Alcohol-and-Entertainment</a>

#### CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

#### REPORT APPROVAL

Report author:	Mr Adrian Twiddy (Principal Licensing Officer) Tel. No. 01507 601111 Email: <a href="mailto:adrian.twiddy@e-lindsey.gov.uk">adrian.twiddy@e-lindsey.gov.uk</a>
Signed off by:	Mr Christian Allen (Assistant Director – Regulatory) Tel. No. 01205 314200 Email: <a href="mailto:Christian.Allen@boston.gov.uk">Christian.Allen@boston.gov.uk</a>

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**X**  
**Tennyson Lodge & Bar,**  
**61 Victoria Road,**  
**Mablethorpe, LN12 2AF**



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Agenda Item 4

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**Tennyson Lodge, 61 Victoria Road, Mablethorpe, LN12 2AF**

**Licensable Activities Authorised by the Licence:**

Supply of Alcohol  
Late Night Refreshment

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

**Supply of Alcohol -**

Monday to Saturday      1000 to Midnight  
Sundays                      1200 to 2330 Hours

Non-Standard Timing:      New Year's Eve from start hour as above until New Year's Day terminal hour.

N.B. - No time restriction regarding the supply of alcohol to persons residing in the premises.

**Late Night Refreshment -**

Monday to Saturday      2300 to 0030 Hours  
Sunday                        2300 to Midnight

Non-Standard Timing:      New Year's Eve from start hour as above until New Year's Day terminal hour.

**The Opening Hours of the Premises:**

No time restriction regarding the opening hours of the premises.

**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 S K N Odedra

**Designated Premises Supervisor**

**Name:** Mr S K N Odedra

**Personal Licence Issued By:** Oadby & Wigston Borough 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 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 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**

Restaurant - Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.

Restaurant - Suitable beverages otherwise than intoxicating liquor (including drinking water) shall be equally available for consumption with or as an ancillary to a meal.

Residential - Alcohol may be sold or supplied at any time:

- a) on premises which are bona fide used, or intended to be used, for the purpose of habitually providing for reward board and lodging, including breakfast and at least one other customary main meal;
- b) subject to the condition that alcohol shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.
- c) there must be adequate sitting accommodation in a room not to be used for sleeping accommodation for the service of substantial refreshment or for the supply or consumption of alcohol.

Residential - Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

Residential - There is no time restriction regarding the supply of alcohol to persons residing in the premises.

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

Not Applicable.

### **Public Safety**

Not Applicable.

### **The Prevention of Public Nuisance**

Not Applicable.

**The Protection of Children from Harm**

Not Applicable.

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

Not Applicable.

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**APPENDIX C**

**Redacted Representations Regarding Tennyson Lodge, 61 Victoria Road, Mablethorpe, LN12 2AF**

**Gareth & Jill Rowland - 11 February 2023**

Objection to the removal of conditions of Tennyson Lodge, 61, Victoria Road Mablethorpe LN12 2AF (Formally Leicester Guest House).

I don't know what the current restrictions are? I assume it was a B&B licence for alcohol to be served to residents only, that the Leicester Guest House had. I see on the web site "licensable activities- which it is proposed will take place at the premises" is N/A. Does the Lodge have some already?

Does Tennyson Lodge have planning permission or an application for change of use?

I live at XXX - been there since 1976 - XXX - the Lodge is on the busy A52 - parking for the B&B has always been a problem as there is an extension into the unlit road/alley way.

As an owner of a business in Mablethorpe, my neighbours, some who live in rented houses asked me "what can I do about it?" I have suggested they object themselves, but they look to me..... the Lodge is in a residential area with a mix of flats, terrace houses with working families and holiday flats. A lot of these houses have road facing bedrooms that are with windows open in the summer. The "commercial "area is to the North of Knowle Street.

From what I have seen this summer the bar at the lodge has been run as a public house with table and chairs placed outside on an unfenced forecourt that is directly on to the public footpath and the A52. There has been a lot of noise from people drinking and smoking outside in the summer evenings, also the two double doors are left open in the warm evenings with a karaoke music and singers adding to the noise, there has been one fight outside the premise one night, we were concerned for the safety of the people running the bar.

The unmade road / alley which is unlit, has access to the houses along Victoria Road. In the dark evenings this winter various people have been seen walking down the alley then returning a few minutes later, then back to the Lodge. I see there is CCTV, but only on the Lodge walls, not sure if you are allowed to have CCTV overlooking public access?

To summarise I wish to object to the variation in the licence, if the licence is approved it would be nice to limit the time music is played so residents can go to sleep peacefully.

Regards Gareth & Jill Rowland

**Martin and Glenis Lee - 15 February 2023**

Dear Sir / Madam,

I would like to object to Tennyson Lodge being granted a licence to serve alcohol to the public as a pub.

I own a few properties in the immediate area and have received complaints and concerns from my tenants. The tenants I have are a mixture of families with young children and elderly people. They have expressed their annoyance at the noise from the music and karaoke at Tennyson Lodge, some

live over 5 doors away and can hear it at night. There is also noise from people sitting outside drinking. A couple of tenants have even said they feel uncomfortable when walking past due to the amount of people outside.

As this area is mainly residential, I do not feel that this should be allowed to open as a pub.

There has been trouble outside and broken glass, my tenants have expressed concerns for their cars which they park on the road as well as treading in any broken glass.

Yours - M & G Lee

**Sue and Graham Allen - 15 February 2023**

Dear Sir / Madam,

We are writing to object to the recent licensing application for Tennyson Lodge, 61 Victoria Road, Mablethorpe, LN12 2AF.

Tennyson Lodge has been opening to the public for most of the summer and we have numerous reasons for objecting.

We own **XXX** and have been here for 34 years. Tennyson Lodge has only ever been a guest house and restaurant. It has never had a licence to open to the public as a pub.

We have been disturbed most evenings by music playing, which we can hear in our home. We get disturbed by the changing of beer barrels round the back late at night. There are people regularly sat on the front smoking, day and night which drifts into our property, and causes issues if we sit on the front of our property. We have had to keep our windows closed at night to keep out noise from the people and smoke. There have been arguments and fights outside. Their customers keep parking on our drive.

This part of Victoria Road is a residential area and is not the place for a pub to be allowed to open, I am not sure if they even have planning permission for a pub. I would ask that you take our reasons into consideration when considering this application.

Yours faithfully - S and G Allen

We own **XXX** so noise comes straight through the walls. We also own **XXX** which has elderly and vulnerable tenants that have been affected by Tennyson Lodge.

**Helen Lanzetta - 16 February 2023**

I wish to object to the premises license variation to 61 Victoria Road, Mablethorpe, LN12 2AF.

I have recently purchased **XXX** and feel that this would cause great disruption to the quiet enjoyment of the property, there has already been noise and behaviour problems concerning this property and I am sure this will increase with the grant of the licence variation. There are already plenty of bars and pubs serving the residents of Mablethorpe, many of which are struggling to stay open through lack of trade and allowing this to go through will just add another problem to their already large struggle.

H Lanzetta

**Mr R & Mrs J Bowen - 19 February 2023**

Dear Sir/Madam,

Re: Variation of premises licence, Tennyson Lodge, Victoria Road, Mablethorpe, Lincs, LN12 2AF

As residents and property owners of **XXX** we would like to object to the above application. Tennyson Lodge is in a residential area. The sale of alcohol both on and off the premises would have a detrimental affect on the residents because of increased noise due to people visiting and leaving the premises.

We have experienced the affects of Tennyson Lodge trading as a public house during the 2022 summer season and this resulted in people sat outside the front of the premises, noise from the karaoke and glasses in the street.

There is also an increase of cars parking in the road making it difficult for residents to park near their own property.

We object to the variation of premises license. There are many other public houses in Mablethorpe.

Yours faithfully

Robert & Joanne Bowen

**Niesha Manning - 21 February 2023**

Good morning, I am writing to inform you that we as a family with young children strongly disagree and discourage the sale of alcohol to Non-Guests at the Tennyson Lodge and Bar, Victoria Road, Mablethorpe.

Our reasoning for this is due to the increased amount of rubbish and broken beer bottles left on the PRIVATE lane which my children myself and our dog have to walk over my husband is normally the one clearing this up, the increased amount of noise which affects my 8 year old daughter who has been diagnosed with anxiety as she can hear the music/shouting on a night time which causes her to wake and be on edge. More cars parking on the PRIVATE lane because there small parking area is full which makes it more difficult and not safe for access in and out of the lane as it also blocks what view there is onto Victoria Road from the lane, people coming out of the pub then driving away when it closes (possible drink driving) we have witnessed loud arguments from a couple that have been drinking and come down the PRIVATE lane, bottles being emptied into bin late at night causes loud noise. This has all happened whilst they have been open and public being in there already yet they are applying for a licence now?

Kind Regards - Niesha Manning

**Darren Hastings - 22 February 2023**

Hi - I am emailing to object to a change of licence for Tennyson Lodge and Bar because of the level of noise from music and karaoke through the evenings and at times, after midnight, during the summer

season. The doors have been kept open and people are drinking on the street within our residential area. Customers at my **XXX** have also complained about the level of noise disrupting their sleep.

Yours sincerely - Darren Hastings



**APPENDIX D****Proposed Premises Licence Conditions****Tennyson Lodge & Bar, 61 Victoria Road, Mablethorpe, LN12 2AF****General**

Not Applicable.

**The Prevention of Crime and Disorder**

There shall be a drug policy completed for the premises. The document will be specific to the venue and will always be kept on site and will be made available for inspection upon request from any Responsible Authority.

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 the 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) Recoding 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 will 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 daily.
- j) The CCTV system should be maintained and checked every 12 months, with the installing company, of this is not possible another reputable company, producing a letter of compliance.
- k) In the event of a system malfunction, the Designated Premises Supervisor or the Premises Licence Holder must immediately record details of this malfunction in the premises incident / refusals book. Arrangements for its repair must be made without delay or within 24 hours regardless.

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 / refusal.
- Nature of the incident / refusal.
- Names, addresses and contact details of persons involved.
- Result of the incident / refusal.
- 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. The incident book shall be made available to the Police upon request. Each entry shall be retained for a period of 12 months from date of completion.

Patrons shall not be allowed to enter or leave the premises whilst in the possession of alcoholic drink in unsealed containers. For the purpose of clarity, leaving the premises includes leaving for any reason whether temporarily or otherwise.

Sale of Alcohol to Non-Guests for Consumption On and Off the Premises – These non-residents (unless there as a guest of a resident) must have vacated the licensable area 30 minutes prior to the closure of the premises.

Non-Residents may stay on the premises if they are there as the guest of people or person who are resident of the premises. If this is the case then they must be entertained by them and must not partake in any sale of alcohol personal or by proxy.

#### **Public Safety**

Not Applicable.

#### **The Prevention of Public Nuisance**

Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents.

Customer notices shall be displayed at all exits from the premises asking patrons to please leave the premises quietly and to respect the needs of the local residents.

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

There shall be in place for the premises a written policy to prevent the supply of alcohol to persons under 18 years of age. That 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 accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
- Photo driving licence
- Passport
- Any other means of identification approved by the premise licence holder.

Notices shall be prominently displayed at the premises advising customers of the Challenge 25 Proof of Age Policy.

All point-of-sale staff shall undergo regular training in the above policy 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.

**APPENDIX E****THE ROLE OF RESPONSIBLE AUTHORITIES**

## Paragraph 9.11

Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

## Paragraph 9.12

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>5</sup>. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

**DETERMINING ACTIONS THAT ARE APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES**

## Paragraph 9.42

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

## Paragraph 9.43

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

## Paragraph 9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose

on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

## **IMPOSED CONDITIONS**

### Paragraph 10.8

The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

### Paragraph 10.9

It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

## **PROPORTIONALITY**

### Paragraph 10.10

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

## **HOURS OF TRADING**

### Paragraph 10.13

The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

### Paragraph 10.14

Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

## **PLANNING AND BUILDING CONTROL**

### Paragraph 14.64

The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. 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. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

### Paragraph 14.65

There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be

assured by licensing committees, where appropriate, providing regular reports to the planning committee.

#### Paragraph 14.66

Where there is an application for planning permission, the National Planning Policy Framework expects new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed.

**APPENDIX F****Extracts from the Local Licensing Policy Statement****1.0 Introduction**

1.9 (a) The Act describes two “bodies” that may make representations to licence applications and may apply for an existing premises licence to be reviewed by the Licensing Authority, Responsible Authorities and “Other Persons”.

1.9 (b) “Other Persons” means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical position, any representation they make must be relevant to one or more of the licensing objectives and must not be considered to be frivolous or vexatious. Additionally, any application to review a premises licence must not be repetitious.

1.9 (c) This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or review, this Authority will examine the content of the representation particularly closely. We would expect the author to explain in detail how, in terms of the licensing objectives, they would be affected by the application. The Licensing Authority will consider rejecting any representations which did not include sufficient detail to outline any harm or disturbance which may be caused.

1.9 (d) We take the following approach to the decision-making process:

- a) Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making;
- b) Other parties can include residents’/ tenants’ associations, community associations and trade associations. Councillors may represent other parties, providing they do not also sit on the Licensing Sub- Committee determining the application in question.
- c) We will give clear reasons for our decisions.

1.10 Where valid representations are made applications will be considered by a Licensing Sub-Committee (consisting of Councillors); we give both applicants, Responsible Authorities and other parties an equal opportunity to state their case in accordance with our protocol, which is available from our Licensing Team.

1.11 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 solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Police, local businesses and local people towards the promotion of the objectives as outlined.

1.12 Each licence application will be considered on its own merits in the context of the four licensing objectives, and unless relevant representations are received from Responsible Authorities or other parties, there is no provision for the Licensing Authority to impose conditions on a licence other than those proposed within an application.

1.13 The Licensing Authority will primarily focus on the direct impact of the licensable activities on members of the public living, working or engaged in normal activity, regardless of their geographical proximity to the premises.

1.18 The licensing function should not be seen as a primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. However, whilst there is a range of statutory powers available to deal with such behaviour,

these powers may not always be sufficient to control negative impacts beyond the immediate vicinity of all premises. Therefore, the fact that such impact may occur may be a relevant factor in the consideration of certain licence applications. This may lead in some cases to the refusal of the application or the imposition of conditions to meet the concern.

#### **4.0 The Licensing Process**

4.3 A main part in ensuring compliance with the Act, and in particular showing how the four licensing objectives are to be achieved, is the 'Operating Schedule' for the licensed premises. The operating schedule forms part of the licence application - the schedule will aid any Responsible Authority or other party to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The schedule will form part of the conditions of licence (if a licence is granted). The Licensing Authority will work with the licensees and licensed premises applicants to minimise the number of disputes that may arise in this area by providing guidance notes on the completion of the schedules. However, the responsibility for drawing up the operating schedule rests with the applicant. The operating schedule should detail the manner in which the business will be run and the steps/controls put in place to meet the licensing objectives. Any individual preparing an operating schedule is free to volunteer any measure as a step he or she intends to take to promote the licensing objectives. The operating schedule must specify all types of entertainment, which will take place at the premises. If there is performance of dancing on the premises the operating schedule should specify the type of dancing and whether this will include lap dancing, strip tease, members of the public, professional performers and in what setting. In particular applicants should note that the provision of adult entertainment must be detailed in the relevant section of the premises licence application form.

4.7 In an effort to avoid unnecessary hearings, applicants are strongly advised to consult with the Responsible Authorities before submitting their applications. Applicants are advised to prepare risk assessments and from these formulate any steps they consider necessary to promote the licensing objectives and then consult with the Responsible Authorities. Failure to do so may lead to representations, which can only be determined by a licensing hearing.

4.9 Account will be taken of the need to encourage and promote all types of entertainment, including live music, dancing and theatre for the wider cultural benefit of the community as a whole. ....  
If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

4.10 The Licensing Authority is conscious that the views of vocal minorities should not be allowed to predominate over the general interest of the community.

4.11 If the Licensing Authority receives representations on an application the appropriate Officer of the Council may wherever possible undertake discussions with the applicant and each person making representations with a view to taking steps to ensure the licensing objectives are met without the requirement of a hearing.

4.12 Where relevant the Licensing Authority will retain the discretion to deem objections remaining after the discussion stage as irrelevant, frivolous or vexatious.

4.13 The guidance issued by the Home Office indicates that representations can be made in opposition to, or in support of, an application. With this in mind the Licensing Authority would remind all parties that all representations (both for or against an application) must relate to the licensing objectives.

#### **4.14 Licensing Hours**

The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at



the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport.

4.15 Under the Act there are no standard permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedules the hours they wish to be open for the sale of alcohol and to apply to vary their existing licences if they wish to sell alcohol beyond their current hours. However, whilst acknowledging the contents of Paragraph 4.14 above, there is no general presumption in favour of lengthening licensing hours (in all areas of the District) and the four licensing objectives will be paramount considerations at all times.

4.16 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 and puts greater pressure on town centres than is necessary and can lead to unnecessary disorder and nuisance. Applicants should note however that the Licensing Authority will give careful consideration to applications for premises situated in predominantly residential areas, where relevant representations have been received and the proposed hours of operation are likely to result in unreasonable noise disturbance between the hours of 11.00 p.m. and 7 a.m. In the absence of representations, the application must be granted.

4.19 The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. Applicants are reminded that large parts of the East Lindsey District are very sensitive to the impact of licensable activities because they are either residential in character or lie within rural communities. However, some commercial areas in the District, such as parts of town centres and entertainment areas on the coastal strip, may be more suitable for licensed activities, especially for those which have late opening hours or attract significant numbers of people. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises, which are situated in largely residential areas and have been subject of relevant representations.

## **5.0 Licensing Objectives**

5.1 Each of the four licensing objectives is of equal importance. 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, these elements should be specifically considered and addressed within an applicant's operating schedule.

As set out in Paragraph 4.7 of this Policy 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 these objectives.

5.2 In accordance with the Home Office Guidance to Licensing Authorities, this Authority expects applicants to demonstrate knowledge of the area within which the licensed premises is situated. This would include, for example, proximity to residential properties, areas where children congregate and any risk posed to the local area by the applicants proposed licensable activities.

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

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

In addition to the requirement for the Licensing Authority to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the

likely effect of the exercise of those functions on, and do all it reasonably can to prevent crime and disorder in the District.

The Licensing Authority encourages applicants to include in their operating schedules the steps they propose to take to reduce/deter crime and disorder. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on.

5.4 CCTV remains one of the most effective measures for reducing crime and disorder. The Licensing Authority expects both town centre and large scale premises that retail alcohol for consumption on or off the premises will have an effective CCTV system installed that operates in compliance with the reasonable requirements of Lincolnshire Police. The Licensing Authority would expect CCTV to be provided outside the premises, as well as inside the premises.

5.5 The times during which door supervisors are employed and the number considered necessary is a matter for the premises licence holder and Designated Premises Supervisor to address when promoting the four licensing objectives. However, licence holders, or Designated Premises Supervisors of town centre or large scale premises should consider employing door supervisors in the following circumstances:

- where alcohol is sold after 11.00pm.
- where dancing is provided as part of the licensed activities.
- at premises where the maximum occupancy figure is anticipated, and
- at premises providing entertainment carrying a special risk.

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

- Physical security features (e.g. use of toughened or plastic drinking glasses\*).
- Membership of a Pubwatch scheme or similar organisation.
- Procedure for the risk assessment of alcohol promotions such as 'happy hours'.
- The use and numbers of licensed SIA door supervisors.
- Amount of seating to be provided to reduce high volume vertical drinking.
- Training given to staff in crime prevention measures.
- Measures agreed with the Police to reduce crime and disorder.
- Measures to prevent customers taking glasses and bottles away from licensed premises.
- Measures to prevent the use or supply of illegal drugs.
- Search procedures.
- Provision of suitable CCTV in and around premises (including recording facilities).
- Participation in the use of a radio network scheme.
- Formulation of a dispersal policy.
- A premises specific drugs policy.

\*The Licensing Authority believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries.

5.7 The British Beer and Pub Association (BBPA) has consolidated good practice on combating violence in licensed premises into a guide to risk assessment. This is available on the BBPA's website: [www.beerandpub.com](http://www.beerandpub.com).

5.8 Pub Watch - The Licensing Authority recognises the important role of licensees working together to create a safe and secure environment for customers, thereby reducing crime and disorder in the area. The Licensing Authority will therefore do all that it can to support the creation and effective working of Pub Watch schemes and other trade associations in the area.

#### 5.16 Prevention of Public Nuisance

Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. This will particularly apply in areas where residential accommodation is in close proximity to licensed premises. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

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

5.18 Applicants are encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

5.19 When addressing the issue of prevention of public nuisance, applicants are encouraged to demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
- The hours of opening, particularly between 11.00 p.m. and 07.00 a.m.
- 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 held inside or outside the premises.
- The design and layout of the premises and in particular the presence of noise limiting features.
- The occupancy capacity of the premises (where appropriate).
- The availability of public transport.
- ‘Wind down period’ between the end of the licensable activities and the closure of the premises.
- Last admission time.
- The formulation of a dispersal policy.
- Provision of suitable CCTV (and recording facilities).

5.20 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance (e.g., to ensure customers leave quietly).
- Control of operating hours for all or parts (e.g., outside / garden areas) of the premises, including such matters as deliveries.
- Adoption of best practice guidance (e.g., Good Practice Guide on the Control of Noise from Pubs and Clubs - produced by Institute of Acoustics).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff and traffic (and resulting queues) arriving and leaving premises.
- Liaison with public transport providers.
- Siting of external lighting, including security lighting.

- Management arrangements for collection and disposal of litter.
- Effective ventilation systems to prevent nuisance from odour.
- Undertaking noise impact assessments.
- Installation of a noise limiting device.

### 5.21 Noise Impact Assessment

Licence applicants should be aware that a proposal for a new premises or variation of existing licensed premises may have an adverse impact on existing occupants of nearby buildings. This may particularly be the case if the proposal is close to existing sources of noise or near to a site with a particular use that is sensitive to noise.

- Noise can be generated by a number of different sources which include:
- traffic and customers arriving and leaving the premises.
- customers queueing in order to enter the premises.
- regulated entertainment (particularly live and recorded music).
- deliveries to and collections from premises.
- other noise associated with the night-time economy such as people accessing hot food takeaways and people in the street in the late evening or early hours of the morning.

With this in mind, where appropriate, applicants should consider the commission of a noise impact assessment prior to the submission of the premises licence application. The assessment should be prepared by a suitably qualified acoustician – the Council’s Environmental Health Department may be able to offer advice in order to work towards an agreed method statement for the assessment.

.....

Where appropriate a Licensing Sub-Committee may impose a condition requiring the completion of a noise impact assessment and that the recommendations of the assessment be acted upon.

## 9.0 Conditions of Licence

### 9.4 Model Pool of Licence Conditions

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. Conditions should be tailored to the particular circumstances of an individual licensed premise and determined on a case-by-case basis. Standardised conditions which ignore these individual aspects should be avoided.

The Licensing Authority does not propose to implement standard licence conditions across the board. However, it will develop its own pool of model conditions, and attach such conditions as appropriate given the circumstances of each individual case.

All parties are reminded that conditions which are appropriate to promote the licensing objectives should emerge initially from the prospective licence holders risk assessment and then be translated to form part of the operating schedule for the premises. This Authority’s pool of model conditions has been produced to assist prospective licence holders where they consider that conditions from the pool would promote the licensing objectives in the circumstances of their application.

Once an application has been made, the Police, other Responsible Authorities, and other relevant persons are encouraged to engage with the applicant if they are considering making a representation to the application. With this in mind, the pool of model conditions has been produced to assist all parties and promote a consistent approach when proposing conditions on a premises licence (or club premises certificate).

9.5 The pool of model conditions is not an exclusive or exhaustive list of conditions which may be included on a premises licence or club premises certificate. It does not restrict any applicant, Responsible Authority, or other person from proposing any alternative conditions, nor would it restrict a Licensing Sub-Committee from imposing any reasonable condition on a premises licence (or club premises certificate) it considers appropriate for the promotion of the licensing objectives.

The imposition of conditions, by a Licensing Sub-Committee, will be determined upon the individual merits of the application.

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