

Local Policy Considerations:

Extracts from the local policy, relevant to this case, can be found below:

Paragraph 5.3 – Prevention of Crime & Disorder

The Licensing Authority will carry out its licensing functions with a view to promoting the prevention of crime and disorder

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.

Paragraph 5.4 - CCTV

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.

Paragraph 10.9 Designated Premises Supervisor (DPS)

The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. Because of this the Licensing Authority will normally expect that the DPS for a licensed premise will be able to demonstrate that they are in day to day control of the premises and playing an active role in its operation through a regular personal presence.

Paragraph 10.10

The main purpose of the Designated Premises Supervisor is to ensure that there is always one specified individual, among the personal licence holders at a premises, who can be readily identified for the premises where the sale of alcohol is permitted. The premises licence holder will normally have given that person day-to-day responsibility for running the premises. In view of this the Licensing Authority would expect an applicant for a premises licence to confirm in his operating schedule, that the Designated Premises Supervisor will regularly attend the premises and be in day-to-day charge of them.

Paragraph 10.11

This Licensing Authority recommends that the DPS undergo relevant training, such as the Designated Premises Supervisor course provided by the BIIAB, in order that they are made aware of the responsibilities this position brings with it.

Paragraph 10.16 - Review of Premises Licences

The Licensing Authority will consider the full range of powers available to it when a review of a premise licence becomes necessary. It will, however, be mindful of the need to prevent the review process being used as an opportunity by Responsible Authorities and interested parties to re-run earlier representations without due cause. The power to review premises licences represents a crucial protection for the community, especially with regards to the promotion of the four licensing objectives. Reviews of licences may

be triggered at any stage by Responsible Authorities or interested parties because of a matter arising at the licensed premises and relating to one of the four licensing objectives. Reviews will become necessary following the service of a closure order by the Police. It is the Licensing Authority's belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews should therefore be mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

Paragraph 10.17

This Authority emphasises the importance of all parties working in partnership to achieve the promotion of licensing objectives; the Authority expects that Responsible Authorities will aim to give licensees early warning of any concerns identified at a premises.

Paragraph 10.20

The Licensing Authority will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.

Paragraph 10.21

The following is a list of steps the Authority is empowered to take if it considers them necessary to promote the licensing objectives:

- 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 necessary the premises licence will remain in the form it was granted.

Paragraph 10.22

This Authority has adopted the "Red Card, Yellow Card" approach to reviews recommended by the Secretary of State in September 2008 and will use such an approach when it is appropriate to do so. Further information on this approach is available by contacting the Licensing Team.

Paragraph 10.23

Whilst bearing the Red Card, Yellow Card approach in mind this Policy stresses that in cases when the crime prevention objective is being undermined it can be expected that revocation of the licence – even in the first instance – will be seriously considered.

Paragraph 10.25(a) - Use of Toughened or Plastic Drinking Glasses

Glasses and bottles containing drinks may be used as weapons during incidents of disorder and in non-toughened form can cause very serious injuries. Where appropriate consideration should be given by licence applicants to conditions requiring either the use of polypropylene containers or toughened glass, which inflicts less severe injuries.

Applicants are advised that the Licensing Authority supports a risk based, rather than a blanket, approach to requiring licensed premises to use safer alternatives and is of the opinion that this is the best way to tackle the problem of glass-related injuries.

However, the Licensing Authority encourages the adoption of shatter-proof or crumpleable drink containers at venues at times when there are risks of disorder or threats to public safety.

With this in mind the location and style of the venue and the activities carried on there will be particularly important in assessing whether such a licence condition is necessary. The use of such polypropylene containers or toughened glass during the televising of live sporting events, such as international and premier football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of polypropylene or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety. A premises licence condition can prevent sales of drinks in glass bottles for consumption on the premises. It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption at particular premises should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.