

Extracts from this Authority's Current Licensing Policy.

Paragraph 1.13

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.

Paragraph 1.14

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.

Paragraph 1.20

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.

Paragraph 3.2

We recognise that the licensing and compliance role of the Licensing Authority is important in improving the health, safety, security and welfare of the District's residents, visitors and business community. As part of that remit we will have a responsible licensing regime, which balances the needs of licence holders and residents.

Paragraph 3.3

Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the District. The efficient regulation of licensed premises plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the area.

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 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.

Paragraph 4.18

Where off sales are permitted, operators should recognise their responsibility to ensure that litter discarded by street drinkers in the vicinity of their premises is cleared away regularly.

Paragraph 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.

Paragraph 4.21

The Licensing Authority also recommends that where appropriate, applicants make provision in their application to cover any special times for New Years Eve and New Years Day and also, if appropriate, the occasion when the clocks move to British Summer Time (BST). For further information see paragraphs 10.75 and 10.76 of this Policy.

Paragraph 5.3

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.

Paragraph 5.4 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.

Paragraph 5.5

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.

Paragraph 5.6

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.

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Paragraph 5.7

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.

Paragraph 5.17 - 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.

Paragraph 5.18

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.

Paragraph 5.19

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.

Paragraph 5.20

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).

Paragraph 5.21

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

Paragraph 5.22 - 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. This Authority strongly encourages applicants for licences for large scale outdoor music events to undertake a suitable noise impact 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.

Paragraph 9.2 - Conditions of Licence

The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the need to impose conditions due to the representations raised. It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations.

Paragraph 9.3

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

9.11 - Live Music, Dancing and Theatre

The Licensing Authority is aware of the need to avoid measures, which deter live music, dancing and theatre by imposing indirect costs of a substantial nature. The Licensing Authority will take account of this when imposing conditions. The impact of licensing on live music, dancing and theatre will be monitored and in so doing the Authority will ensure that only necessary, proportionate and reasonable licensing conditions are applied.

Paragraph 9.12

Proper account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

Paragraph 10.75 - New Years Eve and New Years Day

The Licensing Authority recognises that licensed premises are likely to wish to have extended operating hours over the period of New Years Eve into New Years Day. With this in mind applicants are encouraged to make provision for this period in their licence applications rather than perhaps relying on a Temporary Event Notice (TEN). If representations are made concerning the potential for noise disturbance during this limited period, the Licensing Authority's consideration will be balanced against the special nature of this particular time of the year.