

Local Policy Considerations:

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

Paragraph 1.8 - Representations

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". A list of Responsible Authorities can be found in Appendix 3 of this Policy Document.

Paragraph 1.9

"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.

Paragraph 1.10

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.

Paragraph 2.2 – Local Features

There are parts of the coastal strip of East Lindsey where residential, business and entertainment properties sit 'cheek by jowl'. The Licensing Authority recognises that residents of these areas are more likely to notice the effects of licensed premises (than in other parts of the East Lindsey District) due to the large number of licensed premises and the density of the population (particularly during the summer months).

Paragraph 4.9 – Cultural Benefit

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. Account will also be taken of the benefit to communities from the provision of village halls and community centres, etc. With this in mind the Licensing Authority is keen to maintain the provision of village halls, church halls, community centres and village shops and encourage the provision of additional similar facilities. 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.

Paragraph 4.13 – Representations

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.

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 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 10.9 - **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 10.26

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 10.27

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 10.28

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 10.29

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.