



**North Kesteven**  
DISTRICT COUNCIL

## NORTH KESTEVEN DISTRICT COUNCIL

### STATEMENT OF LICENSING POLICY

#### LICENSING ACT 2003

Section 5 of the Licensing Act 2003 requires every Licensing Authority to publish a Statement of Licensing Policy, to apply when exercising their functions. This is the Statement of Licensing Policy of North Kesteven District Council.

Whilst all applications will be judged and determined on their individual merits, the policy will be the basis of the Licensing Authority's decisions. The policy was developed after consultation with all relevant parties, and has regard to the Licensing Objectives and the Secretary of State's Guidance. The policy will be reviewed regularly to reflect the needs of the North Kesteven District.

[www.n-kesteven.gov.uk](http://www.n-kesteven.gov.uk)

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## EXECUTIVE SUMMARY

The Licensing Act 2003 (the Act) came into effect in 2005. Section 5 of the Act requires the Licensing Authority (North Kesteven District Council) to determine, and publish, a statement of licensing policy, that they propose to apply in exercising their functions under the Act. This process is to be repeated every five years. The Licensing Authority must also keep the policy under review during each five-year period and make any such revisions it considers appropriate.

The policy was last published in 2016, since when there have been several important changes to the Act, introducing measures intended to ensure that applicants for certain licence types have the authority to work in the UK. This has introduced the Home Office Immigration Department as a Responsible Authority and requires applicants to demonstrate a right to work in the UK on application.

Additional measures were introduced to increase the number of Temporary Event Notices and aggregate days available to Premises.

The Policing and Crime Act 2017 introduced legislation, which enabled Licensing Authorities to consider options to suspend or revoke any Personal Licence, issued by them, for which the holder has been convicted of a relevant offence determined by the Act.

Any decision taken by the Licensing Authority concerning determination of licences, certificates and authorisations, should aim to promote the licensing objectives, which are:

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

The policy covers the licensable activities as specified in the Act, which are:

- Sale by retail or supply of alcohol
- Regulated entertainment
- Late night refreshment

Decisions can be taken by the Alcohol and Entertainment Licensing Committee, a 3 person sub-committee comprising members of the Committee; or Officers using delegated powers.

The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

The Licensing Authority has the ability to grant licences for premises and certificates for qualifying club premises. It also grants personal licences and accepts temporary event notices. Applicants for premises licences should be aware of the expectations of the Licensing Authority and the Responsible Authorities regarding the steps that are appropriate for the promotion of the licensing objectives. Applicants should also be aware of the new requirement to make enquiries about the specific area in which the licensed premises is, or is to be, situated

and to be able to demonstrate that knowledge when describing the steps they propose to take to promote the licensing objectives.

Where relevant, the Licensing Authority consults with the responsible authorities as described in the Act. Councillors, members of the public and interested parties, are able to have their say and their opinion heard through public consultation on this policy, and by making representations about applications for premises licences, or requesting reviews of licences for problem premises.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Licensing Authority. This policy describes the Licensing Authority's enforcement principles and the principles underpinning the right of review.

# Licensing Policy

## 1. INTRODUCTION

- 1.1 North Kesteven District Council (referred to as the Licensing Authority) is responsible for the licensing of all licensable activities under the Licensing Act 2003 (the Act). This document sets out the policies and principles that the Council will apply when making decisions on applications for:
- The retail sale of alcohol
  - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
  - The provision of 'regulated entertainment'
  - The provision of late night refreshment
- 1.2 This policy is intended to provide clarity to applicants, 'other persons' and 'responsible authorities' on how the Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment premises and will take effect on 7<sup>th</sup> January 2021. The Authority will take this Licensing Policy into account if its discretion is engaged (i.e. at a licensing hearing following representations by any party or Responsible Authority). In exercising its discretion, the Licensing Authority will have regard, amongst other things, to this Policy and applicants are urged to read it carefully.
- 1.3 Guidance and best practice will be made available to assist applicants; such guidance will not form part of this policy.
- 1.4 We consulted on this policy between 7<sup>th</sup> July and 7<sup>th</sup> September 2020 and the Council adopted it on 17<sup>th</sup> December 2020.
- 1.5 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four Licensing Objectives. These are:-
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 1.6 The Licensing Act 2003 and associated regulations can be viewed at <http://www.legislation.gov.uk/ukpga>
- 1.7 The Act prescribes two bodies, "Responsible Authorities" and "Other Persons" that can make representations to licence applications and apply for an existing premises licence to be reviewed by the Licensing Authority. Each licence application will be considered on its own merits in the context of the four Licensing Objectives. Unless relevant representations are received from Responsible Authorities or Other Persons, there is no provision for a Licensing

Authority to impose conditions on a licence other than according to the voluntary steps, which the applicant proposes to make in their application. If no representations are made in respect of an application, the Authority is obliged to issue the licence on the terms sought.

- 1.8 “Other Persons” means any individual, body or business who is affected by the operation of 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, provided that it is not considered to be frivolous or vexatious. Additionally, any application to review a premises licence must not be repetitious.
- 1.9 Any of these persons may act in their own right; they may also request that a representative make the representation to the Licensing Authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, or a local ward or parish councillor who can all act in such a capacity.
- 1.10 This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received and, 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 relation to the licensing objectives, they would be affected by the application. The Licensing Authority will consider rejecting any representations, which do not include sufficient detail to outline any harm or disturbance or other impact, which may be caused, and duly inform the author of the reason.
- 1.11 It is recognised that the licensing function is only one means of securing the delivery of the above 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 In preparing this policy statement the Licensing Authority has consulted with the following:
- Lincolnshire Police
  - Lincolnshire Fire and Rescue
  - The Director of Public Health
  - The body responsible for child protection
  - The Planning Authority
  - The Health and Safety authorities
  - Environmental Health
  - Trading Standards
  - Home Office Immigration Department (Alcohol Licensing Team)
  - Representatives of licence holders and club certificate holders
  - Local businesses and their representatives

- Local residents and their representatives
- Other bodies and persons that the Authority consider could contribute to this policy

From April 2017, The Home Office immigration Department was made a Responsible Authority and a specific Alcohol Licensing Team created. This was as a result of an amendment to the Licensing Act 2003 made by the Immigration Act 2016. This required persons making applications for certain types of licence to demonstrate that they have the entitlement to work in the UK.

1.13 Proper weight has been given to the views of all those consulted prior to this policy statement being agreed and taking effect on 7<sup>th</sup> January 2021.

1.14 The Licensing Authority is committed to the implementation and application of this policy in such a way that no applicant or other person is treated less favourably on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, nor is disadvantaged by the application of a rule, condition or requirement, which has a discriminatory effect which cannot be justified either in licensing terms or as a requirement of law.

1.15 The purpose of licensing is to regulate licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. Subject to the receipt of relevant representations from a Responsible Authority or Other Person, conditions may only be attached to licences, certificates and provisional statements following a hearing. The licensing process will focus on matters falling within the control of individual licence holders and others with relevant authorisations.

1.16 These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities. In this regard, 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. Factors which may be taken into account in assessing the impact may include, but are not limited to:

- The nature of the licensable activity
- The time of day of the activity
- Frequency of the activity
- Nature of the locality
- Type of structure used for the activity

In undertaking its licensing function, the Licensing Authority will have regard to other legislation, including, but not limited to the following:-

- Section 17 of the Crime and Disorder Act 1998: requires the Council to take all reasonable steps to reduce crime and disorder within the District.

- The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
  - The Provision of Services Regulations 2009 to ensure requirements are:
    - i. Non- discriminatory
    - ii. Justified by an overriding reason relating to the public interest
    - iii. Proportionate to that public interest objective
    - iv. Clear and unambiguous
    - v. Objective
    - vi. Made public in advance, and
    - vii. Transparent and accessible
- 
- Human Rights Act 1998
  - Violent Crime Reduction Act 2006
  - Police and Crime Act 2009
  - Police Reform and Social Responsibility Act 2011
  - Live Music Act 2012
  - Anti-Social Behaviour Crime and Policing Act 2014
  - The Legislative Reform (Entertainment Licensing) Order 2014
  - Deregulation Act 2015
  - The Immigration Act 2016
  - The Policing and Crime Act 2017

1.18 The Licensing Authority will seek to discharge its responsibilities identified by Central and Local Government strategies, so far as they impact on the objectives of the Licensing Act. Some examples of these strategies are:-

- Government Action Plans for Tackling Alcohol Related Crime, Disorder and Nuisance;
- "Safer clubbing"
- Age Restricted Products and Services: a Code of Practice for Regulatory Delivery (BRDO 2014)
- The Lincolnshire Alcohol and Drug Strategy
- The Community Safety Strategy
- The Children and Young People's plan for Lincolnshire

1.19 It should however be made clear that the licensing function is not to be seen as the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

1.20 Licensing law will always be part of a holistic approach to the management of the evening and night-time economy. 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 the premises. Therefore, the fact that such impact may occur may be a relevant factor in the consideration of certain licensing applications. This may lead in some cases to a refusal of the application or the imposition of conditions to meet the concern.

## **2. INTEGRATION OF STRATEGIC OBJECTIVES AND THE AVOIDANCE OF DUPLICATION**

2.1 North Kesteven District Council is one of seven districts in Lincolnshire and covers an area of 92,244 hectares (356 square miles). The District is characterised by small settlements and large areas of arable farmland; 90% of land in the District is classified as agricultural. The District is a large, diverse, rural area, stretching from the Witham in the east almost to the Trent in the west and from the sparsely populated villages to the south of Sleaford to the more densely populated Lincoln fringe in the north. The principal sectors of the economy include food and agriculture, engineering, tourism and construction.

2.2 There are around 100 communities in the North Kesteven District. The population of the District is 115,230 (Office for National Statistics mid-year population estimate 2017). There are two towns with approximately 17,671 people in Sleaford and 13,884 in North Hykeham (Census 2011). Almost 40% of North Kesteven residents live in communities in the Lincoln “fringe”, the area immediately surrounding Lincoln City (including North Hykeham) and about 15% live in Sleaford. Of the remaining 45%, about half live in 57 communities with fewer than 1,000 people and the other half live in communities, not in the Lincoln fringe, with more than 1,000 people. At the time of adopting this Policy (December 2020) the Licensing Authority was responsible for the following number of licences and permits:

<b>Premises Licence With alcohol</b>	
Cinemas & Theatres	1
Hotels, B&Bs & Restaurants	38
Others	15
Pubs, Clubs & Bars	94
Registered Members Clubs	16
Museum/Gallery/Tourism	6
Sports Clubs	10
Supermarkets, Shops & Off-licences	73
Takeaways	2
Open air/Festival site	2
Village & Community Halls (fee paying)	34
<b>Total</b>	<b>291</b>
<b>Premises Licence No Alcohol</b>	
School / Educational (fee exempt)	9
Village & Community Halls (fee exempt)	24
Public Open Space	2
Takeaways	8
Sports Clubs	0
Other	0
<b>Total</b>	<b>43</b>
<b>Personal Licence Holders</b>	<b>1556</b>

- 2.3 The Council's overall vision is to be a District of flourishing communities. To work towards this vision, the Council has identified a series of Corporate Priorities:-
- Our Communities - To enhance the wellbeing, safety and health of all our Communities; inspiring and supporting a sustainable and flourishing future.
  - Our Council - To aspire to be high performing, value-for-money, carbon conscious council, that embraces the challenges and opportunities of the future.
  - Our Economy - To enable all of our communities to flourish from high quality employment growth and the opportunities of the Green Economy.
  - Our Environment – To meet the challenge of climate change, delivering ambitions and creating opportunity across all our priorities.
  - Our Homes - To deliver sustainable housing growth and pursue energy efficient development to meet the current and emerging needs of all our communities.

Further relevant strategic objectives are defined in the relevant Corporate Plans and Strategies for North Kesteven District Council. The proper integration of these strategic objectives and priorities with the four Licensing Objectives is key to the effective implementation of this policy.

- 2.4 In line with the Corporate Priorities we recognise that the licensing and compliance role of the Licensing Authority is important in promoting the wellbeing, safety, and health of the District's residents, visitors and business community, and promoting respect.
- 2.5 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 promoting a vibrant economy, enabling businesses to thrive and maximise contribution to the economy of the area.
- 2.6 By consulting widely prior to this policy statement being published, the Licensing Authority has endeavoured to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.
- 2.7 There are a number of wider issues which may need to be given due consideration by the Licensing Authority in exercising its licensing function. The Licensing Authority's Alcohol and Entertainment Licensing Committee may therefore receive and may act upon reports on -
- The needs of the local tourist economy
  - The cultural strategy for the area
  - The employment situation in the area and the need for new investment and employment where appropriate
  - The planning considerations which might affect licensed premises
  - The local transport arrangements
  - Crime and disorder and community safety issues
  - Any other reports considered appropriate to the licensing function

- 2.8 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. To assist in this process the Alcohol and Entertainment Licensing Committee may provide regular reports to the Planning Committee on the situation regarding licensed premises in the District including the impact of alcohol related crime and disorder. There is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission. Premises operating in breach of their planning permission will face investigation and possible enforcement action, in accordance with the Council's statutory duties as the Local Planning Authority.
- 2.9 Applicants are encouraged to make any necessary applications for planning permission before or at the same as they make an application for a licence. Furthermore, applicants are asked to ensure that:
- The activity to be authorised by the premises licence or club premises certificate is a lawful planning use; and
  - The hours sought do not exceed those authorised by any planning permission
- 2.10 In reaching a decision on whether or not to grant a licence, when its discretion has been engaged following the making of relevant representations, the Licensing Authority may take account of any non-compliance with other statutory requirements brought to its attention, where these undermine the Licensing Objectives. Non-compliance with statutory requirements may be taken to indicate that the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance. Conditions (other than mandatory conditions and those in the applicant's operating schedule) may not be attached to a premises licence or club premises certificate unless the application has been subject of a relevant representation.
- 2.11 When as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes and these hours are different to the licensing hours, the applicant must always observe the earlier closing time.
- 2.12 In order to avoid duplication with existing legislation and other regulatory regimes, the Licensing Authority will, as far as possible, not attach conditions to licences unless, after relevant representations, they are considered appropriate for the promotion of the Licensing Objectives. Conditions will generally be considered inappropriate if they are already adequately covered by other legislation. This Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example the Regulatory Reform (Fire Safety) Order 2005 and the Health and Safety (First Aid) Regulations 1981.

### **3. THE LICENSING PROCESS**

- 3.1 The functions of the Licensing Authority under the Act may be exercised by the Alcohol and Entertainment Licensing Committee, by a Sub Committee or Officers acting under delegated authority.
- 3.2 Each application for licensing will be considered on its own merits, for example, free from the imposition of quotas on the number of licensed premises or generalised closing times. Each application will be considered in the context of the four Licensing Objectives. Nothing in this policy will undermine the right of any person to apply for a variety of permissions under the Act.
- 3.3 Individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. From 6 April 2017, Licensing Authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. Details of the documents that applicants can use to demonstrate such entitlement are available by visiting the relevant page on the NKDC website, or by contacting the Licensing Team. Applications from people who are unable to demonstrate their entitlement will be rejected.
- 3.4 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 the positive proposals they consider appropriate to promote the licensing objectives and then consult with the Responsible Authorities. Failure to do so may lead to representations.
- 3.5 Applicants will be expected to submit an Operating Schedule to support their application for the grant, or major variation of, a Premises Licence or Club Premises Certificate. The Operating Schedule plays a major part in ensuring compliance with the Act, in particular showing how the four licensing objectives are to be achieved. The operating schedule forms part of the licence application the schedule will aid any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The schedule will form part of the conditions of the licence (if a licence is granted).
- 3.6 **Adult Entertainment – Operating Schedule**
- 3.6.1 The Licensing Authority expects all applicants to complete the ‘Adult Entertainment’ Box of the application form, which requires details of any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. If there are to be no such entertainments, services, activities or other matters then the form should state that clearly. The Licensing Authority may return, for amendment, any application, which is incomplete in this material area. (See also paragraphs 8.1 – 8.6 - Adult Entertainment).

- 3.6.2 Applicants should note that the Licensing Authority will attach a 'no adult entertainment' condition to licences when the application indicates that there will be no such entertainment provided.
- 3.6.3 In accordance with the Home Office Guidance to Licensing Authorities, this Authority expects all applicants to make enquiries about the specific area in which the licensed premises is, or is to be, situated. This includes, for example, the proximity to residential properties, areas where children congregate and any risk posed to the local area by the proposed licensable activities. Applicants will be expected to demonstrate this knowledge in their application and accompanying operating schedule.
- 3.7 Applications will be determined having regard to:
- This Policy
  - The Licensing Act 2003 and subordinate legislation
  - Statutory Guidance issued under Section 182 of the Licensing Act 2003.
  - Any relevant representations received (provided they are not determined by the Authority to be frivolous or vexatious)
- 3.8 If an application for a premises licence, provisional statement or club premises certificate has been made lawfully and there have been no representations from Responsible Authorities or Other Persons, the Licensing Authority must grant the application, subject only to conditions that are consistent with the operating schedule, having been proposed by the applicant in the Operating Schedule. and relevant mandatory conditions prescribed in the 2003 Act itself.
- 3.9 The Licensing Authority may not therefore impose any conditions unless its discretion has been engaged following the making 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 exercising its discretion, the Licensing Authority will have regard, amongst other things, to this Policy and so applicants are urged to read this policy carefully.
- 3.10 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. The Licensing Authority is aware of the need to avoid measures, which deter live music, dancing and theatre and it will monitor the impact of licensing on regulated entertainment, particularly live music and dancing within the District. If representations are made concerning the potential for limited disturbance from these activities in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.
- 3.11 Failure to submit an application in the correct form will result in that application being returned. The Licensing Authority will endeavour to explain why the application is considered deficient and will invite the applicant to re-submit the

application with all the required information. However, we will not return forms if they contain obvious and minor factual errors that can easily be amended. Applications for a premises licence or club premises certificate must be copied to each of the appropriate Responsible Authorities. It is the responsibility of the applicant to send the copies to the Responsible Authorities, unless the application has been properly made by means of an electronic application facility in which case it is the responsibility of the Licensing Authority to circulate the copies.

- 3.12 The Licensing Authority acknowledges that the views of vocal minorities should not be allowed to predominate over the general interest of the community.

#### **4. LICENSING HOURS**

- 4.1 The Licensing Authority recognises that fixed closing times in certain areas could lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. 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.
- 4.2 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 4.1 above, there is no general presumption in favour of lengthening licensing hours (in **any** area of the District) and the four licensing objectives will be paramount considerations at all times.
- 4.3 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. This movement can put greater pressure on town centres than is desirable, and can lead to increased 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.
- 4.4 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance then, subject to receiving valid, relevant representations, a limitation on licensing hours may be imposed.
- 4.5 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 North Kesteven District are very sensitive to the impact of licensable activities because they are either residential in character or lie within rural communities. 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. LICENSING OBJECTIVES**

### **5.1. General**

5.1.1 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 and 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.

5.1.2 As set out in paragraphs 3.3 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 what steps are to be taken in order to meet these objectives.

5.1.3 The Licensing Authority reminds applicants of the requirement for them to demonstrate a detailed knowledge of the local area in which their premises is, or is to be located (paragraph 3.6 of this Policy). This knowledge should be translated into the content of their risk assessments.

### **5.2 Prevention of Crime and Disorder**

5.2.1 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.

5.2.2 In addition to the requirement for the Council 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.

5.2.3 The Licensing Authority will expect 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.

5.2.4 Examples of measures the Council would expect applicants to consider and address in their operating schedule include

- Membership of the local Pub Watch Scheme or similar organisation
- Procedures for risk assessment of alcohol promotions such as 'happy hours'
- The use and numbers of SIA licensed door supervisors. (Note – all security operatives at licensed premises must be licensed by the SIA and if a Licensee directly employs security operatives he/she must be licensed by the SIA as a supervisor/manager.)
- Physical security features e.g. use of toughened or plastic drinking glasses\*
- Amount of seating and room divisions 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 the use or supply of illegal drugs
- Search procedures
- Provision of CCTV (including recording facilities)
- Participation in the use of the radio network scheme
- Formulation of a dispersal 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.

5.2.5 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 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

Special risk events could include adult entertainment, boxing or other similar events or a demonstration of hypnotism.

### **5.3 Public Safety**

5.3.1 The Licensing Authority will carry out its licensing functions with a view to promoting public safety and will seek to ensure that licensees take measures to protect the safety of performers and persons attending licensable activities. The risk to public safety will vary according to the type of premises and the activities carried out.

5.3.2 The Licensing Authority will expect the applicants to include in their operating schedules the steps they propose to take to promote public safety.

- 5.3.3 Where applicable, the Licensing Authority will expect applicants to address the following matters in their operating schedules:
- Use of equipment
  - Levels of door supervision
  - Measures to prevent the supply and use of illegal drugs
  - Free availability of clean drinking water
  - Physical safety features e.g. use of toughened glass (see note at paragraph 5.2.4 regarding toughened glass and plastic)
  - Fire evacuation procedures
- 5.3.4. Applicants will also be expected to show that they have undertaken full risk assessments of the premises.
- 5.3.5 The Licensing Authority expects applicants applying for permissions to stage events which would attract large numbers of people and/or have an impact on the road network to have consulted with those authorities concerned with public safety and in particular the Lincolnshire Event Safety Advisory Group and the Lincolnshire County Council Highways department. N.B. also see paragraph 11.2 Music and Large Scale Events’.

## **5.4 Prevention of Public Nuisance**

- 5.4.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Council 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.
- 5.4.2 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 antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 5.4.3 Applicants will be expected 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.
- 5.4.4. When addressing the issue of prevention of public nuisance, the applicant must 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 2300 and 0700

- 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
- The availability of public transport
- A 'wind down period' between the end of the licensable activities and the closure of the premises
- A last admission time
- The formulation of a dispersal policy
- Provision of suitable CCTV (including recording facilities)

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. 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. The British Beer and Pub Association guidance for members on managing noise)
- 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

## **5.5 Protection of Children from Harm**

5.5.1 The Licensing Authority recognises the Lincolnshire Safeguarding Children Partnership to be the competent authority to advise on matters relating to the protection of children from harm. Applicants for premises licences or club premises certificates are required to copy their applications to the Lincolnshire Safeguarding Children Partnership who act in their capacity as a Responsible Authority under the Act.

5.5.2 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting them

from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Licensing Authority is especially mindful that it must always consider the need to protect children from sexual exploitation.

- 5.5.3 The general relaxation in the Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. This relaxation places additional responsibilities upon licence holders but the Authority acknowledges that parents and other adults accompanying children also have responsibilities.
- 5.5.4 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Except as prohibited by law, access by children to all types of premises will not be limited in any way unless it is considered appropriate to do so to protect them from harm. In all other cases, it will be a matter for the discretion of the licensee.
- 5.5.5 When deciding whether to limit access to children or not, when its discretion has been engaged by means of a relevant representation, the Licensing Authority will judge each application on its own merits but will give strong consideration to restricting the access of children to premises where:
- adult entertainment is provided;
  - a member, or members, of the current management have been convicted for serving alcohol to minors or the premises have a reputation for allowing underage drinking;
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing;
  - the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises; or
  - where there is a strong element of gambling on the premises
- 5.5.6 It is possible that activities such as adult entertainment may take place at certain times on premises but not at other times. Whilst it is not possible to give an exhaustive list of what amounts to entertainment, or services of an adult or sexual nature, the Licensing Authority considers that such entertainment would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 5.5.7 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or

relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

- 5.5.8 The Licensing Authority expects applicants, when preparing an operating schedule or club operating schedule, to clearly set out the steps they will be taking to protect children from harm when on the premises. In particular, the Authority expects to see that suitable and sufficient measures have been identified and details of how they will be implemented and maintained to protect children from harm. Such measures will be directly relevant to the individual style and characteristics of each premises or event.
- 5.5.9 In the case of premises, which are used for film exhibitions, the Licensing Authority will impose the mandatory conditions restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself.
- 5.5.10 Where a large number of children are likely to be present on any licensed premises, the applicant will be required to include within their Operating Schedule the steps they will take to protect children from harm whilst on the premises. The Licensing Authority will expect the presence of an appropriate number of adult staff (being over 18 years of age) to ensure the children's protection from harm.
- 5.5.11 The Licensing Authority considers that adult staff supervising children should be subject to a criminal record check with the Disclosure and Barring Service to enhanced level. It is the responsibility of the premises licence holder to ensure such checks are completed and that persons are suitable to supervise children.

The options available for limiting access by children would include –

- restrictions on the hours when children may be present;
- restrictions or exclusions by age when particular specified activities are taking place;
- restrictions on the parts of premises to which children might be given access;
- age limitations (below 18);
- requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of those people under 18 years of age from the premises when any licensable activities are taking place

- 5.5.12 The Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed, the issue of access will remain a matter for the discretion of the individual licensee or club.

- 5.5.13 In respect of premises licensed for the sale of alcohol, The Portman Group Code of Practice on The Naming, Packaging and Promotion of Alcoholic Drinks, along with their Code of Practice on Alcohol Sponsorship is commended.
- 5.5.14 The sale or supply of alcohol and other age-restricted products to children and young persons under the relevant age is a criminal offence, often resulting in harm to the children and young persons concerned and disturbance and nuisance to local residents and businesses. The Licensing Authority will therefore expect licensed premises to have adequate controls in place to prevent under age sales of alcohol and other age-restricted products to children and young persons.
- 5.5.15 Age Verification - The mandatory licence conditions require relevant premises to hold an age verification policy in relation to the sale or supply of alcohol. The Licensing Authority supports the adoption of the Challenge 25 Scheme (or similar scheme) for licensed premises.
- 5.5.16 The Designated Premises Supervisor at licensed premises is legally responsible for ensuring that the supply of alcohol at the premises is carried on in accordance with the age verification policy. 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)
- 5.5.17 In the light of the preceding paragraph the Licensing Authority expects that any proof of age policy adopted by a licence holder should require the production of a valid photo-card driving licence or a valid passport before alcohol is sold or entry is allowed. The Licensing Authority strongly recommends that licence holders consider the use of the Proof of Age Standards Scheme (PASS), and accept proof of age cards showing the PASS logo.
- 5.5.18 The Licensing Authority recognises that Lincolnshire Safer Communities - Trading Standards, as part of its responsibilities and duties under legislation controlling the sale of age-restricted products including alcohol, provides advice and guidance to the licensed trade on the controls and systems that may be adopted to help prevent such sales. The Licensing Authority also recognises that, in liaison with the Police, Trading Standards conduct covert test purchasing exercises in response to complaints and information received.
- 5.5.19 Trading Standards offer valuable guidance and assistance in relation to policies and procedures to control the sale of age restricted products. Applicants and

licence holders, in relation to the sale of alcohol, are strongly advised to contact them for advice in this matter.

5.5.20 The Licensing Authority will give special consideration to relevant representations about child protection matters. It acknowledges that, in addition to the Lincolnshire Safeguarding Children Partnership, the Director of Public Health may also have access to relevant evidence to inform such representations, which may include the use of health data about the harms that alcohol can cause to underage drinkers.

5.5.21 Where a Responsible Authority or other person presents evidence, by way of a relevant representation, to the Licensing Authority, linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries). This evidence will be considered in order for the Licensing Authority to decide what action is appropriate to effectively promote the licensing objective.

## **6. REVIEWS OF PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

6.1 The Licensing Authority will consider the full range of powers available to it when a review of a premise licence becomes necessary. 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 other persons 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.

6.2 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.

6.3 The Licensing Authority is also a Responsible Authority under the Act. When acting as a Responsible Authority the Licensing Authority will, as far as is reasonably practicable, operate in accordance with the Home Office Guidance to Licensing Authorities, in that there will be clear and identifiable separation of responsibilities. The Licensing Authority is able to initiate a licence review and to make representations about licence applications. The function of initiating a licence review is delegated to the Environment and Public Protection Head of Service. The Licensing Team, which serves the Licensing Authority, is a separate entity. The Head of Service will initiate any premises reviews or make any relevant representations in relation to licence applications, whilst the

Licensing Team will process applications and reviews and offer advice to the Licensing Authority.

- 6.4 The Licensing Authority does not, as a general rule, intend to act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups). Such parties can make relevant representations in their own right, and it is reasonable to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority considers that there are relevant grounds to make a representation then it may choose to act in its capacity as Responsible Authority.
- 6.5 The Licensing Authority expects that other responsible authorities should intervene where the basis for the intervention falls within their remit, For example, the police where the representations are based on concerns about crime and disorder. Likewise, officers exercising environmental health functions should make representations where there are concerns about noise nuisance.
- 6.6 The Licensing Authority may choose to make representations in some circumstances, for example to bring together a number of minor unconnected complaints, that in themselves would not result in a representation from another Responsible Authority but when considered together may amount to a public nuisance. Likewise, it could act to deal with breaches of licence conditions only witnessed by licensing officers.
- 6.7 Responsible Authorities, including the Licensing Authority and other persons can apply for the review of a licence (see 6.3 above). The Authority's role will be to administer the process and determine its outcome at a hearing where an evidential basis for the allegations made will need to be submitted. (A Councillor acting as an Other Person may make representations about any relevant premises within the North Kesteven District and is not confined to premises within their Ward).
- 6.8 The following is a list of steps the Authority is empowered to take if it considers them appropriate 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 appropriate the premises licence will remain in the form it was granted. This Policy stresses that in cases where 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.

## **7. CUMULATIVE IMPACT**

- 7.1 Notwithstanding that each application for licensing will be considered on its own merits, the cumulative impact of licensed premises on the promotion of the Licensing Objectives is a matter, which the Licensing Authority can take into account. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises e.g. a pub, restaurant or hotel.
- 7.2 The Licensing Authority may receive representations from either a Responsible Authority or other person, both defined by the Act, that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases, the issue of cumulative impact can be taken into account when considering the individual merits of any application.
- 7.3 The Licensing Authority will not operate a quota of any kind, which would predetermine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be paid to those differences and the impact that they are likely to have on the local community.
- 7.4 There should be an evidential basis for the decision to include a special policy relating to cumulative impact within this statement of Licensing Policy. The steps to be followed in considering whether to include such a special policy are:
- Identification of concern about crime and disorder or public nuisance
  - Consideration of whether it can be demonstrated that instances of crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so by identifying the area in which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point where a cumulative impact is imminent
  - Consultation with those specified by Section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of Licensing Policy
  - Subject to that consultation, inclusion of a special policy about the future premises licence or club premises certificate applications from that area, within the terms of the Guidance issued under Section 182 to the Licensing Act 2003, within this statement of Licensing Policy

- Publication of the special policy as part of this statement of Licensing Policy as required by the Act

7.5 Any special policy is not absolute, and the circumstances of each application will be considered properly, and where licences are unlikely to add significantly to the cumulative impact on the Licensing Objectives, the licence will be granted.

7.6 There are a number of other mechanisms for addressing issues of unruly behaviour, which occur away from licensed premises. These include –

- Positive measures to create a safer and clean town centre environment in partnership with local businesses, transport operators and other department of the local authority
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are considered to be drunk
- The confiscation of alcohol in designated areas
- Police powers to close down instantly for up to 24 hours a licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question

7.7 The Licensing Authority may address a number of these issues through the Community Safety Partnership and the Lincolnshire Licensing Group in line with the strategic objectives for crime and disorder reduction within the District.

## **8. ADULT ENTERTAINMENT**

8.1 Where the activities specified in an operating schedule include adult entertainment the Licensing Authority, subject to receiving a relevant representation, will take into consideration the increased risk to the promotion of the Licensing Objectives. In particular, the Council will expect the applicant to have given additional thought to the promotion of the Licensing Objectives. (See also paragraphs 3.51 and 3.5.2 – application forms and 5.5 – Protection of Children).

8.2 Whilst it is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature, the Licensing Authority considers that such entertainment would include topless bar staff, striptease, lap, table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 8.3 This Authority has adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) so that it can licence sexual entertainment venues in the District. The Authority's policy and standard conditions in relation to the licensing of sexual entertainment venues is available by contacting the Licensing Team.
- 8.4 The Licensing Authority recognises that some premises providing sexual entertainment may not be providing the entertainment at a frequency, which requires the premises to be licensed as a sexual entertainment venue. Where such premises are providing (or intending to provide) striptease or any other kind of nudity (for example, pole or lap dancing or topless waitresses) the Licensing Authority, subject to receiving a relevant representation, will take into consideration the increased risk to the promotion of the licensing objectives. In particular, the Licensing Authority encourages applicants to have given additional thought in their operating schedule to the promotion of the licensing objectives.
- 8.5 Where premises licence applications include striptease or any other kind of nudity, the Licensing Authority will (on the receipt of relevant representations) have particular regard to the location of the premises in relation to places of religious worship or instruction, schools, youth clubs, nurseries, children's centres or other premises where significant numbers of children are likely to attend. With regard to location, the Licensing Authority will give close scrutiny to those applications, which are in close proximity to the aforementioned premises or outside a major town centre.
- 8.6 In order to promote the licensing objectives, where the Licensing Authority grants premises licences that include striptease or any other kind of nudity it will generally (following the receipt of relevant representations) impose conditions relating to the following issues:
- The location within the premises where the activity takes place
  - The absence of advertising the activities outside the premises
  - The measures taken to ensure no person under 18 years of age enters the premises whilst adult entertainment is taking place
  - The measures taken to ensure that the activities inside the premises cannot be seen from outside the premises
  - The position of the performers' dressing rooms in relation to the area in which they perform
  - Absence of physical contact between performers and customers
  - Absence of private booths or private performance areas
  - Means by which potential customers will be made aware of the nature of the performance
  - Stewarding arrangements
- 8.7 Where a premises has a licence issued under the 2003 Act and a sex entertainment venue licence issued under the Local Government (Miscellaneous Provisions) Act 1982 and there are similar conditions on both licences, the more onerous will apply.

8.8 Applicants are reminded that the Licensing Authority will attach a 'no adult entertainment' condition to licences when the application indicates that there will be no such entertainment provided.

## **9. LICENCE CONDITIONS**

9.1 If an application for a premises licence, provisional statement or club premises certificate has been made lawfully and there have been no representations from Responsible Authorities or Other Persons, the Licensing Authority must grant the application, subject only to conditions that are consistent with the Operating Schedule and relevant mandatory conditions prescribed in the 2003 Act itself.

9.2 The Licensing Authority may not therefore impose any conditions unless its discretion has been engaged following the making 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.

9.3 The Licensing Authority does not propose to implement standard licence conditions but it may attach conditions as appropriate given the circumstances of each individual case. 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 and will take account of this. Each case will be judged on its own merits.

9.4 The Licensing Authority is mindful that, additionally, any conditions, which it attaches, should be:

- Appropriate
- Proportionate
- Enforceable
- Precise, unequivocal and unambiguous
- Not duplicated by other statutory provisions
- Expressed in plain language capable of being understood by those expected to comply with them

## **10 GENERAL MATTERS**

### **10.1 Temporary Event Notices (TENs)**

10.1.1 Certain temporary events are not required to be licensed, although they must be notified to the Licensing Authority, Lincolnshire Police and the NKDC Environmental Health Officers. The Licensing Authority strongly encourages event organisers to submit TENs notifications as soon as reasonably practicable to enable the Police, Environmental Health and the Licensing Authority to work

with them to identify and reduce the risk of any issues in relation to the licensing objectives.

- 10.1.2 The Licensing Authority recommends, but cannot insist, that for normal events at least 30 working days notification be given (the legal requirement is 10 working days). Although only the Police and Environment Health Officers can object to TENs, organisers of events where there may be significant numbers of people or may have an impact on the road network or public safety are encouraged to consult with relevant authorities at an earlier stage. In calculating working days, we do not count the day of receipt of the Notice or the day of the event.
- 10.1.3 There are two types of Temporary Event Notice, Standard and Late. TENs are subject to the following conditions and limitations: -
- The duration for each event is limited to a period of up to 168 hours
  - The event involves the presence of not more than 499 people at any one time
  - The same premises can be used for up to 15 occasions in one calendar year but the aggregate number of days must not exceed 21
  - A personal licence holder is limited to 50 TENs (of which 10 may be 'late') per calendar year
  - A person not holding a personal licence is limited to five TENs (of which 2 may be 'Late') per calendar year
  - Notification of standard TENs must be at least 10 working days before the event. A 'Standard' TEN submitted with less than 10 working days, but more than 4 working days will be treated as a 'Late' TEN
- 10.1.4 Late TENs can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the Licensing Authority, must also be sent by the premises user to the Police and the Environmental Health Officer. A TEN given less than five days before the event to which it relates will be returned, the activities to which it relates will not be authorised. In calculating working days, we do not count the day of receipt of the Notice or the day of the event.
- 10.1.5 The Licensing Authority considers, although it cannot insist, that Late TENs ought not to be used for routine applications but for unplanned changes outside the control of the premises user, for example to change the venue at short notice. This is because of the restrictions of the statutory limits (see 10.1.3 – above) and the consequences should an objection be lodged (see 10.1.7 – below).
- 10.1.6 The Police and the Council's Environmental Health Officers are the only bodies who may make representations to a TEN. They can object on grounds that allowing the event to proceed would undermine any one of the licensing objectives. Where objections are received to a Standard TEN the matter will be put before the Alcohol and Entertainment Licensing Sub-Committee at a hearing. The Sub-Committee may decide to:
- Allow the TEN to go ahead

- Reject the TEN
- If the premises already has a premises licence which authorises the sale of alcohol, the Sub Committee may allow the TEN but impose some, or all, of the conditions on the premises licence onto the TEN if appropriate

10.1.7 The Police and Environmental Health Officer have a period of three working days from when they are given the notice to object to a TEN. If there is an objection from either the Police or local authority exercising environmental health functions to a Late TEN, the event will not go ahead. In these circumstances, there is no scope for a hearing or the application of existing conditions, nor is there a right of appeal.

## **10.2 Early Morning Restriction Orders (EMROs)**

10.2.1 EMROs can be introduced by the Licensing Authority for any part of the District where it is considered that restricting the sale of alcohol between Midnight and 6am is appropriate to promote the four licensing objectives. It can apply either every day or for certain days, and for an unlimited or time limited period.

10.2.2. Prior to introducing an EMRO, the Authority must consult directly with the Responsible Authorities, licensed premises and more widely with residents and other parties likely to be affected. Any representations must be made within a 28-day period and be considered by the relevant Licensing Committee; the EMRO itself must be endorsed by the full Council. Once introduced, the EMRO will make it an offence to sell alcohol during the times specified in the order, whether under a premises licence, club premises certificate or TEN (subject to certain specified exceptions).

10.2.3 The Licensing Authority does not, at this time, envisage the need for an EMRO in the District and so any consultation in relation to the possible introduction of an EMRO or decision to implement an EMRO will be undertaken separately.

## **10.3 Late Night Levy (LNL)**

10.3.1 Late night levies allow Licensing Authorities to charge a levy on persons who are licensed to sell alcohol late at night to contribute towards the policing costs generated by the late night economy. Any revenue must be shared between the Licensing Authority and the Police.

10.3.2 A consultation process is required before introducing a LNL. The consultation process will include the Police, licence holders and others. Unlike EMRO's, a LNL will not apply to TENs.

10.3.3 The legislative provisions for the LNL are not part of the Licencing Act 2003 so this is not, therefore, an issue directly related to this Policy. Like EMRO's, there are no current plans to consider introducing a LNL.

## **10.4 Smoke free Legislation**

10.4.1 The Licensing Authority is aware that with the introduction of smoke free legislation there are some licensed premises in the North Kesteven District that are unable to provide external smoking areas due to the layout and constraints of the particular licensed establishment. The Licensing Authority is also aware that the congregation of large numbers of patrons on the public highway, who have gone outside in order to smoke, may in certain circumstances lead to public nuisance issues. Licence holders should therefore ensure that appropriate measures are in place where necessary to minimise public nuisance as a result of customers congregating outside. Where applications for review are received, the Licensing Authority may consider measures to deal with public nuisance in the immediate vicinity of the premises.

## **10.5 Minor Variations to Premises Licences**

10.5.1 Officers acting under delegated powers will determine applications for the minor variation of a premises licence. Prospective applicants are advised to contact the Licensing Team before submitting a minor variation in order to ascertain whether the proposed change does in fact qualify as a minor variation. Officers will reject any application that does not qualify as a minor variation. Licence holders are encouraged (where appropriate) to use the minor variation process to add the provision of live music to a licence. However, the Authority will not consider the addition of live music between 2300 and 0900 Hours as a minor variation. Such applications would require a full variation application.

10.5.2 The Authority will consult with specific responsible authorities on minor variation applications about which they may have relevant information.

## **10.6 Councillors**

10.6.1 When acting as an Other Person, Members will be aware of the role of the elected members in relation to licensing committee hearings and the Model Code of Conduct. (A Councillor acting as an Other Person may make representations about any relevant premises within the North Kesteven District and is not confined to premises within their Ward).

## **10.7 Circuses**

10.7.1 Travelling circuses are now exempt from licensing in respect of any entertainment (excluding film shows, boxing or wrestling) which takes place there, provided that:

- It takes place within a moveable structure that accommodates the audience and;
- The circus has not been on the same site for more than 28 consecutive days

10.7.2 This new exemption does not make any change to the existing legislative requirements regarding the use of performing animals. Such matters are the responsibility of DEFRA.

## 10.8 **Licence Suspensions - non-payment of annual fee**

10.8.1 Most Premises Licences and Club Premises Certificates attract an annual fee, the payment of which is due on the anniversary of the grant of the licence or certificate. The Act requires a Licensing Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due, unless the payment was not made because of an administrative error, or a disputed liability for the fee notified before, or at the time of the due date. In either of these cases, there is a grace period of 21 days to allow the Licensing Authority and the licence holder the opportunity to resolve the dispute or error.

10.8.2 A dispute is one relating to liability to pay the fee at all or relating to its amount. In either case, the licence or certificate holder must notify the Licensing Authority of the dispute on or before the date on which the fee to which it relates becomes due.

10.8.3 There is no definition of “administrative error” in the 2003 Act, but it can include an error on the part of the Licensing Authority, the licence or certificate holder, or any other person. Therefore, “administrative error” will be given its plain, ordinary meaning. An example might be where post has been misdirected.

10.8.4 The Licensing Authority will send an invoice to the licence holder at least 4 weeks before the due date. A failure to pay the invoice by the due date will result in a warning letter giving 10 days’ notice of the licence suspension. The Responsible Authorities, including the Police, will be informed of any suspensions. Any non-compliance with a suspension notice may result in prosecution and revocation of the licence.

10.8.5 The licence will only be reinstated when the outstanding fee has been paid. The debt is owed by the licence holder who held the licence at the time it was suspended. However, it is likely that any new holder will make the payment. The suspension process only applies to unpaid annual fees due after 25 April 2012. Where more than one payment year has been missed, the outstanding fee in relation to each year will be required to reinstate the licence.

10.8.6 The Licensing Authority urges licence holders to consider surrendering licences in cases where the licence is no longer active. This will avoid the accrual of annual fees.

## 10.9 **Garages and Petrol Stations**

10.9.1 The 2003 Act prohibits the sale or supply of alcohol from premises, or part of premises, which are used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

- the retailing of petrol;
- the retailing of diesel;
- the sale of motor vehicles; and

- the maintenance of motor vehicles

10.9.2 The Licensing Authority will decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application. The Licensing Authority will decide each case in the light of the facts.

10.9.3 The Licensing Authority will seek to establish primary use based on an examination of the intensity of use by customers of the premises and not exclusively based on an examination of gross or net turnover.

10.9.4 If a licence is granted in respect of a premises and the primary use subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises. If a relevant representation is made, the Licensing Authority will decide whether the premises are used primarily as a garage. The Licensing Authority may ask the licence holder to provide further information to help establish what is the primary use of the premises.

## **10.10 Town and Parish Councils**

10.10.1 The Licensing Authority recognises that Town and Parish Councils are bodies that are democratically elected to represent the views of their area. They are not Responsible Authorities under the Act but they are able to act as ‘other persons’ in their own right and also to represent the views of other parties when requested to do so.

## **11. ENTERTAINMENT**

### **11.1 Music and Deregulation**

11.1.1 The Licensing Authority is keen to encourage the performance of music and other entertainment at local venues and welcomes the changes to the 2003 Act, which aim to facilitate such local activities. The cumulative effects of the deregulatory changes mean that no licence is required for the following activities:

- Live unamplified music anywhere between 0800-2300hrs
- Live amplified music in licensed premises and workplaces between 0800-2300hrs as long as the audience does not exceed 500
- Recorded music between 0800-2300hrs in on-licensed premises provided the audience does not exceed 500
- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the

audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings

- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000

11.1.2 Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor

11.1.3 An authorisation for regulated entertainment is always required for entertainment activities that take place before 08.00 or after 23.00, unless exempted under any other provision of the 2003 Act. Applicants should always consult the Licensing Authority if there is any doubt about licensing requirements.

11.1.4 Any Licence conditions imposed for live or recorded music activities will only apply if the activity has:

- more than 500 people present, and/or
- the activities are taking place between 23.00hrs and 08.00hrs

These conditions will, in effect, be suspended between 08.00hrs and 23.00hrs if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

11.1.5 The Authority also acknowledges that the changes aim to strike a balance between the management of risks and regulatory burdens. The Licensing Authority is also mindful that anyone involved in the organisation or provision of entertainment activities, whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

- 11.1.6 The Licensing Authority can remove the effect of the deregulation following a licence review and make live and recorded music in licensed premises licensable.
- 11.1.7 The Licensing Authority is aware that the comprehensive changes, whilst designed to reduce red tape, can be a source of confusion. In case of doubt when deciding if an activity is licensable organisers are urged to check with the Authority. Each case will be judged on its own merits. Karaoke is live music.
- 11.1.8 The deregulation of entertainment licensing as briefly outlined in this section does not remove the requirement for other licences required in the course of the provision of entertainment, for example, music and screening licences to protect copyrights and child performance licences.
- 11.2 **Music and Large Events**
- 11.2.1 The Licensing Authority expects the management of environmental noise at large music events to be very pro-active and of a high standard. The Licensing Authority also expects applicants to make contact with the NKDC Environmental Protection Team at the earliest opportunity before making a formal application for a licence, it also expects that applicants intending to licence a large commercial music event will engage the services of professional acoustic consultants and sound engineers.
- 11.2.2 The Licensing Authority takes the view that music festival sites will always be a source of noise and that there will be some community impact. All parties, especially the applicants and the Licensing Authority should aim to reduce the impact of noise on the local community.
- 11.2.3 When dealing with applications for large music events this Licensing Authority will not, generally, grant licences with terminal hours for music beyond 2300 hours when its discretion has been engaged by the receipt of relevant representations.
- 11.2.4. In the limited circumstances that the Licensing Authority may decide to grant hours beyond 23.00 hours it will need to be satisfied that the impact on the local community is likely to be negligible.
- 11.2.5 The Licensing Authority strongly recommends that event organisers contact the Responsible Authorities in advance of drafting/submitting a licence application for a large-scale event. The Responsible Authorities (including the Police, Fire Service and NKDC Environment and Public Protection Services) are normally in a position to offer expert and specific advice on promotion of the four licensing objectives, and practical experience of dealing with events. By making, such early contact event organisers can seek to minimise the potential for formal objections and help the event to run safely and smoothly. The Licensing Authority also recommends that organisers actively consult and advise residents who may be affected and also speak with the relevant Parish or Town Council.

11.2.6 The Licensing Authority requires that organisers of large events to work in partnership with the Lincolnshire Event Safety Advisory Group. This is a multiagency group whose members include representatives from Lincolnshire Police, Lincolnshire Fire and Rescue, East Midlands Ambulance Service and Lincolnshire County Council Highways Officers and NKDC Environmental Health Officers. Members of the group are able to support event organisers by providing advice, guidance and support to plan and prepare events.

11.2.7 The Lincolnshire Event Safety Advisory Group has no enforcement powers. Should incidents occur during an event, the individual agencies on the Group have enforcement powers, which would be used if required.

## **12. REDUCING THE HARM CAUSED BY ALCOHOL**

12.1 The Licensing Authority is acutely aware of the link between the supply of excessively discounted liquor, irresponsible drinks promotions, and incidents of alcohol related disorder, as well as the impact that excessive or binge drinking can have on public health. The Licensing Authority will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the licensing objectives.

12.2 Licence holders are reminded that the revised mandatory licence conditions require the responsible person at the licensed premises to take all reasonable steps to ensure that staff do not carry out irresponsible promotions. Irresponsible promotion means carrying on an activity (defined in the mandatory condition), which carries a significant risk to the licensing objectives.

12.3 Any premises found to be promoting irresponsible drinks promotions (likely to have a negative effect on the licensing objectives) may be liable for prosecution and will be considered as high-risk premises for multi-agency compliance visits. The Responsible Authorities have stated that where evidence shows that premises' alcohol drinks promotions are undermining one or more of the licensing objectives, then they may instigate a review of the licence.

12.4 When completing operating schedules and in their management of premises, applicants should consider guidance documents on the responsible promotion of alcohol and on binge drinking, such as the British Beer and Pub Association's document – Point of Sales Promotion Standards for the Management of Responsible Drinks Promotions including "Happy Hours". The Council expects applicants to have regard to these issues when completing risk assessments or operating schedules.

12.5 On receipt of relevant representations from a Responsible Authority or other person, which demonstrate a clear link between sales promotions and levels of crime and disorder or public nuisance on or in the vicinity of the premises, the Licensing Authority will seriously consider the status of the premises licence.

12.6 As previously stated at paragraph 1.12 the Licensing Authority hopes that the Director of Public Health may be useful in providing evidence or making representations in respect of matters such as alcohol-related A&E admissions or ambulance service data that might be directly relevant to an application under the act.

### **13. PERSONAL LICENCES AND DESIGNATED PREMISES SUPERVISORS**

13.1 Personal Licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off the premises for which a Premises Licence is in force for the carrying-on of that activity. The Licensing Authority strongly encourages Premises Licence holders where alcohol is being sold to ensure that there are sufficient Personal Licence holders for the premises to ensure adequate supervision of the sale of alcohol.

13.2 Any person who wishes to make an application for a Personal Licence from North Kesteven District Council will be required to demonstrate that they are entitled to work in the UK. Details of the documents that applicants can use to demonstrate such entitlement are available by visiting the relevant page on the NKDC website, or by contacting the Licensing Team. Applications from people who are unable to demonstrate their entitlement will be rejected.

13.3 Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts. The requirement to renew a personal licence was removed from the Licensing Act 2003 by the Deregulation Act 2015. While personal licences issued before the 2015 Act have expiry dates, these licences will remain valid and such dates no longer have an effect. Once granted, the Licensing Authority which issued the licence remains the “Relevant Licensing Authority” for it and its holder, even though the individual may move out of the area or take employment elsewhere. The personal licence itself will give details of the issuing Licensing Authority.

13.4 Every premises licence that authorises the sale of alcohol will require that every supply of alcohol under that licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence.

13.5 The Licensing Authority will require one of the Personal Licence holders to be a Designated Premises Supervisor (DPS) at premises where alcohol is sold (premises with Club Premises Certificates are exempt from this requirement and Community Premises e.g. Village Halls can apply to remove the requirement). The main purpose being to ensure that there is always one specified individual who can be readily identified as responsible for the day-to-day management of the business at the premises.

13.6 The Licensing Authority will expect the DPS to have been given day-to-day responsibility for running the premises by the holder of the Premises Licence.

- 13.7 The 2003 Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold, however the Licensing Authority would expect that details of where the DPS can be contacted would be available at the premises. The Premises Licence will specify the name of the DPS and it is the responsibility of the licensee to notify the Licensing Authority immediately of any change of the DPS.
- 13.8 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.
- 13.9 The Secretary of State considers that the following factors should be relevant in considering whether an authorisation has been given:
- The person(s) authorised to sell alcohol at any particular premises should be clearly identified;
  - The authorisation should have specified the acts which may be carried out by the person being authorised;
  - There should be an overt act of authorisation, for example, a specific written statement given to the individual being authorised to supply alcohol; and
  - There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis
- 13.10 The Secretary of State strongly recommends that personal licence holders give specific written authorisations to individuals that they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.
- 13.11 The form of any written authorisation is a matter for the personal licence holder, but the Licensing Authority would recommend that it should satisfy the criteria listed in the paragraph above. Written authorisation is not a requirement of the Act and its absence alone could not give rise to enforcement action.
- 13.12 The Licensing Authority strongly recommends that any DPS ought to be a member of any local Pub watch scheme.
- 13.13 The Licensing Authority reminds DPS’s that the mandatory licence conditions require relevant premises to hold an age verification policy in relation to the sale or supply of alcohol and further they now also provide that the Designated Premises Supervisor is legally responsible for ensuring that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

13.14 The Policing and Crime Act 2017 gave Licensing Authorities the power to revoke or suspend Personal Licences. Prior to this date, only the Magistrates Court were able to revoke or suspend them. The amendments provided for by the Policing and Crime Act 2017 are applicable to any person, who has been convicted of a relevant offence under schedule 4 of the Licensing Act 2003. Any such convictions must have been imposed after the 6<sup>th</sup> April 2017. This Policy applies to all Personal Licences issued by the Licensing Authority on behalf of North Kesteven District Council.

13.15 If following receipt of a notification that a Personal Licence holder has been convicted of a relevant offence, the Licensing Authority must decide if they are considering revoking or suspending the Personal Licence. Should this be the case, a notice must be given to the holder inviting them to make representations. The Licence Holder must be given a period of 28 days to make representations about the conviction. The Licensing Authority must consider the representation and any other information, which it considers relevant when making a determination. Such determinations will be a matter for a Licensing Sub Committee.

13.16 If having considered revocation or suspension, the Licensing Authority decides not to revoke, a notice should be given to the Chief Officer of Police and invite representations about whether the licence should be revoked or suspended having regard to the prevention of crime. The Chief Officer of Police may make representations within a period of 14 days from the date they receive the notice. Any representations made by the Police must be taken into account when deciding whether to revoke or suspend the Personal Licence.

#### **14 COMMUNITY PREMISES – REMOVAL OF REQUIREMENT FOR A DESIGNATED PREMISES SUPERVISOR**

14.1 The Licensing Authority recognises that community premises may apply for the removal of the requirement for a DPS. On receipt of an application requesting the removal of the two mandatory conditions relating to the need for a DPS, and sales of alcohol being authorised by a personal licence holder, the Licensing Authority will consider replacing those conditions with the following alternative condition:

*“Every supply of alcohol under the premises licence must be made or authorised by the management committee”.*

14.2 The Licensing Authority will need to be satisfied that the arrangements for the management of the premises are sufficient to ensure adequate supervision of the supply of alcohol on the premises. All applications must be copied to the Police for comment and consultation. The Licensing Authority will allow the Police 28 days to make any representations.

14.3 Community premises should note that the Licensing Authority firmly supports the Challenge 25 Scheme in order to combat the underage sales of alcohol and

strongly endorses the ACRE model in relation to community premises hiring agreements.

- 14.4 The management board or committee, as premises licence holder, will collectively be responsible for ensuring compliance with the law.

**15. ENFORCEMENT AND COMPLIANCE**

- 15.1 The Licensing Authority will maintain protocols with the Police and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, whilst applying a lighter touch approach in respect of low-risk premises.

- 15.2 In general, action will only be taken in accordance with the Council's own enforcement policy, which reflects the agreed principles, which are consistent with the Enforcement Concordat. To this end, the key principles of targeting, consistency, transparency and proportionality will be maintained.

**16. REVIEW OF POLICY**

- 16.1 This Policy Statement will remain in existence for a period of 5 years. However, the policy will be subject to continuous review and the Licensing Authority may make revisions to it at such times, as it considers appropriate.

**17. EXCHANGE OF INFORMATION**

- 17.1 The Authority may from time to time exercise its powers under Section 115 of the Crime and Disorder Act 1998 to exchange data and information with the Police and other partners to fulfil its statutory objective of reducing crime in the area.

**18. ADVICE AND GUIDANCE**

- 18.1 For further advice, information or guidance on the licensing process please contact North Kesteven District Council:

The Licensing Team  
North Kesteven District Council  
Kesteven Street, Sleaford NG34 7EF  
Tel: 01529 414155 Ext 28042  
Email: [licensing@n-kesteven.gov.uk](mailto:licensing@n-kesteven.gov.uk)

## **APPENDIX I**

### **Definitions and Glossary**

#### **Premises Licence**

A Premises Licence / Club Premises Certificate is required in respect of any premises that are to be used for one or more of the licensable activities. These include:

- The sale of alcohol by retail;
- The supply of alcohol by or on behalf of a club;
- The provision of Regulated Entertainment;
- The provision of late night refreshment.

#### **Regulated Entertainment**

Regulated Entertainment is entertainment that is provided to members of the public, to members of a qualifying club and is an event held with a view to profit. This includes:

- The performance of a play
- The exhibition of a film
- The holding of an indoor sporting event
- Boxing or wrestling entertainment
- The performance of live music
- The playing of recorded music
- The performance of dance
- The provision of late night refreshment
- Anything similar to live music, recorded music or dance

#### **Personal Licence**

Personal Licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off the premises for which a Premises Licence is in force for the carrying-on of that activity.

The Deregulation Act 2015 abolished the requirement for Personal Licences to be renewed, accordingly from 1 April 2015 they will be valid indefinitely.

#### **Major Variation (to Premises Licence)**

Such as, for example, in connection with extending the hours or days of trading, or making major structural alterations.

### Minor Variation (to Premises Licence)

This process can be used to make minor variations to existing Premises Licences and Club Premises Certificates issued under the Licensing Act 2003 and can include:

- Minor changes to the structure or layout of a premises
- Small adjustments to licensing hours
- Conditions: removal of irrelevant or unenforceable conditions
- Licensable activities: adding certain licensable activities, including live music

### Community Premises

The legislation defines these as premises that are or form part of:

- a church hall, chapel hall or other similar building
- a village hall, parish hall community hall or other similar building

### Cumulative Impact

Means the potential impact on the promotion of the Licensing Objectives of a significant number of premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town of a large concentration of licensed premises in that part of the North Kesteven District.

### Responsible Authority

The term 'Responsible Authority' includes public bodies that must be fully notified of applications and that are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a licence. For all premises, these include the Chief Officer of Police; the local Fire Authority; the Licensing Authority, the local enforcement agency for Health and Safety at Work; North Kesteven District Council's Environmental Health and Planning Units and the Lincolnshire County Council's Child Protection Committee / Social Services Department and the Director of Public Health..

### Officer (of the Council)

The term, when used in this Policy document, refers to an employee of North Kesteven District Council operating under the delegated authority of the Council to undertake its regulatory functions, including that of licensing. The specific roles include: Head of Environment and Public Protection, Environmental Health Officers, and Licensing officers.

BRDO – Better Regulation Delivery Office.

DCMS – Department for Culture, Media and Sport.

DEFRA – Department for Environment, Food and Rural Affairs.

SIA - Security Industry Authority.

LGA – Local Government Association.