

LICENSING SUB-COMMITTEE

Friday 29 April 2022

11.00 am

Committee Room 4

Membership: Councillors Loraine Woolley (Chair), Pat Vaughan and David Clarkson

Substitute member(s): Councillor Loffhagen

Officers attending: Democratic Services, Legal Services and Ian Cullen

A G E N D A

PLEASE NOTE REVISED DATE

SECTION A	Page(s)
1. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
2. Procedure for Hearings	3 - 6
3. Application for Review of Premises Licence: Place2B, Lower Butchery Court, Lincoln. LN2 1JS	7 - 74

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LICENSING SUB-COMMITTEE

Procedure for Hearings

- (1) The Chair will introduce him/herself and will introduce the other members of the sub-committee, the Licensing Officer, the Clerk to the sub-committee and any other officers present to advise the sub-committee.
- (2) The Chair will request all parties taking part in the proceedings to introduce themselves to the Sub -Committee.
- (3) The Chair will then ask the Licensing Officer to open the proceedings by:
 - stating the nature of the matter to be considered;
 - giving the name of the applicant or licence holder; and
 - where appropriate, the name of the premises or place concerned; and
 - outlining the application and the relevant representations and/or notices made and/or given in respect of the application.
- (4) The Chair will then ask the Licensing Officer to confirm whether or not the formal requirements in respect of the matter to be considered have been complied with.
- (5) If not satisfied as to any formal requirements, the sub-committee will decide whether to:
 - continue with its consideration of the matter; or
 - adjourn the proceedings to enable the formal requirements to be completed; or
 - dismiss the application.
- (6) The Chair will then explain the procedure the sub-committee intends to follow at the hearing and shall advise the parties of the period of time each will be allowed to make their application and/or representation. If the Chair considers that there is no need for a time limit, he should say so.
- (7) The sub-committee will then consider any representations in regard to the period of time allowed for the parties and any request made by a party for permission for another person to appear at the hearing to assist the licensing authority in regard to that party's application, representations or notice (such permission will not be unreasonably withheld).

- (8) The procedure for the hearing shall be as follows:
- (a) The applicant, or their representative, will present their case. In presenting the case the applicant, or their representative, may give evidence and may call any other person, given permission to appear by the sub-committee, to assist in the proceedings. Each shall, in turn:
 - give evidence;
 - may be questioned by any other party;
 - may be questioned by members of the sub-committee;
 - may, if necessary, be re-questioned by the applicant or their representative calling them.
 - (b) If a time limit has been imposed, the applicant and/or their representative shall not, in presenting the case, exceed the period of time allowed for this purpose.
 - (c) The other party or parties, or their respective representatives, will each, in turn, present their case(s). Where there is more than one other party, in the absence of agreement, the sub-committee will decide the order in which the cases shall be presented. In presenting the case any party, or their representative, may give evidence and may call any other person, given permission by the sub-committee to appear, to assist in the proceedings. Each shall, in turn:
 - give evidence;
 - may be questioned by any other party;
 - may be questioned by members of the sub-committee;
 - may, if necessary, be re-questioned by the applicant or their representative calling them.
 - (d) If a time limit has been imposed each other party and/or their representative shall not, in presenting the case, exceed the period of time allowed for this purpose.
 - (e) Once all parties have put their cases to the sub-committee, each party will be given the opportunity of summing up their case in the order they were presented. The Chair may propose that no more than 5 minutes will be allowed to each party for this purpose, but may take representations if any are made.
 - (f) Members of the sub-committee may ask the parties, or any persons present to assist, for any additional information or clarification required.
- (9) The Chair will then advise the parties that the sub-committee will retire to determine the application. The sub-committee will be accompanied by the Clerk to the sub-committee, whose only role will be to record the decision and the reasons for that decision. The sub-committee may, after retiring, call upon the Licensing Authority's legal representative if it requires clarification on a point of law.
- (10) The sub-committee will consider its decision. The decision of the majority of the sub-committee shall be the decision of the sub-committee.

- (11) There are timescales, depending on the nature of the application, by which the sub-committee must determine an application and the timescale will be included in the officer's report.
- (12) If the hearing requires a decision at the conclusion of the hearing then having reached a decision, the sub-committee shall reconvene to announce the decision to the parties. Before doing so, where legal advice has been sought, the legal representative will inform the parties of what advice was given and the parties shall be afforded the opportunity to comment on that advice.
- (13) If the decision does not have to be made at the conclusion of the hearing the sub-committee must make its decision within five working days beginning with the day or last day on which the hearing was held. This does not preclude the Sub-committee making its decision on the day or last day of the hearing.
- (14) The Chair will announce the sub-committee's decision together with the reasons for the decision. This will, where applicable, include details of any conditions imposed and the reasons for their imposition or, where no conditions have been imposed, the reason(s) for not doing so.

POINTS TO NOTE RELATING TO HEARINGS

- (a) Members of the sub-committee must remain throughout all of the hearing.
- (b) Members of the sub-committee must confine themselves to questions and **NOT** embark on discussions upon the merits or otherwise of the application or evidence until they consider their decision.
- (c) The strict rules of evidence do not apply so hearsay evidence is admissible.
- (d) Where a large number of interested parties are involved in a particular hearing, they will be encouraged to appoint a spokesperson or spokespersons so as to avoid duplication of evidence.
- (e) A general assumption will be made that all parties have read and understood the relevant paperwork and background documents before attending the hearing. There should be no need for parties to duplicate word for word the contents of their written submissions.
- (f) Unless indicated otherwise, the hearing will take place in public. If the public are to be excluded then full reasons for doing so will be given by the Chair.
- (g) In determining applications and representations members of the sub-committee will give appropriate weight to:
 - The argument and evidence presented by all parties;
 - The four licensing objectives of the Licensing Act 2003, namely
 - (a) the prevention of crime and disorder,
 - (b) the prevention of public nuisance,
 - (c) public safety, and
 - (d) the protection of children from harm;
 - The Statement of Licensing Policy of the City of Lincoln Council;
 - Section 182 Statutory Guidance issued by the Home Office;
 - Any steps necessary to promote the licensing objectives; and
 - Information contained in any operating schedule submitted by the applicant.
- (h) The general principles under which members of the sub-committee will consider all licensing applications are:
 - A fair and unbiased mind;
 - On its own merits;
 - Any pre-conceived opinions and resolutions will be put aside;
 - They will act without any prejudice or partiality;
 - They will consider both the interests of the public and the rights of the applicant; and
 - They will treat all applicants fairly and equally.
- (i) The sub-committee is required to give reasons for its decision. Such reasons need to be clear and include an explanation of why it has reached its decision including what it relied on to do so (e.g. what evidence was accepted, and what evidence was rejected, and why).
- (j) If, in making its decision, the Sub-Committee considered it proper to depart from the Section 182 Guidance or its own Licensing Policy it is also required to give full reasons for so departing.

LICENSING SUB-COMMITTEE

**4 APRIL 2022
REVISED DATE FOR HEARING**

**SUBJECT: APPLICATION FOR REVIEW OF PREMISES LICENCE
PLACE2B, LOWER BUTCHERY COURT, LINCOLN, LN2 1JS**

REPORT BY: COMMUNITIES & ENVIRONMENT

LEAD OFFICER: IAN CULLEN, LICENSING TEAM LEADER

1. Purpose of Report

1.1 To determine an application for review of a premises licence made by Lincolnshire Police in respect of premises known as Place2B, Lower Butchery Court, Lincoln, LN2 1JS

2. The Application

2.1 On the 26th January 2022, the Chief Officer of Lincolnshire Police made an application under Section 51 Licensing Act 2003 (“the Act”) for a review of the premises licence held by Simon Ward in respect of the above premises. A copy of the application can be found at **Appendix A**.

2.2 Section 51 makes provision for a responsible authority or any other person to apply to the Licensing Authority for a review of the premises licence. In this case Lincolnshire Police, being a responsible authority, believe that, due to none compliance with licence conditions and poor management of the premises; the licensing objectives of prevention of crime and disorder, promoting public safety and the protection of children from harm have been undermined.

2.3 The Police’s review application is supported by a number of statements and documents within annexes to **Appendix A**.

- Appendix A (i) Review application (Lincolnshire Police)
- Appendix A (ii) Police Annex A - Letter confirming non-compliance
- Appendix A (iii) Police Annex B - E-mail confirming non-compliance
- Appendix A (iv) Police Annex C - Witness Statement – PC Casey
- Appendix A (v) Police Annex D - Drugs itemiser results
- Appendix A (vi) Police Annex E - Pocketbook entry inc photographs
- Appendix A (vii) RESTRICTED DOCUMENT

3. Relevant Representations – Responsible Authorities

3.1 There have been no representations from any other responsible authorities.

4. Relevant Representations – Licence Holder / Other persons

4.1 At the time of writing this report there have been no representations from the licence holder.

5 Background

- 5.1 Simon Ward has held the premises licence since January 2020 when it was transferred from the previous licensee.
- 5.2 Simon Ward has also been the designated premises supervisor (DPS) since the licence was transferred in January 2020. He has held a personal licence issued by the City of Lincoln Council since 2006.
- 5.2 A copy of the premises licence can be seen at **Appendix B**. The licence authorises the sale by retail of alcohol for consumption on the premises, the provision of late-night refreshment and live and recorded music.
- 5.3 The conditions attached to the licence are the mandatory conditions attached to an alcohol on licensed premises and conditions offered by the previous licence holder on initial application in October 2017.
- 5.4 The notice advertising the application for the review was placed at the premises, on the Council's notice board and website on the 26th January 2022. As far as is known the notices were in place for the full 28 day period.
- 5.5 Notices of this hearing, together with relevant documentation, were forwarded to all parties on the 24th February 2022.

6. Promotion of Licensing Objectives

- 6.1 The duty of the Licensing Authority is to promote the licensing objectives having regard to the Act and Regulations made there under, Guidance issued under S182 of the Act by the Home Office and the Council's own Licensing Policy.

7. Considerations

7.1 Section 182 Guidance and Licensing Authority Policy

- 7.2 Chapter 11 of the S182 Guidance describe the Review process and paragraphs 11.16 to 11.23 gives guidance on the powers of a licensing authority on the determination of a review (See **Appendix C**).
- 7.3 Chapter 10 of the Council's Statement of Licensing Policy refers to Reviews (See **Appendix D**).
- 7.4 Chapter 5 of the Council's Statement of Licensing Policy refers to the Licensing Objectives and paragraphs 5.2, 5.3 and 5.5 refer to crime and disorder, public safety, and the protection of children from harm. (See **Appendix E**).
- 7.5 The conditions attached to the licence are the mandatory conditions attached to an alcohol on licensed premises and conditions offered by the previous licence holder on initial application. If the Licensing Authority is minded to

place further conditions on the premises licence, then they may only be imposed where they are appropriate and proportionate for the promotion of one or more of the four licensing objectives (in this case crime and disorder, public safety, and protection of children from harm). Conditions may not be imposed for other purposes.

7.6 Such conditions should be expressed in unequivocal and unambiguous terms in order that they are understood and not subject to legal challenge.

7.7 Lord Justice Scott Baker in the case of *Crawley Borough Council v Stuart Attenborough and Angela Attenborough* said “*Let me say a brief word in general terms. It is important that the terms of a premises licence and any conditions attached to it should be clear; not just clear to those having specialized knowledge of licensing, such as the local authority or the manager of the premises, but also to the independent bystander such as neighbours, who may have no knowledge of licensing at all.*”

7.8 Paragraphs 1.8 of the Council’s Licensing Policy states:

The purpose of licensing is to control licensable activities and authorisations within the terms of the Act. Each licence application or authorisation will be considered on its own merits in the context of the four licensing objectives...

8. Human Rights Act

8.1 Article 6 – right to a fair hearing

“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.”

The right to engage in commercial activities is a civil right –

Kaplan v United Kingdom 1980

Pudas v Sweden 1987

8.2 Article 8 – right to respect for private and family life

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

Removal or restriction of a licence may affect a person’s private life.

- 8.3 Article 1, Protocol 1 – peaceful enjoyment of possessions
“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”
The right to engage in commercial activities under the benefit of a licence or registration is a possession
Tre Traktorer Aktiebolag v Sweden 1989

9. Other Considerations

- 9.1 The Sub-Committee must determine this application and take what actions, if any, are appropriate and proportionate for the promotion of the licensing objectives identified.
- 9.2 The Sub-Committee’s determination should be made on this case’s individual merits by;
- considering the points raised in the review application concerning the incidents and the operation and management of the licensable activities; and should be evidence-based.
- 9.3 The onus falls upon those making the application to show that the promotion of the licensing objectives is at risk.
- 9.4 The Sub-Committee should expect original evidence to be put before it by any party. It is not enough for the Sub-Committee simply to rely upon material submitted; it must apply a critical mind to the quality and reliability of that material for itself.
- 9.5 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end.
- 9.6 If the Sub-Committee is minded to impose further conditions on the licence, then any such conditions should be achievable, realistic, necessary, appropriate, proportionate and within the control of the licence holder. They should be based on a proper, common sense consideration of the risks to the licensing objectives identified in the application and what can realistically be done to mitigate them.
- 9.7 This hearing is subject to Regulation 26 of the Licensing Act 2003 (Hearings) Regulations 2005 and the Sub-Committee must make its determination within a period of five working days beginning the day or the last day on which the hearing was held.

9.8 Therefore, the Sub-Committee does not have to make its determination at the conclusion of the day or last day of the hearing as the case may be.

10. Options

10.1 The authority must, having regard to the application and representations made, take such of the steps mentioned below as it considers appropriate, for the promotion of the licensing objectives.

10.2 Section 52(4) Licensing Act 2003, the following options are available to the Sub-Committee:

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence; or
- f) take no action.

10.3 The Sub-Committee should note:

Conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

This could include modification of the licensing hours.

10.4 Should the Sub-Committee consider taking a step mentioned in either a) or b) in paragraph 10.2 above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

10.5 A determination of a review does not have effect until the end of the period for appeal against the decision (within 21 days from the date of receipt of the notification of the decision).

10.6 The Sub-Committee is required to give reasons for its decision. Such reasons need to be clear and include an explanation of why it has reached its decision including what it relied on to do so (e.g., what evidence was accepted, and what evidence was rejected, and why).

11. List of Associated Papers

11.1	Appendix A (i)	Review application (Lincolnshire Police)
	Appendix A (ii)	Police Annex A - Letter confirming non-compliance
	Appendix A (iii)	Police Annex B - E-mail confirming non-compliance
	Appendix A (iv)	Police Annex C - Witness Statement – PC Casey
	Appendix A (v)	Police Annex D - Drugs itemiser results
	Appendix A (vi)	Police Annex E - Pocketbook entry inc photographs
	Appendix A (vii)	RESTRICTED DOCUMENT
	Appendix B	Copy of premises licence
	Appendix C	Chapter 11 S182 Guidance

Appendix D
Appendix E

Chapter 10 Statement of Licensing Policy
Chapter 5 Statement of Licensing Policy

Lead Officer:

Ian Cullen
Licensing Team Leader
01522 873714

City of Lincoln Council

Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003

Appendix A (i)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Chris Haward (Chief Constable of Lincolnshire Police)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Place2B The Basement Butchery Court	
Post town Lincoln	Post code (if known) LN2 1JS

Name of premises licence holder or club holding club premises certificate (if known) Simon Andrew Ward
--

Number of premises licence or club premises certificate (if known) 32UD/B/2704
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

2) a responsible authority (please complete (C) below)



3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Lincolnshire Police
Alcohol Licensing
Myle Cross Centre
Macaulay Drive
LN2 4EL

Telephone number (if any)

101 - Lincolnshire - [REDACTED]

E-mail address (optional)

Countylicensinggroup@lincs.pnn.police.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 2)

This review application relates to a premises which operates as a public house/night club and has been granted a premises licence by the City of Lincoln Council. The premises licence authorises the supply of alcohol (on sale only), live music, recorded music and late night refreshment between the hours of 10:00 and 02:30 seven days a week.

Lincolnshire Police have obtained evidence which indicates that the management of these premises has been operating it in a poor manner. They have breached Annex 1 and 2 premises licence conditions which undermines the licencing objectives and is an offence under Section 136 Licensing Act 2003 – unauthorised licensing activity. This poor management has led to incidents that would likely have not occurred had the management been responsible in promoting the licensing objectives. Once these issues have been highlighted the premises management has failed to make efforts to correct them.

Revised Guidance issued under Section 182 of the Licensing Act 2003

Section 9.12 states each responsible authority will be an expert in their own field....for example the police have a key role in managing the night-time economy.....However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing Authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent.

Section 11.18 states that where responsible authorities such as the Police have already issued warnings requiring improvement (orally or in writing) – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat this approach and should take this into account when considering what further action is appropriate.

Section 11.23 states where the premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Section 11.24 states that reviews do not have to be directly linked or connected with the licensable activities at any premises.

Section 11.25 states that in any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Section 11.26 states that it is the role of the Licensing Authority to take steps to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

Crime and Disorder Act 1998 Section 17

All relevant authorities, which includes town and parish councils have the duty to consider crime and disorder implications.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting

the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area, and

(c) re-offending in its area

(2) This section applies to each of the following—

.a local authority

Please provide as much information as possible to support the application (please read guidance note 3)

Officers from the Lincolnshire Police Alcohol Licensing Team visited the premises on Tuesday 7th September 2021 with Licensing Officers from City of Lincoln Council to conduct a routine compliance check. During the inspection PC Casey raised concerns with the premises licence holder (PLH), Mr Ward, who is also the designated premises supervisor (DPS) in relation to the clear lack of compliance with nearly all of the Annex 2 conditions on the premises licence. There was also evidence of a breach of mandatory condition 3 which stipulates that every retail sale or supply of alcohol made under the licence must be made or authorised by a person who holds a personal licence.

Following this visit letters and e-mails were sent to Mr Ward advising him of his responsibilities in relation to the licence (*See Annex A – Copy of letter sent to PLH/DPS and Annex B – Email Correspondence*).

Following on from PC Casey's visit the premises was further visited on two separate occasions by uniformed officers patrolling the night-time economy. These officers captured on body worn camera evidence of non-compliance in relation to the following Annex 2 premise licence condition:

On every Friday, Saturday, any day preceding a Bank Holiday and any evening when a live band is playing on the premises, there shall be a minimum of two door supervisors registered with the Security Industry Authority on duty on the premises from 23:00 until the premises closes. On such occasions, a minimum of one door supervisor shall remain in a prominent position whereby entry and exit to and from the premises can be controlled and shall not be used to undertake any other duties save for keeping order.

There have also been 4 separate calls for Police between PC Casey's first and second visit and a total of 8 incidents since July 2021. These incidents range from criminal damage to assault.

On 1st October 2021 Mr Ward reported that an unknown male had smashed the door at the main entrance.

On 19th November 2021 Lincolnshire Police received a report that 2 female were at the premises on their own except for staff and were allowed free access to the drinks at the bar, free of charge, which then led to a report of a criminal offence which is still under investigation.

On 5th December 2021 a male victim was assaulted in the premises and appeared to have allowed himself access to the staff area behind the bar. Police attended and located the male who was alone in the staff area, except for a friend who also freely allowed himself in and out of the area - seemingly unchallenged. Unbeknown to officers the Mr Ward was present during the incident but failed to make himself known to police or offer any support to their investigation. A member of bar staff who was spoken to at the time stated that CCTV was not working, when asked by officers.

On Tuesday 14th December 2021 officers from the Police Alcohol Licensing Team re-attended the premises to carry out further inspection. Officers were once again met by the Mr Ward as part of the pre-arranged visit. Once again, the premises was found to be largely non-compliant with Annex 2 conditions (*See Annex C – Statement of PC Casey*). During this visit the Mr Ward consented to officers swabbing the premises for drugs using the itemiser machine. Traces of cocaine were located on the premises. (*See Annex D – Itemiser results*).

Photographs were taken of various documentation which were shown to police by Mr Ward (door staff log and incident/refusal books) both items fall below the standard expected and in some areas were incomplete. (*See Annex E – Place 2B photographs from PC Casey*).

On 14th January 2022 Lincolnshire Police received a further incident relating to a concern for the safety of a female who had been found unconscious behind a skip near to Place 2B. In summary the investigation did not conclude any offences had occurred, however it did highlight some concerns with the management and practices at Place2B. The investigating officer, DC Webdill made a pocket notebook entry detailing his concerns about Place2B (*See Annex F – Pocket Notebook Entry of DC Webdill*).

Such non-compliance with the premises licence conditions is an offence under Section 136 Licensing Act 2003 – unauthorised licensable activity, thereby carrying out unauthorised licensable activity each time alcohol is sold.

As per the City of Lincoln’s Statement of Licensing Policy, the current premises licence at Place2B has conditions which are appropriate and proportionate for the level of risk posed. The conditions are expressed in plain language and should be easily understood by any individual who hold responsibility under the licence, but in particular by any person who has a personal licence qualification.

Lincolnshire Police have attempted to work with Mr Ward using a stepped approach however he has failed to recognise his responsibility and failings as PLH and DPS and so there has been no improvement. Lincolnshire Police do not have confidence in Mr Ward and his ability to adhere to the premises licence conditions, which should be seen as a minimum standard, relevant to the risk posed, and therefore he has failed to promote the licensing objectives.

Lincolnshire Police request that the Licensing Sub-committee seriously consider removing Mr Ward as DPS alongside a suitable suspension time to enable the new DPS and Mr Ward to ensure the premises operates in full compliance with the licence going forward. However, Lincolnshire Police can only see this robustly promoting the licensing objectives if Mr Ward is able to acknowledge his failings, as he will still remain in overall responsibility and the new DPS will be his employee under instruction. If Mr Ward cannot accept his failings and responsibilities, then the only other option is a revocation of the premises li-

cence as the licensing objectives will, on the balance probabilities, remain consistently undermined as evidenced throughout Lincolnshire Police's interaction with Mr Ward and the premises.

***CCTV and body worn video footage is available in relation to some elements of this review document and can be made available for the committee and/or Mr Ward to view should they wish to do so. ***

***Lincolnshire Police respectfully request that should Mr Ward or his legal representative wish to submit any paperwork or evidence to support their case that they do so in advance of the hearing. This will enable the Police a suitable time to fully scrutiny and avoid any adjournments. ***

Please tick ✓ yes

Have you made an application for review relating to the premises before

N.A

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature [REDACTED]
.....

Date 26/01/2022
.....

Capacity for and on behalf of Chief Constable of Lincolnshire Police
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

This page is intentionally blank.



LINCOLNSHIRE POLICE

Licensing (Alcohol)
Lincolnshire Police Headquarters
PO Box 999
Lincoln
LN5 7PH
Tel: 101 / [REDACTED]
Officer Dealing: PC 1299 Casey

Appendix A (ii)

09/09/21

LINCOLNSHIRE POLICE WARNING NOTICE

Dear Simon,

Our records indicate that you are the Premises Licence Holder and Designated Premises Supervisor (DPS) for Place2B, Lincoln, LN2 1JS.

On Tuesday 7th September 2021, the above premises were visited by officers from Lincolnshire Police Alcohol Licensing Team and the City of Lincoln Licensing Team.

It was evident that there was non-compliance at the premises with conditions contained in the Premises Licence Number 32UD/B/2704 issued by City of Lincoln Council, and this was communicated to you at that time.

The premises will be revisited, at a later date, and Lincolnshire Police will consider the commencement of proceedings under the Licensing Act 2003, should the premises be found to continue to be operating in breach of these conditions.

If there is anything you wish to discuss in relation to this matter please contact me as a matter of urgency,

Yours sincerely,

[REDACTED]

PC 1299 Casey

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From: Casey, Rebeka
Sent: 09 September 2021 17:25
To: [REDACTED]
Cc: [REDACTED]
Subject: Place2B Compliance Check 07/09/21

Good afternoon Simon,

Thank you for meeting with us on Tuesday it was very useful to look around the premises.

As you are already aware we were disappointed with the lack of compliance in relation to your premises licence conditions and need to advise you of the importance in rectifying the situation. I'll list the concerns and breaches below. I must remind you that a breach of licence conditions does also constitute a criminal offence for which you can be prosecuted and you certainly should not be selling alcohol whilst these conditions are not being adhered to. Attached is a formal warning letter.

Door staff

Your licence stipulates that there must be 2 members of door staff on at all times. By your own admission you only have one on when it is quiet and just call in another if you get busy. This is not an acceptable practice and needs to stop. We have agreed that you can be one of the two door staff on duty, however, this must be your only purpose and you should not be serving behind the bar or wandering around inside – you should remain on the door and visible, with the exception of dealing with any incident arising inside the premises.

Door staff should sign in (log book or sheets) at the start of each duty and should complete every box – this has not happened since 24/07/21.

Incident/Refusals log

There was no incident log or refusals log prior to 28/08/21. Both of these documents should remain on the premises and retained for no less than 12 months.

Polycarbonate drinks vessels

You confirmed that only polycarbonate drinks vessels were being used as per your licence conditions but state that this is with the exception of bottled drinks which are still served to the customer in the glass bottle. As we discussed you should ensure that all drinks within glass bottles are decanted into polycarbonate cups before passing them to customers. Your licence stipulates that this should be after midnight but you did agree that this would be easier to adopt during all hours open to the public.

Drugs Policy

There was no drugs policy on site – this should be a written policy specific to your premises. Along with the policy there should be a written record that all staff members have been suitably trained.

Age restricted sales

Challenge 25 – you did not have any evidence to show that staff have been trained in this area. Staff training records should be written and retained for 24 months following the date of completion.

CCTV

In relation to your CCTV cameras we found that there was no footage prior to the 25/08/21 but understand that this is because you have recently installed a new system meaning anything prior to this date was lost. In future, should there be a malfunction or change to your CCTV, I would urge that

you record this (perhaps in your incident book.) I must remind you that the CCTV is expected to retain for a minimum of 31 days.

We also discussed the staff you employ and what documentation you have to confirm their identity etc. You stated there was no such paperwork on site as the previous manager had removed it – I would advise you to also resolve this as a matter of urgency.

I will be back again to check compliance but if you require any help in the meantime please let me know.

Kind regards,
Rebeka

PC 1299 Rebeka Casey

Licensing Officer

ALCOHOL LICENSING TEAM



[Redacted phone number]



rebeka.casey@lincs.police.uk



Lincolnshire Police Headquarters, Deepdale Lane, Nettleham LN2 2LT



www.lincs.police.uk



[@LincsPolice](https://twitter.com/LincsPolice)



[Lincolnshire Police](https://www.facebook.com/LincolnshirePolice)



[@LincsPolice](https://www.instagram.com/LincsPolice)



[nextdoor.co.uk](https://www.nextdoor.co.uk)

WORKING TOGETHER TO MAKE LINCOLNSHIRE THE SAFEST PLACE TO LIVE, WORK AND VISIT

WITNESS STATEMENT **Appendix A(iv)**
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s.9

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Statement of: **Rebeka Casey**

Age if under 18: **018** (if over 18 insert 'over 18')

Occupation: **Police Constable 1299**

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED]

Date **26/01/22**

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person employed as a Police Constable within Lincolnshire Police. I am currently an Officer in the Alcohol Licensing Department based at the Myle Cross Centre in Lincoln.

On Tuesday 9th September 2021 I visited Place2B, Butchery Court, Lincoln in company with Ian Cullen and Rob Cuffling (Licensing Officers from the City of Lincoln Council). At this time, we met with the premises licence holder and designated premises supervisor (DPS) – Simon Ward. The visit had been pre-arranged with Mr Ward and the purpose of the visit was to conduct a compliance check in relation to the premises licence. On reading the Annex 2 conditions with Mr Ward it became quite apparent that the premises was largely non-compliant in relation to conditions surrounding CCTV, Door staff, drugs policies, incident/refusals logs and age restricted sales. Mr Ward did not appear to have any knowledge of the conditions within his licence and tried to blame the non-compliance on a recently dismissed bar manager. He was reminded that as DPS and Prem LH the responsibility to ensure compliance lay firmly with him. Details of the breaches and areas for improvement were sent both via email and the post to Mr Ward and he was told that the issues must be rectified (See Annex A - letter to Mr Ward and Annex B - e-mail correspondence with full breakdown of findings.)

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Statement of: _____

On 1st October 2021 Mr Ward reported a criminal damage to Lincolnshire Police whereby an unknown male offender smashed the door to the premises. A comment was made by the attending officer that Mr Ward and his staff appeared in drink. On a later inspection of the door supervision log Simon Ward was one of the two door staff on duty that evening.

On 19th November 2021 a report was made to Lincolnshire Police [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

Following my first visit, I requested that local response Officers visit the premises and carry out unannounced checks in order to establish whether door staff were being employed at the relevant times and in an appropriate number. Officers did visit the premises on two occasions to carry out this task.

On Friday 26th November 2021 at 23:48 hours Pc Gordon-Rundle attended and spoke with the door supervisor who was standing inside the premises. He was the only member of door staff on duty but was able to provide the door supervisors book when asked to do so.

On Saturday 11th December 2021 at 23:26 hours Pc Nisbet attended and spoke with Mr Ward who appeared to be operating as a DJ and a door supervisor (he removed his SIA badge from his back pocket and showed it to Officers). The Officer enquired as to whether Ward was DJ'ing as well as controlling the door and he replied that he'd put it on auto pilot, he was however, seen on body worn video to run across to the DJ booth at the end of one song in order to start the next track. PC Nisbet asked how many door staff should be employed to adhere to his licence conditions to which Ward

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Statement of: _____

replied, "I SHOULD HAVE 2 BUT I ONLY NEED 1 REALLY." He also explained that both door staff had let him down and appeared to show the officer evidence of text messages he had sent to the agency.

Both of these visits were captured on Body worn video and provide clear evidence that Place2B is in breach of the Annex 2 condition which stipulates there must be 2 door staff on duty from 23:00 on Fridays and Saturdays.

On Sunday 5th December 2021 at 23:52 an incident of assault was reported to Lincs Police control room (incident 464 relates.) The attending Officers spoke with the injured party who claimed to have been assaulted whilst inside the venue. Of concern the victim appeared to have allowed himself access to the staff area beside the bar and his friend also freely accessed the room seemingly unchallenged. Officers once again had body worn cameras activated and at no point were they approached by Mr Ward. Mr Ward offered no assistance to the investigation and neither did he report criminal damage to a toilet door which had allegedly occurred during the assault. Officers did have a brief conversation with a member of bar staff who stated that CCTV was not working so could not be reviewed. Once again, this is further evidence of a breach of Annex 2 conditions.

On Tuesday 14th December 2021 I re-attended the venue with Ian Cullen (CoLC) and Sgt 1367 Cotton as a pre-arranged meeting with Mr Ward. I carried out a further compliance check and unfortunately, found that Mr Ward hadn't taken the steps required in order to rectify the majority of breaches which had been pointed out to him some 3 months prior. Mr Ward displayed the same attitude of that during my first visit and was, once again, trying to shift the blame for the breaches onto his employees who had failed to do certain things. I pointed out that it was not the responsibility of his employees to ensure that the premises was compliant with the licence conditions and neither was it for them to ensure they had

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Statement of: _____

signed the appropriate training records/log books. As DPS and PLH it was a responsibility that was held by Mr Ward.

During the compliance check I took various photographs of the incident book which was not completed to a sufficient standard. I also captured photographs of the door supervisor log which was not correctly completed and evidenced the breaches of conditions in relation to the specific days on which door staff should be employed and in what number. From the log there were a number of dates on Fridays and Saturdays whereby door staff had not signed in; 26th, 27th November, 3rd, 11th December.

The clear non-compliance in relation to door staff is concerning given that the primary purpose of door staff is to ensure the safety of both staff and customers at the venue. Lincoln and, in fact, the country has seen a recent increase in reports of drink spiking. The vast majority of venues are aware of this concern and are working proactively to ensure the safety of their patrons. The very fact that Place2B can't adhere to the licence conditions and employ sufficient door staff is concerning to say the least in the current climate. If Mr Ward did not agree with the number of door staff he has to employ then he could have chosen to submit a variation to ask the committee to consider removal of the condition or a reduction from 2 to 1 door supervisor. Again, he failed to be proactive and suggest this.

During my second visit I found just one signed/written record evidencing Challenge 25 training which was referred to as a "knowledge check" Mr Ward accepted that no other staff had completed the document (including himself.) He stated that he'd asked his staff to read and sign the document but that they had failed to do so. (See Annex D – Photographs from PC Casey's Pocket Notebook.)

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Statement of: _____

Whilst at the premises, I also utilised the drugs itemiser machine with the consent of Mr Ward and found traces of cocaine within the building. *(See Annex E - Drugs Itemiser results.)*

On 14th January an incident of concern for safety was reported to Lincs Police after a female was found at approximately 7am seemingly unconscious beside a skip near to Place2B. On coming round the female could not account for the previous 3 hours of her time. There was then an allegation that her drink may have been spiked. Subsequent investigations found that there wasn't any evidence to support a spiking, however, it was established that the female was an employee at Place2B who had been drinking heavily throughout her shift behind the bar. CCTV checks inside the premises saw that Mr Ward had remained inside the premises between 03:00 (when the bar closed) and 07:00 with two female employees and another male. The group continued to drink alcohol from the bar during this period. DC Webdill documented some of his concerns from the investigation and his review of CCTV in his pocket notebook. *(See Annex F – pocket notebook entry of DC Webdill).*

From my visits at Place2B and the associated meetings with Mr Ward I do not believe that he has the capability or inclination to uphold the licensing objectives. Following my first visit in September he had ample opportunity (3 months) to rectify the identified breaches yet failed to do so. Neither did he make contact with either myself or the Council licensing team to request further guidance or advice. It is my belief that Mr Ward should not be allowed to continue operating as the PLH and DPS at the venue. Allowing him to continue in this manner not only undermines the licensing objectives but also compromises the safety of those using the night time economy.

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LICENSED PREMISE ITEMISER CONSENT FORM
CONDITION OF ENTRY OPERATION

<u>TIME</u> 14/12/21	<u>DATE</u> 15.00
<u>PREMISES</u> PLACE 2B BUTCHERY COURT LINCOLN	<u>OFFICERS</u> PC 1299 CASEY PS 1367 COTTON

I, X SIMON WARD.....hereby consent to the deployment of drug trace detection equipment at the above premises in order to swab customers for drug traces as a condition of entry.

This arrangement has been agreed involving full consultation between the licence holders and the police.

Signature X .....Date 14/12/21.....

Date: 14/12/21

PLH: SIMON WARD

Time: 15 15

Address:

Premises: PLACE 2B

DPS: AS ABOVE

Address: LINCOLN

Address:

Room/Area	Result Pos/Neg	Reading
BAR TOP	Neg	-
PUMPS	Neg	-
COLUMN TABLES	Neg	-
BLACK TABLES	Neg	-
DJ BOOTH	Neg	-
LEDGES BESIDE DJ BOOTH	Neg	-
LADIES CUBICLES	Pos	2.20 Cocaine
LADIES SINK AREA	Pos	2.90 Cocaine
MENS CUBICLE	Pos	3.24 Cocaine
MENS SINK AREA	Pos	3.22 Cocaine
TILL	Neg	-
HIGH TOP NR FIRE EXIT	Pos	1.02 Cocaine

Green - Negative Result
 Background Traces
 Red - Positive Result

OFFICIAL

Author: 3201299, Creation time: 14-12-2021 15:23:26

Place 2B, Lincoln

Visited with PS Cotton and Ian Cullen.

Premises in breach of following conditions:

CCTV only recording 14 days

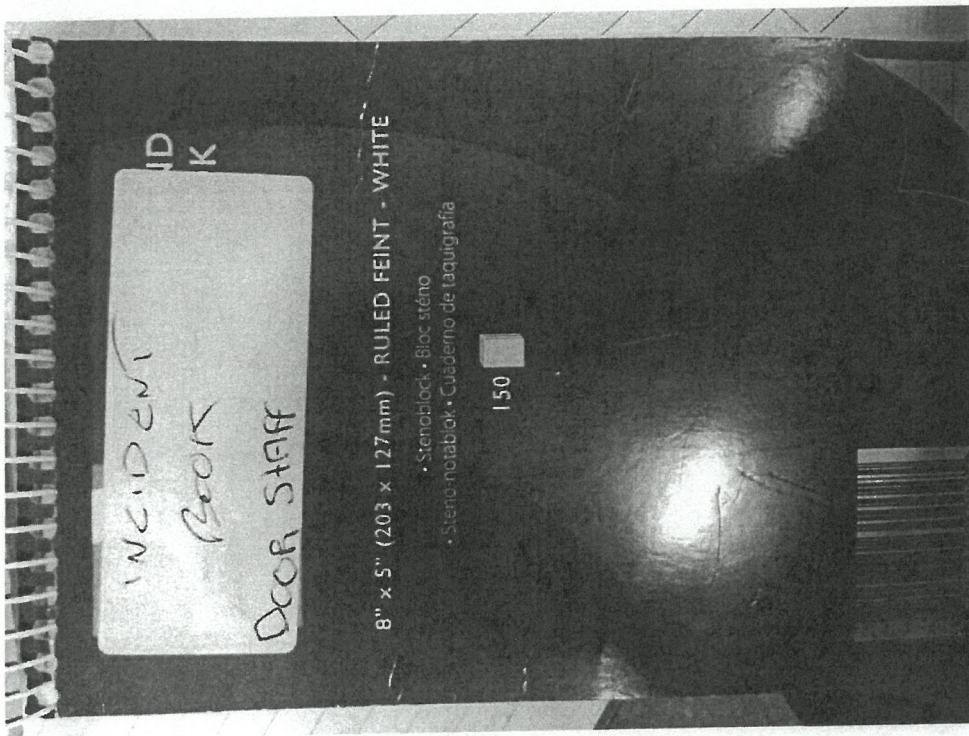
Not sufficient doorstaff on various dates (see pics)

No drugs policy

No staff training

Incident/door book insufficient

Assault on CCTV insufficient action by staff (Simon Ward only member of staff on and no doorstaff).

Photograph(s)

OFFICIAL

SUN 25 DEC
 A MALE WITH BEARD AND
 TAP SIMPER AND TONS OF
 AS A FRONT OF
 WAS STRUCK BY CARTRIDGE
 MALE WITH BEARD COMPLAINT ABOUT
 ABOUT BEARD IN COBELEW WARD
 SAT OUT AND LATER WAS TALKING
 TO FIND OUT WHO DID IT

SUN 24 OCT
 AT 26 MALE CHIEF BEARD
 MAR APPEAL 5-9 BEAD HOODIE
 BLUE TONS AND PINK COAT
 WITH STRIPED MAN RAG STRIPED
 ACROSS CHEST
 ON CCTV SAW PASS DOWN
 TO ANOTHER CUSTOMER WHO WAS
 WEARING BLUE THERMOSUIT SWEATER
 AND BLUE TONS IN MALE
 AND THAT MALE WENT TO TOILET
 TO USE
 I HEARD BEARD WHO TALKED
 OF MALE FOR ABOUT 10 MINUTES
 AND WENT TO HIM

was 900000
FIGHT in the door two
girls were injured over
body and kicked out
Finsley

Friday 1-10-21
Male was in venue and was
asked to leave when we
locked up the door's male
came back and broke the
door in to 2 Perces male
then ran off called to police
inc 947 at 11pm male is seen
on cctv doing the damage. Time
of incident was 9:57

Door Sign-out Book

Date:	12-14-21	Full Name:	[Redacted]	Badge Number:	[Redacted]	Date of Birth:	[Redacted]
Door Registration:	Temporary/Full	Time In:	[Redacted]	Time Out:	[Redacted]	Signature:	[Redacted]
Date:	12-14-21	Full Name:	[Redacted]	Badge Number:	[Redacted]	Date of Birth:	[Redacted]
Door Registration:	Temporary/Full	Time In:	[Redacted]	Time Out:	[Redacted]	Signature:	[Redacted]
Date:	12-14-21	Full Name:	[Redacted]	Badge Number:	[Redacted]	Date of Birth:	[Redacted]
Door Registration:	Temporary/Full	Time In:	[Redacted]	Time Out:	[Redacted]	Signature:	[Redacted]
Date:	12-14-21	Full Name:	[Redacted]	Badge Number:	[Redacted]	Date of Birth:	[Redacted]
Door Registration:	Temporary/Full	Time In:	[Redacted]	Time Out:	[Redacted]	Signature:	[Redacted]
Date:	12-14-21	Full Name:	[Redacted]	Badge Number:	[Redacted]	Date of Birth:	[Redacted]
Door Registration:	Temporary/Full	Time In:	[Redacted]	Time Out:	[Redacted]	Signature:	[Redacted]

Door Sign-out Book

Date:	12-14-21	Full Name:	[Redacted]	Badge Number:	[Redacted]	Date of Birth:	[Redacted]
Door Registration:	Temporary/Full	Time In:	[Redacted]	Time Out:	[Redacted]	Signature:	[Redacted]
Date:	12-14-21	Full Name:	[Redacted]	Badge Number:	[Redacted]	Date of Birth:	[Redacted]
Door Registration:	Temporary/Full	Time In:	[Redacted]	Time Out:	[Redacted]	Signature:	[Redacted]
Date:	12-14-21	Full Name:	[Redacted]	Badge Number:	[Redacted]	Date of Birth:	[Redacted]
Door Registration:	Temporary/Full	Time In:	[Redacted]	Time Out:	[Redacted]	Signature:	[Redacted]
Date:	12-14-21	Full Name:	[Redacted]	Badge Number:	[Redacted]	Date of Birth:	[Redacted]
Door Registration:	Temporary/Full	Time In:	[Redacted]	Time Out:	[Redacted]	Signature:	[Redacted]
Date:	12-14-21	Full Name:	[Redacted]	Badge Number:	[Redacted]	Date of Birth:	[Redacted]
Door Registration:	Temporary/Full	Time In:	[Redacted]	Time Out:	[Redacted]	Signature:	[Redacted]

Exhibit Ref
Description Of Item

RLC/2
Door staff book

Check 25 Knowledge Test

Full Name: Josh Nicolle
Employee: Simon Ward
Date: 14/11/21
Signature: [Signature]

Check 25

1. What is the purpose of the Check 25 policy? (tick all that apply)

To deal with the difficulty of guessing a customer's age and ensure that sales aren't made to underage customers	To encourage staff to talk to customers more	To comply with Trading Standards and police requirements
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2. When should you refuse to sell an age-restricted product? (tick all that apply)

If you have any doubts about a customer's age	If you suspect that it is not genuine	If a customer is drunk	You never look to refuse a sale of age-restricted products because all of your customers are above 18 and over 18.
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3. What should you do if a customer's behaviour is suspicious?

Show back at them	Ignore them and walk away	Remain calm, apologise and explain that you are unable to serve without ID	Serve them so you can get rid of them.
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4. What is your responsibility?

Priority purchasing is where an adult aged 18 or over buys alcohol and then goes on to apply the alcohol to a person aged under 18.

5. How do you check for a proof of age system? (tick all that apply)

PASS Subsystem	Passport number	ACTO logo	Photo of face	UV mark
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Where is the photograph kept?
Office, Next to CCTV

8. When should you only accept alcohol in a sealed container?

When you get a
 A) the end of your shift
 B) the end of your shift
 C) between serving customers
 D) when you are refused a sale

9. Which of the following is not a legal requirement?

To ensure that
 A) the end of your shift
 B) the end of your shift
 C) between serving customers
 D) when you are refused a sale

10. Which of the following is acceptable ID? Tick all that apply!

Passport Birth Certificate College ID PASS Card

11. Which of the following is not a legal requirement? Tick all that apply!

Prosecute the
 A) the end of your shift
 B) the end of your shift
 C) between serving customers
 D) when you are refused a sale

12. A 15 year old is attempting to purchase alcohol. You believe they are supplying to under 18. What should you do?

Serve them but tell
 A) the end of your shift
 B) the end of your shift
 C) between serving customers
 D) when you are refused a sale

13. A customer who is under 18 years of age is attempting to purchase alcohol. What should you do?

Serve them only if
 A) the end of your shift
 B) the end of your shift
 C) between serving customers
 D) when you are refused a sale

14. A customer who is under 18 years of age is attempting to purchase alcohol. What should you do?

Serve them only if
 A) the end of your shift
 B) the end of your shift
 C) between serving customers
 D) when you are refused a sale

15. Which of the following is not a legal requirement? Tick all that apply!

Prosecute the
 A) the end of your shift
 B) the end of your shift
 C) between serving customers
 D) when you are refused a sale

16. A 15 year old is attempting to purchase alcohol. You believe they are supplying to under 18. What should you do?

Serve them but tell
 A) the end of your shift
 B) the end of your shift
 C) between serving customers
 D) when you are refused a sale

17. A customer who is under 18 years of age is attempting to purchase alcohol. What should you do?

Serve them only if
 A) the end of your shift
 B) the end of your shift
 C) between serving customers
 D) when you are refused a sale

18. A customer who is under 18 years of age is attempting to purchase alcohol. What should you do?

Serve them only if
 A) the end of your shift
 B) the end of your shift
 C) between serving customers
 D) when you are refused a sale

OFFICIAL

Author: 3201299, **Creation time:** 14-12-2021 15:23:26

Exhibit Ref
Description Of Item

RLC/3
Staff training

Incident details

Incident date
Incident log number
Incident number
Entered by

1299, PC Rebeka Casey

Premises Licence

a

Premises licence number

32UD/B/2704

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Place2B Lower Butchery Court Ordnance survey map reference (if applicable),	
Post town Lincoln	Post code LN2 1AW
Telephone number	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence <ul style="list-style-type: none">• Supply of Alcohol• Live Music• Recorded Music• Late Night Refreshment

The opening hours of the premises <ul style="list-style-type: none">• Seven Days a Week from 10:00 until 03:00 Non Standard Timings: <ul style="list-style-type: none">• New Years Eve from 10:00 until 04:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies Alcohol - On the Premises
--

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol

- Seven Days a Week from 10:00 until 02:30

Non Standard Timings

- New Years Eve from 10:00 until 04:00

The Performance of Live Music is licensed to take place Indoors

- Seven Days a Week from 10:00 until 02:30

Non Standard Timings

- New Years Eve from 10:00 until 04:00

The Playing of Recorded Music is licensed to take place Indoors

- Seven Days a Week from 10:00 until 02:30

Non Standard Timings

- New Years Eve from 10:00 until 04:00

The Provision of Late Night Refreshments is licensed to take place Indoors

- Seven Days a Week from 23:00 until 02:30

Non Standard Timings

- New Years Eve from 23:00 until 04:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Simon Andrew Ward
19 Chelmsford Street
Lincoln
LN5 7LN

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Simon Andrew Ward
19 Chelmsford Street
Lincoln
LN5 7LN

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

32UD/A/00393/200406 – City of Lincoln Council

Annex 1 - Mandatory conditions

In the following mandatory conditions, a "responsible person" means - in relation to licensed premises -

- i. The holder of a premises licence in respect of the premises,
- ii. The designated premises supervisor (if any) under such a licence, or
- iii. Any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.

Mandatory Alcohol Conditions

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Door Supervisors Conditions

1. Each individual carrying out a security activity must be licensed by the Security Industry Authority.
2. But nothing in subsection (1) requires such a condition to be imposed-
 - a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - b) in respect of premises in relation to-
 - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section-
 - a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Mandatory Irresponsible Promotions

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

- i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Mandatory Drinking Water

1. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Mandatory Age Verification

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - a holographic mark, or
 - an ultraviolet feature.

Mandatory Drink Measures

1. The responsible person must ensure that-
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - i. beer or cider: 1/2 pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;

- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, alcohol to be sold, the customer is made aware that these measures are available.

Mandatory condition preventing the sale or supply of alcohol below the permitted price.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V) \text{ where-}$$

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.

a) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

PREVENTION OF CRIME AND DISORDER

CCTV

1. A CCTV system shall be installed, recording and maintained in working order and operated at the premises to the satisfaction of Lincolnshire Police, specifically:
 - a. There shall be a minimum of one high resolution colour camera, fitted in a weatherproof housing, for external coverage of the entrance.
 - b. There shall be a minimum of one high-resolution colour camera fitted to each public entrance/exit. To provide a quality head and shoulder image for facial recognition/identification purposes of all persons entering the premises.
 - c. There shall be sufficient cameras able to cope with the normal operating illumination to reasonably cover all licensed public areas.
 - d. Recordings must be kept for a minimum of 31 days and endorsed with the accurate, correct time/date (BST/GMT adjusted).
 - e. Police and/or Authorised Licensing Officers shall be able on attendance to view immediate playback of any incident without the necessity for download.
 - f. Recordings of incidents at the premises must be provided to the police following lawful request.
 - g. A member of staff shall be on the premises at all times they are open to the public who is capable of operating the CCTV system and providing recordings on request. When this is not possible recordings shall be provided within 24 hours of the original request.
 - h. Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.

INCIDENT BOOK

1. An incident book shall be kept at the premises in which details of crime and/or disorder relating the premises shall be recorded. The incident book shall contain the following details:
 - a. Time, date and location of incident;
 - b. Nature of the incident;
 - c. Names and addresses and contact details of persons involved;
 - d. Result of the incident;
 - e. Action taken to prevent further such incidents;
 - f. Each entry signed by the DPS or other responsible person employed at the premises and so authorised by the DPS; and
 - g. Retained for a period of no less than 12 months and made available to Lincolnshire Police for inspection upon request.

DOOR SUPERVISORS

1. On every Friday, Saturday, any day preceding a Bank Holiday and any evening when a live band is playing on the premises, there shall be a minimum of two Door supervisors registered with the Security Industry Authority on duty on the premises from 23:00 until the premises closes. On such occasions, a minimum of one door supervisor shall remain in a prominent position whereby entry and exit to and from the premises can be controlled and shall not be used to undertake any other duties save for keeping order.

2. On any other night, door supervisors shall be provided in such numbers as the licence holder considers necessary for the keeping of order on the premises whilst being used for licensable activities.
3. There shall be provided and kept at the premises a register/log book to record details of every person employed on the premises as a door supervisor.
 - a. The record shall contain the following details:
 - i. The door supervisor's name;
 - ii. His/her Security Industry Authority Licence Number; and
 - iii. The time and date he/she commenced and concluded their duty.
 - b. The door supervisors shall sign each entry.
 - c. The signature of the Designated Premises Supervisor, or their agent, certifying each entry as having checked the authenticity of each individual door supervisor.
 - d. Each entry shall be retained for a period of no less than 12 months from the date of completion.
 - e. The record shall be made available for inspection on demand by an authorised officer of the licensing authority, the Security Industry Authority or any police officer.

GENERAL CRIME PREVENTION, PREVENTION OF PUBLIC NUISANCE AND PUBLIC SAFETY

1. The premises licence holder shall ensure that steps are in place to monitor the behaviour of customers leaving the premises by door staff, and/or staff in order to prevent glass and bottles being taken away from the premises.
2. All drinks shall be supplied in polycarbonate drinking vessels from 24:00 hours.
3. Any drinks sold in glass bottles shall be decanted behind the bar into polycarbonate drinking vessels.
4. The premises licence holder shall put steps in place to ensure that all glass drinking vessels have been removed from the public areas prior to 24:00.
5. No drinks, whether alcoholic or otherwise shall be taken from the premises for consumption in any external areas forming part of the premises or in the near vicinity. (For the purpose of clarity, this includes patrons going outside to smoke).
6. No drinks, whether alcoholic or otherwise shall be taken from the premises for consumption in any external areas forming part of the premises or in the near vicinity.
7. Staff shall be trained in crime prevention and drug awareness measures, as set out below:
 - a. There shall be a written drugs policy for the premises;
 - b. All staff shall be trained on the most recent drugs policy in operation at the premises.
 - c. A written record shall be kept detailing the following:
 - i. Content of training;
 - ii. Name of member of staff;
 - iii. Name of trainer;
 - iv. Date training completed; and
 - v. The member of staff and trainer to sign the entry.

PROOF OF AGE AND PROTECTION OF CHILDREN FROM HARM

1. The premises shall operate the " Challenge 25" proof of age scheme which requires that anyone appearing to be under the age of 25 years attempting to purchase alcohol shall be required to provide proof of age by using a least one of the following:
 - Photo driving licence;
 - Passport;
 - Proof of age card bearing the "PASS" logo; or
 - Any other means of identification approved and accredited in writing by Lincolnshire Police. (Currently the identity card issued to Her Majesty's Forces.)
2. All point of sale staff shall undergo training in the "Challenge 25" age verification scheme with a record kept of the date of training, signed by the member of staff and the trainer. Such record shall be retained for a period of 24 months from date of completion and shall be made available for inspection by Lincolnshire Police and/or an authorised officer of the Licensing Authority.
3. Clear, prominent and unobstructed signage informing customers of the Proof of Age scheme in operation shall be clearly displayed at all entry points to the premises, adjacent to the alcohol displays and all points of sale.
4. No person under the age of 18 shall be permitted on the premises after 18:00 whilst the premises are being used for licensable activities.

Annex 3 - Conditions attached after a hearing by the licensing authority

None

Annex 4 - Plans

See attached

Premises Licence Summary

a

Premises licence number

32UD/B/2704

Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Place2B Lower Butchery Court Ordnance survey map reference (if applicable),	
Post town Lincoln	Post code LN2 1AW
Telephone number	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

- Supply of Alcohol
- Live Music
- Recorded Music
- Late Night Refreshment

The times the licence authorises the carrying out of licensable activities
Supply of Alcohol

- Seven Days a Week from 10:00 until 02:30

Non Standard Timings

- New Years Eve from 10:00 until 04:00

The Performance of Live Music is licensed to take place Indoors

- Seven Days a Week from 10:00 until 02:30

Non Standard Timings

23/07/2020

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- New Years Eve from 10:00 until 04:00

The Playing of Recorded Music is licensed to take place Indoors

- Seven Days a Week from 10:00 until 02:30

Non Standard Timings

- New Years Eve from 10:00 until 04:00

The Provision of Late Night Refreshments is licensed to take place Indoors

- Seven Days a Week from 23:00 until 02:30

Non Standard Timings

- New Years Eve from 23:00 until 04:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Alcohol - On The Premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Simon Andrew Ward

19 Chelmsford Street
Lincoln
LN5 7LN

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Simon Andrew Ward

State whether access to the premises by children is restricted or prohibited

Please see conditions (subject to section 145 of the Licensing Act 2003)

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11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

10 Reviews

Appendix D

- 10.1 A review of premises licences or club premises certificates is a means available to responsible authorities and other persons to examine the operation of the premises when it becomes problematic and is putting the licensing objectives at risk.
- 10.2 The licensing authority recommends that responsible authorities and other persons should give premises early warning of problems. By doing so operators may be able to address these problems without the intervention of formal action. It is the Licensing Authority's belief that the promotion of the licensing objectives is best achieved through 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. However it is acknowledge that under certain circumstances a review of the licence may be the appropriate course of action even in the first instance.
- 10.3 It should be noted that although the Licensing Authority can initiate a review it does not intend to do so in circumstances when the application should be made by another responsible authority or other person. However, there are occasions when it may wish to make such an application or make representations e.g. when there are a number of unconnected complaints that in themselves do not require another responsible body or other person to make a representation , but when taken together may undermine the licensing objectives.
- 10.4 The role of the licensing authority is to administer the process and determine the outcome at a hearing.
The steps the authority may take at a review hearing are;
- Modify (which includes adding, deleting or altering) the conditions.
 - Excluding licensable activities from the licence/certificate.
 - Remove the designated premises supervisor.
 - Suspend the licence for a period not exceeding 3 months.
 - Revoke the licence/certificate.
 - Take no action.

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5. Licensing Objectives

Appendix E

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 in the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. *For this reason it is recommended that these elements be specifically considered and addressed within an applicant's operating schedule.*
- 5.1.2 *As set out in paragraph 3.10, the Licensing Authority recommends that applicants carry out their own risk assessments in relation to the four licensing objectives in order to assist them in deciding whether any steps are required to be taken in order to meet those objectives.*
- 5.1.3 *Although not a requirement under the legislation, applicants are advised to copy any risk assessments undertaken to the responsible authorities in order that they can assess the suitability of the operating schedule. This may assist in reducing the number of representations and subsequent hearings.*

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 Licensing Authority to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and do all it reasonably can to prevent, crime and disorder in the City.
- 5.2.3 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

Examples of steps the Licensing Authority advises applicants to consider and address include:

- *Physical security features e.g. use of polycarbonate, toughened or plastic drinking glasses;*

- *Procedure for risk assessment of alcohol promotions to ensure that they do not promote irresponsible drinking or potentially breach the mandatory condition on irresponsible drinks promotions;*
- *The use and numbers of SIA licensed door supervisors,*
- *Amount of seating to be provided to reduce the risk of high volume vertical drinking;*
- *Training given to staff in crime prevention and drug awareness measures,*
- *Training given to staff to prevent the sale of alcohol to those who are under age or appearing to be drunk;*
- *Training for staff to a recognised level such as the awards for personal licence holders, responsible drink retailing and designated premises supervisors;*
- *Adoption of the Retail of Alcohol Standards Group Challenge 21 or Challenge 25 policy incorporating the British Retail Consortium's Proof of Age Standards Scheme (PASS);*
- *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 in and around the premises;*
- *Participation in the use of the Lincoln Business Improvement Group's Radio Link Scheme;*
- *Formulation of a dispersal policy;*
- *Measures to prevent glasses and bottles being taken away from the licensed premises.*

5.2.4 CCTV remains one of the most effective measures for reducing crime and disorder. The Licensing Authority expects premises that retail alcohol for consumption on or off the premises will have an effective CCTV system installed that operates in compliance with the requirements of Lincolnshire Police.

5.3 Public Safety

5.3.1 The Licensing Authority will carry out their 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 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety. *Depending on the individual style and characteristics of the premises and/or events, the following issues might be of relevance:*

- *Suggested occupancy figures (including staff and performers),*
- *Use of equipment and effects,*
- *Levels of door supervision,*
- *Measures to prevent the supply and use of illegal drugs,*

- *Physical safety features e.g. use of toughened glass, polycarbonate and plastic drink containers,*
- *Fire safety, training and evacuation procedures,*
- *Provision of CCTV.*

5.3.3 *The Licensing Authority would advise applicants applying for permissions to stage events which are likely to draw in 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 with the Lincoln Events Safety Advisory Group (SAG) and Highways Authority.*

5.3.4 *SAG is not a responsible authority but is made up from representatives from bodies concerned with public safety; some of which are responsible authorities. Applicants are advised that the planning and consultation with SAG should commence at an early stage and on particularly large events promoters/organisers should commence consultation at least a year in advance of the event.*

5.3.5 *It is also advisable for applicants to read the guidance for large scale events titled HSG 195, The Event Safety Guide (for health, safety and welfare at music and similar events) commonly known as the Purple Guide.*

5.3.6 *The occupancy capacity for premises, and events as appropriate, is a fundamental factor in the achievement of the four licensing objectives (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). The Licensing Authority recommends the issue of occupancy capacity (including staff and performers) to be considered and addressed within the premises' fire risk assessment.*

5.3.7 *The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include but are not limited to:*

- *The nature of the premises or event,*
- *The nature of the licensable activities being provided,*
- *The provision or removal of such items as temporary structures, such as a stage, or furniture,*
- *The number of staff available to supervise customers both ordinarily and in the event of an emergency,*
- *The customer profile,*
- *Availability of suitable and sufficient sanitary accommodation,*
- *Nature and provision of facilities for ventilation.*

5.3.8 *The agreement to a capacity for premises or events should not be interpreted as a requirement in all cases to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the capacity of premises without the need to resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where*

a special event or promotion is planned, the applicant is advised to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

5.5 Protection of children from harm

- 5.5.1 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 or centres 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 necessary to do so to protect them from harm. In all other cases it will be a matter for the discretion of the licensee.
- 5.5.2 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 After receiving relevant representations on limiting access by children, the Licensing Authority, when deciding whether to limit access to children or not, will judge each application on its own individual merits. *Examples, which may give rise to concern in respect of children and would likely lead to a refusal of permitting access to children under 18, would include premises –*
- *Where entertainment or services of an adult or sexual nature are provided;*
 - *Where there has been a conviction of a member of the current staff at the premises for serving alcohol to a minor or with a reputation for underage drinking;*
 - *Where there has been a conviction of a member of current staff at the premises for an offence which may pose a risk to children;*
 - *With a known (having been provided with evidence) association with drug taking or dealing;*
 - *Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and*
 - *Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.*
- 5.5.4 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification (BBFC) or, in specific cases, a certificate given to the film by the Licensing Authority itself.

- 5.5.5 Films that have not been classified by the BBFC may only be shown after they have been classified by the Council. The Council has delegated the function of classifying such films, using the BBFC classification guidelines prevailing at the time, to designated officers. The Council requires that films are presented for classification at least 28 days prior to the intended date of exhibition.
- 5.5.6 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., The onus will be on the premises licence holder to ensure that staff members are suitable to carry out the supervision of children, which may include a criminal record check from the Disclosure & Barring Service.
- 5.5.7 The options available for limiting access by children would include:
- Limitations of the hours when children may be present;
 - Limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place;
 - Limitations 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 and supervised by an adult); and
 - Full exclusion of those people under 18 years of age from the premises when any licensable activities are taking place.
- 5.5.8 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, subject to the requirements of the Act.
- 5.5.9 In respect of premises licensed for the sale of alcohol, the Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and compliance with the Retail Alert Bulletin.
- 5.5.10 The sale of alcohol 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 to children and young persons.
- 5.5.11 The Licensing Authority recognises that Lincolnshire County Council Trading Standards Service, as part of its responsibilities and duties under legislation controlling the sale of age restricted products including alcohol, provides

advice and guidance 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, the Trading Standards Service conducts covert test purchasing exercises in response to complaints and information received to check compliance with the law.

- 5.5.12 Mandatory conditions require the adoption of a proof of age scheme. The Licensing Authority commends a scheme such as the British Retail Consortium's Proof of Age Standards Scheme (PASS), the "Challenge 21" scheme, "Challenge 25" scheme or any locally or nationally approved scheme. All staff engaged in the sale or supply of alcohol should be fully trained in the application of any policy adopted.
- 5.5.13 The Designated Premises Supervisor at a 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. ¹The 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.
- 5.5.14 The body responsible for the interests of children is:
The Lincolnshire Safeguarding Children Board which is contactable through Lincolnshire County Council.

¹ (The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014)