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19 August 2019

Dear Ian,

STATEMENT OF LICENSING POLICY 2019

Thank you for sending a draft statement as part of the document review.

This letter is from **A Plan for Bailgate**, a group of Lincoln residents and others who are working to make sure that the future of this important area is protected from unsympathetic development and to fill what we see as a significant local policy and strategy vacuum. It's a group with significant knowledge and skills. The team will grow in number as the project develops. Amongst our tasks is the establishment of a Neighbourhood Plan that gives us statutory rights to influence change and a series of meetings with key stakeholders such as the recent round table with the Police and Crime Commissioner. We are also building a community voice, so that the views of residents and others are properly heard and shared far more effectively across the city. An introduction to the project is attached to this letter, as are the notes from the meeting with the Commissioner.

One of our major concerns is the growth in anti social behaviour due to drinking, especially seen at weekends. The problem has been known for several years but has not yet been addressed. One reason is that the day to day public experience often sits below crime and incident reporting thresholds and is therefore ignored in official reporting. We recently challenged the Commissioner about this and whilst understanding the Police's defensive legal position nevertheless believe that both they and yourselves should be far more vocal in describing the experience of the community. Should there be any doubt of the effect antisocial behaviour has in the area, we have attached some but not all of the witness statements made when four local people challenged the recent granting of a licence for a new bar in Bailgate.

A major behaviour shift in Bailgate and the Cathedral Quarter relates to the growth in the number of drinking groups walking the streets. It was formally reported to the Licensing Sub Committee in 2016 and is informally acknowledged from time to time but we see no strategy on the part of the Responsible Authorities to properly map the

issue or to agree an appropriate strategy. We see good will on the part of officers that has yet to be translated into properly structured action.

The issue is simple, that Bailgate has become a destination for groups keen to enjoy periods of extended drinking in an itinerant way, starting in one bar then moving to others over a time that used to be late afternoon and evening but can now be from mid morning. The problem is not just an Uphill one—there are many accounts of drinking groups arriving by train and making their way up the High Street.

Drinking groups are often stag and hen parties but also include increasing numbers of informally constituted groups, mainly men.

Drinking groups per se do not represent a problem but their group behaviour can and does. Even if benign, large groups (a group of seventeen were counted walking Bailgate on 3 August for example) can be disruptive when understanding that Bailgate needs to be a safe haven for families.

Often these groups are seen by others in the street as loud and aggressive. They can and do block pavements, shout and display behaviour associated with drunkenness. In one example from Saturday 10 August, a group of men walked out of a pub door barging into one of our project team before moving down the road in a random fashion shouting to each other, stopping in the middle of the street and lurching to and fro whilst they organised the next venue.

These two events are minor evidence of how the streetscape has radically changed over the last few years. Sometimes the atmosphere can be ugly. Examples include shouting in ways that sounds to passers-by as violent (this is a frequent occurrence), falling off pavements and urinating in alley ways.

Some behaviours will be seen by groups themselves as harmless—the carrying of sex dolls for example. One recent hen party carried a penis blow up through the city, leaving it for more than an hour tied to pavement seating in a busy street. We know of no challenges from the police or other authorities to this behaviour despite the impact it may have on children and families.

The problem gets worse during summer months and over bank holidays. It isn't uniform and is to a degree weather dependent. At its worst the street is a chaotic and frightening place.

A rapidly growing problem is the carrying of glasses and bottles from bar to bar. The habit is for itinerant groups to take their drinks with them along the street. One local

pub manager has openly said that they cannot control that happening yet the potential consequences are worrying.

The bars and pubs where groups go will be known to the authority. We believe that the groups often know the journey they will take from drinking station to drinking station and the progress has become a well established path.

We believe that some pubs and bars are gross contributors to the group drinking problem. They are the places that effectively act as signposts to incoming groups. Vertical drinking, outside drinking spaces and drink offers are all part of signposting that has created the problem or at least has been a catalyst in its development. We also think that some pubs and bars are better able to control problems than others because of their siting and internal arrangements.

The growth in two other phenomena should be noted as critically important; that of pre-loading and the increased use of social drugs. The Licensing Authority will have access to research into these behaviours. It causes much concern to bar managers, please see the attached notes of the dialogue between local people, the Police and Crime Commissioner and a senior police officer.

This issue of group drinking, Bailgate as a drinking destination and the resulting impact on the community and the many thousands of visitors who want to enjoy our extraordinary place is in our view, a crisis. We find it difficult to see that the Licensing Authority is able to address the Four Licensing Objectives while it continues.

We fully understand that the Licensing Authority does not have the total responsibility for '...securing the delivery of the [above] objectives...' (1.6 in the Statement) but its role is of paramount importance in ensuring licensed premises obey their legal obligations. We don't see the evidence of this when glasses can be freely carried in the street, drunk or near drunk groups wander to and fro and the key public area of Castle Hill becomes from time to time a beer garden. The broader issues of intimidating atmospheres and sometimes offensive behaviour have to be addressed by the Responsible Authorities acting in consort but we don't see the evidence of that either at this time.

The next part of this letter is a direct response to the draft policy;

We note that the Statement is both a policy and a sort of delivery strategy but it makes no mention of local conditions, challenges (such as that we've described above), assessments of risk or a city wide alcohol strategy. It is perhaps why the

authority is seen as reactive rather than pro-active and that it will miss key civic responsibilities in consequence.

Under 3.6.3 'Applicants are advised to make enquiries about the premises locality...'—this seems to us an extraordinarily weak demand given the responsibility placed on applicants in 3.6.2 (an excerpt from the statutory guidance). We argue that the applicant's local knowledge should be formally tested. We know of an instance where an applicant was asked in court what he knew of the area. He simply replied that 'he had friends who lived in the city...'.

In a related way, in 3.6.5 we note the need for risk assessments but don't see any account of the form they should take or how they should be presented to the authority.

Under 3.6.8 we see a distinct problem. We know that the police will only report from within a tightly defined series of parameters exclusively around recorded crime but the true picture is clearly much more nuanced and much will be recorded on police intel. We note that local police officers, PCSOs and Special Officers will have a close understanding of a city area but believe that their knowledge is rarely shared with the Licensing Authority or Licensing Sub Committee. The Licensing Authority, particularly given increasingly closely integrated working practices with the police and other agencies may know these stories and have a duty to report what they know. Our account of anti social behaviour at the start of this letter is an example in point, where there is a duty on the authority to check its veracity, respond with appropriate action and strategy, and to inform the Licensing Committee.

In 3.6.11 'wider benefits to the community' means very little. For example we have a distinct problem on Bailgate where a pub plays very loud music in its yard from time to time, producing a significant and disruptive noise footprint. We don't see any proper methodology to assess and balance the interests of the pub's customers and local residents/visitors. We believe there should be much, much clearer guidelines and that the former, the local community/residents, should be given precedence in any balancing exercise, given that they are effective victims. It is our view that one of the deepest flaws of licensing law is the myth of 'balancing'.

3.6.12 is in our view out of place in the statement. It's self evident that the authority should be capable of weighing evidence and its sources without prejudice or bias.

3.7.3 gives the right of the Police and Environmental Protection alone to object to a TEN but there may be times when objections are raised from within the local

community. We understand the reasons for these conditions but think that the Licensing Authority should clearly state that the public have a right to object, even if those objections have to be routed through the agencies above.

5.2.3 illustrates in our view a fundamental problem with the Statement, that it vires between 'must' and 'should' (or 'are advised') in a loose and inconsistent way. It becomes more than just a stylistic language issue when the listed examples given are so serious, the density of vertical drinking for example. We think the authority should not prevaricate but demand that applicants address each of these without fail.

5.4 Prevention of Public Nuisance is an exemplar of the 'should' problem, see above.

While 5.4.1 is a worthy but presently empty statement. It's a coverall wish that needs to underpinned by a proper understanding of the communities that are to be impacted. We think that the Statement should reference civic policies where they exist but more importantly set out the rights of communities to live socially, economically and culturally rewarding lives.

The threat Bailgate faces from being a 'drinking destination' is an example of a threat to these rights. We believe the Licensing Authority has both the duty to report this changing landscape and make sure that licensed premises actively respond.

In the same way 5.4.2 is at best vague.

6.3 is another example of worthy aims unsupported by community strategy. We don't know whether a quota is legally definable or can be applied under law but if every licensing application is granted on individual merits alone, there is potentially no protection for communities. Some part of this issue is around planning, and it's sometimes extremely difficult to see when licensing stops and planning starts, nevertheless the Licensing Authority has to take much responsibility in explaining the differences. The argument is that, as may could become the case for Bailgate, more and more premises licences are granted, then public nuisance will cumulatively become a greater and greater problem and the Licensing Authority will fail to address its statutory objectives. At the moment, in this Statement, and the lack of policy and strategy elsewhere, there is no defence against change that damages rather than enhances the community and the environment.

7.2 describes instances where activities do not require licences but it's not clear whether licensees have any right for music and noise to be heard beyond the curtilage of the premises. How does the Licensing Authority understand this risk and address the objective of Public Nuisance in turn? It has a local importance in Bailgate given

recent instances of loud music being played in a pub carpark without apparent constraint or thought of the consequence.

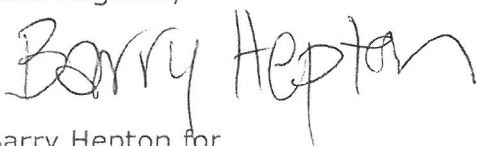
We hope the above commentary makes sense. Given changes in the way alcohol is treated in society and the rise in social drug use, we believe the Licensing Authority should have a public yearly review to sit alongside its statutory duty to publish a five yearly statement. One of our frustrations has been to get the Responsible Authorities to understand let alone to effectively take action in our community. The idea of waiting five years for the next round of policy making is plainly wrong.

This next observation relates to the form and purpose of the Statement: It is a confused document at best. It is described as a policy but presents in part as no more than an applicants' handbook. It frequently makes worthy claims unsupported by strategy and action. There are great confusions between which agency is responsible for what task—the responsibilities often look to us to be fudged. The document is of great importance to the city and has to be a model of vision and clarity as well as serve its statutory duty.

Above all, Licensing policy looks to us as a defensive system rather than a pro active one and the Statement is an example of that problem. We know that the Authority and its partner Responsible Authorities do not want this but there is plenty of evidence both in the Statement and our own recent experiences.

Finally, the Licensing Authority will be aware of the frailties of the 2003 Licensing Act. You will know that in April 2017 The House of Lords Select Committee on the Licensing Act 2003 published a damning report about the licensing process. We're sure that the Licensing Committee will have read and understood what the Lords have said. We've seen the effect of its failure on Bailgate lives which is why we think the City of Lincoln Council and its partners need to take a radical view of licensing policy and strategy, particularly by binding it far more tightly with other civic policy and creating a city wide dialogue.

Kind Regards,

A handwritten signature in black ink that reads "Barry Hepton". The signature is written in a cursive, slightly slanted style.

Barry Hepton for

Jason Bradbury, Shirley Brook, Julian Free OBE, Elizabeth Murray, Paula West and Karolina Szynalska