

## **Appendix E**

### **5. Licensing Objectives**

#### **5.1 General**

- 5.1.1 Each of the four licensing objectives is of equal importance. The Licensing Authority considers the effective and responsible management of the premises, and the instruction, training and supervision of staff 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. <sup>1</sup>The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
- a) a holographic mark, or
  - b) an ultraviolet feature.
- 5.5.14 The body responsible for the interests of children is:  
The Lincolnshire Safeguarding Children Board which is contactable through Lincolnshire County Council.

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<sup>1</sup> (The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014)