

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**LICENSING ACT 2003
REVIEW OF LICENSING POLICY**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform the Committee that the Licensing Policy must be reviewed in accordance with Section 5 of the Licensing Act 2003 by January 2011.
- 1.2 To ask the Committee to approve the start of the consultation.
- 1.3 Once the consultation has been carried out, the Revised Policy will be presented to the Licensing Committee for approval, prior to being presented to Full Council.

2. BACKGROUND INFORMATION

- 2.1 The Licensing Policy was initially approved by this Committee in 2004 and then reviewed in 2007/2008.
- 2.2 In accordance with Section 5 of the Licensing Act 2003, there is a requirement for the policy to be reviewed every three years. The revised policy must be agreed by the Full Council in January 2011.
- 2.3 The Act stipulates that in reviewing the policy, we must consult the police, fire and rescue service, licence holders, persons representing licence holders and other businesses or persons as we deem suitable.
- 2.4 A copy of the current licensing policy is attached as Appendix A to this report.

3. OPTIONS FOR CONSIDERATION

- 3.1 The options available to the committee are limited. The council has a statutory obligation to review the policy every three years.

4. ANALYSIS OF OPTIONS

4.1 The review of the policy is a statutory requirement. The policy must be approved by Full Council by January 2011.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are limited financial implications from this report, in that we will be required to publish the revised licensing policy.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory Implications – Failure to review the policy in accordance with Section 5 of the Licensing Act 2003 would mean that the Council would fail to meet its legal requirement.

6.2 Diversity – A Diversity Impact Assessment will be carried out during the review of this Policy.

6.3 Section 17 (Crime and Disorder) – The prevention of Crime and Disorder is one of the four licensing objectives and will be considered in this policy.

7. OUTCOMES OF CONSULTATION

7.1 As stated in paragraph 2.3 there is a statutory requirement to consult on the revised policy. Full consultation will commence following the approval of this report.

8. RECOMMENDATIONS

8.1 That the licensing policy be reviewed in accordance with statutory requirements.

8.2 That the Committee approve the start of the consultation process.

SERVICE DIRECTOR NEIGHBOURHOOD & ENVIRONMENT

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Date: 26 January 2010

Background Papers used in the preparation of this report – Licensing Policy Review File and Diversity Impact Assessment



Licensing Policy

**Licensing of the Sale or Supply of Alcohol,
Regulated Entertainment & Late Night
Refreshment**

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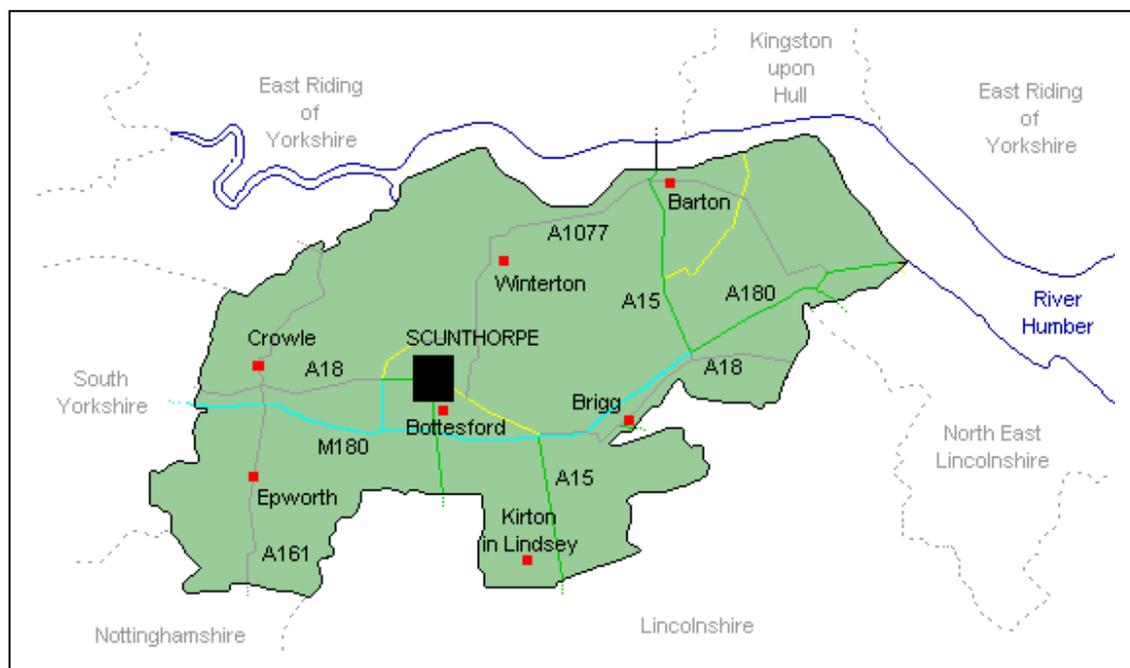
Contents

| <u>Part</u> | <u>Subject</u> | - | <u>Page</u> |
|-------------|------------------------------------------------------------------|---|-------------|
| | Introduction | - | 3 |
| 1 | How to use this Policy | - | 7 |
| 2 | Licensing Principles, Process and Delegation | - | 9 |
| 3 | Licensable Functions | - | 19 |
| 4 | Licensing Objectives & Statutory Provisions | - | 24 |
| | Prevention of Crime & Disorder | - | 25 |
| | Public Safety | - | 29 |
| | Prevention of Public Nuisance | - | 32 |
| | Protection of Children from Harm | - | 35 |
| | Issues Relating to more than one Licensing Objective | - | 39 |
| | Cumulative Impact Policy | - | 49 |
| | Other Statutory Provisions | - | 50 |
| 5 | Enforcement | - | 53 |
| | Glossary of Terms | - | 56 |
| | Appendices | | |
| A | The Licensing Authority and Responsible Authorities contact list | - | 58 |
| B | Humberside fire and Rescue and the Licensing Act | - | 60 |

Introduction

1 The Area of North Lincolnshire

- (1) North Lincolnshire covers a mix of urban and rural areas. It includes the towns of Scunthorpe, Barton upon Humber and Brigg. There are also several other market towns, villages and rural areas. Its total area is 328 square miles.
- (2) The 2001 Census gave the population of North Lincolnshire as 152,849. Of these, 72,106 live in Scunthorpe and Bottesford. The other 80,743 people live in the rural areas, which includes the towns of Barton upon Humber and Brigg.
- (3) Large concentrations of licensable activities are located in Scunthorpe town centre, in the areas of Doncaster Road, the High Street and Frodingham Road.
- (4) Below is a map of the area.



2 General Information

- (1) Section 4 of the Licensing Act 2003 requires the licensing authority to take into account any guidance issued by the Secretary of State and its

own licensing policy. This policy is published under section 5 of the Act.

- (2) The aim of this policy is to ensure the safety and welfare of those who live and work in North Lincolnshire. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area.
- (3) This policy will guide the licensing authority when it considers licence applications. Such applications cover:
 - Retail sale of alcohol
 - Provision of regulated entertainment, including:
 - The performance of a play
 - The exhibition of a film
 - Indoor sporting events
 - Boxing or wrestling
 - Performance of live music
 - Playing recorded music
 - Performance of dance
 - Entertainment similar in description to the performance of live music, playing recorded music or performance of dance.
 - The provision of hot food or hot drink between the hours of 11.00 p.m. and 05.00 a.m.
 - The supply of alcohol by or on behalf of a club to a member or their guest

3 The Licensing Objectives

- (1) Section 4 of the Licensing Act 2003, sets out the licensing objectives which must be promoted by licensing authorities. These objectives are:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- (2) Each of the licensing objectives is equal in importance under the provisions of the Act.

4 Consultation

- (1) In determining this licensing policy, the Council has consulted the following people and bodies:
 - Chief Constable of Humberside Police
 - Chief Officer of Humberside Fire Brigade

- Scunthorpe Magistrates Court
- North Lincolnshire NHS Trust
- Director of Public Health
- Child Protection Team
- South Humber Drug Action Team
- Neighbouring Licensing Authorities, including:
 - East Riding of Yorkshire Council
 - Kingston upon Hull City Council
 - North East Lincolnshire Council
- North Lincolnshire Tourism
- Licensed Victuallers Association (LVA)
- British Institute of Innkeepers (BII)
- Pub Watch (Scunthorpe & Barton)
- British Entertainment and Dance Association (BEDA)
- Security Industries Authority (SIA)
- Federation of Small Businesses
- Disabled access groups
- Current Licence Holders
- Local & national licensing solicitors
- Training providers (North Lindsey College)
- Religious and ethnic groups
- Residents Associations & Neighbourhood Watch
- Scunthorpe Charter Trustees
- Town & Parish Councils
- Local bus companies
- North Lincolnshire Taxi & Private Hire Association

(2) We have also consulted various other professional people within the Council. These include:

- Heads of service
- Building Control
- Environmental Health, including:
 - Environmental Protection
 - Food & Safety
 - Waste Management
- Trading Standards
- Legal & Democratic Services
- Community Safety Partnership
- Property Services
- Highways
- Town Centre Manager
- Cultural Strategy Officer
- Community Strategy Officer
- The Mayor's Office
- Leader of Conservative Group
- Leader of Labour Group

- Chair of Licensing Committee
- Council Members

(3) We have considered and taken into account the views of all the appropriate bodies and organisations.

5 Review of the Licensing Policy

(1) The Licensing Act 2003 states that this policy should be reviewed every three years. At the time of the review, we will again consult all interested parties. As well as the three-yearly reviews, we will continue to evaluate the policy and may update it at any time.

6 Explanations in the Policy

(1) In preparing this policy, we have briefly explained the reasons for including each item and its relevance to the Licensing Objectives. The explanations, where necessary, are in italics (in red type) after the heading.

7 Contacts

(1) The licensing function is part of Neighbourhood and Environmental Services. Our address is:

Licensing Division
Church Square House
PO Box 42
Scunthorpe
North Lincolnshire
DN15 6XQ

Email: licensing@northlincs.gov.uk

(2) To ask about any licensing issue, first contact the Licensing Division: (01724) 297592. We have attached a list of useful contacts in **Appendix A**.

(3) This policy is available on our website at: www.northlincs.gov.uk.

Part 1 – How to Use This Policy

Introduction

There is an expectation that applicants will have due regard to this policy before submitting their application for a premises licence.

This policy has been written to aid applicants, statutory authorities, persons making a relevant representation and members of the Licensing Committee by defining issues under each of the licensing objectives. Where an issue is a consideration under more than one licensing objective, these have been grouped together under the title “Issues relating to more than one licensing objective”.

How to Use this Policy

8 Applicants

- (1) Applicants should consider the impact of their premises in accordance with the four licensing objectives and offer conditions, which they feel are appropriate to deal with any issues.

9 Statutory Authorities

- (1) When considering an application, a statutory authority should consider if the applicant has satisfied the licensing objectives. Where they consider that the applicant has not done so, then this policy should be referred to in preparing the representation.

10 Persons Making a Relevant Representation

- (1) Persons who make a representation should consider the issues contained in this policy. Where a representation is made, which is not relevant, then it will be rejected in accordance with **paragraph 15**.

11 Members of the Licensing Committee

- (1) Where applications are brought before the Licensing (Activities) Sub-Committee, then this policy will be considered by the members when they are determining an application having considered all the evidence presented before them. All applications will be dealt with on their own merits.

12 Licensing Officers

- (1) Licensing Officers will work within this policy in dealing with applications, mediation, considering the relevance of representations, advising Committee hearings and all other matters as appropriate.

Part 2 – Licensing Principles, Process and Delegation

Introduction

This part of the Licensing Policy is about the principles the Licensing Authority will adopt in dealing with licence applications. It explains the roles and duties the Licensing Committee and officers carry out. It also describes how conditions will be attached to licences and by whom. It tells you how the Council will deal with objections and reviews, and how we will inform applicants, and anyone making relevant representations, about our decisions, including any right to an appeal.

It also highlights the Licensing Authority's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

Licensing Principles, Process and Delegation

13 Licensing Principles

- (1) The Licensing Authority aims to provide a clear, consistent licensing service to service users. At the same time, it aims to protect public safety in accordance with the licensing objectives, as set out in **paragraph 3(1)**.
- (2) Applications will be determined where no representations are made in accordance with the delegation set out in **paragraph 15**.
- (3) When considering licence applications, we will consider all relevant information. We will determine each application on its own merits. In making decisions, we will consider the activities of the premises, empathising with the needs of people living, working or engaged in normal activities nearby. The aim of the Council is to ensure that premises are well run and managed, and that licence holders consider the needs of local people.
- (4) The Council will consider applications with reference to other adopted policies. Such policies include:
 - Local Plan
 - Enforcement Policies
 - Community Safety Strategy
- (5) We will also consider the potential effect of littering, fouling, noise, crime and transport. We will work with other appropriate bodies when looking at these issues.

14 Licensing Committee & Sub Committee

- (1) North Lincolnshire Council's Licensing Committee is made up of 15 members of the Council. The Committee will meet to determine applications or policy issues only when at least 10 members are available. The Licensing Sub-Committee is to be made up of three members of the Licensing Committee.
- (2) The public must see that the Licensing Committee and Sub-Committee act in a fair and reasonable manner at all times. Therefore, all members must attend in house training before they can sit on the Licensing Committee or Sub-Committee.
- (3) Members of the Licensing Committee should not hear or decide on any applications for premises licences in their own electoral ward. If a member of the Committee has an interest in premises or knows an applicant personally, they must declare an interest. They will then take

no part in the decision. This reduces conflicts of interest and the perception of bias.

15 The Licensing Process & Delegation of Functions

- (1) The Council will delegate its licensing function either to the Licensing Committee, Licensing Sub-Committee or to an authorised officer of the Council. Delegation will follow the guidance stipulated by the Secretary of State, as follows:

| Matter to be dealt with | Full Committee | Sub Committee | Officers |
|-----------------------------------------------------------------------------------------|-----------------------|------------------------------------|----------------------------------|
| Application for a personal licence | | If a police representation is made | If no representation is made |
| Application for a personal licence with unspent convictions | | All cases | |
| Application for a premises licence/club premises certificate | | If a representation is made | If no representation is made |
| Application for a provisional statement | | If a representation is made | If no representation is made |
| Application to vary premises licence/club premises licence | | If a representation is made | If no representation is made |
| Application to vary designated personal licence holder | | If a Police objection is received | All other cases |
| Request to be removed as designated personal licence holder | | | All cases |
| Application for transfer of premises licence | | If a Police objection is received | All other cases |
| Applications for Interim Authorities | | If a Police objection is received | All other cases |
| Application to review premises licence/club premises certificate | | All cases | |
| Decision on whether a complaint is irrelevant, frivolous, vexatious, etc | | | All cases |
| Decision to object when the Local Authority is a consultee and not the lead authority | | All cases | |
| Determination of a Police Representation to a Temporary Event Notice (TEN) | | All cases | |
| Issue a Notice under paragraph 11 of the Licensing Act 2003 (Hearings) Regulations 2005 | | | All cases (Licensing Manager) |
| Determination of Clubs acting in good faith | | | All cases (Licensing Manager) |
| Determine if a Garage should be licensed to sell alcohol | | | All cases (Licensing Manager) |
| Issue Notices in any other circumstances | | | All cases (Licensing Manager) |

- (2) Once the Licensing Authority has received an application and relevant representations, it may, depending on the nature of the representation, refer the matter to either the Licensing Committee or Sub-Committee. Officers will deal with cases where there are no representations and may attach only those conditions which have been offered by the applicant in the operating schedule. If there is cause for concern about cumulative impact, the Licensing Committee will determine the application. This is due to the effect that such a decision could have on local residents and businesses.
- (3) The Licensing Committee will deal with all matters relating to this Licensing Policy, including updates and amendments. The Committee will also set policies for other licensing functions performed by the Licensing Division.
- (4) The Licensing Sub-Committee will deal with other licence applications if the Council has received an objection or relevant representation.
- (5) Where an application is referred to the Licensing Sub-Committee, members will determine each application on its own merit. Members of the Committee will consider all information in the operating schedule, including the activities to be carried out.
- (6) Applicants must submit an operating schedule with their application. This does not include an application for a Temporary Event Notice or an application for a minor variation. The plan should contain the information specified in the Licensing Act 2003, as per **paragraph 17** of this policy.
- (7) Where an application is for a personal licence and the applicant has unspent convictions, which are deemed relevant, then the application will be determined by the Licensing Sub-Committee. In order for an applicant for a personal licence to be considered by the Licensing Sub-Committee, there has to be an objection from the Police on the grounds of Crime and Disorder.

16 Conditions

- (1) The Licensing Authority will not impose unnecessary licence conditions. Any conditions attached to a licence will relate to the individual application, taking into account local circumstances and any entertainment taking place.
- (2) Conditions attached to a licence should be proportionate and necessary to the type of activity, size of operation or event. The Licensing Authority appreciates that venues differ significantly. Conditions will not be imposed to deter a licensable activity.

- (3) If the Licensing Authority receives no relevant representations about an application, Licensing Officers will be responsible for attaching the conditions to the licence, which have been offered as part of the operating schedule.
- (4) Additional conditions may be attached following a review of a licence or following relevant representations. Where we refer to the addition of conditions to a licence throughout this policy, such conditions will only be added to a licence where they are offered to us in the operating schedule or following a relevant representation.
- (5) Conditions will only be attached that are necessary to promote the licensing objectives.

17 Plans (Premises Licence and Club Premises Certificate)

- (1) A plan must be attached to an application for a premises licence or a club premises certificate. The plan should be at a scale of 1:100. The plans do not have to be professionally drawn, however they must be to scale and contain the relevant information contained in the regulations. The Licensing Authority can accept plans of a scale other than 1:100, however this must be approved prior to submitting the application. Plans other than this scale will only be accepted in exceptional circumstances.
- (2) Applicants may wish to highlight the licensed area on the plan. Should they do so, then a key should be provided.

18 Advertising Applications

- (1) An application for a premises licence or a club premises certificate shall be advertised on the premises by the means of an A4 Notice. This is required in accordance with the regulations issued under the Licensing Act 2003.
- (2) Notice(s) should be Light Blue with Black writing so that it is easy to read. We will require the Notice(s) to be displayed at the premises boundary and in a window on each side of a premises to which the public may have access. The Notice(s) must face out from the premises and be easy to read by persons passing by. Applicants are advised to ensure that they comply with the regulations otherwise their application could be rejected.

19 Notification on Applications for Premises Licences

- (1) When we receive an application for a premises licence, a club premises certificate or an application to vary a current premises licence or club premises certificate, we will inform the appropriate Ward and Town/Parish Councillors, that an application has been received. This

is a notification only, not an invite to make a representation, however comments can be made.

- (2) An applicant for a premises licence or club premises certificate or an application to vary a premises licence or club premises certificate will be required to notify the following statutory consultees of their application:
 - Humberside Police
 - Humberside Fire and Rescue Service
 - North Lincolnshire Council, including:
 - Environmental Health
 - Health & Safety
 - Planning
 - Child Protection Team (or a representative)
 - Health and Safety Executive (if appropriate)
 - British Waterways Board (for Vessels)
- (3) The contact details for the aforementioned bodies are attached as **Appendix A**.

20 Vicinity of the Premises

- (1) We will consider the views of all residents and businesses in the vicinity of the premises, when relevant representations are made, subject to **paragraph 21**.

21 Relevant Representations – Irrelevant, Vexatious, Frivolous and Repetitious

- (1) If a representation is received, the Licensing Authority officers will determine if an objection is irrelevant, vexatious, frivolous or repetitious. This is in accordance with the scheme of delegation in the table at **paragraph 15(1)** and the Guidance issued under Section 182 of the Licensing Act 2003. A board of three officers from the Licensing Division will determine such relevant representations. Their decision should be unanimous if an objection is to be omitted. After the board of officers has reached a decision on a representation, a written record of the decision will show the reasons for not referring it to the Licensing Sub-Committee. If there is any doubt, officers will refer the application to either the Licensing Committee or Licensing Sub-Committee.
- (2) Where an representation has been determined as irrelevant, vexatious, frivolous or repetitious, the Licensing Authority will write to the person making the representation. It will give the full reasons for the decision.

22 Mediation

- (1) Where the Licensing Division receives a relevant representation, where possible, officers will do their best to resolve the issue through mediation. Officers will invite all parties to meet to try to resolve the issues. Where such a meeting is not possible or a resolution is not forthcoming, they will refer the matter to the Licensing Sub-Committee.
- (2) Where mediation has taken place and been resolved, then the applicant will be required to amend their operating schedule where applicable.

23 Reviews

- (1) The Licensing Act 2003 allows for the review of a premises licence or club premises certificate where there are problems associated with the licensing objectives. A review may be asked for by a responsible authority and an interested party.
- (2) An interested party, such as a local resident, resident's association, local business or trade association, can also ask for a review of a licence. When we receive such a request, we must first decide if the objection is irrelevant, vexatious, frivolous or repetitious, in accordance with **paragraph 21(1)** of this policy. We will try to resolve the issues through mediation in accordance with **paragraph 22(1)**.
- (3) Once determined, a hearing must be held in accordance with the regulations set by the Secretary of State.
- (4) Members of the Licensing Authority may not initiate a review of a premises licence, for example as a ward member, and then make a decision on the application. Where there is a review of a premises licence in the ward of a member of the Licensing Sub-Committee, the said member(s) shall declare their interest and not take part in the debate or determine the application.
- (5) Members may represent groups/individuals who have made relevant representations at the Licensing Sub-Committee if requested.

24 Decisions

- (1) Following the determination of an application by the Licensing Sub-Committee, we will inform the applicant, and any objectors or people making the representation. We will then send confirmation in writing, as soon as possible after the decision, or in any case within seven days of the hearing. Along with the decision, we will inform the applicant about their right of appeal.

- (2) The Licensing Authority will provide the reasons for all decisions to the applicant, and persons/statutory authorities making a relevant representation.

25 Appeals

- (1) The Council will inform the appropriate parties of their right of appeal in accordance with the Licensing Act 2003, when confirming a decision of the Licensing Sub-Committee.
- (2) Anyone aggrieved by a decision of the licensing authority has a right of appeal. This is set out in Schedule 5 of the Licensing Act 2003. Aggrieved parties should lodge any appeal with the Magistrates' Court within 21 days of the notification of the decision.
- (3) On determining an appeal, the Magistrates' Court may:
 - a) Dismiss the appeal;
 - b) Replace the decision concerned by any other decision which could have been made by the licensing authority; or
 - c) Pass the case to the licensing authority to deal with in accordance with the direction of the court.
- (4) The court may order costs, as it sees fit.
- (5) Once the Magistrates' Court has determined an appeal, the Council will implement the decision within a reasonable time. The licensing authority appreciates that any delay could be construed as bringing the appeals system into disrepute.

26 Working in Partnership/Licensing Forum

- (1) The Licensing Authority is committed to working closely with all interested parties within the district. We are committed to setting up licensing forums, which will include Members and Officers of the Council, other regulatory bodies, trade representatives and licence holders.
- (2) Licensing Officers aim to work in partnership with other enforcement agencies, such as Humberside Police, Humberside Fire and Rescue Service, Trading Standards and Environmental Health, with a view to supporting the four licensing objectives.
- (3) When considering applications and advising applicants, Licensing Officers will aim to draw on the expertise of other bodies. We will set up joint site visits where appropriate to ensure that we give applicants

clear, concise advice. The Licensing Division will normally act as a focal point in arranging such visits.

- (4) When making licensing decisions, the Council will take into account other regulatory regimes. We aim to work in conjunction with Planning and Building Control, and the Transport Authority. The Licensing Committee will receive reports from Planning, Tourism, the Transport Authority and Highways, to try to avoid duplication of these roles.
- (5) We have developed a partnership to address and promote the Night Time economy in Scunthorpe Town Centre. The Nite Safe partnership aim is to make the area a safe place for people to visit. Within this partnership, we will work to reduce alcohol fuelled crime and disorder. We will promote good practice, while looking to address poor practice through other means.

27 Integrating Strategies

- (1) Where possible, we will integrate our policy with other policies and strategies. These need to be taken into consideration as follows:
- (2) Cultural Strategy – We need to look at the impact that our policy has in relation to the provision of regulated entertainment. Our aim is not to deter live music, rather to ensure that the licensing objectives are being supported. We will monitor the impact of this policy on all regulated entertainment, in particular live music, dancing and theatre. Live performance is central to the development of cultural diversity and vibrant, exciting communities. We appreciate that the absence of such activities can lead to a loss of community awareness, which can lead young people to anti-social activities.
- (3) Local Transport Plan – We aim to work with the local transport authority to develop the Local Transport Plan. We will look at ways that members of the public can be dispersed in order to avoid crime and disorder.
- (4) Racial Equality – We live in a multi-cultural area. Therefore, we need to ensure that our policy does not exclude anyone. We will look at the impact our policy has and amend it as necessary. We will have regard to the provisions in the Race Relations Act 1976 and the Race Relations (Amendment) Act 2002.
- (5) The Local Development Framework – We will look to work with Planning to ensure as far as possible that all premises have the appropriate consent.
- (6) Tourism and Town Centre Management – Our aim is to have a thriving town centre and we see the licensed community as an integral part of

that. We will look at the impact our policy has on the night-time economy and adjust it as appropriate, within the licensing objectives.

- (7) Crime Reduction Partnerships – We will work very closely with our partners to reduce crime and disorder. We will actively look at ways in which we can reduce crime and disorder and the fear of crime. We have developed the “Nite Safe” partnership to support the night time economy and reduce alcohol fuelled crime and disorder.
- (8) Statement of Principles under the Gambling Act 2005 – We will consider this statement when considering applications for gaming in licensed premises.
- (9) Other Partnerships – We will work in partnership with other bodies as required in support of the Licensing Objectives.

28 Avoiding Duplication

- (1) There are areas where there is an overlap between the licensing of premises and other statutory bodies. We will try to ensure that duplication is avoided.

29 Change of Address/Notification of Convictions

- (1) The Act requires licence holders to inform the Licensing Authority of their change of name or address. In addition, licence holders must inform the Council if they have been convicted of a relevant offence where the convicting court has not already been informed.

Part 3 – Licensable Functions

Introduction

This part of the Licensing Policy sets out the licensable functions under the Licensing Act 2003. These functions are:

- Retail sale of alcohol
- Provision of regulated entertainment
- The provision of hot food or hot drink between the hours of 11.00 p.m. and 05.00 a.m.
- The sale/supply of alcohol by or on behalf of a club to a member or their guest

There is a brief introduction to each licensable function. We have identified the areas for each of the activities that applicants will need to take into consideration.

30 Retail sale of alcohol

- (1) The retail sale of alcohol includes premises where alcohol is sold for consumption on and/or off the premises.
- (2) Where an application is not complete, then the application will be returned to the applicant as rejected.
- (3) There is a requirement for there to be a Designated Premises Supervisor (DPS) named for premises licensed to sell alcohol to members of the public. Please refer to **paragraph 86** of this policy for the role of the DPS.

31 Provision of Regulated Entertainment

- (1) Regulated entertainment, like the retail sale of alcohol has the potential to be a cause for concern in relation to all of the licensing objectives. There is no requirement for a DPS to be on the premises at the time when entertainment is taking place. Where the entertainment is taking place at premises licensed to sell alcohol, then the DPS will still be responsible for the premises.
- (2) Where premises are licensed for regulated entertainment, and there is no alcohol being sold, then there should be a responsible person to supervise the premises. This person should be available upon request by a police officer or authorised officer of the Council.
- (3) If people attending the entertainment bring their own alcohol, the responsible person should ensure that the licensing objectives are considered.
- (4) Regulated entertainment includes:
 - a) The performance of a play
 - b) The exhibition of a film
 - c) Indoor sporting events
 - d) Boxing or wrestling
 - e) Performance of live music
 - f) Playing of recorded music
 - g) Performance of dance
 - h) Entertainment of a similar description to e), f) or g)

32 The Performance of a Play

- (1) Premises licensed for the performance of a play need to pay particular attention to the licensing objectives of public safety and protection of children from harm, although all licensing objectives must be considered equally.

- (2) Audiences are normally seated very closely, and premises licence holders should consider appropriate levels of stewarding needed for the evacuation of the premises.
- (3) Where premises are not licensed to sell alcohol, a responsible person should be in attendance and be available to a police officer or authorised officer of the Council.

33 The Exhibition of a Film

- (1) Cinemas have similar considerations to premises where plays are being performed. Public safety and protection of children from harm are the main issues that need to be considered, although all objectives should be considered equally.
- (2) Premises Licence holders should consider matters such as evacuation from the premises, appropriate levels of stewarding and should ensure that the British Board of Film Classification (BBFC) classifications are adhered to.

34 Classified and Unclassified Films

- (1) Films are classified by the BBFC. Where a film has been classified, then anyone showing a film should ensure that the age restriction is strictly adhered to.
- (2) If an unclassified film is to be shown, then the premises licence holder or responsible person should ask for our advice. They should do this at least 28 days before showing the film.
- (3) Films classified R18 should not be shown without a sex cinema/ establishment licence.
- (4) The Licensing Committee reserves the right, following a viewing of the film, to set the age classification on all films, including those that may offend public decency.

35 Indoor sporting events

- (1) Where premises hold an indoor sporting event, the premises licence holder should ensure that the event is held in accordance with the appropriate governing body.
- (2) Premises Licence holders should consider all the licensing objectives, especially matters such as stewarding. The applicant should ensure that the audience is separated from the activity as appropriate.

36 Boxing or Wrestling

- (1) A licence is required for any premises wishing to hold boxing or wrestling events. These events can be highly volatile and as such all of the licensing objectives need to be considered. Matters, including stewarding and audience participation should to be taken into account.

37 Performance of Live Music

- (1) A licence is required for the performance of live music. Live music can be a cause for concern under a number of licensing objectives.
- (2) We will try to encourage live music in North Lincolnshire.

38 Playing of Recorded Music

- (1) The playing of recorded music is not a licensable activity if it is incidental to another activity. However, if the music is not incidental to another activity and is not background music, then it becomes licensable.

39 Performance of Dance

- (1) The performance of dance on a stage or by the patrons of the premises is a licensable activity. Matters that should be considered include the suitability of the dance floor and stage if applicable.

40 Entertainment similar to Live Music, Recorded Music or Dance

- (1) The Licensing Act 2003 states that entertainment of a similar nature is to be licensed, although this is not defined in the Act.

41 Late Night Refreshment

- (1) The provision of hot food or hot drink between the hours of 11.00 p.m. and 05.00 a.m. is a licensable function under the Act. Applicants for a premises licence will have to consider all the Licensing Objectives.

42 Club Premises Certificate (Supply of Alcohol)

- (1) Private Members' clubs can apply for a club premises certificate. There is no need for a DPS under the Act.
- (2) Proprietary Clubs must hold a premises licence, rather than a club premises certificate.

- (3) Clubs that wish to hire out a function room to which non-members would be attending will require either a premises licence or a TEN, as such activities are not included in the Licensing Act.

43 Temporary Event Notices (TENS)

- (1) Applicants for a temporary event notice are required to give at least 10 working days prior notice to the Council. Where an applicant fails to provide the 10 working days notice, then Notice will be rejected.
- (2) Temporary Event Notices are only applicable for events lasting up to a maximum of 96 hours, which are to be attended by up to and including 499 persons. TENS can only be used 12 times in a year, up to a maximum of 15 days in any one location.
- (3) Where a TEN is being used for an outside event, then the person submitting the TEN should consider if the use of plastic or polycarbonate containers would be appropriate.

44 Large Events (500+ People Attending)

- (1) Events at which the attendance is likely to be 500 or over must have a premises licence.
- (2) Applicants are expected to provide as much notice of an event as possible. A longer notice period will enable us to resolve any issues raised by statutory consultees.
- (3) We will encourage the licensing of public open spaces. These licences should be issued to cover a number of licensable activities.
- (4) For such events Environmental Health provide a Public Events Group (PEG). This is a voluntary group who will assist in event planning and consultation with key partners. This group will not override the provisions of the Licensing Act 2003.

Part 4 – Licensing Objectives and Statutory Provisions

Introduction

This part of the Licensing Policy details the Council's commitment in relation to the four Licensing Objectives. The four objectives are:

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

In addition, where the licensing objectives overlap, we have put them under other headings as follows:

- Issues relating to more than one licensing objective;
- Cumulative impact; and
- Other statutory provisions.

When applying for a premises licence or club premises certificate or applying to vary the same, applicants have to provide details in their operating schedule of the measures they intend to adopt to support the four licensing objectives. The Licensing Objectives are the only matters that the Licensing Authority can take into consideration when determining an application.

The Prevention of Crime and Disorder

45 Summary

- (1) This section details the Council's commitment to minimise crime and disorder in the area. The issues covered include:
 - Partnership Working
 - Drinking on the Streets
 - Removal of Open Containers
 - Drinks Promotions/Competitions
 - Drugs
 - Closed Circuit Television (CCTV)
 - Safer Clubbing
 - Pubwatch/Licensed Victuallers Association
 - Other Issues
- (2) Section 17 of the Crime and Disorder Act 1998 states that Councils “must do what is reasonably necessary to prevent crime and disorder in the area”. The Council wants North Lincolnshire to be safe for everyone, irrespective of age, gender or ethnic background. In order to comply with the requirements of Section 17, we will consult the Crime Reduction Partnership before determining the application.
- (3) Humberside Police, local residents and businesses have the right to ask for a review of a premises licence. Following such a review, the Licensing Committee or Sub-Committee will consider all options available to resolve the issue. This may include attaching conditions to the licence to restrict hours of operation and/or reduce the occupancy limit of the venue or remove a licensable activity.

46 Partnership Working to Reduce Crime and Disorder

- (1) Where there is evidence to suggest that premises are the cause of crime and disorder or public nuisance, the Council will consider enforcement action.
- (2) The Council is keen to work closely with the licensed trade and other regulatory bodies to reduce crime and disorder. To do this, the Licensing Forum will continue to meet to discuss related issues. North Lincolnshire Council will also liaise with neighbouring Councils when dealing with such issues.

47 Drinking on the Street

- (1) The Council can make an order under the Police and Criminal Justice Act 2001, to control drinking on the streets of North Lincolnshire.

Jointly with the police, we will consider the need to make such an order if we think alcohol consumption is contributing to crime and disorder.

- (2) The Council appreciates that an order banning the consumption of alcohol on the street would be for a specific area. The exact area would be defined in the order.
- (3) As well as relating to crime and disorder, drinking on the street could affect the other three licensing objectives.
- (4) This would not include land, which forms part of the licensed premises.
- (5) A number of orders have been passed in North Lincolnshire. Such areas include Scunthorpe Town Centre and Barton upon Humber.

48 Removal of Open Containers

- (1) The removal of open containers from licensed premises can cause crime and disorder, in that opened bottles and glasses can be used as weapons. If this is a concern, we may attach a condition preventing people taking open containers from licensed premises. Such a condition may be attached following a relevant representation.
- (2) As well as affecting crime and disorder, the removal of open containers could affect the other three licensing objectives.

49 Drinks Promotions/Competitions

- (1) The Council does not wish to stop traditional “happy hours”. However, irresponsible drink promotions and competitions could be a cause of crime and disorder. Following a relevant representation, the Council may attach conditions to a licence to restrict such competitions or promotions.
- (2) We would advise against “minimalist” delivery systems for measuring drinks (official measure being the minimum). Such activities could mean that patrons are drinking more than they intended, therefore be a cause for crime and disorder.
- (3) Where drinks promotions are in operation, then the premises licence holder/DPS should ensure that empty bottles and/or glasses are cleared from tables.

50 Drugs

- (1) The Council acknowledges that there may be a culture of drug use in a pub or club. We appreciate that this issue does not affect all premises. Where drug taking is an issue, we will look to impose licence conditions. Such a condition may be attached following a relevant

representation. We will prepare such conditions in consultation with Humberside Police and the local Drug Action Team.

51 Closed Circuit Television (CCTV)

- (1) CCTV is one of the most effective ways to reduce crime and disorder. If premises have to install CCTV, cameras shall be installed and positioned to the satisfaction of Humberside Police, the Council and the operator. Cameras must be linked to monitors placed so a member of staff can easily watch them.
- (2) The location of CCTV cameras will differ between premises. If CCTV cameras are needed, they should normally cover external parts of the premises. This includes car parks, garden areas, stairs and all entrances and exits.
- (3) Recorded Images should be kept for a minimum of 28 days. The Premises Licence holder, DPS or responsible person should be responsible for the removal and safe storage of the recorded images.
- (4) Humberside Police have developed a Code of Practice for the operation of CCTV. Following a representation, this code of practice could be attached as a condition of the licence if it is deemed necessary.

52 Safer Clubbing

- (1) Premises where there are dancing facilities are recommended to follow the Safer Clubbing Guide. You can get copies of the guide from the Licensing Division.

53 Pubwatch Schemes/Licensed Victuallers Association

- (1) Pubwatch schemes and membership of the Licensed Victuallers Association are voluntary. The Council and Humberside Police will support any such scheme where it is operating, and will encourage the implementation of new schemes.
- (2) In areas where there is crime and disorder, the Council may recommend that premises licence holders, DPS and/or responsible person commit to and partake in such a scheme in order to reduce the said crime and disorder.

54 Other Issues

- (1) This policy aims to set out the Council's commitment to reducing crime and disorder. We realise that it cannot cover all possible eventualities. Therefore, if there is a cause for concern about crime and disorder that

has not been addressed in the policy, we may attach conditions if we feel they are necessary and where there is reasonable cause. Such a condition may be attached following a relevant representation.

Public Safety

55 Summary

- (1) This section details the Council's commitment in relation to Public Safety. The issues covered include:
 - General Safety
 - Electrical Safety
 - Gas Safety
 - Fire Safety
 - Alterations to the Premises
 - Lighting
 - First Aid Provision
 - Other Issues
- (2) All premises have a duty of care to protect the health and safety of their patrons. The Licensing Authority will attach conditions considered necessary in order to protect public safety.

56 General Safety

- (1) The premises and all fixtures, fittings, equipment (including electrical fittings and equipment), furnishings, decorations and curtains on or about the premises shall be constructed, arranged safely, maintained in a safe and clean condition and in good order (including where appropriate, good working order).

57 Electrical Safety

- (1) In the interest of public safety, all licensed premises should be maintained to an acceptable level, in accordance with current legislation and safety standards. Premises licence holders and the DPS should ensure that standards are maintained.
- (2) Temporary electrical installation shall be installed by a competent person and be intrinsically safe and should not remain connected to the permanent electricity supply when not in use.

58 Gas Safety

- (1) In the interest of public safety, all licensed premises should be maintained to an acceptable level, in accordance with current legislation and safety standards. Premises licence holders and the DPS should ensure that standards are maintained.

59 Fire Safety

- (1) In the interest of public safety, all licensed premises should be maintained to an acceptable level, in accordance with current legislation and safety standards. Premises licence holders and the DPS should ensure that standards are maintained.
- (2) We recommend that everyone working in the premises (whether for payment or not) should be instructed on what they should do if there is a fire on the premises.
- (3) Humberside Fire and Rescue have prepared a guide, entitled "Humberside Fire & Rescue Service and the Licensing Act 2003 – Fire Safety Guidelines". This guide can be found as **Appendix B** to this policy.

60 Alterations to the Premises

- (1) Where premises licence holders wish to make structural alterations, they should inform the Licensing Division if there is a potential impact to the licensable functions or the licensing objectives. A copy of the proposed plan should be included. This plan should be agreed by an approved Buildings Inspector, such as those employed in the Council's Building Control Section. Changes to the premises could result in the licence holder needing to submit an application for a new premises licence.
- (2) Following completion of any alterations to the structure of the premises the licence holder should obtain a certificate signed by an approved Building Inspector, such as the Council's Building Control Section before the premises is open to the public.

61 Lighting

- (1) All parts of the premises to which patrons have access shall be adequately lit by natural or electric lighting. External stairs, ramps and passages need only have electric lighting readily available for use by anyone using them. This does not detract from the need to have appropriate emergency lighting, conforming to the appropriate legal requirements.
- (2) A battery-operated torch shall be provided at the premises for use in an emergency. The torch must be available for immediate use at all times, readily accessible and in a location known to the DPS or responsible person.

62 First Aid Provision

- (1) Premises Licence holders have a duty of care for their patrons. Licence holders should identify in their risk assessment how they would deal with first aid requirements. It is recommended that the DPS or a responsible person should ensure that all members of staff know what to do in the case of emergency. We may attach a condition to a licence requiring first aid provisions. Such a condition may be attached following a relevant representation.

63 Other Issues

- (1) This policy aims to outline the Council's commitment to public safety. We appreciate that this document cannot cover all possible eventualities. Therefore, if there is a cause for concern about public safety that has not been addressed in the policy, we may attach conditions where we feel they are necessary and where there is reasonable cause. Such a condition may be attached following a relevant representation.

The Prevention of Public Nuisance

64 Summary

- (1) This section details the Council's commitment in relation to preventing a Public Nuisance. The issues covered include:
 - Noise
 - Deliveries
 - Light Pollution
 - Illegal Fly-Posting
 - Noxious Smells
 - Storage & Disposal of Waste
 - Disposal of Glass Bottles
 - Other Issues
- (2) Licensed premises can cause a range of nuisances, which affect people living and working in the area. Such nuisances include noise, light pollution and noxious smells. Applicants should identify in their operating plan the measures they intend to put in place in order to minimise disturbance to the area. The Council will attach any conditions considered necessary in order to prevent public nuisance in consultation with the appropriate responsible authority.

65 Noise

- (1) Licensees must ensure that music or other activity at the premises does not cause a nuisance or annoyance to nearby residents. They must control any form of amplification to prevent such a nuisance. Noise should not be audible from the boundary of the premises so as to cause a nuisance.
- (2) To help prevent noise nuisance, it is recommended that external windows and doors must be kept closed during any entertainment consisting of music or singing. It is recommended that the DPS or other responsible person checks the volume of the noise from the boundary of the premises. If noise is audible, then it may be too loud and the appropriate action should be taken, such as turning the volume down.
- (3) Ventilation should be provided at all premises. Where mechanical ventilation is used, it should be maintained in a satisfactory condition, so as not to cause a noise nuisance. If the Council considers it necessary, following a relevant representation, we may attach conditions requiring noise reduction devices to be fitted.

- (4) External fire doors must be fitted with self-closing devices. These must be kept in good working order and not restricted, disconnected or locked.
- (5) Where refrigeration/chiller units are situated on premises, they should be sited in a suitable location where they do not cause a noise nuisance .

66 Deliveries

- (1) Deliveries to premises should be made at a reasonable time so as not to cause a nuisance. Should this become an issue, then we may attach conditions to a licence to restrict the time at which they can be made. Such a condition may be attached following a relevant representation.

67 Light Pollution

- (1) All external lighting, including security lighting, should be installed so as not to cause a nuisance to neighbouring properties.

68 Illegal Fly-Posting

- (1) The Council expects premises to act professionally and responsibly when advertising their business. This includes not fly-posting illegally or “ticketing” queues outside rival businesses.

69 Noxious Smells/Odours

- (1) Premises should have suitable waste management facilities to reduce the potential for smells/odours, to occur.

70 Storage & Disposal of Waste

- (1) The disposal of waste from licensed premises could be a cause for public nuisance. Where there is a cause for concern, we may attach conditions to ensure that waste is disposed of in an appropriate manner. Such conditions, could include restricting the removal of waste from the premises or ensuring that there are a certain number of waste disposal units on the premises. All premises should have a contract to remove waste from the premises. Such a condition may be attached following a relevant representation.
- (2) All parts of the premises and its surrounding land should be kept clean and tidy as appropriate.

71 Disposal of Glass Bottles

- (1) Where drinks are sold or supplied in glass bottles, the bottles should be disposed of at a reasonable hour so as not to cause a nuisance. We may attach a condition to licences. Such a condition may be attached following a relevant representation.

72 Other Issues

- (1) This policy aims to outline the Council's commitment to preventing public nuisance. We realise that this document cannot cover all possible eventualities. Therefore, if there is a cause for concern about preventing public nuisance that the policy does not cover, the Council may attach conditions if it feels they are necessary and where there is reasonable cause. Such a condition may be attached following a relevant representation.

The Protection of Children from Harm

73 Summary

- (1) This section details the Council's commitment in relation to protecting children from harm. The issues covered include:
 - Employing Children
 - Children and Alcohol (Access to Licensed Premises)
 - Proof of Age
 - Children and Regulated Entertainment
 - Children and Access to Cinemas and Film
 - Supervision of Children
 - Hours of Access for Children
 - Sales of Alcohol by Persons under the age of 18
 - Criminal Record Bureau checks (CRB)
 - Other Issues
- (2) The Licensing Act 2003 includes many licensable activities to which children may have access. The Act does not prohibit children going into licensed premises. If a licensable activity may harm children, the Council, in consultation with the Child Protection Team, may attach to the licence any condition(s) it feels are reasonable.

74 Employing Children

- (1) Licence holders should seek advice if they wish to employ anyone aged under 16 and in full time education. Such employment may need an appropriate licence issued by the Council's education department.

75 Children and Alcohol (Access to Licensed Premises)

- (1) We will decide each application for a licence on its own merits. We may impose conditions to restrict the access of children if one or more of the following concerns are relevant. Such a condition may be attached following a relevant representation. We will restrict access, if:
 - a) there have been convictions for serving alcohol to minors, or
 - b) the premises are known for under-age drinking or selling alcohol to minors; or
 - c) we know that there is drug dealing or taking on the premises; or
 - d) there is a substantial amount of gambling on the premises (This does not include AWP machines); or

- e) the premises often stages adult entertainment, including strip-tease, lap or pole dancing.
- (2) When dealing with an application where we feel that children's access should be restricted to protect them, we may consider:
- a) limiting the hours when children may be present; or
 - b) limitations on ages below 18; or
 - c) limiting or excluding children during certain activities; or
 - d) requiring an accompanying adult; or
 - e) a total exclusion of under-18s.
- (3) The Licensing Authority will not consider including any licence condition that requires giving children access to licensed premises. We will normally leave access to the discretion of the premises licence holder.
- (4) The Licensing Authority will work closely with other agencies including Humberside Police and Trading Standards when enforcing the law on the sale and supply of alcohol to children.

76 Proof of Age

- (1) We would recommend that in order to reduce underage drinking, persons authorised to sell or supply alcohol should check the age of any person who wishes to buy or obtain alcohol if they appear to be under 21 years of age. The reason for asking persons who appear to be under 21 to provide proof of their age is that, it is easy for an under 18 year old to look over 18, but not so easy for them to look over 21.
- (2) Premises should adopt an approved proof of age scheme, such as Challenge 21 and request that customers who appear to be aged 21 or under to produce photographic identification which includes their name, date of birth and a photograph. It is recommended that the identification asked for is either a passport, DVLA driving licence or national identity card which can be checked using an Ultra Violet Light.
- (3) Where photo identification is presented, which a premises considers to be tampered with or false or the person uses another person's identification, then such identification should be forwarded to Humberside Police.

77 Children and Regulated Entertainment

- (1) Children go to see and/or take part in entertainment. Some of this entertainment is arranged especially for them. Where entertainment is presented for children, the Council may attach extra conditions to a licence to ensure their safety. Such a condition may be attached following a relevant representation.
- (2) Where entertainment is of an adult or a pugilistic nature, we would advise that under 18s are not to be admitted to the premises. This does not include the showing of films classified by the BBFC as 15 or under.

78 Children and Access to Cinemas & Films

- (1) Films cover a vast range of subjects. Many films are unsuitable for children. To protect children, cinemas must ensure that, if films are classified by the BBFC, they must strictly adhere to the age restrictions. Please refer to **paragraph 34**.
- (2) The Licensing Committee reserves the right, following the viewing of a film, to alter the classification of any film if it feels it is necessary.

79 Supervision of Children

- (1) Where licensed premises hold an activity for the benefit of children, then the DPS or a responsible person shall ensure that there is adequate supervision. There should be an appropriate number of stewards for the supervision of children. We would normally consider that there is 1 supervisor for 50 children, however this ratio should reflect the event that is taking place. Refer to **paragraph 99**.
- (2) We may attach a condition to the premises licence where such a licensable activity is to take place, following a relevant representation.

80 Hours of Access for Children

- (1) Children can enter all licensed premises. In accordance with the Act, their parent or person responsible for them should supervise all children aged under 16 in areas licensed to sell or supply alcohol which are exclusively or mainly used for the consumption of alcohol on the premises (i.e. pubs) and between midnight and 05:00 a.m. for other premises licensed where consumption of alcohol on the premises is not the main use (e.g. restaurants).
- (2) Premises licence holders, the DPS or a responsible person, should consider the latest time any child is allowed on the premises. When deciding the latest times, applicants should take into account the nature of the licensable activity, the age of the children and the need

for different times during school terms and holidays. We will consult the Child Protection Team on all such applications.

81 Sale of Alcohol by Persons under the Age of 18

- (1) Premises licence holders and DPS should not allow anyone aged under 18 to sell or supply alcohol unsupervised. If someone aged under 18 years works in a licensed premises, a responsible person over 18 years of age must authorise each and every sale.

82 Criminal Records Bureau Checks

- (1) If premises are used for children's entertainment, including a children's play area or cinema, the DPS or responsible person should ensure that the appropriate staff are CRB checked, if required. This may include all staff who are employed to be responsible for the supervision of children. This check must be of the appropriate level for the duties they are to perform in the premises.
- (2) Where these checks have been carried out, the DPS or responsible person should keep a record of the CRB details, including the date they asked for the record, disclosure number, date returned from the CRB and if there was a trace. Such records must be available for inspection by an authorised Council officer.

83 Other Issues

- (1) This policy aims to outline the Council's commitment to protecting children. We appreciate that this document cannot cover all possible eventualities. Therefore, if there is a cause for concern about the protection of children from harm, which has not been addressed in the policy, the Council may attach conditions if it feels they are necessary and if there is reasonable cause. Such a condition may be attached following a relevant representation.

Issues Relating to more than one Licensing Objective

84 Summary

- (1) The provisions in this section relate to more than one of the licensing objectives. There is an explanation as to the reasons for inclusion in red italics under the heading.
- (2) The issues covered include:
 - Operating Schedules
 - Role of the Designated Premises Supervisor
 - Responsible Person
 - Advertising Unsuitable Material
 - Licensing Hours
 - Hours of Entertainment
 - Access to Premises Licensed to Operate Late at Night/Early Morning
 - Drinking Up Time
 - Dispersal Policy
 - Displaying the Licence on the Premises
 - Occupancy
 - Closely Seated Audiences
 - Screen Occupancy
 - Sanitary Provision
 - Door Supervisors
 - Counting Systems
 - Glass/Plastic containers
 - Adult Entertainment
 - Theatre
 - Dance Floor
 - Opened Containers on the Dance Floor
 - Special Effects
 - Replica Guns
 - Audience Participation

85 Operating Schedules

Provides information required by us in an operating schedule. This is included in support of all four of the licensing objectives.

- (1) Every application for a premises licence or club premises certificate or an application for a variation of the same should be accompanied by an operating schedule. The operating schedule should include all measures that the applicant intends to put in place in support of the licensing objectives.

- (2) Where an application is to vary a premises licence or club premises certificate, the operating schedule need only cover those areas affected by the application.

86 Role of the Designated Premises Supervisor

Provides information on the duties that we expect the DPS to perform in licensed premises. This is included in support of all of the licensing objectives.

- (1) Where an application for a premise licence includes the sale of alcohol, a Designated Premises Supervisor (DPS) must be identified in the operating schedule. The DPS does not have to be on site at all times. However, in the interests of supporting the licensing objectives, they must be easily identifiable and available.
- (2) Following a relevant representation we may attach a condition to the licence requiring the DPS or a personal licence holder to be on site during the sale of alcohol or at certain times if it is necessary to support the licensing objectives.
- (3) We would attach conditions following the guide below. We have defined this as a “Stress Area”. A Stress Area is specified in **paragraph 86(4)**. All applications will be determined on their own merits.
- (4) A “Stress Area”, for the purpose of this policy is defined as follows:
 - a) in addition to the sale of alcohol, the premises is used for regulated entertainment, which is:
 - i) of an adult nature; or
 - ii) is used predominantly for dancing; or
 - iii) is used for pugilistic sports; oror the premises are:
 - b) used for the sale of alcohol and are in a town centre or predominantly residential area;
 - c) a cause for concern in relation to one or more of the licensing objectives.
- (5) Where the DPS is not available and a personal licence holder is the responsible person on the site, the premises licence holder should ensure that they are authorised to deal with all eventualities.
- (6) The DPS or responsible person should make arrangements to ensure that an authorised Council officer or any police constable or fire officer, is admitted to the premises without notice at all reasonable times.

- (7) Patrons leaving the premises should be encouraged to conduct themselves in an orderly manner so as not to cause disturbance or annoyance to local residents or passers-by.

87 Responsible Person

Provides information about who we will consider to be the responsible person in licensed premises. This is included in support of all of the licensing objectives.

- (1) For the purpose of this policy, a “Responsible Person” is the person responsible for the day to day management of the premises; or the person authorised by the DPS to sell alcohol and manage the premises.
- (2) A responsible person can be a personal licence holder or non-licence holder, subject to the requirements outlined in this policy and the Licensing Act 2003.
- (3) The DPS shall remain responsible for the premises at all times where the premises are licensed for the sale of alcohol.

88 Advertising Unsuitable Material

Provides information on Advertising. This is included in support of all of the licensing objectives.

- (1) No poster, advertisement, programme or other item containing unsuitable material shall be displayed, sold or distributed on or about the premises. For the purpose of this policy, material is unsuitable if, in the opinion of the Council, it is indecent, scandalous, offensive or likely to harm or cause distress to any person likely to view it.

89 Licensing Hours

Provides information on the Council’s position on hours of operation for licensed premises. This is included in support of the licensing objectives of reducing crime & disorder and preventing public nuisance.

- (1) The Council will not seek to restrict the operating hours of licensed premises. Where there are no objections, the Council will approve the hours of operation applied for in an operating schedule. We will consider restricting the hours of operation only if premises are linked to crime and disorder, where premises have been closed by the police or if local residents, or other interested parties, have made relevant representations.

90 Hours of Entertainment

Provides information on our expectations regarding regulated entertainment. This is included in support of the licensing objectives of reducing crime & disorder and preventing public nuisance.

- (1) The hours that the premises are to provide regulated entertainment should be identified in the operating schedule. Although the Licensing Act 2003 allows for 24 hour drinking, it may be appropriate for the applicant to consider if entertainment should cease earlier to protect neighbouring properties from a public nuisance. So the end time for regulated entertainment may be different to the hour when patrons must stop drinking alcohol. We will consider each application on its own merits.

91 Access to Premises Licensed to Operate Late at Night/Early Morning

Provides information on how we may control people moving from premises to premises late at night, who could cause a problem. This is included in support of the licensing objectives of reducing crime & disorder and preventing public nuisance.

- (1) Where premises apply to operate late at night or during the early hours of the morning, we may attach conditions to the licence to restrict access to the premises after a set time. Such a condition may be attached following a relevant representation.

92 Drinking Up time

Provides information on our position relating to drinking up times. This is included in support of the licensing objectives of reducing crime & disorder, public safety and prevention of public nuisance.

- (1) The Council appreciates that the Licensing Act 2003 allows 24 hour drinking. Where closing times are set out in an operating schedule, we may attach a condition, where requested by the applicant to require patrons to finish any remaining alcoholic drinks within a specified time.

93 Dispersal Policy

Suggests that it may be appropriate for premises to consider a dispersal policy. This is included in support of the licensing objectives of reducing crime & disorder and preventing public nuisance.

- (1) It may be appropriate for the premises licence holder to have a dispersal policy. Such a policy could include asking patrons to leave quietly when they leave and contain details of transport home.

94 Displaying the Licence on the Premises

Provides our requirement to have a licence displayed on the premises so that the responsible person is easily identifiable. This is included in support of all the licensing objectives.

- (1) Part B of the premises licence or club premises certificate (The Summary) must be displayed in full, in a prominent position on the premises.
- (2) The licence shall be produced for inspection at the request of an authorised officer of the Council, a fire officer or the police. The Premises Licence Holders/DPS should make sure that members of staff know where Part A of the licence is kept should they be asked to obtain it.

95 Occupancy

Provides information on how we will calculate the occupancy limit for each premises. This is included in support of the licensing objectives of reducing crime & disorder, public safety and preventing public nuisance.

- (1) It is important to set an occupancy limit for some licensed premises. The occupancy limit may be different depending on the licensable function taking place. We would like applicants, applying for a premises licence to include in their operating schedule a calculation of the premises occupancy. The calculation should be based on the available floor space, combining the length of the premises by the width and then doubling it.
- (2) For premises where there is seating available, such as restaurants, theatres or cinemas, the calculation can be as simple as counting the available seats. Other factors will also be considered, such as the width of exit doors.
- (3) The figure set in the operating schedule will only be a guide and will be subject to change by the licensing authority following a representation from a statutory consultee.
- (4) Notwithstanding the maximum permitted numbers, the licensee shall take all reasonable precautions to avoid any overcrowding if it is perceived to be a risk to the safety of the public in any part of the premises. We may attach conditions requiring people to be counted in and out. Please refer to **paragraph 100**. Such a condition may be attached following a relevant representation.
- (5) Staff working in the premises should be included in the occupancy calculation.
- (6) An occupancy limit where set, will be set in consultation with Building Control and Humberside Fire and Rescue Service.

96 Closely Seated Audiences

Provides information on what we will require for audiences. This is included in support of the licensing objectives of, protecting children from harm and public safety.

- (1) Where premises are to be used for a closely-seated audience, we would recommend that the DPS or responsible person should submit with their operating schedule a seating plan. We would then expect this plan to be followed for such events.

97 Screen Occupancy

Provides information on how we will set the occupancy for each cinema screen. This is included in support of the licensing objectives of protecting children from harm and public safety.

- (1) Where a cinema has more than one screen, each screen will have an individual occupancy limit. This occupancy limit will be set in consultation with Humberside Fire Brigade and Building Control.
- (2) We will also take into consideration the sanitary provision of the premises as stated in **paragraph 98**. The Council will include the agreed occupancy as a condition attached to the licence. Such a condition may be attached following a relevant representation.

98 Sanitary Provision

Provides information on how we will look at the sanitary provisions of premises when setting the occupancy. This is included in support of the licensing objectives of public safety and preventing public nuisance.

- (1) The sanitary facilities of licensed premises to which the public has access should be in accordance with British Standards 6465.
- (2) British Standards provide figures for levels of sanitary provision for certain types of premises. We will use this information to work out the occupancy for all new licensed premises, and premises having major alterations. We will then advise the applicant of the maximum figure, although this will not be in the form of a condition unless we receive a relevant representation.

99 Door Supervisors

Provides information on the need for door supervisors to be appropriately licensed and the numbers of door supervisors we consider appropriate. This is included in support of the licensing objectives of reducing crime & disorder, public safety and preventing public nuisance.

- (1) If a condition attached to the licence requires premises to provide licensed door supervisors, the DPS must ensure that all such door supervisors are licensed with the Security Industries Authority (SIA).
- (2) We would normally look to have at least 1 door supervisor for each 100 persons (or part thereof) allowed on the premises where there is a condition attached to the licence. This is subject to the layout of the premises. We may require more door supervisors if it is deemed necessary.
- (3) The DPS or responsible person must ensure that all door supervisors always wear identification badges while working. It is the responsibility of the DPS or responsible person to ensure that door supervisors that are employed through an agency are appropriately licensed.

100 Counting Systems

Provides information on what we will require if premises are asked to count people in and out. This is included in support of the licensing objectives of reducing crime & disorder, public safety and preventing public nuisance.

- (1) Where a condition is attached to the licence requiring a counting system, the DPS or responsible person shall ensure that persons entering or leaving the premises are counted by his/her employees or agents using counting machines approved by the Council. The total recorded on each counting machine shall, at all times, be available for inspection by officers of the Council, the fire authority and/or the police.
- (2) Instead of counting machines, premises may use a numbered ticket system including complimentary, guest or free tickets. This must, at any one time for a single performance, indicate the maximum number of people admitted to the premises.
- (3) Where premises have a number of entry and exit points, the premises licence holder/DPS should consider how best to control entry and exit from the premises so that overcrowding is avoided. Conditions could be attached to a licence following a representation regarding this issue.

101 Glass/Plastic Containers

Provides information on the use of plastic or polycarbonate drinking vessels. This is included in support of the licensing objectives of reducing crime & disorder and public safety.

- (1) In certain venues there may be a need for a premises to use polycarbonate/plastic drinking vessels. Where a representation is made, then a condition may be added requiring the use of such drinking vessels.
- (2) Where glass, unbreakable or plastic containers are required, then such containers must comply with the appropriate statutory provisions and be passed fit for such use and be stamped by an inspector of Weights and Measures, or by an approved verifier.

102 Adult Entertainment

Provides information on our view regarding adult entertainment. This is included in support of all the licensing objectives.

- (1) We would advise that no entertainment is allowed on licensed premises which is considered licentious, indecent, obscene, profane, improper or of a suggestive nature, which may cause a breach of the peace. Following a relevant representation we may attach a condition to restrict the type of entertainment.
- (2) Where entertainment consists of striptease, lap dancing, pole dancing, nude or semi-nude performances by either sex which involves exposure of intimate parts of the body or any performance, exhibition or display of a similar nature, the DPS or responsible person should carry out a risk assessment prior to the event. This risk assessment should focus on the protection of children from harm and the safety of the performer.
- (3) Where such activities are a cause for concern, we may attach a condition to the licence to restrict the type of entertainment allowed. Such a condition may be attached following a relevant representation.
- (4) Where an applicant states that no adult entertainment will take place on the premises, then we shall reflect this on the Premises Licence.

103 Theatre

Provides information on how we view certain types of play. This is included in support of the licensing objectives of reducing crime & disorder, public safety and preventing public nuisance.

- (1) No play or production will be allowed at a licensed premises which is likely to:
 - a) Lead to disorder; or

- b) Stir up hatred or incite violence towards any section of the public on grounds of colour, race, or ethnic or national origin, disability, religious beliefs, sexual orientation or gender. This list is not exhaustive.

104 Dance Floor

Provides information on what we will require of a dance floor. This is included in support of the licensing objectives of reducing crime & disorder and public safety.

- (1) If licensed premises are used for dancing, then the premises should have an area for dancing. The dance floor area should be proportionate to the size of venue and the approved occupancy.
- (2) In premises specifically designed for dancing, we would like to see the dance floor cover 30% of the floor area. We would only attach such a condition following a relevant representation.

105 Opened Containers on the Dance Floor

Provides information on how we will look to control opened containers on a dance floor. This is included in support of the licensing objectives of, reducing crime & disorder and public safety.

- (1) Broken glass on the dance floor, and spillages, which could cause people to slip, can threaten public safety. Where such issues are of concern, the Council may attach conditions to the premises licence either banning the use of opened containers on the dance floor, or requiring the premises to use plastic or unbreakable containers. Such a condition may be attached following a relevant representation.
- (2) Where glass, unbreakable or plastic containers are required, then such containers must comply with the appropriate statutory provisions and be passed fit for such use, and be stamped by an inspector of Weights and Measures, or by an approved verifier. Refer to **paragraph 101**.

106 Special Effects

Provides information on what we will look at when premises want to use special effects. This is included in support of the licensing objectives of, protecting children from harm, public safety and preventing public nuisance.

- (1) Special effects within licensed premises must be kept under strict control, be safe and not likely to harm anyone at the venue or in the vicinity of the premises. Effects should not use naked flames.
- (2) Where smoke generators, laser lighting, projection devices, or strobe lighting is to be used, the DPS or responsible person should ensure that an appropriate risk assessment has been carried out.

- (3) The special effects equipment mentioned above must be used safely. Where laser lighting or projection devices are to be used, the DPS or premises licence holder shall ensure the safety of people at the display and anyone else in the vicinity. Likewise, strobe lighting equipment must be operated safely. It should be fixed to operate at eight or fewer flashes per second. Where more than one strobe is in operation, all must be synchronised.
- (4) The DPS or responsible person should consider displaying appropriate warning signs when special effects are being used.

107 Replica Guns

Provides information on what we will look at when replica guns are to be used. This is included in support of the licensing objectives of, protecting children from harm, public safety and preventing public nuisance.

- (1) Replica guns must not be used unless police officers at the nearest police station have been given 14 days notice of any entertainment involving the use of blank firing replica guns.
- (2) The DPS or premises licence holder must ensure that blank firing replica guns are not to be used in a way which causes a disturbance.
- (3) Non-participating members of the public must be given prior warning of any mock shoot-outs. This should be given not more than half an hour before shooting starts.

108 Audience Participation

Provides information on how we will deal with audience participation. This is included in support of the licensing objectives of protecting children from harm and public safety.

- (1) There are a number of licensable activities that could allow for public participation. The majority of these activities would not be a cause for concern. Where an application is received for a licensable activity and there is the potential for audience participation, the applicant should ensure that a risk assessment has been carried out. If an application is submitted, then we may attach conditions to the licence to restrict or prohibit audience participation. Such a condition may be attached following a relevant representation.

Cumulative Impact

109 Policy Considerations

Identifies the Council's position in relation to the saturation of licensable activities in North Lincolnshire and identifies the steps the Council would take in addressing issues. Included in support of the licensing objectives, specifically reducing crime and disorder; public safety; and preventing public nuisance.

- (1) The Council has produced a Cumulative Impact Policy to deal with a specified area encompassing Scunthorpe Town Centre.
- (2) We will keep under review the need to restrict the number of licensed premises in other areas. Adopting such a policy when there is a concern about crime, disorder or nuisance. Where crime and disorder or nuisance is the result of a saturation of licensed premises in a particular area, the Licensing Committee will:
 - a) Review evidence about the concerns.
 - b) Identify and assess the probable cause of the concerns.
 - c) Adopt a policy for future applications.
- (3) There are other mechanisms available to the Council to address these issues. These include:
 - planning controls;
 - partnerships with local businesses, transport operators, and other departments of the Council;
 - the provision of CCTV, provision of taxi ranks, provision of public conveniences, street cleaning and litter collection;
 - designating areas where people may not consume alcohol publicly;
 - prosecute those people or personal licence holders who sell alcohol to a drunk person;
 - police enforcement;
 - confiscation of alcohol from children
 - police powers to close premises for up to 24 hours
 - review of a licensed premises when called for by the police, other responsible authority, or local residents or businesses.

Other Statutory Provisions

110 Summary

Provides information on other legislation that the Council will consider when dealing with applications and enforcement. Although not Licensable under the Licensing Act 2003, these issues could have an impact on the four licensing objectives.

- (1) When considering the Licensing Policy and determining applications, North Lincolnshire Council has considered other statutory requirements. These include:
 - The Human Rights Act 1998
 - The Disability Discrimination Act 1995
 - Health and Safety at Work Act 1974
 - Town and Country Planning Act 1990
 - Health Act 2006
 - Building Regulations 2000
 - Gambling Act 2005
 - Security Industries Act 2000
 - Crime and Disorder Act 1998
 - Violent Crime Reduction Act 2006
- (2) In accordance with the Secretary of State's guidance, this policy will aim to avoid duplication with other statutory requirements.

111 People with Disabilities

- (1) The Council has a positive approach to disabled access. It will actively encourage giving all disabled people access to licensed premises. We cannot attach conditions to a licence, however we will remind applicants and licence holders of the provisions of the Disability Discrimination Act 1995.

112 Health & Safety

- (1) The Council will not usually attach conditions to a licence relating to current Health and Safety Legislation. The Council will, however take breaches of such legislation very seriously. Action could result in a review of a premises licence and/or review of a personal licence where a person has committed an offence under this legislation.

113 Planning

- (1) The licensing function will not be a re-run of a planning application. The issues in determining an application for a premises licence will relate to this licensing policy and the objectives set under the Licensing Act 2003.

114 Transport

- (1) The provision of transport home is an issue that the Council will consider. People need to be dispersed to reduce the risk of crime, disorder and nuisance. Where a premises allows taxi companies to advertise in their premises, they should take reasonable steps to ensure that taxis are appropriately licensed. Premises licence holders may be asked to display advertisements promoting safe transport.

115 Gaming Machines

- (1) Although not a licensable activity under the Licensing Act 2003, where premises wish to provide such machines, they must hold the appropriate permit or have provided the Licensing Authority with the appropriate notification.
- (2) Premises that have two or less machines must notify the Licensing Authority that they intend to use the machines along with the appropriate fee, while premises using three or more require a licensed premise gaming machine permit.
- (3) All machines should be sited in view of the bar. The DPS should ensure that the machines are not played by anyone aged under 18 years.
- (4) Applications for the machines may be posted, along with the fee, to the Licensing Division at North Lincolnshire Council.

116 Hypnotism

- (1) No exhibition, demonstration or performance of hypnotism, as defined in Section 6 of the Hypnotism Act 1952, shall be given on any person on a licensed premises except with the written consent of the Council and in accordance with any conditions attached to such consent.
- (2) The hypnotist is responsible for registering with us, however the DPS or responsible person should check that this has been done. We should have not less than 28 days notice before the intended date of the exhibition, demonstration or performance.

117 Smoking

- (1) Smoking is not permitted in those parts of the premises which are substantially enclosed in accordance with the Health Act 2006. Further guidance on smoking related issues can be obtained from the Licensing Division.

-
- (2) Where a smoking shelter is provided by a premises we would recommend that the DPS or Responsible person advise their patrons to have consideration to the neighbours, so as not to cause a nuisance.
 - (3) We would suggest that premises who allow their patrons to smoke on the public highway take responsibility to clear away any smoking related litter and provide an Ash Bin where possible.

118 Other Schemes

- (1) We will actively promote schemes to improve the management standards of licensed premises in the area in order to support the licensing objectives. Such schemes could include recognising and rewarding good practice.

119 Information Sharing

- (1) Subject to the provisions in the Data Protection Act 1998 and the Freedom of Information Act 2000, we will share information with key partners in order to reduce alcohol fuelled crime and disorder.

Part 5 – Enforcement

Introduction

This section of the Licensing Policy details the Council's commitment to enforcing the provisions contained within the Licensing Act 2003. The Council has signed up to the Enforcement Concordat.

It also highlights the Council's commitment to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.

Enforcement

120 General

- (1) The Licensing Act 2003 details a number of offences. Many of these relate to the supply and sale of alcohol to children. It is an offence to sell or supply alcohol to anyone aged under 18 years. Council licensing officers will work closely with Humberside Police and trading standards officers on these issues.
- (2) Section 186 of the Licensing Act 2003 allows any proceedings for an offence to be brought by the Crown Prosecution Service or by the licensing authority. In addition Trading Standards Officers can prosecute certain offences.
- (3) The Licensing Division also aims to work closely with other enforcement authorities when dealing with licensed premises, especially concerning health and safety and noise/nuisance.
- (4) The Licensing Act 2003 also provides the police with powers to close premises, where there are problems with crime & disorder. Any such closure requested by the police must not be for more than 24 hours.
- (5) It is an offence to carry on or attempt to carry on a licensable activity without the authorisation provided by a premises licence, a club premises certificate or a temporary event notice. It is also an offence knowingly to allow such an activity to carry on.
- (6) Such offences cover premises that are licensed for one activity but not for another. For example: premises are licensed to sell alcohol, but not to provide regulated entertainment. If entertainment is held on the premises, then they would be carrying on a licensable function other than in accordance with the licence issued by the Council and the conditions attached to such a licence.
- (7) The Council has adopted the Concordat relating to enforcement. In dealing with enforcement issues, the Council will act in a fair and consistent manner and will treat all cases and people with consideration and empathy. You can get a copy of the Council's Licensing Enforcement Policy from the Licensing Division.

121 Complaints

- (1) The Council will investigate all complaints about licensed premises. Complainants will firstly be encouraged to raise the complaint with the licensee or business concerned. Failing this, the Council will then arrange a mediation meeting to try to resolve any issues.

- (2) This process will not override the right of any interested party to ask that the Licensing Sub Committee to consider any valid objections and have the licence reviewed. A licence holder and/or DPS may decline an invitation to such a mediation meeting.

122 Notices and Prosecutions

- (1) There are a number of enforcement bodies within North Lincolnshire, which might serve a Notice or prosecute a premises licence holder or DPS, etc. In order that the Council can take all such matters into consideration where deemed relevant, such enforcement bodies should disclose to the Licensing Division when a Notice has been served or when a person has been convicted of an offence.

123 Test Purchasing

- (1) We will work very closely with the Police and Trading Standards to arrange test purchases for underage sales. Such test purchases will be made paying due regard to the Trading Standards Institutes Code of Practice.

124 Enforcement Protocols

- (1) We will work very closely with other enforcement agencies. We will develop enforcement protocols during the period of this policy. The protocols will be referred to the Licensing Committee for approval once they have been agreed by the licensing forum.

Glossary of Terms

| | |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “we” | - means North Lincolnshire Council |
| “BBFC” | - means British Board of Film Classification |
| “BS” | - means British Standards |
| “Consent of the Council” | - means written consent or approval by the Council |
| “Container” | - means either a glass or plastic vessel in which alcohol/other beverages are either sold or supplied (Bottle, Pint/Half Pint Glass) |
| “CORGI” | - means Confederation for the Registration of Gas Installers |
| “Council” | - means North Lincolnshire Council |
| “CRB check” | - means a disclosure of a person's criminal history held on the police national computer |
| “Cumulative Impact” | - means a concentration of a type of licensable premises in one area which results in a breach of the licensing objectives |
| “DPS” | - means Designated Premises Supervisor |
| “Licensed Premises” | - means the building and land to which the public have access, which is licensed to hold a licensable activity as defined in the Licensing Act 2003 |
| “Licensing Committee” | - means a group of between 10 and 15 members of North Lincolnshire Council who will deal with Cumulative Impact and Policy Issues |
| “Licensing Sub-Committee” | - means a group of 3 members of North Lincolnshire Council who will deal with Licence Applications where there is a representation and reviews of licences |
| “Magistrates' Court” | - means Scunthorpe Magistrates' Court |
| “Pugilistic Sports” | - means a sport where the use of the fists is included |
| “SIA” | - means the Security Industries Authority, the body responsible for Licensing Door Supervisors |
| “Statutory Provisions” | - means laws passed by Parliament |
| “the Act” | - means the Licensing Act 2003 |
| “TEN” | - means Temporary Event Notice which is a temporary licensable activity for up to 499 people |
| “trace” | - means that a person has convictions which have been provided on their Criminal Records Bureau Check |
| “vicinity” | - means the area surrounding the premises. This area will differ depending on the size and type of the licensable activity taking place |

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Appendix A

| The Licensing Authority & other Responsible Authorities | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Licensing Authority: North Lincolnshire Council Neighbourhood & Environmental Services Licensing Division Church Square House PO Box 42 Scunthorpe North Lincolnshire Email: licensing@northlincs.gov.uk</p> | <p>Humberside Police: The Chief Superintendent Humberside Police Licensing Department Corporation Road Scunthorpe North Lincolnshire DN15 6QB</p> |
| <p>Health & Safety: Martin Allcock Environmental Health Manager (Food & Safety) Neighbourhood & Environmental Services Church Square House Scunthorpe North Lincolnshire DN15 6XQ Email: food.safety@northlincs.gov.uk</p> | <p>Planning and Regeneration: Development Control Manager Planning & Regeneration Service Church Square House Scunthorpe North Lincolnshire DN15 6XQ Email: planning@northlincs.gov.uk</p> |
| <p>Child Protection Team: ACPC Administrator Child Protection Team Brumby Resource Centre East Common Lane Scunthorpe North Lincolnshire DN16 1QQ</p> | <p>Trading Standards: Malcolm Osborne Head of Trading Standards Neighbourhood & Environmental Services Church Square House Scunthorpe North Lincolnshire DN15 6XQ Email: trading.standards@northlincs.gov.uk</p> |
| <p>Humberside Fire & Rescue Service: Chief Fire Officer Humberside Fire and Rescue Service Fire Safety Laneham Street Scunthorpe North Lincolnshire DN15 6JP</p> | <p>Environmental Health: Trevor Laming Head of Communities & Environment Neighbourhood & Environmental Services Church Square House Scunthorpe North Lincolnshire DN15 6XQ Email: environmental.health@northlincs.gov.uk</p> |
| <p>British Waterways Board address (for vessels only): British Waterways Board Willow Grange Church Road Watford Hertfordshire WD17 4QA Tel: 01923 201101</p> | <p>Health & Safety Executive address (for all local authority buildings and grounds): Health & Safety Executive Edgar Allen House 241 Glossop Road Sheffield S10 2GW Tel: 0014 2912300</p> |

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HUMBERSIDE FIRE & RESCUE SERVICE AND THE LICENSING ACT 2003

FIRE SAFETY GUIDELINES

These guidelines are issued to assist licensees to provide suitable and sufficient fire safety measures in licensed premises to comply with the Public Safety statement of the Licensing Act 2003.

GENERAL

As part of the licensing process the applicant has to submit an 'Operating' Schedule. This schedule should contain a **Fire Risk Assessment** highlighting any significant findings, arising out of the assessment and any remedial actions necessary.

Applicants should include in their submission a **Plan** on a scale of **1:100** indicating the fire safety provisions in place, this should include available **Exits** and associated routes, **Fire Alarm** if fitted, **Emergency Lighting** and **Firefighting Equipment**.

The plan should clearly state the **Occupancy** and how the figure had been reached. Further information on how to compile a Fire Risk Assessment and calculate an appropriate occupancy figure is available on the Humberside Fire and Rescue Service website.

Where existing legislation does not provide adequately for the safety of the public or club members the Licensing Authority may include additional conditions to ensure the safety of occupants.

The licensee shall, to the best of his/her ability, maintain and keep good order and decent behaviour on the said premises during the time of the public entertainment and notwithstanding the generality of the foregoing the licensee shall:

- a) Provide an acceptable system of:
 - i) Controlling entry.
 - ii) Identifying the number of persons present on the premises at any given moment in time.
 - iii) Stewarding the premises where the number of people admitted exceeds 50.

- b) Produce on demand to any authorised officer of the Authority, the Police and Fire and Rescue Service evidence of the number of persons present on the premises.

DOORS

The premises shall be provided with an adequate number of exits of sufficient dimension clearly indicated by a pictogram symbol or a combination of text and pictogram in accordance with either the British Standard 5499: Part 1 (specification for fire safety signs) or alternatively with the Safety Signs and Signals Regulations 1996. The signs shall be illuminated by both mains and secondary lighting and conform to the relevant Code of Practice.

NB Text only notices do not comply with the Health & Safety (Signs and Signals) Regulations 1996. They require replacement or supplementing with new signs.

The means of ingress and egress and the passages and gangways shall, during the whole time that the premises are used for the purposes of licensed activities, be kept free, unobstructed and adequately illuminated, both inside and outside the premises.

All final exit doors must be fitted with fastening devices which can be easily and immediately opened from inside without the use of keys.

Any door required for means of escape in case of fire, if fastened during the time the public are in the premises, shall be secured during such time by panic mechanisms only. Doors fitted with panic mechanisms shall be indicated either '**PUSH BAR TO OPEN**' or '**PUSH PAD TO OPEN**' in conspicuous and distinctive block lettering.

All doors required as means of escape in case of fire shall open in the direction of egress or where this is not possible be securely fastened in the open position at all times when the public are present on the premises. If this is not possible, limited occupancy will be imposed.

SECURITY DEVICES

Any security devices other than panic mechanisms shall be removed whenever the premises are occupied.

CURTAINS ACROSS DOORWAYS

Curtains across doorways shall be adequately supported. They shall not conceal any notice other than a 'Push Bar to Open' notice and shall be so arranged as to draw easily from the centre and slide freely. All curtains shall be so hung that they are 75mm clear of the floor.

FIRE ALARM

An approved means of giving warning in case of fire shall be provided. Where an electrical system is provided it should be installed, maintained and tested in accordance with the current relevant British Standard Specification. All periodic tests and examinations shall be recorded in a logbook kept on the premises.

A relay system shall be fitted into the fire alarm circuit, which will in the event of the fire warning system actuating interrupt the power supply to any music sound system. This will alleviate the possibility of the alarm not being heard over any such system.

NOTICES

Notices giving instruction on how to call the Fire and Rescue Service must be prominently displayed adjacent to alarm call points and telephones in the premises.

EMERGENCY LIGHTING

An emergency lighting system should be provided, maintained and tested in accordance with the current relevant British Standard Specification. The system provided in the premises and associated escape routes should fulfil the following functions:

- i) Indicate clearly the escape routes.
- ii) Provide illumination along escape routes to allow safe movement towards and through the exits provided.
- iii) Ensure that the fire alarm call points and fire fighting equipment provided along escape routes can be readily located.
- iv) Provide illumination to external means of escape arrangements.
- v) Where people are unfamiliar with the premises, or there is provision for dimming of the lights and/or alcohol is consumed then generally Final Exits and intermediate luminaries must be on a **Maintained System**. (illuminated at all times premises are in use)

All periodic tests and examinations shall be recorded in a logbook kept on the premises.

FIRE FIGHTING EQUIPMENT

Fire fighting equipment shall be provided appropriate to the risk and sited in a location under the supervision of the staff. The equipment shall be tested and examined by a competent person at periods not exceeding 12 months and the results recorded in a logbook kept on the premises.

All members of the staff at the premises shall be given instruction and training as to their duties in the event of fire or other emergencies and records as to such training shall be kept in a logbook on the premises.

CLOSE SEATED AUDIENCE PROVISIONS

If the premises are to be used with close seated audiences arrangements should be included in the operating schedule and based upon the following guidance

- i) The seating must at all times be so disposed as to provide free and unobstructed access to all exit doors.
- ii) Width of gangways to be 1050mm minimum.
- iii) Width of seat ways to be 305mm minimum.
- iv) Where the permitted number is more than 250 persons, all seats shall be either securely fixed to the floor or battened together in lengths not less than 4 nor more than 12 and additionally all the rows of seats shall be firmly secured together.
- v) Any attachment used for securing a seat or rows of seats shall be so arranged so as not to cause a tripping hazard.

In all premises a diagrammatic plan showing clearly the escape routes and the seating pattern shall be publicly displayed.

HEATING APPLIANCES

All heating appliances should be suitably guarded and fixed in position in such a manner so as to prevent unauthorised persons having access to the controls or being able to approach sufficiently close to the appliance to endanger themselves.

Combustible materials or substances should not be sited close to any heating appliance. In deciding the safe distance regard should be given to the type of heater and the ease of ignitability of the nearby materials or substances.

Care should be taken to ensure that radiant heaters, particularly those fitted with reflectors, are not directed towards combustible materials and that, wherever possible, they are mounted at a high level above head height, usually at least 2.5m above floor level.

No oil-fired heaters, other than those forming part of the boiler installations, should be used in the premises.

No portable Liquefied Petroleum Gas (LPG) heater should be in the premises when members of the public are present. Containers of LPG should be protected against unauthorised interference and accidental leakage. LPG cylinders, both full and empty, should be kept in safe positions in the open air away from other flammable materials or, where this is not reasonably practicable because of exceptional circumstances, in any adequately ventilated storeroom constructed in accordance with HSE Guidance.

FURNITURE AND FURNISHINGS ETC

The use of furniture, furnishings, floor coverings and synthetic materials that are easily ignited or demonstrate rapid spread of flame characteristics shall be avoided. Replacement furniture and furnishings must conform to the Furniture and Furnishings Regulations current at that time.

New curtains and other textile hangings are to be inherently flame retardant or be treated with a durable flame retardant. They should be capable of complying with the current British Standard or equivalent.

New soft floor coverings must be labelled in accordance with the British Standard or its equivalent.

Wall coverings should conform to British Standard 476: Part 7: Class 1 surface spread of flame or equivalent. However, wall coverings in escape routes should achieve Class 0 Standard.

PYROTECHNICS AND SPECIAL EFFECTS

Pyrotechnics and the use of special effects involving the use of lasers, naked flames, smoke production or any other process creating a risk of fire shall not be allowed without consent by the Local Authority.

Any special effect for use in premises must be obtained from recognised suppliers or manufacturers and shall be used in accordance with their instruction. **28 days notice with a Risk Assessment must be given to the Local Authority prior to the proposed use of any pyrotechnic device within the premises.** In most cases a test firing will be required prior to the event taking place.

EMERGENCY SERVICE ACCESS

Clear access into the premises must be maintained once evacuation has been completed and full access for fire appliances and crews maintained. Appropriate re-entry measures once clearance has been given by emergency services must be written into the Risk Assessment.

Adequate access shall be provided for emergency vehicles at all times.

QUEUES

In cases in which persons wait in queues for admission, the licensee shall take all reasonable steps to ensure that such persons do not obstruct exits, passageways, stairways and ramps leading to the outside of the premises.

ACCUMULATION OF RUBBISH AND STORAGE OF COMBUSTIBLE MATERIALS

No rubbish or waste paper shall be stored or allowed to accumulate in any part of the premises. Storage of necessary combustible materials shall be in such a position as may be approved by the Fire and Rescue Service.

PROPER MAINTENANCE OF PREMISES

The electrical installations must comply with IEE or any other regulations in force in connection with the use of electricity. A qualified electrician shall inspect all electrical installations annually and the results and details of inspections must be recorded in a logbook kept on the premises.

All parts of the premises, fixtures and fittings including any seating, door fastenings and notices shall be maintained at all times in good order and condition.

ROPE BARRIERS

All rope barriers across gangways exit ways and stairways shall be fitted with automatic catches or slip connections and shall be so fixed as to not trail on the floor when parted.

STEPS AND STAIRWAYS

All gangways, exit ways and the treads of steps and stairways shall be maintained with a non-slip surface. All steps and stairways shall be made conspicuous.

HANDRAILS

Stairs should have a handrail on at least one side if they are less than 1 metre wide. They should have a handrail on both sides if they are wider.

Stairways wider than 2.1 metres should be divided into sections, each separated from the adjacent section by a handrail, so that each sections measurement between the handrail is not less than 1.01 metres wide.

OVERCROWDING

Overcrowding in such a manner as to endanger the safety of the public or to interfere unduly with their comfort shall not be permitted in any part of the premises, procedures should be put in place to prevent this.

DISABLED PERSONS AND ACCESS

The Disability Discrimination Act took full effect from 1 October 2004. Access and egress for disabled persons must comply with the requirements of this Act.

Further Information on general fire precautions etc can be obtained from Humberside Fire and Rescue Service 01482 565333; or by visiting www.humbersidefire.gov.uk

More Detailed guidance on Fire Safety requirements can be found in HM Government Fire safety Risk Assessment Books, as follows:

| | |
|--------------------------------------|--------------------------|
| Small and medium places of assembly | ISBN-13:978 1 85112820 4 |
| Large places of assembly | ISBN-13:978 1 85112821 1 |
| Theatres, cinemas & similar premises | ISBN-13:978 1 85112822 8 |
| Open air events and venues | ISBN-13:978 1 85112823 5 |
| Offices and shops | ISBN-13:978 1 85112815 0 |

Visit www.firesafetyguides.comunities.gov.uk where these booklets can be downloaded for free.